

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Ta and Chung
Report Number COA2024-100

Public Meeting

Meeting Date: **October 24, 2024**

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Carden

Subject: The purpose and effect is to facilitate the relocation and recognition of an existing above-ground swimming pool.

Relief sought:

1. Section 2.2.g. of the Zoning By-law requires a 20 metre water setback; the proposed water setback from the pool is 14.33 metres.

The variance is requested at **26 Hummingbird Lane** (File D20-2024-092).

Author: **Ahmad Shahid, Planner II** **Signature:**



Recommendations

That Report COA2024-100 – Ta and Chung, be received;

That minor variance application D20-2024-092 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 COA2024-100, 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 COA2024-100. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	Relocation and recognition of an existing above-ground pool.
Owners:	Tan T. Ta, Anna N. T. Ta, Tien T. Ta and Sarah Chung
Applicant:	Same as Owners
Legal Description:	Part Lot 4 and Lot 5, Concession 4 (being Part 1 of Reference Plan 57R-5238)
Official Plan ¹ :	Waterfront (City of Kawartha Lakes Official Plan, 2012)
Zone ² :	Limited Service Residential (LSR) Zone (Township of Carden Zoning By-Law 79-2)
Site Size:	1,999.77 square metres (0.49 acres)
Site Access:	Year-round maintained road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential

Rationale

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

The subject property is located in the former Township of Carden, with waterfront onto Canal Lake. The neighbourhood is primarily low-density residential, comprised of dwellings and assorted accessory structures varying proximities to the road and shoreline.

The property currently contains a single detached dwelling, shed, and an above-ground pool (2022). The above-ground pool is 53.2 square metres in size and was originally constructed in 2022, placed adjacent to/directly above the existing septic bed. The pool at the time of writing this report was taken apart. The proposed application seeks to relocate the pool.

¹ See Schedule 1

² See Schedule 1

The pool enhances the outdoor recreational opportunities on the property, and is considered an appropriate structure for personal use on a residential property. Moreover, neighbouring properties also contain an array of accessory structures nearby the shoreline. The relocation of the pool will allow for compliant distances from the existing septic system.

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 Waterfront under the City of Kawartha Lakes Official Plan (2012). The objective of the Waterfront designation is to recognize low density residential development as the primary land use, as such, dwellings and accessory uses are permitted within the designation.

The Official Plan establishes water setback policies in Section 3.11 to provide sufficient spatial separation to protect development from erosion hazards and protect and enhance the ecological function of the waterbody. Through the establishment of a water setback, a buffer is created between the built form and waterbody for vegetation and to protect and enhance the ecological function of the waterbody and its fish habitat. The proposal is not seeking an expansion of any of the existing structures within the water setback. Moreover, the proposal does not change the existing land use, maintains a low profile and preserves the existing shoreline. The configuration of the existing dwelling and location of the existing septic system, restricts the location of any accessory structure within the rear yard.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

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

The subject property is zoned Limited Service Residential (LSR) Zone under the Township of Carden Zoning By-Law 79-2. The LSR Zone permits a vacation dwelling or a single detached dwelling as well as accessory structures. Relief is required from the minimum water setback.

Section 2.2.g. of the Zoning By-law requires a 20 metre water setback; the proposed water setback from the pool is 14.33 metres. The intent of the minimum water setback is to protect built form from natural hazards, protect and enhance the ecological function of waterbodies by creating a buffer between built form and water for the establishment and preservation of vegetation. The original location of the pool was compliant with respect to water setback, however, the pool was located directly above the existing septic system. As such, the owner is seeking to relocate the pool further away from the septic system. A swimming pool is not a permitted accessory structure in the front yard, and is restricted to being located in a side yard or rear yard. Relocating the pool to the front yard (i.e. roadside) would also require relief, and would not align with the built form character of the area. Locating the pool to the rear yard is more appropriate as it is away from the public view, aligns with the character of the area, and does not introduce a habitable space (shoreline hazard) within the water setback.

As the existing septic system is located at the lakeside (i.e. rear yard) of the property, the pool must be located in accordance with the minimum setback requirement from the septic system. The existing shoreline conditions are not anticipated to change due to the relocation of the pool, and as such, the pool will not negatively impact vegetation or infiltration.

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:

DS – Building and Septic (Building): “No comments.”

ECA – Development Engineering: “From a Development engineering perspective, we have no comments or objections for this Minor Variance application.”

Public Comments:

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

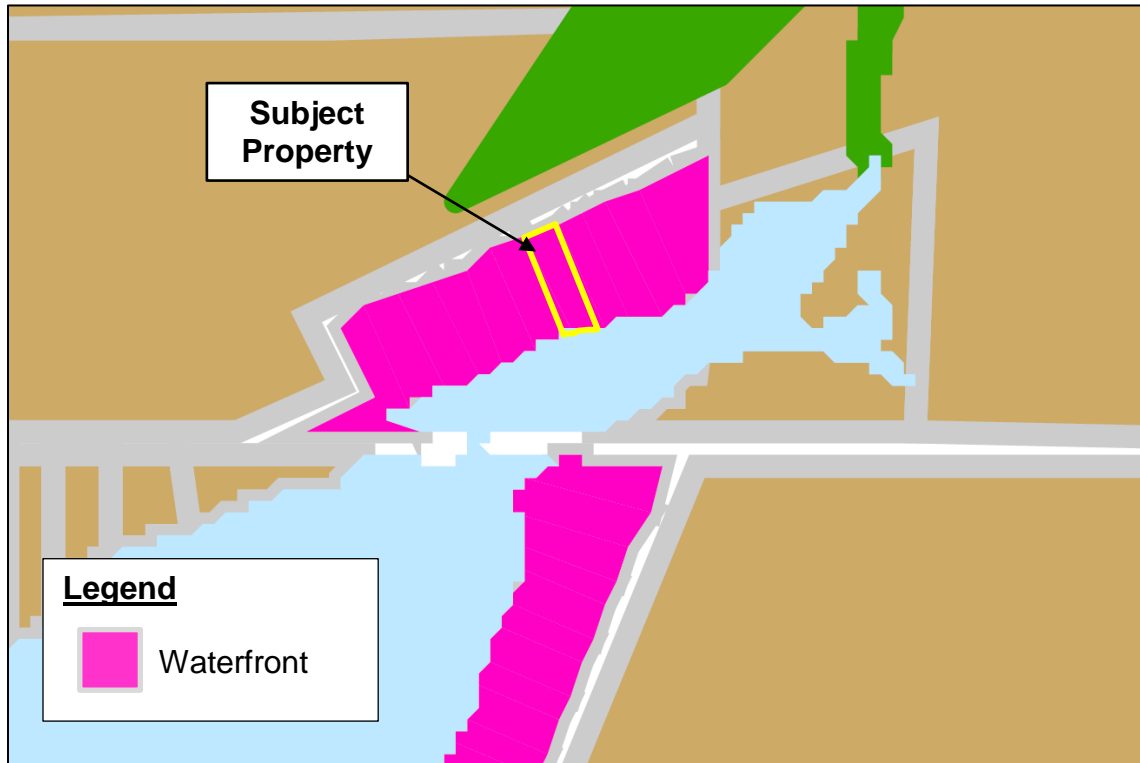
Attachments

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

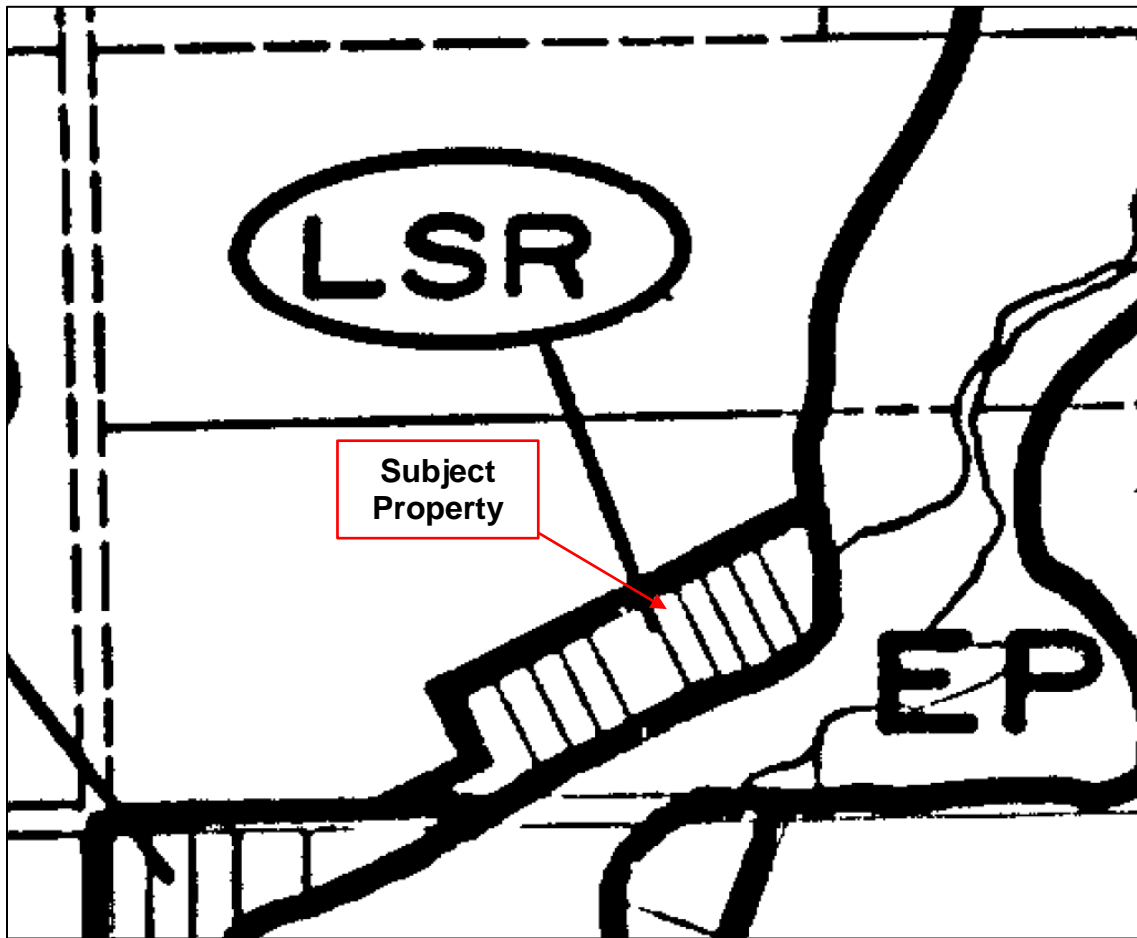
Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-092

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



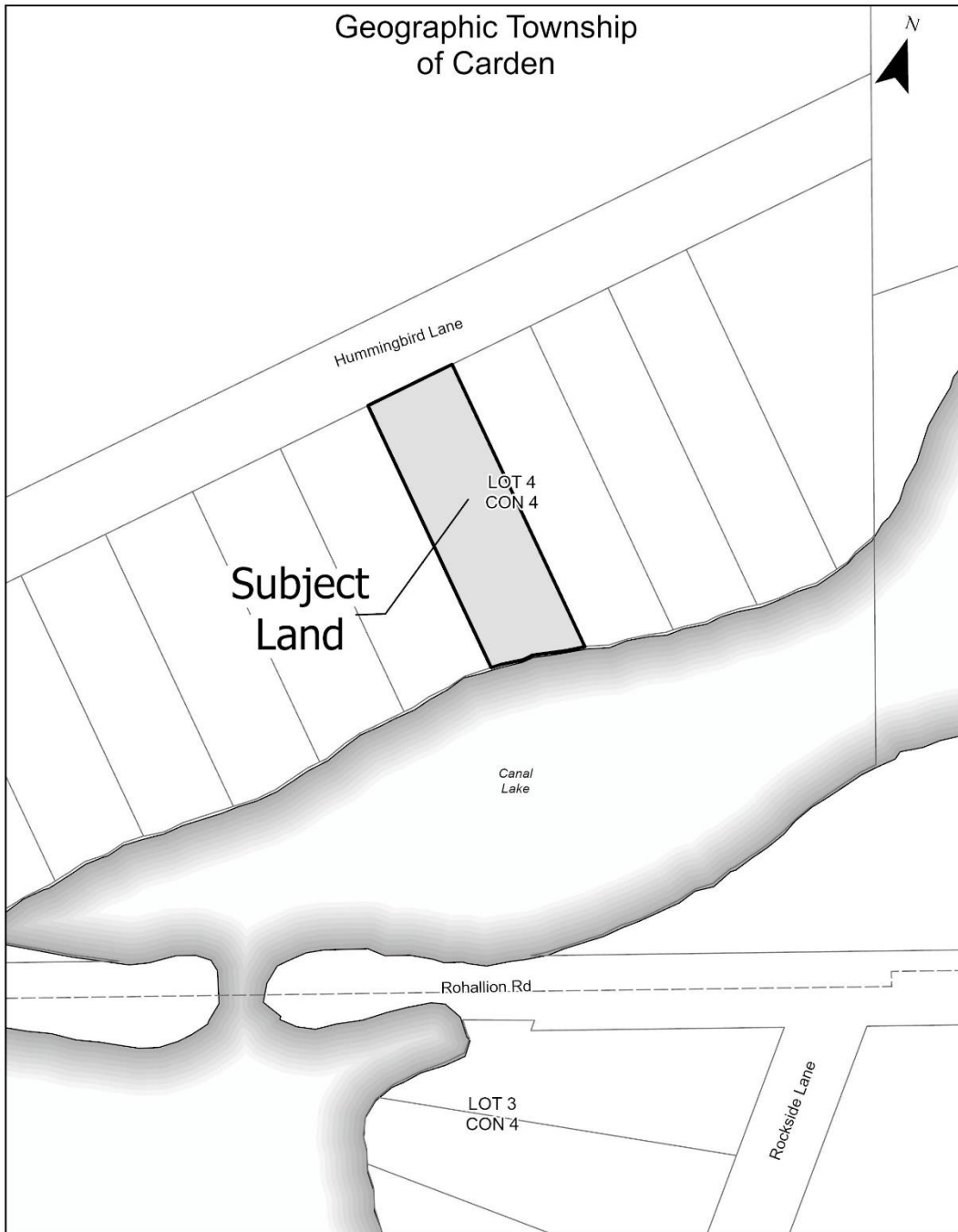
Township of Carden Zoning By-Law 79-2



to

LOCATION MAP

D20-2024-092



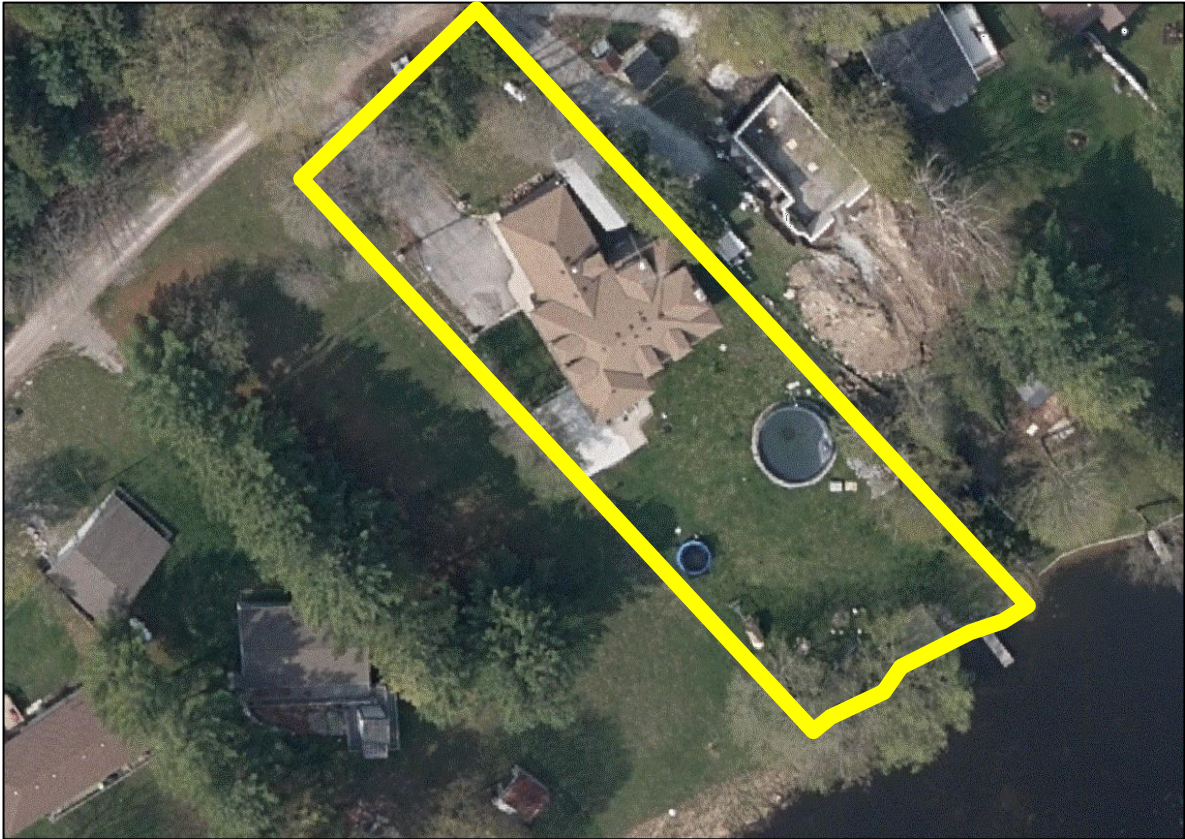
APPENDIX " B "

to

REPORT COA2024-100

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AERIAL PHOTO



to

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APPLICANT'S SKETCH

