



To: Mayor Peake & Members of Council
From: Carrie Sykes, Deputy Clerk
Date: February 23rd, 2010
Subject: Application for Use of Township Land (010-021-03000)
Lynn Klepadlo-Phillips
Their Property Roll No.: 010-021-01200
Civic Address: 1019 Raspberry Lane

RECOMMENDATION:

Be it resolved that the application for use of Township land, identified as property roll # 010-021-03000, Lot 3, Concession 14, Franklin Ward, to permit the construction of a driveway be **DENIED**.

ORIGIN:

Proposal: To enter into a licence of occupation agreement to permit the construction of a driveway across Township land. The Township has received a completed application and the fee of \$250.00.

Location: Lot 3, Concession 14, Franklin Ward.

BACKGROUND:

The applicants are requesting the use of a strip of township land abutting their property on Raspberry Lane in order to construct a driveway measuring 20 ft. wide x 325 ft. long. Currently the applicants exit their property via Raspberry Lane to Delbrook Road.

The driveway encroachment is proposed to be located in close proximity to the easterly lot line and would allow them to exit their property, cross township land and exit directly onto Delbrook Road. The applicants were granted permission to use a portion of the 66ft road allowance to construct an entranceway to join the township road, subject to ownership of or authorization to encroach on said lands.

The subject land is well vegetated with a mix of mature deciduous trees and a healthy under story of regenerating trees. A steep cliff is situated to the west of the applicant's property which would preclude another access point.

The applicants have advised that at certain times of the year, as a result of the narrow laneway and small driveways, effective passage on the laneway is sometimes not possible.

On September 9th, 2006 Mr. Phillips suffered a medical emergency while at the cottage. Fortunately that day their access route was clear and his wife was able to rush him to the hospital. Their concern is that should this ever occur again that they may waste valuable time in seeking medical assistance if their exit route is blocked.

ANALYSIS:

Staff have reviewed the subject request and have concerns with respect to its approval as it does not conform to the Waterfront Open Space "(WOS)" Development Permit Area of Development Permit By-law No. 04-180 specifically that:

No person shall use any land or erect, alter or use any building or structure, or alter existing grades or remove vegetation except in accordance with the provisions of Section 5.4.1 as follows:

PERMITTED USES, BUILDINGS AND STRUCTURES
<ul style="list-style-type: none">• An existing detached dwelling• Structures accessory to an abutting 'Residential' development permit area in the same ownership• Individual access point• Public park• Conservation

DISCRETIONARY USES, BUILDINGS AND STRUCTURES (a)
<ul style="list-style-type: none">• Similar uses to those permitted• Waterfront Landing for a maximum of 14 watercraft• Mini golf course

As the proposed use appears to contravene the true intent and use of this parcel of land set aside as potential public parkland, staff hereby recommends the application be denied.

LINKAGE TO COMMUNITY-BASED STRATEGIC PLAN:

This report as presented represents the following strategic priorities:

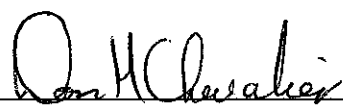
- Engage and communicate openly with the community.

Respectfully submitted,

Reviewed for Submission,



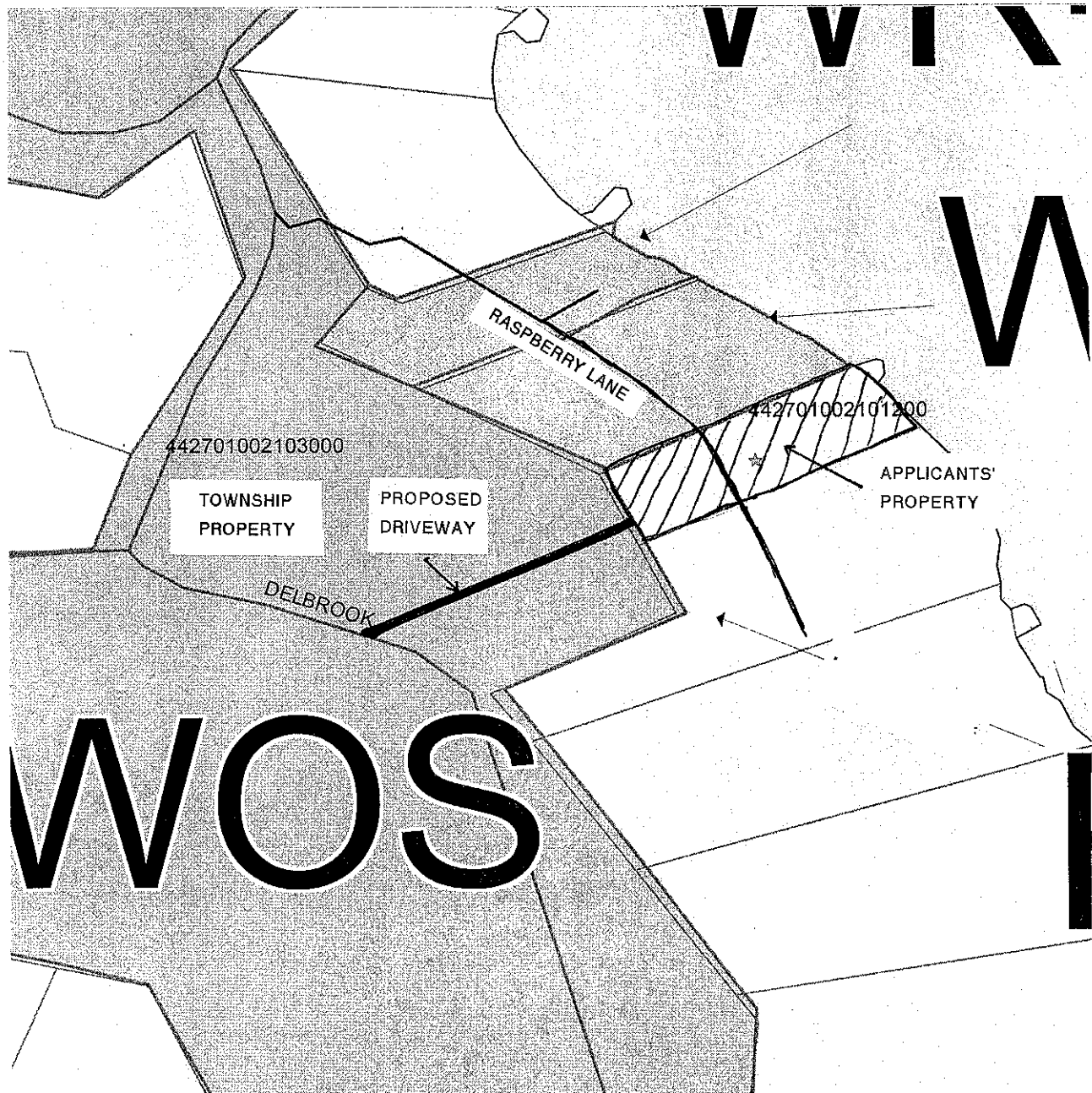
Carrie Sykes
Deputy Clerk



Don H. Chevalier
CAO/Treasurer



**LOT 3, CONCESSION 14, FRANKLIN
LOCATION MAP**

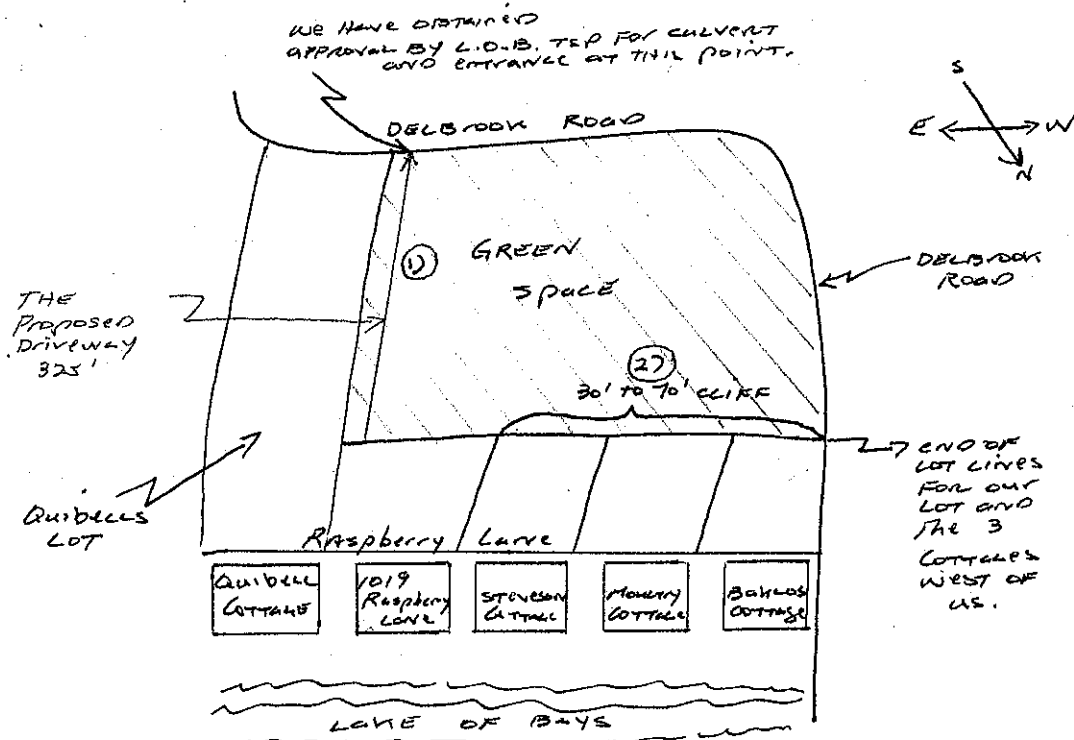


Property Roll No.: 010-021-03000-0000



LOT 3, CONCESSION 14, FRANKLIN
LOCATION MAP

" SITE PLAN "



NOTE:

- ① Our proposed driveway will be close to the Quibell lot line and therefore we will only encroach into the greenspace by approximately 20' on the greenspace east border.
- ② Behind the 3 cottages to the west of us there is a 30' to 70' cliff that precludes these cottages from building a driveway to Delbrook Road.

Property Roll No.: 010-021-03000-0000