



**City of Kingston**  
**Report to Committee of Adjustment**  
**Report Number COA-20-015**

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**To:** Chair and Members of Committee of Adjustment  
**From:** Tim Fisher, Planner  
**Date of Meeting:** February 24, 2020  
**Application for:** Minor Variance  
**File Number:** D13-062-2019  
**Address:** 1674 Jackson Boulevard  
**Owner:** John Donihee and Susan Cross  
**Applicant:** Richard Stethem, Wentworth Landscapes

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**Council Strategic Plan Alignment:**

Theme: 5. Foster healthy citizens and vibrant spaces

Goal: See above

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 1674 Jackson Boulevard. The applicant is proposing to reduce the water setback requirement to permit alterations to the existing deck, stairs and retaining walls at the rear of the single detached dwelling.

The requested minor variance is consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 32-74. The requested minor variance is 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.

**February 24, 2020****Page 2 of 12****Recommendation:**

**That** minor variance application, File Number D13-062-2019, for the property located at 1674 Jackson Boulevard to reduce the water setback requirement to permit alterations to the existing deck, stairs and retaining walls at the rear of the single detached dwelling, be **Approved**.

**Variance Number 1:**

**By-Law Number 32-74:** Section 5(22) Water Setbacks

**Requirement:** Notwithstanding any provisions of Sections 7 through 25 inclusive to the contrary, no building or structure other than a marine facility or a marina shall be located less than 15 metres from a flood plain.

**Proposed:** 0 metres from flood plain

**Variance Requested:** 15 metres

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

That the approved variance applies only to the rear deck, stairs and retaining walls 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.

**4. 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.

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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.

**February 24, 2020**

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**Authorizing Signatures:**

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**Tim Fisher, Planner**

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

Paige Agnew, Commissioner of Community Services

Lanie Hurdle, Interim Chief Administrative Officer

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**Options/Discussion:**

On December 13, 2019, a minor variance application was submitted by Richard Stethem, Wentworth Landscapes, on behalf of the owner, John Donihee and Susan Cross, with respect to the property located at 1674 Jackson Boulevard. The variance is requested to reduce the water setback requirement to permit alterations to the existing deck, stairs and retaining walls at the rear of the single detached dwelling.

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

- Site Plan Existing (Exhibit E)
- Site Plan Proposed (Exhibit F)
- Survey (Exhibit H)

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 1674 Jackson Boulevard (see attached Key Map). The property is designated Environmental Protection Area 'EPA' and Estate Residential in the Official Plan and zoned Residential Type One 'R1' zone in Zoning By-Law Number 32-74

**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 above, 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.

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

The subject property is designated 'Estate Residential' with some 'Environmental Protection Area' in the City of Kingston Official Plan (Exhibit C – Official Plan, Land Use). The Estate Residential designation captures limited areas of residential land use in rural areas and is intended for detached houses and any common recreation or open space areas recognized in the zoning by-law (Section 3.12.16). The existing single detached

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dwelling, detached garage and rear decking is consistent with the uses contemplated within the Estate Residential designation.

The 'Environmental Protection Area' (EPA) designation includes a 30 metre buffer along the shoreline of St Lawrence River and the Madoma Marsh which is a Provincially Significant Wetland. Schedule 7 (Natural Heritage A) of the Official Plan, identifies the 'riparian habitat' on the subject property, associated with the watercourse.

The EPA designation recognizes lands that have inherent environmental sensitivity and is intended to preserve the ecosystem role that EPAs play in sustaining the natural heritage system of the City and the broader region. Uses permitted in EPA designations are limited to those related to open space, conservation or flood protection. The existing shoreline buffer on the property is pre-disturbed with limited natural features and function. The proposal will not result in any substantial change in the amount of hardened surface and structures within the buffer and there will be no additional encroachment into the water setback. Some additional landscaping features would result in a modest improvement in vegetation. In order to further protect water quality and the ecological integrity of the St. Lawrence River and shoreline, The Cataraqui Region Conservation Authority (CRCA) recommends the applicant maintain and enhance a healthy buffer of native vegetation within the 30 m ribbon of life.

Policy 3.10.11 of the Official Plan allows the City to require an Environmental Impact Assessment in support of applications for development on lands adjacent to an Environmental Protection Area. The scope of the EIA is to be determined in consultation with the CRCA and/or other appropriate agency or Ministry. The CRCA reviewed the subject application and have indicated that an EIA is not warranted in support of the application, due to the existing property being a developed residential lot and that the proposal involves replacement and reconfiguration of existing structures and landscaping features. Additional development will not encroach closer to the wetland than existing.

The CRCA have no objection to the approval of application D13-062-2019 based on their consideration for natural hazard, natural and cultural heritage, and water quality and quantity protection policies.

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.

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

The subject property is developed with an existing single family dwelling and detached garage on private on-site services. A multi-tiered rear deck is located at the rear of the dwelling which provides amenity space and access to the dock and water along St Lawrence River. The owner proposes to alter the existing deck to include new stairs,

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retaining walls and provide safe access to the existing hot tub. The proposal will meet the intent of Section 2 of the Official Plan as it will maintain the existing residential use of the property and will not result in any further impacts on the flood plain or St Lawrence River than what currently exists.

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 proposal will maintain the existing residential use and is compatible with existing development on waterfront lots on Treasure Island. The renovations to the deck will be located within the area of the existing deck and will not result in any loss of privacy or intrusive overlook on abutting properties. The proposal will not result in any new environmental damage or degradation. The renovations to the deck will include the relocation of a set of stairs, the construction of retaining walls and provide safe access to the existing hot tub. The variances will provide the owners with the ability to enjoy their property with safe access to the water and providing accessible and safe outdoor areas.

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 I) and does not require an Environmental Impact Assessment as part of the application process

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 subject site will continue to function in an appropriate manner as road access will be maintained along Jackson Boulevard and parking will be located within the detached garage in the front yard. Access to the rear yard and deck will be maintained along the east and west side of the dwelling.

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*.

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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.

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 proposed alterations to the existing deck 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' zone in the City of Kingston Zoning By-Law Number 32-74, entitled "Township of Pittsburgh Zoning By-Law", as amended. The 'R1' zone permits a single detached dwelling. The proposal will comply with the requirements of the 'R1' zone. The proposed alteration to the existing rear deck is subject to the setback from the Water Setback provisions of Section 5(22).

The existing deck is constructed within the water setback requirement. The owner proposes to relocate a set of steps and redesign a portion of the ground deck by constructing retaining walls. A small portion of the ground deck in the upper eastern part will provide safe access to the existing hot tub. There are steps which lead from the ground deck to the dock along the water therefore the owner is required to obtain a variance to reduce the water setback for the location of the existing stairs, deck, retaining walls and the proposed renovations which will result in a setback of 0 metres. The proposed setback will not be along the entire water frontage however it will only apply to the location of the existing deck and the proposed renovation.

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**Variance Number 1:****By-Law Number 32-74:** Section 5(22) Water Setbacks**Requirement:**

Notwithstanding any provisions of Sections 7 through 25 Inclusive to the contrary, no building or structure other than a marine facility or a marina shall be located less than 15 metres from a flood plain.

**Proposed:** 0 metres from flood plain**Variance Requested:** 15 metres

CRCA staff has no objection to the approval of application, File Number D13-062-2019, based on their consideration for natural hazard, natural and cultural heritage, and water quality and quantity protection policies as the existing deck and its renovations will not be any closer to the flood plain than what already exists.

The proposal complies with the general intent of Zoning By-Law Number 32-74

**3) The variance is minor in nature**

The requested variance to recognize the existing deck and its renovations are 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 deck 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 proposal will maintain the existing residential use and is compatible with existing development on waterfront lots on Treasure Island. The renovations to the deck will be located within the area of the existing deck and will not result in any loss of privacy or intrusive overlook on abutting properties. The proposal will not result in any new environmental damage or degradation. The renovations to the deck will include the relocation of a set of stairs, the construction of retaining walls and safe access to the existing hot tub. The variances will provide the owners with the ability to enjoy their property with safe access to the water and providing accessible and safe outdoor areas.

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 I) and does not require an Environmental Impact Assessment as part of the application process

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**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 checked="" 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 checked="" 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 are no written public concerns or objections received. 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 variance maintains the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 32-74. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance is 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 recognize the existing deck located at the rear of the single detached dwelling and permit renovations which include the relocation of a set of stairs, constructing retaining walls and provide safe access to the existing hot tub within the confines of the existing deck, which overall will provide the applicant with safe access to the dock and defined amenity space at the rear of the dwelling.

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**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:

**Provincial**

Provincial Policy Statement, 2014

**Municipal**

City of Kingston Official Plan  
Zoning By-Law Number 32-74

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on February 24, 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:**

Not applicable

**Financial Considerations:**

Not applicable

**Contacts:**

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

Tim Fisher, Planner 613-564-4291 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.

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**Exhibits Attached:**

Exhibit A Key Map

Exhibit B Public Notification Map

Exhibit C Official Plan Map

Exhibit D Zoning By-Law Map

Exhibit E Site Plan (Existing)

Exhibit F Site Plan (Proposed)

Exhibit H Survey

Exhibit I Cataraqui Region Conservation Authority (CRCA) Comments



COMMITTEE OF ADJUSTMENT

**Key Map**

File Number: D13-062-2019

Address: 1674 Jackson Boulevard

0 7.5 15 22.5 30 metres  
1:1500



**CONTEXT MAP**

DATE: 2020-01-10  
PREPARED BY: rrochefort



Lands Subject to Minor Variance



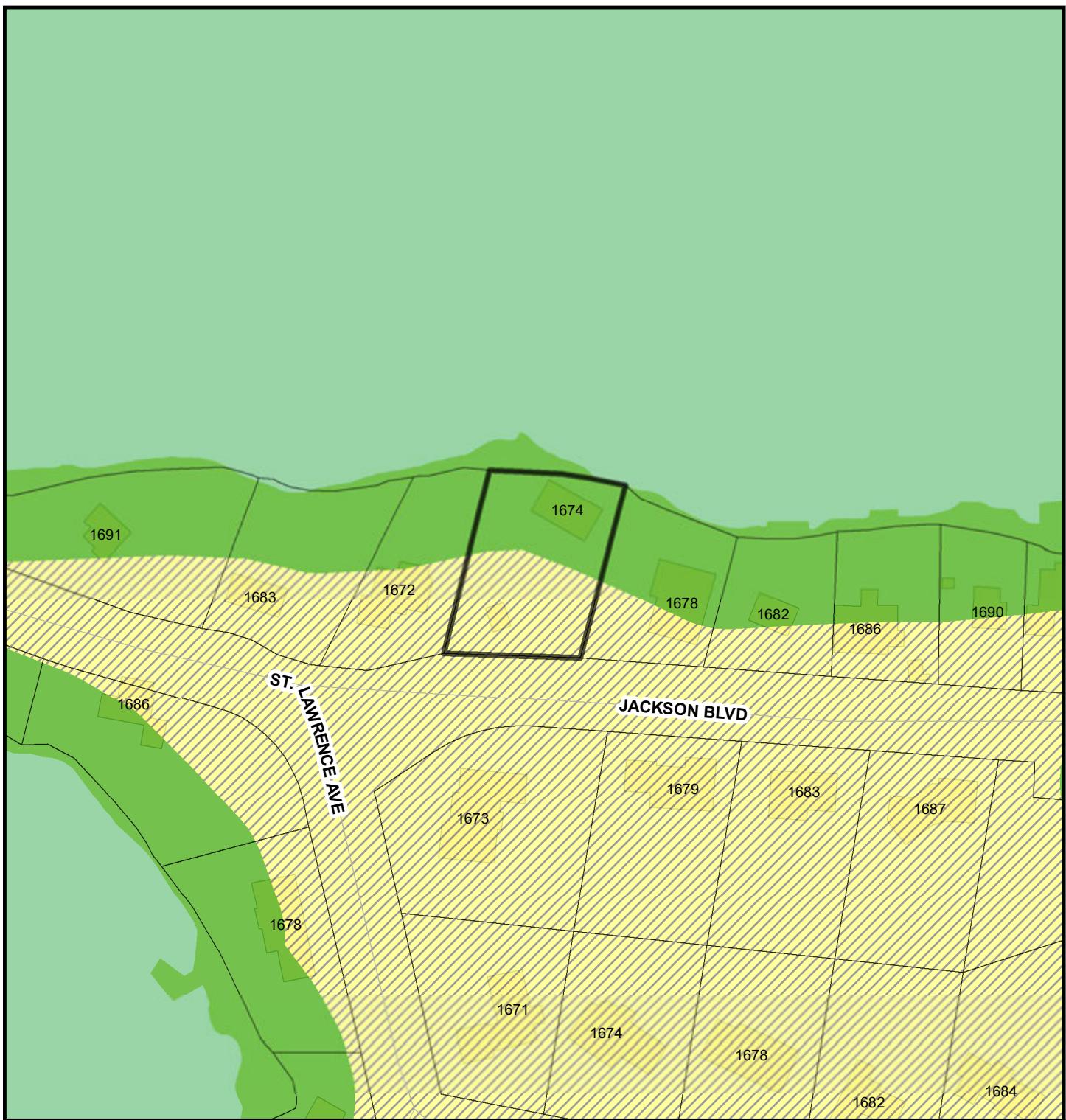
**CITY OF KINGSTON  
Public Notice Notification Map**

File Number: D13-062-2019  
Address: 1674 Jackson Boulevard

0 9.5 19 28.5 38 Metres  
1:1,500

**Legend**

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



COMMITTEE OF ADJUSTMENT  
**Official Plan, Existing Land Use**



Planning, Building & Licensing Services

a department of  
Community Services

File Number: D13-062-2019  
Address: 1674 Jackson Boulevard

0 9.5 19 28.5 38 Metres  
1:1,500

Legend

- Subject Lands
- ENVIRONMENTAL PROTECTION AREA
- ESTATE RESIDENTIAL

PREPARED BY: rrochefort  
DATE: 2020-01-10

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COMMITTEE OF ADJUSTMENT  
**Existing Zoning - By-law 32-74, Map 1**

File Number: D13-062-2019  
Address: 1674 Jackson Boulevard

Legend



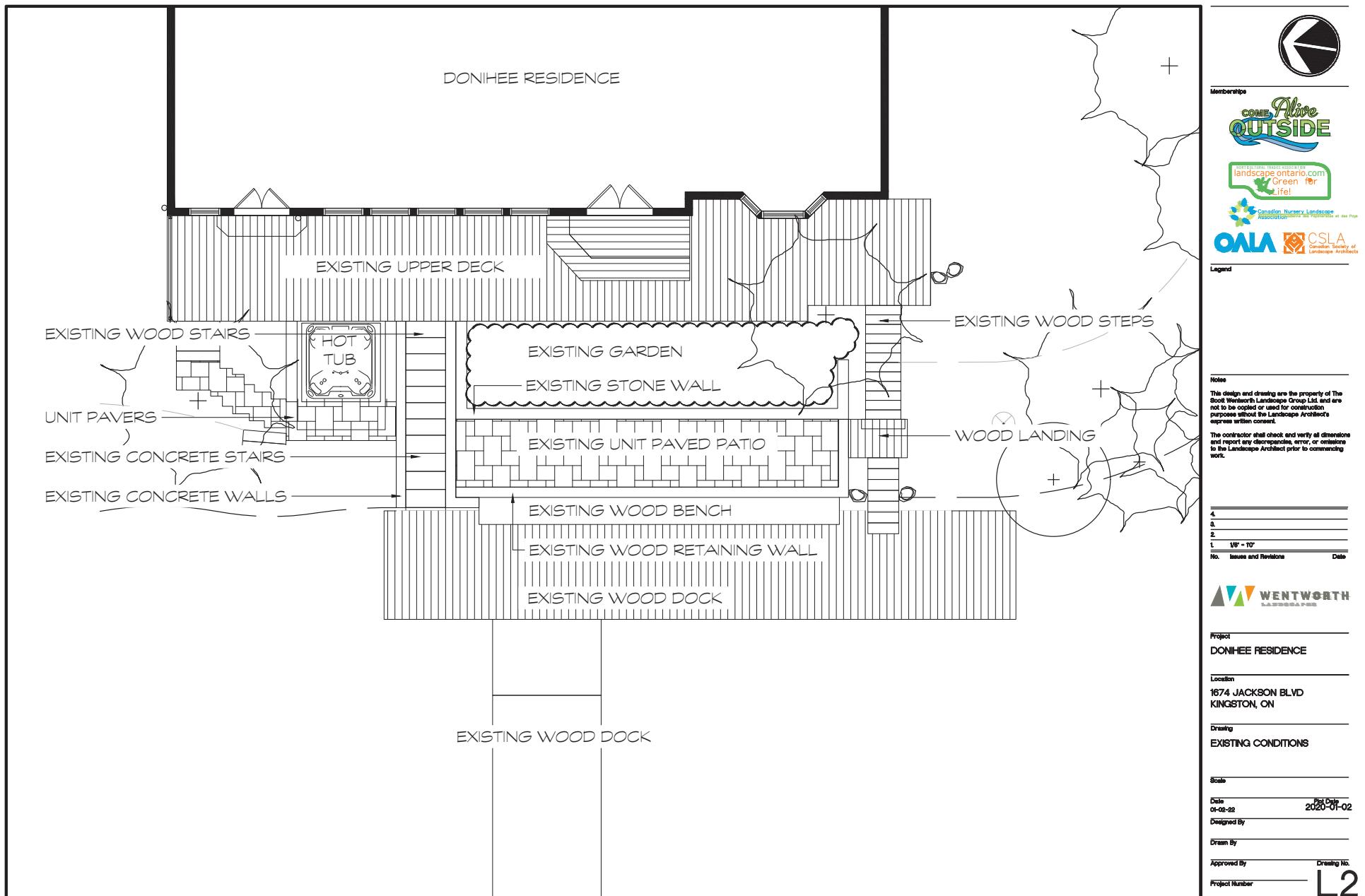
- Subject Lands (Grey Box)
- Consolidated Zoning (Red Box)

0 9.5 19 28.5 38 Metres  
1:1,500

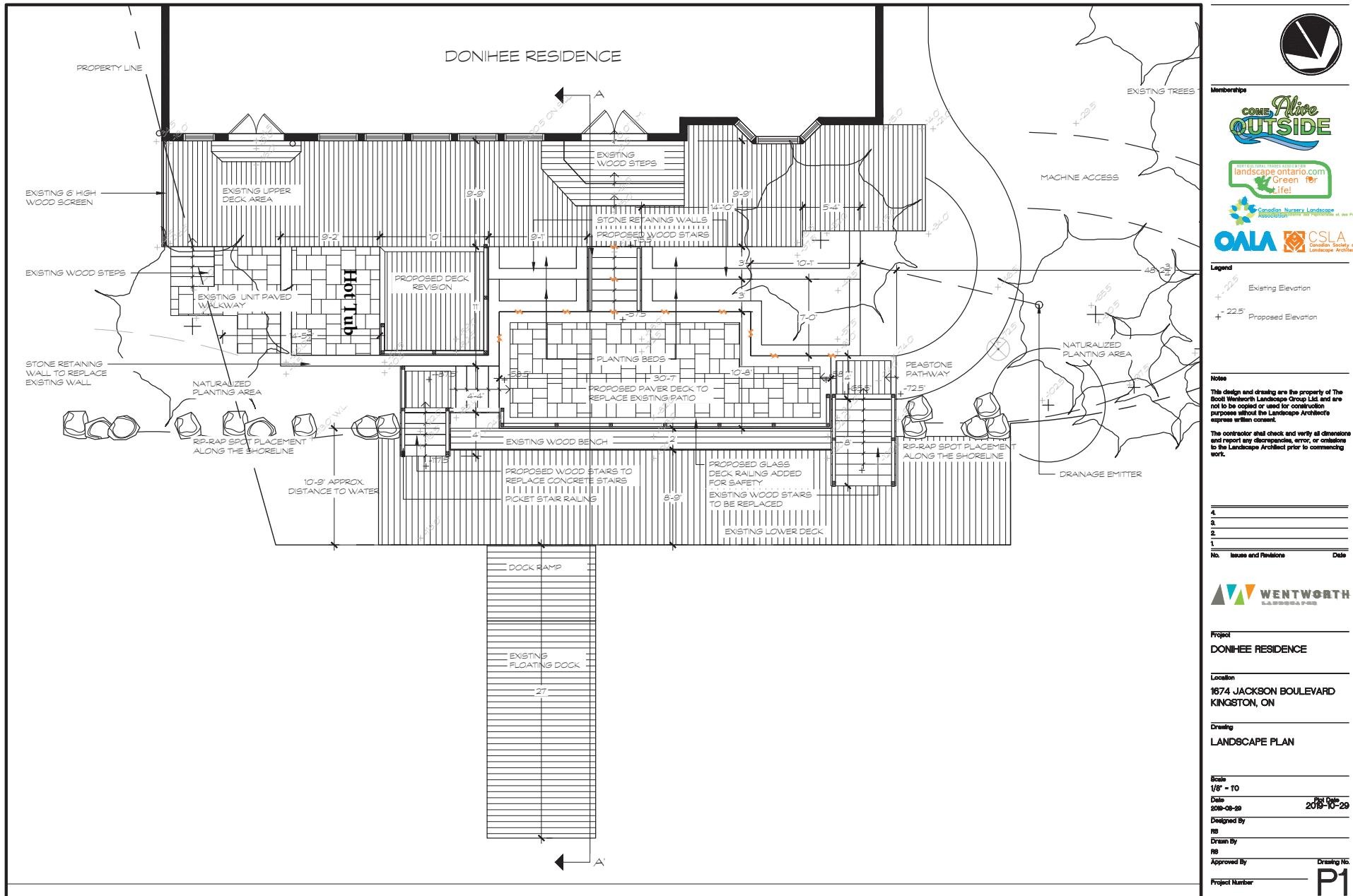
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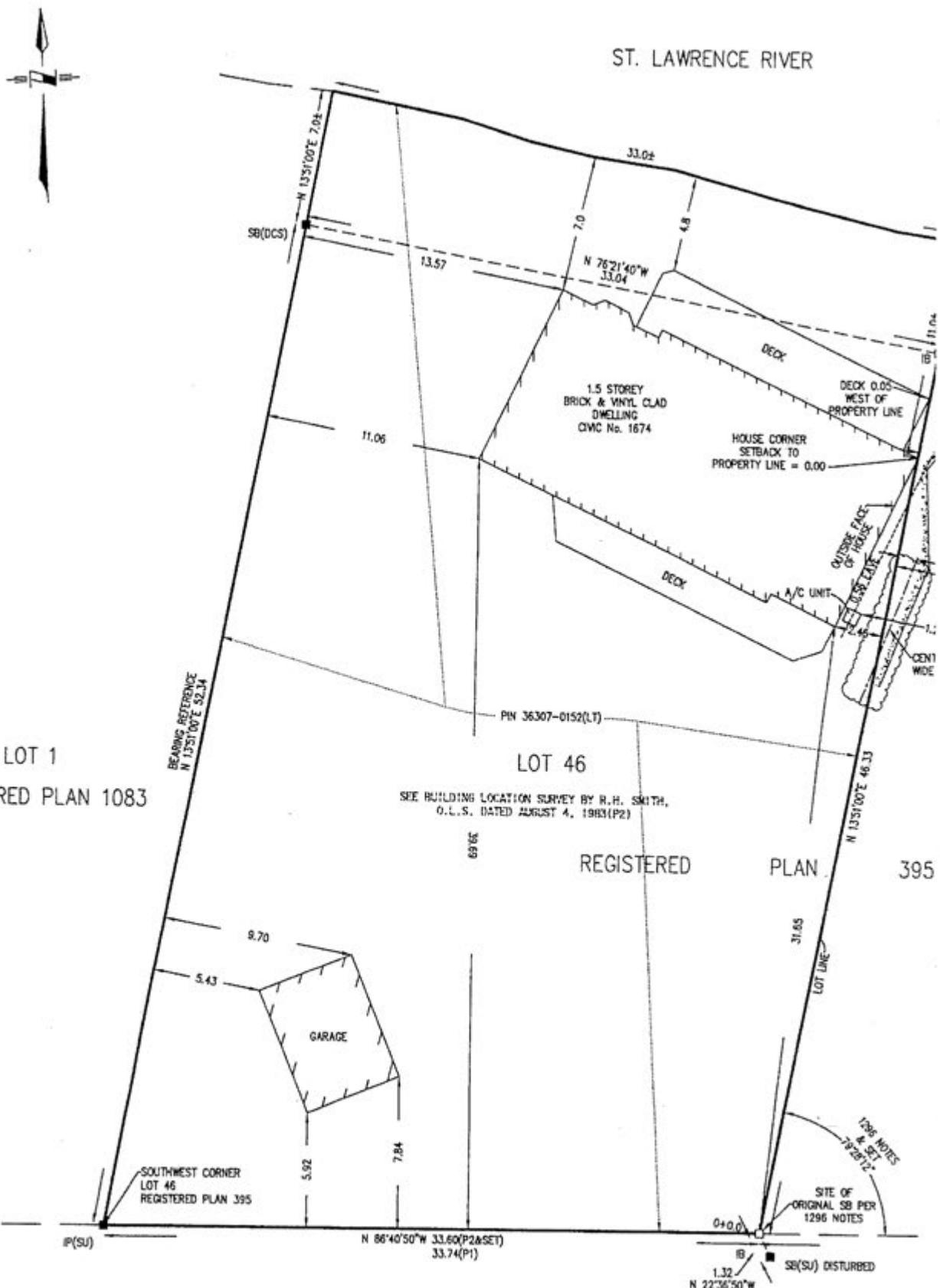
KINGSTON  
Planning, Building  
& Licensing Services  
a department of  
Community  
Services

PREPARED BY: rrochefort  
DATE: 2020-01-10



**Exhibit F**  
**Report Number COA-20-015**





JACKSON BOULEVARD  
(PER PLAN 1083)  
PIN 36307-0151(LT)

CITY OF KINGSTON



**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](http://www.crca.ca) & [www.cleanwatercataraqui.ca](http://www.cleanwatercataraqui.ca)



January 16, 2020

File: MV/CKN/10/2020

**Sent by DASH**

Mr. Tim Fisher  
Planner  
Planning, Building and Licensing Services  
City of Kingston

Dear Mr. Fisher:

**Re: Application for Minor Variance D13-062-2019  
1674 Jackson Boulevard / St. Lawrence River**

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 application involves alterations to existing decks, stairs and retaining walls on the water side of an existing dwelling at the subject property. The proposed work will occur with the minimum 15 m setback from the flood plain of the St. Lawrence River per section 5(22) of Zoning By-law 32-74. We note that the Zoning By-law defines the flood plain as the area below the high water mark of a waterbody.

The work includes expansion of an existing deck to accommodate a hot tub, replacement of an existing stone patio area with a raised paver deck, replacement and reconfiguration of wooden stairs and construction of stone retaining walls.

**Discussion**

The main interests of CRCA in this application are the avoidance of flooding and erosion hazards associated with the St. Lawrence River, protection of the Madoma Marsh Provincially Significant Wetland, and protection of water quality of the river.

*Flooding*

The regulatory flood plain of the St. Lawrence River is the area affected by the 1:100 year water level plus an allowance for wave uprush and other water-related hazards. The regulatory flood plain has an elevation of 76.5 metres GSC at the shoreline of the subject property. This elevation was determined through a study by T. Anthony for the CRCA in 1993.

The shoreline of the subject property consists of a high embankment, with the top of bank approximately 8 metres above normal water level. As such, the regulatory flood plain is limited to the lower portion of the shoreline slope. Our mapping shows the 76.5 m GSC contour just inland from the water's edge.

The shoreline on the north side of Treasure Island is also well protected from wave action on the St. Lawrence River, with the predominant wave direction from the southwest.

New development and site alteration are prohibited in the flood plain per Section 5.5 of the City of Kingston Official Plan and Section 6.3.3.2(1) of CRCA Guidelines for Implementing Ontario Regulation 148/06. CRCA's Guidelines normally require a minimum horizontal setback of 6 m from the regulatory flood plain to all new buildings and structures.

The proposed development involves replacement and reconfiguration of existing structures that are currently located within the setback from the regulatory flood plain but present low risk in terms of impacts from flooding. The new stairs are for access purposes only. The only entirely new structure is the small (10' x 11') section of upper decking extending off the existing deck that will provide a platform for an existing hot tub. While within the setback from the flood plain, this section of deck will not be subject to flood risk given its height above the flood plain. Furthermore, the deck does not impede access to and around the dwelling – a critical component for flood protection and the main intent of CRCA's setback requirement.

CRCA does not object to the proposal based on our consideration of flooding hazard policies.

#### *Erosion*

The CRCA defines the extent of potential erosion hazards for shorelines on the St. Lawrence River based on a study by Paine (1995). The 'erosion hazard limit' consists of a stable slope allowance of 1(h):1(v) for bedrock shorelines, plus an erosion allowance (0-5 m depending on composition), and a 6 m access allowance.

As noted, the shoreline embankment at the property is approximately 8 m high. The embankment consists of bedrock with a till overburden. CRCA estimates the total extent of the erosion hazard as 19 m measured from toe of slope inland (8 m slope stability allowance at 1:1, plus 5 m erosion allowance, plus 6 m access allowance).

The existing and proposed development components are located within the erosion hazard limit on the subject property. However, as noted above, the proposal involves replacement and reconfiguration of existing structures and landscaping features. These structures and features cannot reasonably be located outside the hazard. More importantly, these structures and features are considered low risk from an erosion and slope stability perspective, provided they are properly founded on bedrock. Finally, as above, these structures and features will not impede safe access to and around the existing dwelling.

We do not object to the proposal based on our consideration of erosion hazard policies.

#### *Madoma Marsh Provincially Significant Wetland*

The open water portion of the St. Lawrence River located between Treasure Island and the mainland is part of the provincially significant Madoma Marsh 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 7C 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 proposal involves replacement and reconfiguration of existing structures and landscaping features. Additional development will not encroach closer to the wetland than existing. We do not anticipate negative impacts to the PSW. Please refer to the recommended best management practices in the section below.

#### *Water Setbacks / Buffers*

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 existing shoreline buffer on the property is pre-disturbed with limited natural features and function. The proposal will not result in any substantial change in the amount of hardened surface and structures within the buffer and there will be no additional encroachment into the water setback. Some additional landscaping features would result in a modest improvement in vegetation.

In order to further protect water quality and the ecological integrity of the St. Lawrence River and shoreline, we recommend the applicant maintain and enhance a healthy buffer of native vegetation within the 30 m ribbon of life. A naturalized shoreline is always the best defense against erosion. 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 D13-062-2019 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 payment for the above fee please be submitted to this office at the applicants' earliest convenience.**

#### *Regulatory Requirements*

We note that all development and site alteration proposed within 120 metres of Madoma Marsh on the property is subject to permission under Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses. A permit for the proposed work has been issued by CRCA staff. If there are any changes to the proposal, or any additional work proposed in the future, the owner is advised to contact our office.

If you have any questions please contact the undersigned at (613) 546-4228 ext. 228, or by e-mail at [mdakin@crca.ca](mailto: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: Richard Stethem, Wentworth Landscapes, Agent, via e-mail