



**City of Kingston
Report to Committee of Adjustment
Report Number COA-22-038**

To: Chair and Members of the Committee of Adjustment
From: InGi Kim, Planner
Date of Meeting: April 11, 2022
Application for: Minor Variance and Consent
File Numbers: D10-041-2021 and D13-009-2022
Address: 2418 Cole Hill Road and 1589 Unity Road
Owner: Robert Rice (2418 Cole Hill Road) and Robert Shannon (1589 Unity Road)
Applicant: Robert Rice

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding applications for minor variance and consent submitted by the owner, Robert Rice, for the property located at 2418 Cole Hill Road.

The purpose of the consent application (File Number D10-041-2021) is to sever a portion of an existing lot that is known as 2418 Cole Hill Road, which currently contains an existing single-family dwelling. The severed lot, which is approximately 0.2 hectares in size, will be transferred to the property known as 1589 Unity Road as lot addition (Exhibit C – Key Map). 1589 Unity Road is currently developed with a single-family dwelling and the added lot will be used for personal parking and greenspace. New paving or driveway is not proposed as part of this application.

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The proposed lot addition results in two lots that are dual-zoned, with Residential Type 1 'R1' Zone in the front and Restricted Agricultural 'A1' in the rear. The minor variance (File Number D13-009-2022) is requested to not interpret the zone boundaries as hard lot lines so that the resulting lots are not treated as having two separate lots.

The subject properties are located on the east side of Cole Hill Road and the south side of Unity Road and are situated within a Hamlet known as Glenburnie (Exhibit F - Neighbourhood Context Map). The subject properties are designated "Hamlet" in the Official Plan and zoned Residential Type 1 'R1' and Restricted Agricultural 'A1' in Zoning By-Law Number 76-26. The surrounding land use include low density rural residential to the east, south and to the west. There is an existing agricultural use on the north side of 1589 Unity Road (Exhibit D - Official Plan Map and Exhibit E - Zoning By-Law Number 76-26, Map 1). The properties are developed with single-family dwellings and there is no proposed development as part of these applications.

The submitted minor variance and consent applications are consistent with the Provincial Policy Statement and conform with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The requested minor variance is desirable for the appropriate use of the land and are minor in nature. The proposed minor variance application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval. The requested consent application has regard to the matters set out in subsection 51(24) of the *Planning Act* and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

Variance Number 1: More than one Use on a Lot
By-Law Number 76-26: Section 5(13)(c)

Requirement: Where a lot is divided into more than one zone, each such portion of the lot shall, for the purpose of this by-law, be considered a separate lot and shall be used in accordance with the applicable zone provisions of this by-law, but this provision shall not be construed to permit more than one dwelling house on the whole lot.

Proposed: Where a lot is divided into more than one zone, the zone provisions shall be applied to the lot boundary and not to the zone boundary.

Recommendation:

That minor variance application, File Number D13-009-2022 for the properties located at 2418 Cole Hill Road and 1589 Unity Road to permit the lot addition subject to the associated consent application, File Number D10-041-2021, be approved subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-22-038; and

That consent application, File Number D10-041-2021, to sever a 0.2 hectares parcel of land from 2418 Cole Hill Road and have it added to the property at 1589 Unity Road, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-22-038.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

InGi Kim, Planner

Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

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Options/Discussion:

On October 26, 2021, application for consent was submitted by Robert Rice, the owner of the subject property located at 2418 Cole Hill Road.

The purpose of the consent application (File Number D10-041-2021) is to sever a portion of an existing lot that is known as 2418 Cole Hill Road, which currently contains an existing single-family dwelling. The severed lot, which is approximately 0.2 hectares in size, will be transferred to the property known as 1589 Unity Road as lot addition. 1589 Unity Road is currently developed with a single-family dwelling and the added lot will be used for personal parking and greenspace. New paving or driveway is not proposed as part of this application.

As a result of this application, no new lot is being created. However, it results in two lots that are dual-zoned, with Residential Type 1 'R1' Zone in the front and Restricted Agricultural 'A1' in the rear. Section 5(13)(c) of Zoning By-Law Number 76-26 states that "where a lot is divided into more than one zone, each such portion of the lot shall, for the purpose of this by-law, be considered a separate lot and shall be used in accordance with the applicable zone provisions of this by-law, but this provision shall not be construed to permit more than one dwelling house on the whole lot."

Subsequently, on February 2, 2022, application for minor variance (File Number D13-009-2022) was submitted by Robert Rice, the owner of the subject property located at 2418 Cole Hill Road to not interpret the zone boundaries as hard lot lines so that the resulting lots are not treated as having two separate lots for both retained and benefited parcels.

Site Characteristics

The subject properties are located on the east side of Cole Hill Road and the south side of Unity Road and are situated within a rural residential area known as Glenburnie (Exhibit F - Neighbourhood Context Map).

2418 Cole Hill Road is currently 0.8 hectares in size with 40 metres of frontage onto Cole Hill Road. The site is currently developed with a single-family dwelling.

1589 Unity Road is currently 0.2 hectares in size with 50 metres of frontage onto Unity Road. The site is currently developed with a single-family dwelling. The property will benefit from the proposed lot addition.

The subject properties are designated "Hamlet" in the Official Plan and zoned Residential Type 1 'R1' and Restricted Agricultural 'A1' in Zoning By-Law Number 76-26. The surrounding land use include low density rural residential to the east, south and to the west. There is an existing agricultural use on the north side of 1589 Unity Road (Exhibit D - Official Plan Map and Exhibit E - Zoning By-Law Number 76-26, Map 1)

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Application

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

- Proposed Site Plan (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.

Provincial Policy Statement

The Provincial Policy Statement (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 applications being considered are site specific to accommodate a specific proposal and do not involve any major policy considerations and as much, the proposal conforms to and is consistent with the PPS.

Consent Application

The requested consent applications have regard to the matters set out in subsection 51(24) of the *Planning Act*, are consistent with the general purpose and intent of the City of Kingston Official Plan and it complies with the requirements of Zoning By-Law Number 76-26.

Official Plan

The subject property is designated ‘Hamlet’ in the City of Kingston Official Plan. Hamlets represent historical residential settlement patterns and serve as rural service centres. The goal of the ‘Hamlet’ designation is to support the quality of life and amenities found in rural Hamlets, and to permit a limited amount of additional development in the Hamlets of Sunnyside, Glenburnie, Brewer’s Mills, Kingston Mills, Elginburg, and Joyceville for the benefit of residents and to assist in providing services for the nearby agricultural community.

The proposed lot addition will comply with the intent of the Hamlet policies of the Official Plan. The proposal is not anticipated to cause any adverse impacts on the adjacent and abutting properties as no new lot is being created and no new development is being proposed. The lot addition will not have impact on existing streetscape as the properties will maintain their road frontages onto Cole Hill Road and Unity Road.

The creation of individual parcels of land by way of consent is subject to the consent policies of the Official Plan. In considering whether the proposal is appropriate, the Committee of Adjustment will have regard for the requirements included within the Official Plan, specifically section 9.6.13 titled: “Criteria for Consent Approval”. The following lists these requirements and is an assessment of how the proposal is consistent with each relevant policy.

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1. 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 subject properties are designated 'Hamlet' in the City of Kingston Official Plan. The proposed lot addition generally conforms with Section 3.13.4 of Official Plan for additional development within a Hamlet designation as the subject properties are on existing lots of record with adequate access from a public road with sufficient private water and sewage services. Additionally, there are no cultural heritage and mineral resources on the subject properties. The proposed lot addition is kept within the 'Hamlet' designated area and there is no intention to further develop on sites. Both lots are currently undersized when compared to newly created lots in the Hamlet designation. The lot addition will not negatively impact the development of the lots, but will improve the very undersized benefiting lot, lending it flexibility it previously didn't have should it redevelop.

The subject properties are zoned Residential Type 1 'R1' and Restricted Agricultural 'A1' in the City of Kingston Zoning By-Law Number 76-26.

The minimum lot area required for the 'R1' zone is 22,000 square feet (~0.2 hectares) and the minimum lot frontage required is 150 feet (~46 metres) [Section 12(2)]. 'R1' portion of the benefited parcel is 0.2 hectares in size with 50 metres of frontage onto Unity Road which complies with the minimum lot area and lot frontage required. 'R1' portion of the retained parcel complies with the minimum lot area but does not meet the required lot frontage as the existing road frontage is approximately 133 feet (~40 metres). A minor variance is required to address this deficiency.

The 'A1' zone permits an accessory dwelling house, a converted dwelling house, single-family dwelling house, and number of non-residential uses. However, the 'A1' portions of the subject properties are unsuitable for future developments since it does not have an adequate lot area and road frontage. The minimum of lot area of 5 acres is required to erect, alter or use any building or structure in the 'A1' Zone.

As a result of this application, no new lot is being created. However, it results in two lots that are dual-zoned, with 'R1' Zone in the front and 'A1' Zone in the rear. Section 5(13)(c) of Zoning By-Law Number 76-26 states that "where a lot is divided into more than one zone, each such portion of the lot shall, for the purpose of this by-law, be considered a separate lot and shall be used in accordance with the applicable zone provisions of this by-law, but this provision shall not be construed to permit more than one dwelling house on the whole lot." Therefore, a minor variance is required to not interpret the zone boundaries as hard lot lines so that the resulting lots are not treated as having two separate lots for both retained and benefited parcels.

2. Proposed severances that would result in irregularly shaped lots are to be avoided where possible

The proposed lot addition will not result in irregularly shaped lots.

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

The proposed lot addition will not alter the road frontage of both retained and benefited lots. The retained lot at 2418 Cole Hill Road has direct access from Cole Hill Road and the benefited lot at 1589 Unity Road has direct access from Unity Road.

4. 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;

The proposed lot addition will not alter the road frontage of both retained and benefited lot and no new access or driveways are proposed as part of this application.

5. 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;

No new access or driveways are proposed as part of this application.

6. Minor infilling of residential development is permitted except where the new lots would result in ribbon development of more than four non-farm residential lots that takes the form of a single depth of houses or other land uses fronting along roads in Rural Areas;

No new residential development is proposed as part of this application.

7. 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 the Plan and requirements of the zoning by-law;

No new residential development is proposed as part of this application.

8. 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 subject properties are located within a Hamlet area and therefore are not subject to separation distances in Rural Areas.

9. 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 the Plan; and

The subject property is not a protected heritage property, nor is it adjacent to a protected heritage property. The subject property is identified as having composite archeological potential in the Archaeological Master Plan. However, through the technical review process, it was determined that no archaeological assessment is required as no additional development, paving or structures will be on the lands. As part of the

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recommendation, Standard Archaeology Condition is included in Exhibit B – Recommended Conditions – Consent.

10. 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 property is located outside of the Urban Boundary and is not serviced by municipal services. The retained and benefited lots will continue be serviced with private on-site services.

The proposed lot addition meets the intent of the Official Plan and will not result in any negative impacts to adjacent properties or to the neighbourhood.

Zoning By-Law

The subject properties are zoned Residential Type 1 'R1' and Restricted Agricultural 'A1' in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The 'R1' zone permits a single-family dwelling house, a converted dwelling house, a home occupation, and a public use in accordance with the provisions of Section 5(18) hereof.

The minimum lot area required for the 'R1' zone is 22,000 square feet (~0.2 hectares) and the minimum lot frontage required is 150 feet (~46 metres) [Section 12(2)]. 'R1' portion of the benefited parcel is 0.2 hectares in size with 50 metres of frontage onto Unity Road which complies with the minimum lot area and lot frontage required. 'R1' portion of the retained parcel complies with the minimum lot area and the existing road frontage is approximately 133 feet (~40 metres).

The 'A1' zone permits an accessory dwelling house, a converted dwelling house, single-family dwelling house, and number of non-residential uses. However, the 'A1' portions of the subject properties are unsuitable for future developments since it does not have an adequate lot area and road frontage. The minimum of lot area of 5 acres is required to erect, alter or use any building or structure in the 'A1' Zone.

Minor Variance Application

A minor variance is requested to not interpret the zone boundaries as hard lot lines so that the resulting lots are not treated as having two separate lots for both retained and benefited properties.

The review of an application for minor variance(s) is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) 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:

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

The subject property is designated 'Hamlet' in the City of Kingston Official Plan.

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 proposal will not have any negative impacts on abutting properties or residential uses and/or structures. The proposal is compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area. There is no additional development, paving or structures proposed. Therefore, there is no increase in density or intensity of uses.

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;

There are no additional development, paving or structures proposed.

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 proposed lot addition will not alter the road frontage of both retained and benefited lot and no new access or driveways are proposed as part of this application.

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 proposed lot addition has no impact on urban design and there are no matters of built heritage on this property. The site is not located within a Heritage Conservation District.

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 property is not a protected heritage property, not is it adjacent to a protected heritage property. The subject property is identified as having composite archeological potential in the Archaeological Master Plan. However, through the technical review

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process, it was determined that no archaeological assessment is required as no additional development, paving or structures will be on the lands. As part of the recommendation, Standard Archaeology Condition is included in Exhibit A – Recommended Conditions – Minor variance.

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 not serviced by municipal services. The proposed and retain lots will be serviced with private on-site services. No new residential development is proposed as part of this application.

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 existing single-family residential uses comply with the provisions of the 'R1' zone. The purpose of the proposed lot addition is to accommodate personal vehicle parking and a greenspace. There is no new development proposed as part of this application. Therefore, the application and the cumulative impact of the proposal 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;

As part of the recommendation, suggested conditions have been listed in Exhibit A – Recommended Conditions – Minor Variance. The conditions may be added, altered, or removed at the Committee's discretion.

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

The approval of the requested variance is considered minor and will not set a precedent for the immediate area. The need for relief from the zoning by-law arises from a technicality of the zoning by-law.

The proposal meets the intent of the Official Plan, as the proposed lot addition and 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 1 'R1' and Restricted Agricultural 'A1' in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The 'R1' zone permits a single-family dwelling house, a converted dwelling house, a home occupation, and a public use in accordance with the provisions of Section 5(18)

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hereof. The 'A1' zone permits an accessory dwelling house, a converted dwelling house, single-family dwelling house, and number of non-residential uses.

As a result of the associated consent application, File Number D10-041-2021, no new lot is being created. However, it results in two lots that are dual-zoned, with Residential Type 1 'R1' Zone in the front and Restricted Agricultural 'A1' in the rear. Section 5(13)(c) of Zoning By-Law Number 76-26 states that "where a lot is divided into more than one zone, each such portion of the lot shall, for the purpose of this by-law, be considered a separate lot and shall be used in accordance with the applicable zone provisions of this by-law, but this provision shall not be construed to permit more than one dwelling house on the whole lot."

For both retained and benefited parcels, relief from Section 5(13)(c) of Zoning By-Law Number 76-26 is required to not interpret the zone boundaries as hard lot lines so that the resulting lots are not treated as having two separate lots.

Variance Number 1: More than one Use on a Lot
By-Law Number 76-26: Section 5(13)(c)

Requirement: Where a lot is divided into more than one zone, each such portion of the lot shall, for the purpose of this by-law, be considered a separate lot and shall be used in accordance with the applicable zone provisions of this by-law, but this provision shall not be construed to permit more than one dwelling house on the whole lot.

Proposed: Where a lot is divided into more than one zone, the zone provisions shall be applied to the lot boundary and not to the zone boundary.

Relief from Section 5(13)(c) would enable the subject sites to treat the property lines as the lot boundaries regardless of the location of the zone boundary. This would allow resulting lots are not treated as having two separate lots. The intent of Section 5(13)(c) is to prevent the construction of more than one dwelling house on individual lots within multiple zones. The variance will enable the proposed lot addition to be processed as intended, in compliance with all of the provisions and intent of the R1 zone. The proposed variance maintains the intent of the By-Law as the proposal will not result in more than one dwelling house on the lot.

3)The variance is minor in nature

The requested variance is considered minor as the need for relief from the zoning by-law arises from a technicality of the zoning by-law and the effect of them would be limited to the subject properties. Additionally, the variance is requested to permit the proposed lot addition where there is no development proposed on the added lot. The proposed lot addition will not alter the character of the neighbourhood or the existing streetscape and will have no negative impacts on abutting properties or residential and/or uses or structures.

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

The proposed lot addition will provide the functional needs for the existing residential use. The requested variances are required to permit the lot addition to provide additional parking and greenspace for the property at 1589 Unity Road. Relief from Section 5(13)(c) will enable the zone boundaries not to be interpreted as the lot boundary. Therefore, the variance is desirable for the appropriate use of the lands.

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 checked="" 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

The applications were circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude the applications 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.

Heritage Planning:

- As no additional development, paving or structures will be on the lands, no archaeological assessment is required.

Building Services:

- Based on the information provided, the building department does not object to the proposed lot addition.

Cataraqui Region Conservation Authority (CRCA):

- No concerns for the proposed lot addition.

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Public Comments

At the time this report was finalized, no public comments have been 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 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.

Provisional approval of this application will allow for 0.2 hectares of land to be added to the property known as 1589 Unity Road for personal parking and green space. There is no additional development, paving or structures proposed on the added portion of the land. The proposal will improve the function of the site and represents good land use planning.

The requested variance maintains 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.

Existing Policy/By-Law:

The proposed applications were 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

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Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on April 11, 2022. 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 20 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, Manager, Development Approvals 613-546-4291 extension 3213

InGi Kim, Planner, 613-546-4291 extension 3277

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions – Minor Variance
- Exhibit B Recommended Conditions – Consent
- Exhibit C Key Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Number 76-26, Map 1
- Exhibit F Neighbourhood Context Map (2021)
- Exhibit G Proposed Site Plan
- Exhibit H Public Notice Notification Map

Recommended Conditions

Application for minor variance, File Number D13-009-2022

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

1. Limitation

That the approved minor variance applies only to properties located at 2418 Cole Hill Road and 1589 Unity Road for the proposed lot addition 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 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.

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 Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132) and 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 at the Ministry of Government and Consumer Services (416-212-7499), the Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

5. Associated Consent Application

That associated Consent Application D10-041-2021 is approved and all related conditions of approval are fulfilled prior to the issuance of the consent certificate by the Secretary-Treasurer Committee of Adjustment.

Recommended Conditions

The provisional approval of consent application, File Number D10-041-2021, to sever a 0.2 hectares parcel of land with no road frontages from 2418 Cole Hill Road and have it merged on title to the property known as 1589 Unity Road, is subject to the following recommended conditions. The retained parcel will maintain the existing single-family dwelling municipally addressed as 2418 Cole Hill Road having road frontage onto Cole Hill Road. The benefited parcel will maintain the existing single-family dwelling municipally addressed as 1589 Unity Road having road frontage onto Unity Road.

1. Certificate of Official and 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. We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays.

The Certificate must be registered within two years 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 the file.

2. Reference Plan

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

3. Payment of Taxes

The owner/applicant shall contact the Tax Department at 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.

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 Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132) and 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 at the Ministry of Government and Consumer Services (416-212-7499), the Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

5. Lot Addition

That the lands herein conveyed shall be consolidated with the land described as 1589 Unity Road and any subsequent conveyance or transaction of the said lands shall be subject to the part lot control provisions of Subsection (3) or (5) of Section 50 of the Planning Act, R.S.O. 1990 as amended. Failure to consolidate the subject lands shall render this consent null and void.

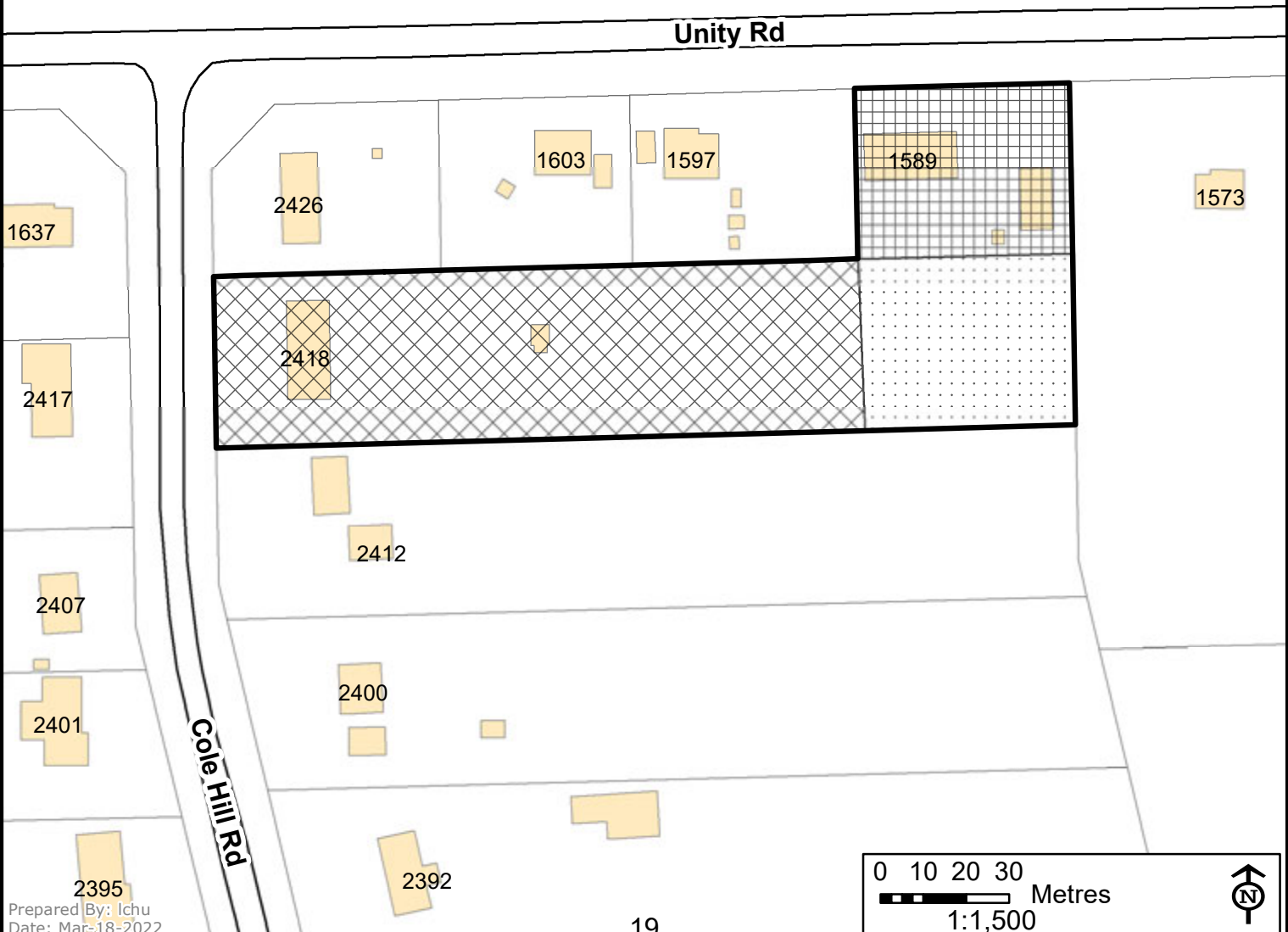
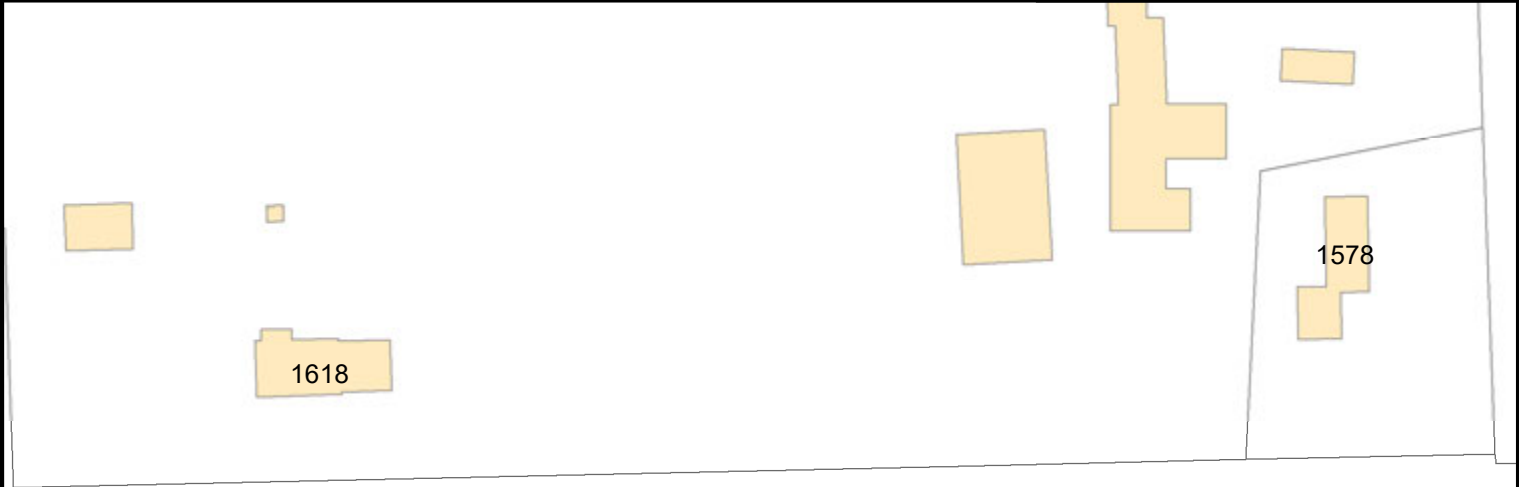
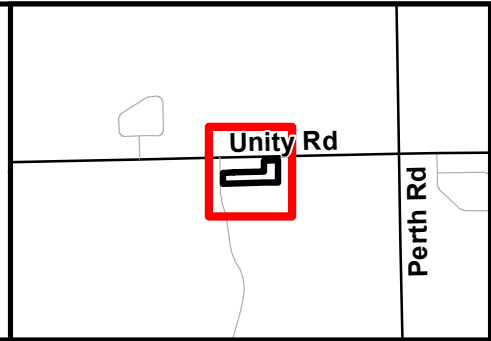


Committee of Adjustment

Key Map

Address: 2418 Cole Hill Road and 1589 Unity Road
File Number: D10-041-2021 & D13-009-2022

- Subject Lands
- Retained Parcel
- Severed Lands
- Benefitting Parcel



Prepared By: Ichu
Date: Mar-18-2022



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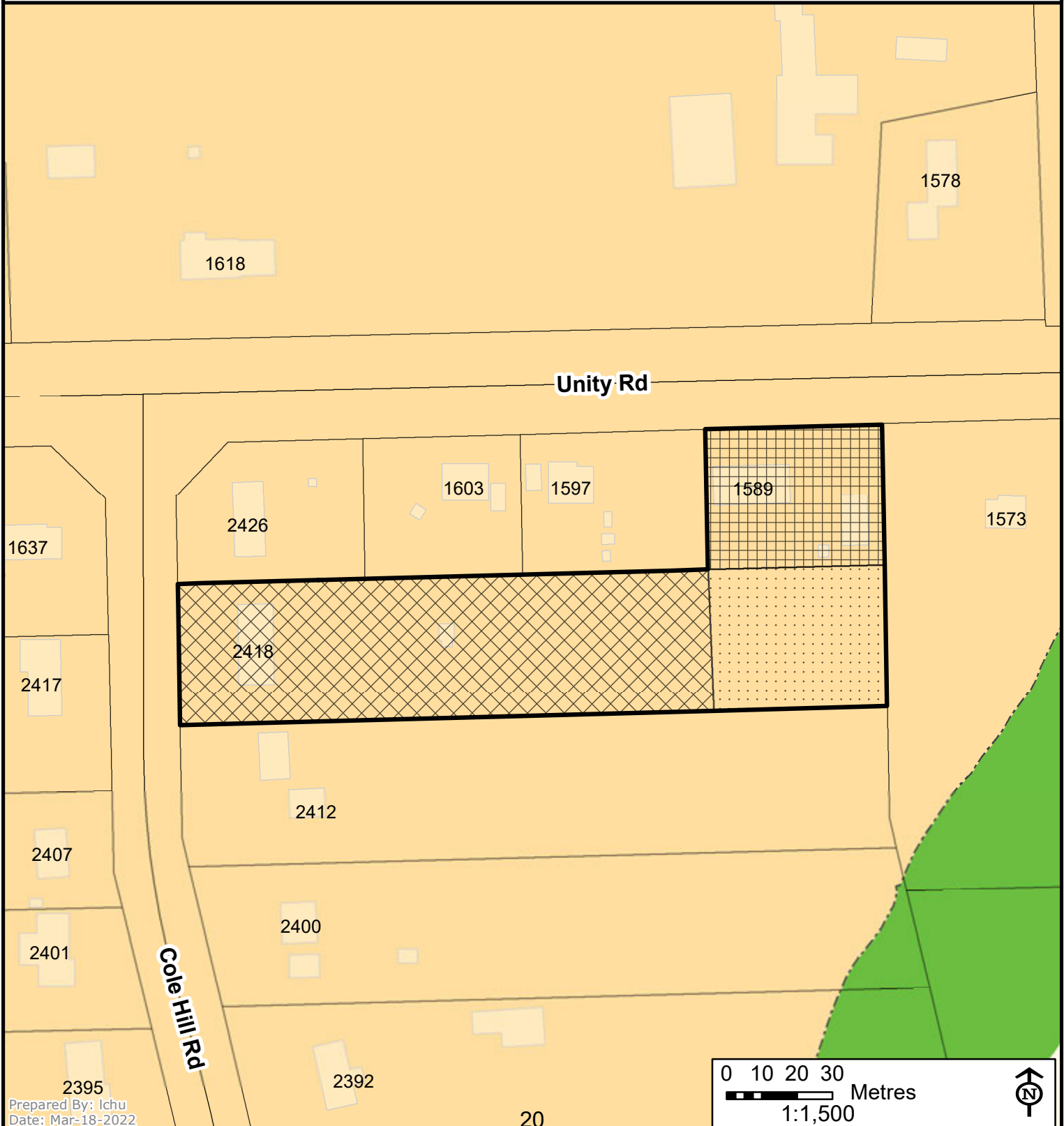


Planning Services

Committee of Adjustment Official Plan, Existing Land Use

Address: 2418 Cole Hill Road and
1589 Unity Road
File Number: D10-041-2021
& D13-009-2022

- Subject Lands
- Benefitting Parcel
- Retained Parcel
- Severed Lands
- ENVIRONMENTAL PROTECTION AREA
- HAMLET
- RURAL



Prepared By: Ichu
Date: Mar-18-2022

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Planning Services

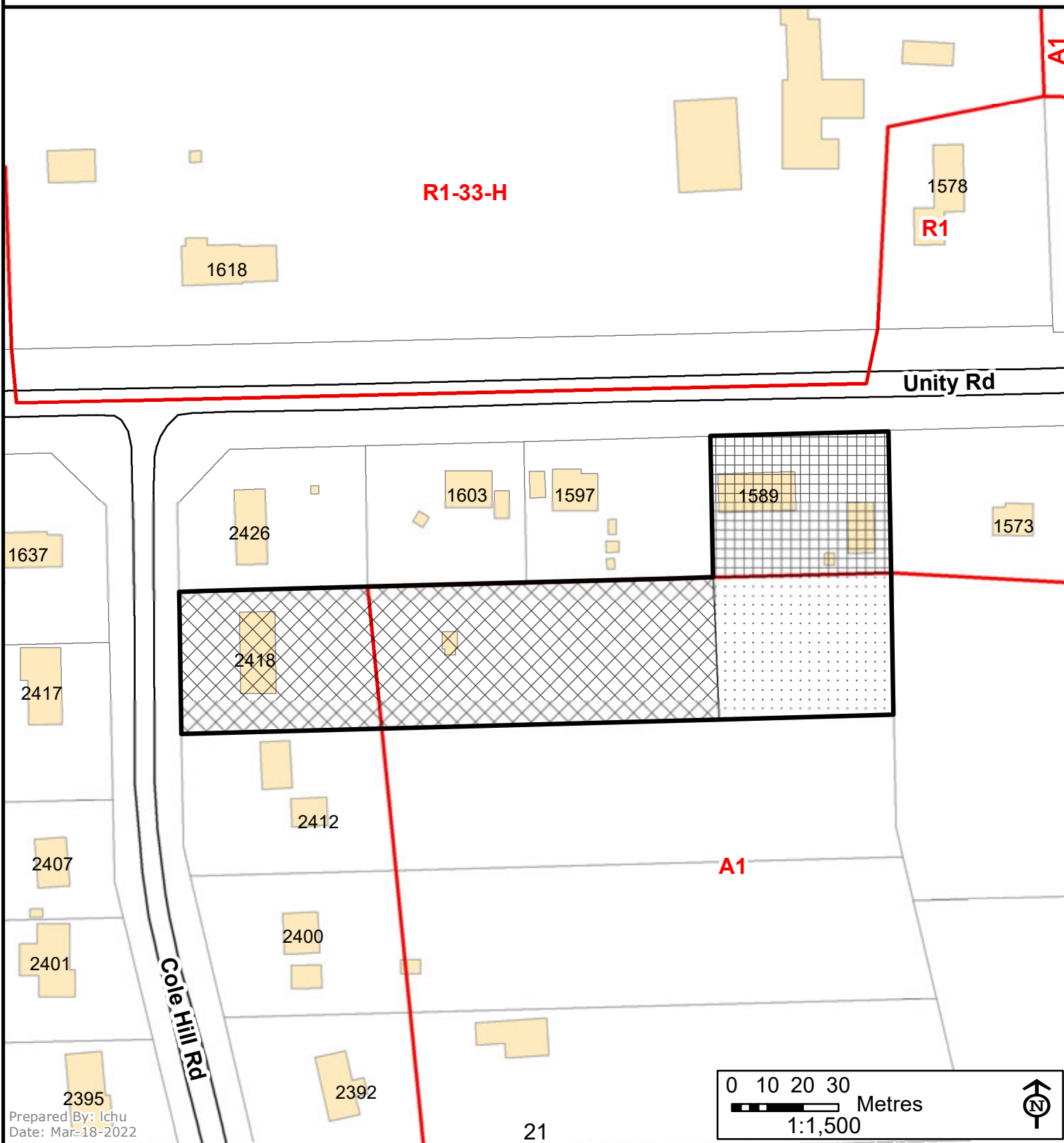
Committee of Adjustment

Existing Zoning - By-law 76-26, Map 1

Address: 2418 Cole Hill Road and 1589 Unity Road

File Number: D10-041-2021 & D13-009-2022

- Subject Lands
- Benefiting Parcel
- Retained Parcel
- Severed Lands
- Consolidated Zoning









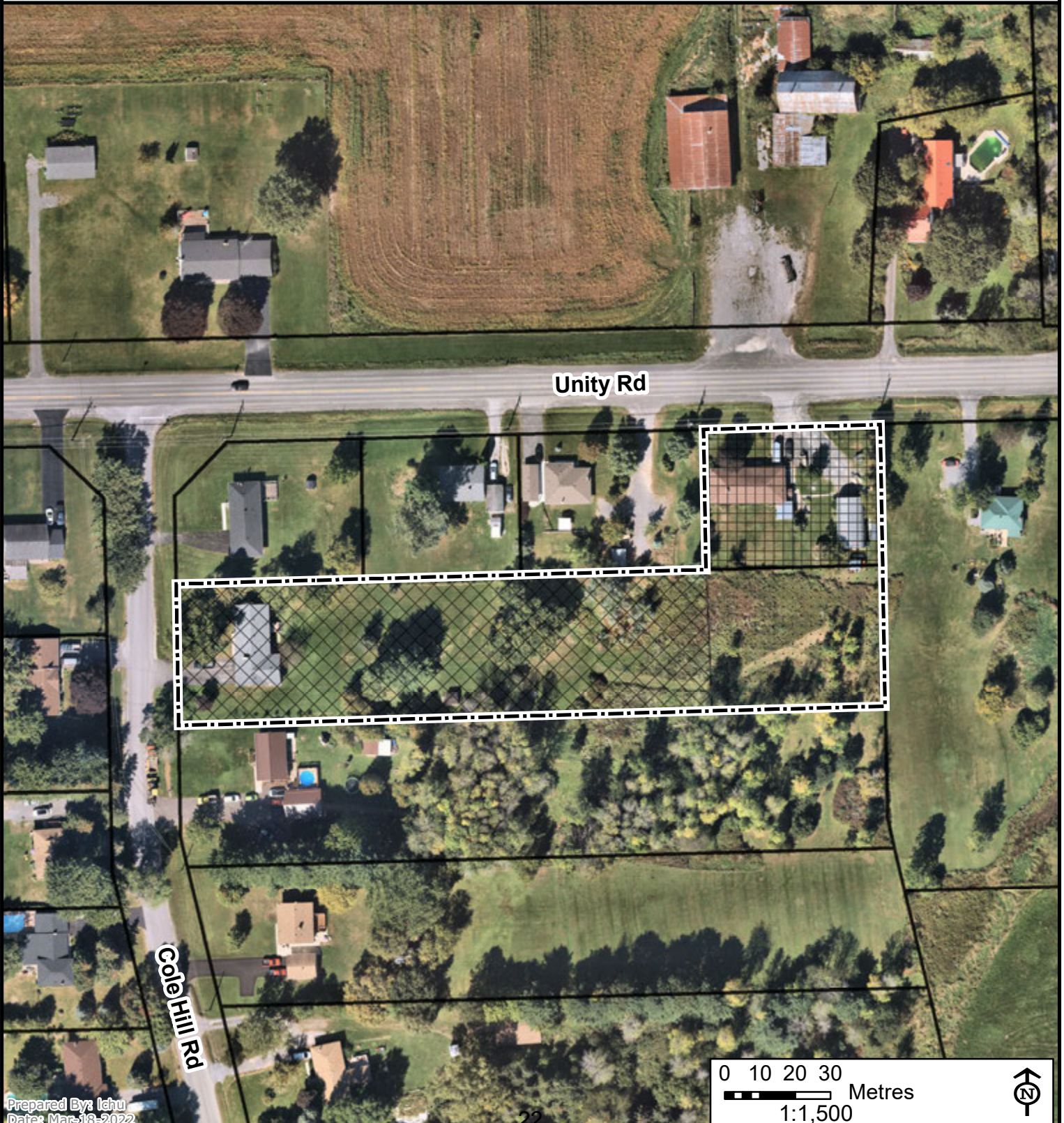
Prepared By: lchu
Date: Mar-18-2022

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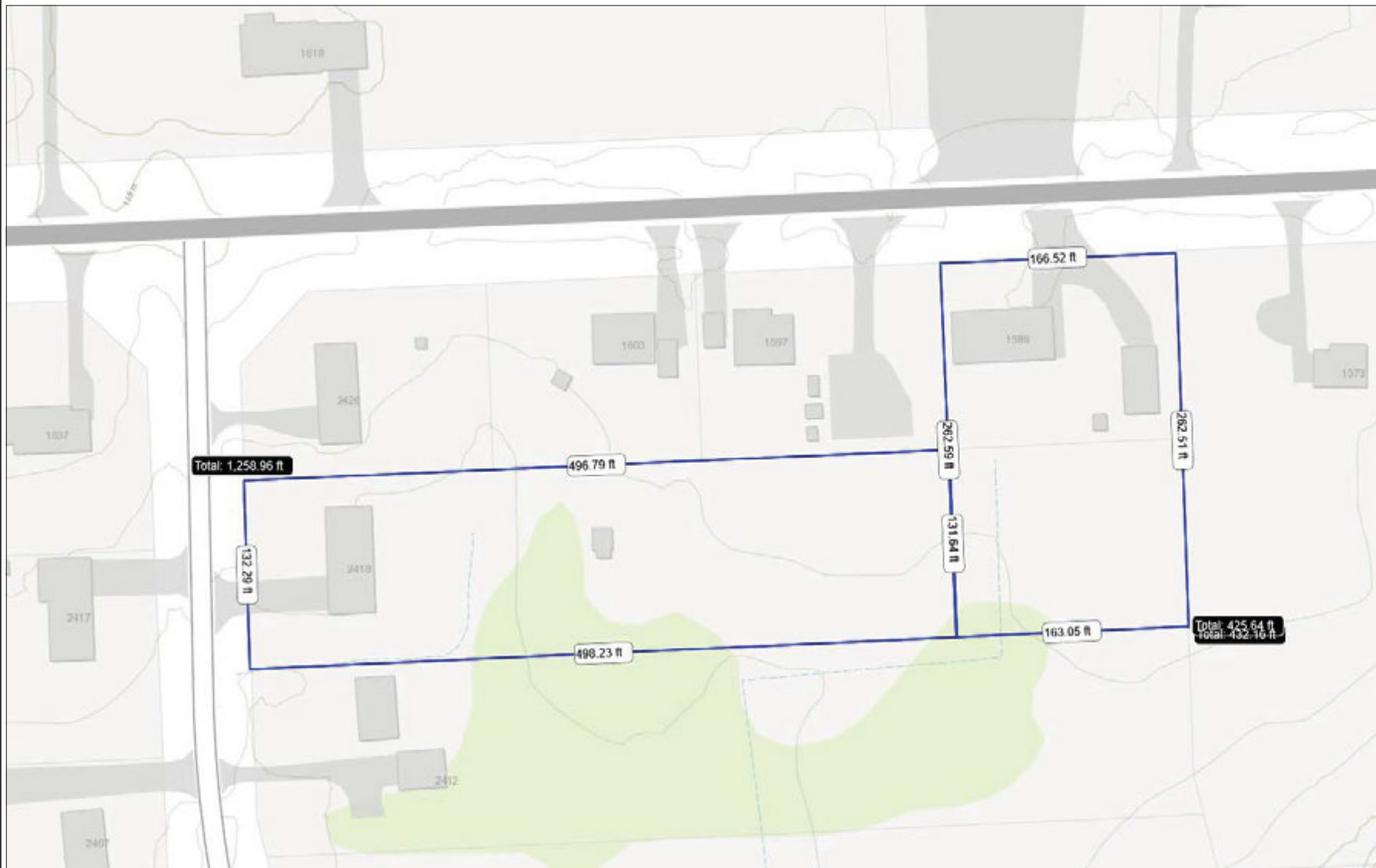


Committee of Adjustment
Neighbourhood Context (2021)
Address: 2418 Cole Hill Road and 1589 Unity Road
File Number: D10-041-2021 & D13-009-2022

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels
-  Benefiting Parcel
-  Retained Parcel
-  Severed Lands



FRONTENAC | Map Title



Legend
 Parcels
 Citations

1:1,128



0.1 0 0.03 0.1 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
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Notes
Notes

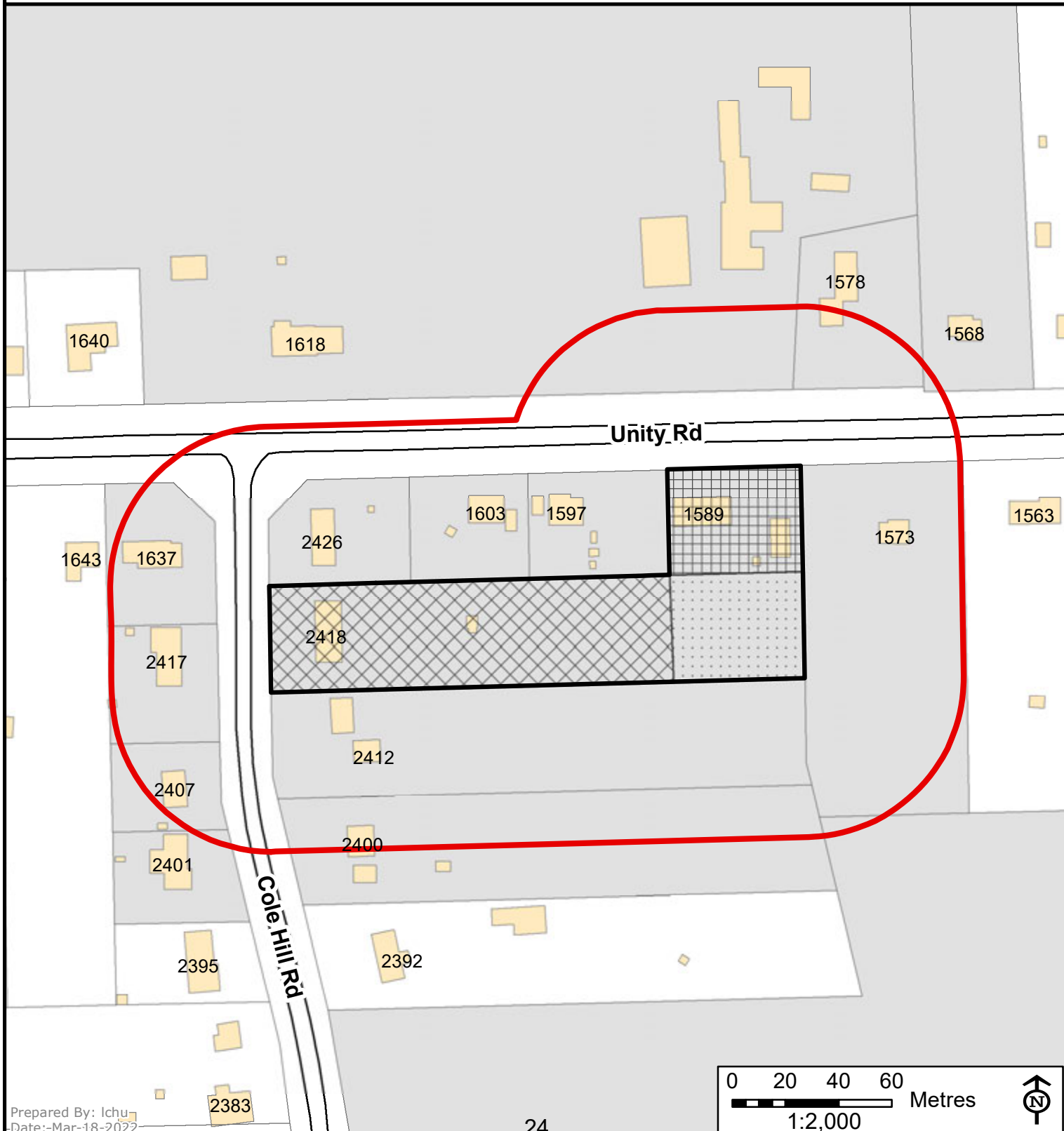


Planning Services

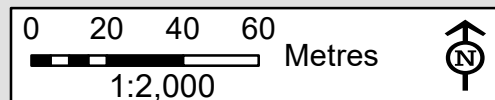
Committee of Adjustment Public Notice Notification Map

Address: 2418 Cole Hill Road and
1589 Unity Road
File Number: D10-041-2021
& D13-009-2022

- 60m Public Notification Boundary
- Subject Lands
- Benefitting Parcel
- Retained Parcel
- Severed Lands
- Property Boundaries
- Proposed Parcels
- 15 Properties in Receipt of Notice (MPAC)



Prepared By: Ichu
Date: Mar-18-2022



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