



**City of Kingston  
Report to Committee of Adjustment  
Report Number COA-25-003**

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**To:** Chair and Members of the Committee of Adjustment  
**From:** Jason Partridge, Planner  
**Date of Meeting:** December 16, 2024  
**Application for:** Minor Variance and Consent  
**File Numbers:** D13-072-2024, D10-006-2024, D10-007-2024  
**Address:** 1686 Daylan Avenue and 1682 Daylan Avenue  
**District:** D13-072-2024, D10-006-2024, D10-007-2024  
**Owner:** Laurent Karim Béland, John and Stephanie Stephen  
**Applicant:** Laurent Karim Béland

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**Council Strategic Plan Alignment:**

Theme: Policies & by-laws

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 Laurent Karim Béland on behalf of the owner, Laurent Karim Béland, John and Stephanie Stephen for the property located at 1686 and 1682 Daylan Avenue.

The purpose of the consent application (File Number D10-006-2024) is to sever off a 55 square metres parcel of land from 1682 Daylan Avenue and add it to 1686 Daylan Avenue. The purpose of the second consent application (D10-007-2024) is to sever off a 61 square metres parcel of land from 1686 Daylan Avenue and add it to 1682 Daylan Avenue. The proposed lot additions will correct the construction of the current single detached dwelling located at 1686 Daylan Avenue that was built over the property line into 1682 Daylan Avenue. The proposed lot addition at 1686 Daylan Avenue will result in an approximately 1455.00 square metres parcel of

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land with approximately 22.07 metres of frontage along Daylan Avenue. The proposed lot addition at 1682 Daylan Avenue will result in an approximately 2306 square metres parcel of land with approximately 37.09 metres of frontage along Daylan Avenue.

The associated minor variance application (File Number D13-072-2024) is requesting relief from the required minimum lot area, minimum lot frontage, and interior setback provision of the Rural Residential Zone (RUR), and minimum setback for projecting eaves. The minor variances will only apply to 1686 Daylan Avenue. Aside from the lot frontage, lot area, minimum interior setback and eaves setback proposed lots will comply with all other requirements for both properties.

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 variances are desirable for the appropriate development or use of the land, building or structure 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.

**Recommendation:**

**That** minor variance application, File Number D13-072-2024 for the property located at 1686 Daylan Avenue and 1682 Daylan Avenue to provide relief from the minimum lot area, minimum lot frontage, minimum interior setback and minimum eaves setback to facilitate two lot additions, be approved, as described below:

**Variations for 1686 Daylan Ave**

**Variance Number 1: Minimum Lot Area**

By-Law Number: 2022-62 Section 8.4.1.1.  
Requirement: 1 hectare  
Proposed: 0.1455 hectare  
Variance Requested: 0.8545 hectares; and,

**Variance Number 2: Minimum Lot Frontage**

By-Law Number: 2022-62 Section 8.4.1.2.  
Requirement: 36.5 metres  
Proposed: 21.37 metres  
Variance Requested: 15.13. metres; and,

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**Variance Number 3: Minimum interior setback**

By-Law Number: 2022-62 Section 8.4.1.7.  
Requirement: 1.2 metres  
Proposed: 0.84 metres  
Variance Requested: 0.36 metres; and,

**Variance Number 4: Minimum interior setback for Belt Courses, Sills, Cornices and Eaves**

By-Law Number: 2022-62 Section 4.19.1.8  
Requirement: 0.5 metres  
Proposed: 0.1 metres  
Variance Requested: 0.4 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-25-003; and,

**That** consent application, File Number D10-006-2024, to sever off 55 square metres parcel of land from 1682 Daylan Avenue and add it to 1686 Daylan Avenue, be **provisionally approved** subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-25-003.

**That** consent application, File Number D10-007-2024, to sever off a 61 square metres parcel of land from 1686 Daylan Avenue and add it to 1682 Daylan Avenue, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions – Consent) to Report Number COA-25-003.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY PLANNER

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Jason Partridge, 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 September 10, 2024, applications for minor variance and consent were submitted by Laurent Karim Béland on behalf of the owner Laurent Karim Béland, John and Stephanie Stephen for the subject property located at 1686 and 1682 Daylan Avenue.

The purpose of the consent application (File Number D10-006-2024 and D10-007-2024) is to sever off a 55 square metres parcel of land from 1682 Daylan Avenue and add it to 1686 Daylan Avenue. The purpose of the second consent application (D10-007-2024) is to sever off a 61 square metres parcel of land from 1686 Daylan Avenue and add it to 1682 Daylan Avenue.

The proposed lot additions will correct the construction of the current single detached dwelling located at 1686 Daylan Avenue that was built over the property line into 1682 Daylan Avenue. The proposed lot addition at 1686 Daylan Avenue will result in an approximately 1455 square metres parcel of land with approximately 22.07 metres of frontage along Daylan Avenue. The proposed lot addition at 1682 Daylan Avenue will result in an approximately 2306 square metres parcel of land with approximately 37.09 metres of frontage along Daylan Avenue.

The minor variance application at 1686 Dayland Avenue (File Number D13-072-2024) is requesting relief from the required minimum lot area, provision of the Rural Residential Zone (RUR) to permit a minimum lot area of 0.1455 hectare whereas 1 hectare is required for the property. A second variance is requesting relief from the required minimum lot frontage provision of the RUR zone to permit a lot frontage of 21.37 metres whereas 36.5 metres is required for the property. A third variance is requesting relief from the interior setback provision of the RUR zone to permit a minimum interior setback of 0.84 metres whereas 1.2 metres is required for the property. A fourth variance is requesting relief from the eaves setback provision to permit a minimum eaves setback of 0.1 metres whereas the 0.5 metres is required for the property. The lot at 1682 Daylan Avenue complies with the zoning provisions of the RUR zone because the lot addition is increasing the lot area and lot frontage and does not further increase the extent or degree of non-compliance with the provisions of this by-law as per section 1.8.3.1 of Kingston Zoning By-Law Number 2022-62.

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 properties are located on the north side of Daylan Avenue (Exhibit C – Key Map). The properties are currently occupied with a single detached houses. The surrounding area is

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predominantly made up of rural residential lots (Exhibit D – Neighbourhood Context Map (2023)).

The subject property is designated Rural in the Official Plan (Exhibit E – Official Plan Map) and both properties are located in the Rural Residential Zone (RUR), 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 lot additions are permitted in accordance with Section 3.12.9(a) of the Official Plan.

### **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 proposed lot addition at 1686 Daylan Avenue will result in an approximately 1455.00 square metres parcel of land with approximately 22.07 metres of frontage along Daylan Avenue. The proposed lot addition at 1682 Daylan Avenue will result in an approximately 2306 square metres parcel of land with approximately 37.09 metres of frontage along Daylan Avenue. The proposed lot additions 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 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 Criteria for Consent Approval.

The proposed lot additions will result in a land swap that will correct the construction of the current single detached dwelling located at 1686 Daylan Avenue that was built over the property

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line into 1682 Daylan Avenue. Both newly formed lots will continue accommodate the existing single detached houses uses. The Rural Residential zone requires relief from the minimum lot frontage, lot area, interior setback and eaves setback, to facilitate the two lot additions. The proposed zoning provisions for both lots are consistent with nearby rural residential lots and are appropriate for the existing residential use the lots.

The proposal will not result in the creation of new irregularly shaped lots in the rural area. The two proposed have approximately similar amounts of lot frontage along Daylan Avenue and have will maintain a “rectangle shaped” lot using the existing property lot lines surrounding the two properties.

The proposed newly formed lots will retain frontage on Daylan Avenue, a municipally maintained road. The proposed 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 proposed newly formed 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.

The proposal lot additions are not considered to be ribbon development because no new lots are proposed to be created, and the ribbon development policy would not apply in this situation.

The subject lands have been identified as containing composite archaeological potential on the Archaeological Master Plan. Heritage Planning has noted that an Archaeological assessment is not required in this situation because no new development is proposed on the properties.

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. The lot addition applications is not anticipated to require any additional private onsite services for both properties. Therefore, a hydrogeological assessment and septic system permits will not be required within the Notice of Decision.

The Cataraqui Conservation Authority and Parks Canada were circulated the lot addition applications. They both noted that since no new development is being proposed on the properties, they have no concerns with the two lot addition proposals.

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

### **Zoning By-Law**

The subject property is zoned Rural Residential Zone (RUR) in Kingston Zoning By-Law Number 2022-62 (Exhibit F – Zoning By-Law Map). 1682 Daylan Avenue parcel of land

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complies with the zoning provisions of the RUR zone because the lot addition is increasing the lot area and lot frontage and does not further increase the extent or degree of non-compliance with the provisions of this By-law as per section 1.8.3.1 of Kingston Zoning By-Law Number 2022-62. However, 1686 Daylan is subject to a minor variance for minimum lot area, lot frontage, interior yard setback and eaves setback as the proposed lot addition creates a deficiency towards these zoning provisions in the RUR zone.

The proposal is requesting relief from the required minimum lot area, lot frontage, interior and eaves setback provision of the Rural Residential Zone (RUR). There is no proposed change to existing pattern of development on the lots It's not anticipated that there will be any adverse impacts with respect to intrusive overlook and privacy on adjacent residential properties due to the reduction in the interior and eaves setback. 1686 Daylan Avenue currently provides a 0.0 metre setback and the lot additions will be an improvement to current situation on the property. As such, the proposed minor variances will be appropriate for this development proposal.

### **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 two lot additions will correct a development error within the City of Kingston. The existing residential use of the properties will be subject to the RUR zone requirements that are applicable to adjacent properties, including maximum lot coverage and minimum building setbacks. The proposed 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 Daylan Avenue. The overall design and scale of the proposal is not anticipated to cause any adverse impacts on the adjacent residential properties.

The proposal involves two lot additions between the two subject properties. No concerns are anticipated with respect to the parking of vehicles and bicycles or issues relating to accessibility for the proposed lots. An Entrance Permit will be required to be obtained from Engineering Services prior if the owners choose to expand any existing driveways on the properties.

The subject property abuts a UNESCO world heritage site, the Rideau Canal. However, since no new ground disturbance or structures/buildings are proposed, there should be no impacts to



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this heritage feature. As the proposed works will not resulting in net new ground disturbance, archaeology clearance is not required in relation to the proposed works.

The subject lots are 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 not be required as a condition of consent approval considering the proposed land swap does not result in any additional private on-site services.

The proposal meets the intent of the Official Plan, as the proposed 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 RUR in the Kingston Zoning By-Law Number 2022-62, entitled "Kingston Zoning By-law". The RUR zone permits a single detached house, community centre, elementary school, library, museum, place of worship and rural use.

The proposal requires a variance to Section 8.4.1.and Section 4.19.1.8

**Variiances for 1686 Daylan Ave:**

**Variance Number 1: Minimum Lot Area**

By-Law Number: 2022-62 Section 8.4.1.1.  
Requirement: 1 hectare  
Proposed: 0.1455 hectare  
Variance Requested: 0.8545 hectares; and,

**Variance Number 2: Minimum Lot Frontage**

By-Law Number: 2022-62 Section 8.4.1.2.  
Requirement: 36.5 metres  
Proposed: 21.37 metres  
Variance Requested: 15.13. metres; and,

**Variance Number 3: Minimum interior setback**

By-Law Number: 2022-62 Section 8.4.1.7.  
Requirement: 1.2 metres  
Proposed: 0.84 metres  
Variance Requested: 0.36 metres; and,

**Variance Number 4: Minimum interior setback for Belt Courses, Sills, Cornices and Eaves**

By-Law Number: 2022-62 Section 4.19.1.8  
Requirement: 0.5 metres  
Proposed: 0.1 metres  
Variance Requested: 0.4 metres;

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The intent of the minimum lot area and frontage within an RUR zone is to preserve landscaped open space, protect the functionality of the site (i.e., parking area), and ensure that the property is not overdeveloped. The reduction in lot area and lot frontage requirement for 1686 Daylan Avenue is not anticipated to cause any adverse effects to the property or neighbouring properties. The single detached house that was built over the property line has existed since the 1950's. The lot additions are intended to bring the property into closer compliance to the RUR zoning provisions and correct a building error from the past. The property at 1682 Daylan Avenue will also be receiving a similar size lot addition which should minimize any impacts to the functionality of the property.

In addition to the reduction to the minimum lot area and lot frontage, the applicant is requesting reductions to the minimum interior setback and minimum eaves setback provisions at 1686 Daylan Avenue. The intent of the minimum interior and eaves setbacks provision is to ensure that sufficient space is provided within interior side yards to provide access into the rear yard and to maintain a consistent pattern of development. In this situation, 1686 Daylan Avenue has always had no interior side yard on the eastern part of the lot due to single detached house being built over the property line. The new proposed lot additions will now provide the property with 0.84 metres interior yard setback and a second story eave setback of 0.1 metres. The new interior side yard resulting from the proposed lot additions will provide a new rear yard access point for the property at 1686 Dayland Avenue.

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

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

The proposed lot additions will result in a development pattern that is consistent with the existing built form of residential development along Daylan Avenue. The proposed newly formed lot lines are intended to correct a building error form the past and will be able to meet all of the zoning requirements of the RUR zone beside the requested variances. The variances will not alter the character of the neighbourhood or the existing streetscape.

The variances are 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 increase the functional needs for the existing residential uses on the two lots. The resulting built form satisfies all applicable provisions of the zoning by-law, with the exception of lot area, lot frontage, interior setback and eaves setback.

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 variances are desirable and appropriate use of the land.

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**Technical Review: Circulated Departments and Agencies**

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Building Division | <input checked="" type="checkbox"/> Engineering Department | <input checked="" type="checkbox"/> Heritage (Planning Services) |
| <input type="checkbox"/> Finance                      | <input checked="" type="checkbox"/> Utilities Kingston     | <input type="checkbox"/> Real Estate & Environmental Initiatives |
| <input checked="" type="checkbox"/> Fire & Rescue     | <input type="checkbox"/> Kingston Hydro                    | <input checked="" type="checkbox"/> 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 checked="" 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.

**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 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 variances Are desirable for the appropriate development or use of the land, building or structure and are 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 applications are recommended for provisional approval.

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Approval of the consent and minor variance applications will correct a historic building error by realigning the property lines of the two properties and place the single detached house completely onto 1686 Daylan Avenues property. 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 December 16, 2024. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the Kingston Whig Standard on Friday November 29, 2024. The notice was also placed on the City's website and a sign was placed on the subject site.

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 1256

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

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**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Recommended Conditions – 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 Photo

## Recommended Conditions

### Application for minor variance, File Number D13-072-2024

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

#### 1. Limitation

That the approved variances applies only to the minimum lot frontage, lot area, interior yard setback and eaves setback requirement to facilitate the lots additions for the property known as 1686 Daylan Avenue and 1682 Daylan Avenue.

#### 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.

## **5. Related Application**

That the related application for minor variance (D10-006-2024 and D10-007-2024) be approved and all conditions of approval fulfilled.

## Recommended Conditions

### Application for consent, File Number D10-006-2024 and D10-007-2024

Approval of the foregoing application 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

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), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

#### **5. Related Application**

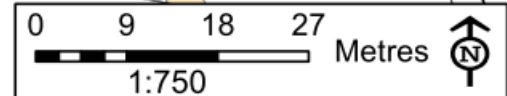
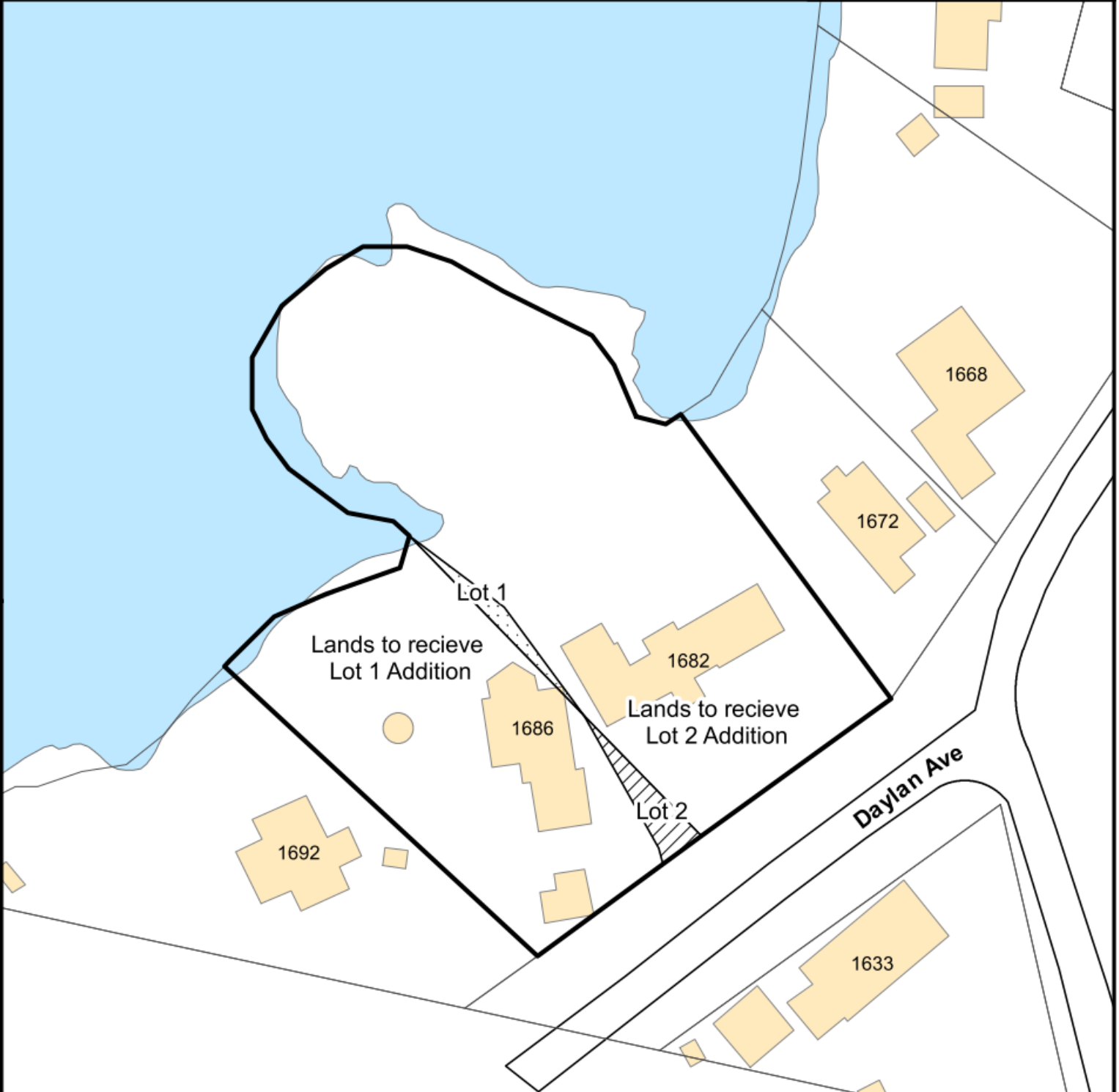
That the related application for minor variance (D13-072-2024) be approved and all conditions of approval fulfilled.



# Committee of Adjustment Key Map

Address: 1682 Daylan Avenue  
File Number: D10-006-2024, D10-007-2024, D13-072-2024  
Prepared On: Oct-10-2024

- Subject Lands
- Severed Lands (Lot 2)
- Severed Lands (Lot 1)



Prepared By: Ichu  
Prepared On: Oct-10-2024

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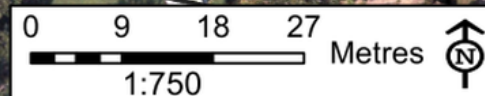
# Committee of Adjustment Neighbourhood Context

Address: 1682 Daylan Avenue  
File Number: D10-006-2024  
Prepared On: Oct-09-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: lchu  
Prepared On: Oct-09-2024



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Planning Services

### Committee of Adjustment Official Plan, Existing Land Use

Address: 1682 Daylan Avenue

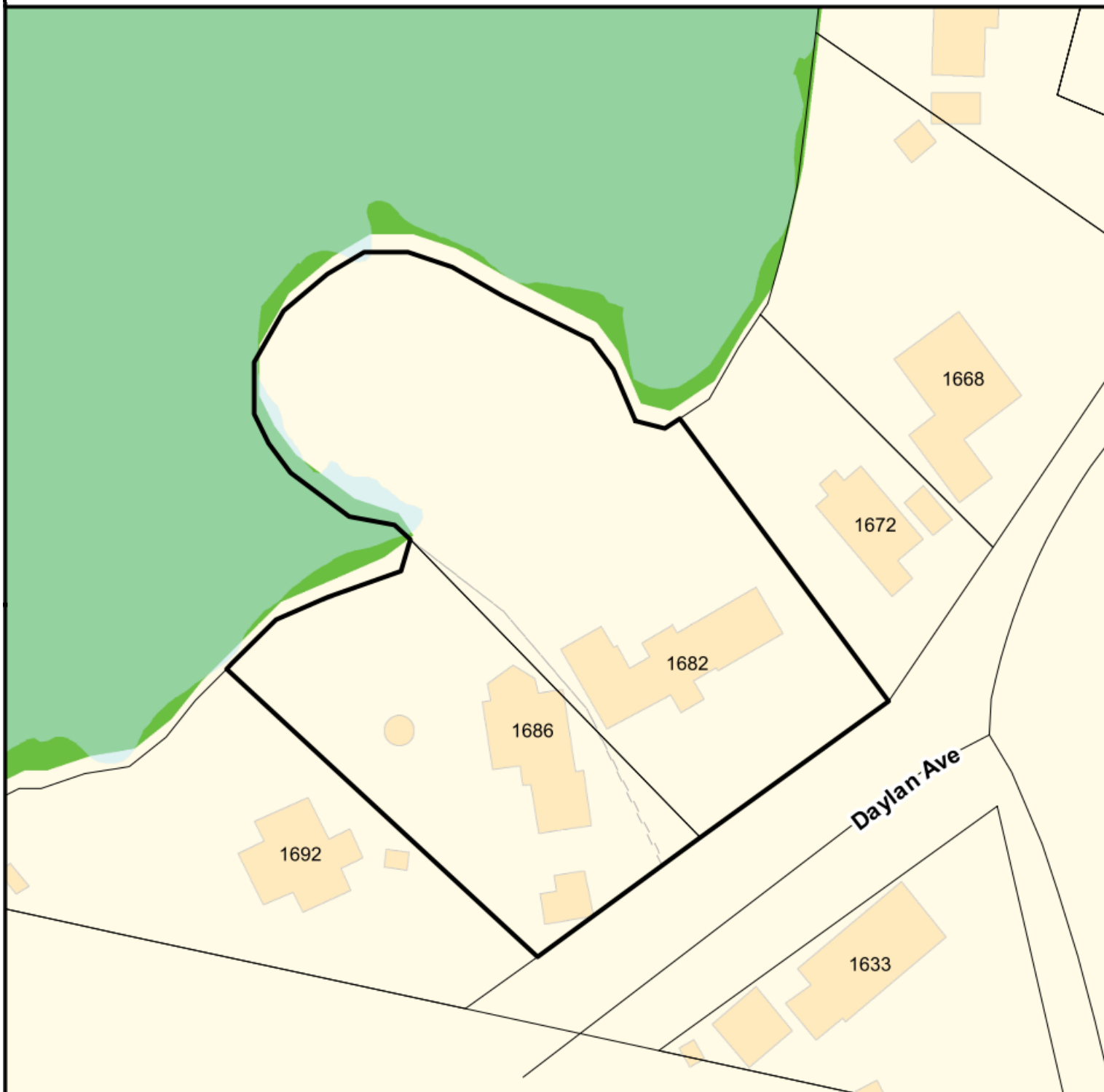
File Number: D10-006-2024

Prepared On: Oct-09-2024

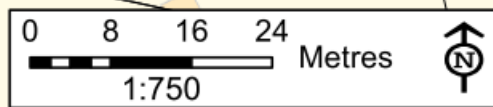
Subject Lands

ENVIRONMENTAL PROTECTION AREA

RURAL



Prepared By: Ichu  
Prepared On: Oct-09-2024



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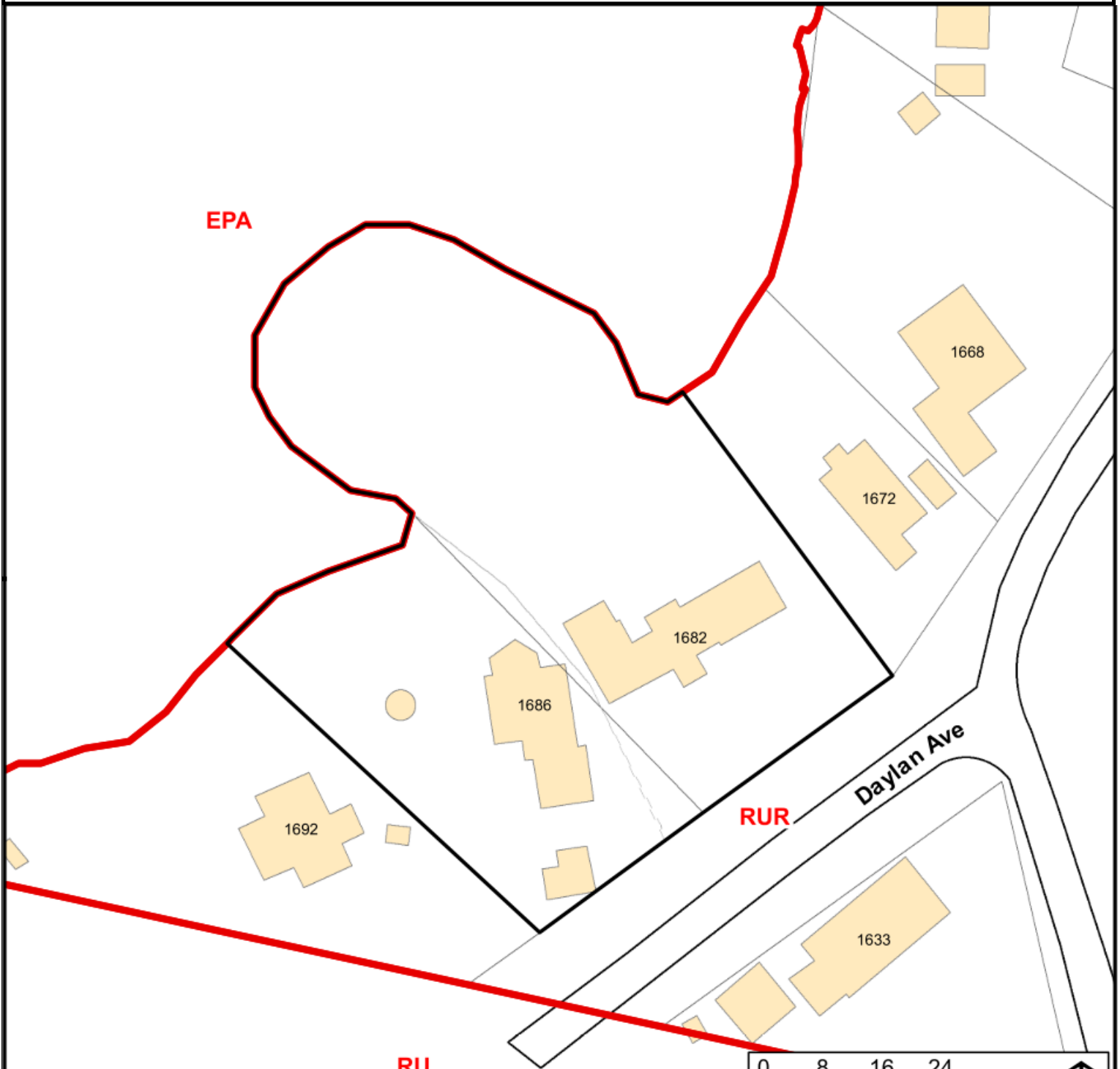
Planning Committee  
**Existing Zoning**  
**Kingston Zoning By-Law 2022-62**

**Planning Services**

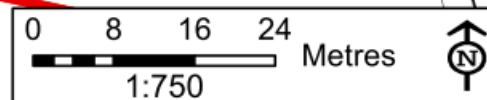
Address: 1682 Daylan Avenue  
File Number: D10-006-2024  
Prepared On: Oct-09-2024

Subject Lands  
Schedule 1 Zoning Map  
 Zone

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

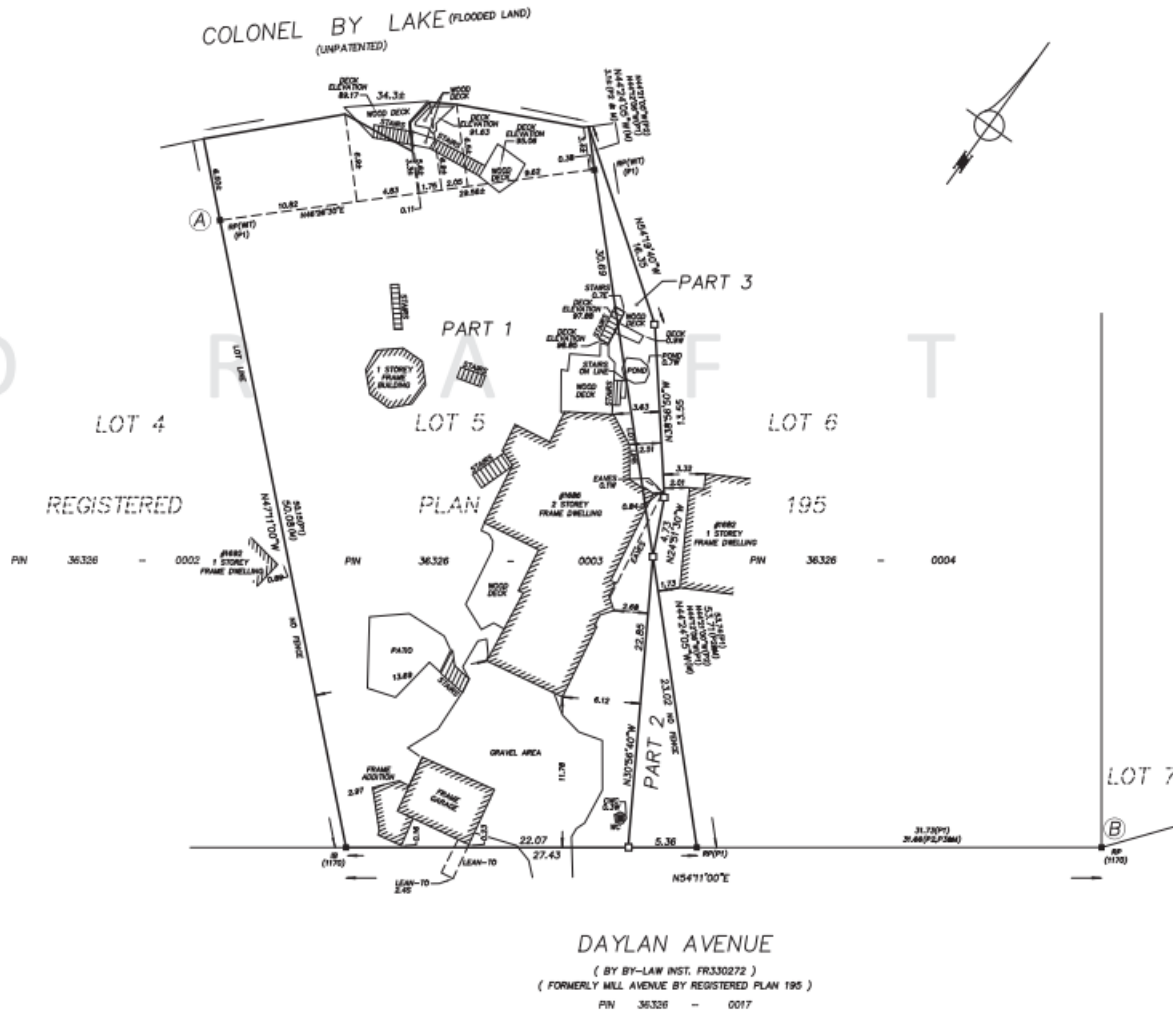


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SCHEDULE			
PART	LOT	REGISTERED PLAN	AREA
1	ALL OF 5	195	0.14 ha
2			61 sq.m.
3	PART OF 6	PART OF 36326-004	55 sq.m.



PLAN OF SURVEY OF  
LOT 5,  
REGISTERED PLAN 195  
CITY OF KINGSTON  
COUNTY OF FRONTENAC  
SCALE 1 : 250 METRES

0 1 2 3 4 5 10 20

THE INTENDED PLOT SIZE OF THIS PLAN IS 609MM IN WIDTH BY 457MM IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:250

**LEGEND**

- DENOTES SURVEY MONUMENT FOUND
- IB DENOTES IRON BAR
- RP DENOTES ROCK POST
- WT DENOTES WITNESS
- M DENOTES MEASURED
- P1 DENOTES REGISTERED PLAN 195
- P2 DENOTES SURVEY BY J.A. MINNES O.L.S. DATED SEPTEMBER 30, 1996. (FILE 1052)
- 1170 DENOTES D.G. MONASTER O.L.S.
- CWC DENOTES CONCRETE WELL CASE
- WC DENOTES WELL CAP

ALL BEARINGS AND DISTANCES AGREE WITH CITED PLANS UNLESS OTHERWISE NOTED.

**DISTANCE NOTES - METRIC**  
DISTANCES AND COORDINATES ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999754.

**BEARING NOTES**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 18 (75° WEST LONGITUDE) NAD83(CRS)2010.  
FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:  
P1 - 1°01'00" CLOCKWISE  
P2 - 0°52'00" CLOCKWISE

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON (BARS NEED TO BE SET).

(SIGNATURE DATE) **DRAFT**  
DATE \*\*\*, O.L.S.

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER #####

INTEGRATION DATA		
OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING A REAL TIME NETWORK AND ARE REFERRED TO UTM ZONE 18 (75° WEST LONGITUDE) NAD83(CRS)2010.		
URBAN ACCURACY PER SEC. 14(2), O. REG. 216/10.		
POINT ID	NORTHING	EASTING
A	4805483.34	3846704.06
B	4805483.89	384701.21
SOURCE: BROWNE'S CORNER, IS RECORDED, IS USED TO RE-CORRECT CORNERS BY BROWNE'S CORNER IN THIS PLAN		
 <b>IBW</b> SURVEYORS IBWSURVEYORS.COM   1.800.667.0696		
PARTY CHECK: RP [DRAWN BY: LHM] CHECKED BY: [PLOT DATE: NOV. 4, 2024] FILE NAME: A-533329-405m_wll_copies available at LandSurveyRecords.com		

1686 and 1682 Daylan Avenue–November 15, 2024  
(North facing view of the two lot additions)

