

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Marto and Duncan**  
Report Number COA2019-063

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**Public Meeting**

**Meeting Date:** October 17, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 4 – Geographic Township of Mariposa**

**Subject:** The purpose and effect is to request relief from the following accessory use provisions in order to permit the construction of an in-ground pool at the rear of the dwelling on a residential property:

1. Section 3.1.2.2 to reduce the minimum rear yard setback requirement from 2 metres to 1.2 metres; and
2. Section 3.1.2.2 to reduce the minimum setback from a residential building from 4 metres to 2.1 metres

The variance is requested at 121 Southcrest Drive, Township of Mariposa (File D20-2019-046).

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**Author:** Quadri Adebayo, Planner II

**Signature:**



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**Recommendations:**

**Resolved That** Report COA2019-063 Nancy Marto and James Duncan be received;

**That** minor variance application D20-2019-046 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the construction of the swimming pool related to this approval shall proceed substantially in accordance with the sketch in Appendix C submitted as part of report COA2019-063, which shall be attached to and form part of the Committee's Decision; and
- 2) **That** the construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2019-063. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

Background:	The application proposes to construct a pool at the rear yard of the property. Given that a pool by definition is considered an accessory structure in the Township of Mariposa By-law, a minor variance was determined necessary to permit at the pool in the proposed location to be closer to both the rear lot line and dwelling than the minimum requirements of the by-law. This application was deemed complete September 17, 2019.
Proposal:	To construct an approximately 47 square metres (505.72 square foot) sized in-ground pool in the rear yard.
Owners:	Nancy Marto and James Duncan
Applicant:	Nancy Marto and James Duncan
Legal Description:	Lot 106, Plan M747, geographic Township of Mariposa, now City of Kawartha Lakes
Official Plan:	Development Plan Area Three (DP-3) in the City of Kawartha Lakes Official Plan
Zone:	Rural Residential Type Three Exception Five (RR3-5) Zone within the Township of Mariposa Zoning By-law 94-07
Site Size:	694.79 square metres
Site Servicing:	Communal Water and Sewer Service System
Existing Uses:	Residential
Adjacent Uses:	North: Commercial (King's Bay Golf Course) East: Residential, Commercial West: Commercial, Southcrest Drive South: South Crest Drive, Residential and Commercial

**Rationale:**

**1) Are the variances minor in nature? Yes  
And**

**2) Is the proposal desirable and appropriate for the use of the land? Yes**

The subject property is situated near the residential neighbourhood of Seagrave and surrounded by King's Bay Golf Course. The rear lot line of the property directly abuts a grassed open field area of the golf course. Given the limited room available in the rear yard of the property, a fence is installed along the rear and side lot line of the subject property to clearly define property

boundaries and as safety precaution for people and animal-pets. As such, no land use compatibility issues are anticipated.

Swimming pools typically function as a recreational accessory installation on most residential properties. The scale of the proposed pool appears to be modest in size and is anticipated to be low profile since it would be occupying approximately 6.7% of the whole property. With the dimensions proposed, the 2.1 metre spatial separation between the limits of the pool and the rear wall, and the 1.2 metre spatial separation between the pool and the rear lot line, are not anticipated to constrain flow of movement in and around the proposed pool.

Based on the above analysis, the variances are minor as well as desirable for the use of the land.

**3) Do the variances maintain the intent and purpose of the Zoning By-law?**

**Yes**

The relief sought from the minimum allowed setbacks from the rear lot line and dwelling respectively are not anticipated to impact the functionality of the setback areas within the rear yard, as the scale of the reductions, if granted, are not anticipated to be perceptible.

Considering the neighbourhood is not on private individual servicing no negative impacts are anticipated from that perspective.

The configuration of the lot presents a physical constraint to locating the pool in a compliant manner. However, the owners have reasonably demonstrated that it is possible to develop the lot in a spatial manner such that the proposed pool would occupy approximately 36% of the rear yard area established by the furthest rear wall of the dwelling within the rear yard and the rear lot line.

As such, the variances maintain the general intent and purpose of the Zoning By-law.

**4) Do the variances maintain the intent and purpose of the Official Plan?**

**Yes**

The Development Plan Area Three (DP-3) designation is a special policy area that contemplates single detached residential lots with ancillary accessory uses that would not negatively impact surrounding land uses.

The proposed swimming pool is an accessory use that follows the DP-3 designation policies as it will presumably maintain a low profile and not generate any land use compatibility issues with abutting land uses.

**Other Alternatives Considered:**

No other alternatives have been considered at this time.

**Servicing Comments:**

The property is serviced by a communal well and septic system.

**Consultations:**

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

**Agency Comments:**

Building Division (October 7, 2019): No concerns.

**Public Comments:**

No comments received as of October 7, 2019.

**Attachments:**



Appendices A-D to  
Report COA2019-063

Appendix A – Location Map  
Appendix B – Aerial Photo  
Appendix C – Applicant's Sketch  
Appendix D – Agency Comments

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<b>Phone:</b>	705-324-9411 extension 1367
<b>E-Mail:</b>	qadebayo@kawarthalakes.ca
<b>Department Head:</b>	Chris Marshall, Director of Development Services
<b>Department File:</b>	D20-2019-046

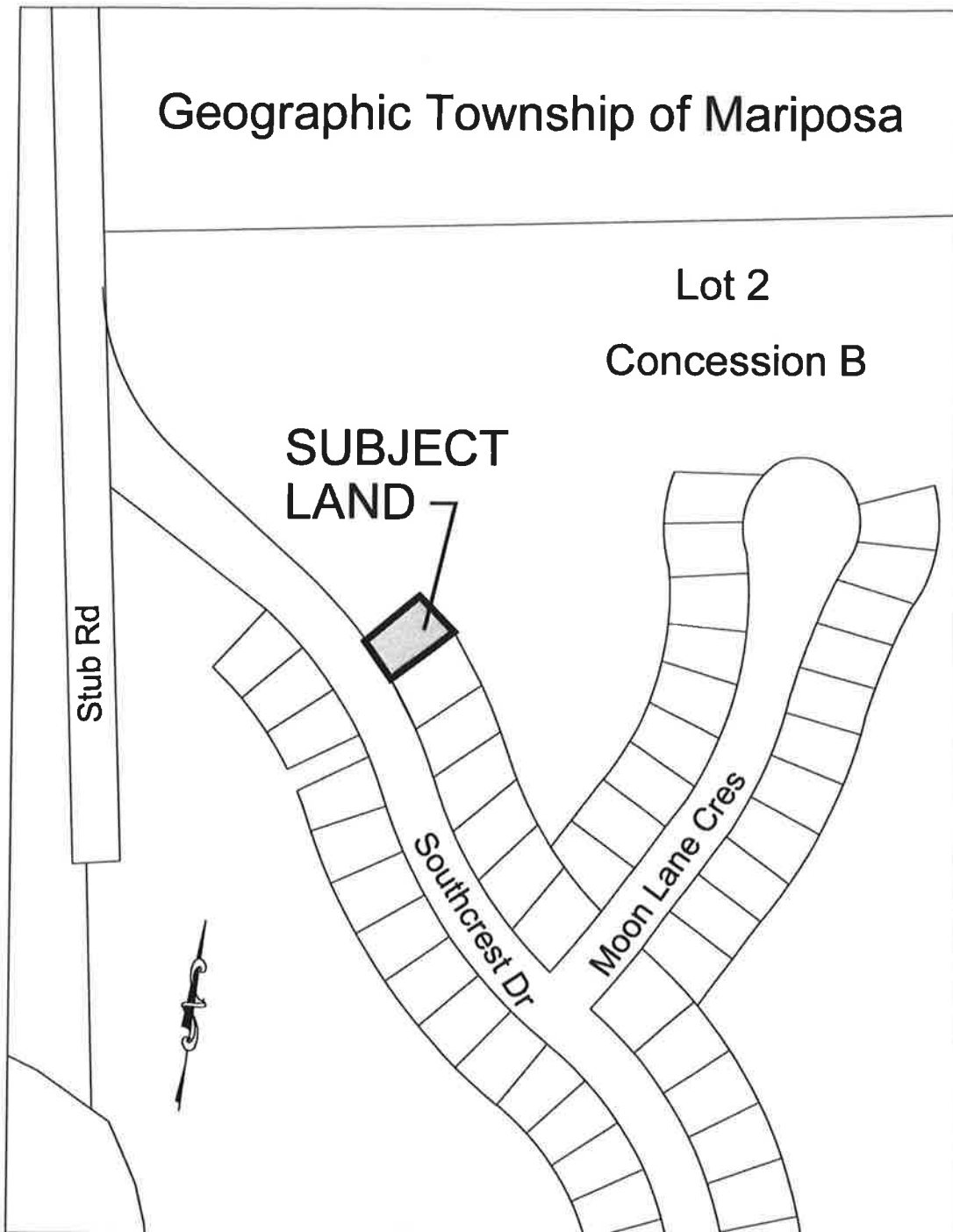
APPENDIX: A

to

REPORT COA2019-063

FILE NO: D20-2019-046

## D20-2019-046



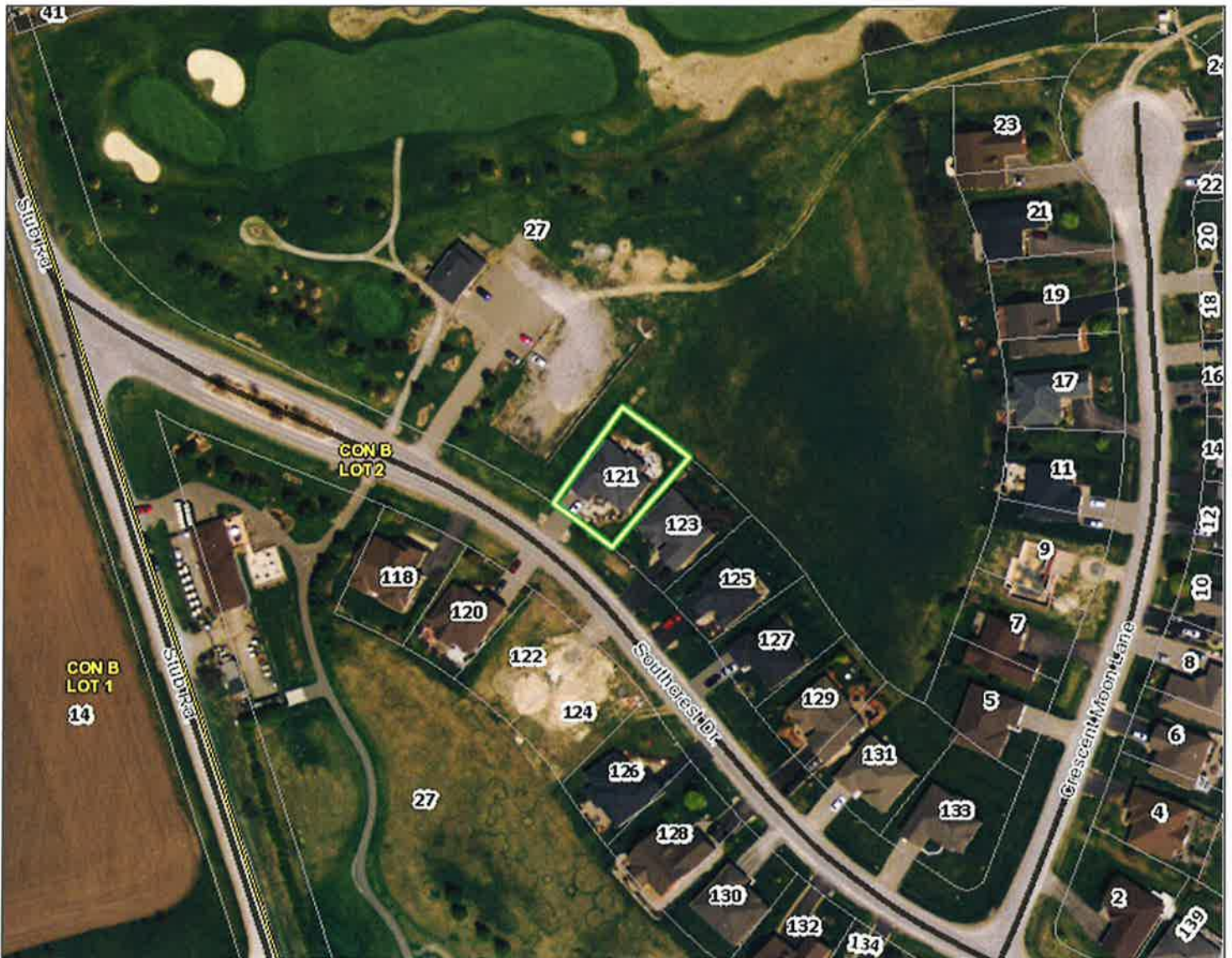
APPENDIX: B

to

REPORT COA2019-063

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## 121 Southcrest Drive, geographic Township of Mariposa



0.11

Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



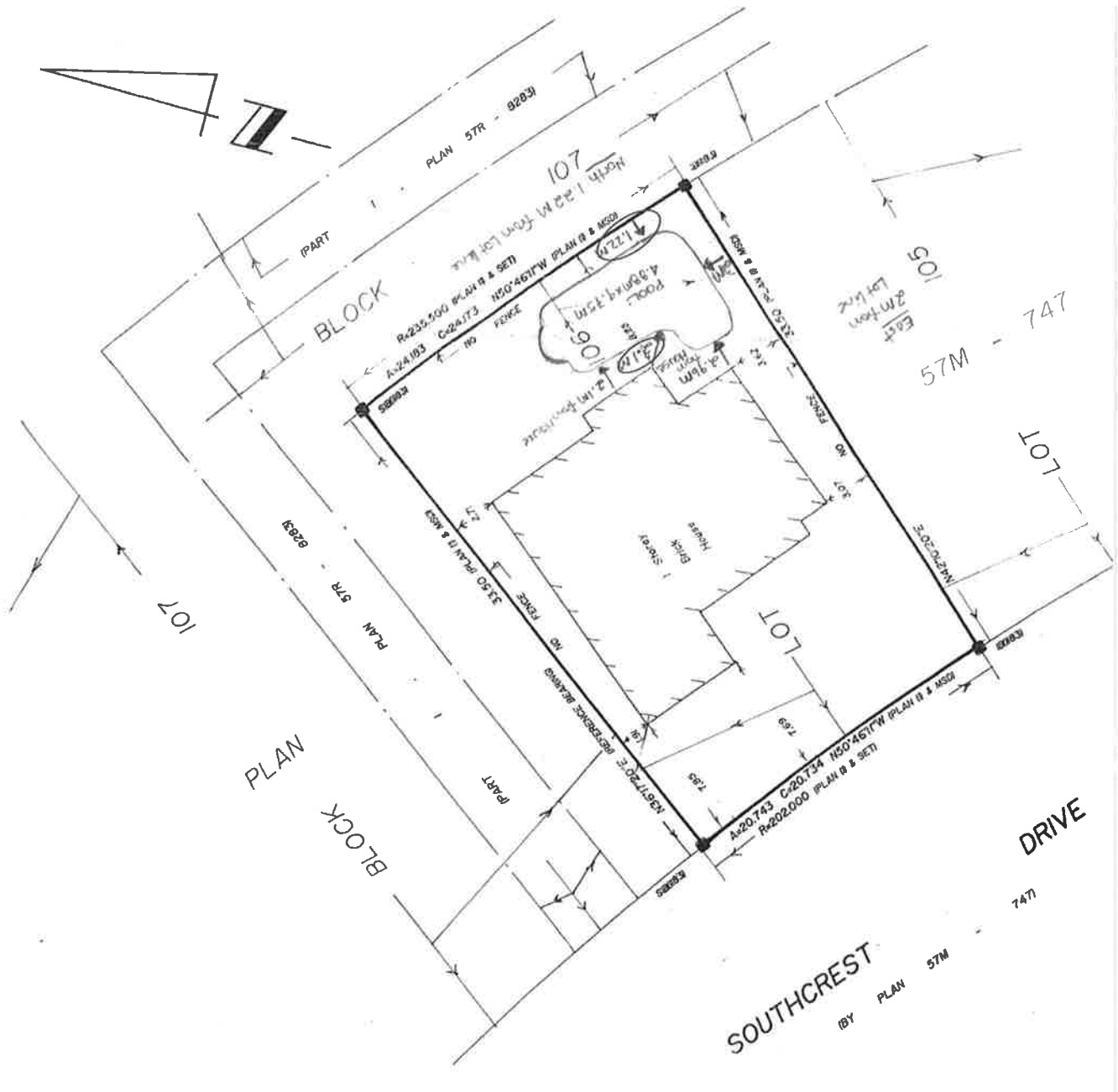
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### Site Plan Sketch - Existing





APPENDIX: D

to

REPORT COA2019-063

FILE NO: D20-2019-046

From: Derryk Wolven  
To: Charlotte Crockford-Toomey  
Cc:  
Subject: D20-2019-046

Please be advised building has no concerns with this application.

**Derryk Wolven, CBCO**

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

