

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Jones and Pascoe
Report Number COA2024-013

Public Meeting

Meeting Date: February 22, 2024
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 3 – Former Village of Fenelon Falls

Subject: The purpose and effect is to facilitate the construction of a swimming pool.

Relief sought:

1. Section 5.1.11 b) of the By-law provides that where the outdoor pool is located above grade, the limit of the pool and associated structure, inclusive of decks and structural members associated therewith, shall not be located closer than 3 metres to the side or rear lot; the proposed setback from the side lot line is 0.8 metres; and,
2. Section 5.1.3 of the By-law provides that an accessory building or structure shall not be erected closer than 2 metres to the principal or main building; the proposed pool is to be setback 1.8 metres from the deck attached to the dwelling, and 1.6 metres from the screened porch attached to the dwelling.

The variance is requested at **3 Short Street** (File D20-2024-003).

Author: Katherine Evans, Planner II **Signature:** *Katherine Evans*

Recommendations

That Report COA2024-013 – Jones and Pascoe, be received;

That minor variance application D20-2024-003 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report

COA2024-013, which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** building 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 COA2024-013. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Construction of a swimming pool
Owners:	Justin Jones and Alaina Pascoe
Applicant:	Justin Jones
Legal Description:	Part Lots 10, 11, 12, Block B, Plan 100
Official Plan ¹ :	Residential (Fenelon Falls Secondary Plan, 2015)
Zone ² :	Residential Type One (R1) Zone (Village of Fenelon Falls Zoning By-law 89-25)
Site Size:	2,023 sq. m. (21,775.4 sq. ft.)
Site Access:	Year round municipal road
Site Servicing:	Municipal water and sanitary sewer
Existing Uses:	Residential
Adjacent Uses:	Residential, commercial, recreational open space

Rationale

The variance is desirable for the appropriate development or use of the land, building or structure.

The subject property is within an established residential neighbourhood located in the northeast portion of the former Village of Fenelon Falls. The property is irregular in shape and is a corner lot, abutting Colborne Street and Short Street. The property currently contains a two storey single detached dwelling with an

¹ See Schedule 1

² See Schedule 1

attached garage constructed in 2009 (according to Municipal Property Assessment Corporation) and a barn constructed in approximately 1875. The barn is not used for agricultural purposes, and functions as a detached garage/storage building.

The proposal is to construct a swimming pool. The pool will enhance the outdoor recreational opportunities on the property and is part of a larger landscaping plan for the yard. The pool is to be approximately 60 square metres in size and will feature an infinity basin around the northern and northeastern edges. The majority of the pool will be at grade, with the northern and northeastern edges being above grade to allow for the infinity edge.

The pool is to be located between the dwelling and the eastern interior side lot line. The proposed location of the pool makes it visible from the dwelling. Being able to see the pool from the dwelling is important for safety as well as security, as the owners want to be able to see the pool to prevent unauthorized access.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

The variance maintains the general intent and purpose of the Official Plan.

The subject property is designated Residential under the Fenelon Falls Secondary Plan, 2015. A variety of dwelling types as well as accessory buildings and structures are permitted within this designation. Performance and siting criteria is implemented through the Zoning By-law.

The property is within the Floodplain Hazard. As per the Fenelon Falls Secondary Plan, an Environmental Impact Study (EIS) or other appropriate study shall be required for all development proposals on or abutting lands identified as Environmental Constraint Area. As per the City of Kawartha Lakes Official Plan, the City in consultation with partner agencies, shall identify the appropriate scope and study area for each required EIS. Based on the location of the proposed development and the limited natural features on and adjacent to the site, staff feel it is reasonable to not require a study and that the proposal is in keeping with the general intent and purpose of the Secondary Plan.

The variance maintains the general intent and purpose of the Zoning By-law.

The subject property is zoned Residential Type One (R1) Zone under the Village of Fenelon Falls Zoning By-law 89-25. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the minimum side yard setback required for an outdoor pool, and the minimum setback required between an accessory building or structure and the main building.

As per Section 5.1.11 b) of the By-law, where the outdoor pool is located above grade, the limit of the pool and associated structure, inclusive of decks and structural members associated therewith, shall not be located closer than 3 metres to the side or rear lot; the proposed setback from the side lot line is 0.8 metres. The purpose of an interior side yard setback is to manage massing and privacy issues,

and to provide sufficient space for lot drainage, access between the front and rear yards, and building maintenance.

Though the front of the dwelling abuts Colborne Street, the property's front lot line is along Short Street. Due to the configuration of the dwelling on the lot, the property's interior side yard functions more as a rear yard. The pool is to be located within the interior side yard. The yard is enclosed by a solid privacy fence, maintaining privacy between the subject property and the interior side yard of the abutting property to the east. Additionally, as the pool is not to abut the neighbouring property's rear yard, privacy conflicts between these outdoor recreational spaces are not anticipated.

As the pool is designed with an infinity basin, the portion of the pool that requires relief from the side yard setback is approximately 0.8 metres above grade. It is not anticipated that the pool will result in any massing impacts to the abutting property. Impacts to lot drainage are also not anticipated. The proposed 0.8 metre side yard setback will provide adequate space for any maintenance that is required to the pool edge, the fence, as well as maintenance to landscaping.

As per Section 5.1.3 of the By-law, an accessory building or structure shall not be erected closer than 2 metres to the principal or main building; the proposed pool is to be setback 1.8 metres from the deck attached to the dwelling, and 1.6 metres from the screened porch attached to the dwelling. The intent of this setback is to ensure there is adequate separation as well as space for access between structures and maintenance.

The proposed setbacks allow adequate separation and space for unimpeded access between the pool and the deck and screened porch. There will be adequate spatial separation for maintenance.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

The variance is minor in nature.

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

Other Alternatives Considered:

No alternatives considered.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

Building and Septic Division (Building): "No comments."

Public Comments:

No comments received as of the writing of the staff report.

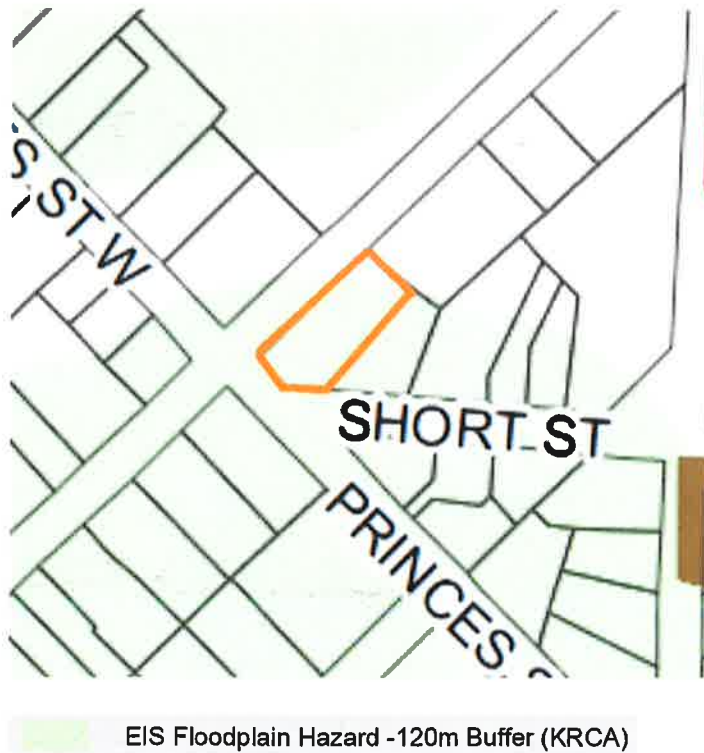
Attachments

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant’s Sketch

Phone: 705-324-9411 extension 1883
E-Mail: kevans@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-003

Schedule 1 Relevant Planning Policies and Provisions

Fenelon Falls Secondary Plan



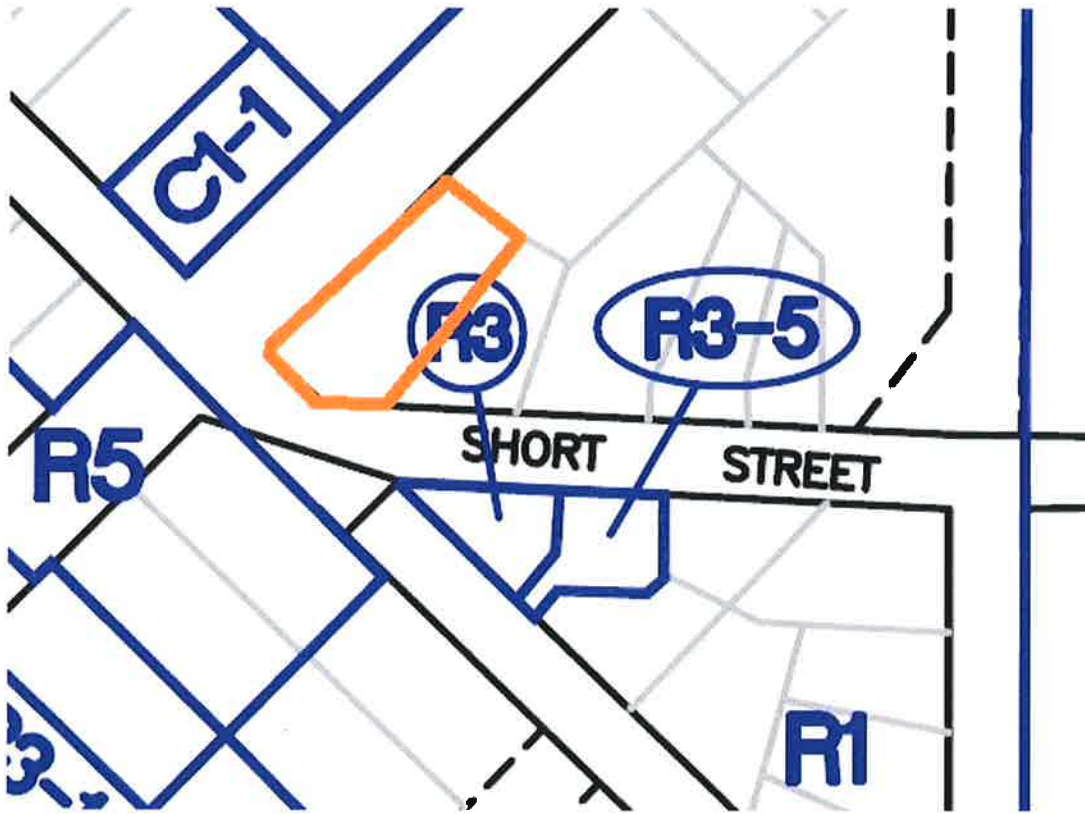
31.4.3 Land Use Policies

31.4.3.1. Residential

31.4.2.6. Environment and Natural Heritage

31.4.2.6.6 Schedule "G-3" delineates as Environmental Constraint Areas those lands that are susceptible to flooding or erosion, have steep slopes or soil instability, contain Provincially Significant Wetlands, and/or contain Environmentally Sensitive Features. Development of the lands in accordance with the designation on Schedule "F-3" may be permitted provided that the development does not result in an increased risk of loss of life, property damage, or the degradation of the environment. An EIS prepared in accordance with Sections 3.5.37 to 3.5.40 of this Plan shall be required for all development proposals on or abutting lands identified as Environmental Constraint Area.

Village of Fenelon Falls Zoning By-law 89-25



Part 5

General Zone Provisions

5.1 Accessory Buildings, Structures and Uses

5.1.3 Relation to a Principal or Main Building

Except as may otherwise be provided herein, an accessory building or structure, which is not part of the principal or main building, shall not be erected closer than 2.0 metres to the principal or main building.

5.1.11 Swimming Pools

Notwithstanding the yard and setback provisions of this By-law to the contrary, an outdoor swimming pool shall be permitted within a side or rear yard of a lot in accordance with the following provisions, namely:

- a. where the outdoor pool is in-ground, the limit or edge of the pool cavity shall not be located closer than 3 metres to the side or rear lot line and shall further comply with the minimum front and exterior side yard requirements;
 - b. where the outdoor pool is located above grade, the limit of the pool and associated structure, inclusive of decks and structural members associated therewith, shall not be located closer than 3.0 metres to the side or rear lot line and shall further comply with the minimum front and exterior side yard requirements;
- and,

c. that the maximum lot coverage of an outdoor swimming pool, inclusive of any structure or projection thereof associated with an above ground pool, shall not exceed 15 per cent of the total lot area.

Part 4 Zone Provisions

4.3 Residential Type One (R1) Zone

4.3.1 Permitted Uses

4.3.2 Regulations for Residential Uses Serviced By Municipal Water Supply and Sanitary Sewers

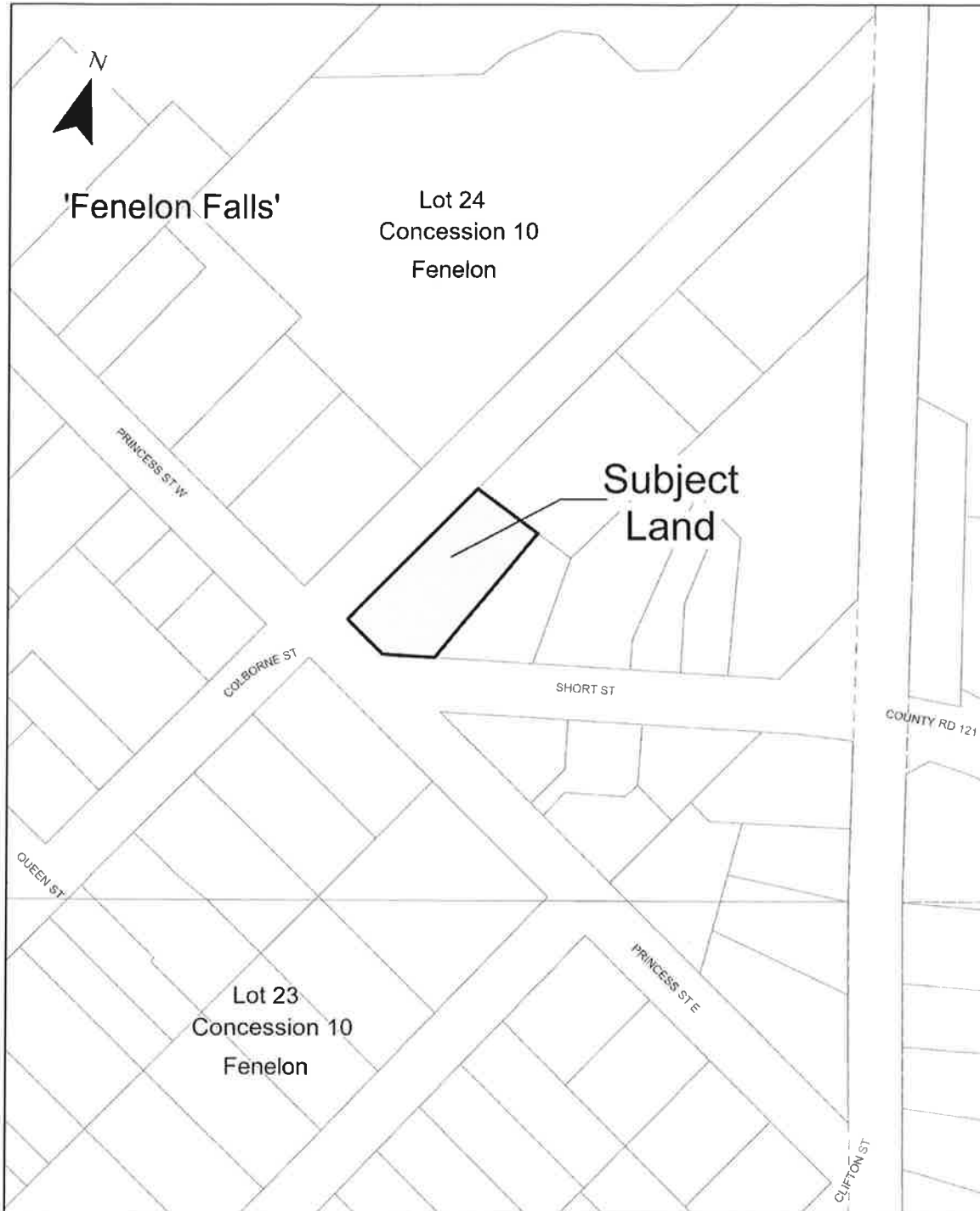
to

REPORT COA2024-013

FILE NO: D20-2024-003

LOCATION MAP

D20-2024-003



to

REPORT COA2024-013

FILE NO: D20-2024-003

AERIAL PHOTO



to

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APPLICANT'S SKETCH

