



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-24-012**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Jason Partridge, Planner  
**Date of Meeting:** January 22, 2024  
**Application for:** Minor Variance and Consent  
**File Numbers:** D13-067-2023 & D10-048-2023  
**Address:** 3718 Brewers Mills Road  
**District:** District 1 – Countryside  
**Owner:** Pam Hogan, Nicholas Hogan, Gregory Hogan, Erica Hogan,  
Brenda Hogan  
**Applicant:** Pam Hogan

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**Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

**Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding applications for minor variance and consent submitted by Pam Hogan on behalf of the owners, Pam Hogan, Nicholas Hogan, Gregory Hogan, Erica Hogan, Brenda Hogan, for the property located at 3718 Brewers Mill Road.

The purpose of the consent application (File Number D10-048-2023) is to sever one parcel of land from the property located at 3718 Brewers Mills Road. The proposed severance will result in an approximately 1.07 hectare parcel of land with approximately 60 metres of frontage along Brewers Mills Road. The retained lot will be approximately 40.71 hectares in size with approximately 181.5 metres of frontage along Brewers Mills Road.

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The associated minor variance application (File Number D13-067-2023) is requesting relief from the required minimum lot frontage provision of the General Rural Area Zone (RU) to permit a minimum lot frontage of 60 metres where 90 metres is required for the severed parcel. Aside from the lot frontage, the severed and retained lots will comply with all other lot area, setback, height and landscaped open space and lot area requirements.

The requested 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 Kingston Zoning By-Law Number 2022-62. The requested minor variance is desirable for the appropriate development or use of the land, building or structure and is 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.

**Recommendation:**

**That** minor variance application, File Number D13-067-2023 for the property located at 3718 Brewers Mills Road to provide relief from the minimum lot frontage requirement to sever one parcel of land, be approved, as described below:

**Variance Number 1:**

By-Law Number: 2022-62 Section 8.3.1 (2) Minimum Lot Frontage  
Requirement: 90 metres  
Proposed: 60 metres  
Variance Requested: 30 metres

**That** approval of the minor variance application be subject to the conditions attached as Exhibit A (Recommended Conditions – Minor Variance) to Report Number COA-24-012; and,

**That** Consent application, File Number D10-048-2023, for the property located at 3718 Brewers Mills Road to sever an approximately 1.07 hectare parcel of land with approximately 60 metres of frontage along Brewers Mills Road, be provisionally approved subject to the conditions included in in Exhibit B (Recommended Conditions – Consent) to Report Number COA-24-012.

**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER  
\_\_\_\_\_  
Jason Partridge, Planner

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**Consultation with the following Management of the Growth & Development Services Group:**

Tim Park, Director, Planning Services

Meghan Robidoux, Supervisor, Development Approvals

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**Options/Discussion:** 

On November 17, 2023, applications for minor variance and consent were submitted by Pam Hogan on behalf of the owners Pam Hogan, Nicholas Hogan, Gregory Hogan, Erica Hogan, Brenda Hogan for the subject property located at 3718 Brewers Mills Road.

The purpose of the consent application (File Number D10-049-2022) is to sever one parcel of land from the property located at 3718 Brewers Mills Road. The proposed severance will result in an approximately 1.07 hectare parcel of land with approximately 60 metres of frontage along Brewers Mills Road. The retained lot will be approximately 40.71 hectares in size with approximately 181.5 metres of frontage along Brewers Mills Road.

The minor variance application (File Number D13-067-2023) is requesting relief from the required minimum lot frontage provision of the General Rural Area Zone (RU) to permit a minimum lot frontage of 60 metres where 90 metres is required for the severed parcel.

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

- 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.

**Site Characteristics**

The subject property is located on the north side of Brewers Mills Road (Exhibit C – Key Map). The property is currently occupied with a single detached house and various accessory buildings. The surrounding area is predominantly made up of rural residential lots (Exhibit G – Neighbourhood Context Map (2023)).

The subject property is designated Rural and Environmental Protection Area Lands in the Official Plan (Exhibit E – Official Plan Map) and the majority of the lot is located in the General Rural Area Zone (RU), with a small area to the north which is zoned Environmental Protection Area Zone (EPA) in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). No non-farm residential use lots have been severed from the subject property since March 17, 1982; therefore, the proposed severance is permitted in accordance with Section 3.12.9(a) of the Official Plan.

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**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 application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as much, the proposal conforms to and is consistent with the PPS.

**Consent Application**

The review of an application for a consent is subject to Section 53 of the *Planning Act* which requires the approval authority be satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality having regard to the matters addressed in subsection 51(24).

The proposal will result in the creation of in a 1.07-hectare parcel of land with approximately 60 metres of frontage along Brewers Mills Road. The retained lot will be 40.71 hectares in size with 181.5 metres of frontage along Brewers Mills Road. The proposed consent meets the tests set out in the *Planning Act* and plan of subdivision is not required for the proper and orderly development of the property.

**Official Plan**

The subject property is designated Rural and Environmental Protection Area Lands as per Schedule 3-C in the City of Kingston Official Plan. The goal of the Rural designation is to protect the rural community by balancing the environmental, resource protection, community and economic objectives of land use on Rural Lands, and to permit a range and scale of uses that help to promote the long-term growth and viability of the rural community. The goal of Environmental Protection Area is to preserve the ecosystem role that Environmental Protection Areas play in sustaining the natural heritage system of the City and the broader region.

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 proposed consent will result in a total of two lots, one severed and one retained parcel, intended to accommodate the existing single detached house on the severed parcel and the retained parcel will accommodate a future single detached house and agricultural use. Kingston Zoning By-Law 2022-62 requires a minimum lot frontage of 90 metres for lots in the General Rural Area (RU)Zone. The proposed lot frontages of the severed and retained lots are consistent with nearby non-agricultural lots and are appropriate for the existing residential use

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on the severed lot and the future residential or agricultural uses on the retained lot. The severed parcel has been designed appropriately to accommodate a single detached house, subject to obtaining the requested relief for lot frontage through the minor variance application and meeting the requirements of the Kingston Zoning By-Law Number 2022-62 at the time of future development.

The proposal will not result in the creation of new irregularly shaped lots in the rural area. The proposed severed lot will have approximately 60 metres of frontage on Brewers Mills Road and have an area of 1.07 hectares and will maintain a “L-shaped” lot using the existing property lot lines to the west of the property. The proposed retained lot will have approximately 181.5 metres of frontage on Brewers Mills Road and will have an area of 40.71 hectares and will maintain a rectangular shape following the severance.

The severed and retained lots will retain frontage on Brewers Mill Road, a municipally maintained road. The proposed severed and retained lots will have sufficient road frontage with even grades which will provide for good sight lines. The consent application was circulated to Engineering Staff and no engineering concerns were noted. 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.

The proposal to sever one lot is considered to be minor infill development as there is a distance of 100 metres or less between two non-farm residential lots on the same side of the road. The proposal does not meet the definition of ribbon development as it does not result in the 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.

The severed and retained lots and their intended residential uses are compatible with similar uses in the rural area and will not result in any impacts to abutting agricultural uses or existing livestock or manure storage facilities within 750 metres of newly formed lot lines. A minimum separation distance (MDS) calculation was completed for 3580 Brewers Mills Road for an active beef cattle barn that is approximately 640 metres away from the proposed new lot. The minimum separation distance calculation requires a separation distance of 231 metres from the beef cattle barn, which . As such, the proposed lots comply with this requirement.

The subject lands have been identified as containing composite archaeological potential on the Archaeological Master Plan. As such, Archaeological clearance is required for a portion of the vacant retained parcel, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry of Heritage, Sport, Tourism, and Culture Industries’ Standards and Guidelines for Consultant Archaeologists, as amended from time to time, prior to any soil disturbance.

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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 hydrogeological assessment will be required on the vacant retained land as a condition of consent. Any new septic systems require a permit and must be constructed per the Ontario Building Code (OBC), with existing sewage systems meeting the required OBC setbacks to the newly proposed property lines.

The proposal meets the intent of the Official Plan, as the proposed severed and retained lots will not result in any negative impacts to adjacent properties or to the surrounding Rural Lands, with the application of the recommended conditions of approval.

### **Zoning By-Law**

The subject lot is zoned General Rural Area (RU) Zone in Kingston Zoning By-Law Number 2022-62, with a small portion of Environmental Protection Area (EPA) Zone on the northern portion of the lot. The severed and retained parcels comply with the minimum lot area requirements within the RU zone. However, the severed lot is subject to a minor variance for minimum lot frontage as the proposed severed lot frontage is less than the required 90 metres. The severed and retained parcels of land will be subject to all other performance standards of the RU zone at time of development.

A minor variance is requested to reduce the minimum lot frontage requirement in the RU zone in Kingston Zoning By-Law Number 2022-62. The variance is requested in order to sever a 1.07 hectare parcel of land with approximately 60 metres of frontage along Brewers Mills Road. The retained lot will be approximately 40.71 hectares in size with approximately 181.5 metres of frontage along Brewers Mills Road.

### **Minor Variance Application**

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:

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

The subject property is designated Rural and Environmental Protection Area in the City of Kingston Official Plan (Exhibit E – Official Plan Map).

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.

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The proposed development of a new lot will provide additional housing supply within the City of Kingston. The existing and proposed future development of the property will be subject to the RU zone requirements that are applicable to adjacent properties, including maximum lot coverage and minimum building setbacks. The proposed severed and retained lots will result in a development that is consistent with the built form of several residential lots located, east, west and south of the subject property along Brewers Mills Road. The overall design and scale of the proposal is not anticipated to cause any adverse impacts on the adjacent residential properties.

The severed lot and retained lands have sufficient road frontages with even grades to allow for vehicle access. Future access points will be reviewed by the Engineering Department when the proponent applies for an entrance permit.

The site is not designated under the *Ontario Heritage Act* or adjacent to properties designated under the *Ontario Heritage Act*.

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 hydrogeological assessment will be required as a condition of consent approval.

The proposal meets the intent of the Official Plan, as the proposed variance 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 RU and EPA in the Kingston Zoning By-Law Number 2022-62, entitled "Kingston Zoning By-law". The RU zone permits a single detached house, agricultural sales establishment, agricultural use, agri-tourism, banquet hall, cemetery, community centre, elementary school, feedmill, forestry use, kennel, library, museum, place of worship and rural use.

The proposal requires a variance to Section 8.3.1 (2), as outlined below:

**Variance Number 1:**

By-Law Number: 2022-62 Section 8.3.1 (2) Minimum Lot Frontage	
Requirement:	90 metres
Proposed:	60 metres
Variance Requested:	30 Metres

The intent of the minimum lot frontage within an RU zone is to ensure that lots are sufficiently wide enough for efficient farm use, and to enable larger farm equipment to access the property. In this case, the severed property will continue to be utilized as a rural residential property and is not likely to be used for farm uses. The retained lot exceeds the RU lot frontage requirement and will be wide enough to ensure efficient farm use on the property. The proposed lot frontage for severed lot allows adequate space for the existing single detached house and associated



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accessory buildings, while also conforming to the setback requirements of the zone. The proposed severed and retained lots are consistent with the character of the lots in the surrounding area. Any future proposed non-residential use would be required to comply with MDS setback requirements.

The requested variance maintains the general intent and purpose of the zoning by-law.

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

The proposed severed and retained lots will result in a development that are consistent with the existing built form of residential development along Brewers Mills Road. The proposed lots will exceed the lot area requirements of the Kingston Zoning By-Law and will be able to meet the all building setback requirements of the RU zone, which will prevent any intrusive overlook with respect to adjacent properties. The variance will not alter the character of the neighbourhood or the existing streetscape.

The variance is considered minor as there will be no negative impacts on abutting properties or residential and/or uses or structures.

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

The proposed development will provide the functional needs for the existing and future residential use on the two lots. The resulting built form satisfies all applicable provisions of the zoning by-law, with the exception of the lot frontage of the severed lot.

The proposal is appropriate and compatible with the surrounding residential uses and will not result in significant impacts or changes to the surrounding area.

The variance is desirable and appropriate use of the land.

**Technical Review: Circulated Departments and Agencies**

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Building Division | <input checked="" type="checkbox"/> Engineering         | <input checked="" type="checkbox"/> Heritage Services    |
| <input type="checkbox"/> Finance                      | <input checked="" type="checkbox"/> Utilities Kingston  | <input type="checkbox"/> Real Estate                     |
| <input checked="" type="checkbox"/> Fire & Rescue     | <input type="checkbox"/> Kingston Hydro                 | <input checked="" type="checkbox"/> 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 checked="" type="checkbox"/> Hydro One         | <input type="checkbox"/> Enbridge Pipelines             | <input type="checkbox"/> TransCanada Pipelines           |
| <input type="checkbox"/> Kingston Airport             |   |  |

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**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.

**Public Comments**

At the time this report was finalized, no 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.

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. 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 the consent and minor variance applications will create one new parcel of land and permit an existing single detached house on the severed and a proposed future residential/agricultural use on the retained lot. The proposed applications represent good land use planning.

**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:

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**Provincial**

Provincial Policy Statement, 2020

**Municipal**

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

**Notice Provisions:**

A Committee of Adjustment Meeting is going to be held respecting this application on January 22, 2024 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 10 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 (Exhibit I – Public Notification Map).

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:**

Meghan Robidoux, Supervisor, Development Approvals 613-546-4291 extension 1256

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

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

Exhibit A Recommended Conditions – Minor Variance

Exhibit B Recommended Conditions – Consent

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- Exhibit C Key Map
- Exhibit D Neighbourhood Context Map (2023)
- Exhibit E Official Plan Map
- Exhibit F Zoning By-Law Map
- Exhibit G Site Plan
- Exhibit H Site Photo
- Exhibit I Public Notification Map

## Recommended Conditions

The approval of minor variance application, File Number D13-067-2023, to reduce the minimum lot frontage requirement, shall be subject to the following recommended conditions:

### 1. Limitation

That the approved variance applies only to the lot frontage requirement for the severed parcel for the property known as 3718 Brewers Mills Road, as proposed through File Number D10-048-2023.

### 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 Archeological 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 Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism ([archaeology@ontario.ca](mailto:archaeology@ontario.ca)) 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 Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-9919959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism ([archaeology@ontario.ca](mailto:archaeology@ontario.ca)), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

## Recommended Conditions

The provisional approval of consent application, File Number D10-048-2023, to sever an approximately 1.07 hectare parcel with approximately 60 metres of frontage along Brewers Mills Road, shall be subject to the following recommended conditions:

### 1. Deadline

That all conditions are satisfied and a Certificate of Official for both the severed and retained parcels 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 two years of mailing of this notice under Section 32(41). 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 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 the file.

### 2. 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 consent 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.

### 3. 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.

### 4. Archaeological Condition

A scoped archaeological assessment is required for the retained lot, beginning with a Stage One Archaeological Assessment and including any subsequent assessments as required by the Ministry of Citizenship and Multiculturalism's Standards and Guidelines for Consultant Archaeologists, as amended from time to time, prior to any soil disturbance. Only the area within 200 metres to the north of Brewers Mills Road

requires an assessment, provided the Development Agreement only permits new buildings and related septic tanks within 475 metres north of Brewers Mills Road.

One digital copy of the assessment report(s) and any acceptance letter(s) from the Ministry of Citizenship and Multiculturalism shall be provided to the Secretary-Treasurer of the Committee of Adjustment, prior to the issuance of the Certificate of Official.

The City relies upon the report of the professional archaeologist as filed, but reserves the right to require further reports should further evidence be uncovered. The applicant may be required to further review the state of archaeological resources on the property depending on the recommendations of the report and subject to input and review from the Ministry of Citizenship and Multiculturalism. The City shall not be restricted in its ability to determine requirements related to review, assessment and/or protection should archaeological resources be found on site. Any costs arising from such requirements of the City, or any other duly authorized Government body, shall be borne solely by the applicant.

## **5. Related Application**

That the related application for minor variance (File Number D13-067-2023) be approved and all conditions of approval fulfilled.

## **6. Environment**

The owner shall provide a Level 1 Hydro G hydrogeological assessment that demonstrates adequate potable water supply for the vacant retained 40.71-hectare lot. 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 hydrogeological assessments for a Level 1 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 hydrogeologist licensed to practice as a Professional Engineer (P.Eng.) or Professional Geoscientist (P.Geo.) in Ontario; and, meet the objectives of Provincial Procedure D-5-5 for long term, safe yields.

Each newly created 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.

## **7. Engineering**

Please be advised that an entrance permit will be required for new and/or altered entrances. Information on the required permit can be obtained by contacting [transportation@cityofkingston.ca](mailto:transportation@cityofkingston.ca)

## 8. Civic Addressing

The owner/applicant shall contact the Planning Division 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.

## 9. Cash In Lieu of Parkland

That \$1582.68 per lot shall be paid to the City of Kingston as cash-in-lieu of land dedication for park or public recreational purposes for each new building lot being created. The applicant may choose to pay the fee through their DASH application, provide a certified cheque or provide payment at the front desk at 1211 John Counter Boulevard, prior to the issuance of the consent certificate.

## 10. 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 retained and severed parcels shall conform to the provisions of the City's Official Plan and the owner shall obtain a Building Permit for the construction or alteration to a septic system.
- b) Any recommendations resulting from the hydro-geological assessment are included within the development agreement for the lands.
- c) Any recommendations resulting from the Archaeological Assessment shall be included within the development agreement for the lands.

The owner agrees that no new buildings and related septic tanks will be constructed beyond 475 metres north of the Brewers Mills Road. If the owner would like to build any new buildings or related septic tanks in this location at a later date, an Archaeological Assessment will be required for any disturbed lands.

- d) 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 Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism ([archaeology@ontario.ca](mailto:archaeology@ontario.ca)) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



- e) 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 Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.
- f) That the owner be advised that any new or altered entrance to the site will require an entrance permit from the Engineering Division. Contact [transportation@cityofkingston.ca](mailto:transportation@cityofkingston.ca) for permit information.
- g) 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.
- h) That the owner acknowledges that a portion of the subject property is within the EPA or Significant Woodland, as outlined in the City's Tree By-Law. As part of the permit application, an Arborist Report and Tree Preservation Plan prepared by an ISA Certified Arborist is required. Securities and/or replacement tree plantings may be conditions of tree permit issuance.
- i) That the owner acknowledges and agrees with the City that:
  - i. 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;
  - ii. 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;
  - iii. Despite the Committee of Adjustment approval to sever the lands, or that the City has approved zoning for either or both of the severed lands and retained lands that would permit construction of a building thereon, or that the City has or may at any time in the future issue a building permit or approve a site plan for either or both the severed lands and retained lands, the City will have no obligation to extend the municipal water area or provide municipal water services, or to extend the municipal sewer service area or provide municipal sewer services to or for the benefit of either the severed lands or retained lands;
  - iv. Regardless of any order issued by the Ministry of the Environment or by the City of Kingston, Building Services in the future, the owner shall be solely




responsible for the costs associated with any upgrading or extension of any private or municipal services required to be constructed to comply with such order.

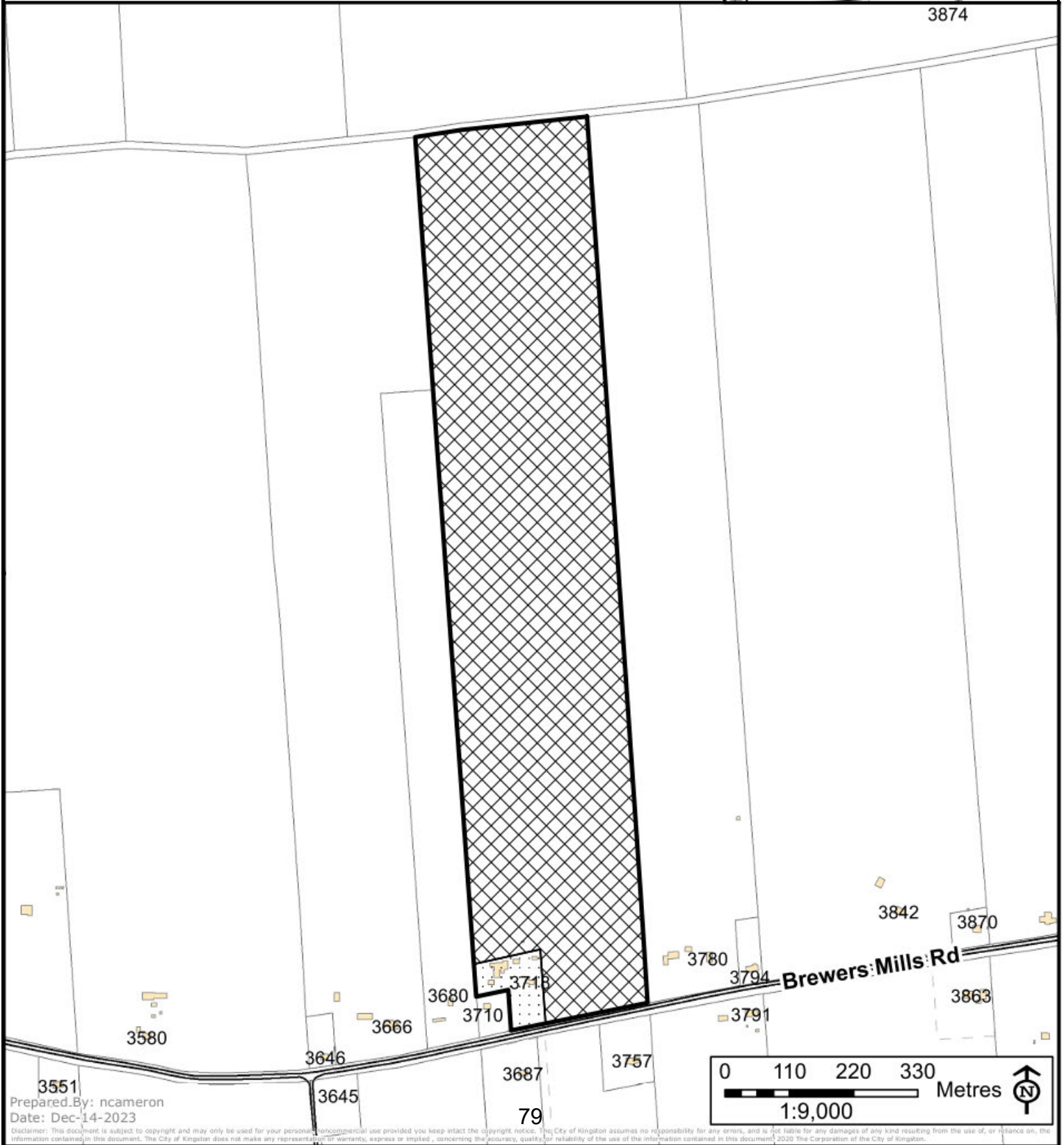
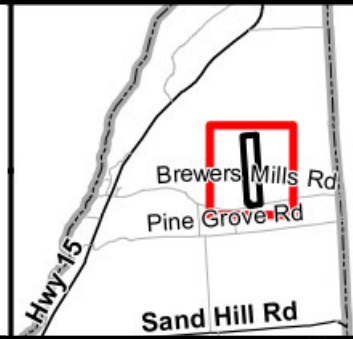


### Delegated Authority

#### Key Map

Address: 3718 Brewers Mills Road  
File Number: D13-067-2023 and  
D10-048-2023

-  Lands Subject to Minor Variance
-  Severed Lands
-  Retained Lands



3551  
Prepared By: ncameron  
Date: Dec-14-2023

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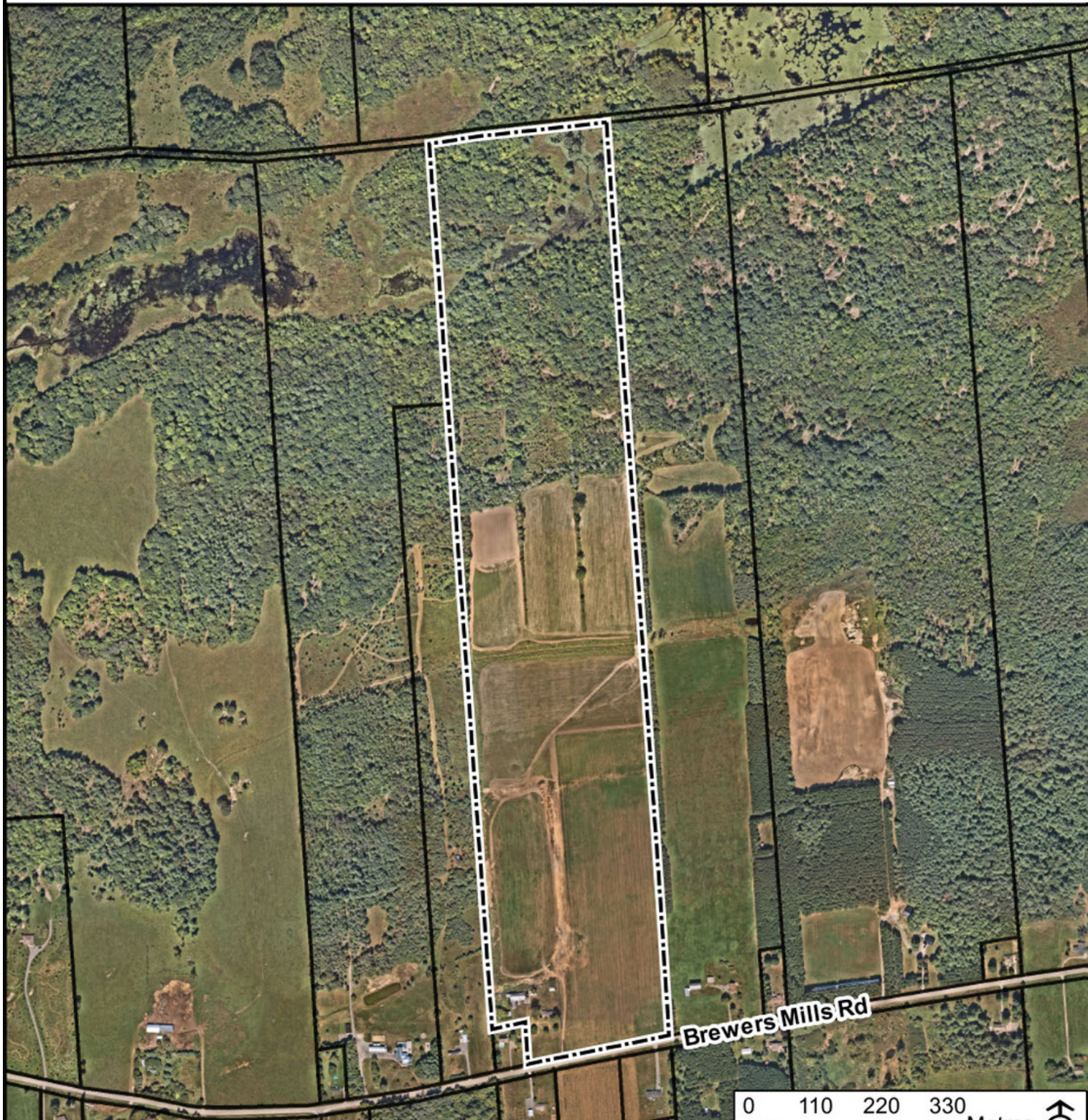
Planning Services

# Committee of Adjustment Neighbourhood Context (2023)

Address: 3718 Brewers Mills Road

File Number: D13-067-2023 and D10-048-2023

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



Brewers Mills Rd






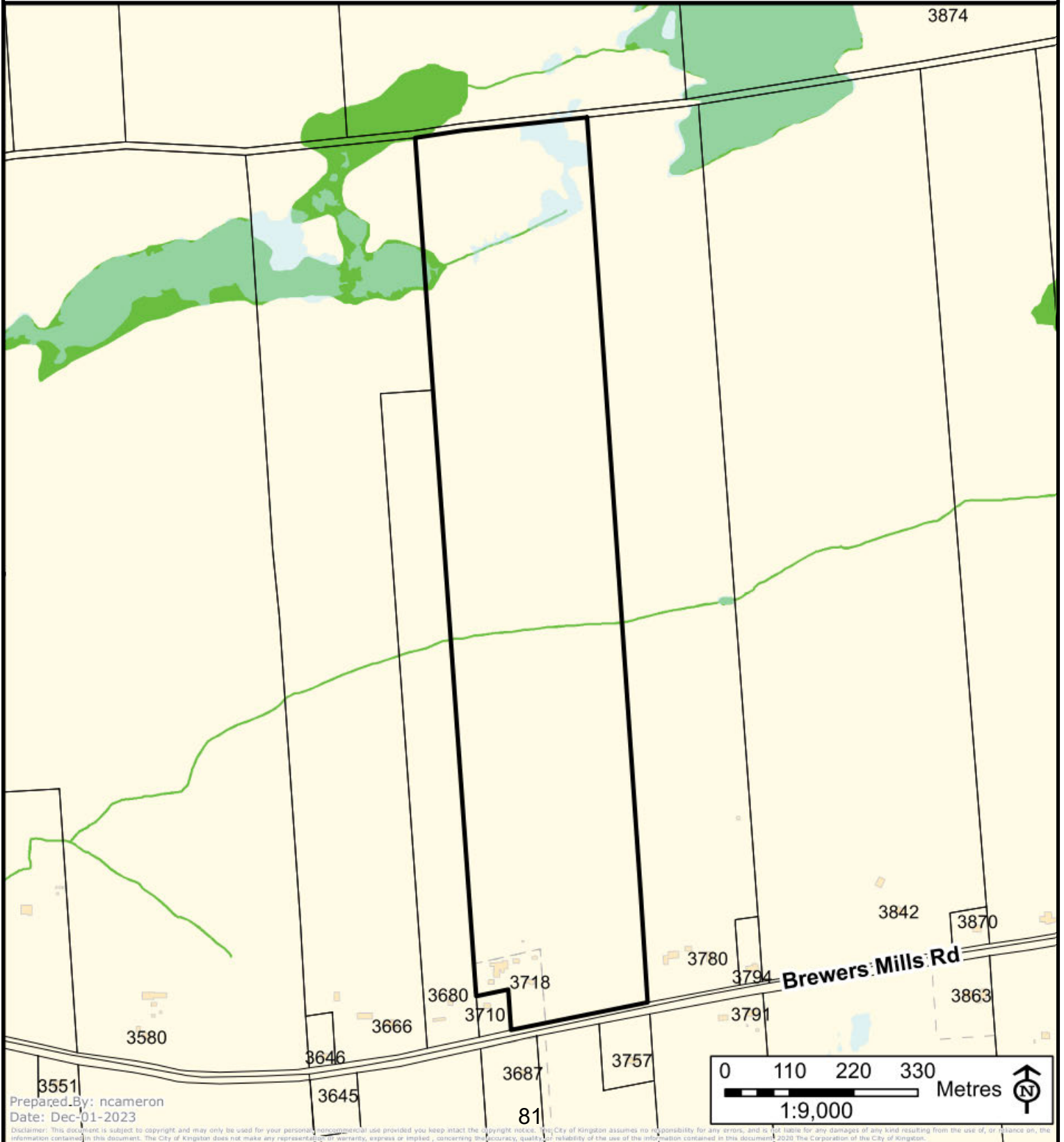
Prepared By: ncameron  
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Committee of Adjustment  
**Official Plan, Existing Land Use**  
Address: 3718 Brewers Mills Road  
File Number: D13-067-2023

-  Subject Lands
-  ENVIRONMENTAL PROTECTION AREA
-  RURAL



Prepared By: ncameron  
Date: Dec-01-2023




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



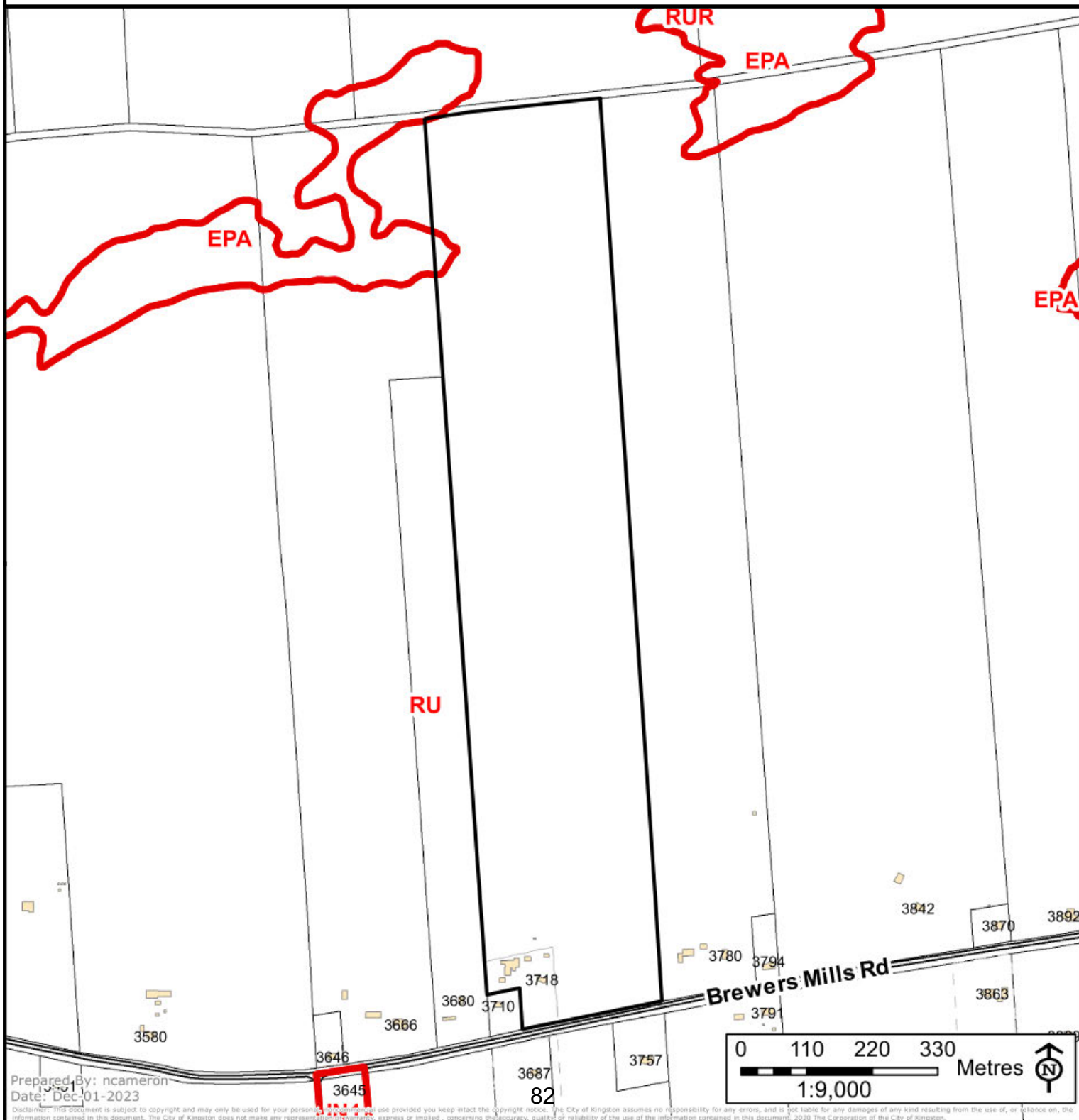
Planning Committee  
Existing Zoning  
Kingston Zoning By-Law 2022-62

Planning Services

Address: 3718 Brewers Mills Road  
File Number: D13-067-2023

-  Subject Lands
-  Schedule 1 Zoning Map
-  Zone

-  Schedule E - Exception Overlay
-  Legacy Exceptions (LXXX)
-  Exceptions (EXXX)
-  Schedule F - Holding Overlay
-  Holding Overlay (HXXX)





3718 Brewers Mills Road– December 15, 2023








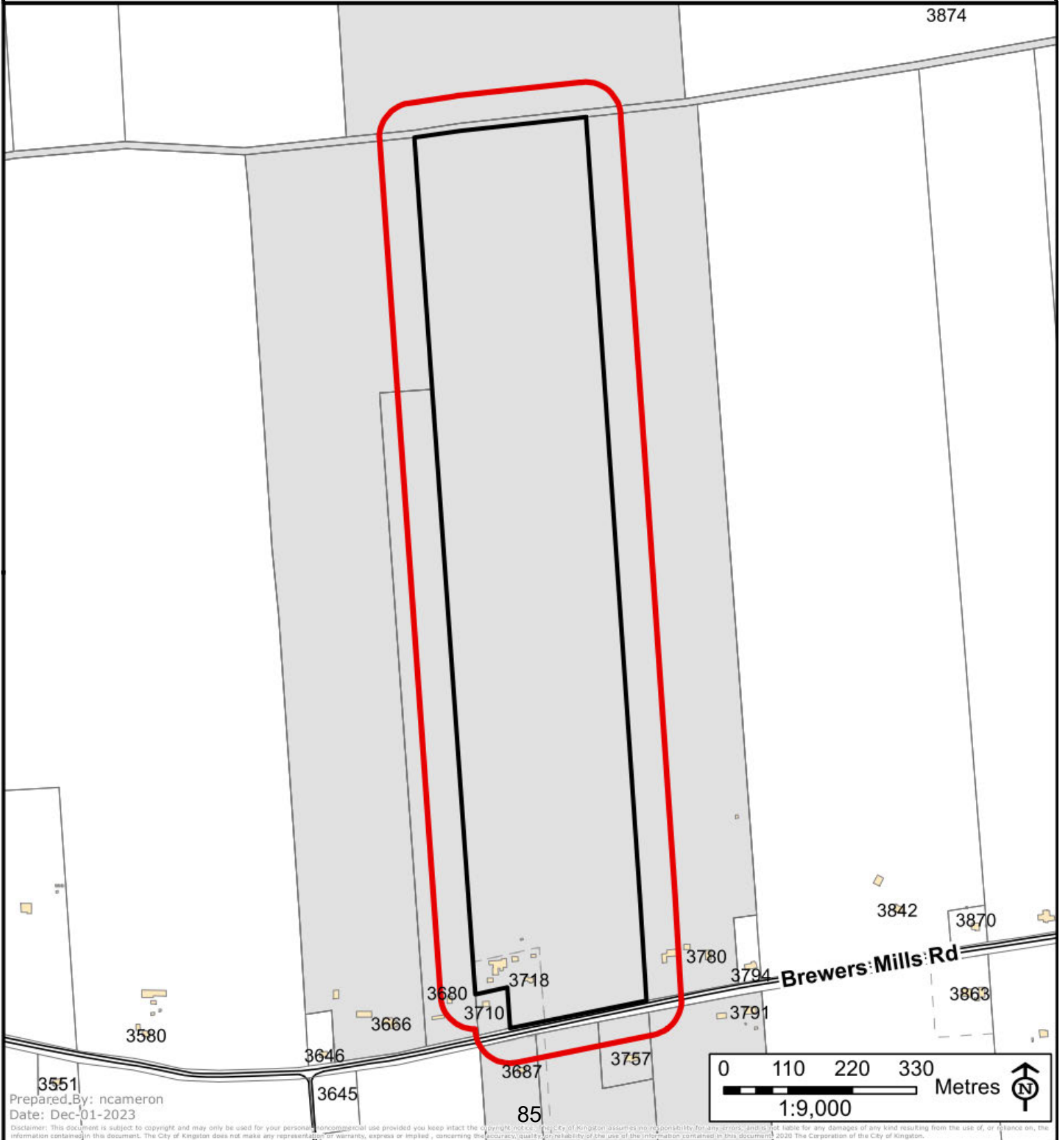
(North facing view of the severed and retain lot)





Committee of Adjustment  
**Public Notice Notification Map**  
Address: 3718 Brewers Mills Road  
File Number: D13-067-2023

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



Prepared By: ncameron  
Date: Dec-01-2023

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