



**City of Kingston
Report to Committee of Adjustment
Report Number COA-25-031**

To: Chair and Members of the Committee of Adjustment
From: Jason Partridge, Planner
Date of Meeting: March 24, 2025
Application for: Minor Variance and Consent
File Numbers: D13-080-2024 & D10-002-2024
Address: 2370 Battersea Road
District: D13-080-2024 & D10-002-2024
Owner: Mark and Sonya Bianchet
Applicant: Mark Bianchet

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: 2.3 Maintain the City's natural heritage and environmental assets.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding applications for minor variance and consent submitted by Mark Bianchet on behalf of the owner, Mark and Sonya Bianchet for the property located at 2370 Battersea Road.

The purpose of the consent application (File Number D10-002-2024) is to sever one parcel of land from the property located at 2370 Battersea Road. The proposed severance will result in an approximately 4.65 hectare parcel of land with approximately 54.86 metres of frontage along Battersea Road. The retained lot will be approximately 4.97 hectares in size with approximately 107.82 metres of frontage along Battersea Road.

The associated minor variance application (File Number D13-080-2024) is requesting relief from the required minimum lot frontage provision of the General Rural Area Zone (RU) to permit a

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minimum lot frontage of 54.86 metres where 60 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 Planning 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 D13-080-2024 for the property located at 2370 Battersea 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:	60.00 metres
Proposed:	54.86 metres
Variance Requested:	5.14 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-25-031; and,

That consent application, File Number D10-002-2024, to sever an approximately 4.65 hectare parcel of land with approximately 54.86 metres of frontage along Battersea Road., be **provisionally approved** subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-25-031.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jason Partridge, Planner

Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services

Malcolm Norwood, Supervisor, Development Approvals

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Options/Discussion:

On November 9, 2024, applications for minor variance and consent were submitted by Mark Bianchet on behalf of the owner Mark and Sonya Bianchet for the subject property located at 2370 Battersea Road.

The purpose of the consent application (File Number D10-002-2024) is to sever one parcel of land from the property located at 2370 Battersea Road. The proposed severance will result in an approximately 4.65 hectare parcel of land with approximately 54.86 metres of frontage along Battersea Road. The retained lot will be approximately 4.97 hectares in size with approximately 107.82 metres of frontage along Battersea Road.

The minor variance application (File Number D13-080-2024) is requesting relief from the required minimum lot frontage provision of the General Rural Area Zone (RU) to permit a minimum lot frontage of 54.86 metres where 60 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.

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 east side of Battersea 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 and a rural commercial use to the south (Exhibit D – Neighbourhood Context Map).

The subject property is designated Rural in the Official Plan (Exhibit E – Official Plan Map) and zoned General Rural Area ‘RU’ 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 November 6, 1997; therefore, the proposed severance is permitted in accordance with Section 3.12.9(a) of the Official Plan.

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Provincial Planning Statement

The Provincial Planning 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 an approximately 4.65 hectare parcel of land with approximately 54.86 metres of frontage along Battersea Road. The retained lot will be approximately 4.97 hectares in size with approximately 107.82 metres of frontage along Battersea 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 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 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 retained parcel and the severed parcel will accommodate a future single detached house. Kingston Zoning By-Law 2022-62 requires a minimum lot frontage of 60 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 on the retained lot and the future residential or agricultural uses on the severed lot. The severed parcel has been

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designed appropriately to accommodate a single detached house, subject to obtaining the requested relief for lot frontage through the minor variance application.

The proposal will not result in the creation of new irregularly shaped lots in the rural area as each lot will maintain a rectangular shape. The proposed severed lot will have approximately 54.86 metres of frontage on Battersea Road and an area of 4.65 hectares. The proposed retained lot will have approximately 107.82 metres of frontage on Battersea Road and will have an area of 4.97 hectares.

The severed and retained lots will retain frontage on Battersea 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 proposed severance is within an existing residential cluster where infill residential lot creation is permitted within the cluster as per Section 3.12.14 of the Official Plan. The property has no previous records of consents and thus is within the permitted maximum lot creations as per Section 3.12.9(a) of the Official Plan.

The severed and retained lots and their intended residential use 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. An MDS investigation is required as the property at 896 Unity Road currently has a livestock facility on the property and is within 750 metres of the proposed new lot. The creation of the severed lot is not anticipated to cause any additional impact to the agricultural use due to the 4 or more existing residential uses in the intervening area between the severed parcel of land and the livestock facility. The proposed severed lot complies the MDS formulae.

Cataraqui Region Conservation Area (CRCA) has reviewed the proposal based on the avoidance of natural hazards (flooding and erosion). Cataraqui Conservation noted that portions of the subject lands have been identified on provincial mapping as having inferred and potential karst. Karst is a type of unstable bedrock that is relatively common in the area and is considered a natural hazard under the Conservation Authorities Act and Ontario Regulation 41/24. As with other natural hazards, there is risk of damage to buildings, property and human safety when

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development is located within or near unstable bedrock. Accordingly, CRCA's regulation directs development away from these areas and features. A karst assessment by a qualified geotechnical engineer is necessary to confirm if karst features are present, and if so, the extent and type of karst present along with the hazards associated with it in order to ensure there is a suitable developable envelope on the lot to be severed. The CRCA has recommended that the Phase 1 Karst assessment requirement be included within the notice of decision as a condition and the requirement of a permit from them prior to any construction on the property to be included within the development agreement.

The Forestry Department was circulated the application and noted that the proposed severed lot will require a Tree Permit to address tree preservation concerns within the significant woodland portion of the property. A condition for the tree permit will be placed within the development agreement. This will assist in mitigating any potential impacts to the significant woodland area to the rear of the property.

An Environmental Impact Assessment (EIA) was completed on the property and peer reviewed by City of Kingston's Environmental Department. The submitted EIA concludes that that any development on the proposed severed lot should remain within the recommended development zone to protect the woodland fragment at Battersea Road and the thicket of non-native shrubs. City of Kingston's Environmental department is recommending that the development agreement should include a clause that will prohibit any development and site alteration on lands further than 100 m east of Battersea Road. This will maintain the size and ecological functions of the woodland to the east and allow for any future owners of the severed property to easily understand the requirement within the development agreement. As it is recommended that all recommended conditions identified in the submitted EIA are adhered to, any potential impacts appear to be appropriately mitigated. Any conditions or recommendations from the assessment will be included as a clause in the Development Agreement which will mitigate any environmental concerns with the construction of a new single detached house on the newly formed southern lot.

The proposal meets the intent of the Official Plan, as the proposed consent and minor variance and will not result in any negative impacts to adjacent properties or to the neighbourhood.

Zoning By-Law

The subject lot is zoned General Rural Area (RU) Zone in Kingston Zoning By-Law Number 2022-62. 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 60 metres. The severed and retained parcels of land will be subject to all other performance standards of the RU zone at time of development.

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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 4.65-hectare parcel of land with approximately 54.86 metres of frontage along Battersea Road. The retained lot will be approximately 4.97 hectares in size with approximately 107.82 metres of frontage along Battersea 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 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.

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, north, south, and west of the subject property along Battersea 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 has sufficient road frontage with even grades to allow for vehicle access, despite a technical 5.14m deficiency in road frontage. 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.

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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 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:	60 metres
Proposed:	54.86metres
Variance Requested:	5.14 Metres

The intent of the minimum lot frontage within an RU zone is to ensure that lots are sufficiently wide enough for their proposed use so that access and servicing are possible for new development. In this case, the severed property is proposed 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 continue to be wide enough to allow for adequate space for the existing single detached house and associated 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.

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 Battersea Road. The proposed lots will exceed the lot area requirements of the Kingston Zoning By-Law and will be able to meet 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.

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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 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 | | |

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.

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Conclusion

The requested minor variance and consent applications are consistent with the Provincial Planning 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 being recommended for approval, subject to the proposed conditions.

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, the requested consent application is recommended for provisional approval.

Approval of the consent and minor variance applications will create one new parcel of land and permit an existing single detached house on the retained lot and a proposed future residential use on the severed 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:

Provincial

Provincial Planning Statement, 2024

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 March 24, 2025 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 13 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).

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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:

Malcolm Norwood, Supervisor, Development Approvals 613-546-4291 extension 3236

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
- Exhibit C Key Map
- Exhibit D Neighbourhood Context Map (2024)
- Exhibit E Official Plan Map
- Exhibit F Zoning By-Law Map
- Exhibit G Site Plan
- Exhibit H Site Photos
- Exhibit I Public Notification Map

Recommended Conditions

The approval of Minor Variance application, File Number D13-080-2024, to request relief from the required minimum lot frontage provision of the General Rural Area Zone (RU) to permit a minimum lot frontage of 54.86 metres where 60 metres is required for the severed parcel, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies to the lot frontage requirement associated with the proposed severed lot at 2370 Battersea Road 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

Archaeological clearance of the subject property is required for the severed lot only, 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.

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.

Recommended Conditions

Application for consent, File Number D10-002-2024

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

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. Building Services

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.

5. Archaeological Condition

Archaeological clearance is required for the severed, 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.

One digital copy of the assessment report(s) and any acceptance letter(s) from the Ministry of Heritage, Sport, Tourism, and Culture Industries 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 Heritage, Sport, Tourism, and Culture Industries. 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.

6. Cash In Lieu of Park Land

That \$1584.85 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.

7. Forestry

Prior to the issuance of a building permit a tree permit to be acquired in advance of any development activities, including but not limited to tree removal, grading, servicing, demolition, etc. An Arborist Report that includes a tree inventory of all impacted trees and trees within proximity to any proposed development will need to be submitted as supporting documentation to the tree permit application. A Tree Preservation Plan (TPP) would be required as well. The TPP would identify treed areas that are to be preserved and delineated with approved tree protection fencing. Should permitted tree removal occur within the significant woodland, a

tree planting plan/strategy will be required to replace lost canopy and woodland component.

8. Private Well & Hydro-geological Study

A hydro-geological assessment that demonstrates adequate potable water supply for the newly created 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.

9. 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.

10. Entrance Permits

Entrance permits are required for any new or altered entrances

11. Noise Study

As per clauses 5.24 and 5.25 of the City of Kingston Official Plan, a noise study will be required to address potential impacts on the proposed parcels due to transportation noise sources as Battersea Road is classified as arterial. The study is to be prepared by a qualified individual with experience in environmental acoustics and demonstrate compliance with NPC-300.

12. Cataraqui Conservation

Prior to the issuance of the Certificate of Official, the owner of 2370 Battersea Road shall submit a Phase 1 Karst Assessment, completed to the satisfaction of CRCA, for the lot to be severed. The preliminary report must confirm if karst

features are present. If karst features are confirmed on the property, the type and extent of features must be delineated and a professional opinion provided to confirm that there is a suitable development envelope (driveway, dwelling, septic system) outside the extent of karst. Depending on the extent of karst, a detailed (Phase 2) assessment may then be required prior to site alteration and construction to ensure that these activities are carried out in accordance with remediation/mitigation recommendations from a geotechnical engineer.

13. Related Application

That the related application for minor variance (D13-080-2024) be approved and all conditions of approval fulfilled

14. 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 City of Kingston, Building Services.
- 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.
- d) Any recommendations resulting from the Noise Study shall be included within the development agreement for the lands.
- e) Any new development of any new building, structure septic system on the severed parcel of land will be limited to the first 100 metres east of Battersea Road.
- f) In the event that the Karst Assessment identifies karst features on or near the development envelope of the severed lot, a detailed (Phase 2) assessment shall be required prior to site alteration and construction to ensure that these activities are carried out in accordance with remediation/mitigation recommendations from a geotechnical engineer. In this event, a permit under Ontario Regulation 41/24 will be required from CRCA prior to commencement of site alteration and construction.
- g) CRCA permit approval under O. Reg. 41/24 is required prior to any work (development and site alteration) within 15 metres of any identified karst features on the subject lands.

- h) Any recommendations resulting from the Environmental Site Assessment shall be included within the development agreement for the lands.
- i) 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.
- j) 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.
- k) That the owner be advised that any new or altered entrance to the site will require an entrance permit from the Engineering Division.
- l) 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.
- m) 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;
 - c. Despite 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;
 - d. Regardless of any order issued by the Ministry of the Environment or by the Kingston Frontenac Lennox and Addington Public Health Unit 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.

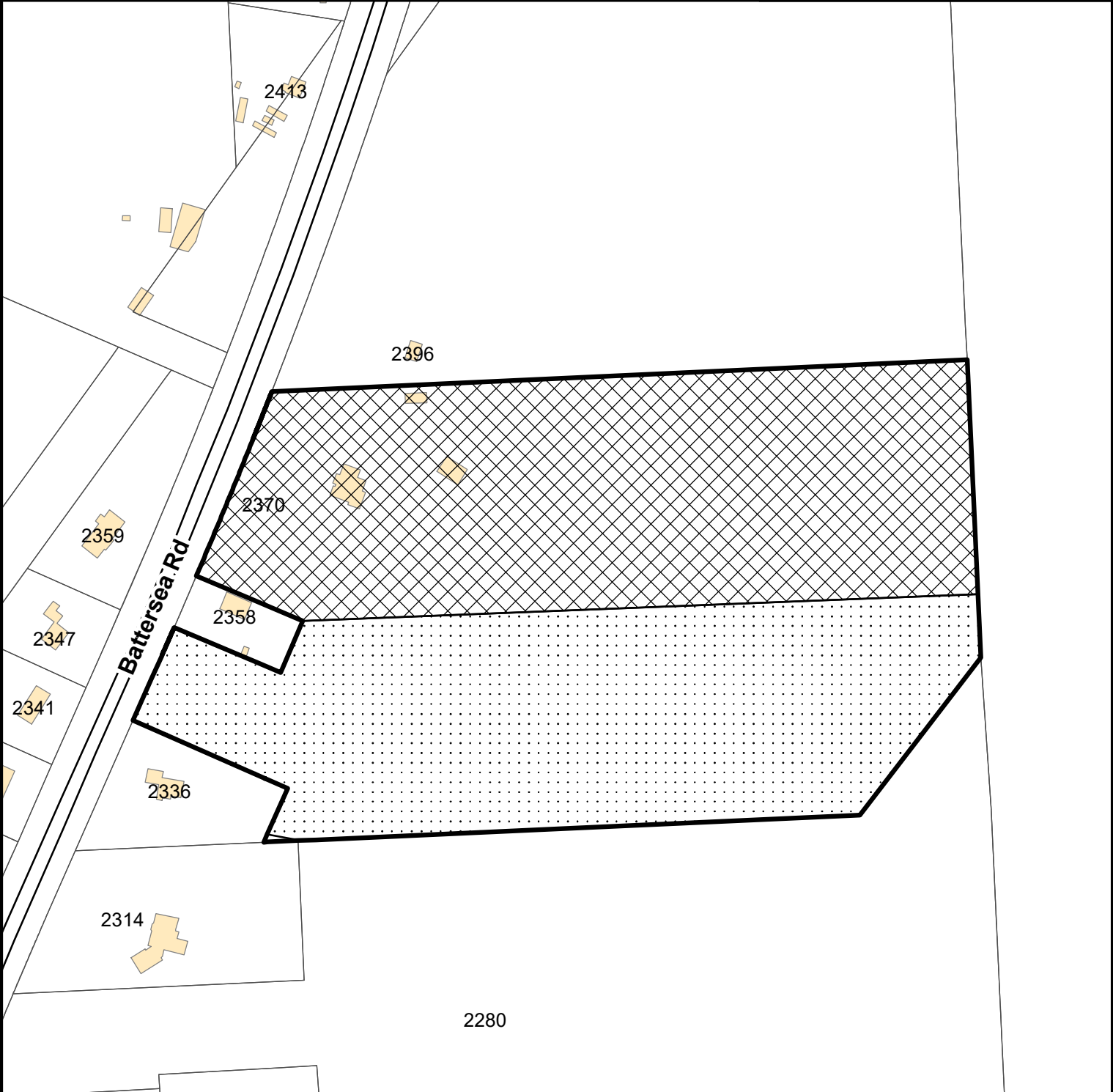
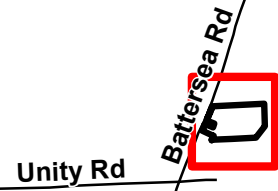


Delegated Authority

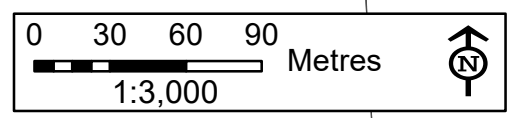
Key Map

Address: 2370 Battersea Road
File Number: D13-080-2024 and D10-002-2024
Prepared On: Feb-12-2025

- Subject Lands
- Severed Lands
- Retained Lands



Prepared By: Ichu
Prepared On: Feb-12-2025



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Planning Services

Delegated Authority Neighbourhood Context

Address: 2370 Battersea Road
File Number: D13-080-2024
and D10-002-2024
Prepared On: Feb-12-2025

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: lchu
Prepared On: Feb-12-2025

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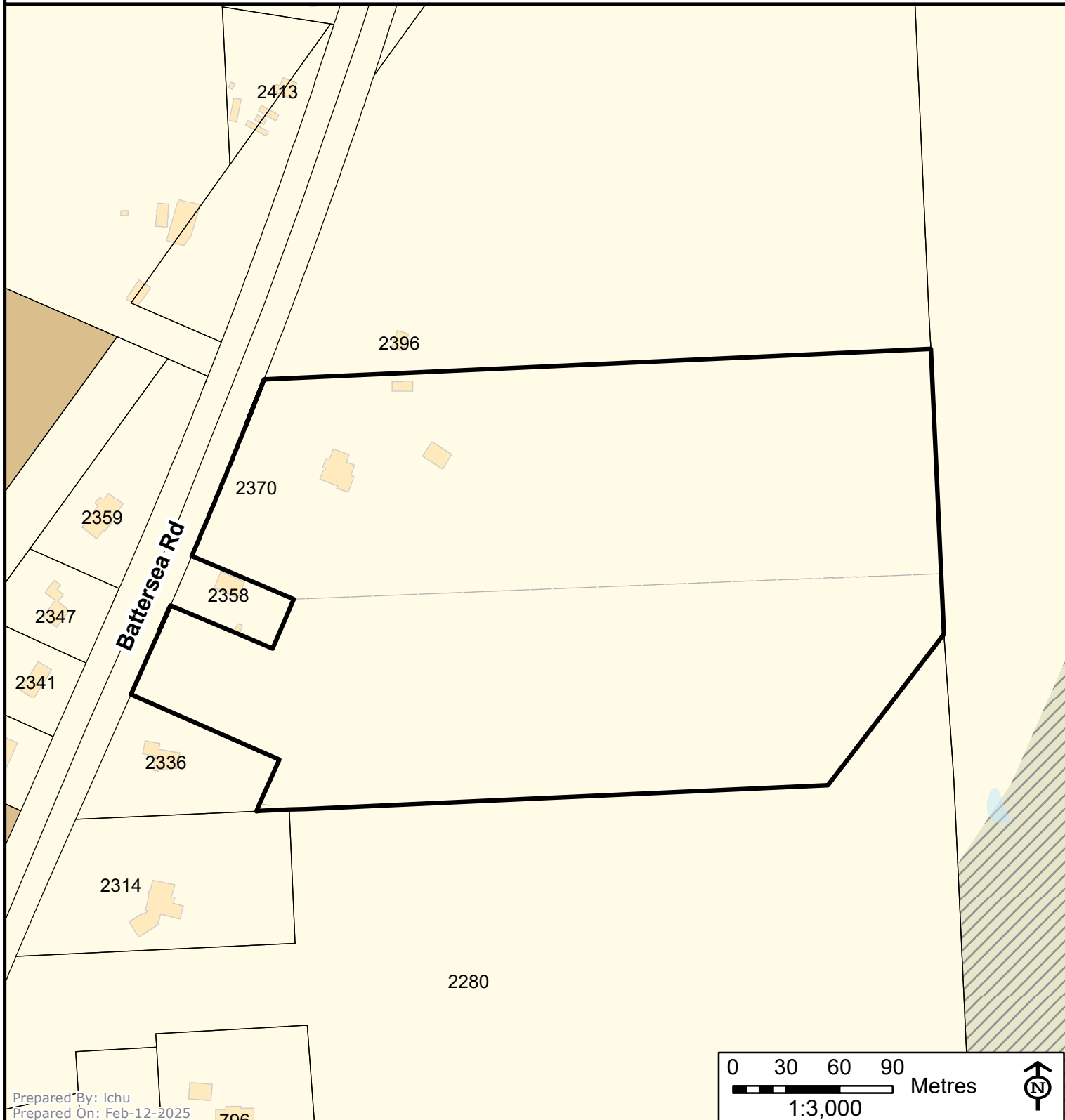


Planning Services

Delegated Authority Official Plan, Existing Land Use

Address: 2370 Battersea Road
File Number: D13-080-2024
and D10-002-2024
Prepared On: Feb-12-2025

- Subject Lands
- Prime Agricultural
- Rural Lands
- Rural Commercial



Prepared By: Ichu
Prepared On: Feb-12-2025

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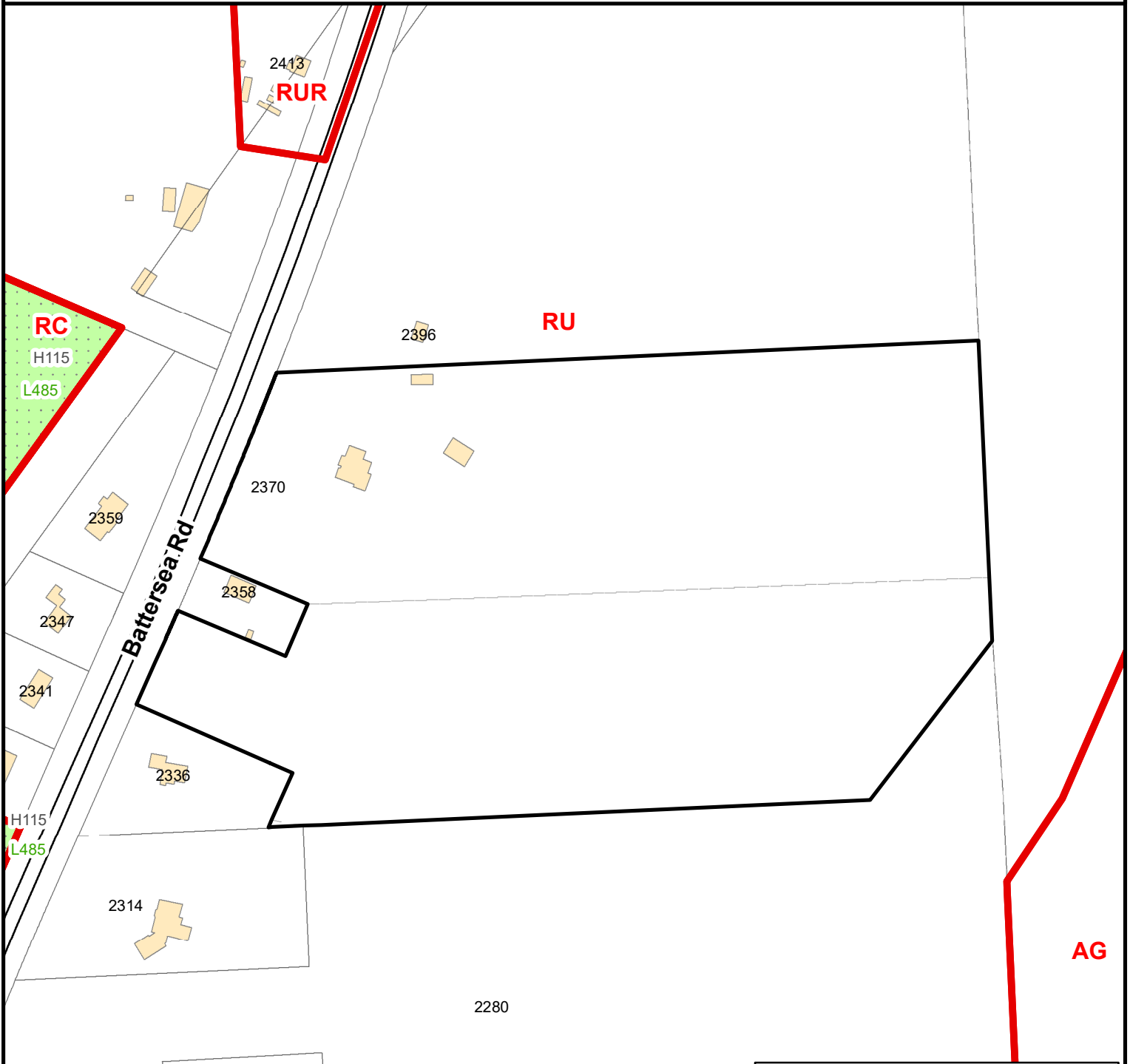
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

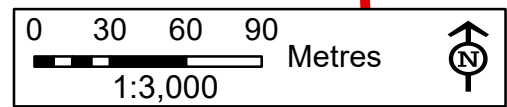
Address: 2370 Battersea Road
File Number: D13-080-2024 and D10-002-2024
Prepared On: Feb-12-2025

Subject Lands
Schedule 1 Zoning Map
 Zone

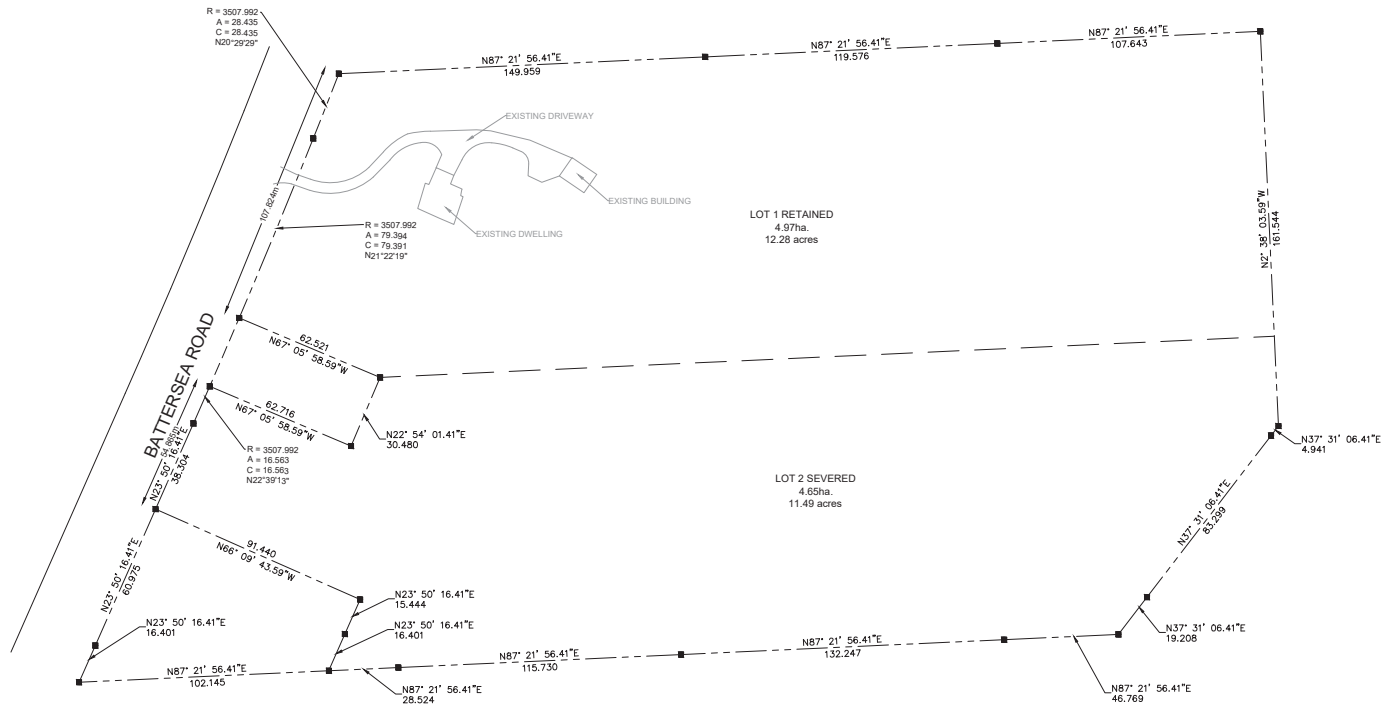
Schedule E - Exception Overlay
 Legacy Exceptions (LXXX)
 Exceptions (EXXX)
Schedule F - Holding Overlay
 Holding Overlay (HXXX)



Prepared By: Ichu
Prepared On: Feb-12-2025



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Revisions		
No.	Description	Date

Forefront Engineering Inc

1329 Gardiners Road, Suite 210
Kingston, ON, Canada K7P 0L8
519.294.8018 ext. 1
1.888.884.9392 fax.

Date: **MARK BIANCHET**

Project: **2370 BATTERSEA ROAD**

Drawing: **SEVERANCE SKETCH**

Drawn by: BP	Checked by: BMS	Project No.:
Designed by: BMS	Approved by: BMS	Drawing No.:

Date: **FEBRUARY 2024**

Scale: **1:1000**

SK.1

Site Photo – 2370 Battersea Road



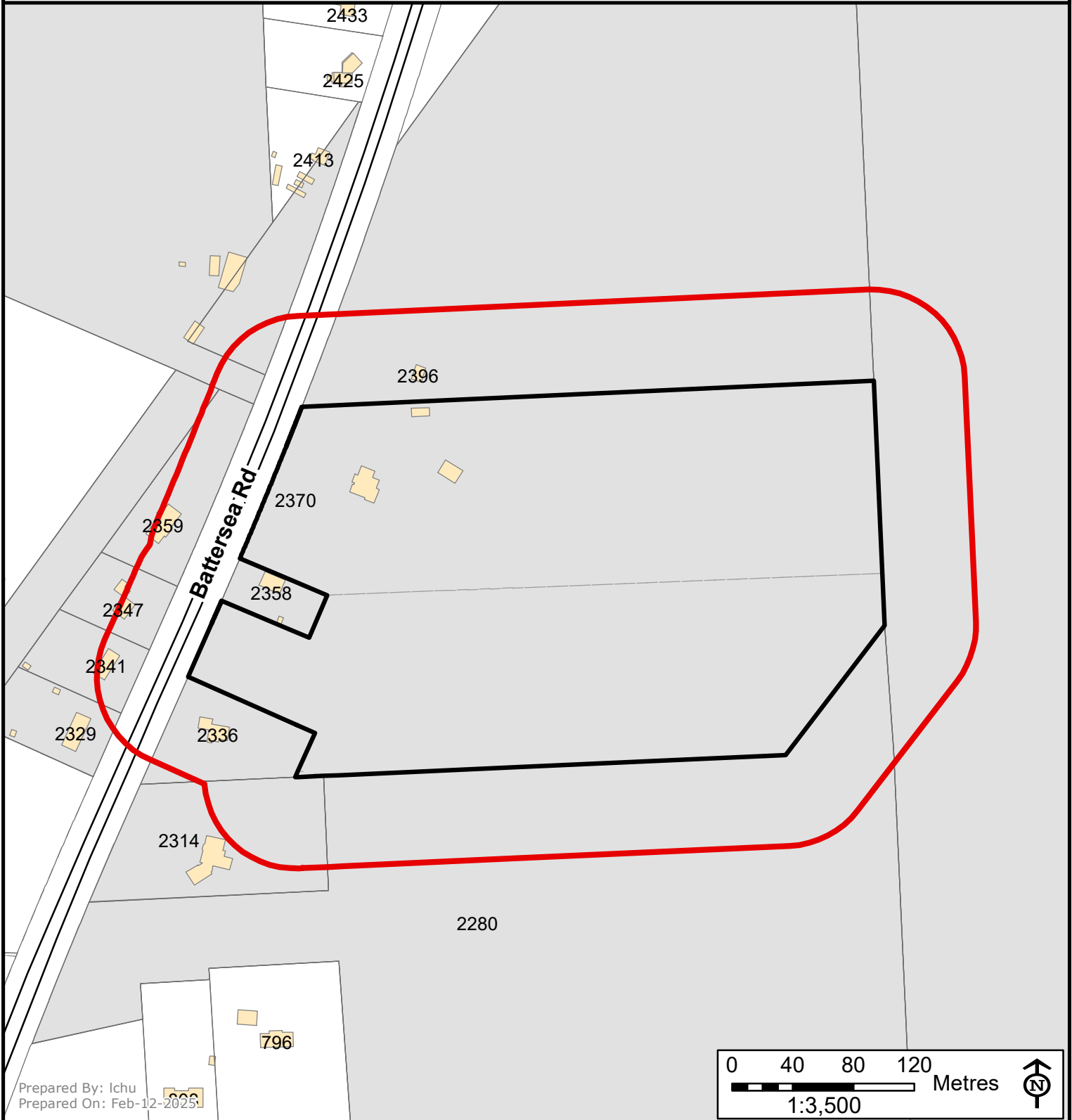
East facing view of the proposed severed lot from Battersea Road (February 25, 2025).



Delegated Authority Public Notice Notification Map

Address: 2370 Battersea Road
File Number: D13-080-2024
and D10-002-2024
Prepared On: Feb-12-2025

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



Prepared By: Ichu
Prepared On: Feb-12-2025