Memorandum to the City of Markham Committee of Adjustment

August 11, 2022

File: A/100/22

Address: 7 Circle Court, Thornhill

Applicant: Soren Dumrath

Agent: Orangeink Design Inc. (Tony Diodati)

Hearing Date: August 24, 2022

The following comments are provided on behalf of the West District Team:

The applicant is requesting relief from the following requirements of By-law 72-81, as amended, to permit:

a) Parking By-law 28-97, Section 6.1.1 (b):

two parking spaces to be located within the front yard; whereas the By-law permits no more than one required parking space to be located within the front yard on a driveway.

BACKGROUND

Property Description

The subject property is located in Thornhill, generally west of Leslie Street, north of John Street and the Canadian National Railway. The subject property is within an established residential neighbourhood comprised of two-storey detached dwellings. The subject property fronts on the south side of Circle Court, which is the termination point of a cul-desac.

The subject property is $1,098.35 \text{ m}^2$ ($11,822.56 \text{ ft}^2$) in size, irregular in shape, and is currently occupied by an existing single-detached dwelling, which according to assessment records was constructed in 2002.

The subject property is partially within TRCA's Regulated Area as the rear portion of the site is traversed by a valley corridor associated with the Don River Watershed. The rear yard extends partially into natural heritage lands, and beyond which abuts the Canadian National Railway corridor.

Proposal

The applicant is proposing to convert the existing attached 2-car garage into living space, as well as extending a 2-storey building addition (total of 68.69 m² [739.37 ft²]) from the rear of the existing garage. This proposal would also result in the demolition of the existing deck which is generally located where the building addition is proposed (See Appendix B).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The subject property is designated "Residential – Low Rise" and "Greenway" under the Official Plan.

The "Residential – Low Rise" designation is applicable to the majority of the lot, including the proposed addition area. This designation provides for low rise housing forms including single detached dwellings. In considering applications for development approval in a 'Residential Low Rise' area, which includes variances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways.

The "Greenway" designation is applicable to the rear portion of the subject property, and does not include the area of the proposed addition. This designation is intended to protect valley lands, stream corridors, sensitive groundwater features, landforms, woodlands, wetlands, and agricultural lands, while supporting agricultural activities, protection of wildlife habitat, passive recreation uses, natural heritage enhancement opportunities, and nature appreciation.

Zoning By-Law 72-81

The subject property is zoned "Ninth Density – Single Family Residential (R9)" under Bylaw 72-81, as amended, which permits a single detached dwelling.

Section 6.1.1(b) of By-law 28-97 (Parking By-law) requires that no more than one (1) of the minimum required parking spaces for the dwelling be located within the required front or exterior yards of the lot.

Applicant's Stated Reason(s) for Not Complying with Zoning

The following rationale provided from the applicant was based on the original variance request, which has since been revised. They state, "interior renovations including front yard landscaping reduce available parking dimension/space".

Zoning Preliminary Review (ZPR) Not Undertaken

A Zoning Preliminary Review (ZPR) has not been formally undertaken for the proposal, however a Housing Permit application was submitted to the City in May 2022. Since that time, the applicant has revised their application to request only the above noted variance. However, it is still the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may

be required to address the outstanding matters and there will be a delay in application processing.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Reduced Parking Variance

The applicant is proposing to permit two (2) parking spaces within the front yard; whereas a maximum of one (1) required parking space is permitted. Given the proposed development seeks to convert the private attached garage into living space, the two (2) required parking spaces are then proposed to be located on the driveway. The applicant has confirmed that the existing driveway area will not be widened and that the existing soft landscaping area will remain unchanged. Staff are of the opinion that the requested variance is minor in nature.

Tree Protection and Compensation

Staff have no concerns with the proposed development. The Owner shall ensure that neighbour trees, subject site and city trees are not injured during construction. Additional tree preservation may be required and will be reviewed at building permit submission. Tree Preservation By-law 2008-96 is in effect. The proposed site works are not to injure neighbouring trees and materials. Also, equipment use is not permitted in the minimum tree protection zones.

The applicant will be required to work with the City's Tree Preservation Technician to provide tree replacement and/or compensation in accordance with the City's Streetscape Manual prior to the issuance of a building permit (if applicable).

EXTERNAL AGENCIES

TRCA Comments

The subject property is located within the Toronto Region and Conservation Authority (TRCA)'s Regulated Area, however the proposed building addition and garage conversion is located outside of the Regulated Area. Specifically, the southern portion of the site is traversed by a valley corridor associated with the Don River Watershed. TRCA provided comments on August 5, indicating that the Long-Term Stable Top of Slope coincides with the Top of Bank, and that the addition to the existing dwelling would be located over 15 metres away from the top of bank. Therefore, the proposed development (including grading and site alteration) was not within the erosion hazard and associated Regulated Area. It also appears that the proposed development will not impact any existing natural features. TRCA has no objection to the proposed works, provided that the applicant remits a fee for the review of this minor variance application.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 10, 2022. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the requested variance meets the four tests of the Planning Act. Should the Committee see merit in approving this application; staff offer the subsequent conditions of approval, and recommend that the Committee consider any public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:

Nusrat Omer, MCIP, RPP Senior Planner, West District

REVIEWED BY:

Rick Cefaratti, MCIP, RPP Senior Planner II, West District

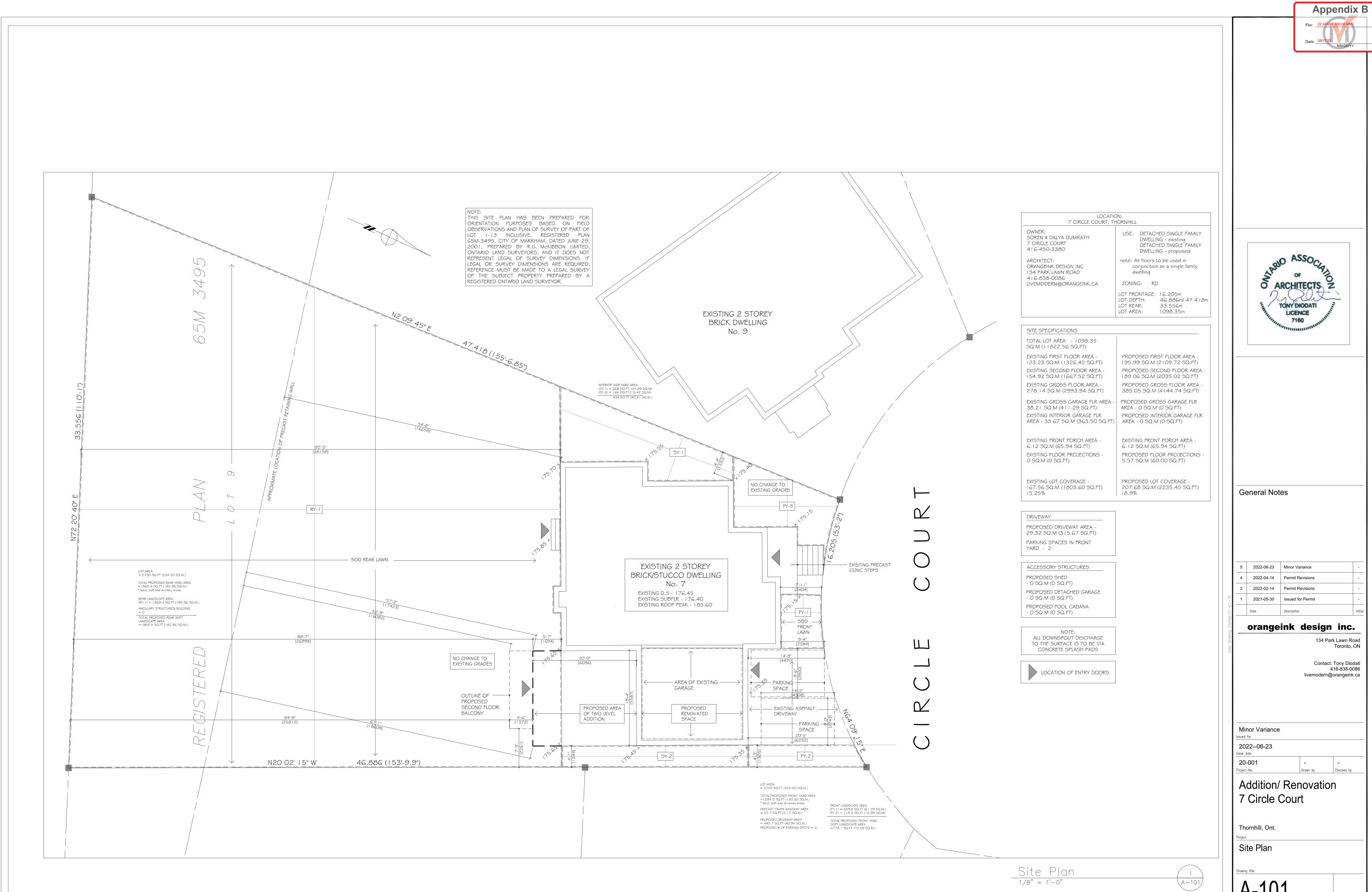
APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/100/22

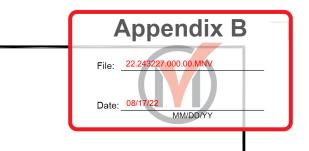
- 1. The variances apply only to the proposed development for as long as it remains.
- 2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
- 3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
- 4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, if required, in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
- 5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
- 6. That the applicant satisfy the requirements of the TRCA as indicated in their email dated August 5, 2022, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA.

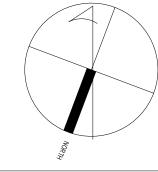
CONDITIONS PREPARED BY:

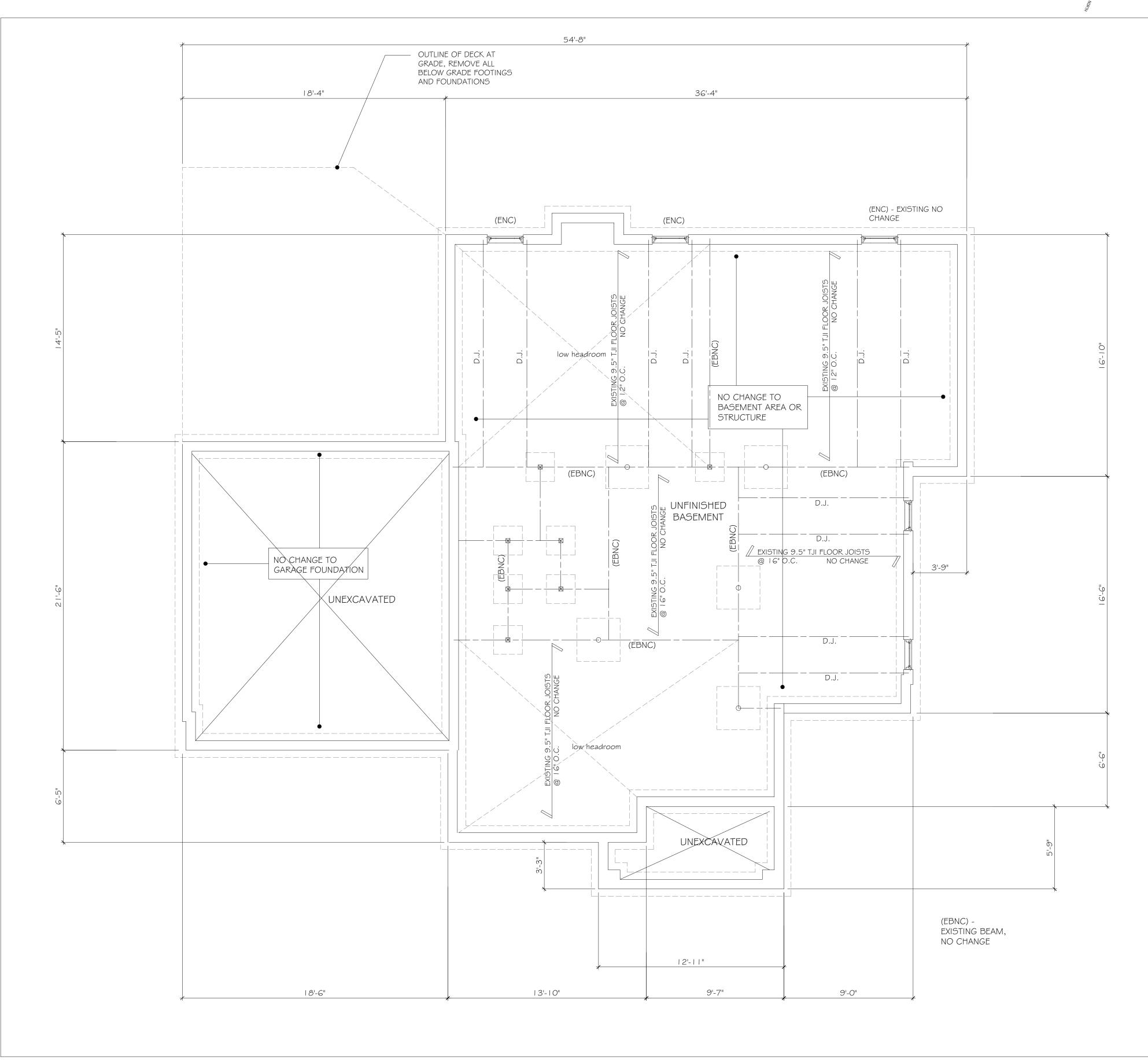
Nusrat Omer, MCIP, RPP Senior Planner, West District

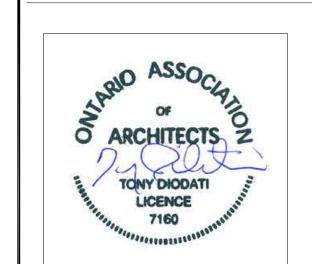
APPENDIX "B" PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/100/22











5	2022-06-23	Minor Variance	-
4	2022-04-14	Permit Revisions	-
3	2022-02-14	Permit Revisions	-
1	2021-05-30	Issued for Permit	-
Date		Description	ln

orangeink design inc. 134 Park Lawn Road Toronto, ON

Contact: Tony Diodati 416-838-0086 livemodern@orangeink.ca

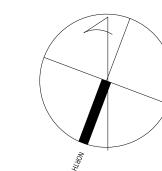
Addition/ Renovation 7 Circle Court

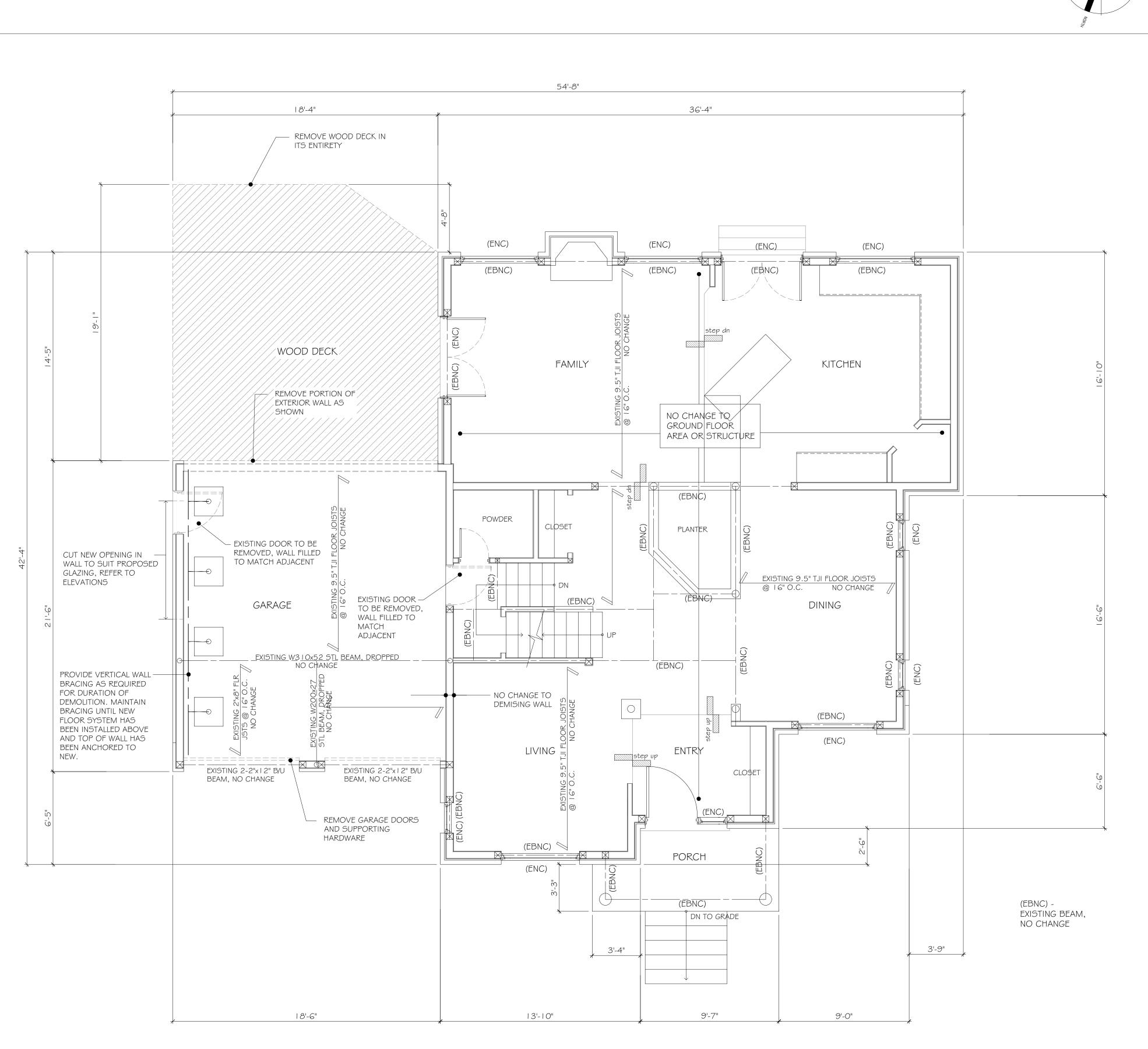
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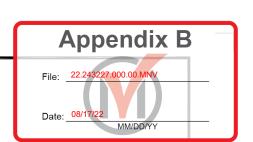
Floor Plans
Existing

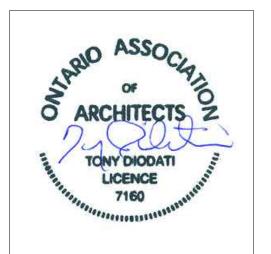
A-200

Basement level 1 1/4" = 1'-0" A-200









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MINOR VARIANCE 2022-06-23

21-001 Addition/ Renovation

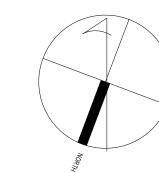
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Thornhill, Ont.

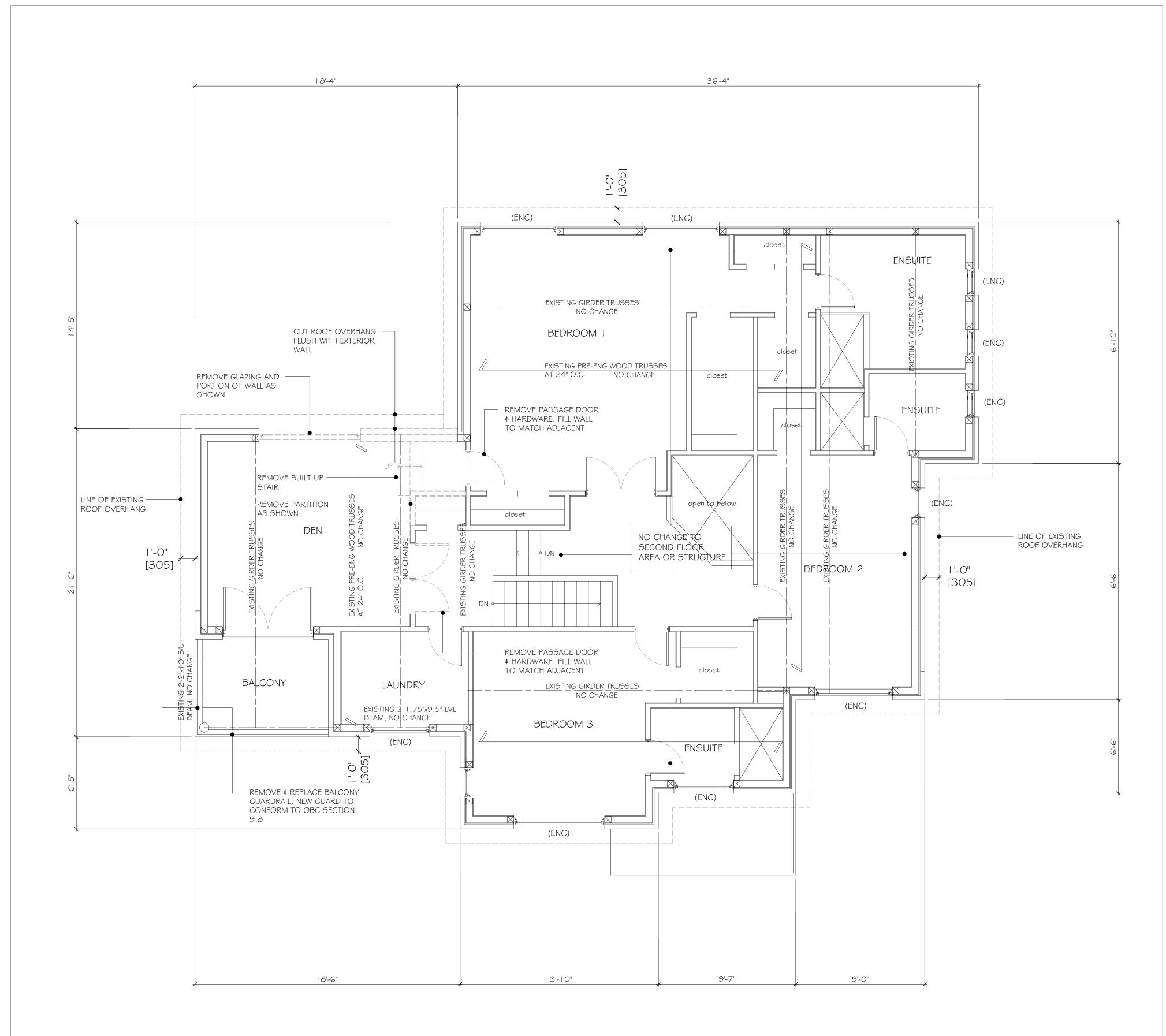
A-201

 $\frac{\text{Ground level}}{1/4" = 1'-0"}$

Floor Plans Existing









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	Date	Description	ln

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MINOR VARIANCE 2022-06-23

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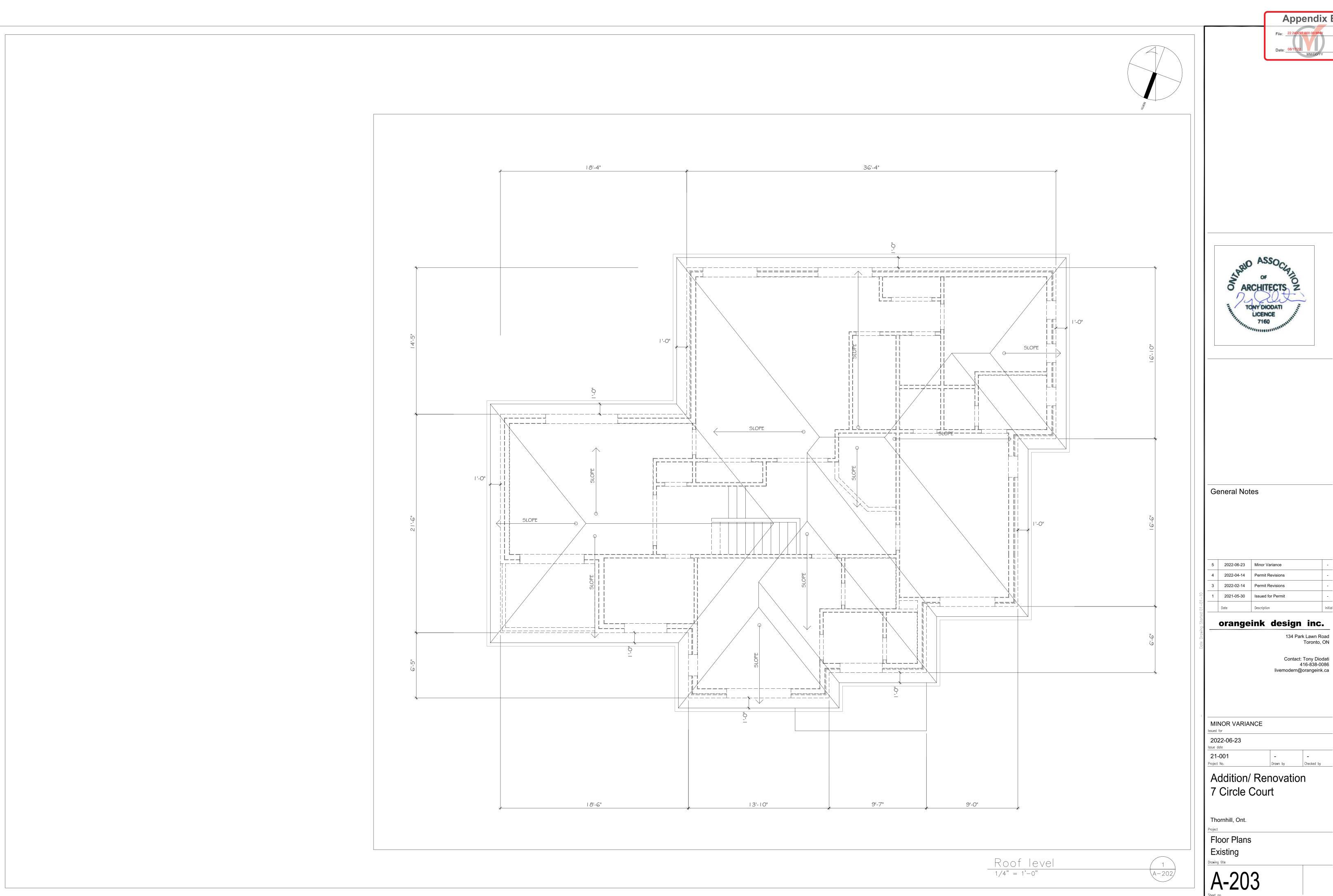
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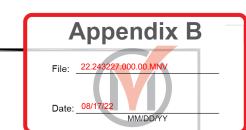
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Floor Plans Existing

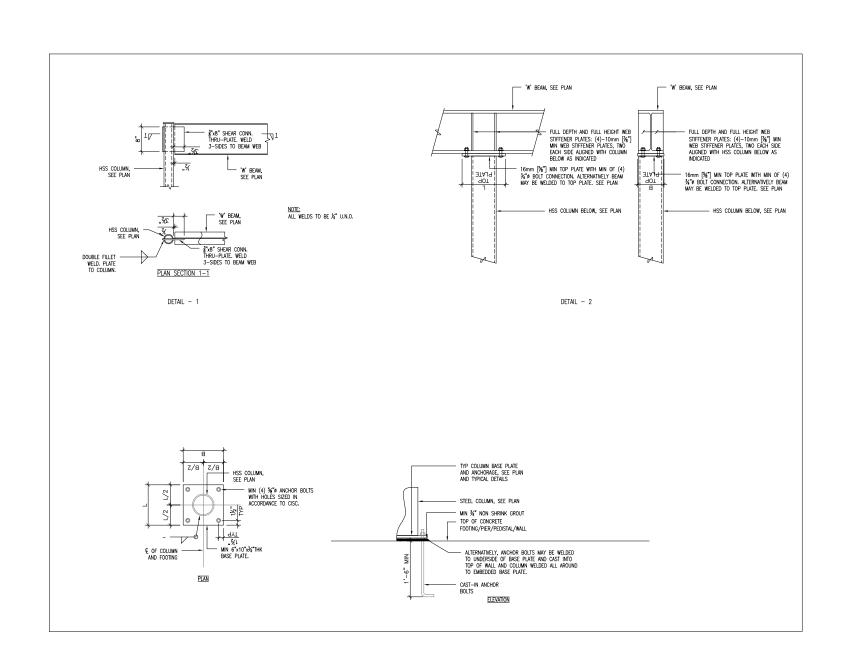
A-202

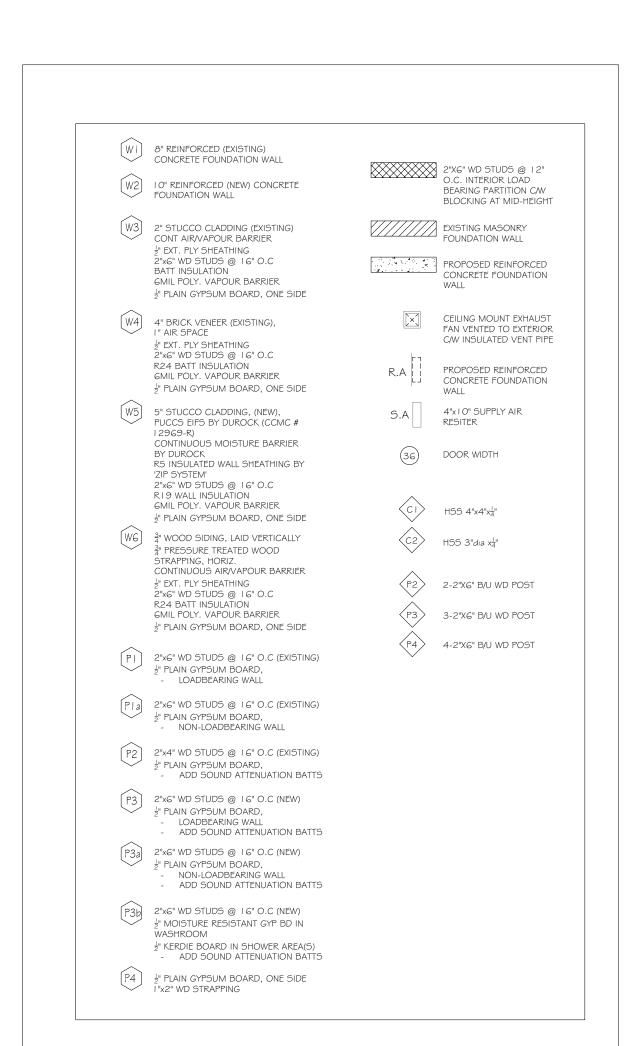
 $\frac{\text{Second level}}{1/4" = 1'-0"}$

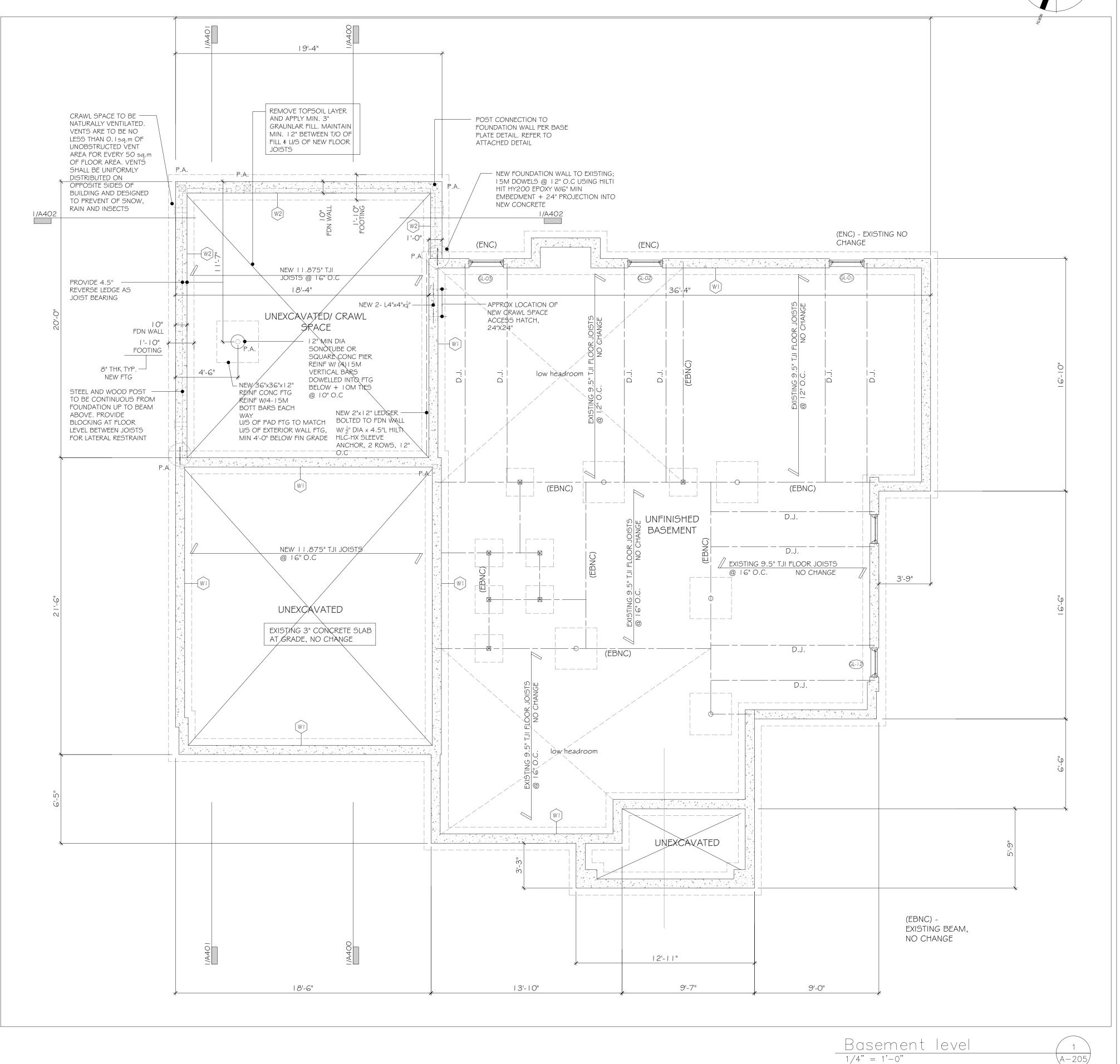


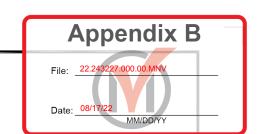


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General Notes

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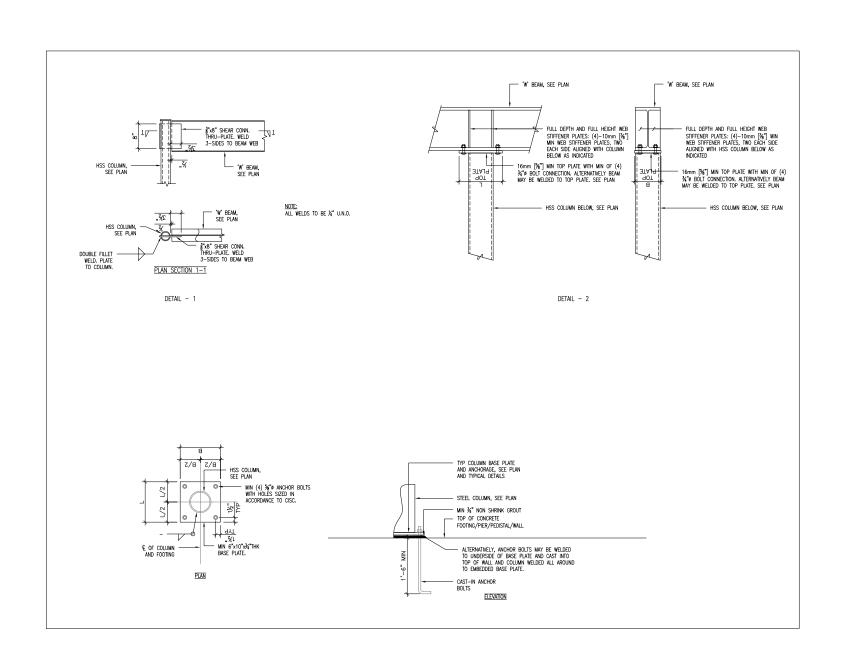
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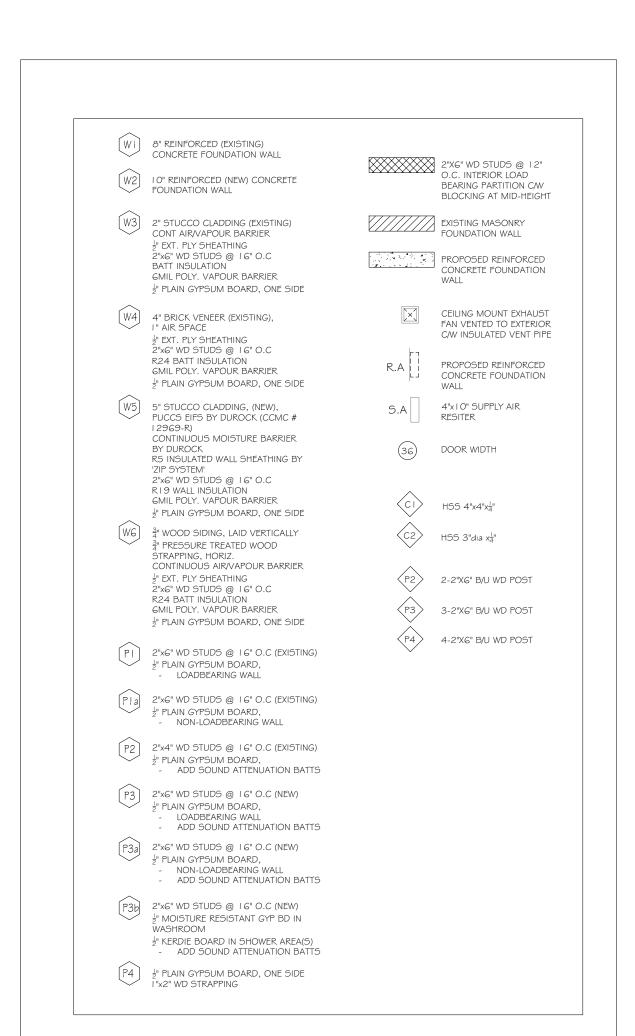
Addition/ Renovation 7 Circle Court

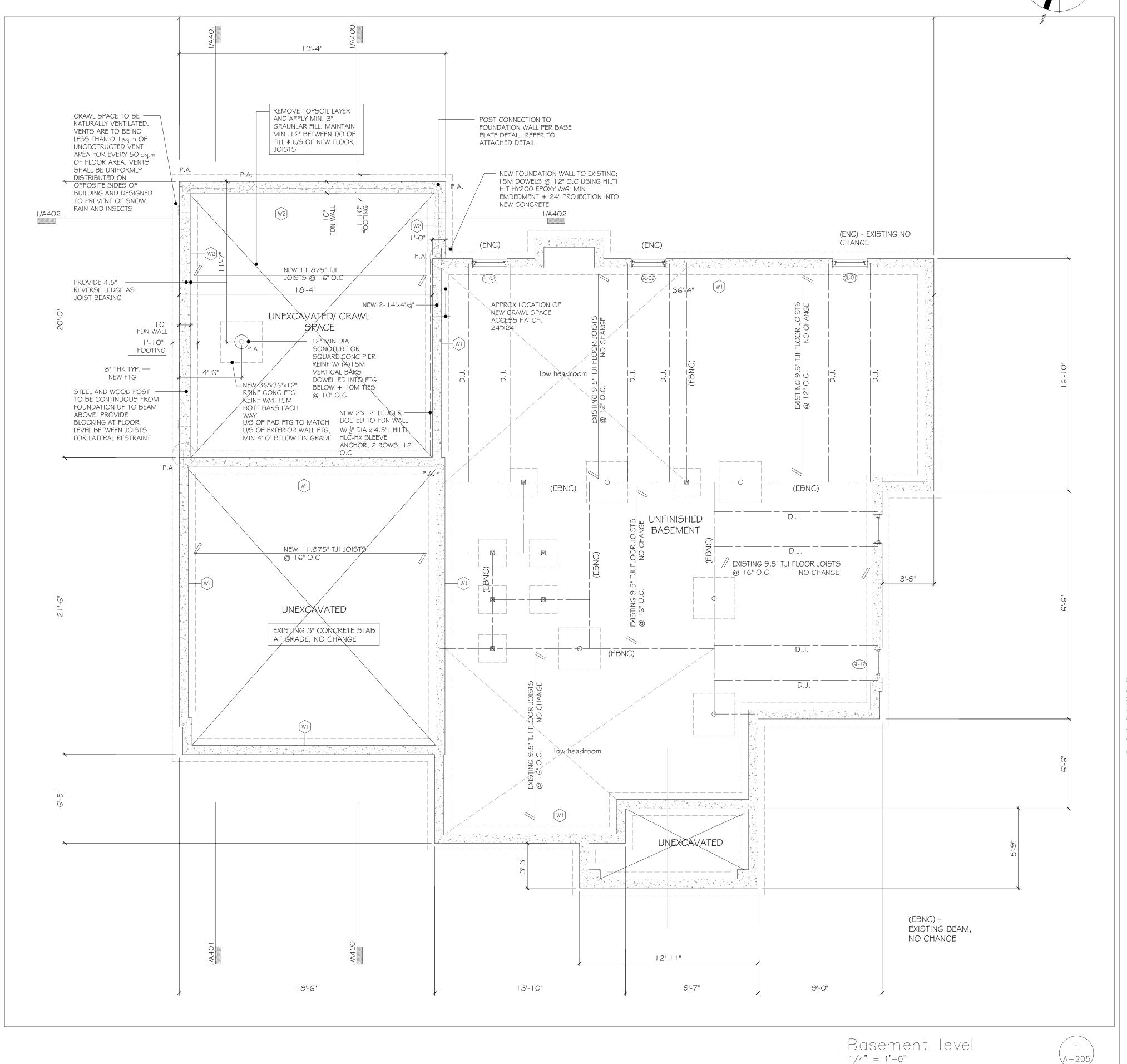
Thornhill, Ont.

21-001

Floor Plans Proposed











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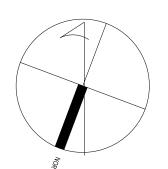
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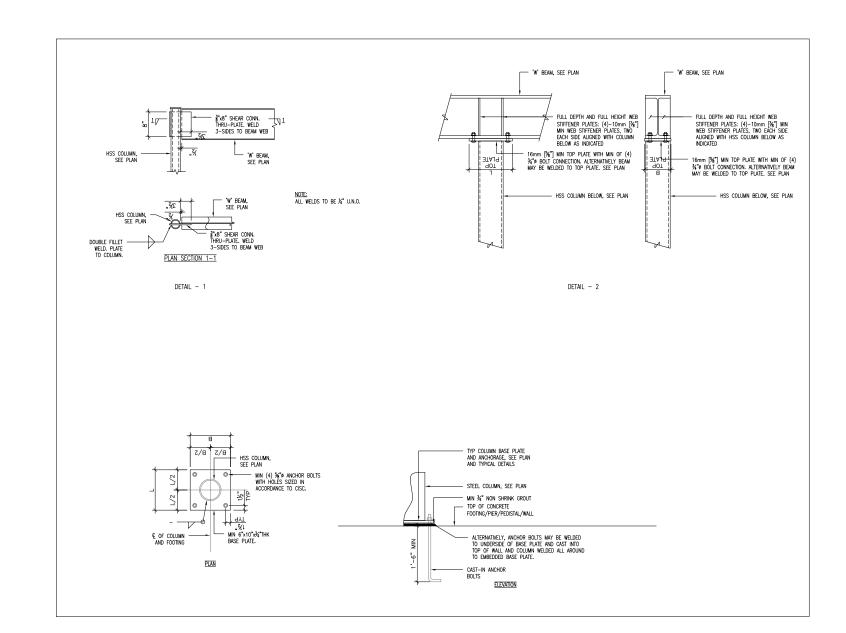
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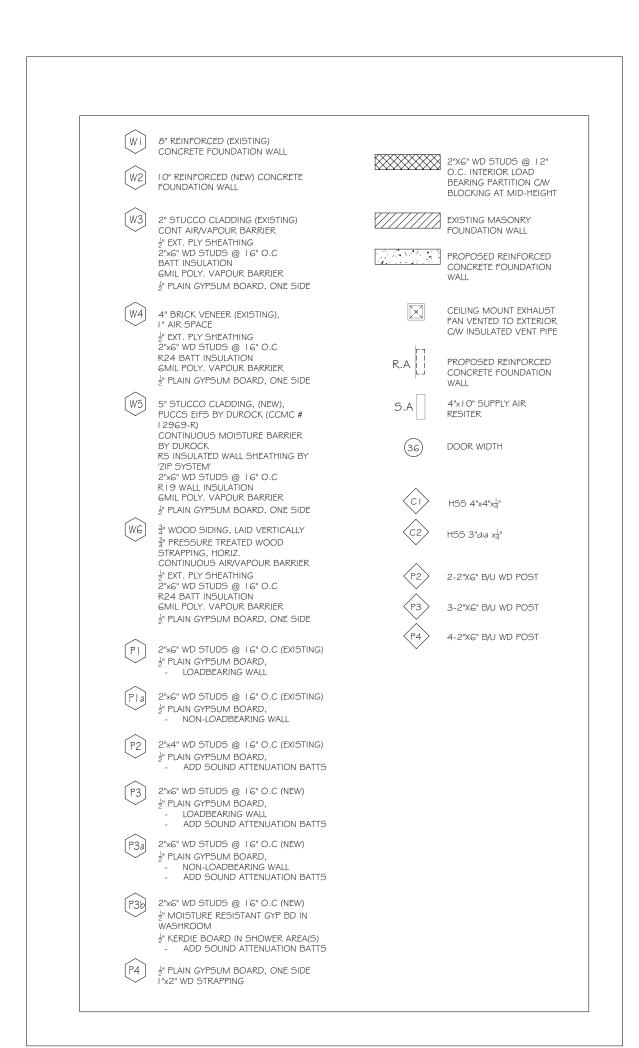
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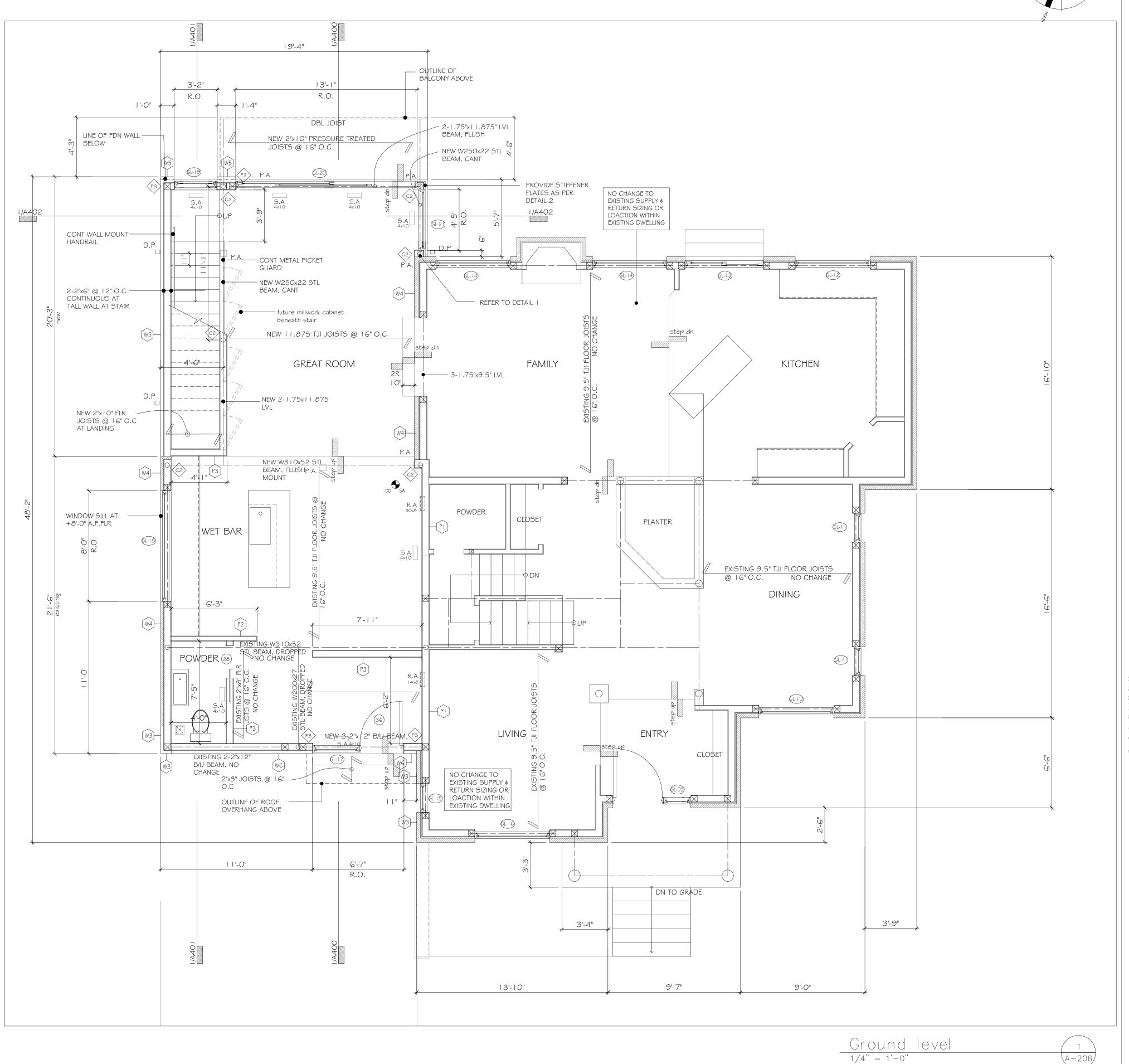
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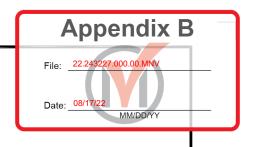
Floor Plans Proposed













General Notes

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MINOR VARIANCE 2022-06-23

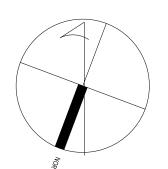
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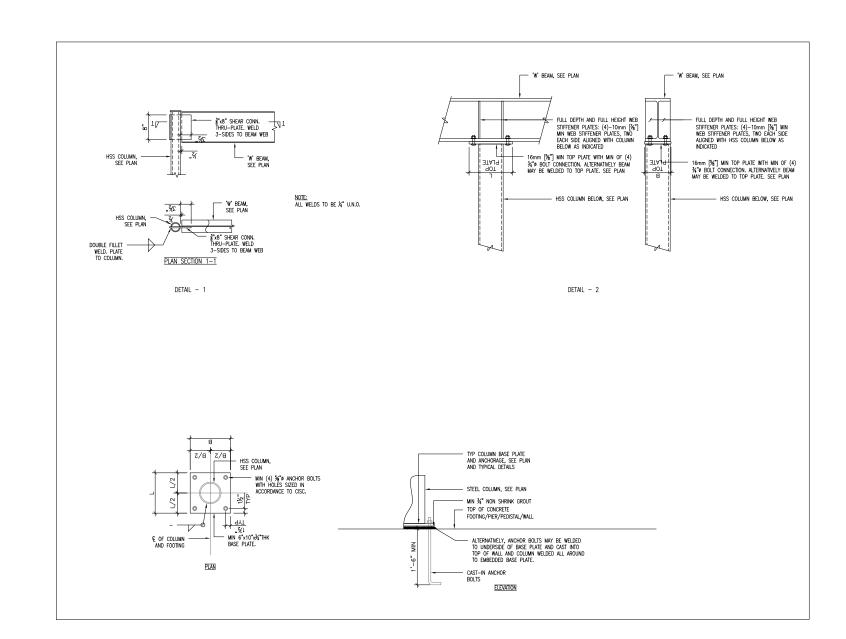
7 Circle Court

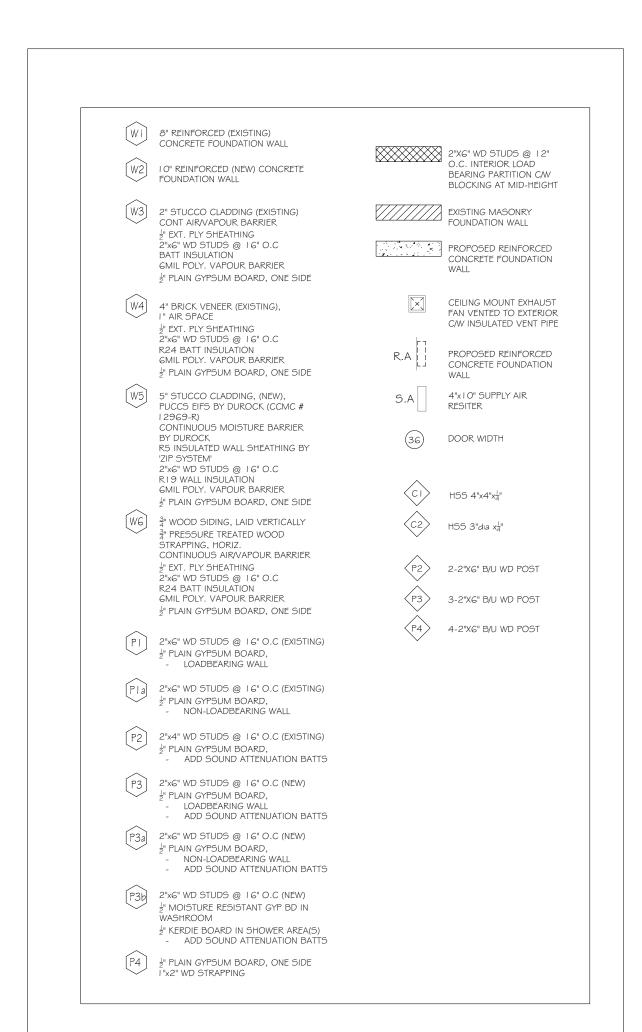
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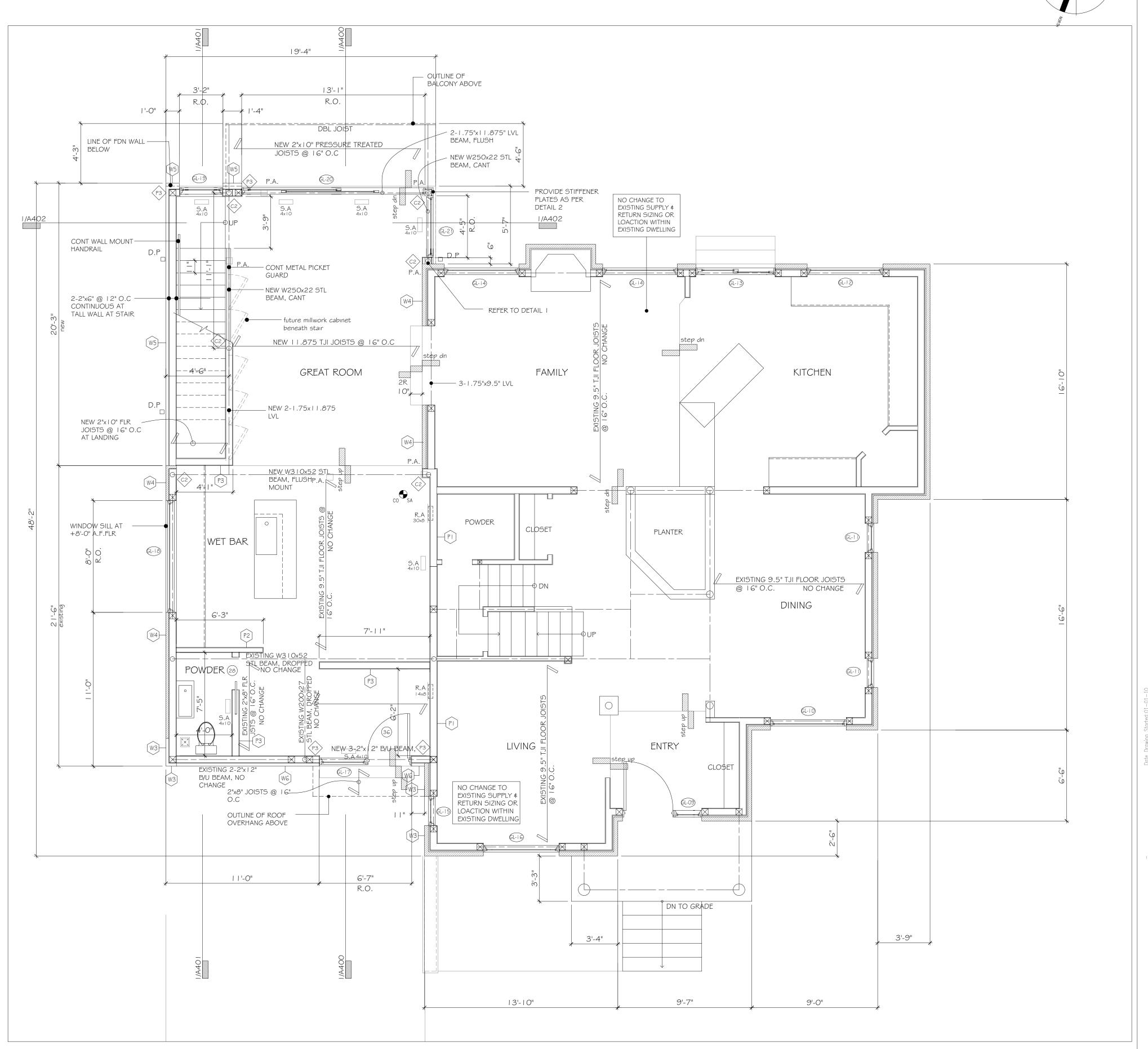
21-001

Floor Plans Proposed













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Addition/ Renovation 7 Circle Court

Thornhill, Ont.

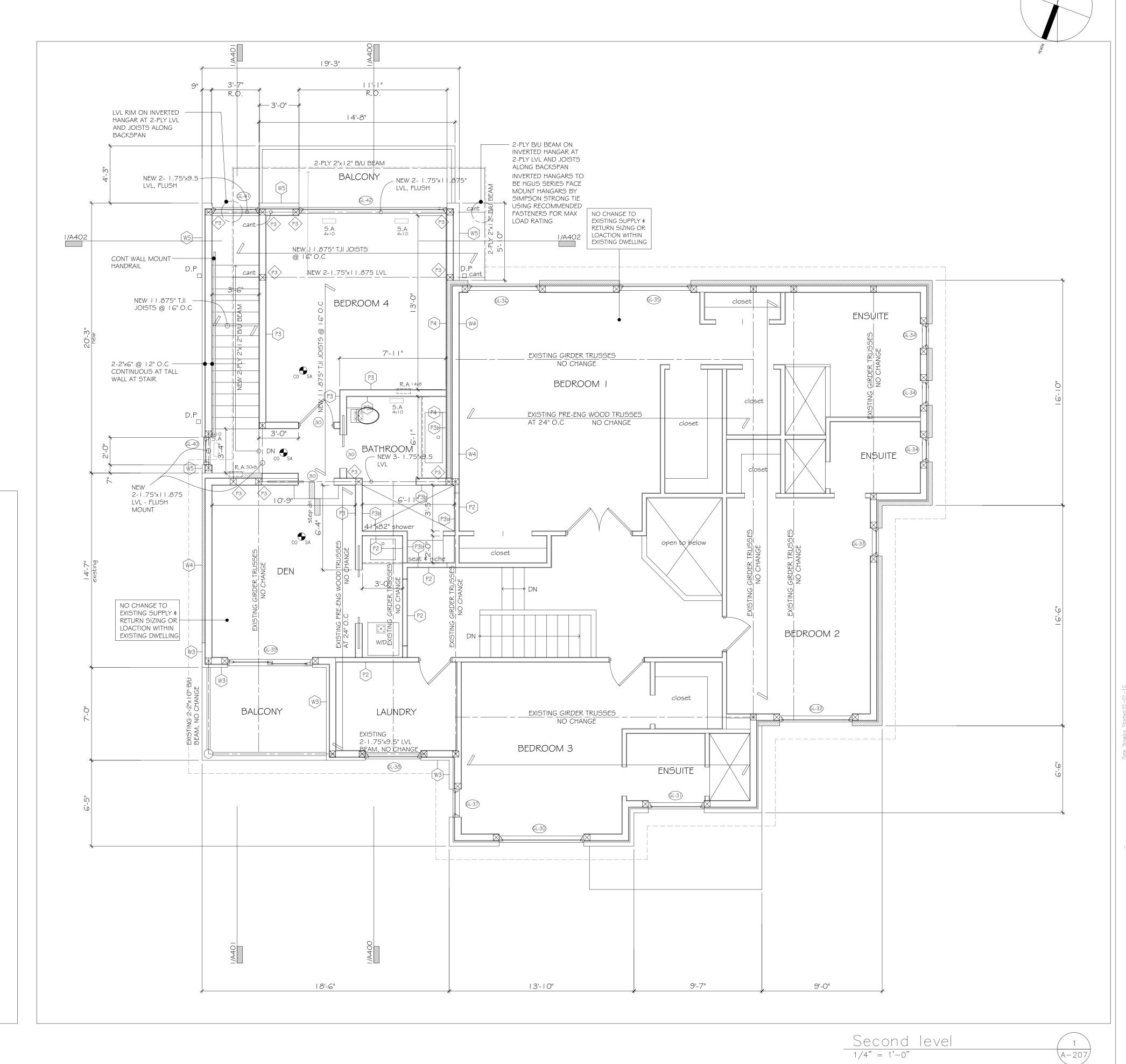
Floor Plans Proposed

A-206

A-206

<u>Ground level</u>
1/4" = 1'-0"





8" REINFORCED (EXISTING)
CONCRETE FOUNDATION WALL

W2 I O" REINFORCED (NEW) CONCRETE FOUNDATION WALL

W3 2" STUCCO CLADDING (EXISTING)
CONT AIR/VAPOUR BARRIER

W4 4" BRICK VENEER (EXISTING), I" AIR SPACE

½" EXT. PLY SHEATHING 2"x6" WD STUD5 @ 16" O.C BATT INSULATION GMIL POLY. VAPOUR BARRIER

2" EXT. PLY SHEATHING 2"x6" WD STUDS @ 16" O.C R24 BATT INSULATION GMIL POLY. VAPOUR BARRIER

W5 5" STUCCO CLADDING, (NEW), PUCCS EIFS BY DUROCK (CCMC #

W6 3" WOOD SIDING, LAID VERTICALLY

3" PRESSURE TREATED WOOD STRAPPING, HORIZ. CONTINUOUS AIR/VAPOUR BARRIER

½" EXT. PLY SHEATHING 2"xs" WD STUD5 @ 16" O.C R24 BATT INSULATION GMIL POLY. VAPOUR BARRIER

PI 2"x6" WD STUDS @ 16" O.C (EXISTING)

UP PLAIN GYPSUM BOARD,

LOADBEARING WALL

Pla 2"x6" WD STUDS @ 16" O.C (EXISTING)

L" PLAIN GYPSUM BOARD,
NON-LOADBEARING WALL

P2 2"x4" WD STUDS @ I 6" O.C (EXISTING)

2" PLAIN GYPSUM BOARD,

- ADD SOUND ATTENUATION BATTS

P3 2"x6" WD STUDS @ 16" O.C (NEW)

½" PLAIN GYPSUM BOARD,

- LOADBEARING WALL

- ADD SOUND ATTENUATION BATTS

P3a 2"x6" WD STUDS @ 16" O.C (NEW)

½" PLAIN GYPSUM BOARD,

- NON-LOADBEARING WALL

- ADD SOUND ATTENUATION BATTS

P4 ½" PLAIN GYPSUM BOARD, ONE SIDE I "x2" WD STRAPPING

½" KERDIE BOARD IN SHOWER AREA(S) - ADD SOUND ATTENUATION BATTS

7" PLAIN GYPSUM BOARD, ONE SIDE

½" PLAIN GYPSUM BOARD, ONE SIDE

 $\frac{1}{2}$ " PLAIN GYPSUM BOARD, ONE SIDE

PUCCS EIFS BY DUROCK (CCMC # I 2969-R)
CONTINUOUS MOISTURE BARRIER
BY DUROCK
R5 INSULATED WALL SHEATHING BY
'ZIP SYSTEM'
2"K6" WD STUDS @ I 6" O.C
R I 9 WALL INSULATION
GMIL POLY. VAPOUR BARRIER

½" PLAIN GYPSUM BOARD, ONE SIDE

2"XG" WD STUDS @ I 2"
O.C. INTERIOR LOAD
BEARING PARTITION CW
BLOCKING AT MID-HEIGHT

PROPOSED REINFORCED CONCRETE FOUNDATION WALL

CEILING MOUNT EXHAUST FAN VENTED TO EXTERIOR CW INSULATED VENT PIPE

R.A PROPOSED REINFORCED CONCRETE FOUNDATION

S.A 4"x I O" SUPPLY AIR RESITER

(36) DOOR WIDTH

CI HSS 4"x4"x4"

C2 HSS 3"dıa x¹/₄"

P2 2-2"XG" B/U WD POST

P3 3-2"X6" B/U WD POST

P4 4-2"X6" B/U WD POST

EXISTING MASONRY FOUNDATION WALL



General Notes

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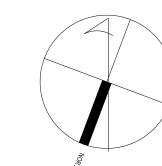
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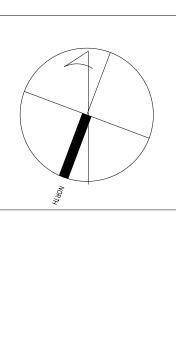
MINOR VARIANCE

Addition/ Renovation 7 Circle Court

Thornhill, Ont.

Floor Plans Proposed





FLAT ROOF AREA: [RT-1] 2-PLY MODIFIED BITUMEN HEAT-WELDED MEMBRANE ON $\frac{3}{4}$ " PLYWOOD ROOF SHEATHING. USE 'SOPRAPLY' BY SOPREMA, NO SUBSTITUTES

D.P - 4" SQUARE DOWNPIPE TO GRADE C/W PRECAST CONC SPLASH PAD SLOPED AWAY FROM BUILDING

2"XG" WD STUDS @ 12"
O.C. INTERIOR LOAD
BEARING PARTITION C/W
BLOCKING AT MID-HEIGHT EXISTING MASONRY FOUNDATION WALL PROPOSED REINFORCED CONCRETE FOUNDATION WALL CEILING MOUNT EXHAUST FAN VENTED TO EXTERIOR C/W INSULATED VENT PIPE R.A PROPOSED REINFORCED CONCRETE FOUNDATION S.A 4"x10" SUPPLY AIR RESITER 36) DOOR WIDTH CI H5S 4"x4"x4" C2 HSS 3"dıa x¹4" P2 2-2"X6" B/U WD POST P3 3-2"X6" B/U WD POST P4 4-2"X6" B/U WD POST

| W| 8" REINFORCED (EXISTING) CONCRETE FOUNDATION WALL

W2 I 0" REINFORCED (NEW) CONCRETE FOUNDATION WALL

W3) 2" STUCCO CLADDING (EXISTING) CONT AIR/VAPOUR BARRIER

W4 4" BRICK VENEER (EXISTING), I" AIR SPACE

CONT AIRVAPOUR BARRIER

EXT. PLY SHEATHING

"X6" WD STUDS @ 16" O.C

BATT INSULATION

GMIL POLY. VAPOUR BARRIER

 $rac{1}{2}$ " EXT. PLY SHEATHING 2"x6" WD STUDS @ 16" O.C R24 BATT INSULATION

6MIL POLY. VAPOUR BARRIER

W5 5" STUCCO CLADDING, (NEW), PUCCS EIFS BY DUROCK (CCMC #

 $\left(\text{W6} \right) = \frac{3}{4}$ " wood siding, laid vertically

½" EXT. PLY SHEATHING 2"x6" WD STUD5 @ 16" O.C R24 BATT INSULATION GMIL POLY. VAPOUR BARRIER

½" PLAIN GYPSUM BOARD, ONE SIDE

I 2969-R)
CONTINUOUS MOISTURE BARRIER

CONTINUOUS MOISTURE BARRIER
BY DUROCK
R5 INSULATED WALL SHEATHING BY
'ZIP SYSTEM'
2"x6" WD STUDS @ 16" O.C
R19 WALL INSULATION
GMIL POLY, VAPOUR BARRIER

I" PLAIN GYPSUM BOARD, ONE SIDE

PRESSURE TREATED WOOD STRAPPING, HORIZ.
CONTINUOUS AIRWAPOUR BARRIER

 $\frac{1}{2}$ " PLAIN GYPSUM BOARD, ONE SIDE

PI 2"x6" WD STUDS @ I 6" O.C (EXISTING)

Pla 2"x6" WD STUDS @ 16" O.C (EXISTING) ½" PLAIN GYPSUM BOARD, - NON-LOADBEARING WALL

P2 2"x4" WD STUDS @ 16" O.C (EXISTING) ½" PLAIN GYPSUM BOARD,
- ADD SOUND ATTENUATION BATTS

P3 2"x6" WD STUDS @ 16" O.C (NEW)

½" PLAIN GYPSUM BOARD,

- LOADBEARING WALL

- ADD SOUND ATTENUATION BATTS

½" PLAIN GYPSUM BOARD,
- NON-LOADBEARING WALL
- ADD SOUND ATTENUATION BATTS

½" KERDIE BOARD IN SHOWER AREA(S)
- ADD SOUND ATTENUATION BATTS

P3a 2"x6" WD STUDS @ 16" O.C (NEW)

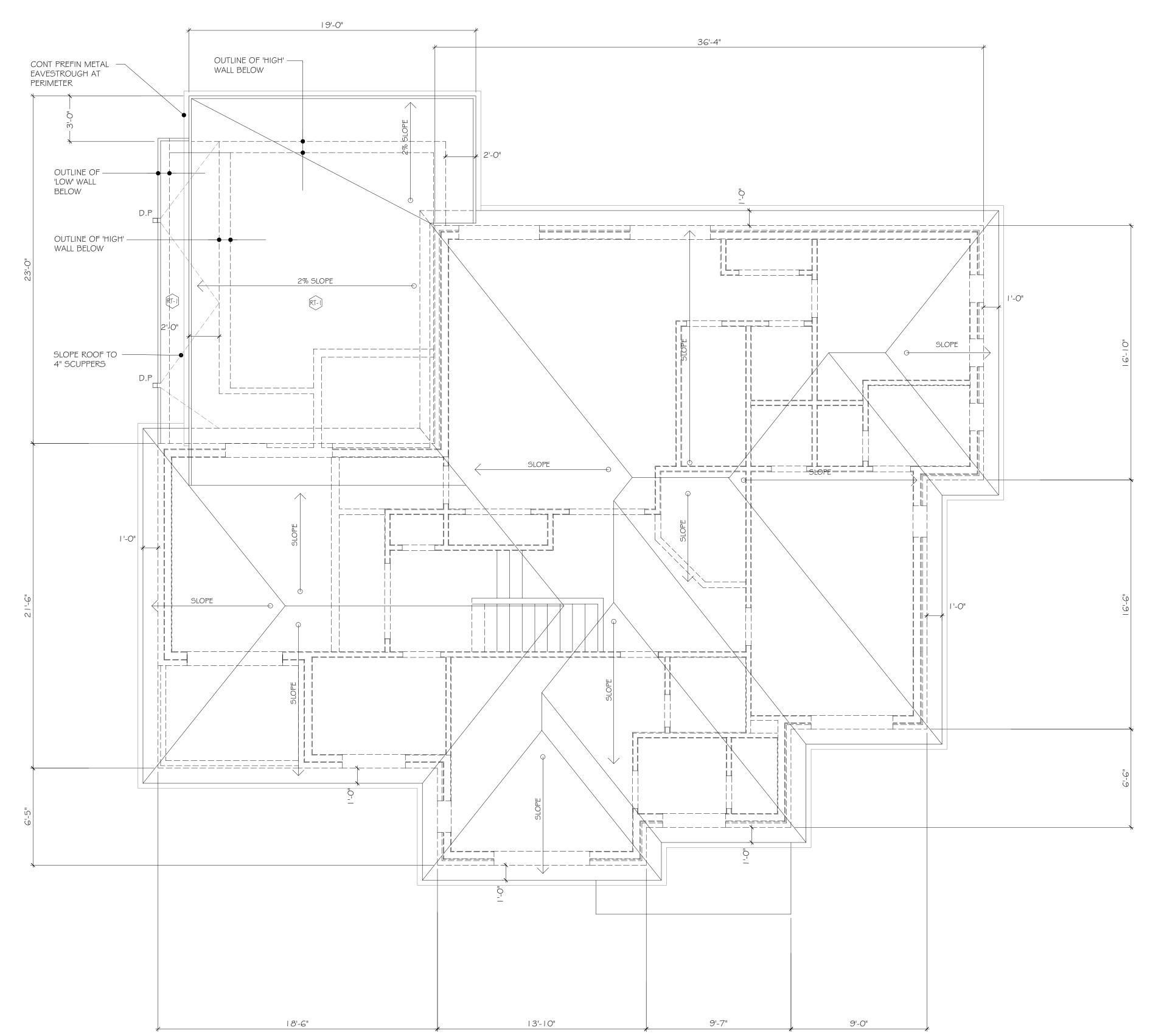
P3b 2"x6" WD STUDS @ I 6" O.C (NEW)

½" MOISTURE RESISTANT GYP BD IN
WASHROOM

P4 ½" PLAIN GYPSUM BOARD, ONE SIDE I "x2" WD STRAPPING

2" PLAIN GYPSUM BOARD, - LOADBEARING WALL

½" PLAIN GYPSUM BOARD, ONE SIDE





General Notes

5	2022-06-23	Minor Variance	-
4	2022-04-14	Permit Revisions	-
3	2022-02-14	Permit Revisions	-
1	2021-05-30	Issued for Permit	-
Date		Description	lni
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Contact: Tony Diodati

416-838-0086 livemodern@orangeink.ca

MINOR VARIANCE 2022-06-23

Addition/ Renovation 7 Circle Court

Thornhill, Ont.

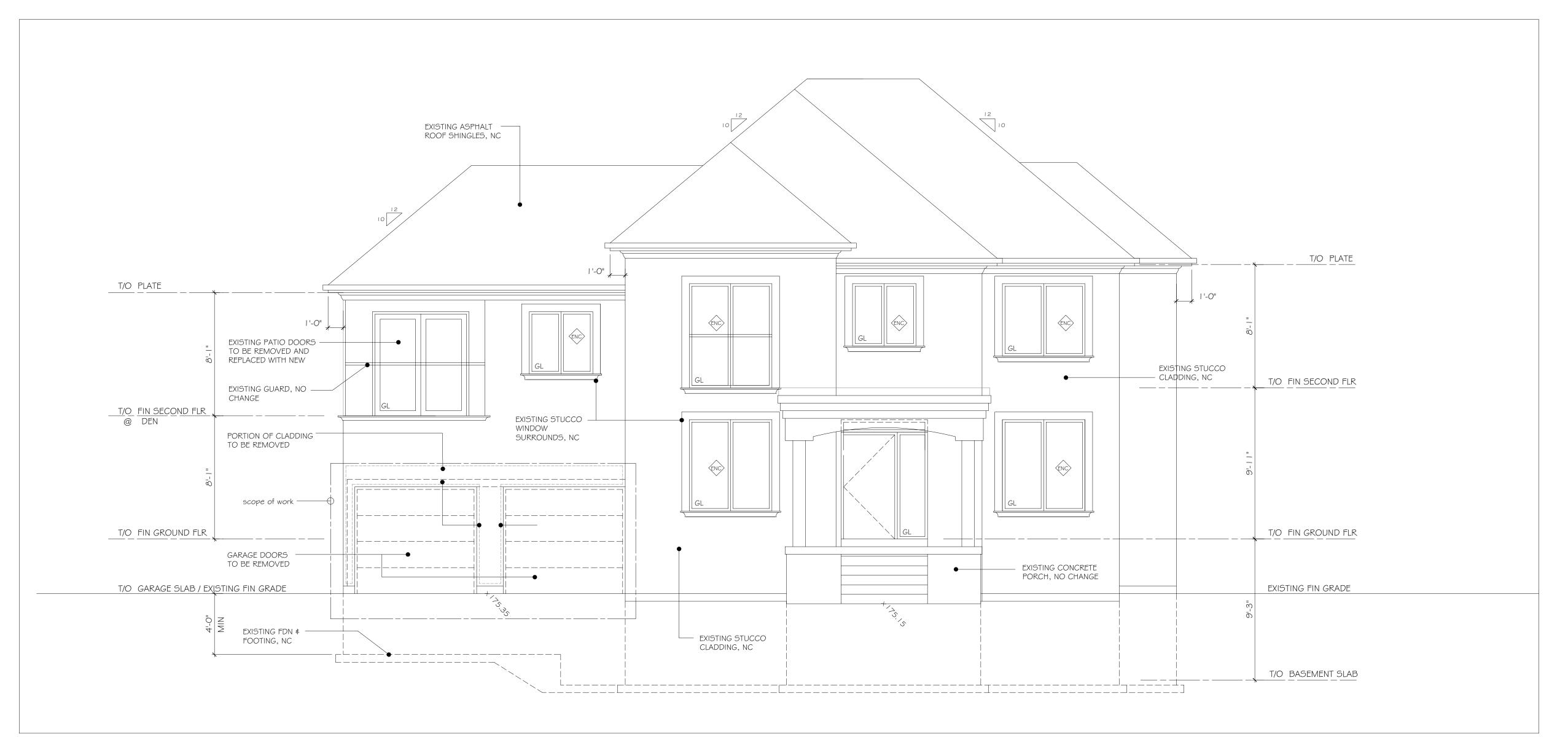
21-001

Floor Plans

 $\frac{\text{Roof level}}{1/4" = 1'-0"}$

Proposed





North (Front) Elevation $\frac{1}{1/4" = 1'-0"}$



TONY DIODATI LICENCE

General Notes

ed:01-01-10	5	2022-06-23	Minor Variance	
	4	2022-04-14	Permit Revisions	
	3	2022-02-14	Permit Revisions	
	1	2021-05-30	Issued for Permit	
		Date	Description	
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MINOR VARIANCE 2022-06-23 21-001

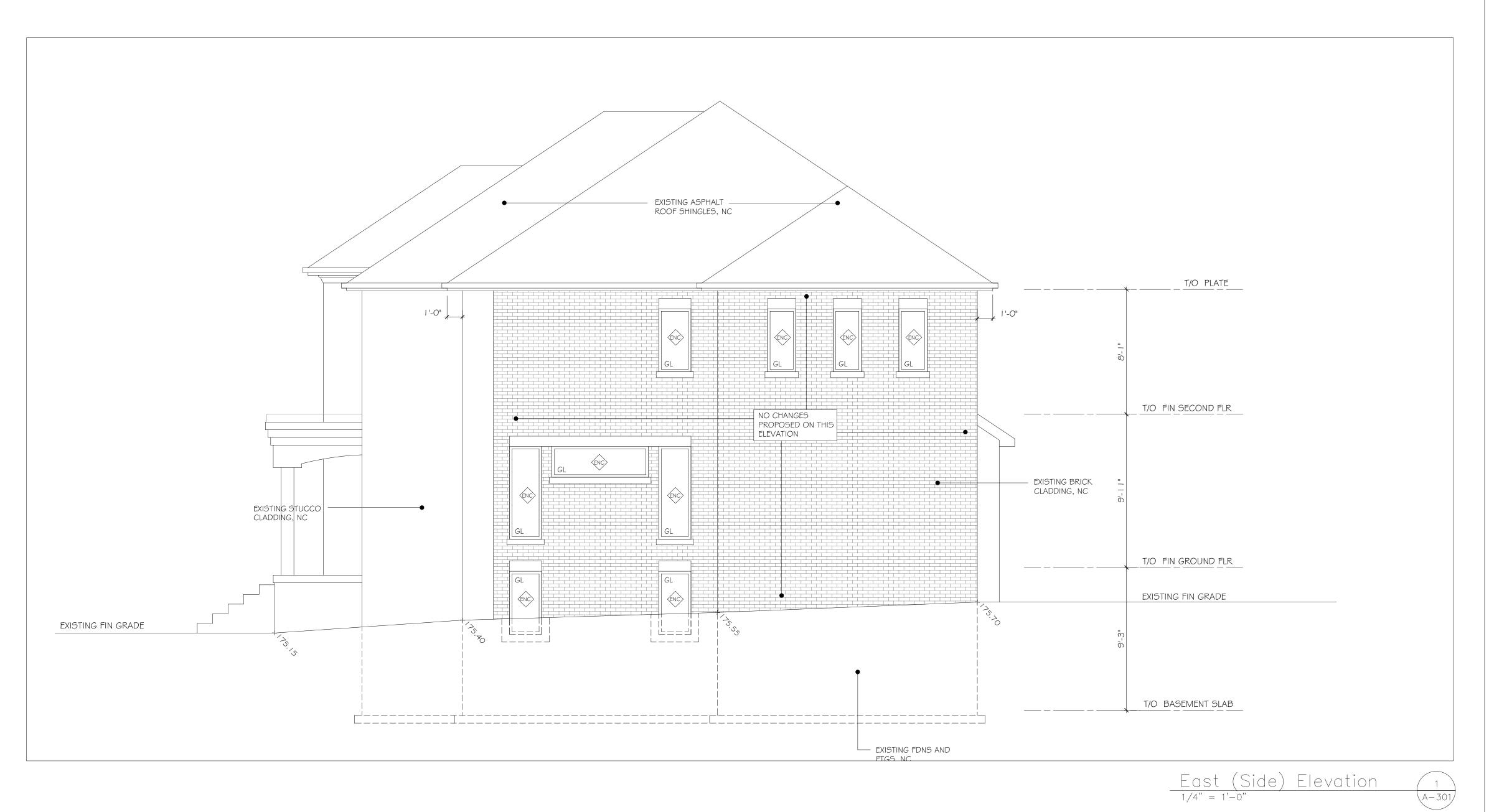
Addition/ Renovation 7 Circle Court

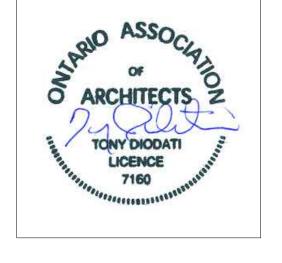
Thornhill, Ont.

Elevations

Existing







	5	2022-06-23	Minor Variance
rted:01-01-10	4	2022-04-14	Permit Revisions
	3	2022-02-14	Permit Revisions
	2	2021-11-12	Permit Revisions
	1	2021-05-30	Issued for Permit
		Date	Description
rted			

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MINOR VARIANCE 2022-06-23

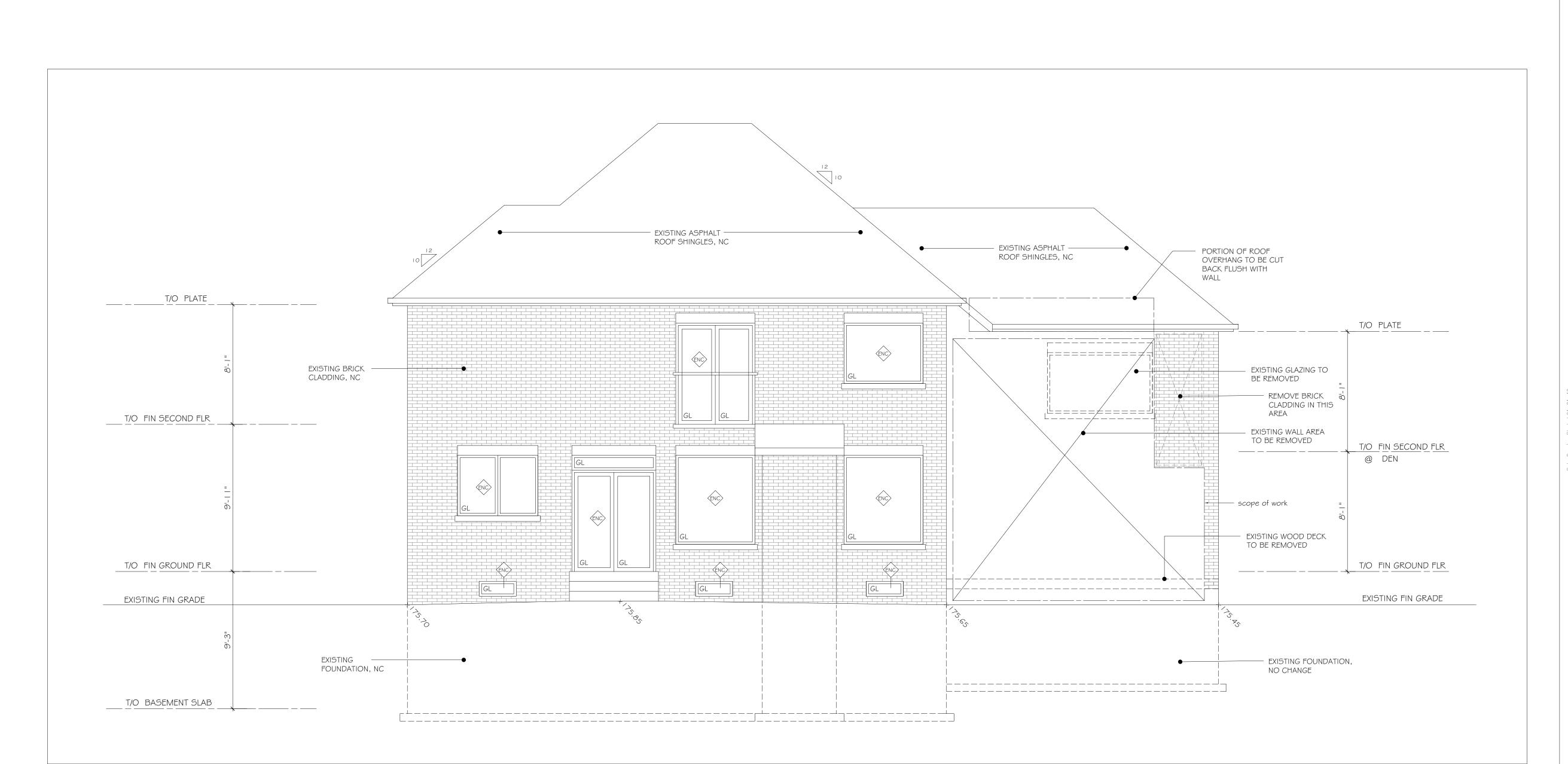
21-001 Addition/ Renovation

7 Circle Court

Thornhill, Ont.

Elevations Existing





TONY DIODATI
LICENCE
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General Notes

:d:01-01-10	5	2022-06-23	Minor Variance
	4	2022-04-14	Permit Revisions
	3	2022-02-14	Permit Revisions
	1	2021-05-30	Issued for Permit
		Date	Description
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Addition/ Renovation 7 Circle Court

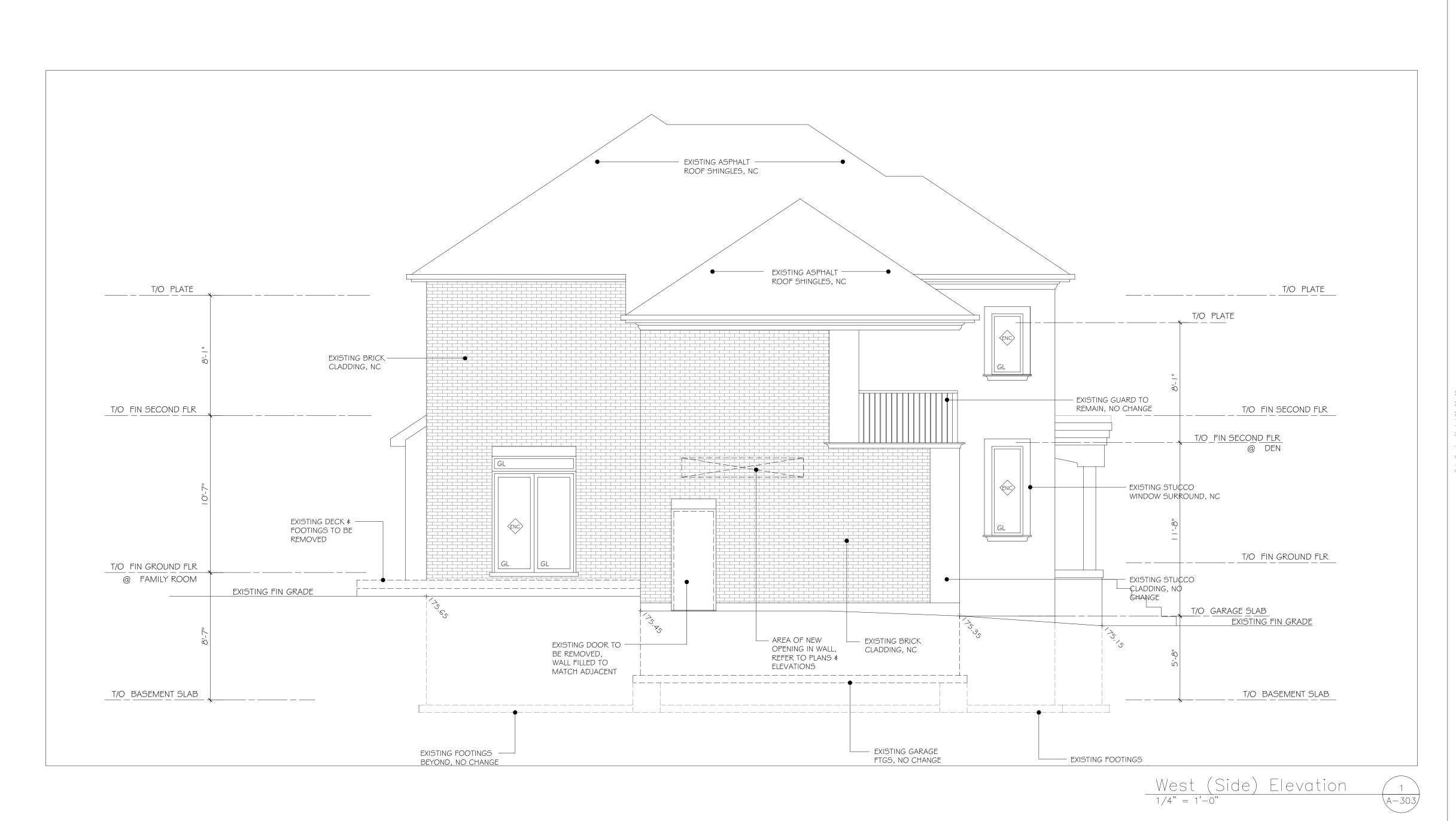
Thornhill, Ont.

Elevations Existing

A-302

South (Rear) Elevation $\frac{1}{1/4" = 1'-0"}$







:d:01-01-10	5	2022-06-23	Minor Variance
	4	2022-04-14	Permit Revisions
	3	2022-02-14	Permit Revisions
	1	2021-05-30	Issued for Permit
		Date	Description
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MINOR VARIANCE 2022-06-23 21-001

Addition/ Renovation 7 Circle Court

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Elevations Existing



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General Notes

2022-06-23 Minor Variance

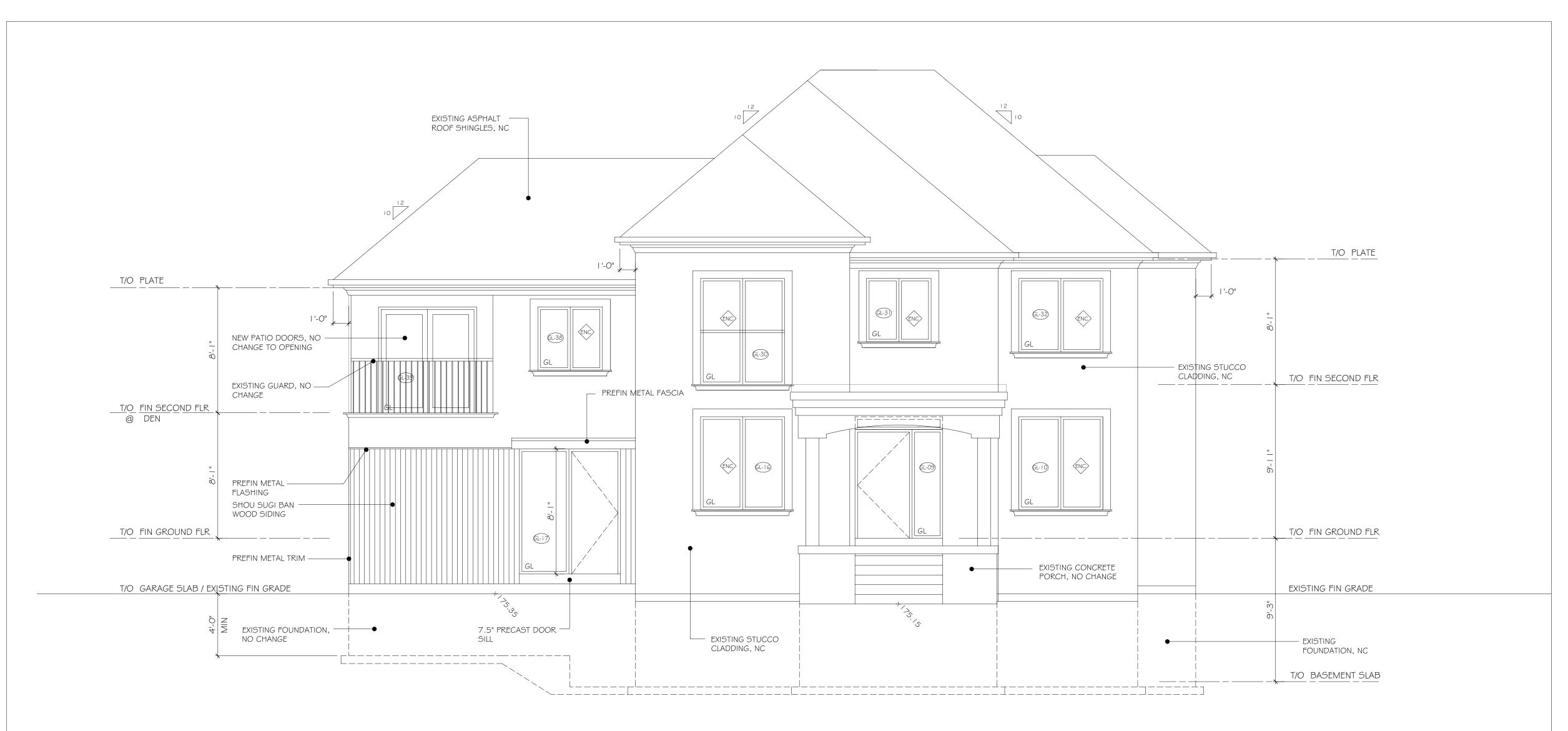
2022-04-14 Permit Revisions

2021-05-30 Issued for Permit

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North (Front) Elevation $\frac{1}{1/4" = 1'-0"}$

Elevations
Proposed

Drawing title

Thornhill, Ont.

MINOR VARIANCE

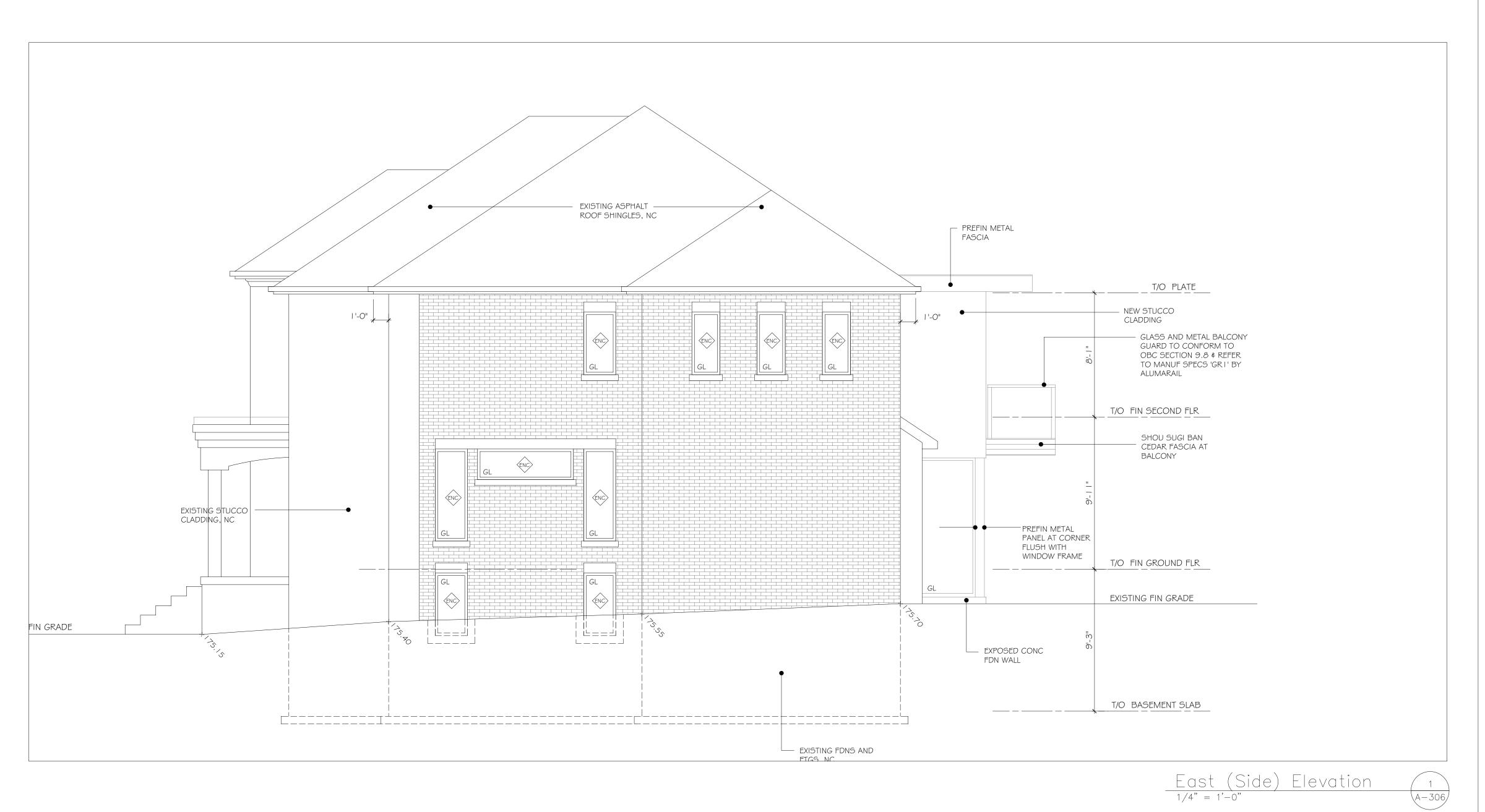
Addition/ Renovation

7 Circle Court

2022-06-23

21-001







	5	2022-06-23	Minor Variance	
ted:01-01-10	4	2022-04-14	Permit Revisions	
	3	2022-02-14	Permit Revisions	
	2	2021-11-12	Permit Revisions	
	1	2021-05-30	Issued for Permit	
		Date	Description	
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MINOR VARIANCE

2022-06-23 21-001

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Thornhill, Ont.

Elevations Proposed







	5	2022-06-23	Minor Variance	
	4	2022-04-14	Permit Revisions	
	3	2022-02-14	Permit Revisions	
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ted: 01-01-10		Date	Description	
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MINOR VARIANCE 2022-06-23

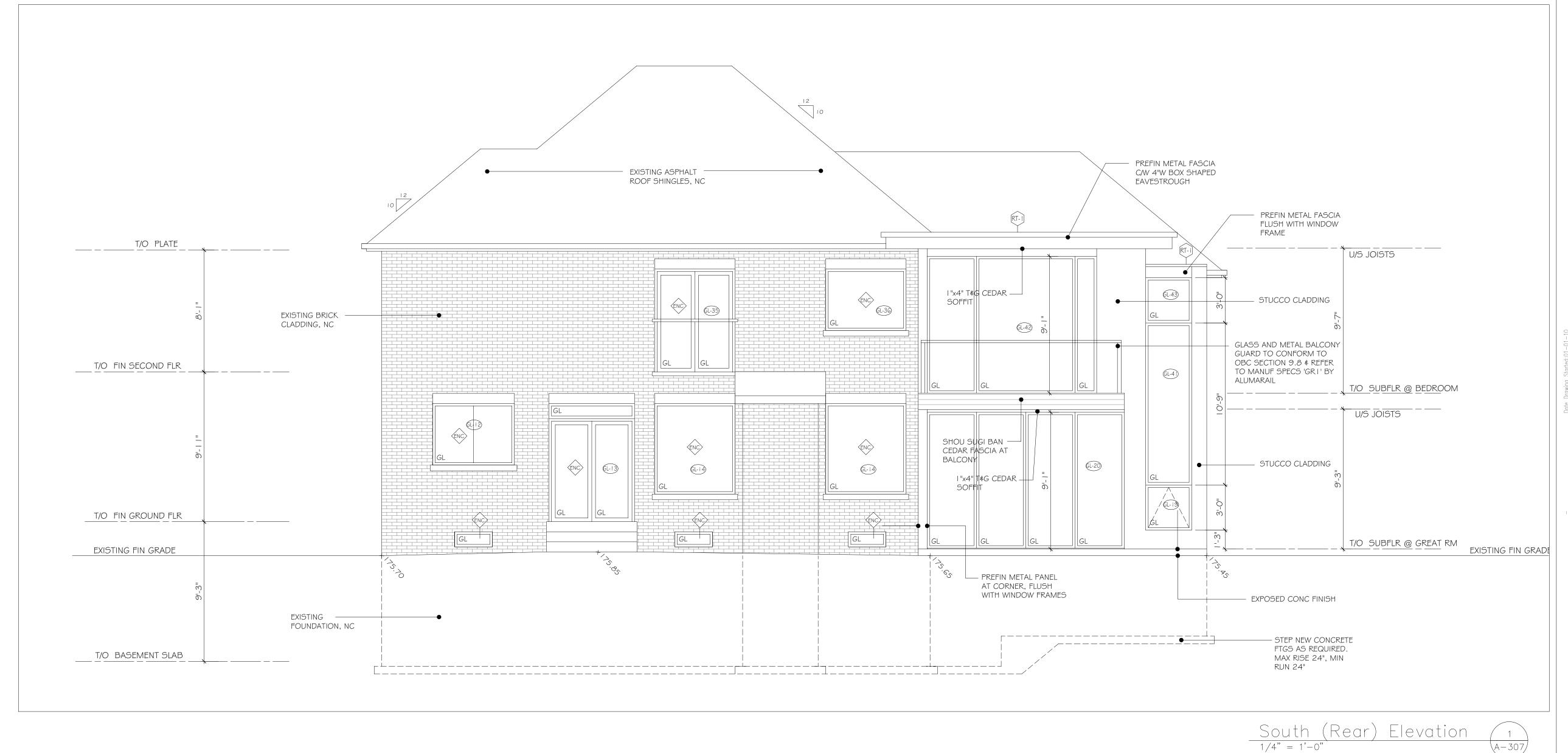
Addition/ Renovation 7 Circle Court

Thornhill, Ont.

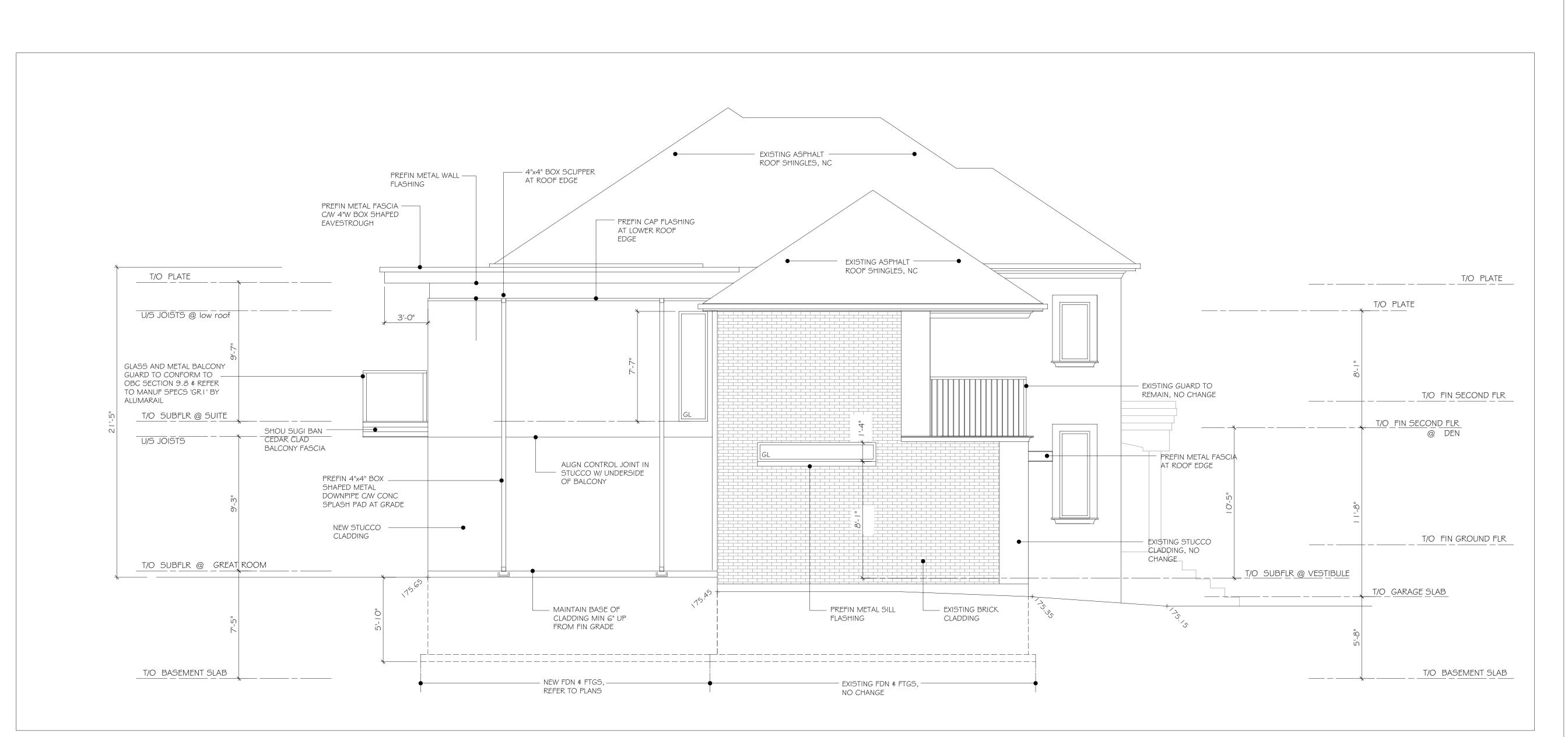
Elevations

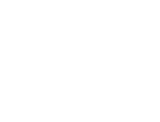
21-001

Proposed









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General Notes

	5	2022-06-23	Minor Variance
	4	2022-04-14	Permit Revisions
	3	2022-02-14	Permit Revisions
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Elevations

Proposed

1 A-308

West (Side) Elevation

1/4" = 1'-0"