

**The Corporation of the City of Kawartha Lakes**  
**Committee of Adjustment Report – Gauthier**  
Report Number COA2019-067

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**Public Meeting**

**Meeting Date:** November 7, 2019  
**Time:** 1:00 pm  
**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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**Ward 8 – Geographic Township of Manvers**

**Subject:** The purpose and effect is to request relief to recognize an above-ground swimming pool built in the front yard where it is only permitted in either a side or rear yard.

The variance is requested at 436 Lifford Road, geographic Township of Manvers (File D20-2019-050).

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**Author:** Quadri Adebayo, Planner II,    **Signature:** 

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**Recommendations:**

**Resolved That** Report COA2019-067 Gregory Gauthier be received;

**That** minor variance application D20-2019-050 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

**Conditions:**

- 1) **That** the swimming pool related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2019-067, which shall be attached to and form part of the Committee's Decision. Any deviation from these specifications will require review by the City and may necessitate further approvals to be granted by the City and/or any other governing agency, body or authority, where applicable;
- 2) **That** the applicant shall complete the Building Permit process to the satisfaction of the Building Division. This condition will be considered fulfilled once the owner submits to the Secretary-Treasurer written confirmation from the Chief Building Official advising that the pool permit situation has been satisfied to his/her satisfaction under the Ontario Building Code; and
- 3) **That** the Pool Permit process shall be completed within a period of twelve (12) 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 receipt of a confirmation letter by the Secretary-Treasurer from the Chief Building Official.

**This approval pertains to the application as described in report COA2019-067. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.**

- Background:** This application was predicated by a building enforcement matter whereby the owner was issued a pool permit in 2017 under the premise that the current location of the pool as proposed then was objected to by the building division, and a compliant location on the property was recommended. The owner has built the pool in the original location citing physical and safety constraints as their rationale. A minor variance process was recommended in May 2019 during the City's review of open and outstanding pool permit files.
- The application was deemed complete September 27, 2019.
- Proposal:** To recognize an approximately 42 square metre (451.96 square feet) above-ground swimming pool with a wrap-around deck within the front yard.
- Owner:** Gregory Gauthier
- Applicant:** Gregory Gauthier
- Legal Description:** Part Lot 17, Concession 9, Parts 1 and 2, 9R-2276, geographic Township of Manvers, now City of Kawartha Lakes
- Official Plan:** Rural within the City of Kawartha Lakes Official Plan
- Zone:** Rural General (A1) Zone within the Township of Manvers Zoning By-law 87-06
- Site Size:** 1.3 acres (5,200 square metres)
- Site Servicing:** Private individual well and sewage system
- Existing Uses:** Residential
- Adjacent Uses:** North: Lifford Road, Agricultural  
South: Agricultural  
West: Agricultural, Community Facility  
East: Agricultural, Residential

**Rationale:**

**1) Is the variance minor in nature? Yes  
And**

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

The subject property is located in a countryside area within a rural setting and surrounded mostly by agricultural uses. Pockets of rural residential lots also exist in the area. The property has an undulating topography and sits on a higher elevation than the abutting road. This uneven site topography presents an inherent physical constraint for the subject property. Observations from site inspection also suggest that the same topography constraint must have predicated the slanted manner with which the dwelling sits on the property.

The by-law defines a front yard as the full width of the depth established between the nearest main wall of the dwelling and the front lot line (See Appendix E for a visual illustration). Given this definition, it is clearly evident that there is no practical room available within the side or rear yard to locate a pool as the established front yard area which already takes up approximately 58.2% of the entire lot and contains both the septic tank and well respectively.

Swimming pools typically function as a recreational accessory installation on most residential properties. In terms of the scale, although pool structure may appear prominent when viewed from the road, the wrap-around deck attached to it helps to conceal any massing impact. As well, the rural character of the surrounding parcels is also anticipated to mitigate any land use compatibility issues. A desktop exercise demonstrates that the distance between the boundaries of the subject lot and any nearby residential dwelling is at least 150 metres.

In light of the above analysis, the variance is considered minor in nature and desirable and appropriate for the use of the land.

**3) Does the variance maintain the intent and purpose of the Zoning By-law? Yes**

The property is zoned Rural General (A1) Zone within the Township of Manvers Zoning By-law 87-06. Subject to Section 10.3 provision for lots less than one (1) hectare within the A1 Zone, the Rural Residential Type One (RR1) Zone standards apply to the subject property. The RR1 Zone permits pools as ancillary to a residential use.

Also, the pool location does not appear to impact the functionality of the front yard or closest side yard. Sufficient amenity space exists within the said yard for maintenance.

As identified in rationale 1 and 2 above, the topography and positioning of the dwelling footprint on 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 1.4% of the front yard area established by the main wall of the dwelling, and outside of the well and septic tank limits.

As such, the variance maintains the general intent and purpose of the Zoning By-law.

**4) Does the variance maintain the intent and purpose of the Official Plan?**

**Yes**

The property is designated Rural within the City of Kawartha Lakes Official Plan. The designation contemplates residential dwellings with accessory uses that would not negatively impact surrounding land uses. The proposed swimming pool is an accessory use that follows the rural designation policies as it will presumably maintain a low profile and not generate any land use compatibility issues with abutting land uses.

Therefore, the variance maintains the intent and purpose of the Official Plan.

**Other Alternatives Considered:**

No other alternatives have been examined at this time.

**Servicing Comments:**

The property is serviced by a private individual 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 23, 2019): No concerns.

Engineering and Corporate Assets Department (October 28, 2019): No objections.

**Public Comments:**

No comments received as of October 28, 2019.

**Attachments:**



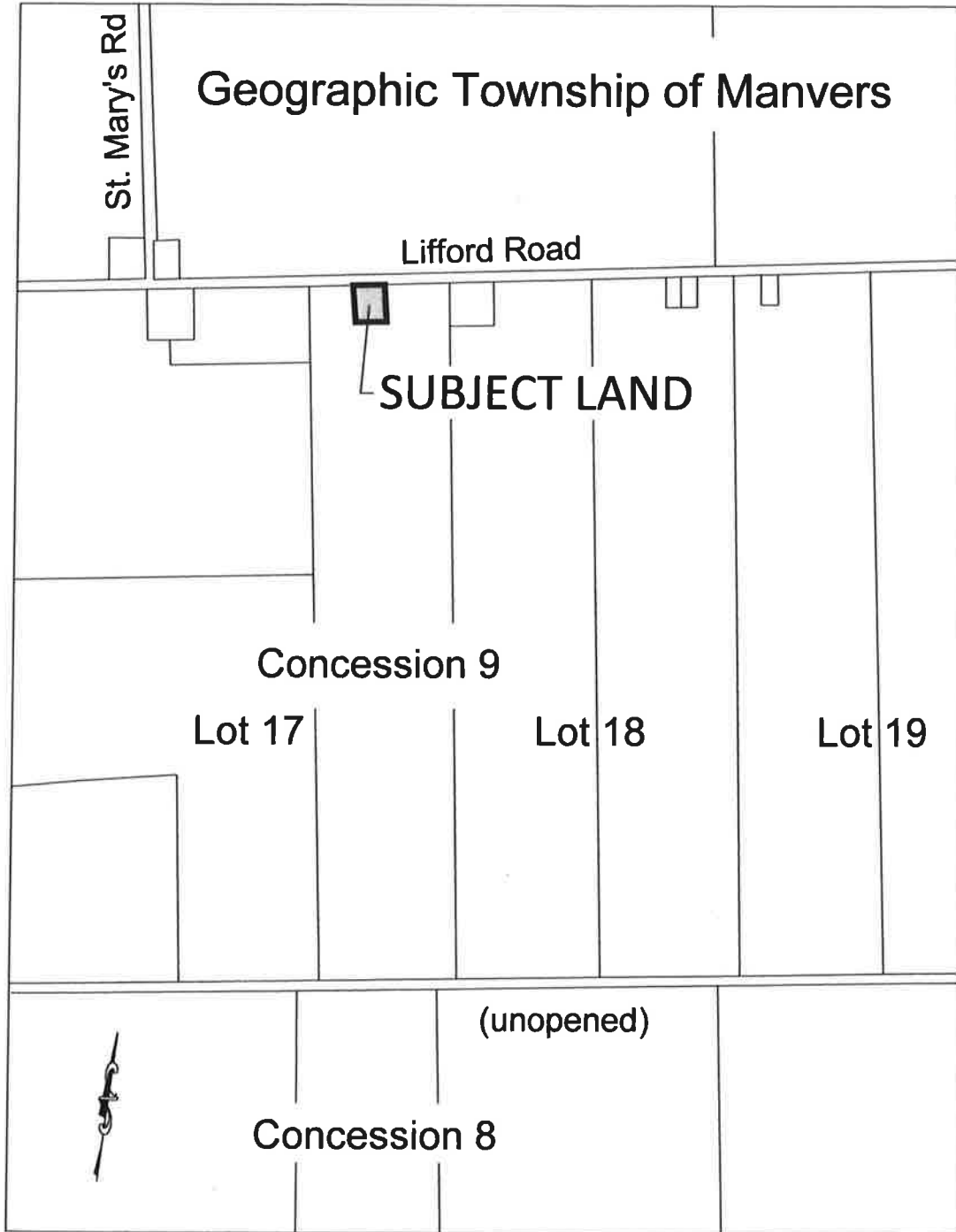
Appendices A-E to  
Report COA2019-067

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant's Sketch
- Appendix D – Illustration of Approximate Front Yard Area
- Appendix E – Department and Agency Comments

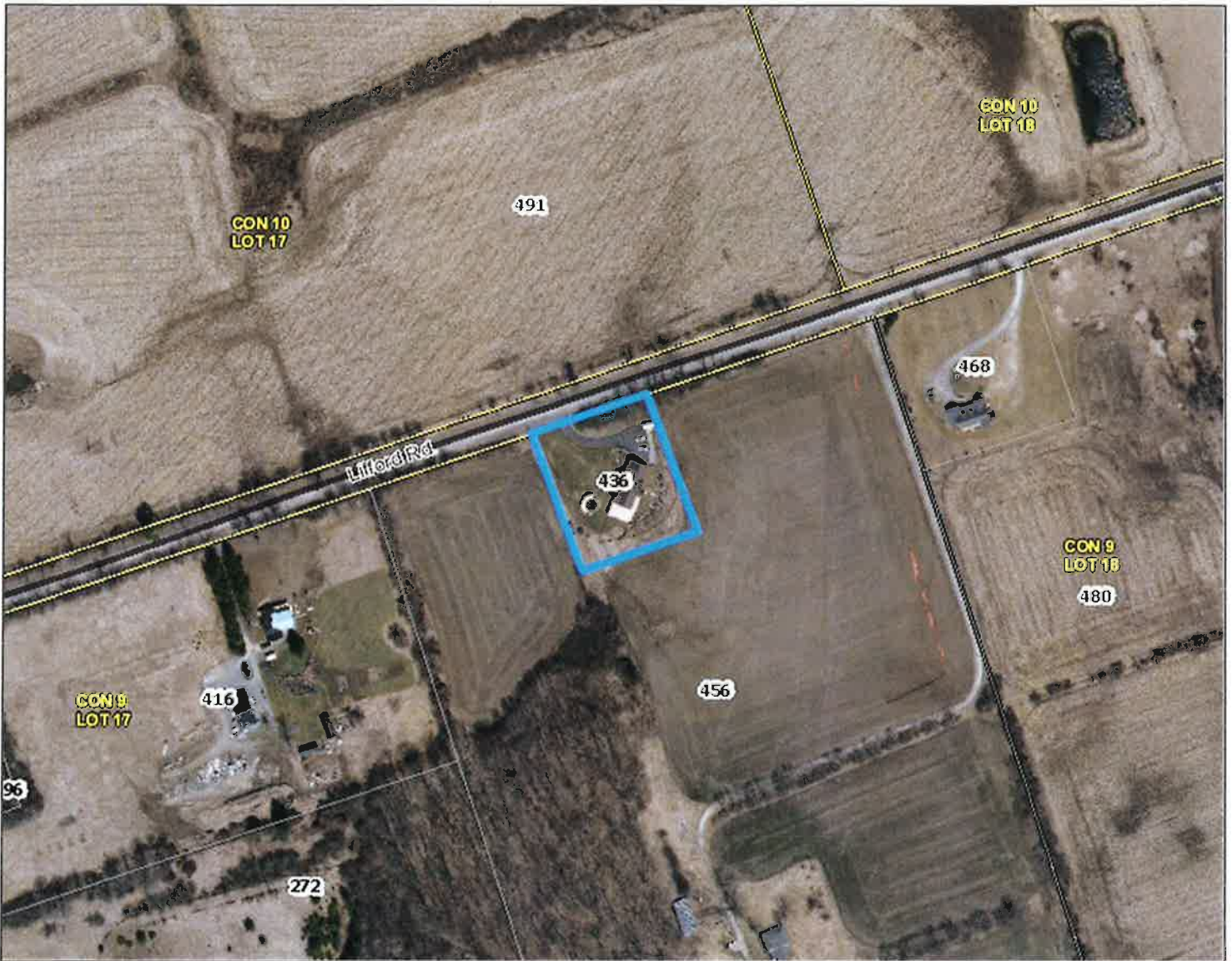
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**Phone:** 705-324-9411 extension 1367  
**E-Mail:** [qadebayo@kawarthalakes.ca](mailto:qadebayo@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director of Development Services  
**Department File:** D20-2019-050

# D20-2019-050



## 436 Lifford Road, geographic Township of Manvers



0.23

Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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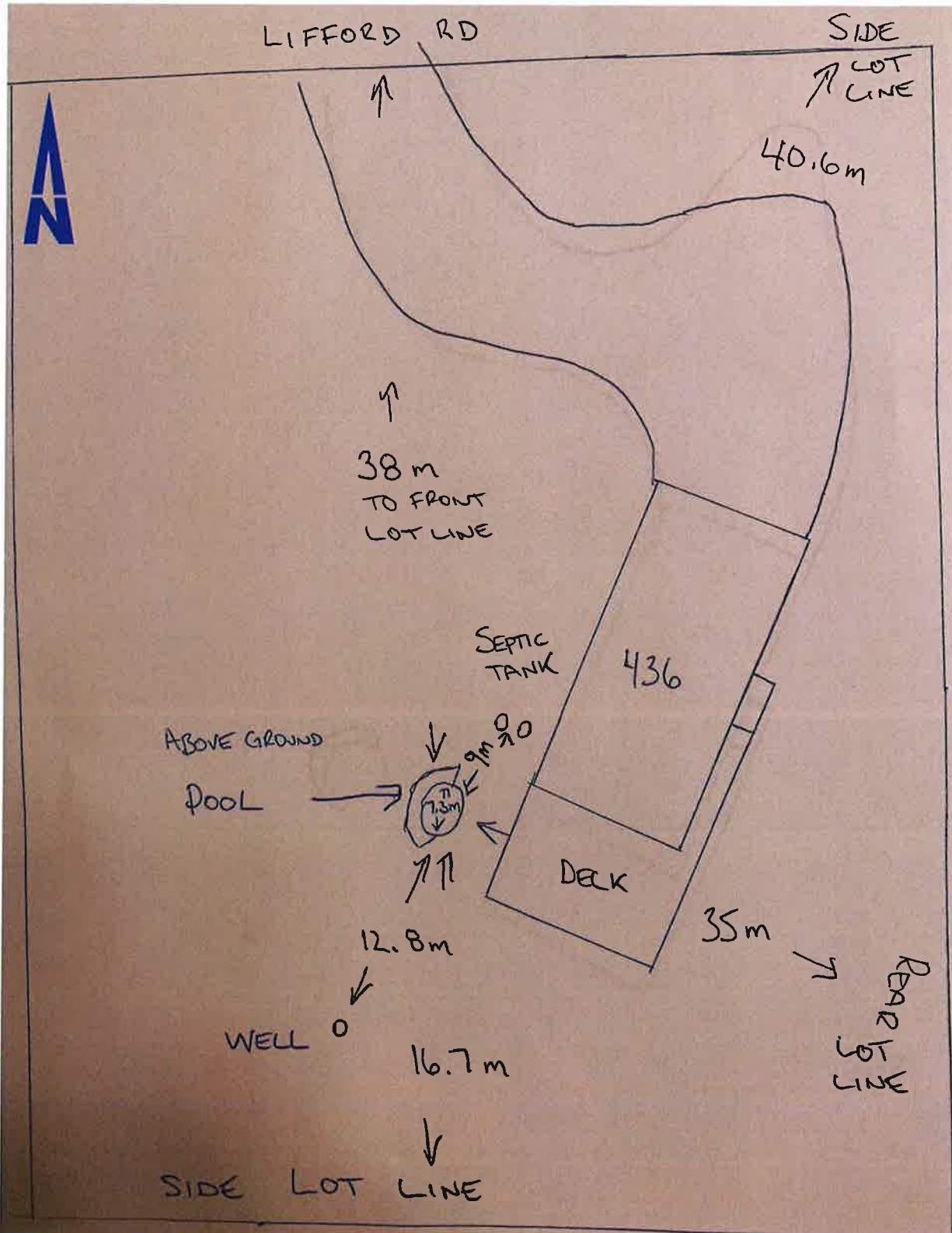


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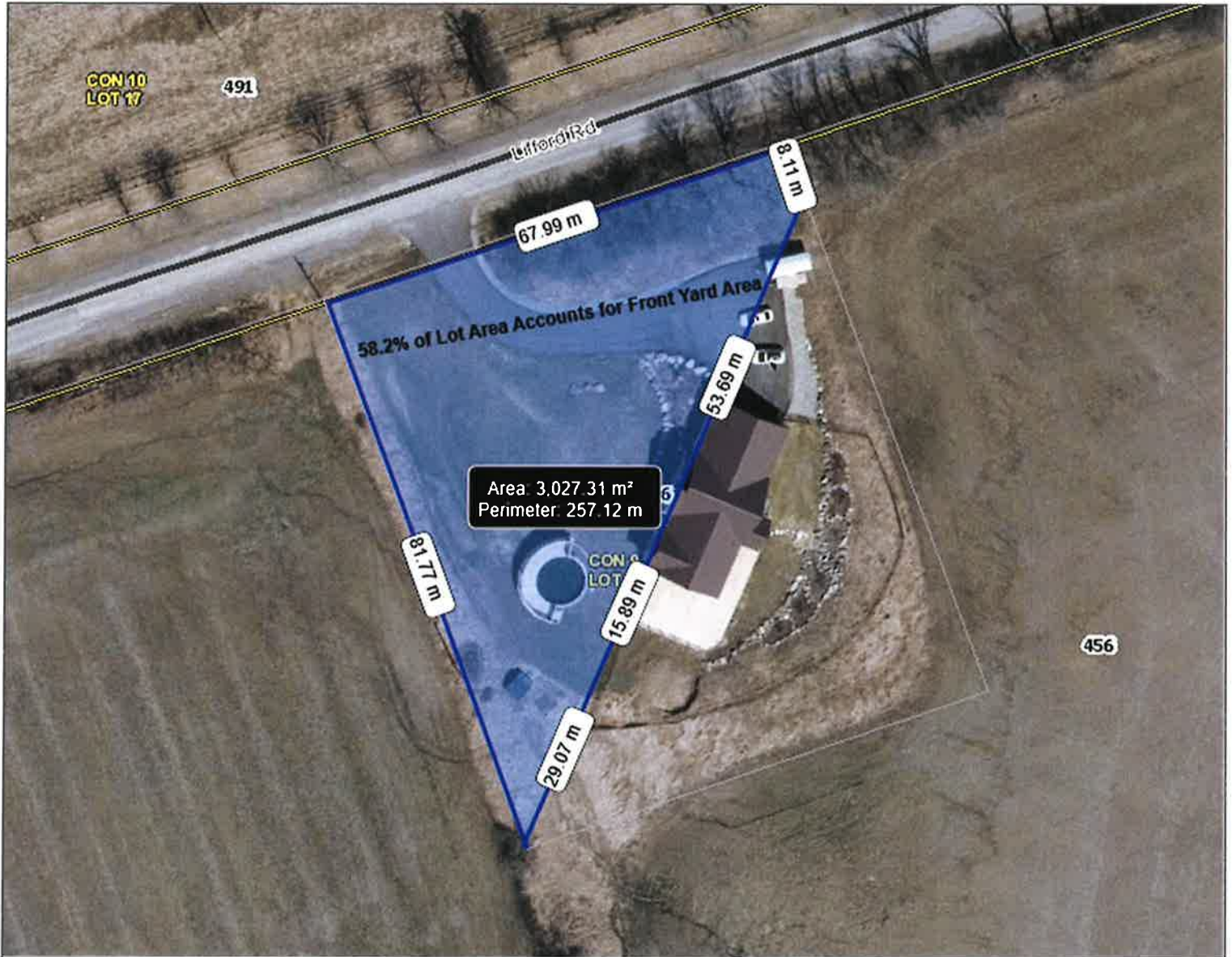


Site Plan Sketch





### 436 Lifford Road, geographic Township of Manvers



0.06

Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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APPENDIX: E

to

REPORT COA2019-067

FILE NO: D20-2019-050

From: Derryk Wolven  
To: Charlotte Crockford-Toomey  
Cc:  
Subject: D20-2019-050

Sent: Wed 10/23/2019 12:01 PM

Please be advised building division 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)



APPENDIX: E

to

REPORT COA2019-067

FILE NO: D20-2019-050

Minor Variance – D20-2019-050  
436 Lifford Road  
Part Lot 17, Concession 9, Parts 1 and 2, 9R-2276  
Geographic Township of Manvers

It is the understanding by Engineering that the purpose and effect is to request relief to recognize an above-ground swimming pool built in the front yard where it is only permitted in either a side or rear yard.

*From an engineering perspective, we have no objection to the proposed Minor Variance.*

Please do not hesitate to contact our office if you have any questions.

Thanks,

*CHRISTINA*

**Christina Sisson, P.Eng.**  
Supervisor, Development Engineering  
Engineering & Corporate Assets, City of Kawartha Lakes  
705-324-9411 ext. 1152 [www.kawarthalakes.ca](http://www.kawarthalakes.ca)

