



Council Report

Report Number:	PLAN2023-057
Meeting Date:	October 24, 2023
Title:	By-law to Deem Lots 35 and 36, Registered Plan 305, geographic Township of Eldon
Description:	Deeming By-law
Author and Title:	Maryann Hunt, Supervisor of Development Planning

Recommendations:

That Report PLAN2023-057, **By-law to Deem Lots 35 and 36, Registered Plan 305, geographic Township of Eldon** be received;

That a Deeming By-law respecting Lots 35 and 36, Registered Plan 305, geographic Township of Eldon, substantially in the form attached as Appendix B to Report PLAN2023-057, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Proposal:	To deem Lots 35 and 36, Registered Plan 305, not to be lots within a registered plan of subdivision to facilitate the consolidation of the two lots to allow them to function as one residential property.
Owner:	Christopher and Kathryn Spaeth
Applicant:	Same as owner
Official Plan:	'Waterfront' on Schedule A to the City of Kawartha Lakes Official Plan
Zone:	"Limited Service Residential (LSR) Zone" within the Township of Eldon Zoning By-law 94-14
Site Servicing:	Private septic system and water system
Existing Use:	Residential
Adjacent Uses:	North – Agricultural South – Talbot River East – Waterfront Residential West – Waterfront Residential

Rationale:

The subject lands are comprised of two separately conveyable lots on a registered plan of subdivision. The properties have two separate Property Identification Numbers, and separate Assessment Roll Numbers.

Consent application D03-2021-012 was provisionally granted on April 19, 2022 which has the effect of enlarging the land holdings of 94 and 96 Canal Road, providing them with shoreline access to Talbot River and removing the presence of a separately conveyable lot between the lots and the Talbot River. The benefitting lots (lots 35 and 36) are within a registered plan of subdivision, Plan 305. Therefore, a deeming by-law is required in order to facilitate the consolidation of the subject lands. Condition 2 in the list of provisional consent conditions for application D03-2021-012 requires that the owners obtain approval to deem the lots not be lots on a plan of subdivision and that the deeming by-law be in effect.

The effect of the deeming by-law is that Lots 35 and 36 will consolidate and be merged into one larger property, which cannot be sold as two separate lots.

Other Alternatives Considered:

There are no other alternatives considered to be appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the lands.

Alignment to Strategic Priorities

The proposed deeming by-law demonstrates the Exceptional Quality of Life and Healthy Environment strategic goals within the 2020-2023 Kawartha Lakes Strategic Plan, as a residential lot in close proximity to a shoreline is being enlarged. This reduces the number of lots in proximity to the shoreline of Talbot River, while providing for a larger building envelope for the consolidated lot to provide greater flexibility for the siting of accessory structures.

Financial/Operation Impacts:

The cost of registering the By-law is included in the application fee. There are no financial implications for the City.

Conclusion:

The consolidation of Lots 35 and 36, Registered Plan 305 will create one larger lot to consolidate ownership of undeveloped land separating residential lots from the recreational resource of Talbot River. Planning staff do not anticipate any negative impacts as a result of the consolidation.

Attachments:

Appendix A – Location Map



PLAN2023-057
Appendix A Key Map.

Appendix B – Draft Deeming By-law



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Appendix B - Deeming

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy

Department File: D30-2023-003