

# Municipality of East Ferris

## Report to Council

Report No.: PLAN-2025-01

Date: January 28, 2025

Originator: Greg Kirton, Director of Community Services

Subject: McLaughlin Surplus Land Request – Amendment to Council Resolution 2024-94

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### RECOMMENDATION

1. That Council for the Municipality of East Ferris amend the approval recommendation approved by Council Resolution 2024-94 to recognize the on-site conditions and approve the sale of a portion of the road allowance to Ken and Donna Murray, the owners of 50 Kyle Road. This would allow the Murray's to purchase a portion of the road allowance where their existing shed straddles the property boundary.
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### BACKGROUND

At the May 14, 2024 Council meeting, resolution 2024-94 was passed to approve the sale of a portion of road allowance to Bryan and Jennifer McLaughlin, the owners of 52 Kyle Road. Details of this approval are contained in report PLAN-2024-01, which is attached as an appendix to this report.

The first step in finalizing a road allowance purchase is to have the land in question surveyed and have a reference plan prepared. In this instance, when the survey crews were on site it became apparent that a shed belonging to the Murray's, the owners of 50 Kyle Road, was partially located on the municipal road allowance (**Schedule A**). The location of this encroachment is on part of the lands that are intended to be sold to the McLaughlin's as part of the original approval on this file. The road allowance cannot be sold as is with a structure straddling the property line due to non-compliance with Zoning By-law 2021-60.

There are 3 primary ways to deal with this issue:

- a) Have the Murrays remove their shed from its current location and relocate it entirely within the Murray's property in accordance with the setbacks provided in By-law 2021-60.
- b) Amend the sale of lands approval and permit the sale of a small portion of land to the Murrays that would accommodate their existing shed location.

- c) Go through a planning approval process to address the setback issues in conjunction with formalizing an encroachment agreement between the neighbours.

After discussing the issues amongst themselves, both property owners preferred option b). Municipal staff have no objection to option a) or b) but would not recommend option c). Option b) is a reasonable solution to accommodate a historically existing situation where there is agreement between neighbouring landowners.

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## **OPTIONS**

### **1. Option 1**

That the approval recommendation approved by Council Resolution 2024-94 be amended to recognize the on-site conditions and approve the sale of a portion of the road allowance to Ken and Donna Murray, the owners of 50 Kyle Road. This would allow the Murray's to purchase a portion of the road allowance where their existing shed straddles the property boundary.

### **2. Option 2**

That Council choose not to amend Resolution 2024-94. This would require either the removal of the Murray's shed from its current location or require them to pursue additional planning approvals and agreements which would be difficult for planning staff to support.

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## **FINANCIAL IMPLICATIONS**

There would be no financial implications associated with this amendment. The total area of road allowance that is being sold would be the same and therefore the total revenue generated from the sale would remain in line with the original approval.

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## **RECOMMENDATION**

It is recommended that the approval recommendation approved by Council Resolution 2024-94 be amended to recognize the on-site conditions and approve the sale of a portion of the road allowance to Ken and Donna Murray, the owners of 50 Kyle Road. This would allow the Murray's to purchase a portion of the road allowance where their existing shed straddles the property boundary.

Respectfully Submitted,



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Greg Kirton  
Director of Community Services

I concur with this report,  
and recommendation.



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Jason H. Trottier, HBBA, MPA, CPA, CMA  
CAO/Treasurer

Enc. Report PLAN-2024-01

## Schedule A – Shed Encroachment Sketch

