



**City of Kingston
Report to Committee of Adjustment
Report Number COA-22-024**

To: Chair and Members of the Committee of Adjustment
From: InGi Kim, Planner
Date of Meeting: February 14, 2022
Application for: Permission
File Number: D13-074-2021
Address: 762 River Styx Lane
Owner: River Styx Cottagers' Association
Applicant: William Samuel Braun

Council Strategic Plan Alignment:

Theme: Regulatory & compliance

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for permission for the property located at 762 River Styx Lane north of Gibraltar Bay and west of the Rideau Canal. The applicant is proposing to relocate and enlarge a pre-existing legal non-conforming dwelling. The subject property is in the River Styx Co-op, where there are several legal non-conforming recreational and residential buildings on a large parcel of land. The subject property is designated as a Prime Agricultural Area and Environmental Protection Area in the Official Plan and zoned Restricted Rural 'A1' in Zoning By-Law Number 32-74.

The requested application for permission under Section 45(2)(a)(i) of the *Planning Act* satisfies the criteria for consideration to expand a legal non-conforming use under the *Planning Act*. The application to expand an existing legal non-conforming structure further from the water's edge in accordance with the 30-metre waterfront setback is seen as desirable and appropriate for the site as it will locate the new development outside of the Environmental Protection Area designation. The building will modestly increase in size and can accommodate all required

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services to support the development. The slightly larger and relocated building will not result in undue adverse impacts on the surrounding properties. The proposed development is similar in character with existing legal non-conforming residences nearby and the large distances between dwellings means there are no built form compatibility concerns. Additionally, the application is consistent with the general intent and purpose of the additional review criteria under Section 9.5.13 of the City's Official Plan.

Recommendation:

That the application for permission, File Number D13-074-2021, for the property located at 762 River Styx Lane to relocate and enlarge a pre-existing legal non-conforming dwelling, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-024.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER _____

InGi Kim, Planner

Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

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Options/Discussion:

On November 30, 2021, an application for permission was submitted by William Samuel Braun, on behalf of the owner, River Styx Cottagers' Association, with respect to the property located at 762 River Styx Lane. The application for permission is requested to relocate and enlarge a pre-existing legal non-conforming dwelling.

The application is to replace a house that was demolished without a Building Permit by the previous owner with intention to rebuild (Exhibit J - Declaration of T. Casselman). Additionally, a Cataraqui Region Conservation Authority report from 2012 confirms a legal non-conforming dwelling's location on-site.

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

- Site Plan (Exhibit G);
- Floor Plan and Elevation (Exhibit H);
- Cataraqui Region Conservation Authority (CRCA) Report, dated August 9, 2012 (Exhibit I);
- Declaration of T. Casselman (Previous owner's intention of building the replacement house, Exhibit J);
- Declaration of B. Braun (Current owner's plan for existing trailer on-site, Exhibit K); and
- River Styx Co-op Survey, 2005 (Exhibit L)

Documents received were assessed and deemed sufficient by Planning Services to demonstrate continuous use on-site to allow an application to the Committee of Adjustment.

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 at 762 River Styx Lane north of Gibraltar Bay and west of Rideau Canal (Exhibit B – Key Map). The subject property is in the River Styx Co-op, where there are several legal non-conforming recreational and residential buildings on a large parcel of land (Exhibit C - Neighbourhood Context Map, 2021). The City of Kingston does not recognize the part lots in the Registered Plan provided by the applicant as having legal status (Exhibit L - River Styx Co-op Survey, 2005).

The subject property is designated Prime Agricultural Area and Environmental Protection Area in the Official Plan and zoned Restricted Rural 'A1' in Zoning By-Law Number 32-74. The property abuts the Rideau Canal, a UNESCO World Heritage Site.

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Legal Non-conforming

Pursuant to Subsection 45(2)(a)(i) of the *Planning Act*, the Committee of Adjustment may permit the enlargement or extension of a legal non-conforming building or structure, but no permission may be given to enlarge or extend the building or structure beyond the original limits of the land where the legal non-conforming building or structure is situated. In considering whether to grant a permission pursuant to Subsection 45(2)(a)(i), the relevant test is:

- a. Whether the application is desirable for appropriate development of the subject property; and
- b. Whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.

There are several legal non-conforming residences on the subject property known as the River Styx Co-op. The application to expand an existing legal non-conforming structure further from the water's edge in accordance with the 30-metre waterfront setback is seen as desirable and appropriate for the site as it will locate the new development outside of the Environmental Protection Area designation. The relocated building represents a modest increase in the size and can accommodate all required services to support the development.

The larger and relocated building and will not result in undue adverse impacts on the surrounding properties. The proposed development is similar in character with existing legal non-conforming residences nearby and the large distances between dwellings means there are no built form compatibility concerns.

Additionally, the proposed location of the development is desirable and supported by Cataraqui Region Conservation Authority (CRCA) and Parks Canada as the proposed relocation ensures that the new dwelling and new septic system are more than 30 metres away from the water.

Provincial Policy Statement

Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The 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 such, the proposal conforms to and is consistent with the PPS.

Official Plan

The subject property is designated Prime Agricultural Area and Environmental Protection Area.

In certain circumstances, it may be desirable to grant the extension, enlargement or relocation of a non-conforming use as provided by the *Planning Act*. When reviewing an application for such extension, enlargement or relocation, the Committee of Adjustment must be satisfied that

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the legal non-conforming use continued to the date of the application to the Committee, and that the application would not extend such use beyond the area and site owned or used on the day of passage of the implementing zoning by-law, and that the application complies with the eight criteria as per Section 9.5.13 of the Official Plan regarding the extension or expansion of a non-conforming use. The subject application, requesting permission to relocate and enlarge a previously existing residence and continue its legal non-conforming use, has been reviewed against these policies, provided below.

1. Consistency with provincial policy in effect at the time of the decision, and general conformity of the proposal with the intent of the policies and schedules of the Plan:

The pre-existing dwelling was located within the Environmental Protection Area (EPA) designation of the City of Kingston's Official Plan and was only located 10 metres away from the high watermark. The proposed new dwelling will be located outside of the EPA designated area more than 30 metres away from the high watermark increasing conformity to the policies of the Plan. The increased setback provides a buffer of undisturbed soil and vegetation along the shoreline, which will help to filter runoff, prevent soil erosion, and provide wildlife habitat (Exhibit I – Cataraqui Region Conservation Authority Report, dated August 9, 2012).

The pre-existing dwelling was constructed before the enactment of the current policy documents and therefore has legal non-conforming rights. The current owner, Mr. Braun, purchased the share rights from the previous shareholder for 762 River Styx Lane with the intention of building the replacement house. The current owner has provided a Declaration of the previous owner, Mr. Casselman, and a CRCA report from 2012 to demonstrate that the previous owner was proposing to reconstruct the house. Planning Services deemed these documents sufficient for the application to be considered through a Permission application.

2. Compatibility of the proposal with existing uses and zones, the natural heritage system, cultural heritage resources, and with future planned uses in accordance with the Plan:

The continued residential use of the subject property is compatible with the adjacent recreational and residential uses within the neighbourhood area. The portion of the subject property is within a Riparian Habitat per Schedule 7 of the City of Kingston's Official Plan. The proposed relocation of the pre-existing dwelling ensures that the new dwelling and new septic system are more than 30 metres away from the water and therefore outside of the riparian corridor. Staff of Cataraqui Region Conservation Authority (CRCA) and Parks Canada, as part of the Rideau Waterway Development Review Team (RWDRT), have reviewed the application and indicated that they have no objections.

3. Compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in

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the Plan, and with any urban design guidelines adopted by the City for the area or for the type of development:

The proposed new dwelling is compatible with the pre-existing dwelling on-site. Cataraqui Region Conservation Authority's Report dated August 9, 2012, indicates that the pre-existing dwelling was approximately 92 square metre in size and was located 10 metres from the high watermark (Exhibit I). The proposed dwelling will be built on a foundation that is approximately 130 square metre and will be located more than 30 metres away from the high watermark (Exhibit H – Floor Plan and Elevation). The dwelling is proposed to be approximately 7.8 metres in height. Therefore, the proposed relocation and enlargement of the pre-existing use on the subject property is compatible within the abutting recreational and residential uses as well as the character of the area.

4. The extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development:

The proposed relocation and reconstruction of the pre-existing dwelling with a larger footprint and increased setback from the shoreline is not anticipated to have any adverse impact on future development or redevelopment. Multiple properties that exist within the subject site have legal non-conforming status.

5. The suitability of the site for the proposal, including its ability to meet all usual standards of parking for vehicles and bicycles, open space or amenity areas as well as the lack of any potential for noise, odour, traffic conflict or other nuisance from the proposal:

The continued residential use on the property will not create any new noise, odour, traffic conflict, or other nuisance.

6. The impact on municipal infrastructure, services and traffic:

The proposal will not have a negative impact on municipal infrastructure, service, and traffic as the new dwelling will be on private servicing and River Styx Lane is a private road.

7. Comments and submissions by staff, agencies and the public:

Comments submitted by staff, agencies and the public are indicated under "Technical Comments" and "Public Comments" sections of this report. Comments received will be addressed through the conditions as described below.

The subject property is not designated or listed on the City of Kingston's Heritage Property Register, or adjacent to a property which is designated or listed. However, it is adjacent to the Rideau Canal, which is designated as a UNESCO World Heritage Site.

Based on the City of Kingston archaeological potential mapping the property is in an area of "Further Study Required", and therefore an Archaeological Clearance of the property is

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required prior to any ground disturbance. This will be addressed prior to the issuance of a Building Permit, as described in the recommended conditions.

The pre-existing dwelling was demolished without a demolition permit. The applicant will be required to apply for a demolition permit before a Building Permit for the proposed dwelling can be issued. Additionally, only one dwelling unit will be allowed on the property. The applicant will be required to remove any existing residential related structures or buildings prior to the issuance of an Occupancy Permit, as described in the recommended conditions.

8. The degree to which the proposal may inhibit conforming uses or creates a precedent:

The proposal represents a significant environmental and cultural improvement by providing more setback between the building and the shoreline. The approval of the requested permission will not set a precedent in the immediate area, as a historical land use pattern of recreational and residential on the subject site has already been established.

The requested permission to relocate and reconstruct a pre-existing dwelling meets the general intent and purpose of the additional review criteria under Section 9.5.13 of the City’s Official Plan.

Zoning By-Law

The subject property is zoned A1, Restricted Rural Zone, in the City of Kingston Zoning By-Law Number 32-74, as amended. As per Provision 23(2)(i) in Zoning By-Law Number 32-74, only one dwelling house per lot is permitted. Currently, multiple legal non-conforming recreational and residential buildings exist on the subject property under shared corporate ownership. The application to relocate and enlarge the pre-existing use further away from the shoreline is being considered before the Committee of Adjustment through Permission in accordance with Section 9.4.3 of the Official Plan.

Technical Review: Circulated Departments and Agencies

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

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Technical Comments

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Building Services:

- A demolition permit is required prior to the demolition of a building. The documentation provided indicates that the existing dwelling unit has already been removed. A demolition permit is still required for the removal of the existing dwelling.
- A separate Building Permit File Number D30-1630-2021 for the new dwelling unit has already been applied for. The Ministry of Environment needs to review the septic system since there is more than one dwelling unit on the property each with their own septic system. Approval from the ministry for the septic system is required before the Building Permit can be issued.
- A complete set of plans of the log home or cottage, as shown in the documentation submitted for the Building Permit, needs to be provided from an Ontario Registered Engineer for the ungraded lumber and the connection details. A dimension from the septic tank to the dwelling is required as well on the plot plan for the Building Permit review.

Heritage Planning:

- As the building is proposed to be further away from the water's edge (approximately 45 metres) than the existing structure, will only be 11 metres in height, and the trailer is set to be removed, there should be no concerns with the building and its height/design when considering the proximity to the Rideau Canal.

The Master Plan indicates that the subject property requires further archaeological study. Archaeological clearance of the property is required. Please provide copies of the assessment report(s) and correspondence from the Ministry of Heritage, Sport, Tourism, and Culture Industries to City Heritage Services staff, prior to any ground disturbance.

Engineering Services:

- No engineering concerns, the applicant will be responsible for obtaining any required approvals for any services crossing the private road.

CRCA and Parks Canada:

- Staff of Cataraqui Region Conservation Authority (CRCA) and Parks Canada, as part of the Rideau Waterway Development Review Team (RWDRT), have reviewed the

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application and indicated that they have no objections. The full report has been reviewed by the applicant.

Public Comments

At the time this report was finalized, no public comments have been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

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

Conclusion

The requested application for permission is consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 32-74. The relocation and reconstruction are supported by the CRCA and Parks Canada as the new location is set back adequately from the body of water. Approval of this application will allow for the reconstruction of a legal non-conforming dwelling.

Existing Policy/By-Law:

The proposed application was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province's and the City's vision of development. The following documents were assessed:

Provincial

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 32-74

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on February 14, 2022. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 41 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard.

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

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Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Recommended Conditions

Exhibit B Key Map

Exhibit C Neighbourhood Context Map (2021)

Exhibit D Official Plan Map

Exhibit E Existing Zoning By-Law Number 32-74, Map 1

Exhibit F Public Notification Map

Exhibit G Site Plan

Exhibit H Floor Plan and Elevation

Exhibit I Cataraqui Region Conservation Authority (CRCA) Report, dated August 9, 2012

Exhibit J Declaration of T. Casselman

Exhibit K Declaration of B. Braun

Exhibit L River Styx Co-op Survey, 2005

Recommended Conditions

Application for permission, File Number D13-074-2021

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

1. Limitation

That the approved permission applies only to the property located at 762 River Styx Lane for a proposed relocation and reconstruction of a pre-existing dwelling as identified 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.

Approval from the Ministry of Environment for the septic system is required prior to the issuance of a Building Permit.

A complete set of plans of the log home or cottage, as shown in the documentation submitted for the building permit, needs to be provided from an Ontario Registered Engineer for the ungraded lumber and the connection details. A dimension from the septic tank to the dwelling is required as well on the plot plan for the building permit review.

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. Demolition Permit

The owner/applicant shall obtain a Demolition Permit through the Building Division for the removal of the pre-existing building prior to the issuance of a Building Permit.

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.

5. Archaeological Clearance

An Archaeological Assessment (beginning with a Stage One Assessment) and any subsequent or supporting studies are required on the property prior to the issuance of a Building Permit, as the site falls under several of the criteria for archaeological potential. Any area of development or site alteration, including access routes, on lands containing archaeological resources or areas of archaeological potential will need to be assessed by an archaeologist licensed in the Province of Ontario. The applicant shall contact the Planning Services to confirm their requirements for approval of this condition.

Two (2) copies of the study and all relative information shall be provided to the Building Division. The report shall be registered with the Ministry of Tourism, Culture and Sport or an acceptance letter shall be obtained by the Ministry prior to the issuance of a Building Permit.

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. Existing Dwelling Unit

The owner/applicant shall remove any existing structures and buildings associated with residential uses from the subject lot prior to the issuance of an Occupancy Permit.

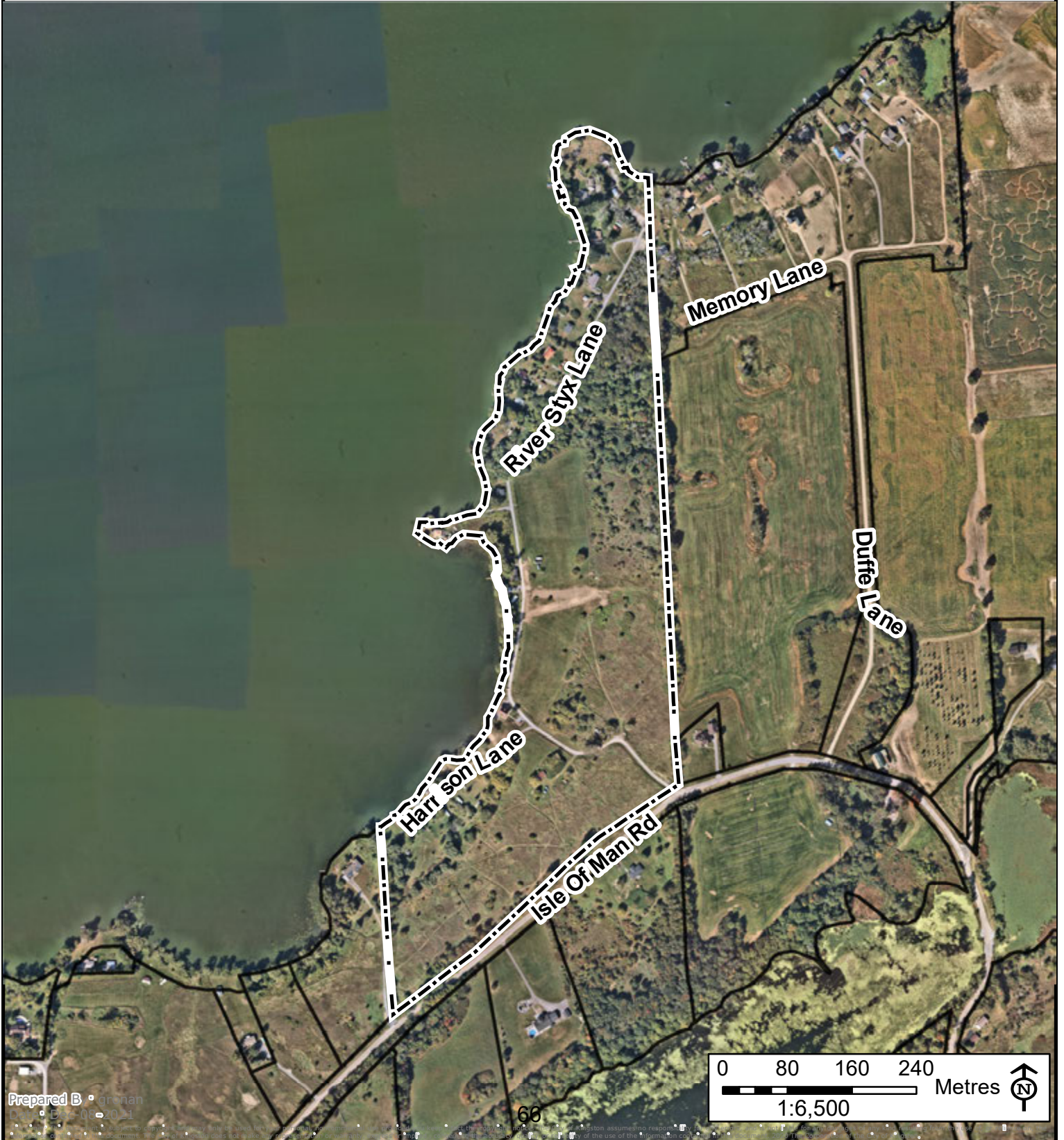
The applicant shall contact the Planning Services to confirm their requirements for approval of this condition prior to the issuance of an Occupancy Permit.



Committee of Adjustment
Neighbourhood Context (2021)

Address: 762 River Styx Lane
File Number: D13-074-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels

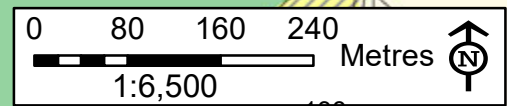
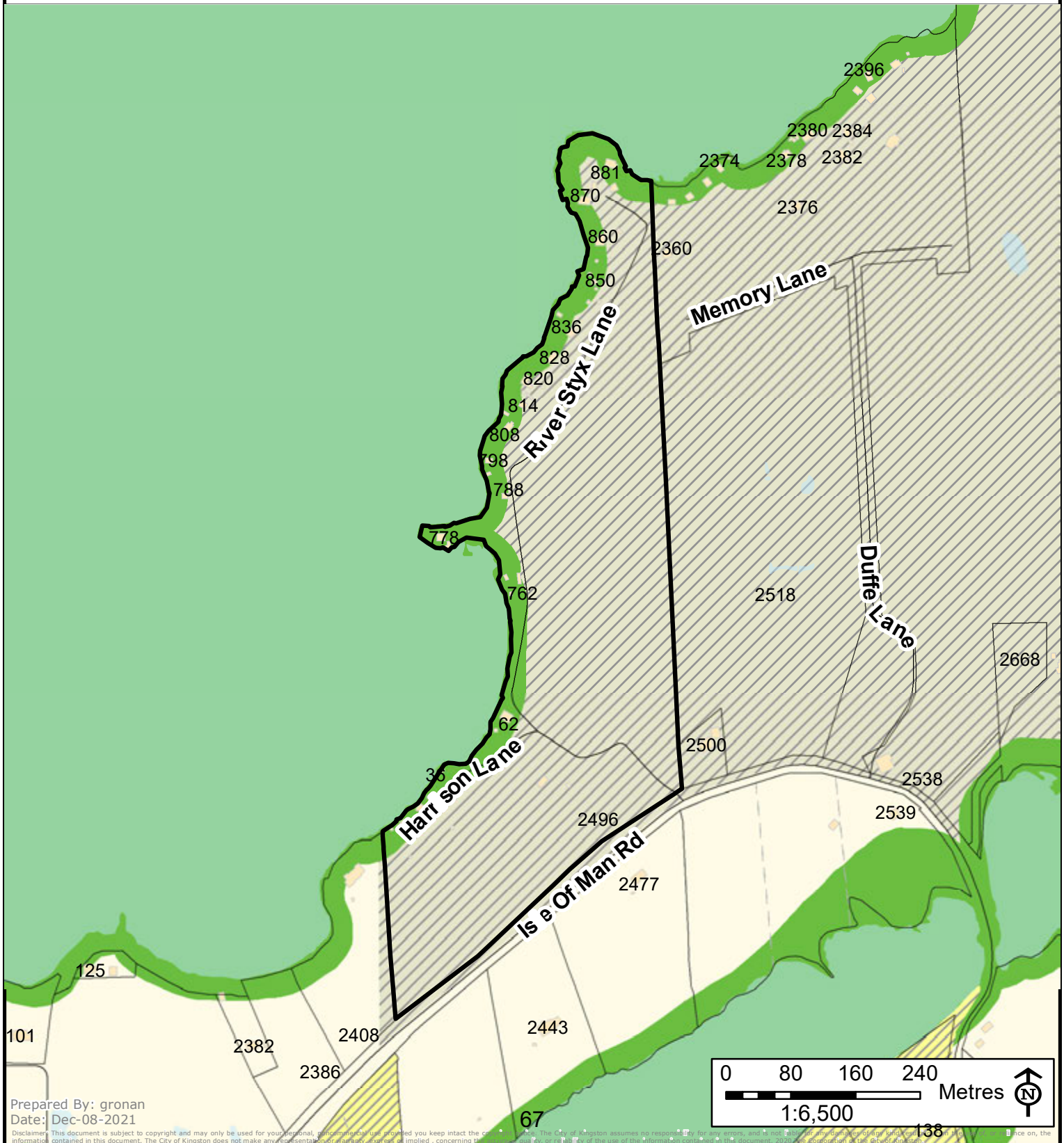




Committee of Adjustment
Official Plan, Existing Land Use

Address: 762 River Styx Lane
File Number: D13-074-2021

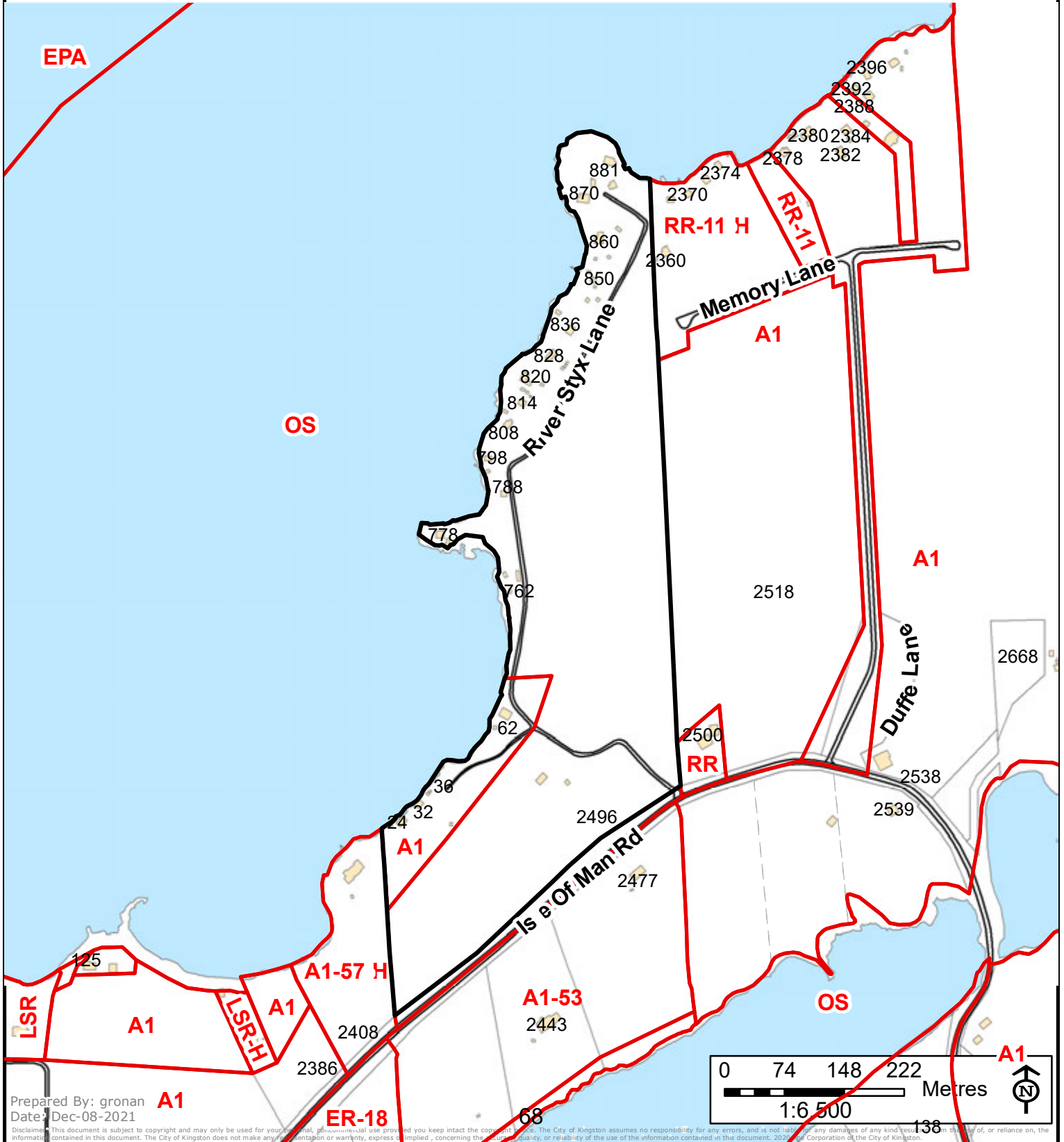
- Subject Lands
- PRIME AGRICULTURAL
- ENVIRONMENTAL PROTECTION AREA
- ESTATE RESIDENTIAL
- RURAL





Committee of Adjustment
Existing Zoning - By-law 32-74, Map 1
Address: 762 River Styx Lane
File Number: D13-074-2021

Subject Lands
 Consolidated Zoning








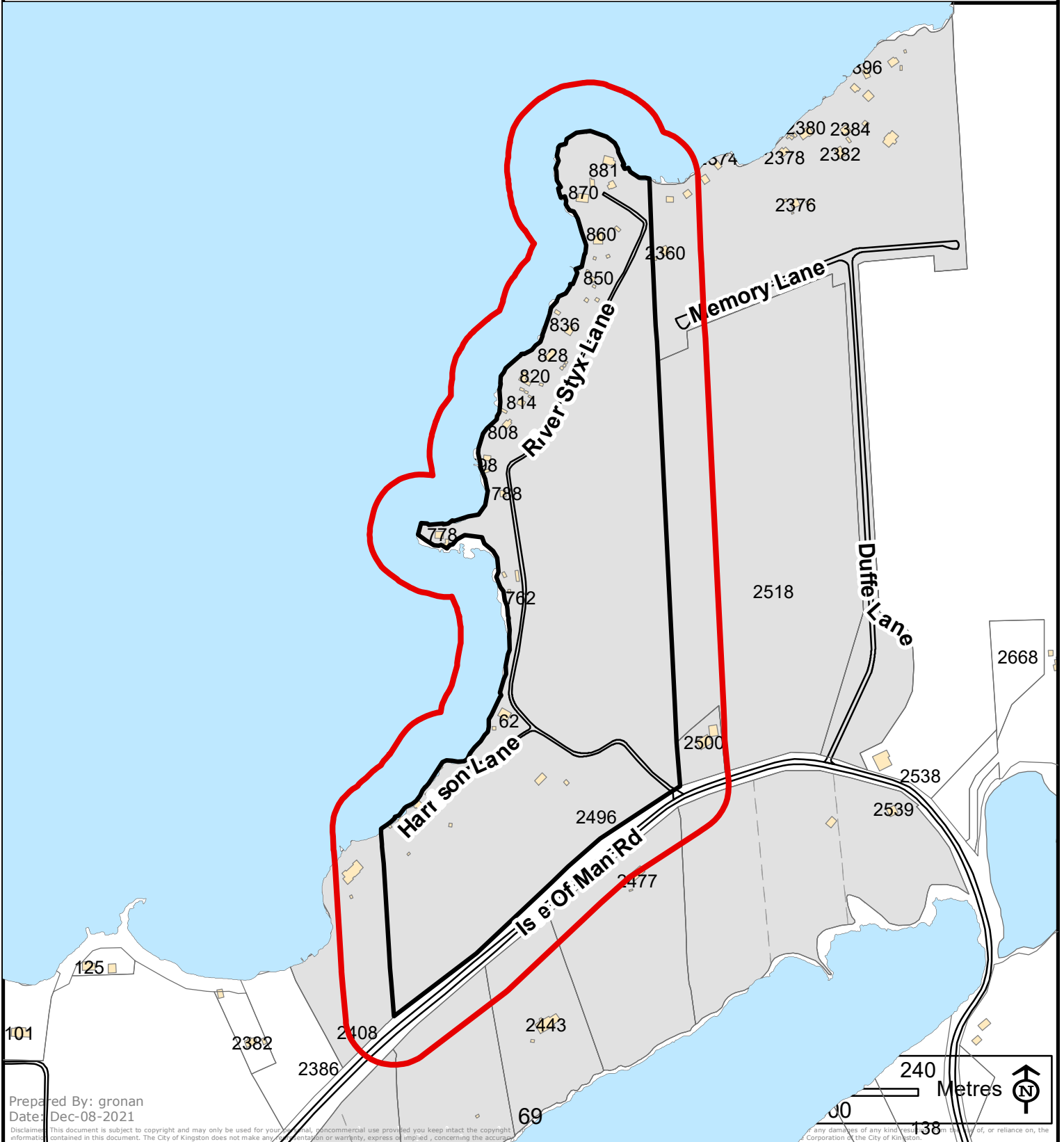
Prepared By: gronan
Date: Dec-08-2021

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Committee of Adjustment
Public Notice Notification Map
Address: 762 River Styx Lane
File Number: D13-074-2021

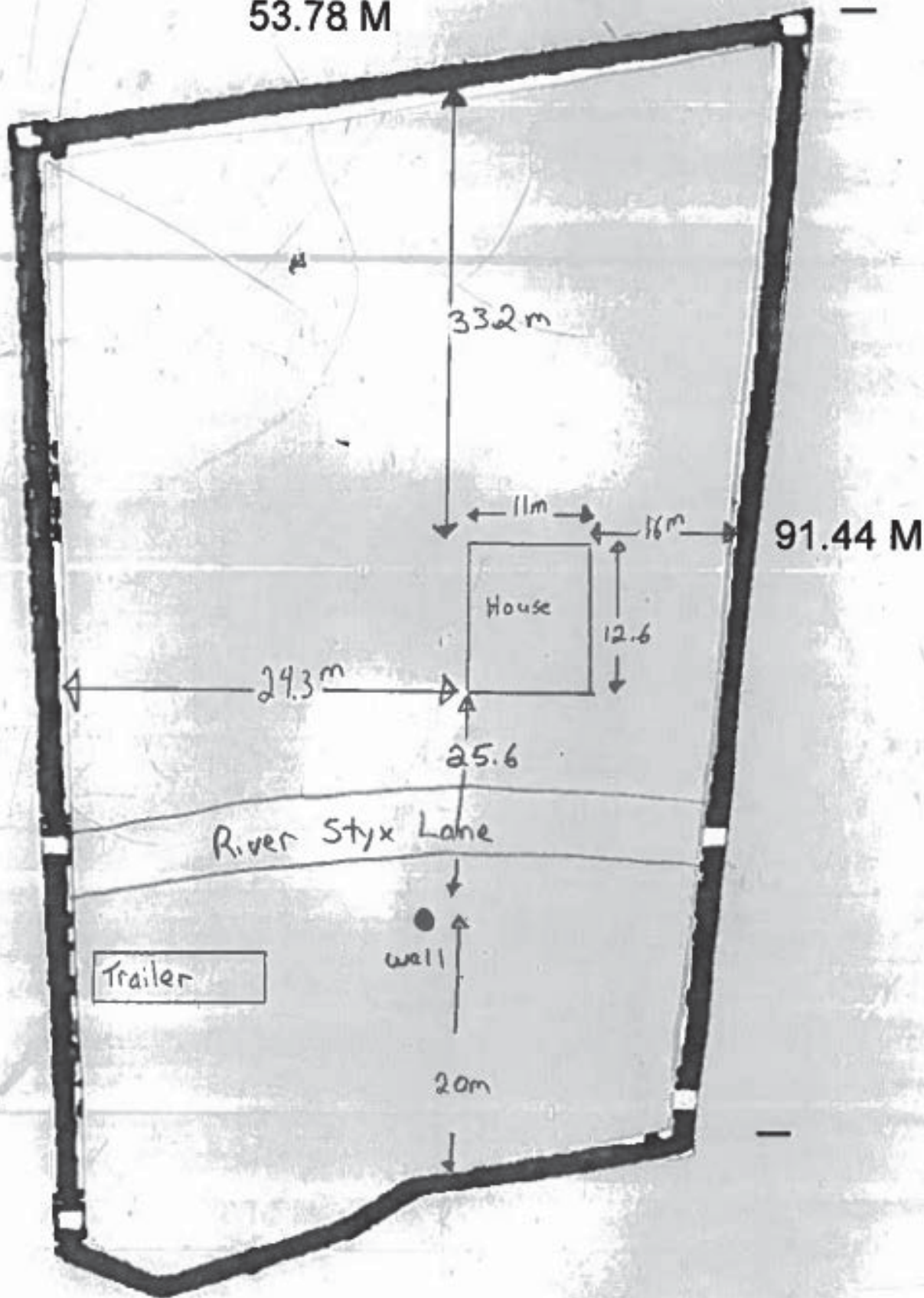
-  60m Public Notification Boundary
-  Subject Lands
-  Property Boundaries
-  Proposed Parcels
-  9 Properties in Receipt of Notice (MPAC)



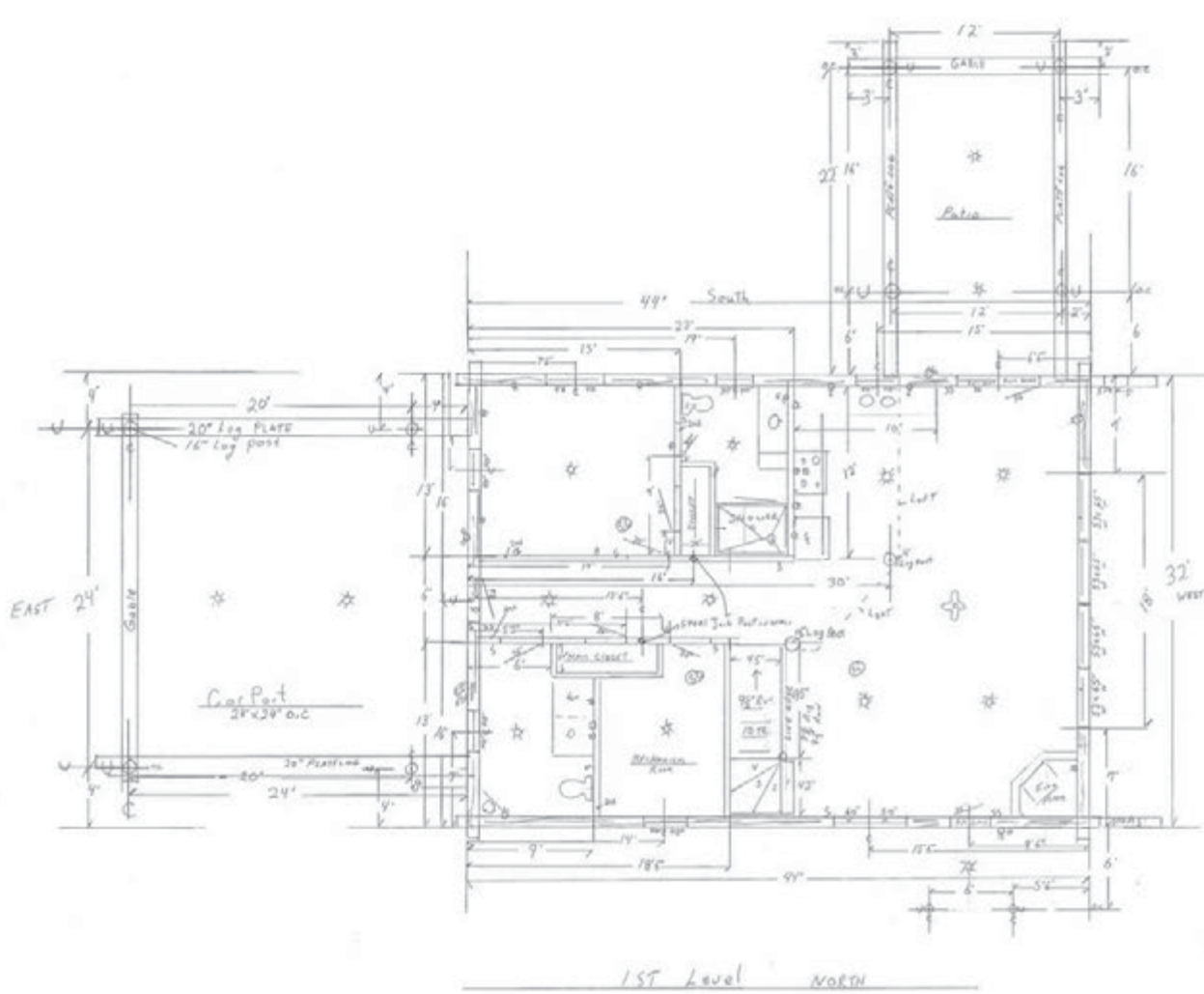
BRAUN PERMIT APPLICATION

D30-1450-2021

53.78 M



Water Front



Gen Notes Scale 1/8" = 1'-0" Page 1 of 7

Bill Braun Res 2022
Lot Part of Lot 3
Concession 4
Township of Kingsley

- White Pine Log Home - Sibley Green
- Scandinavian Scribe 12" to 26" in Diameter
- 1 1/2 Story 32' x 44' 1408 sq ft on Radiant Pad
- Upper Level 32' x 20' 640 sq ft
- Car Port 24' x 24'
- Patio 12' x 16'
- 5" Settlement 1/4" above Windows, Doors, rafters
- 6" Settlement Spaced Above Floor Joists on Log Level
- Dry into walls. Dab needed wet areas.
- PT MARKS ON CONCRETE

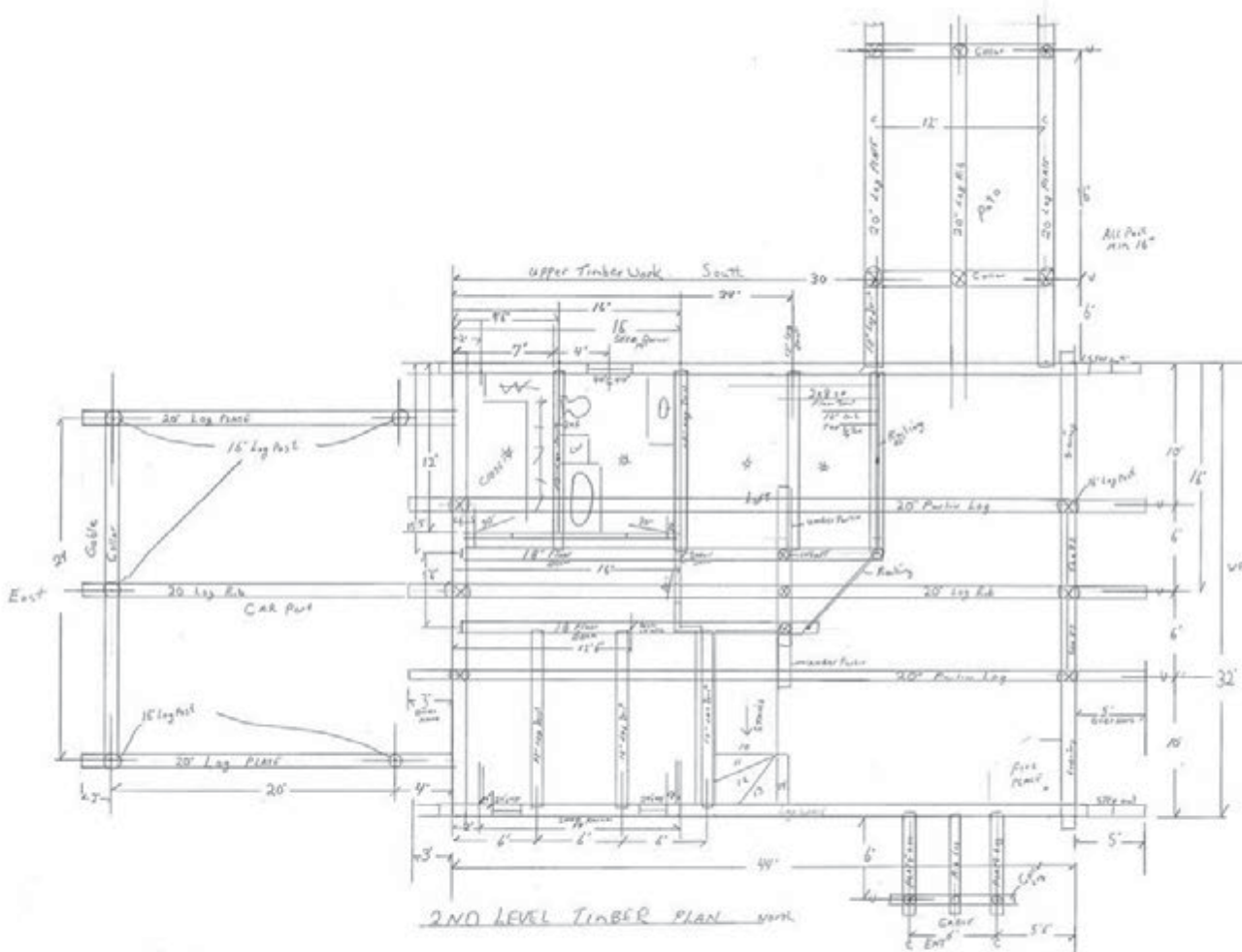
- Foundation on Rock
- Sills on Grade Radiant Pad - Prepare Heated
- Sillholes 1/4" Above Finished Grade
- Pads 2' x 2' x 10"



TBC Engineering Inc.
architect design and construction
17000 Lake Avenue, Suite 200, Eden Prairie, MN 55346-3000
952.466.9000
tbcengr.com

- * Lights
- ⊕ Fan 0 On/Off
- S Switches
- ⊙ Smoke/Cool Det. 1/4" AL Bed. Living Area
- ⊙ Reop. 0/1 End Ground Fan
- R.V. Charge - in Carport
- Electrical circuits cut at Log 1/4"

Log Con't By K&S LOG HOMES Since 1986
Ken-Thomson American's
RES PART OUT.



Gen Notes Scale 1/4" = 1'-0" Page 2 of 7

Bill Braun Res
Ultra Pine Log Home
TIMBER ROOF DETAIL

Part - Car Port - House
- 2x4 level Truss
- Left Railing Guards AS Per OOC 207 or 208

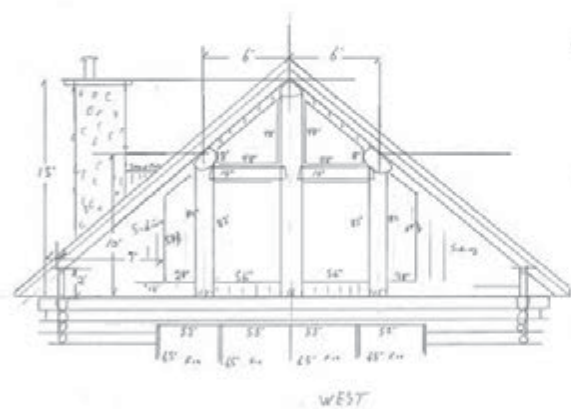
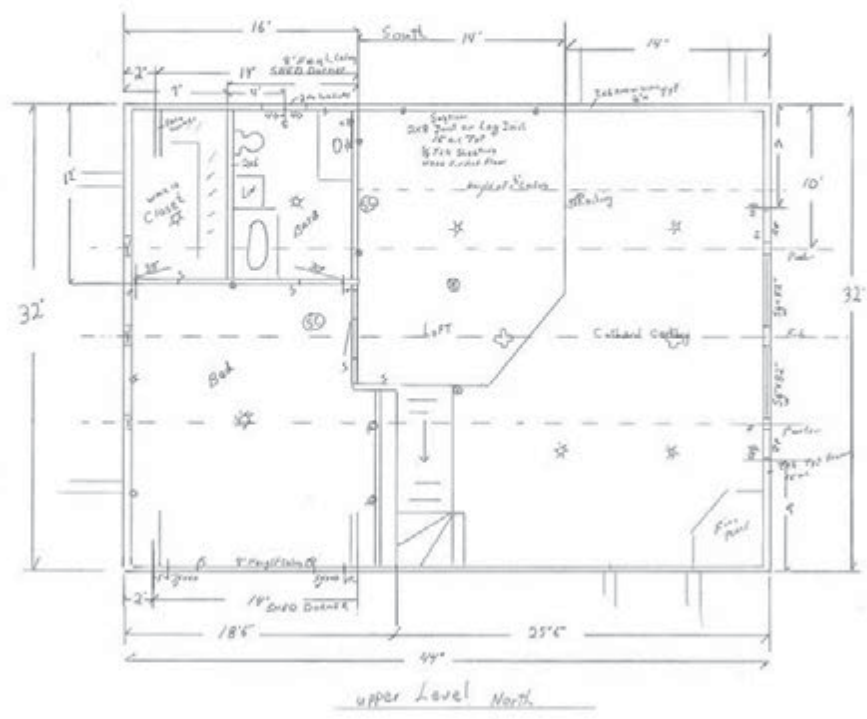
No. 2 or better
Northern Spruce
SP

- All Log Post Min 16" dia.
- Log Posts 20" dia.
- Log Rib Min 20" dia.
- Log Beam in floor 18" dia.
- Log level Truss 12" dia.
- Settlement screws on outer Post on 1st level
- 2x8 CP 2nd flr for protruding exterior surface
- ENT Timber 14" log dia.
- 3" overhang Car Port End
- 5" overhang Side over 2nd
- 2x6 Framing Top

Log Cont. By K&B Log Homes Since 1966
Ken & Traci Abraham's
Res. Part 207



TSC Engineering Inc.
4400 NE 15th St. Suite 100
Portland, OR 97232
Tel: 503-423-8656
tscengr@tscengr.com



Gen Notes Scale 1/4" = 1'-0" Page 3 of 7
 Bill Brown Res 2022
 Scandinavian Scribe Log Home
 2 NO Level - Loft

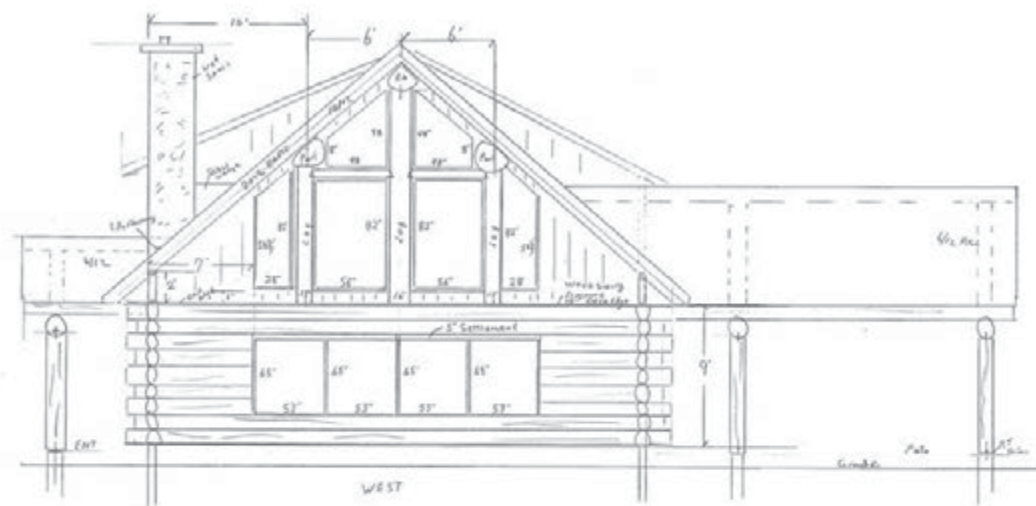
- 2x6 EDG. Framing Typ. Study - 1/2" max. work in
- 2x6 Rafter 21x5 Spay Fan A-to ceiling
- Sheat On walls 8" Ceiling Cellulose insulation R-60
- 2 1/2" x 2 1/2" x 1/2" in Sheat
- 2x40 Scribe Gable - Sheat same as wall in Section A-B
- Loft Railing-Guards 4x4x4 on 2x4 Post
- 2x8 2" Subfloor 2x8x8 on 2x4 Post

* Light
 * Fan
 * (S) Small/Case Out
 S Staircase
 O Ramp
 O6 Small PT

- ⊙ Bath Window 60"x60" Casement
- ⊙ Bed Window 20"x60" Casement
- ⊙ Gable Glass 50"x82" Fixed
- ⊙ Gable Glass Slant 48"x84" Fixed
- ⊙ Gable Glass Slant 48"x84" Fixed
- ⊙ Gable Glass Slant 48"x84" Fixed
- ⊙ Gable Glass Slant 48"x84" Fixed

Log Cont By PRALOG Homes
 Home Plans Available
 All Pull out
 Since 1986

TBC Engineering Inc.
 structural design and calculation
 17700 17th Avenue SW
 Seattle, WA 98148
 Tel: 206.462.0000
 tbcengr@comcast.net



All spray foam to be closed cell polyurethane (R-6 per inch min)
JMS



TSC Engineering Inc.
ARCHITECTURAL DESIGN AND ENGINEERING
17 JAMES STREET, SUITE 100, WYOMING
WY 83403-9909
Wapiti@tscengineering.com

Gen Notes Scale 3/8" = 1'-0" Page 6 of 7

Bill Board Log Home

EAST & WEST VIEW

- Roof Framing T&P
- Sheeted Soffit
- Tyvek Roof Membrane - Steel Roofing Mat
- Ensure appropriate flashings
- Gable Trim 2x4x8
- Sheated Trim Above Deck Stairway Connections
- Roof insulation Spray Foam Cathedral R-30
- Roof Ceiling R-60 Contain With Vapor Barrier
- Walls Spray foam R-30

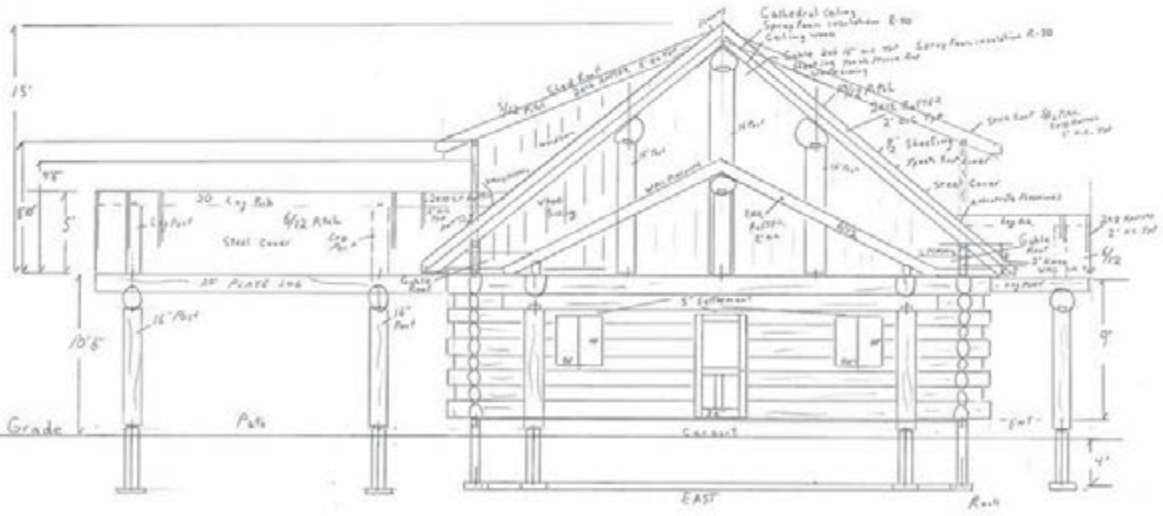
EAST view Over - windows

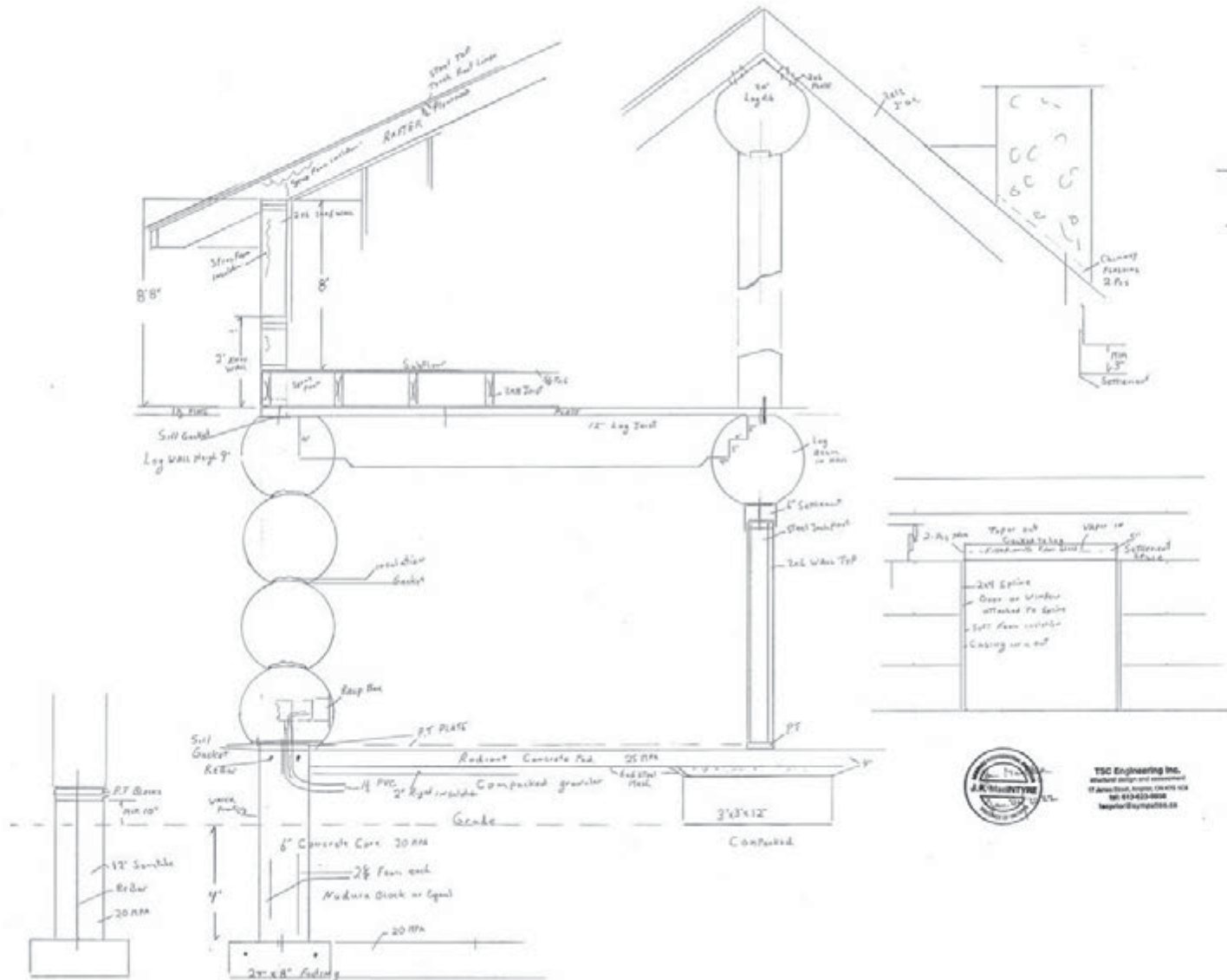
- 2 - Casement windows 90" x 40"
- 1 - 8' Gable 36" Over

WEST view windows

- 4 - 22" x 65" Fixed in Gable
- 2 - 54" x 82" Fixed
- 1 - Slant 28" x 58" x 82"
- 1 - Slant 28" x 52" x 58"
- 1 - Slant 48" x 8" x 18"
- 1 - Slant 48" x 18" x 8"

Log Coll. 13" HEAD LOG MEMBS





Gen Notes No Scale Page 2 of 2
Bill Board Log Home 32x44 1986/7

Cross Section
 R/P
 - 2x12 w/ R/PPS 2 on top
 - 5" Sheeting
 - Fresh Air cover
 - Steel Cover assembly finish - exterior
 - Spray Foam Insulation Columns - R-30
 Walls - R-30
 Rest Ceiling Concrete R-60
 Loft Subfloor upper level
 2x8 or 4" w/ or log beam
 5/8" Sheeting top
 All Dimension lumber
 7x8 or 8x8 and under S-P-F.

Foundation
 Nuclear Blank or other
 6" Con 2' from each side 20 mm
 8'x8" footing 20 mm
 4" 5" Concrete Radiant Slab 20 mm
 or 2" Rgt insulation
 6x6 steel mesh top of insulation

Log Con't Br. K&R Log Homes
New & True America's





CATARAQUI REGION CONSERVATION AUTHORITY
1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0
Phone: (613) 546-4228 Fax: (613) 547-6474
E-mail: crca@cataraquiregion.on.ca Website: www.cataraquiregion.on.ca

August 9, 2012

File: I-72/12
GC-CKN

HAND DELIVERED

Tom Casselman
3796 Woodburn Rd
Joyceville, Ontario
K0H 1Y0

Dear Mr. Casselman:

**RE: PROPERTY INQUIRY – ONTARIO REGULATION 148/06
PART LOT 3, CONCESSION 4; 762 RIVER STYX LANE
CITY OF KINGSTON (FORMER PITTSBURGH TOWNSHIP)
WATERBODY: RIVER STYX (RIDEAU CANAL)**

Staff of the Cataraqui Region Conservation Authority (CRCA) are writing in response to your inquiry (received July 9, 2012) regarding the proposed redevelopment of a seasonal dwelling at the above-noted address. The site was visited July 12, 2012. We offer the following comments for your consideration.

Site Description

The existing cottage is located on a larger property owned by a co-operative of people that have dwellings on it. It is our understanding that you own the cottage and have exclusive rights to the area around it (called the "lot"). The lot is bisected by River Styx Lane, with approximately 25 m of land between the lane and the water (western portion) and an additional 85 m west from the lane to the rear of the lot (eastern portion). The western portion has direct frontage on the River Styx, part of the Rideau Canal system and contains the existing, approximately 92 square metre cottage and a small storage structure. The cottage is currently uninhabited due to damage. The eastern portion of the lot is vacant. A small, seasonal watercourse runs from the rear of the lot towards River Styx Lane, where it outlets into the roadside ditch.

The lot is mainly level, with a slight gradient towards the water. The shoreline consists of a low (approx. 0.75 m – 1 m) till embankment and is well vegetated with mature deciduous trees.

Applicable Environmental Policies and Regulations

The subject property is designated as Environmental Protection within 30 m of the highwater mark and the remainder is designated Rural in the City of Kingston Official Plan. The property is zoned Restricted Rural (A1) in the Zoning By-law for the former Township of Pittsburgh.

A portion of these lands are also subject to Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, which is implemented by the CRCA. The purpose of the regulation is to make sure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that the changes do not put other properties at greater risk from these hazards.

Discussion

Any proposal for development and site alteration on the subject lands will be subject to consideration first under the *Planning Act* and then through Ontario Regulation 148/06.

Planning Act

Section 5(22) of the “General Provisions” in the Zoning By-law for the former Township of Pittsburgh states: “Notwithstanding any provisions of Section 7 through 25 inclusive to the contrary, no building or structure other than a marine facility or a marina shall be located less than 15 metres from a flood plain.” The By-law defines a “flood plain” as “the area below the high watermark of a waterbody”.

At present, the existing cottage is located approximately 10 m from the high watermark. It is, therefore, considered to be legal non-complying. It is our understanding that you wish to demolish the existing structure and rebuild at a greater distance (preferably 30 m) from the water.

In order to help protect the surface water quality of the River Styx, the CRCA Planning Policy (2005) requires that new development be setback a minimum of 30 m from high watermark of the water body. The intent of the setback is to provide a buffer of undisturbed soil and vegetation along the shoreline, which will help to filter runoff, prevent soil erosion, and provide wildlife habitat.

In order to achieve a 30 m setback from the high watermark of the River Styx, the new dwelling would be located on the east side of River Styx Lane. As noted above, there is a small, seasonal watercourse on the western portion of the lot. The CRCA would also require new development to be set back 30 m from the top of bank from this watercourse. Given the size of the lot, there appears to be a suitable building location for a new dwelling and septic system beyond these setbacks. CRCA staff would support a *Planning Act* application for such development if such an application is required by the City.

If it is determined that is not legally feasible to meet the 30 m setback, as desired, re-development may be restricted to the west side of River Styx Lane. Development in this location would likely occur within the required minimum 15 m setback from the high watermark. It is the opinion of CRCA staff that a minor variance from the Zoning By-law would be required. CRCA staff would only support a minor variance seeking a reduction in the 15 m setback provided that:

- the dwelling would be set back as far as possible from the water;
- there would be no increase in size from the footprint of the existing dwelling;
- the dwelling would be located outside both the regulatory flood plain setback and the erosion hazard limit and meets floodproofing requirements, as discussed in the Regulation section, below.

We recommend that you consult with the City of Kingston Planning and Development Services for more information on the implication of the City's environmental policies and other relevant policies on the development potential of the subject lands.

Ontario Regulation 148/06

By virtue of Ontario Regulation 148/06, the CRCA regulates all development and site alteration activities (including placement of fill and site grading) within 15 metres of a flood plain or within 15 metres of the erosion hazard limit, whichever is the greater. Within these regulated areas, written permission must be obtained from the CRCA prior to development taking place.

Flooding Hazard: For the River Styx, CRCA policy defines the regulatory flood plain as the highest recorded water level for the lake (88.92 metres geodetic). Based on topographic information for the subject property, the maximum recorded water level elevation would extend to a maximum of 5 m inland from the high watermark of the River Styx.

As per the CRCA Guidelines for Implementing Ontario Regulation 148/06, buildings and structures (including a septic system) must be set back a minimum of 6 m from the regulatory flood plain. The proposed development, at 30 m from the high watermark, would exceed this requirement.

The existing cottage is approximately 5 m from the maximum recorded water level elevation. Should you be limited to redevelopment on the west side of River Styx Lane, the CRCA would likely request that a topographic survey be conducted to establish the exact location of the maximum recorded water level.

Also note that new development adjacent to a water body is required to meet minimum floodproofing requirements. In this case, the minimum finished floor elevation and all exterior openings of a new dwelling must be at or above 89.22 m GSC (0.3 m above the maximum recorded water level). This will restrict construction of a basement adjacent to the water.

Erosion Hazard: The CRCA defines the extent of potential erosion hazards for till shorelines to be a stable slope allowance of 3(h):1(v) plus an erosion access allowance of 6 m. The shoreline on this property nearest the cottage consists of an approximately 0.75 m high till embankment. As such, the erosion hazard limit extends to a distance of 8.25 m from the toe of stable slope (essentially 8.25 m from the base of the shoreline embankment). CRCA staff would not support a permit for development within the erosion hazard limit. The proposed development, at 30 m from the high watermark, would be outside the erosion hazard limit.

Summary

CRCA staff are in support of the proposed redevelopment of the subject property with a new seasonal dwelling and septic system located 30 m from the high watermark of the River Styx and 30 m from the watercourse on the west side of River Styx Lane. Development at this location would not be subject to permit requirements under Ontario Regulation 148/06.

Development within 15 m of the high watermark of the River Styx will, in the opinion of CRCA staff, require a minor variance and will be subject to a permit from this Conservation Authority. CRCA staff would only support a proposal for a dwelling within 15 m of the high watermark

provided that: it is set back as far as possible from the water, there is no increase in the building footprint size, the dwelling is outside of both the regulatory flood plain setback and erosion hazard limit and it meets floodproofing standards.

We trust that we have satisfactorily addressed your inquiry. Please note that these comments reflect our understanding at the time of writing, of the best available data, applicable policies and regulations, and the proposal. Changes in one or more of these factors may influence our comments. If you have any questions, please contact the undersigned.

Yours truly,



Michael Dakin
Development Technician

/md

cc: Tim Fisher, Planner, City of Kingston (via fax: 613-542-9965)

Tom Casselman
1046 Hwy #32, Gananoque
613-382-8539

To the City of Kingston Planning:

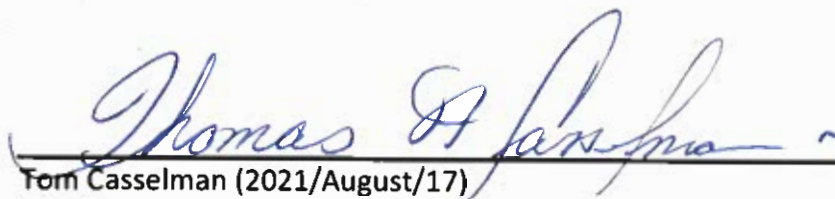
My name is Tom Casselman, my wife Cory and I purchased the property to build a home. It was our plan right from the start.

I contacted the Cataraqui Region Conservations Authority and started the process to get building permit; they provided a letter that said they had no problem with the build, and they provided details where it needed to be located in accordance with their regulations.

I had a City official attend the property at one point to discuss the plan to demolish and build.

I eventually took the old structure down with the intention of getting a permit to build a new home. The old structure was a danger to the children in our family; and I felt that the structure had to be taken down due to safety concerns.

I always planned to build on that land, when I sold the land to Bill I provide him with the documents that I had collected while pursuing a building permit of my own. I know that Bill planned on continuing to pursue a building permit and thought it would help him.



Tom Casselman (2021/August/17)

Sworn remotely by Thomas (Tom) Casselman,
in the Town of Gananoque, in the province of Ontario,
before me at the City of Ottawa, in the Province of Ontario
this 17th day of August, 2021



*Samantha Marie Millar, a Commissioner, etc,
Province of Ontario, for Galarneau and Associates
Professional Corporation. Barristers and Solicitors.
Expires October 16, 2021*

*in accordance with O. Reg 431/20,
Administering Oath or Declaration Remotely*

Plan for existing trailer

762 River Styx Lane, Kingston, Ontario

Building Permit #D30-1630-2021

The existing trailer and out buildings will be sold and removed from the property when the cottage construction is completed. Its current use is for family recreational purposes.

Our intention is to invest our time and money to clean up the property which became dilapidated during the previous ownership.

Thank you,

Bill Braun

