



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-21-039**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Jason Partridge, Planner  
**Date of Meeting:** May 17, 2021  
**Application for:** Consent  
**File Number:** D10-002-2021 & D10-003-2021  
**Address:** 2040 Sydenham Road  
**Owner:** V. Marques Construction LTD  
**Applicant:** The Boulevard Group

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**Council Strategic Plan Alignment:**

Theme: Policies & by-laws

Goal: See above

**Executive Summary:**

The applications for consent have been submitted by The Boulevard Group on behalf of the owner V. Marques Construction LTD. The purpose of the application is to sever off two parcels of land at the property located at 2040 Sydenham Road. The severance application for D10-002-2021 will sever off a 1.5-hectare parcel of land and will have approximately 80 metres of lot frontage along Bur Brook Road. The severance application for D10-003-2021 will sever off a 1.68-hectare parcel of land and will have approximately 80 metres of lot frontage along Bur Brook Road. The retained lot will have 20.12-hectare of land with 520 metres of frontage along Sydenham Road.

The site is situated on the east side of 2040 Sydenham Road. The property is currently a 23.3-hectare parcel of vacant parcel of land. The property is currently designated as Rural and Environmental Protection Area in the Official Plan and is zoned 'A1 and EPA' in Zoning By-Law Number 76-26.

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The consent application proceeded through the Delegated Authority process. The City received public comments during the public notification period and therefore the file has been referred to the Committee of Adjustment for consideration. A new public notice was mailed to all property owners within a 60-metre radius of the property and new signage was posted on the site.

This report provides a recommendation to the Committee of Adjustment regarding the application for consent. The proposal has regard to the matters under subsection 51(24) of the *Planning Act*, is consistent with the Provincial Policy Statement, conforms with all applicable policies of the Official Plan, is in keeping with the general intent and purpose of the zoning by-law and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

**Recommendation:**

**That** consent application, File Number D10-002-2021, to sever off a 1.5-hectare parcel of land, be provisionally approved subject to the conditions included in Exhibit A (Recommended Conditions) to Report Number COA-21-039; and

**That** consent application, File Number D10-003-2021, to sever off a 1.68-hectare parcel of land, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions) to Report Number COA-21-039.

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**Authorizing Signatures:**



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Jason Partridge, Planner

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

Tim Park, Acting Director, Planning Services  
James Bar, Acting Manager, Planning Services

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**Options/Discussion:**

The consent application was submitted on January 27, 2021 by the applicant The Boulevard Group, and it proceeded through the Delegated Authority process. The City received public comments during the public notification period; therefore, the file has been referred to the Committee of Adjustment for consideration. A new public notice was mailed to all property owners within a 60-metre radius of the property and new signage was posted on the site.

**Site Characteristics**

The subject property is located on the east side of Sydenham Road and the north side of Bur Brook Road, and is situated within an established rural residential area in Elginburg/ Silvers Corners/ Shannon's Corners neighbourhood (Exhibit C – Key Map and Exhibit G – Neighbourhood Context Map). The site is currently developed as a vacant lot. The surrounding area includes single-family dwellings and municipal owned roads.

The subject property is designated Rural and Environmental Protection Area the Official Plan and zoned 'A1 and EPA' in Zoning By-Law Number 76-26.

**Application**

The Director of Planning Services, through delegated authority, can process applications for consent that are technical in nature without holding a Public Meeting. All residents within a 60-metre radius of the property were notified through this process, however, letters of objection and concerns were received. As such, this consent application is being referred to the Committee of Adjustment for consideration. Revised signage has been posted on the site and public notification of the Public Meeting has been sent to all property owners within a 60-metre radius. A courtesy advertisement has been published in the local newspaper.

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

- Site Plan (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.

**Planning Act**

This proposal is under Section 53(1) of the Planning Act. The two consent applications requested do not required a plan of subdivision and has regard for provisions of Section 51(24). The appropriate conditions are included in the Conditions of Consent, as permitted under Section 53(12).

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## Provincial Policy Statement

The Provincial Policy Statement 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.

## Official Plan

The severed and retained parcels of land is designated Rural Lands in the Official Plan. The City recognizes the role of Rural Lands in contributing to agricultural production, forestry and mineral resources, natural areas and wildlife habitat, providing opportunities for rural economic development, outdoor recreation, and supporting the appreciation of natural areas that provide a contrast and respite from urban life.

The retained parcel of land is also designated Environmental Protection Area. The City recognizes the role of Environmental Protection Area Environmental Protection Areas must be maintained in their natural, undisturbed state.

Severances for non-farm residential use may be permitted subject to the policies of Sections 9.6.10 through 9.6.18 and the policies in Section 3.12.9. The proposed retained and severed parcels of land comply with the severance for non-farm residential use as per Section 3.12.9 in the Official Plan. The subject lot has not received any consents to create new lots between November 6, 1997 to present and will exceed the minimum lot area requirement of 1.0 hectares and comply with the requirements of an A1 zone By-Law Number 76-26.

The creation of new lots is subject to the Land Division policies of Section 9.6 of the Official Plan. Development proposals resulting in greater than 3 lots must proceed by way of a plan of subdivision. Proposals resulting in 3 or fewer lots (2 lots plus a retained parcel) may proceed by application for consent. As previously stated within the report, the subject lot has not created any new lots by way of consent or a plan of subdivision from the original land holding from November 6, 1997 to present.

The creation of new lots by consent must have regard to the matters under Section 51(24) of the Planning Act and must meet the following requirements as per Section 9.6.11 of the Official Plan:

- a) minimum lot areas for consents are established within the policies of the Prime Agricultural Area, Rural Lands, Hamlets, Rural Commercial and Rural Industrial designations;

The Rural Lands designation requires any new non-farm residential use lot created by way of consent to have a minimum lot area of 1.0 hectares. The severed lots will exceed the minimum requirement and will comply with the minimum lot area and frontage

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requirements in the 'A1' zone in Zoning By-Law Number 76-26. The retained lot will exceed the minimum requirements for lot area.

- b) the minimum lot areas for consents on lands located within the Urban Boundary are governed by the provisions of the applicable zone;

The subject property is located outside of the Urban Boundary and is subject to the Rural Lands policies of the Official Plan.

- c) conformity to Section 3.13 of this Plan;

The subject property is outside of a recognized Hamlet or settlement area.

- d) the specific consent policies for the land use designations established by this Plan make allowance for consents involving lot consolidation; and,

The Rural Lands designation recognizes the creation of non-farm residential use lots subject to Section 3.12.9 and Sections 9.6.10 through 9.6.18 of the Official Plan. The severed and retained lots comply with the above policies.

- e) Where an application for lot consolidation in Rural Areas is approved, conditions may be imposed requiring that the lots to be consolidated be deeded in the same name.

The proposal is for the creation of two new non-farm residential lot, therefore a consolidation of lands is not proposed.

The creation of individual parcels of land by way of consent are subject to the following criteria in Section 9.6.13 of the Official Plan:

- a) the lot frontage, depth and area of any lot created by consent (severed and retained parcel) must be appropriate for the use proposed for the lot, be in compliance with the provisions of the zoning by-law and consistent, where possible, with adjacent lots;

The severed and retained parcel conforms to the minimum lot area and frontage requirements in the Official Plan and Zoning By-Law. The undeveloped severed parcels of land will be subject to the setback requirements of the zoning by-law at time of development. The resulting lots and its frontages and lot areas will be consistent with existing lots along Bur Brook Road and Sydenham Road.

- b) proposed severances that would result in irregularly shaped lots are to be avoided where possible;

The severed and retained lots will not result in any irregularly shaped lot.

- c) consents may be granted only when each parcel of land has frontage and direct access from an assumed road, except for conservation lands such as those held by the

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Conservation Authority or a land trust that can be accessed through an easement or right-of-way on abutting lands;

Each resulting lot will have frontage on an opened and maintained road (Bur Brook Road and Sydenham Road).

- d) direct access from major roads is limited and is subject to the terms of any permits or approvals required from an agency having jurisdiction, with particular attention to controlled areas subject to Ministry of Transportation review and approval;

Any new or altered entrances on the severed or retained lots will require an Entrance Permit from the Engineering Department prior to any excavation or work within the road allowance.

- e) new access points or driveways must be located where they would not create a traffic hazard because of sight lines on curves, grades or corners;

The severed and one retained lots have large road frontages with even grades that create for good sight lines. The severances should not result in any negative traffic hazards.

- f) minor infilling of residential development is permitted except where the new lots would result in ribbon development of more than four houses or other land uses fronting along roads in Rural Areas;

The two severed and one retained lots are considered to be minor infilling development.

- g) infill residential development is permitted within Rural Areas where there is a distance of 100 metres or less of frontage between two non-farm residential lots on the same side of the road and the lot can meet all of the other policies of this Plan and requirements of the zoning by-law;

The two severed and one retained lots can meet all of the policies of the Official Plan and the requirements of the Zoning By-Law.

- h) compatibility and any separation distances required between the proposed land uses for the lot and the neighbouring land uses located in Rural Areas must be considered;

The severed lots and its intended residential use are compatible with similar uses in the rural area and will not result in any impacts abutting agricultural uses or existing livestock or manure storage facilities.

- i) any application for a consent must assess the impact on the natural heritage system, natural heritage features and areas, natural hazards, cultural heritage resources and areas of archaeological potential, or areas of archaeological significance as set out in Sections 5, 6 and 7 of this Plan; and,

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The subject lands have been identified as having composite archaeological potential on the Archaeological Master Plan and as such a Stage 1 and 2 assessments have been completed and submitted. The assessments have cleared the severed 1.5 hectare and 1.68 lots of archaeological potential. There are no other heritage concerns.

Cataraqui Conservation has no objections to the approval of consent applications D10-002-2021 and D10-003-2021 based on our review of natural hazards, natural heritage and water quality protection policies, provided that the following to be included as clauses in a development agreement for the lots to be severed:

- that the building footprints for each severed lot be restricted to the southern portion of the proposed lots, south of the drilled wells.
  - that initial site clearing occurs outside of the bird season (April 15 to August 15) to avoid contravening the Migratory Birds Convention Act.
- j) the City must be satisfied that any development lots created by consent can be supplied with such municipal services as fire protection, road maintenance, storm drainage and where applicable, water supply and sewage disposal facilities, such that the provision of services does not adversely affect the City's finances.

The subject lot is located outside of the Urban Boundary and its serviced area therefore development outside of the urban boundary may proceed with private onsite services.

A full hydrogeological assessment will be required as a condition of consent as the severed lot is located in a density of greater than five lots per five hectares and is located in an area of groundwater constraint.

Building Services commented that it will be the responsibility of the owner/installer to determine and provide verification to the building department that the soil conditions would permit a septic system as well to provide a potential design and proposed location for review.

The proposal meets the intent of the Official Plan, as the proposed two lot severances will not result in any negative impacts to adjacent properties or to the neighbourhood.

### **Zoning By-Law**

The subject property is zoned 'A1 and EPA' in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The 'A1' zone permits an accessory dwelling house, a converted dwelling house, a single-family dwelling house. The proposed 1.5 and 1.68 Hectare severed lots will be located only on the 'A1' zone and would permit a single-family dwelling use.

The 'A1' zone requires a minimum lot frontage of 60 metres per residential lot. Both severed parcels and the retained parcel will comply with the Lot Frontage provisions of the "A1" zone.



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**Discussion**

It is the opinion of the Planning Department that the consent applications to sever two new lots in a rural area are consistent with the Provincial Policy Statement and is in keeping with the intent and purpose of the Official Plan and Zoning By-Law Number 76-26.

**Technical Review: Circulated Departments and Agencies**

- |                                                       |                                                            |                                                                  |
|-------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Building Division | <input checked="" type="checkbox"/> Engineering Department | <input checked="" type="checkbox"/> Heritage (Planning Services) |
| <input type="checkbox"/> Finance                      | <input checked="" type="checkbox"/> Utilities Kingston     | <input 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 checked="" 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 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, one public comment was received after the publishing of this report. (Exhibit I)

The public comment received was from a resident in the area of 2040 Sydenham Road and directly objected to any new type of development around their property area.

**Previous or Concurrent Applications**

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

**Conclusion**

The proposal has regard to the matters under subsection 51(24) of the *Planning Act*, is consistent with the Provincial Policy Statement, conforms with all applicable policies of the Official Plan, is in keeping with the general intent and purpose of the zoning by-law and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

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Provisional approval of this application will permit the severance of two parcels of land along Bur Brook Road. The proposed severance will allow for of a single-family dwelling use on each new lot and represents good land use planning.

**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, 2020

**Municipal**

City 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 May 17, 2021. 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 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 19 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:**

James Bar, Acting Manager, Development Approvals, 613-546-4291 extension 3213

Jason Partridge, Planner, 613-546-4291 extension 3216

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**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

Exhibit A Recommended Conditions (File Number D10-002-2021)

Exhibit B Recommended Conditions (File Number D10-003-2021)

Exhibit C Key Map

Exhibit D Public Notification Map

Exhibit E Official Plan Map

Exhibit F Zoning By-Law Number 76-26, Map 1

Exhibit G Neighbourhood Context (2019)

Exhibit H Site Plan

Exhibit I Public Comment

## Recommended Conditions

### Application for consent, File Number D10-002-2021

**Approval of the foregoing application shall be subject to the following recommended conditions:**

#### 1. Limitation

That the approved Consent application applies only to the D10-002-2021 consent application on the newly formed lot as shown on the approved drawings attached to the notice of decision.

#### 2. Deadline

That all conditions are satisfied and the Certificate of Official be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within one year of mailing of this notice. You are advised to consult with the Land Registry Office for preapproval of the Certificate of Official to avoid delays.

The Certificate must be registered within one year from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete your file.

#### 3. Reference Plan

That a digital version of a Reference Plan(s) be provided in a PDF and/or AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the easements as parts on a plan be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

The Land Registry Office may pre-approve an alternative parcel description in writing which can be presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

#### 4. Payment of Taxes

The owner/applicant shall contact the Tax Department at [tax@cityofkingston.ca](mailto:tax@cityofkingston.ca) and secure in writing from the Treasurer or the Manager of Taxation and Revenue, proof of payment of current taxes and any special charges (not simply a copy of the tax bill) required to be paid out and a statement of proof that is received and shall be provided to the Secretary-Treasurer Committee of Adjustment, prior to the issuance of the consent certificate. The owner/applicant must pay any outstanding realty taxes and all local improvement charges levied against the property.

## **5. Building Permit Application Requirements**

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

It will be the responsibility of the owner/installer to determine and provide verification to the building department that the soil conditions would permit a septic system as well to provide a potential design and proposed location for review.

## **6. 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 Services (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 Services (613-546-4291, extension 3180) must be immediately contacted.

## **7. Engineering**

Entrance permits are required for any new or altered entrances.

## **8. Parks**

Cash-in-lieu of parkland will be required as a condition of consent approval for the creation of two new lots. The current rate is \$1,283.29 per lot.

## **9. Private Well & Hydro-geological Study**

Environmental Services will require a Hydrogeological Study that demonstrates adequate potable water supply on both the severed and retained lots. Due to groundwater sensitivity in the area and resultant density of lots, the assessment will need to be completed to the City's standard for a FULL hydrogeological investigation that demonstrates quality, quantity, well construction, and potential for interference

with exiting users of the groundwater resource. The assessment must be performed by a qualified Professional Engineer (P.Eng.) or Professional Geoscientist (P.Geo.) licensed to practice in Ontario; and, meet the objectives of Provincial Procedure D-5-5 for long term, safe yields. Each newly created (severed and retained) lot will require confirmation of a well that is constructed to provincial regulation 903 standards. The well water must meet health related parameters without treatment. Dug wells are strongly discouraged and will only be permitted if a drilled well is found to be unsuitable. Evidence from the professional must be submitted in advance when seeking approval to attempt a dug well.

## **10. Civic Address**

The owner/applicant shall contact Planning Services once the Reference Plan has been deposited and provided to the City, and obtain a draft civic address for each new lot created and all appropriate fees shall be paid. The owner/applicant shall provide to the Secretary-Treasurer, Committee of Adjustment, written confirmation from the City that the civic address has been obtained prior to the issuance of the consent certificate.

## **11. Development Agreement**

The owner shall enter into a development agreement satisfactory to the City to be registered on title to the severed and retained lands. All legal costs associated with the preparation and registration of the agreement shall be borne by the owner. The applicant shall provide a copy of the registered executed agreement to the Secretary-Treasurer, Committee of Adjustment, prior to the issuance of the consent certificate. The agreement shall contain conditions to ensure:

- a) That any new septic system on the severed or retained parcels shall conform to the provisions of the City's Official Plan and shall be constructed in accordance with the requirements of the Building Services.
- b) Any recommendations resulting from the hydro-geological assessment are included within the development agreement for the lands.
- c) 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.
- d) 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.

e) That the owner be advised that any new or altered entrance to the site will require an entrance permit from the Engineering Services Department.

f) That the owner be advised that the severed and retained lots are located in the rural area and may be adjacent to existing or future agricultural uses. Any new residential development on the severed or retained lands shall be outside of the required calculated Minimum Distance Separation (MDS) setback from any neighbouring livestock facility or manure storage and all other applicable requirements at the time of building permit issuance.

g) That a Building Permit is required prior to the construction or removal of all structures 10 square metres in area or greater. Issues such as but not limited to O.B.C., grading and servicing will be agreed through the permit review process.

h) That the owner be advised that no further lots will be permitted on the subject lands through the Consent Application process.

i) Cataraqui Conservation will require the owner to place the building footprints for each severed lot be restricted to the southern portion of the proposed lots, south of the drilled wells. Also, initial site clearing occurs outside of the bird season (April 15 to August 15) to avoid contravening the Migratory Birds Convention Act.

j) That the owner acknowledges and agrees with the City that:

a. The severed lands and the retained lands are located outside the limits of the municipal water and sewer service area and are not serviced by the City's water treatment plant or sewage treatment facility;

b. The owner shall be solely responsible for ensuring at all times and by all means that there is an adequate supply of potable water and adequate on-site sewage treatment facility maintained by the owner, for the owner's intended use of the severed lands and retained lands;

k) That the recommendations from the noise impact study prepared by J.E. Coulter Associated Limited dated October 29, 2020 be included.

## Recommended Conditions

### Application for consent, File Number D10-003-2021

Approval of the foregoing application shall be subject to the following recommended conditions:

#### 1. Limitation

That the approved Consent application applies only to the D10-003-2021 consent application on the newly formed lot as shown on the approved drawings attached to the notice of decision.

#### 2. Deadline

That all conditions are satisfied and the Certificate of Official be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within one year of mailing of this notice. You are advised to consult with the Land Registry Office for preapproval of the Certificate of Official to avoid delays.

The Certificate must be registered within one year from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete your file.

#### 3. Reference Plan

That a digital version of a Reference Plan(s) be provided in a PDF and/or AutoCAD Windows readable format on a compact disc (CD), USB memory stick or by email, illustrating the easements as parts on a plan be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

The Land Registry Office may pre-approve an alternative parcel description in writing which can be presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official.

#### 4. Payment of Taxes

The owner/applicant shall contact the Tax Department at [tax@cityofkingston.ca](mailto:tax@cityofkingston.ca) and secure in writing from the Treasurer or the Manager of Taxation and Revenue, proof of payment of current taxes and any special charges (not simply a copy of the tax bill) required to be paid out and a statement of proof that is received and shall be provided to the Secretary-Treasurer Committee of Adjustment, prior to the issuance of the consent certificate. The owner/applicant must pay any outstanding realty taxes and all local improvement charges levied against the property.



## **5. Building Permit Application Requirements**

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

It will be the responsibility of the owner/installer to determine and provide verification to the building department that the soil conditions would permit a septic system as well to provide a potential design and proposed location for review.

## **6. 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 Services (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 Services (613-546-4291, extension 3180) must be immediately contacted.

## **7. Engineering**

Entrance permits are required for any new or altered entrances.

## **8. Parks**

Cash-in-lieu of parkland will be required as a condition of consent approval for the creation of two new lots. The current rate is \$1,283.29 per lot.

## **9. Private Well & Hydro-geological Study**

Environmental Services will require a Hydrogeological Study that demonstrates adequate potable water supply on both the severed and retained lots. Due to groundwater sensitivity in the area and resultant density of lots, the assessment will need to be completed to the City's standard for a FULL hydrogeological investigation that demonstrates quality, quantity, well construction, and potential for interference

with exiting users of the groundwater resource. The assessment must be performed by a qualified Professional Engineer (P.Eng.) or Professional Geoscientist (P.Geo.) licensed to practice in Ontario; and, meet the objectives of Provincial Procedure D-5-5 for long term, safe yields. Each newly created (severed and retained) lot will require confirmation of a well that is constructed to provincial regulation 903 standards. The well water must meet health related parameters without treatment. Dug wells are strongly discouraged and will only be permitted if a drilled well is found to be unsuitable. Evidence from the professional must be submitted in advance when seeking approval to attempt a dug well.

## **10. Civic Address**

The owner/applicant shall contact Planning Services once the Reference Plan has been deposited and provided to the City, and obtain a draft civic address for each new lot created and all appropriate fees shall be paid. The owner/applicant shall provide to the Secretary-Treasurer, Committee of Adjustment, written confirmation from the City that the civic address has been obtained prior to the issuance of the consent certificate.

## **11. Development Agreement**

The owner shall enter into a development agreement satisfactory to the City to be registered on title to the severed and retained lands. All legal costs associated with the preparation and registration of the agreement shall be borne by the owner. The applicant shall provide a copy of the registered executed agreement to the Secretary-Treasurer, Committee of Adjustment, prior to the issuance of the consent certificate. The agreement shall contain conditions to ensure:

- a) That any new septic system on the severed or retained parcels shall conform to the provisions of the City's Official Plan and shall be constructed in accordance with the requirements of the Building Services.
- b) Any recommendations resulting from the hydro-geological assessment are included within the development agreement for the lands.
- c) 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.
- d) 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.

e) That the owner be advised that any new or altered entrance to the site will require an entrance permit from the Engineering Services Department.

f) That the owner be advised that the severed and retained lots are located in the rural area and may be adjacent to existing or future agricultural uses. Any new residential development on the severed or retained lands shall be outside of the required calculated Minimum Distance Separation (MDS) setback from any neighbouring livestock facility or manure storage and all other applicable requirements at the time of building permit issuance.

g) That a Building Permit is required prior to the construction or removal of all structures 10 square metres in area or greater. Issues such as but not limited to O.B.C., grading and servicing will be agreed through the permit review process.

h) That the owner be advised that no further lots will be permitted on the subject lands through the Consent Application process.

i) Cataraqui Conservation will require the owner to place the building footprints for each severed lot be restricted to the southern portion of the proposed lots, south of the drilled wells. Also, initial site clearing occurs outside of the bird season (April 15 to August 15) to avoid contravening the Migratory Birds Convention Act.

j) That the owner acknowledges and agrees with the City that:

a. The severed lands and the retained lands are located outside the limits of the municipal water and sewer service area and are not serviced by the City's water treatment plant or sewage treatment facility;

b. The owner shall be solely responsible for ensuring at all times and by all means that there is an adequate supply of potable water and adequate on-site sewage treatment facility maintained by the owner, for the owner's intended use of the severed lands and retained lands;

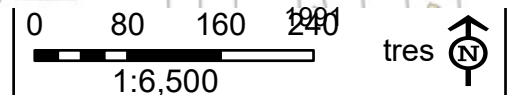
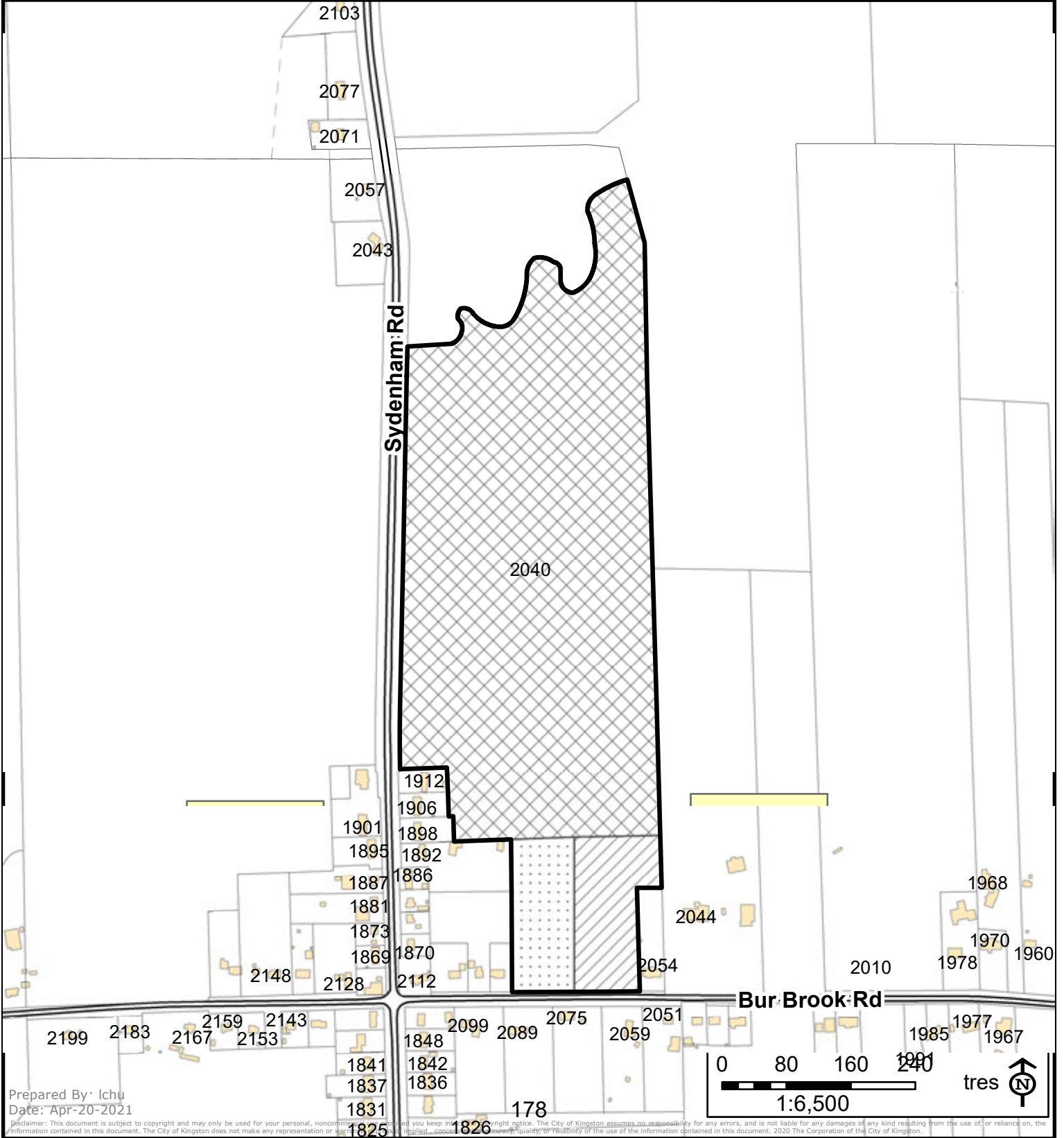
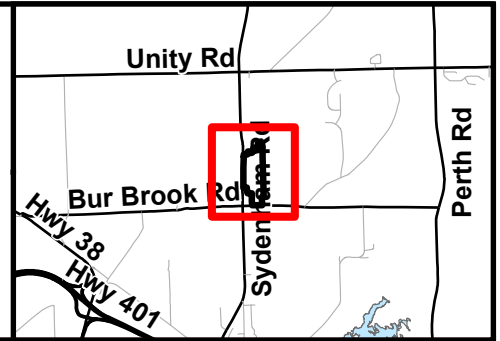
k) That the recommendations from the noise impact study prepared by J.E. Coulter Associated Limited dated October 29, 2020.



Committee of Adjustment  
**Key Map**

Address: 2040 Sydenham Road  
File Number: D10-002-2021, D10-003-2021

- Subject Lands
- Severed Lands
- Severed Lands (Lot 2)
- Retained Lands



Prepared By: Ichu  
Date: Apr-20-2021

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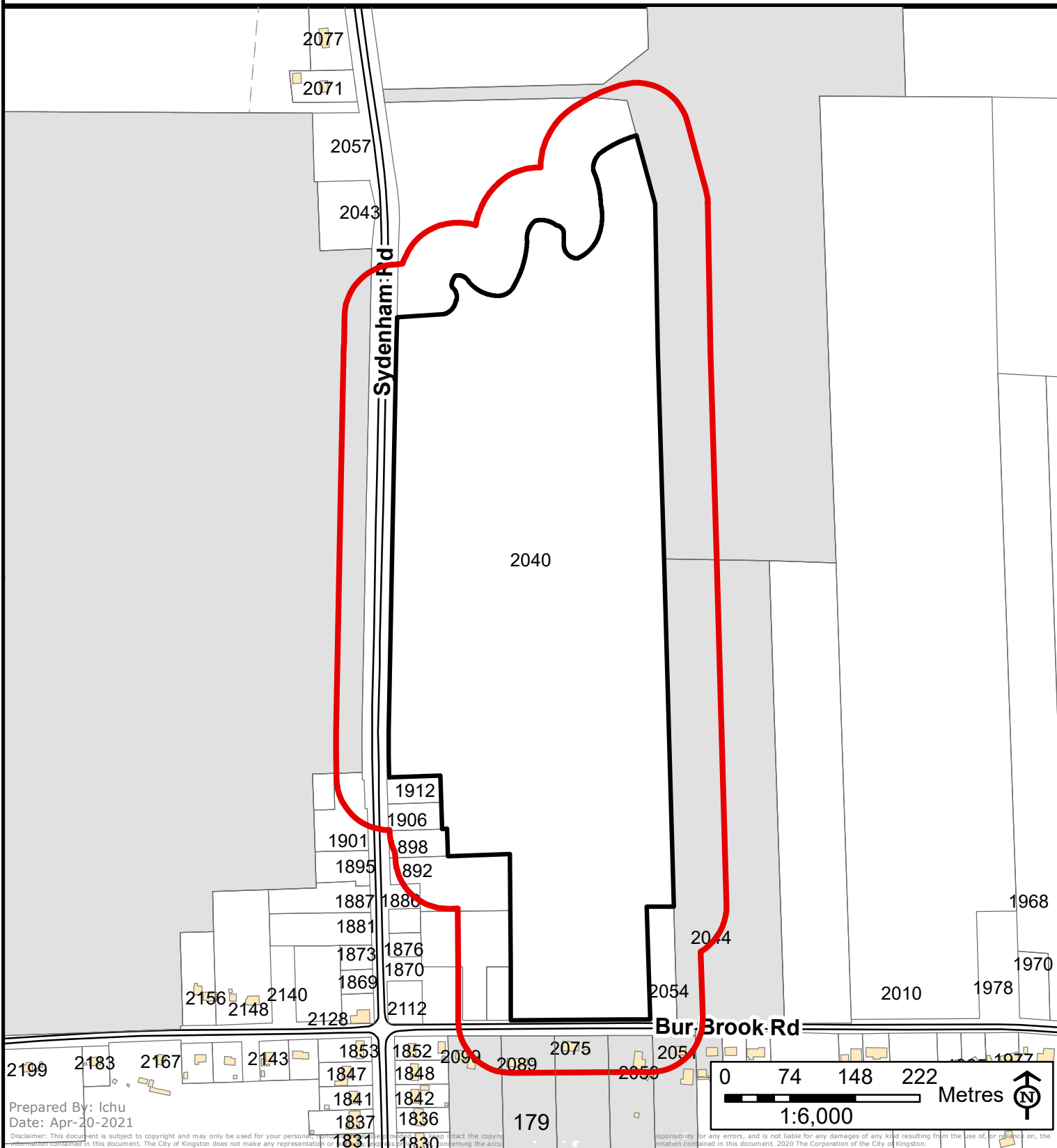
Planning Services

COMMITTEE OF ADJUSTMENT

Public Notice Notification Map

Address: 2040 Sydenham Road  
File Number: D10-002-2021,  
D10-003-2021

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



Prepared By: Ichu  
Date: Apr-20-2021

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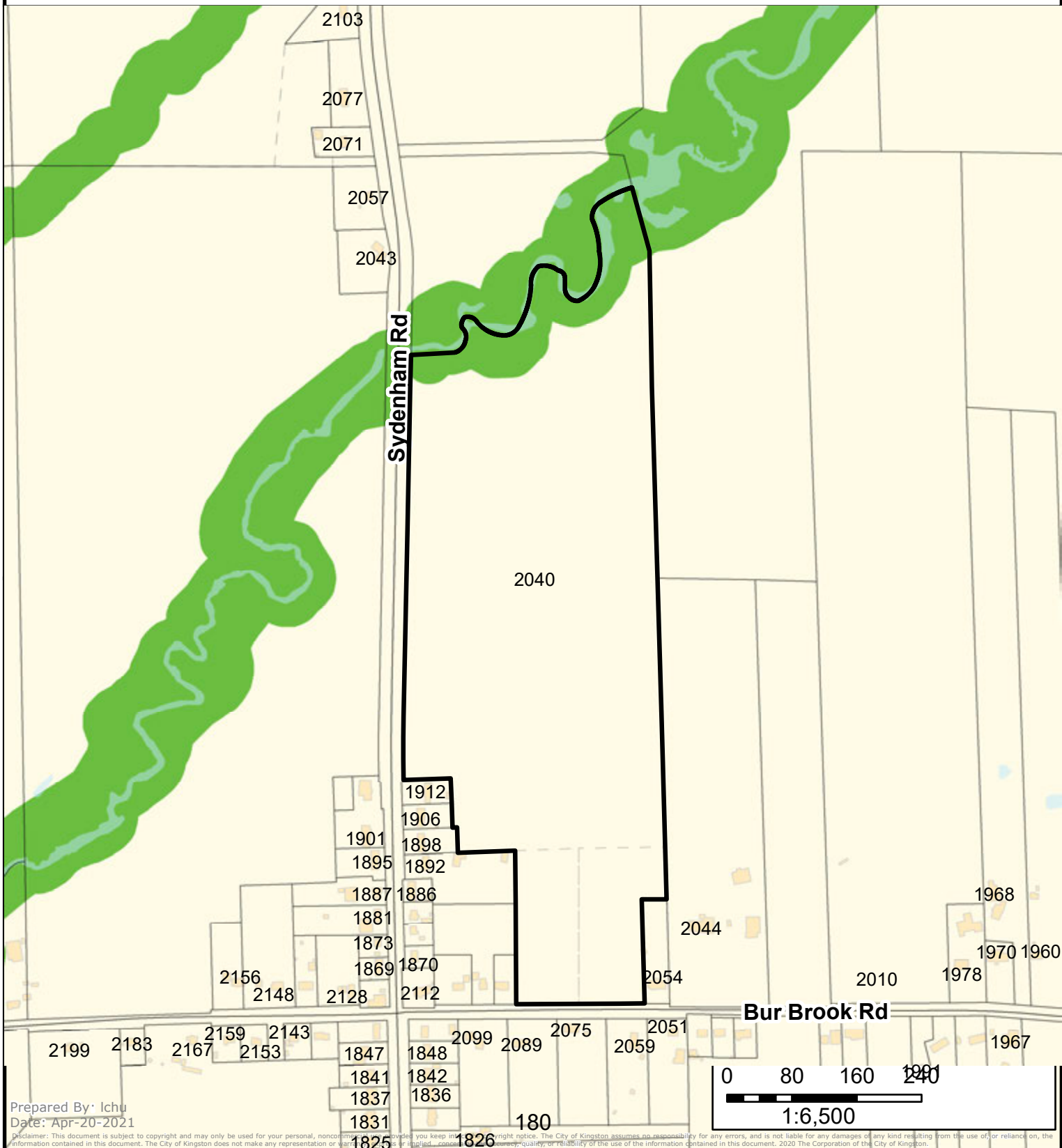
Planning Services

# Committee of Adjustment Official Plan, Existing Land Use

Address: 2040 Sydenham Road

File Number: D10-002-2021, D10-003-2021

-  Subject Lands
-  ENVIRONMENTAL PROTECTION AREA
-  RURAL



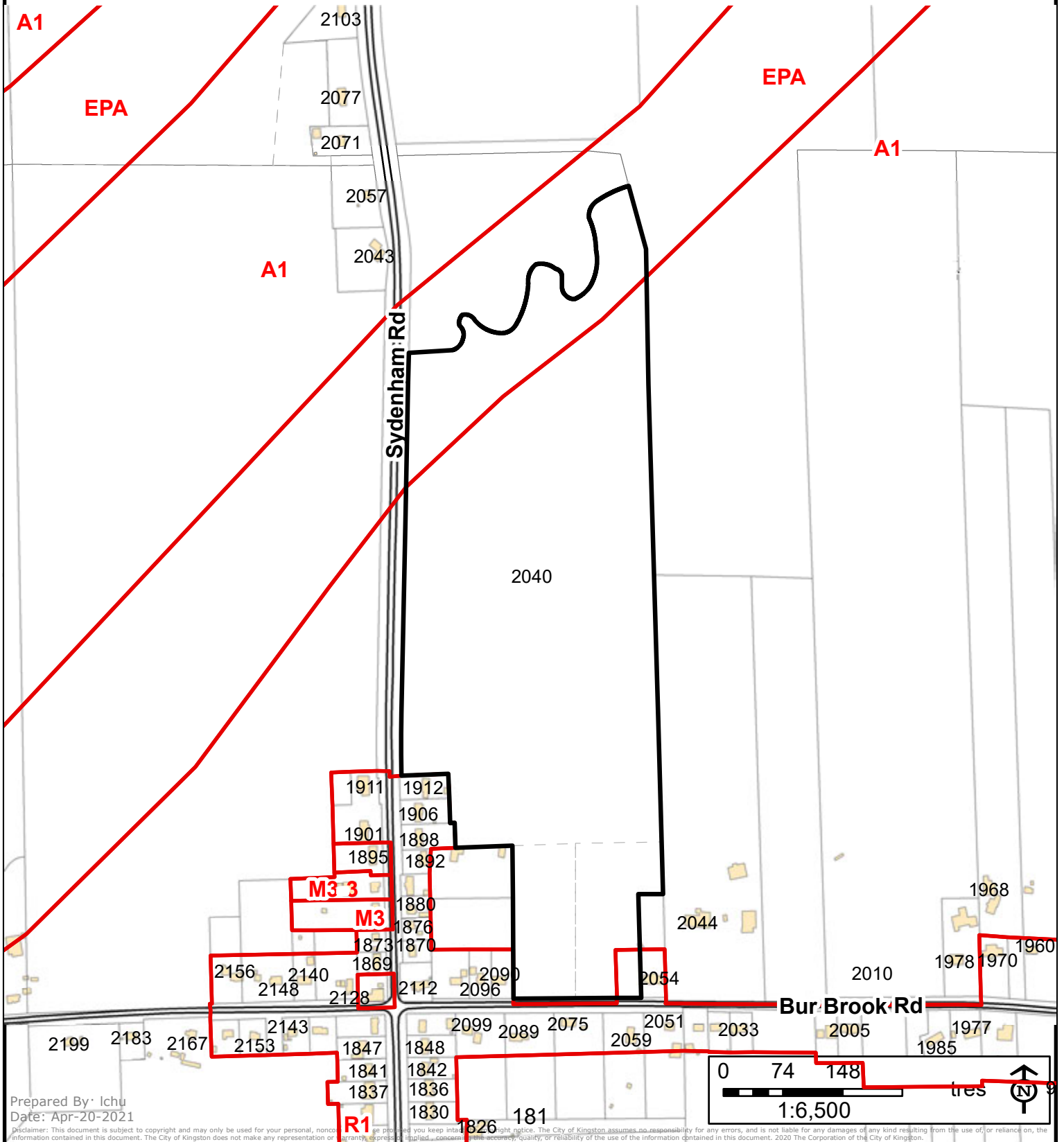
Prepared By: Ichu  
Date: Apr-20-2021

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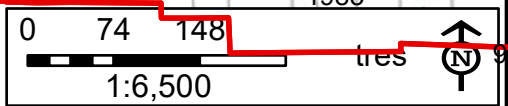


Committee of Adjustment  
**Existing Zoning - By-law 76-26, Map 1**  
Address: 2040 Sydenham Road  
File Number: D10-002-2021, D10-003-2021

- Subject Lands
- Consolidated Zoning



Prepared By: Ichu  
Date: Apr-20-2021

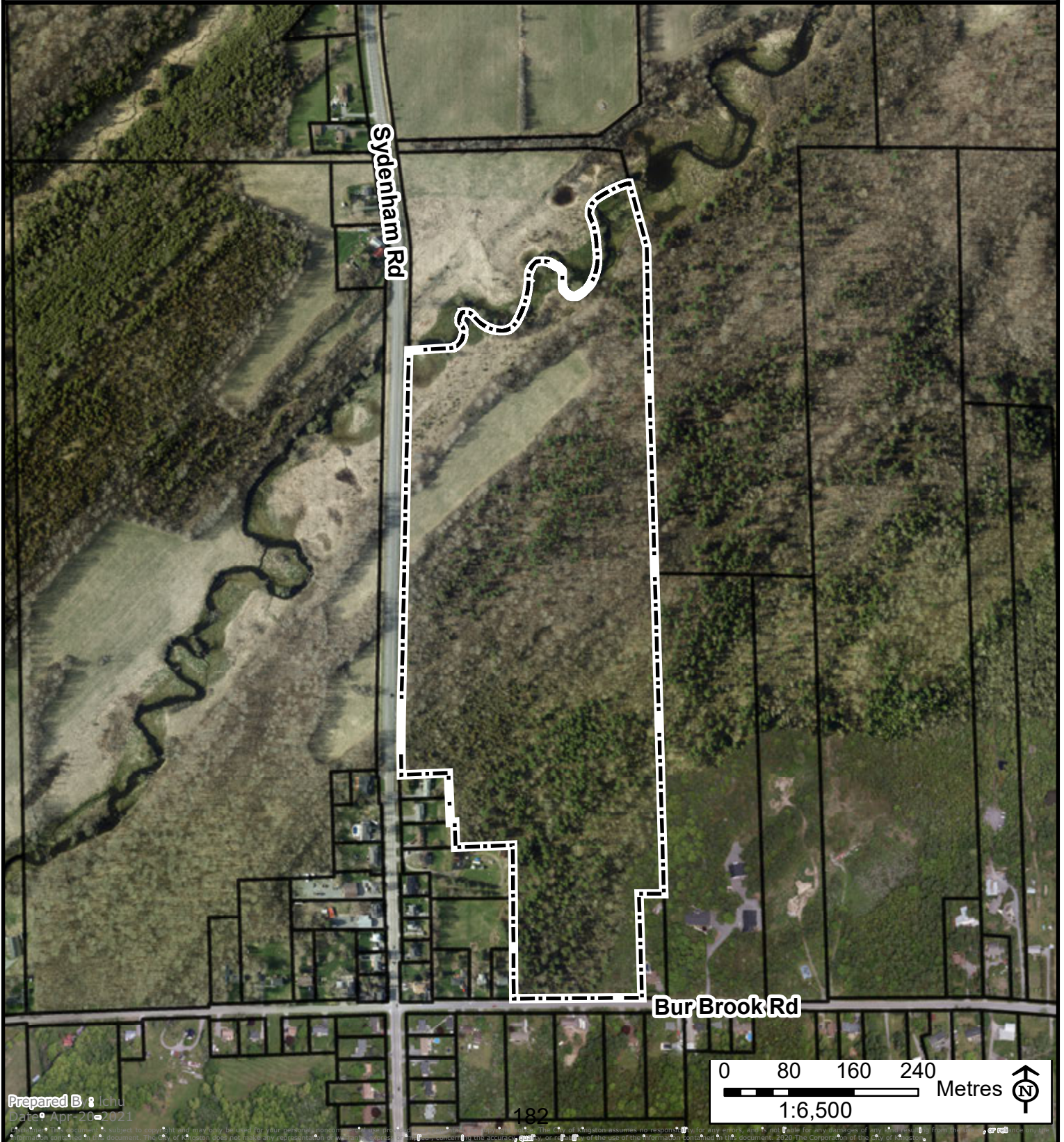


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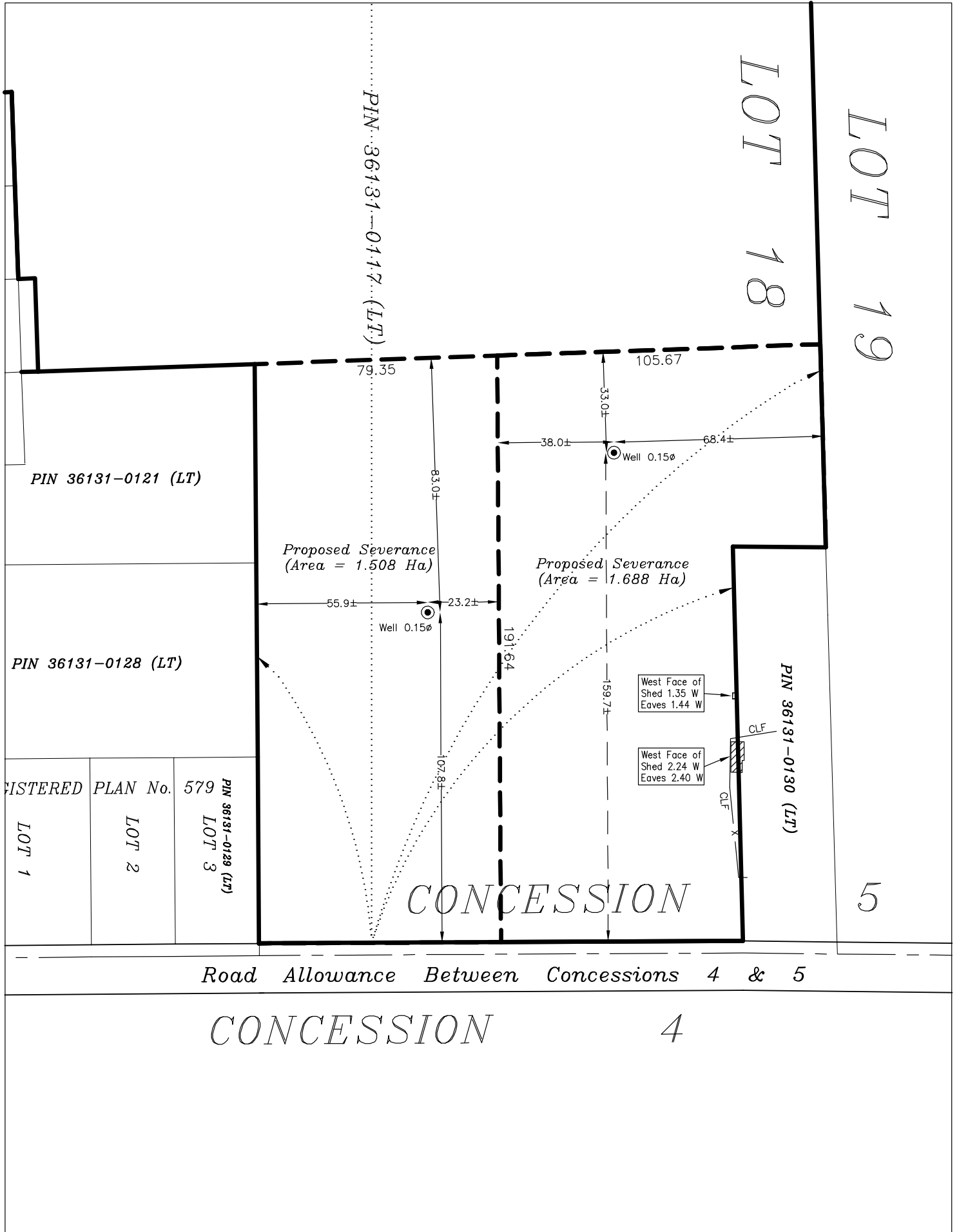


Committee of Adjustment  
**Neighbourhood Context (2020)**  
Address: 2040 Sydenham Road  
File Number: D10-002-2021, D10-003-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels







**Partridge,Jason**

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**From:** Dan Cloutier < >  
**Sent:** Thursday, March 25, 2021 11:56 PM  
**To:** Partridge,Jason  
**Subject:** 2040 Sydenham road

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To whom it may concern, my name is Dan Cloutier. I live at 1906 Sydenham road postal code k7l4v4. I recently received a correspondence regarding development on or near my property. I am strongly opposed to any development on or near my property. Please accept this letter as my rejection for your proposal. Thank you for your time in consideration in this matter.

Sincerely Dan Cloutier