

25. Re: Letter dated June 12, 1973 from Mr. Nick Houniet, 7181 Halifax Street
Swimming Pool

Appearing on the Agenda for the June 25, 1973 meeting of Council is a letter from Mr. Nick Houniet regarding the siting of a swimming pool in the backyard of his property.

In 1971, the Chief Building Inspector in a letter to the Secretary of the Board of Variance provided some pertinent information on portable pools that may contribute to a better understanding of the matter that is under consideration. Following is an excerpt from that letter:

"Section 12(2) of the Building Bylaw No. 5557 states that only swimming pools which are over 18" in depth and 150 sq.ft. in area are required to be covered by a building permit. It has not been the intention of the Bylaw to regulate pools which are used for other than recreational purposes, such as to enhance landscaping or as fishponds. If the swimming pool is over the above stated sizes, it would also come under the requirements of the Zoning Bylaw. Therefore the so-called "portable pool", which is getting larger and more flexible every year, falls under the category of "permanent pool" in the Building Bylaw and must observe all of the applicable requirements. However the problem is the "portable pools" of size to be regulated by Bylaw, are difficult to keep track of due to the method of retail merchandising from department stores without need of a contractor for on-site construction."

Following is a specific reply from the Chief Building Inspector regarding the letter from Mr. Houniet.

RECOMMENDATIONS:

THAT the request to allow the subject swimming pool to remain at its existing location be referred to the Board of Variance; and
THAT the Board be requested to give consideration to vary the side yard requirements and thus permit the present siting of the pool, but to require a minimum side yard of four feet with respect to the heater and filter building.

* * * * *

20 June, 1973

Mr. M. J. Shelley
MUNICIPAL MANAGER

Dear Sir:

Subject: 7181 Halifax Street
W. 60' Lot 2, Block 91 Pt., D.L. 135, Plan 10902
(Mr. N. Houniet)

A letter has been received by the Mayor and Council from Mr. Nick Houniet requesting Council's intervention in the siting of a pool Mr. Houniet has constructed in the back yard of his property.

The following information from the files of the Building Department pertains to this swimming pool installation on the above property.

1. April 30, 1973 - Gas fitting permit issued for a swimming pool heater, and a survey inspection requested for location of the gas pipe line from the dwelling to the proposed heater location. Location of gas line surveyed and accepted April 30, 1973.
2. May 1, 1973 - Survey inspection initiated by Building Department because no record in the Department of previous permit(s) having been issued for a swimming pool on the subject property.
3. May 2, 1973 - Gas pipe line installed, air tested, inspected and passed.

(cont'd)

Mr. M. J. Shelley
MUNICIPAL MANAGER

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ITEM 25

MANAGER'S REPORT NO. 47

COUNCIL MEETING June 25/73

4. May 2, 1973 -- Subject property inspected and swimming pool noted to be in place on the property. Also small metal building to house a filter and heater noted on the property. Owner notified of non-conforming location and made aware of Board of Variance.
5. May 7, 1973 -- Letter confirming inspection of May 2 sent to owner to notify of need for building permit for pool and heater building.
6. May 10, 1973 -- Owner visited Building Department, presented site plan of property with pool shown in conforming location and was granted permit.
7. There being no call for further inspection, the file was brought forward on June 12, 1973, and site inspection conducted June 13, 1973.
8. Letter to Mayor and Council from Mr. Nick Houniet received in Clerk's office June 15, 1973, and in Building Department on June 20, 1973.

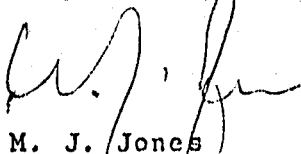
Observations:

1. Permit obtained by the owner on May 10 was based on inaccurate information tendered by the owner.
2. Some confusion exists in the public's mind over the need for permit for so-called "portable" pools. The increasing popularity of pools designed for packaged retail sale and assembly at home by the purchaser makes for difficulties in application of by-law requirements, as opposed to pools built in situ by contractors.
3. The Board of Variance is empowered under terms of the Zoning By-law subject to the Municipal Act to grant waiver of by-law requirements.

Recommendation:

The Building Department would recommend Mr. Houniet be referred to the Board of Variance, and the Board be asked to give consideration to allowing the pool to remain as sited, but the heater and filter building observe a minimum side yard of four feet.

Respectfully submitted,



M. J. Jones
CHIEF BUILDING INSPECTOR

MJJ:cmg