

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Ta and Chung
Report Number COA2025-002

Public Meeting

Meeting Date: January 30th, 2025
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 of a previously existing above-ground swimming pool.

Relief sought:

1. Section 14.1.b. of the Zoning By-law, which requires accessory structures to be located in a side or rear yard; the swimming pool is to be located in the front yard.

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

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



Recommendations

That Report COA2025-002 – 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 COA2025-002, 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 COA2025-002. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Application Summary

Proposal:	To facilitate relocation of a previously existing above-ground pool.
Owners:	Tan T. Ta, Anna N. T. Ta, Tien T. Ta and Sarah Chung
Applicant:	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 of 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, inadvertently placed adjacent to/directly above the existing septic bed. The pool was taken apart in October of 2024. The proposed application seeks to relocate the pool to the front yard.

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. 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 proposal does not change the existing land use. Relocating the pool to the front yard ensures the shoreline will be preserved, by mitigating concerns from erosion due to proximity to shoreline.

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 permitted location of the accessory structure.

Section 14.1.b. of the Zoning By-law requires accessory structures to be located in a side or rear yard; the swimming pool is to be located in the front yard. Limiting the location of accessory structures to the side or rear yard ensures accessory uses remain subordinate to the primary use by being located in less visible areas on the property. This also ensures the property is cohesive with surrounding properties.

In the context of waterfront properties, the front yard often functions as the primary outdoor amenity space, akin to a rear yard in typical residential lots. The surrounding properties have various accessory structures in their respective front yards. Locating an accessory structure within a front yard is not unusual within the subject area or within the context of waterfront properties. There is no concern with respect to the dwelling remaining the primary visually-dominant use of the subject property. Concern with safety and functionality is mitigated as the pool will be fully enclosed with a fence, as specified and required by By-law 2005-314. Moreover, the pool complies with minimum front yard setback of the applicable zone and, does not interrupt or impact the travelled portion of the road.

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:

See consultation summary.

Consultation Summary

The subject application was originally scheduled for the October 24th, 2024 Committee of Adjustment hearing. Comments of concern were received after the report was published from the Supervisor Part 8 Sewage Systems and the Kawartha Region Conservation Authority. The application was deferred and during that time the applicant has completed their due diligence review with the aforementioned agencies. 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 was seeking to relocate the pool further away from the septic system within the rear yard. All options were explored and due to septic distancing requirements and the KRCA's concerns with the water setback, the applicant chose to situate the pool within the front yard to satisfy the concerns of the agencies.

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

Agency Comments:

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

DS – Building and Septic (Septic): “A sewage system installation report has been located for the property and a site visit was completed to evaluate the proposal for the pool placement. The sewage system is located in the water side yard of the dwelling and encompasses the majority of the land in this yard. The pool is being proposed to be placed in the roadside yard of the property. Locating the pool in this yard will ensure the minimum required clearance distances are maintained to the sewage system. Additionally, it will protect the sewage system from damage as the pool will not be placed on the envelope of the system. As such, the Building and Septic Division has no concerns with the minor variance for the proposed pool placement as it relates to private on-site sewage disposal.”

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

Kawartha Region Conservation Authority – Resources Planner: “Kawartha Conservation has no concerns with the approval of Minor Variance Application D20-2024-092 to facilitate the relocation of a previously existing above-ground swimming pool to the front yard towards Hummingbird Lane. A permit pursuant to

Ontario Regulation 41/24 will not be required prior to any development on the subject property.”

Public Comments:

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

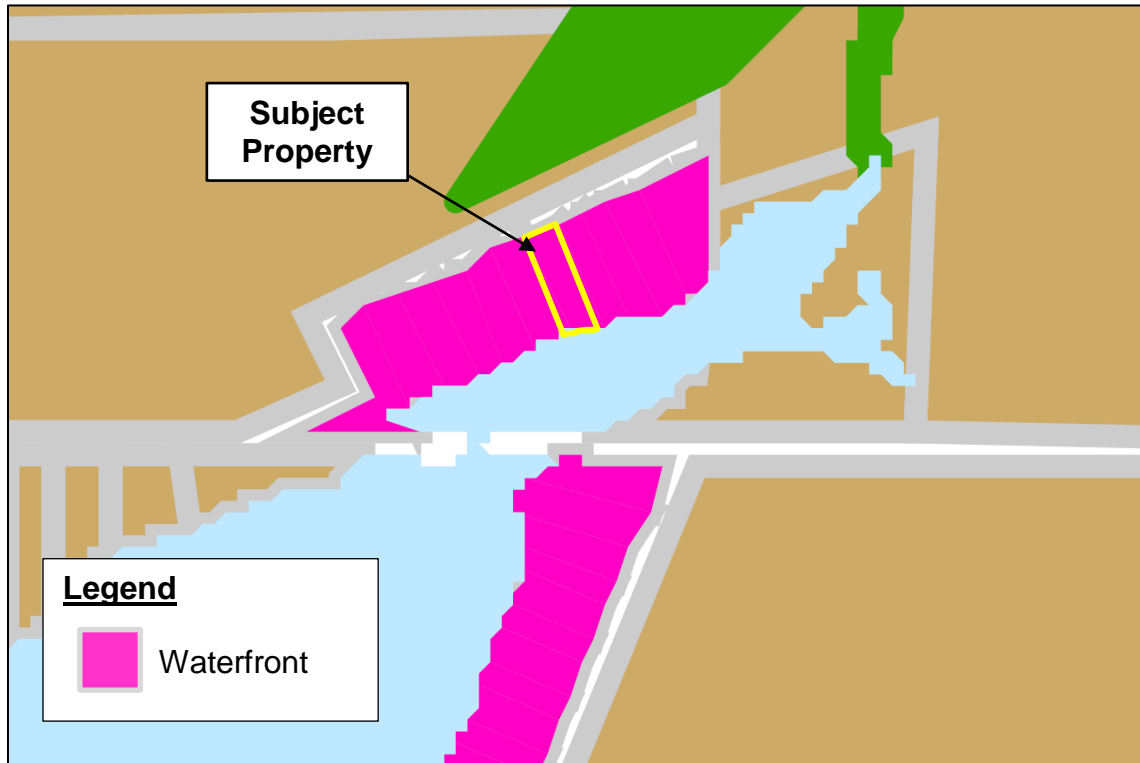
Attachments

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

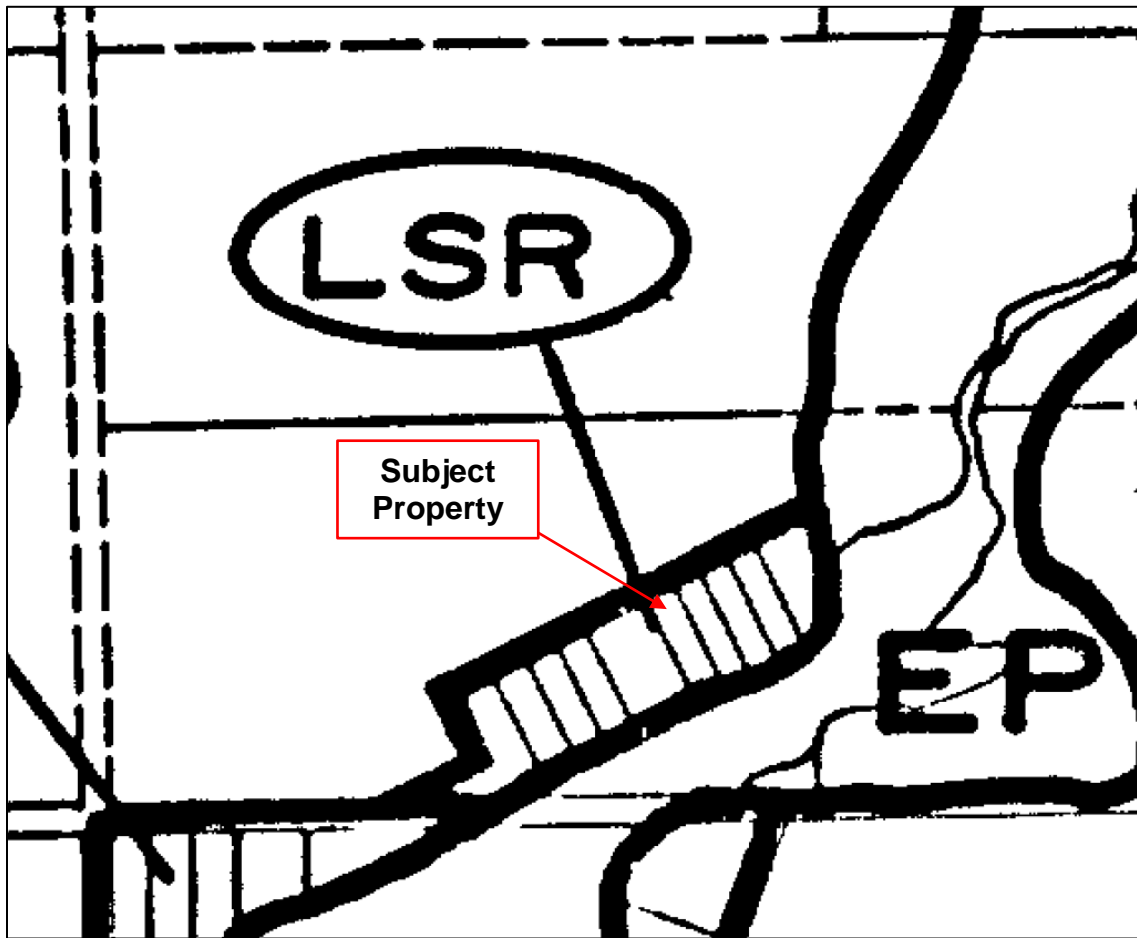
Phone: 705-324-9411 extension 1367
E-Mail: ashahid@kawarthalakes.ca
Department Head: Leah Barrie, Director of Development Services
Division File: D20-2024-092

Schedule 1 Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



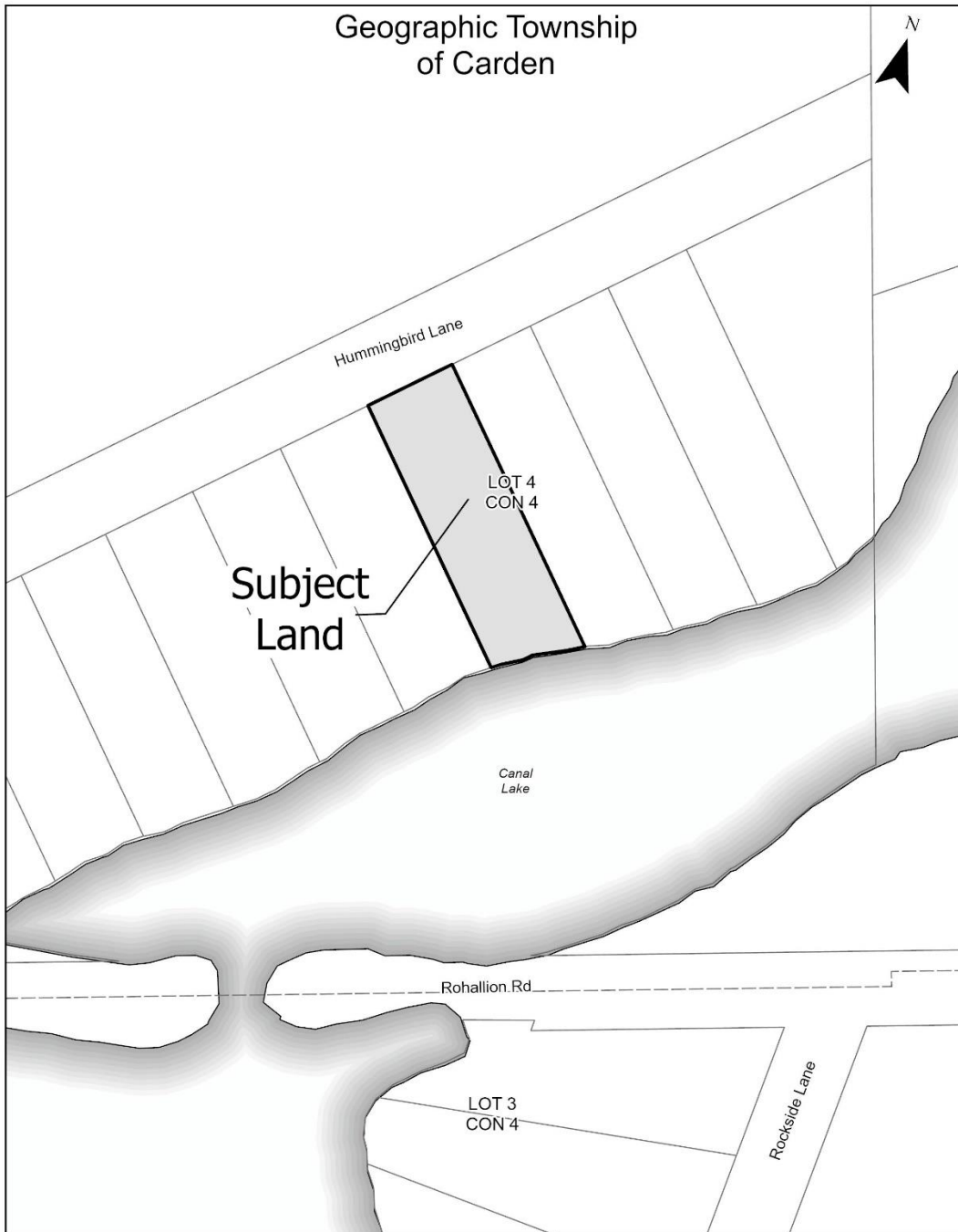
Township of Carden Zoning By-Law 79-2



to

LOCATION MAP

D20-2024-092



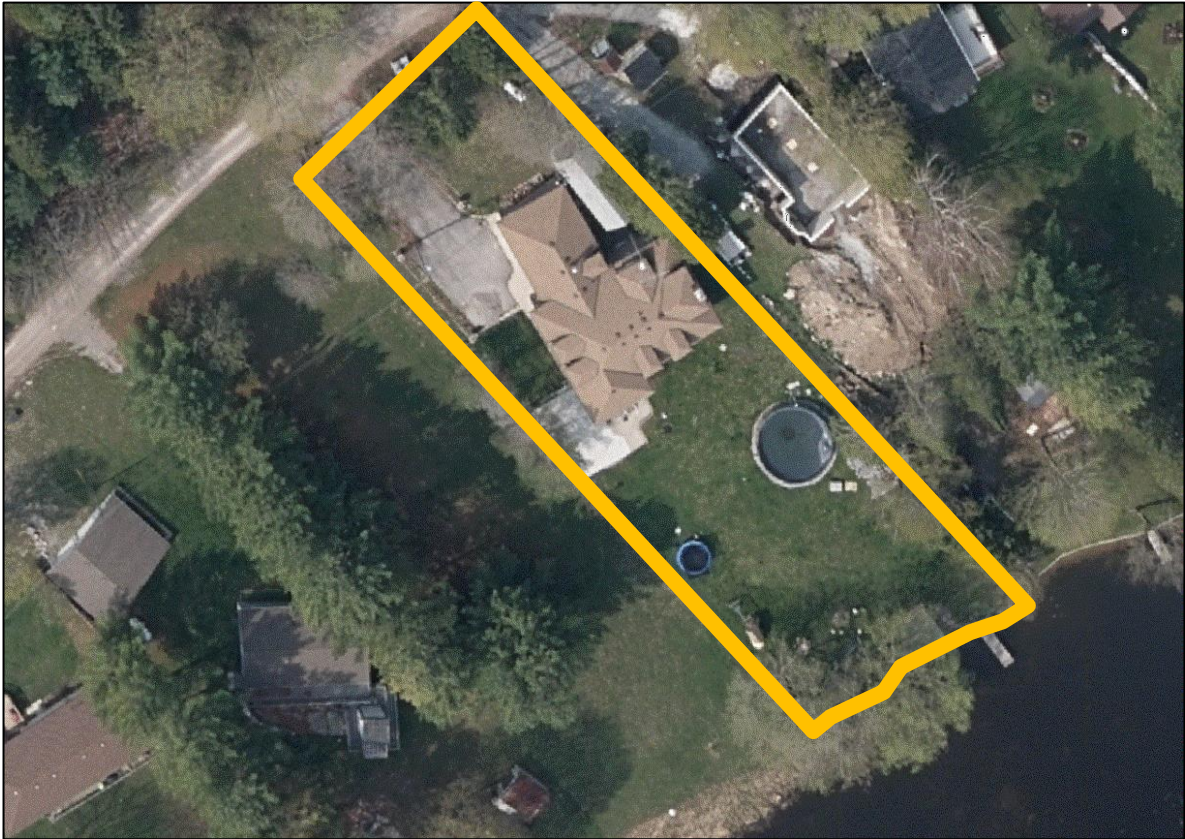
APPENDIX " B "

to

REPORT COA2025-002

FILE NO: D20-2024-092

AERIAL PHOTO (2023)



to

APPLICANT'S SKETCH

