



**City of Kingston
Report to Committee of Adjustment
Report Number COA-20-008**

To: Chair and Members of Committee of Adjustment
From: Tim Fisher, Planner
Date of Meeting: January 20, 2020
Application for: Minor Variance
File Number: D13-054-2019
Address: 3370 Loughborough Road
Owner/Applicant: Michael Roy

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

Goal: See above

The additions will provide additional living space to an existing single-family dwelling in the rural area. The addition will result in a further mix of size and affordability in a residential area.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 3370 Loughborough Road. The purpose and effect of the application is to reduce the front yard setback to accommodate a front door verandah and to reduce the flood plain setback to recognize the second storey addition with roof deck and two small additions to the north and south on the main level.

The owner/applicant is proposing to renovate the existing dwelling. A 6.5 square metre front verandah is proposed to provide a mudroom for coats and shoes. The verandah will project approximately 1.5 metres from the wall of the existing dwelling. A variance is requested to reduce the minimum front yard setback requirement from 6.0 metres to 4.5 metres from the front property line.

January 20, 2020

Page 2 of 14

A 6.3 square metre addition is proposed along the northwest corner of the house which will square off the existing northern wall. A second ground floor addition is proposed along the southern wall which will widen the existing internal staircase by 0.3 metres (1 foot).

A second addition is proposed over the new ground floor footprint which will result in approximately 97 square metres of additional living space. A roof deck is proposed over a portion of the second storey addition which will result in a third storey interior access to the roof deck. The proposed height of the structure complies with the maximum height requirement of the 'R1' zone.

The existing dwelling is located 1.5 metres from the flood plain. The second floor addition will be built over the existing building footprint and its proposed two small additions. The dwelling will not be any closer to the water than what currently exists. The proposed ground floor additions and the second floor addition require a variance from the minimum flood plain setback requirement of 7.6 metres from a flood plain to 1.5 metres.

The site is located at 3370 Loughborough Road (Exhibit A – Key Map). The subject property is developed with a single-family dwelling and boat house which were constructed prior to the passing of Zoning By-Law Number 76-26. The property is designated Environmental Protection Area in the Official Plan and Zoned Residential Type One 'R1' in Zoning By-Law Number 76-26.

New development and site alteration, are prohibited in the flood plain as per Section 5.5 of the City of Kingston Official Plan and Section 6.3.3.2(1) of Cataraqui Region Conservation Authority (CRCA) Guidelines for Implementing Ontario Regulation 148/06.

Due to the extent of the flood plain on the subject property and resulting constraint to potential development, the proponent retained an engineering consultant to complete Slope and Erosion Assessment (Concord Engineering, September 18, 2019). This report helped identify the height of the bank, composition of material and identified an erosion allowance estimate based on site conditions and available information.

Based on the findings, the existing dwelling, proposed second storey and minor additions are all located outside the immediate erosion hazard. The dwelling is located within the 6 metre access allowance. However, similar to the situation with the flood plain setback, the second storey and minor additions will not further impede access and will be further from the hazard than existing development. CRCA staff are satisfied with the report methodology and findings and have no objection to the approval of the application, File Number D13-054-2019, based on their consideration for natural hazard, natural and cultural heritage, and water quality and quantity protection policies.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

January 20, 2020

Page 3 of 14

Recommendation:

It is recommended that minor variance application, File Number D13-054-2019, for the property located at 3370 Loughborough Road to reduce the setback from a flood plain and the front yard setback and to construct two ground floor additions, a front door vestibule and a second storey with roof top deck, be approved.

Variance 1:

By-Law Number 76-26: Section 5(6)(b) Minimum Flood Plain Setback
Requirement: 7.6 metres
Proposed: 1.5 metres
Variance Requested: 6.1 metres

Variance 2:

By-Law Number 76-26: Section 12(2)(c) Minimum Front Yard Setback
Requirement: 6.0 metres
Proposed: 4.5 metres
Variance Requested: 1.5 metres

Approval of the foregoing variance shall be subject to the following conditions:**1. Limitation**

That the approved variances apply only to the location of the single-detached dwelling as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Division a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make an application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

January 20, 2020

Page 4 of 14

4. Cataraqui Region Conservation Authority

The owner/applicant is advised that all development and site alteration proposed within 120 metres of the lake is subject to permission under Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses. This will apply to any development, construction, any associated grading, placement of fill or other site alteration. The application package can be downloaded from <https://crca.ca/wp-content/uploads/PDFs/Planning-Policy/2018-148-06-ApplicationPackage.pdf>.

5. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the City of Kingston's Planning Division (613-546-4291, extension 3180) must be immediately contacted.

In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132), and the City of Kingston's Planning Division (613-546-4291, extension 3180) must be immediately contacted.

January 20, 2020

Page 5 of 14

Authorizing Signatures:



Tim Fisher, Planner

In Consultation with the following Management of the Community Services Group:

Paige Agnew, Director, Planning, Building & Licensing Services

Lanie Hurdle, Chief Administrative Officer

January 20, 2020

Page 6 of 14

Options/Discussion:

On November 20, 2019, a minor variance application was submitted by the owner Michael Roy, with respect to the property located at 3770 Loughborough Road. The purpose and effect of the application is to reduce the front yard setback to accommodate a front door verandah and to reduce the flood plain setback to recognize the second storey addition with roof deck and two small additions to the north and south on the main level.

In support of the application, the applicant has submitted the following:

- Site Plan (Exhibit E);
- Elevations (Exhibit F); and
- CRCA Flood Plain Mapping (Exhibit G).

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using "Look-up a Specific Address". If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Site Characteristics

The subject property is located at 3370 Loughborough Road (Exhibit A – Key Map). The subject property has 34 metres of road frontage on Loughborough Road and water frontage on Loughborough Lake. The property is developed with an 89 square metre one-storey, single-detached dwelling.

The subject property is designated Environmental Protection Area in the Official Plan and zoned Residential Type One 'R1' in Zoning By-Law Number 76-26. The property abuts single-detached dwellings to the south and west, a boat launch to the north and Loughborough Lake to the east.

Application

The review of an application for minor variance is not a simple mathematical calculation, but rather a detailed assessment of whether the variance requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

Provincial Policy Statement

In addition to the four tests of a minor variance detailed below, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site-specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

January 20, 2020

Page 7 of 14

1) The general intent and purpose of the Official Plan are maintained

The subject property is designated Environmental Protection Area 'EPA' in the City of Kingston Official Plan (Exhibit C). Uses within the EPA are limited to those related to open space, conservation or flood protection, and must be approved in consultation with the Cataraqui Region Conservation Authority and the Ministry of Natural Resources, as appropriate. Such uses include water quality management uses, necessary flood control structures or works, erosion control structures or works, and existing agricultural uses. Recreational or educational activities, generally of a passive nature, may be permitted in suitable portions of Environmental Protection Areas only if such activity is not deemed to be harmful to the natural heritage system, does not involve the use of structures or buildings, and does not interfere with any necessary flood control measures.

The City of Kingston Official Plan seeks to protect the shoreline ecology by way of a natural area setback of 30 metres or a "ribbon of life" adjacent to the water (Section 2.8.3). The intent of the setback is to provide a buffer of undisturbed soil and vegetation along the shoreline, which will help to filter runoff, prevent soil erosion, and provide wildlife habitat.

The southwest end of Loughborough Lake is part of the provincially significant Loughborough Lake Wetland. The wetland in this location consists mainly of submerged aquatic vegetation.

The Provincially Significant Wetland 'PSW' is included in the Natural Heritage 'A' overlay of the Official Plan and is shown on Schedule 7B of the Plan. Section 6.1.8 of the Official Plan indicates that development and site alteration are not permitted on adjacent lands to Natural heritage 'A' features unless it has been demonstrated that there will be no negative impacts on the features or on their ecological functions. Adjacent lands are defined as 120 metres with respect to a 'PSW'. The typical mechanism to demonstrate no negative impact is through an Environmental Impact Assessment 'EIA'.

It is the opinion of CRCA staff that an 'EIA' for the proposal is not warranted given that the existing property is a developed residential lot and that the proposed new development includes a second storey dwelling and small additions with minimal additional footprint extending no closer to the wetland and lake than existing. It is anticipated that there will be no negative impacts to the 'PSW'.

CRCA staff recommends that the owner further protect water quality and the ecological integrity of the lake and shoreline, by maintaining and enhancing a healthy buffer of native vegetation within the 30 metre ribbon of life. Standard environmental best management practices such as the control of runoff and use of sediment and erosion controls during construction should also be followed.

In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan. The following provides these nine requirements and an assessment of how the proposal is consistent with each.

January 20, 2020

Page 8 of 14

1. The proposed development meets the intent of Section 2 Strategic Policy Direction, and all other applicable policies of this Plan;

The proposed application meets the intent of Section 2 of the Official Plan. The existing and proposed single-detached dwelling is consistent with the low density residential uses of the rural area. The use is permitted by the zone and is compatible with adjacent development in terms of the proposed built form.

Section 3.9.2 outlines the establishment of a 30 metre Ribbon of Life, which is a naturalized buffer along the waterfront that can help to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems. The lot at 3370 Loughborough Road is an existing lot of record and developed with a single-detached dwelling on private on-site services. As per Section 3.9.6, development on existing lots of record can occur within the 30 metre ribbon of life for a building which existed on the date of the adoption of the Plan, provided the enlargement does not further encroach into the water setback, subject to an Environmental Impact Assessment. The existing single-detached dwelling and its additions will not be located any closer to the water setback than what currently exists and therefore complies with Section 3.9.2 of the Official Plan. The Cataraqui Region Conservation Authority has reviewed the application and an Environmental Impact Assessment was not required as part of the proposal.

The lands are an existing lot of record that has been extensively developed for residential purposes prior to the date of the adoption of this Official Plan. The continuation of the residential uses is therefore permitted.

2. The proposed development will be compatible with surrounding uses, buildings or structures and development standards associated with adjacent properties, and if necessary, incorporate means of alleviating adverse effects on abutting land uses as recommended in Section 2.7 of this Plan;

The subject property is located in the rural area of the City. Loughborough Road was historically developed with seasonal cottages which over time have been renovated or redeveloped to year round single-detached dwellings. Development and/or land use change must demonstrate that the resultant form, function, and use of land are compatible with surrounding land uses (2.7.1). Land use compatibility matters and mitigation measures may be used to achieve development and land use compatibility.

The proposed renovations to the existing single-detached dwelling are similar in massing and floor area to other single-detached dwellings in the neighbourhood. The proposed additions will not be located any closer to Loughborough Lake. The owner/applicant is proposing a roof top deck which will provide a private outdoor amenity area. The roof top deck is proposed as an alternative to altering grades or constructing ground decks which would result in additional variances and impacts to the ribbon of life. There will be no loss of privacy due to intrusive overlook onto the abutting properties.

January 20, 2020

Page 9 of 14

3. The ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles or any other matter and means of improving such function including considerations for universal accessibility;

The site will continue to function for residential purposes. The single-detached dwelling will be serviced with private on-site services. The owner recently installed a new holding tank and obtained a permit to install a sewage disposal system from KFL&A Public Health Unit. Road access to parking will be maintained along the south side of the lot.

The proposal is in keeping with massing and character of the existing residential dwellings in the neighbourhood. Loughborough Drive is developed with a variety of one-storey and two-storey dwellings. The majority of the dwellings with water frontage along Loughborough Lake were constructed prior to current Official Plan policies regarding the ribbon of life. The existing dwelling on the property does not comply with current zoning by-law requirements therefore the additions to the existing dwelling requires zoning relief.

The existing dwelling is located within the 30 metre ribbon of life. CRCA staff has no objection to the requested variance as per their review (Exhibit H) and does not require an Environmental Impact Assessment as part of the application process.

4. The conformity of the proposal to any applicable urban design policies endorsed by Council, particularly if the site includes or could impact a built heritage resource or is within a Heritage District;

The subject lands are not located within or adjacent to a Heritage Conservation District or adjacent to a Part IV designated property.

5. If the site is designated under the *Ontario Heritage Act*, the application shall be reviewed by Heritage Kingston for approval. If the property is adjacent to a designated property under the *Ontario Heritage Act* or shown as a Heritage Area feature, or is affected by the protected views shown on Schedule 9 of this Plan, then a heritage impact statement may be required to assist staff to determine if the resulting *development* is desirable;

The subject site is not designated or listed under Part IV or V of the *Ontario Heritage Act*.

6. The resulting development has adequate municipal water and sewage services within the Urban Boundary, or is capable of providing individual on-site water and sewage services outside the Urban Boundary;

The subject property is located outside of the urban boundary, and is serviced by a private on-site water and sewage system.

7. Whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;

The proposed relief is minor and does not warrant a zoning by-law amendment.

January 20, 2020

Page 10 of 14

8. The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application for a minor variance including any reasonable requirements, recommendations of City departments, or the submission of studies as listed in Section 9.12 of this Plan that may be required to properly evaluate the application;

There are conditions of approval associated with the recommendation.

9. The degree to which such approval may set an undesirable precedent for the immediate area.

It is not anticipated that an undesirable precedent may be set through the approval of the requested variances.

The proposal meets the intent of the Official Plan, as the additions and renovations to the existing single-detached dwelling will not result in any negative impacts to adjacent properties or to the neighbourhood.

2) The general intent and purpose of the zoning by-law are maintained

The subject property is zoned Residential Type One ‘R1’ in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended (Exhibit D). The ‘R1’ zone permits a single detached dwelling subject to the requirements of Section 12 of Zoning By-Law Number 76-26.

The subject property has water frontage on Loughborough Lake and is subject to Section 5(6) regarding flood plains. A flood plain in Zoning By-Law Number 76-26 is defined as being the area below the high watermark of a waterbody. The location of the high watermark of a waterbody is determined by CRCA staff.

The existing dwelling was constructed prior to the passing of Zoning By-Law Number 76-26 therefore the existing dwelling does not comply with the current flood plain setback. The owner proposes to construct two small additions to the ground floor of the dwelling and a second storey addition with a roof deck. Any new development (additions) is required to comply with Section 5(6) which requires a setback of 7.6 metres from the flood plain. The additions will maintain a 1.5 metre (5 foot) setback from the flood plain therefore a variance is requested to reduce the flood plain setback from 7.6 metre to 1.5 metres.

The proposal requires a variance to:

Variance:

By-Law Number 76-26:	Section 5(6)(b) Minimum Flood Plain Setback
Requirement:	7.6 metres
Proposed:	1.5 metres
Variance Requested:	6.1 metres

CRCA staff have no objection to the approval of application, File Number D13-054-2019, based on their consideration for natural hazard, natural and cultural heritage, and water

January 20, 2020

Page 11 of 14

quality and quantity protection policies as the additions will not be any closer to the flood plain than what already exists.

The owner/applicant proposes a front verandah to the dwelling. Currently the front door opens into the living space and the verandah will provide an area to remove shoes and boots before entering into the dwelling. The dwelling is currently setback 6 metres from the front property line. The proposed verandah will project approximately 1.5 metres from the dwelling; therefore a variance is requested to reduce the front yard setback to 4.5 metre.

Variance:

By-Law Number 76-26:	Section 12(2)(c) Minimum Front Yard Setback
Requirement:	6.0 metres
Proposed:	4.5 metres
Variance Requested:	1.5 metres

Given the existing and proposed built form in the vicinity, the overall design and scale of the proposal is not anticipated to cause any adverse impacts on the adjacent residential properties. The proposal complies with all other requirements in the 'R1' zone.

The proposal complies with the general intent of Zoning By-Law Number 76-26.

3) The variance is minor in nature

The requested variances to permit two small ground floor additions to square off the existing dwelling and to construct a second storey addition with a roof deck is considered minor in nature and will not set an undesirable precedent. The single-family residential use will not change as a result of the application. There are no anticipated negative off-site impacts associated with the additions and renovations to the existing dwelling.

CRCA has no objection to the approval of this application as the dwelling will not be any closer to the flood plain than what currently exists.

The variance is minor in nature and meets the intent of the Official Plan.

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

The proposed variances represent desirable and appropriate development of the land and are not anticipated to create any adverse impacts on the adjacent properties. The design of the dwelling considers the topography and functionality of the lands, while maintaining the accessibility and usability of the existing structure. The modifications to the property are to increase the usability and accessibility of an existing residential parcel. The applicants are proposing to maintain the existing single-family dwelling use on the property and construct a second storey to provide bedrooms and a bathroom and provide a roof top deck for private outdoor amenity space. The roof deck and its internal access will comply with the maximum height requirement of the 'R1' zone.

January 20, 2020

Page 12 of 14

The development is deemed appropriate and meets the intent of the Official Plan.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Building Division | <input checked="" type="checkbox"/> Engineering Department | <input checked="" type="checkbox"/> Heritage (Planning Division) |
| <input checked="" type="checkbox"/> Finance | <input type="checkbox"/> Utilities Kingston | <input checked="" type="checkbox"/> Real Estate & Environmental Initiatives |
| <input checked="" type="checkbox"/> Fire & Rescue | <input type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> City’s Environment Division |
| <input type="checkbox"/> Solid Waste | <input type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |
| <input checked="" type="checkbox"/> CRCA | <input checked="" type="checkbox"/> KFL&A Health Unit | <input type="checkbox"/> Trans Northern Pipelines |
| <input type="checkbox"/> Parks Canada | <input type="checkbox"/> Eastern Ontario Power | <input type="checkbox"/> CFB Kingston |
| <input type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input type="checkbox"/> Kingston Airport | | |

Technical Comments

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment agenda.

Public Comments

At the time this report was finalized, there were no public comments or objections received in writing. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment agenda.

Previous or Concurrent Applications

There are no concurrent or relevant historic planning applications on the subject property.

Conclusion

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variances are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will permit the owner to construct additional living space and roof deck to an existing single family dwelling.

Existing Policy/By-Law:

The proposed application was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province’s and the City’s vision of development. The following documents were assessed:

January 20, 2020

Page 13 of 14

Provincial

Provincial Policy Statement, 2014

MunicipalCity of Kingston Official Plan
Zoning By-Law Number 76-26**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on January 20, 2020. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 8 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard.

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Tim Park, Manager, Development Approvals 613-546-4291 extension 3223

Tim Fisher, Planner 613-546-4291 extension 3215

Other City of Kingston Staff Consulted:

The application was circulated to the relevant internal departments and external agencies for review and comment. The responses to the technical circulation have been addressed in the technical review and included in this report.

Exhibits Attached:

Exhibit A Key Map

Exhibit B Public Notification Map

Exhibit C Official Plan Map


January 20, 2020

Page 14 of 14

- Exhibit D Zoning By-Law Map
- Exhibit E Site Plan
- Exhibit F Elevations
- Exhibit G CRCA Flood Plain Mapping
- Exhibit H CRCA Review



Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. © 2019 The Corporation of the City of Kingston.




COMMITTEE OF ADJUSTMENT
Key Map

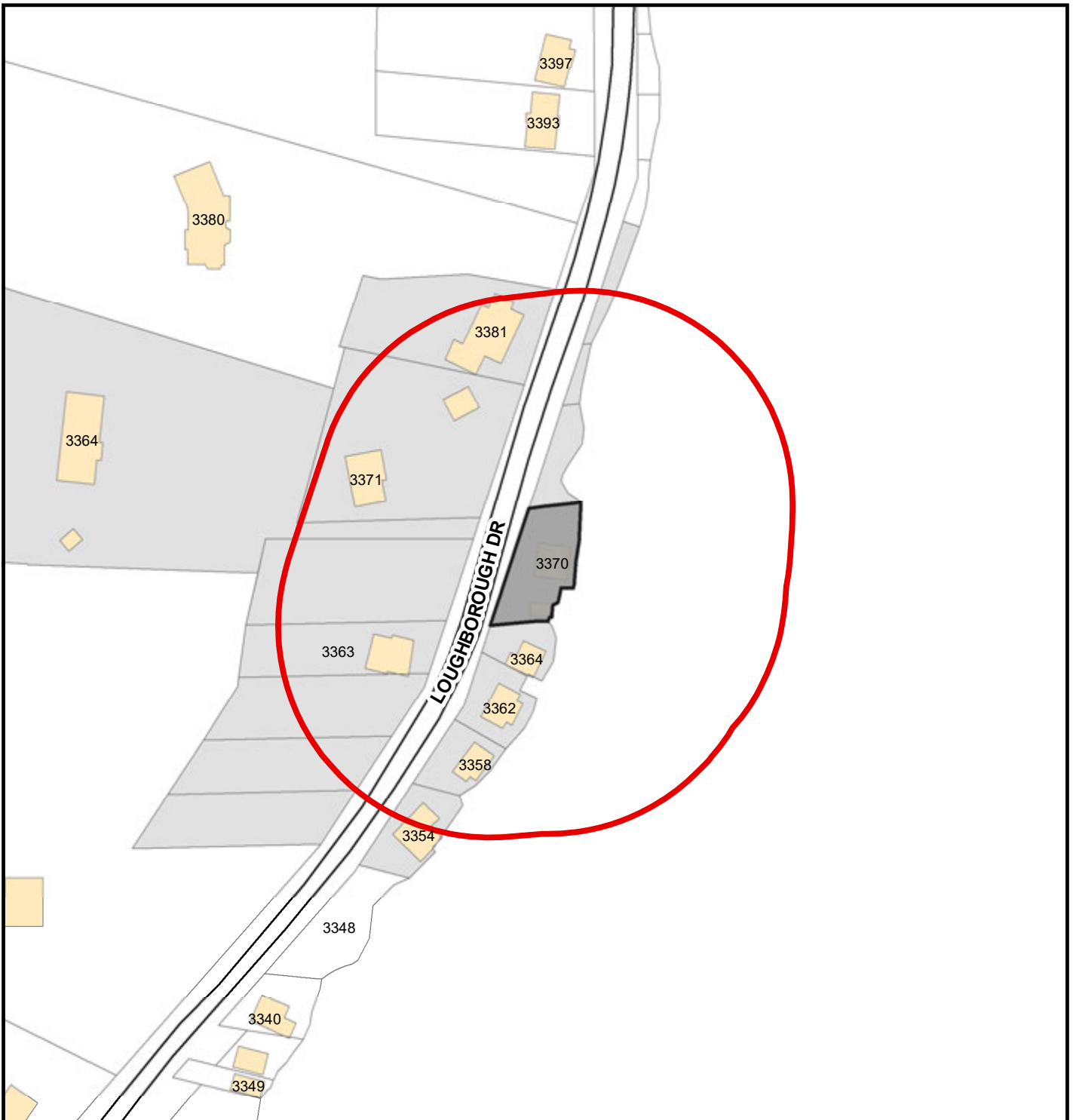
File Number: D13-054-2019
Address: 3370 Loughborough Drive

0 7.5 15 22.5 30 metres
1:1,500

DATE: 2019-12-02
PREPARED BY: rochefort



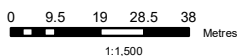
 Lands Subject to Minor Variance







Planning, Building
& Licensing Services
a department of
Community
Services

CITY OF KINGSTON
Public Notice Notification Map

File Number: D13-054-2019
Address: 3370 Loughborough Drive



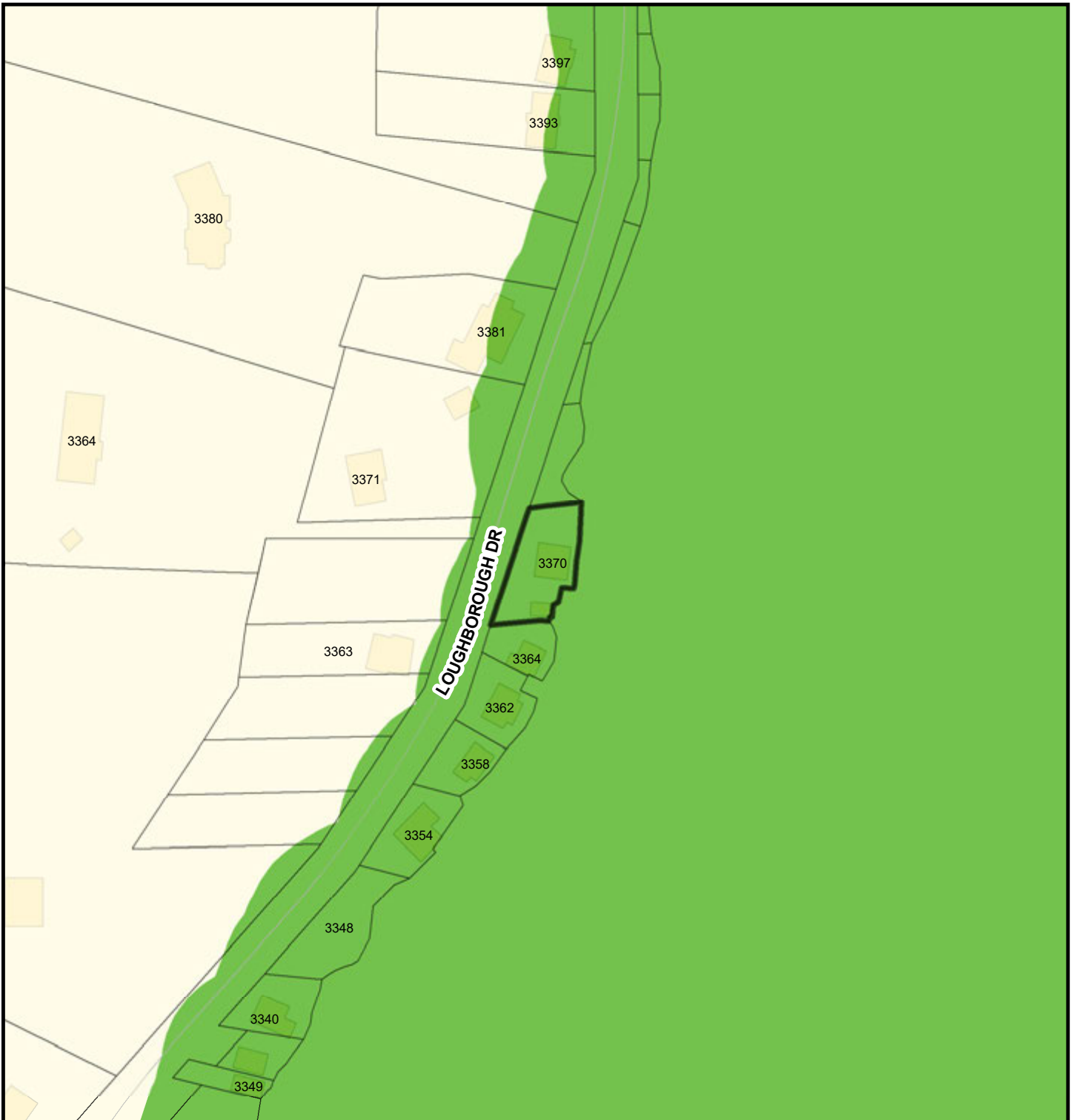
Legend

-  60m Public Notification Boundary
-  Subject Lands
-  Property Boundaries
-  8 Properties in Receipt of Notice (MPAC)



PREPARED BY: rrochefort
DATE: 2019-12-02

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston disclaims its responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. ©2019 The Corporation of the City of Kingston.

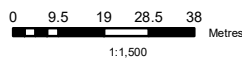


Planning, Building
& Licensing Services

a department of
Community
Services

CITY OF KINGSTON
Official Plan, Existing Land Use

File Number: D13-054-2019
Address: 3370 Loughborough Drive



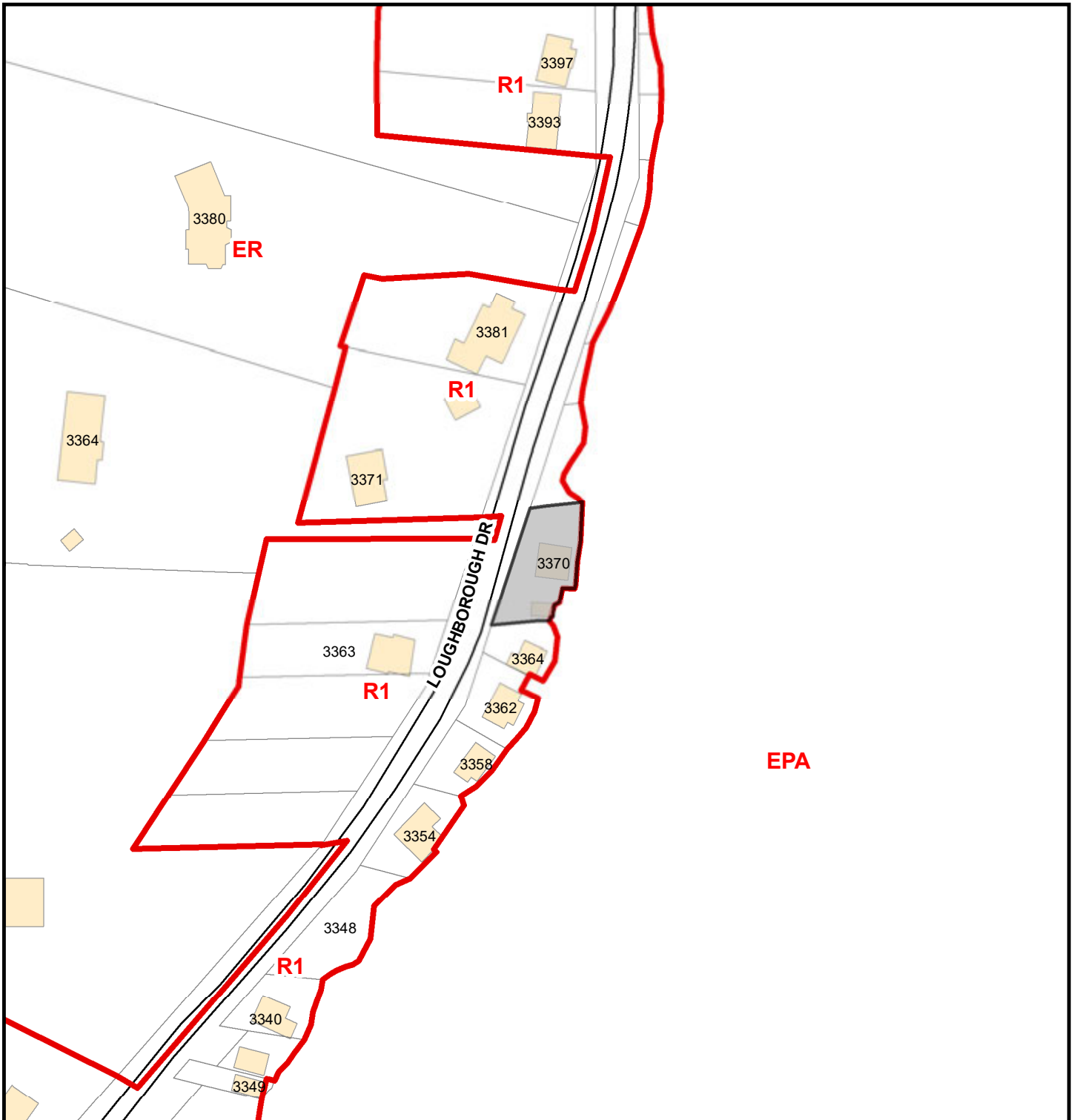
Legend

- Subject Lands
- ENVIRONMENTAL PROTECTION AREA
- RURAL



PREPARED BY: rochefort
DATE: 2019-12-02

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you acknowledge the copyright notice. The City of Kingston disclaims any responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. ©2019 The Corporation of the City of Kingston.

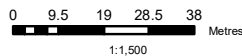


CITY OF KINGSTON
Existing Zoning - By-law 76-26, Map 1



Planning, Building
 & Licensing Services

File Number: D13-054-2019
 Address: 3370 Loughborough Drive

a department of
**Community
 Services**



Legend

-  Subject Lands
-  Consolidated Zoning



PREPARED BY: rrochefort
 DATE: 2019-12-02

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you acknowledge the copyright notice. The City of Kingston disclaims any responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. ©2019 The Corporation of the City of Kingston.









3370 Loughborough Lake Drive



- Parcels
 - Spill Way
 - ▲ Flood Prone Zones
 - Official CRCA Flood Plain
- Data Limits**
- LiDAR Limit
 - Study Limit

1:500
 November 27, 2019
 Full Disclaimer: <http://crca.ca/disclaimer/>
 Copyright: Cataraqui Region Conservation Authority
 Credits: Ministry of Natural Resources and Forestry
 Ministry of Natural Resources and Forestry, City of Kingston, MPAC, Loyalist Township, County of Frontenac, Ministry of Transportation, Ministry of Health



CATARAQUI REGION CONSERVATION AUTHORITY

1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0
Phone: (613) 546-4228 Toll Free (613 area code): 1-877-956-CRCA
Fax: (613) 547-6474 E-mail: info@crca.ca
Websites: www.crca.ca & www.cleanwatercataraqui.ca

Member of



December 6, 2019

File: MV/CKN/290/2019

Sent by DASH

Mr. Tim Fisher
Planner
Planning and Development Department
Community Services
City of Kingston

Dear Mr. Fisher:

**Re: Application for Minor Variance D13-054-2019
3370 Loughborough Lake Drive / Loughborough Lake**

Staff of Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted application and provide the following comments regarding the proposal with reference to CRCA roles as a technical advisor to the City on *Planning Act* applications, and as administrator of Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses.

Summary of Proposal

The proposal involves the construction of a second storey on the existing single detached dwelling, a new veranda on the west side and minor additions on the north and south sides. Variances from Zoning By-law 76-26 are requested to reduce the front yard setback for the veranda and to reduce the flood plain setback to recognize the second storey addition and the two small additions to the north and south.

Please note that our comments are based on the proposal including the second storey addition and minor additions only and not an entire reconstruction of the dwelling. **Should the proposal involve a complete rebuild of the dwelling, our comments and regulatory requirements would change significantly.**

Discussion

The main interests of CRCA in this application are the avoidance of flooding and erosion hazards associated with Loughborough Lake, the protection of the provincially significant Loughborough lake South Wetland and protection of water quality and ecological integrity of the lake.

Flooding

The CRCA, through our implementation of Ontario Regulation 148/06 and, in accordance with the natural hazards policies of the 2014 Provincial Policy Statement, directs development away from lands subject to natural hazards (e.g. flooding, erosion, etc.).

The existing dwelling is located close to the shoreline of the lake with the closest point approximately 2.8 m from the water's edge.

The flood plain of the lake has an elevation of 125.1 m GSC and reaches partway up the shoreline onto the property. CRCA requirements under Ontario Regulation 148/06 do not allow new buildings or structures within 6 m horizontal from the flood plain. We note that this is slightly less than the 25 ft (7.5 m) requirement in Zoning By-law 76-26.

The closest part of the ground floor from the flood plain is currently 1.2 m. The second storey and additions will be no closer to the flood plain than existing and will be elevated high above the area subject to flood risk. Access to and around the building will not be impeded by the proposed second storey and additions.

In conclusion, the proposal will not create additional flood risk and can be supported by CRCA staff.

Erosion

The extent of the erosion hazard associated with the shoreline is known as the “Erosion Hazard Limit”. For Loughborough Lake, CRCA uses a stable slope allowance plus toe erosion allowance and a 6 m access allowance to define the extent of the erosion hazard limit.

At the request of CRCA staff, a Slope and Erosion Assessment (Concord Engineering, September 18, 2019) was completed in support of the proposed development. The report involved site-specific geotechnical investigation. This report helped identify the height of the bank, composition of material and identified an erosion allowance estimate based on site conditions and available information. CRCA staff are satisfied with the report methodology and findings.

Based on the findings, the existing dwelling, proposed second storey and minor additions are all located outside immediate erosion hazard. The dwelling is located within the 6 m access allowance. However, similar to the situation with the flood plain setback, the second storey and minor additions will not further impede access and will be further from the hazard than existing development.

We note that the report recommends necessary repairs and maintenance to the existing concrete shorewall and recommends underpinning of the existing dwelling foundation. These recommendations have been implemented by the landowner. Long term maintenance of the shorewall will be made a condition of CRCA permit approval, should the minor variance be approved.

The proposal is consistent with CRCA requirements relating to erosion hazard avoidance.

Loughborough Lake and Provincially Significant Wetland

The southwest end of Loughborough Lake is part of the provincially significant Loughborough Lake Wetland. The wetland in this location consists mainly of submerged aquatic vegetation.

The Provincially Significant Wetland (PSW) is included in the Natural Heritage ‘A’ overlay of the Official Plan and is shown on Schedule 7B of the Plan. Section 6.1.8 of the Official Plan indicates that development and site alteration are not permitted on adjacent lands to Natural heritage ‘A’ features unless it has been demonstrated that there will be no negative impacts on the features or on their ecological functions. Adjacent lands are defined as 120 metres with respect to a PSW. The typical mechanism to demonstrate no negative impact is through an Environmental Impact Assessment (EIA).

It is the opinion of CRCA staff that an EIA for the proposal is not warranted given that the existing property is a developed residential lot consisting and that the proposed new development includes a second storey dwelling and small additions with minimal additional footprint extending no closer to the wetland and lake

than existing. We do not anticipate negative impacts to the PSW. Please refer to the recommended best management practices in the section below.

Water Quality / Ecological Integrity

The City of Kingston Official Plan seeks to protect the shoreline ecology by way of a natural area setback of 30 metres or a “ribbon of life” adjacent to the water (section 2.8.3). The intent of the setback is to provide a buffer of undisturbed soil and vegetation along the shoreline, which will help to filter runoff, prevent soil erosion, and provide wildlife habitat.

CRCA can support the proposed development on the basis that there will be no additional encroachment into the water setback. Disturbance to soil mantle and removal of vegetation will be limited to the small additions located on the north and south of the dwelling.

In order to further protect water quality and the ecological integrity of the lake and shoreline, we recommend the applicant maintain and enhance a healthy buffer of native vegetation within the 30 m ribbon of life. Standard environmental best management practices such as the control of runoff and use of sediment and erosion controls during construction should also be followed.

Recommendation

Staff have no objection to the approval of application D13-054-2019 based on our consideration for natural hazard, natural and cultural heritage, and water quality and quantity protection policies.

CRCA Plan Review Fee

The CRCA has a Fee Schedule for its review of *Planning Act* applications and supporting reports. Our fee for the review of an application for minor variance is \$400. **We request that this fee be submitted to the CRCA at the applicant’s earliest convenience.**

Regulatory Requirements

We note that all development and site alteration proposed within 120 metres of lake is subject to permission under Ontario Regulation 148/06: *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*. This will apply to the dwelling additions, any associated grading, placement of fill or other site alteration. Permit review and approval would proceed once the minor variance is granted. The application package can be downloaded from <https://crca.ca/wp-content/uploads/PDFs/Planning-Policy/2018-148-06-ApplicationPackage.pdf>.

If you have any questions please contact the undersigned at (613) 546-4228 ext. 228, or by e-mail at mdakin@crca.ca. Please inform this office of any decision made by the Committee of Adjustment regarding this application.

Yours truly,



Michael Dakin MCIP, RPP
Resource Planner

cc: Mike Roy, Applicant, via email