



Council Report

Report Number:	PLAN2025-021
Meeting Date:	April 22, 2025
Title:	Zoning Inquiry for 121 Autumn Lane, Geographic Township of Eldon
Description:	Report prepared in response to a deputation from Mary Yvonne Carroll regarding the need for a Zoning By-law Amendment for residential use
Author and Title:	Leah Barrie, Director of Development Services

Recommendation:

That Report PLAN2025-021, **Zoning Inquiry for 121 Autumn Lane, Geographic Township of Eldon**, be received for information.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the February 4, 2025 Committee of the Whole Meeting Mary Yvonne Carroll provided an overview of the property located at 121 Autumn Lane being a 100 acre farm property. Ms. Carroll noted that Planning staff had explained that the current zoning does not allow for the current residential use, and staff advised that a Zoning By-law Amendment would be required. Ms. Carroll expressed concern regarding the necessity for a Zoning By-law Amendment due to the prohibitive costs. Ms. Carroll asked Council to consider relief from the necessity of a Zoning By-law Amendment.

The Committee passed the following motion:

CW2025-028

Moved By Councillor Perry

Seconded By Councillor Yeo

That the deputation of Mary Yvonne Carroll and John Rea, **regarding a Planning Inquiry Regarding 121 Autumn Lane, Kirkfield**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

At the February 18, 2025 Council Meeting, Council passed the following resolution:

CR2025-047

Moved By Councillor Yeo

Seconded By Councillor Warren

That the planning inquiry from Mary Yvonne Carroll, **regarding 121 Autumn Lane, Kirkfield**, be referred to staff for review and report back to Council, by the Regular Council Meeting of April 22, 2025, with the options that are available to allow the residential use of the property.

Carried

CR2025-048

Moved By Councillor Yeo

Seconded By Councillor Perry

That the deputation of Mary Yvonne Carroll, **regarding a Planning Inquiry Regarding 121 Autumn Lane, Kirkfield**, be received.

Carried

This report addresses that direction.

Rationale:

The subject property is zoned 'Agricultural (A1) Zone' and 'Environmental Protection (EP) Zone' in Township of Eldon Zoning By-Law 94-14. The property is located on an unassumed and unmaintained portion of Autumn Lane, and accordingly Section 3.6 Frontage on Public Street applies for new development as of 1994:

3.6.1 Except as provided for in this section, and Part 13 [Limited Service Residential Zone], no persons shall erect any building or structure in any zone, unless the lot upon which such building or structure is to be erected has a lot line which abuts and obtains direct access onto an improved public street and which is maintained to provide year-round access.

According to the Municipal Property Assessment Corporation, existing structures include:

- 1) Type III Uninsulated Barn built in 1991;
- 2) Type III Uninsulated Barn built in 1991;
- 3) Miscellaneous Shed built in 1945;
- 4) Single Family Detached House built in 1998

The structure presently identified as a 'Single Family Detached House' appears to be the subject of a building permit dated July 31, 1998 for the purposes of a "Hunting Cottage" to "camp only – no plumbing, etc". The building permit acknowledges Autumn Lane as an unopened road allowance, and was issued under the current Township of Eldon Zoning By-law.

The structure that was ultimately constructed was not what was approved under the unserviced "hunting cottage" building permit. There are two structures: 1) 'dwelling' structure contains a full kitchen, 3-piece bathroom, two bedrooms, all within a larger footprint than on the permit; and 2) 'bunkie' structure. There is no sewage system permit on file.

The City issued Orders to Comply for the illegal structures including the sewage system. In October 2022 staff agreed to temporarily suspend moving forward with the Orders to afford the owners an opportunity to bring the property into compliance through a

Planning Act application or through removal of the illegal structures. Demolition permits were applied for to remove the 'dwelling' and 'bunkie', but have not been issued – a Conservation Authority permit has not been issued due to an outstanding violation matter which would need to be resolved prior to building / demolition permit issuance.

Other Alternatives Considered:

The property is not eligible for planning relief under s.45(2) ("Minor Variance / Permission for Legal Non Conforming Uses or Structures") because the building permit was issued and construction commenced in 1998 **after** the adoption of the Township of Eldon Zoning By-law in 1994. For this reason, it does not have legal non-conforming status.

The City's Management Directive MD2022-007 'Road Construction on Road Allowances to Service Existing Lots of Record' leads a proponent through the Zoning By-law Amendment process with a 'H-Holding' symbol to be lifted once a license agreement is in place (and possibly in addition to other conditions) for road construction, to address the public process around environmental compliance, to ensure future maintenance, and for access by emergency services. The property is not a strong candidate under the Management Directive MD2022-007 for new road construction or under Council Policy CP2017-010 'Assumption of Private and Unassumed Roads Policy' given the number of benefiting land owners who have access to other adjacent roads (i.e. Hartley Road and Highway 35). For this reason, rezoning the property does not offer a practical solution and would be recommend for denial, although the ultimate decision would rest with Council should a rezoning application be filed.

The owner / proponent could approach the City with an offer to purchase the unassumed portion of Autumn Lane to fulfill the Frontage requirement. The assumed and maintained portion of Autumn Lane ends approximately 415 metres north of Palestine Road, which is approximately 800 metres south of the 121 Autumn Lane property. There are a number of intervening properties who may have an interest (Appendix 'A').

Finally, the owner can return the property to the use identified on the 1998 building permit by removing all new structures constructed since that time and converting the initial structure into the unserviced "hunting cottage" per the permit.

Alignment to Strategic Priorities:

The four strategic priorities within the 2024-2027 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

The strategic priorities can be upheld by returning the property to the 1998 use, or by achieving zoning and property compliance through purchase of the road allowance providing frontage on an assumed and maintained municipal road.

Financial/Operation Impacts:

There would be long-term financial and operation impacts to the City if Autumn Lane was to be brought up to a municipal standard for assumption.

Consultations:

DS-Building and Septic Division

City Solicitor

Attachments:

Appendix A – Mapping excerpts: 121 Autumn Lane, Eldon and surrounding properties



PLAN2025-021
Appendix A.pdf

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Department Head: Leah Barrie, Director of Development Services