

Memorandum to the City of Markham Committee of Adjustment

January 07, 2025

File: A/124/24
Address: 25 Wilson Street, Markham Village
Applicant: Nafiss Design Inc (Nafiseh Zangiabadi)
Hearing Date: Wednesday, January 22, 2025

The following comments are provided on behalf of Heritage Section staff ("Staff") for the property municipally known as 25 Wilson Street (the "Subject Property" or the "Property"):

The applicant is requesting relief from the following requirements of By-law 2024-19, RES-ENLR as amended, to permit:

a) By-law 2024-19, Section 6.3.2.2(i):

a minimum combined interior side yard setback of 1.94 metres, a minimum interior side yard setback of 0.54 metres (West Side), and a minimum interior side yard setback of 1.40 metres (East Side), whereas the by-law requires a minimum combined interior side yard setback of 4 metres and a minimum interior side yard setback of 1.8 metres; and

b) By-law 2024-19, Section 4.8.3(a)(ii):

a deck with an interior side yard setback of 0.61 metres, whereas the by-law requires a deck with a minimum interior side yard setback of 1.8 metres;

as it relates to a proposed one-storey rear addition and rear deck.

BACKGROUND

Property Description

The 408 m² (4392 ft²) Subject Property is located on the south side of Wilson Street between Tannery Pond Park to the west and Water Street to the east. Single-detached dwellings flank the Property while a townhouse complex and a mid-rise building are located to its south and north, respectively.

The Property is designated under Part V of the Ontario Heritage Act as part of the Markham Village Heritage Conservation District (the "MVHCD" or the "District") and contains a two-storey dwelling constructed in 1996. The MVHCD is a well-established residential neighbourhood comprised of predominately one and two-storey detached dwellings. The heritage dwellings within the District were constructed predominantly in the nineteenth and early twentieth centuries with pockets of contemporary infill. Given this mixed vintage, and the eclectic nature of development within the District, there is variability in lot size, setbacks, and building scale.

The Property was created via a consent application approved by the Committee of Adjustment in the mid-1990s. Note that the side yard setback of the existing dwelling does not comply with the minimum width requirements of the By-law, which stipulates a minimum combined interior side yard setback of 4 metres and a minimum interior side yard setback of 1.8 metres. As configuration of the lot pre-dated the By-law, it has legal non-conforming status.

Proposal

The applicant is seeking relief from the zoning by-law to enable the future construction of a one-storey rear addition (inclusive of a deck). The width of the proposed addition will align with the exterior side walls of the existing dwelling.

Official Plan and Zoning

The Official Plan is a municipality's chief planning tool to provide direction to approval authorities and the public on local planning matters. It contains land use planning objectives as well as policies in areas such as land use, and conservation of cultural heritage resources. The objectives and policies contained within the Official Plan conform to land-use direction as provided by the province via the *Planning Act* and the Provincial Planning Statement 2024 (formerly the Provincial Policy Statement, 2020).

Section 10.5 of the Markham Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18), notes that it is the policy of Council that the Committee of Adjustment shall be guided by the general intent and purpose of the Plan in making decisions on minor variances to the zoning by-law and consent applications.

Land Use Policies

In the Official Plan, the subject property is designated "Residential - Low Rise" which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the "Residential Low Rise" designation with respect to height, massing and setbacks. These criteria help ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a "Residential Low Rise" area, which includes variances, development is required to meet the general intent of these development criteria. Regard shall also be had for the retention of existing trees and vegetation.

Heritage Conservation Policies

The Markham Official Plan also includes applicable policies respecting **heritage conservation** (Section 4.5 – Cultural Heritage Resources).

From a heritage conservation policy perspective, two of the overall goals of the Official Plan are "to protect established neighbourhoods, heritage conservation districts...by ensuring that new development is compatible and complementary in terms of use, built form and scale" and "to celebrate Markham's unique character by protecting cultural heritage resources and archaeological resources...to foster interaction between people and connections to their community" (Section 2.2.2).

Section 4.5 provides policy guidance on identification/recognition, protection, and development approvals. Two key development approval policies of Council are:

- ***"To provide for the protection and conservation of cultural heritage resources or the mitigation of adverse effects on cultural heritage resources as a condition of minor variance approval and associated agreements"* (Section 4.5.3.9); and**
- ***"To evaluate each variance proposal that directly affects a cultural heritage resource itself and adjacent lands on its own merits and its compatibility***

with the heritage policies of this Plan and the objectives and policies of any applicable heritage conservation district plan” (Section 4.5.3.10)

By-law 2024-19

The Subject Property is Zoned “RES-ENLR (Residential – Established Neighbourhood Low Rise), under By-law 2024-19, which permits detached dwellings.

Markham Village Heritage Conservation District Plan

The MVHCD Plan categorizes properties based on their cultural heritage significance relative to the municipally-defined attributes of the District. The Plan also provides policies and guidelines intended to manage change in a manner compatible with the heritage character of the MVHCD. The appropriateness of the requested variances from a heritage perspective have been reviewed against the policies and guidelines of the MVHCD Plan to determine whether they conserve the cultural heritage value of the Subject Property and the MVHCD more broadly.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) in September 2024 to confirm the variances required for the proposed development (refer to 24 189206 ZPR).

COMMENTS

Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13 (the “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 Interior Side Yard Setback

The applicant is requesting a minimum combined interior side yard setback of 1.94 metres. As-of-right development permissions require a minimum combined interior side yard setback of 4 metres and a minimum interior side yard setback of 1.8 metres. The requested minimum interior side yard setback along the west elevation of the proposed addition is 0.54 metres while a minimum interior side yard setback of 1.40 metres is proposed along its east elevation.

Note that the Subject Property has a variable lot width ranging from approximately 8.9 metres along its front lot line to approximately 7.8 metres along the rear lot line. The side yard setback between the west elevation of the dwelling and the lot line is consistent at 1.4 metres but variable along its east elevation ranging from 0.61 metres at the rear portion of the existing dwelling to 0.51 metres at the rear of the proposed addition. As previously noted, the existing condition is non-conforming. While the applicant is seeking relief to reduce the side yard setback, the proposed addition will result in a reduction of 0.07 metres relative to the existing setback of the dwelling. Given this small numerical deviation, and the variable nature of setbacks within the District, Staff are of the opinion that the requested variance is minor in nature and conforms to the general intent and purpose of the OP and Zoning By-law.

Reduced Interior Side Yard Setback for a Deck

The applicant is requesting a variance to permit a deck with an interior side yard setback of 0.61 metres, whereas the By-law requires a deck with a minimum interior side yard setback of 1.8 metres. The side yard setback of the proposed rear deck exceeds that of the existing rear portion of the dwelling. As such, Staff are of the opinion that the requested variance is minor in nature and conforms to the general intent and purpose of the OP and Zoning By-law.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 13, 2025. 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 Act, as amended, and are of the opinion that the variance request meets the four tests and have no objection. If applicable, Staff recommend that the Committee consider 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 refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Evan Manning, Senior Heritage Planner

REVIEWED BY:



Regan Hutcheson, Manager, Heritage Planning

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/124/24

1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a Qualified Tree Expert in accordance with the City's Tree Assessment and Preservation Plan (TAPP) Requirements (2024) as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation By-law Administrator that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, neighbouring properties, and street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation By-law Administrator.
5. If required as per Tree Preservation review, tree securities and/or tree fees be paid to the City and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation By-law Administrator.

CONDITIONS PREPARED BY:

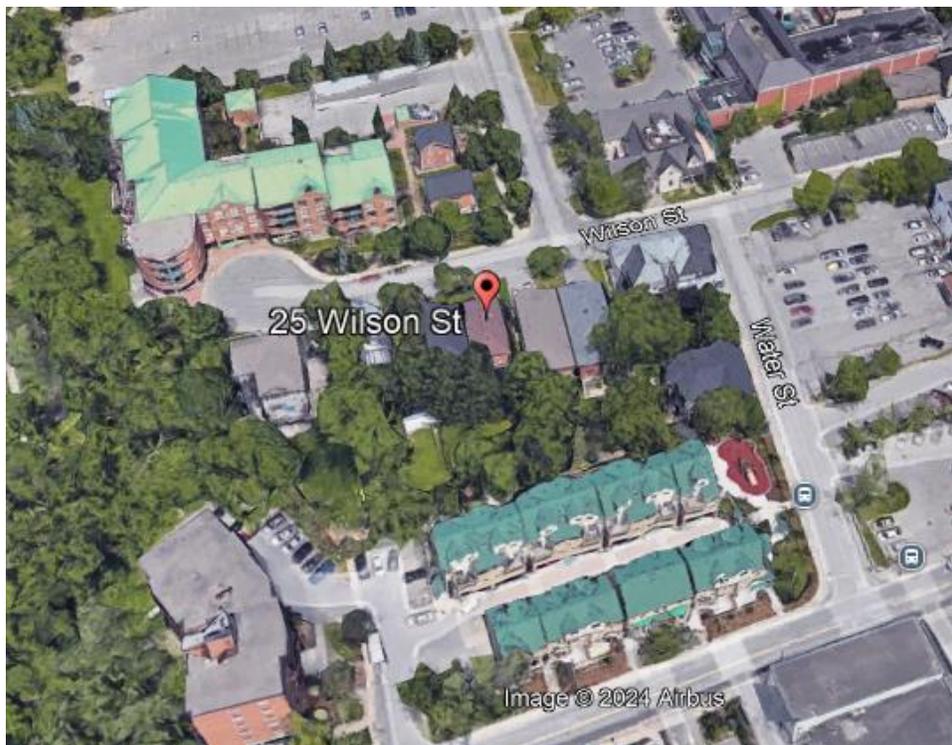


Evan Manning, Senior Heritage Planner

APPENDIX 'B'
LOCATION MAP AND AERIAL IMAGE OF THE SUBJECT PROPERTY

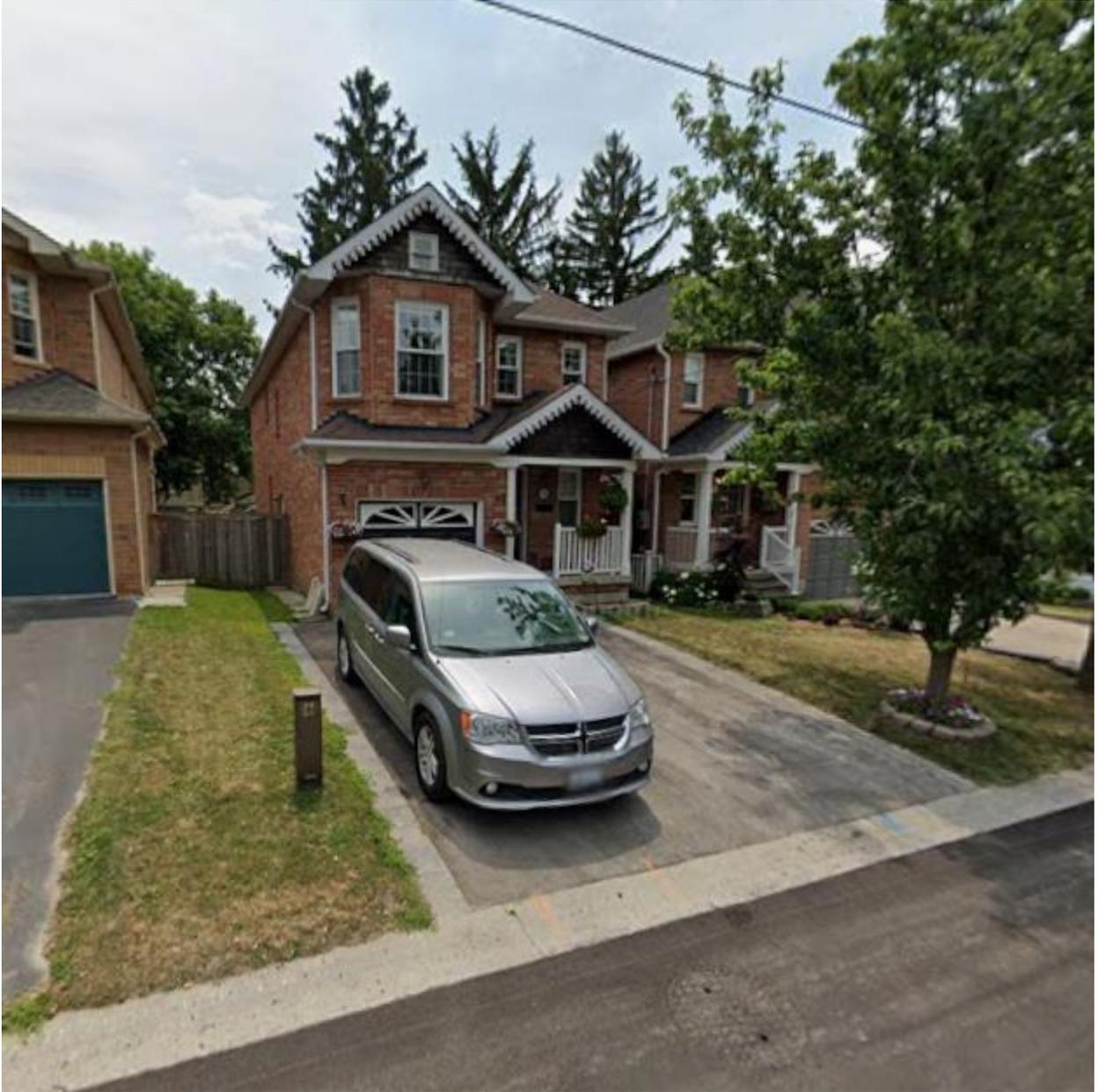


Property map showing the location of the Subject Property [outlined in blue] (Source: City of Markham)



Aerial image looking north towards the Subject Property (Source: Google Earth)

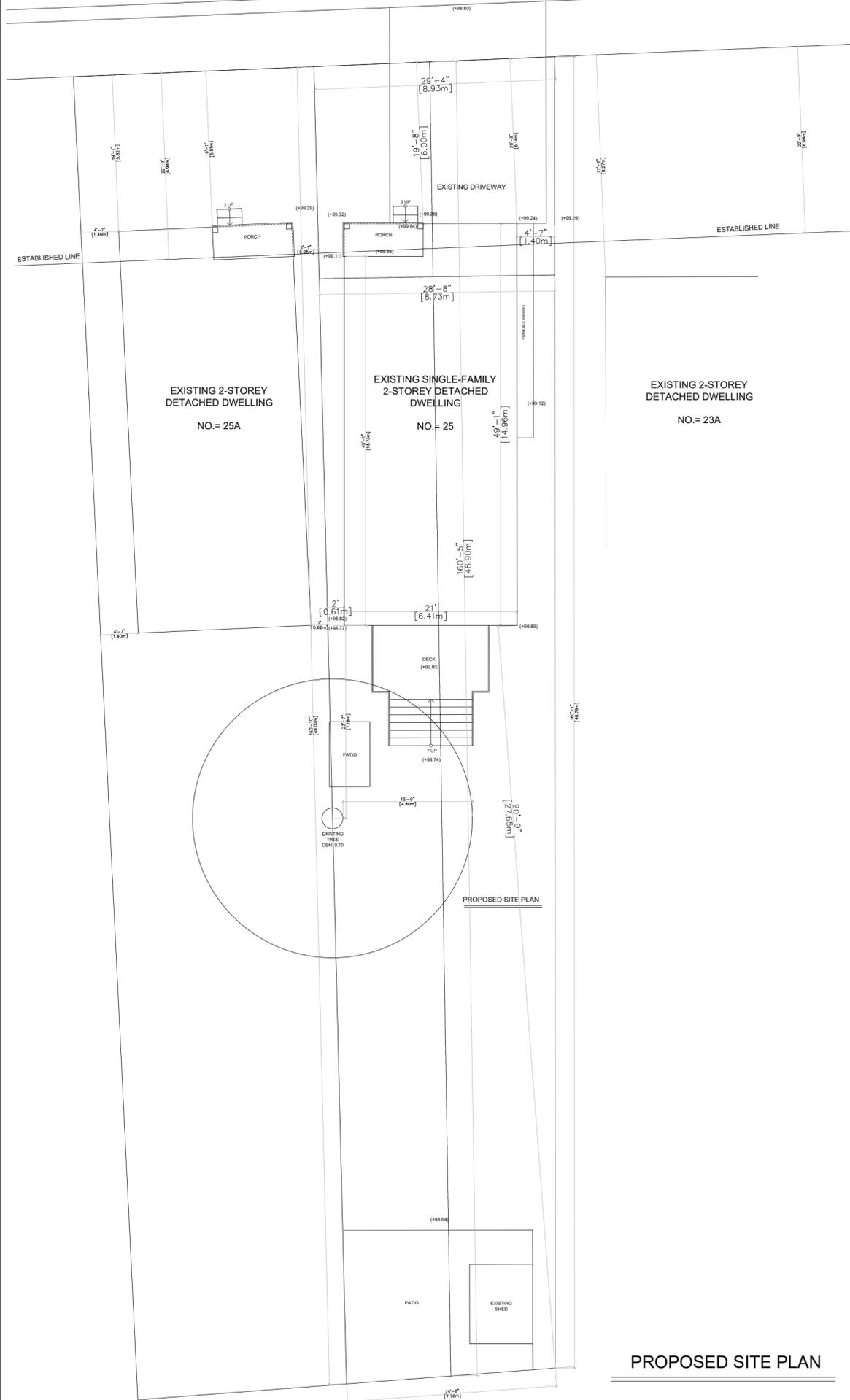
APPENDIX 'C'
IMAGE OF THE SUBJECT PROPERTY



The primary (north) elevation of the Subject Property as viewed from Wilson Street. (Source: Google)

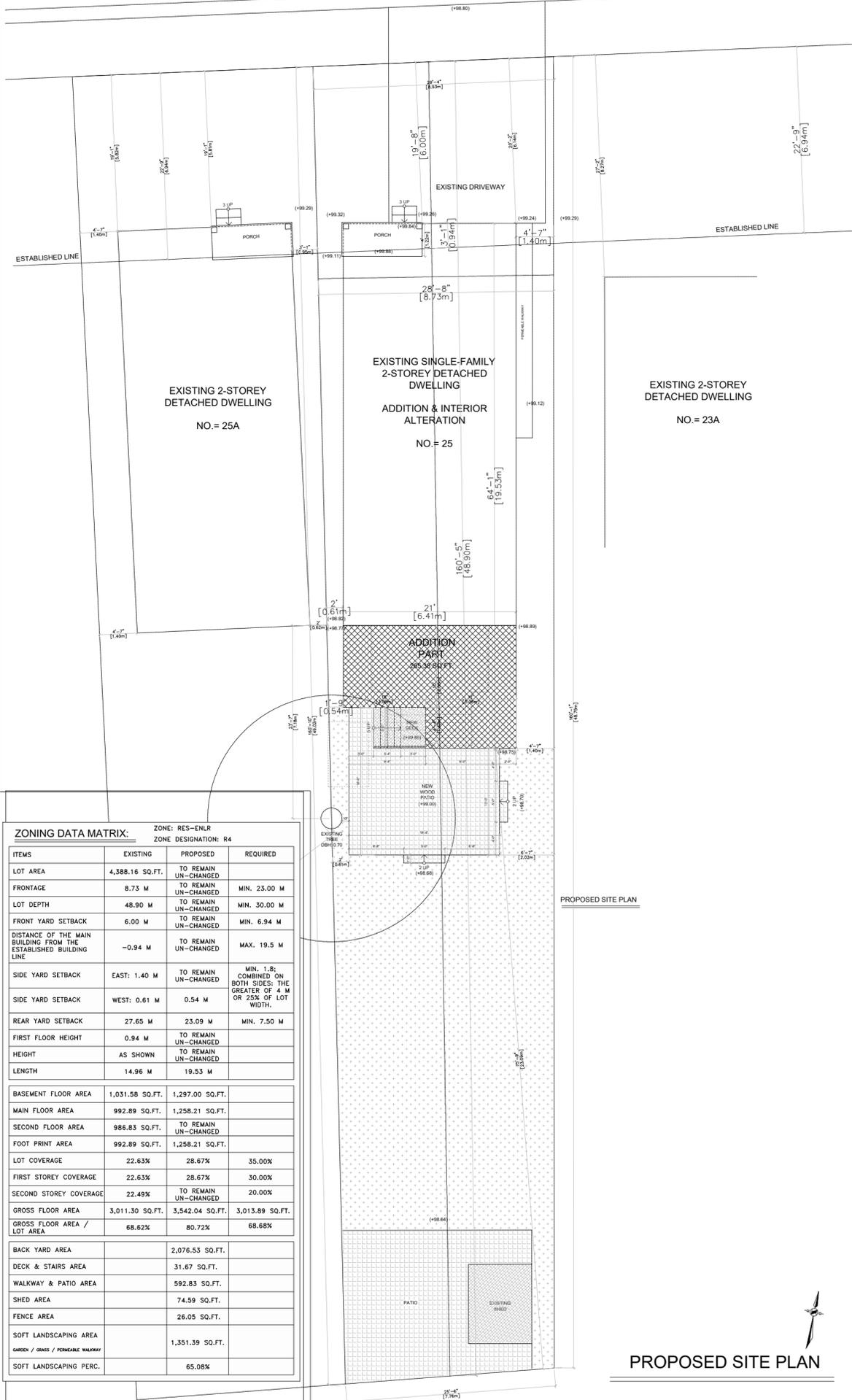
APPENDIX 'D'
DRAWINGS

WILSON STREET



PROPOSED SITE PLAN

WILSON STREET

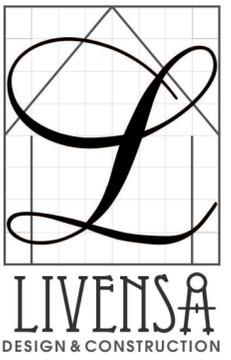


PROPOSED SITE PLAN

ZONING DATA MATRIX:

ITEMS	EXISTING	PROPOSED	REQUIRED
LOT AREA	4,388.16 SQ.FT.	TO REMAIN UN-CHANGED	
FRONTAGE	8.73 M	TO REMAIN UN-CHANGED	MIN. 23.00 M
LOT DEPTH	48.90 M	TO REMAIN UN-CHANGED	MIN. 30.00 M
FRONT YARD SETBACK	6.00 M	TO REMAIN UN-CHANGED	MIN. 6.94 M
DISTANCE OF THE MAIN BUILDING FROM THE ESTABLISHED BUILDING LINE	-0.94 M	TO REMAIN UN-CHANGED	MAX. 19.5 M
SIDE YARD SETBACK	EAST: 1.40 M	TO REMAIN UN-CHANGED	MIN. 1.8; COMBINED ON BOTH SIDES: THE GREATER OF 4 M OR 25% OF LOT WIDTH.
SIDE YARD SETBACK	WEST: 0.61 M	0.54 M	
REAR YARD SETBACK	27.65 M	23.09 M	MIN. 7.50 M
FIRST FLOOR HEIGHT	0.94 M	TO REMAIN UN-CHANGED	
HEIGHT	AS SHOWN	TO REMAIN UN-CHANGED	
LENGTH	14.96 M	19.53 M	

BASEMENT FLOOR AREA	1,031.58 SQ.FT.	1,297.00 SQ.FT.	
MAIN FLOOR AREA	992.89 SQ.FT.	1,258.21 SQ.FT.	
SECOND FLOOR AREA	986.83 SQ.FT.	TO REMAIN UN-CHANGED	
FOOT PRINT AREA	992.89 SQ.FT.	1,258.21 SQ.FT.	
LOT COVERAGE	22.63%	28.67%	35.00%
FIRST STOREY COVERAGE	22.63%	28.67%	30.00%
SECOND STOREY COVERAGE	22.49%	TO REMAIN UN-CHANGED	20.00%
GROSS FLOOR AREA	3,011.30 SQ.FT.	3,542.04 SQ.FT.	3,013.89 SQ.FT.
GROSS FLOOR AREA / LOT AREA	68.62%	80.72%	68.68%
BACK YARD AREA		2,076.53 SQ.FT.	
DECK & STAIRS AREA		31.67 SQ.FT.	
WALKWAY & PATIO AREA		592.83 SQ.FT.	
SHED AREA		74.59 SQ.FT.	
FENCE AREA		26.05 SQ.FT.	
SOFT LANDSCAPING AREA		1,351.39 SQ.FT.	
SOFT LANDSCAPING PERC.		65.08%	



THE UNDERSIGNED HAS DEVELOPED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A REGISTERED PROFESSIONAL ENGINEER UNDER DIVISION C-3.3.1.1 OF THE 2006 O.B.C. (OR 217.5.1 OF THE 1997 O.B.C.)

NAME AND BCIN: NAFISEH ZANGIABADI 43395

REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.3.1.1 OF THE 2006 O.B.C. (OR 217.5.1 OF THE 1997 O.B.C.)

NAME AND BCIN: LIVENSA DESIGN INC 44961

N. Zangiabadi

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Address: 30 Apple Orchard Path, Thornhill, Ontario, L3T 3B6

PROJECT ADDRESS: **25 WILSON STREET**
L3P 1M9
MARKHAM
ONTARIO, CANADA

TITLE: **EXISTING & PROPOSED SITE PLANS**

DATE: 2024, AUGUST 13th

SCALE: 3/32"=1'-0" PAPER SIZE: 24X18 DRAWINGS: **A1**

VERSION NO. V1 SUBJECT: ADDITION TO THE BASEMENT AND MAIN FLOOR AT THE REAR OF A DETACHED 2-STORY SINGLE-FAMILY DWELLING ISSUED FOR: PLANNING / DEVELOPMENT APPLICATION

PRIOR APPROVALS

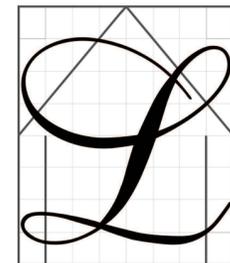
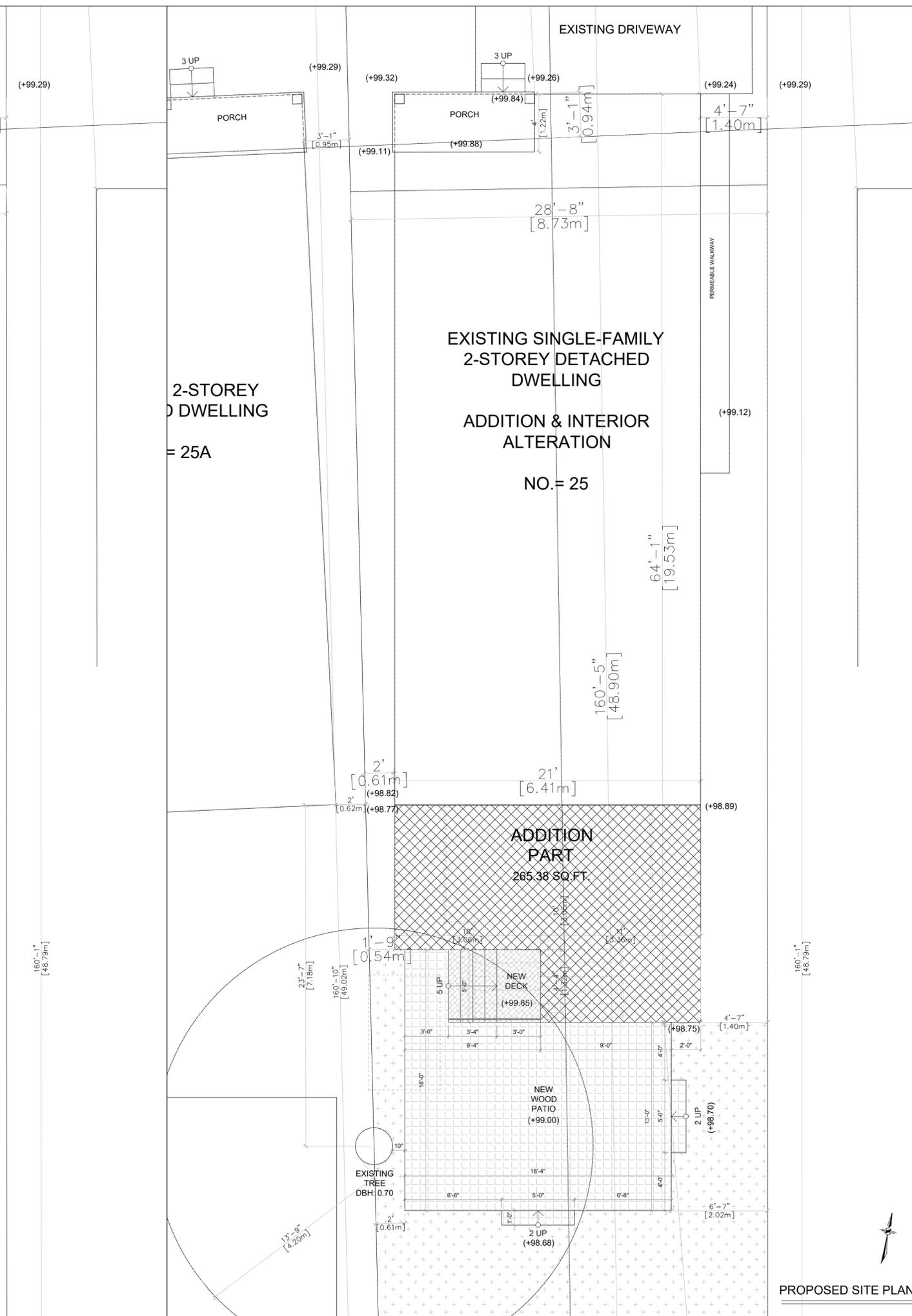
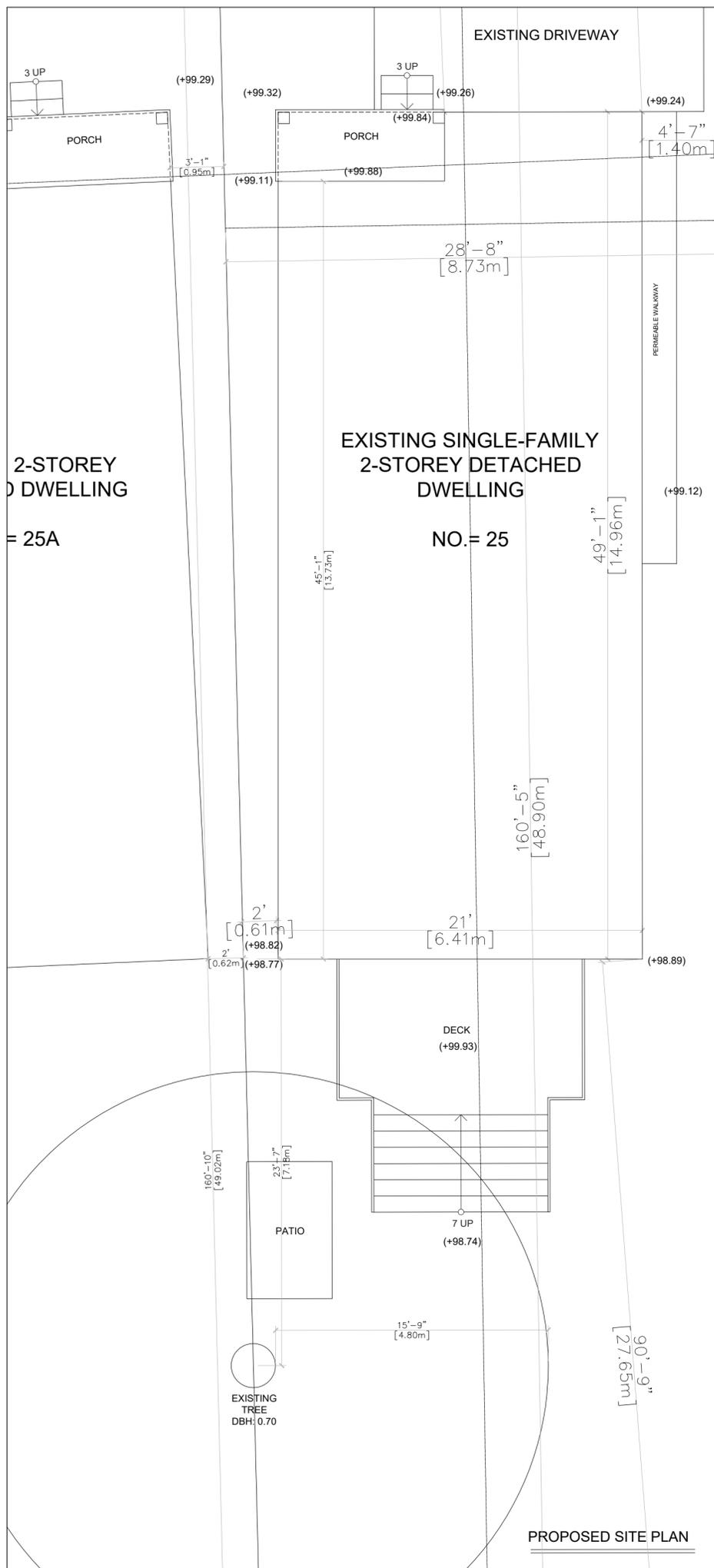
NO.	DATE	ISSUED NO.	SUBJECT	ISSUED BY
1				

OTHER ENGINEER / DESIGNER

FIELD	NAME	ENG. NO.	DATE

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TITLE: **EXISTING & PROPOSED SITE PLANS**

DATE: 2024, AUGUST 13th

SCALE:	PAPER SIZE	DRAWINGS:
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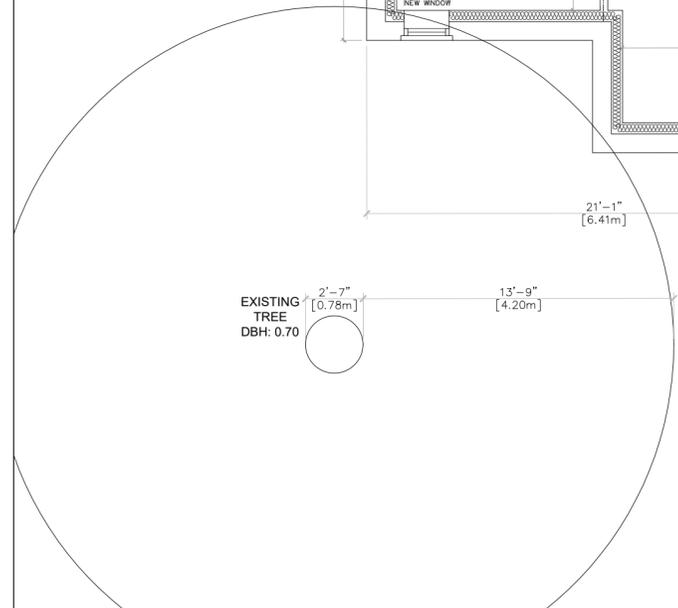
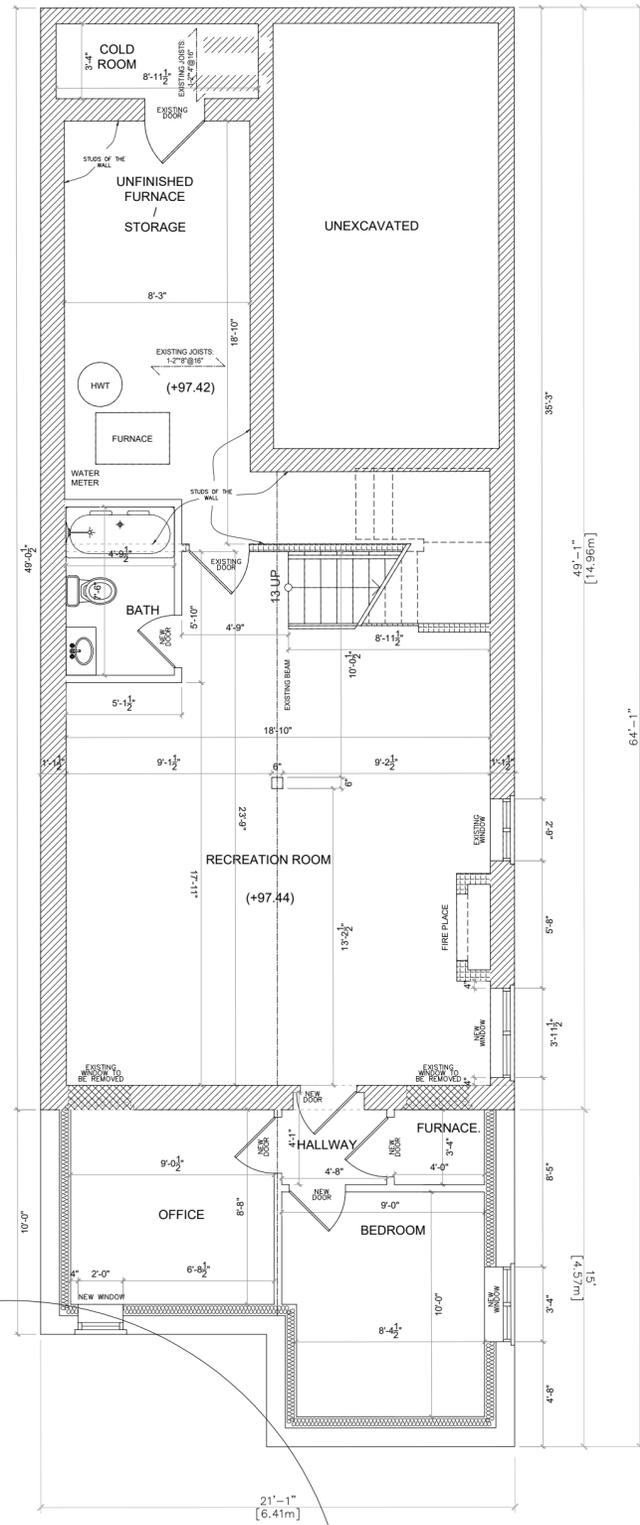
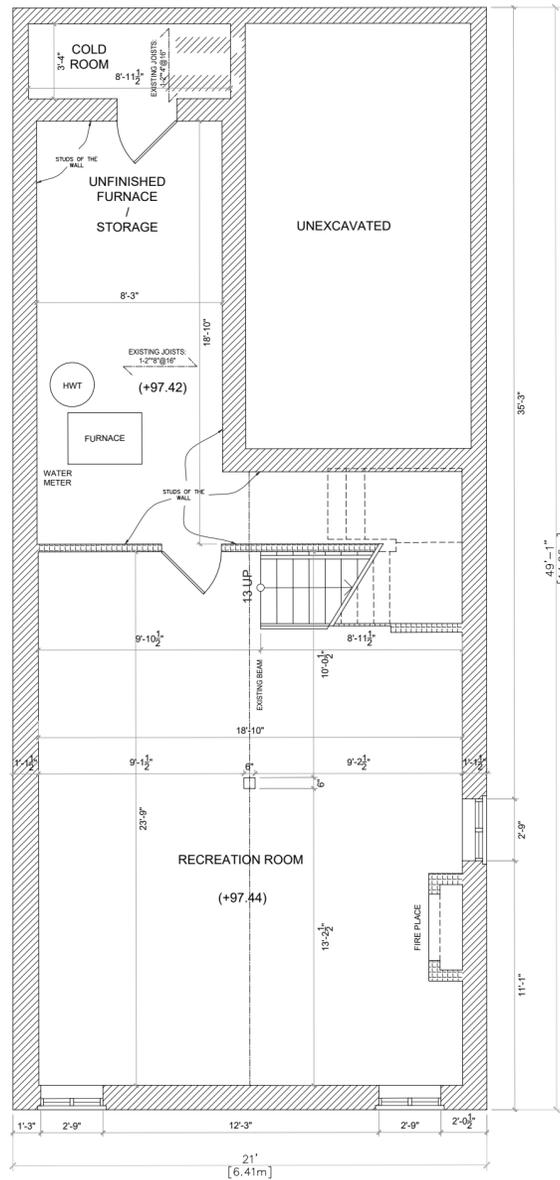
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V1	ADDITION TO THE BASEMENT AND MAIN FLOOR AT THE REAR OF A DETACHED 2-STORY SINGLE-FAMILY DWELLING	PLANNING / DEVELOPMENT APPLICATION

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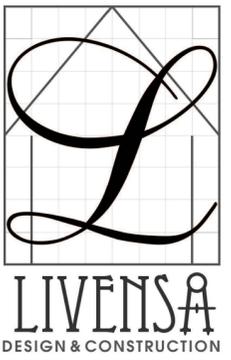
FIELD	NAME	ENG. NO.	DATE

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- EXISTING EXTERIOR WALLS
- NEW EXTERIOR WALLS
- EXISTING INTERIOR WALLS
- NEW INTERIOR WALLS
- DEMOLISHED WALLS
- TO BE CLOSED OFF



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MARKHAM
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TITLE: **EXISTING & PROPOSED
BASEMENT FLOOR PLANS**

DATE: 2024, AUGUST 13th

SCALE: **3/16"=1'-0"** PAPER SIZE: 24X18 DRAWINGS: **A3**

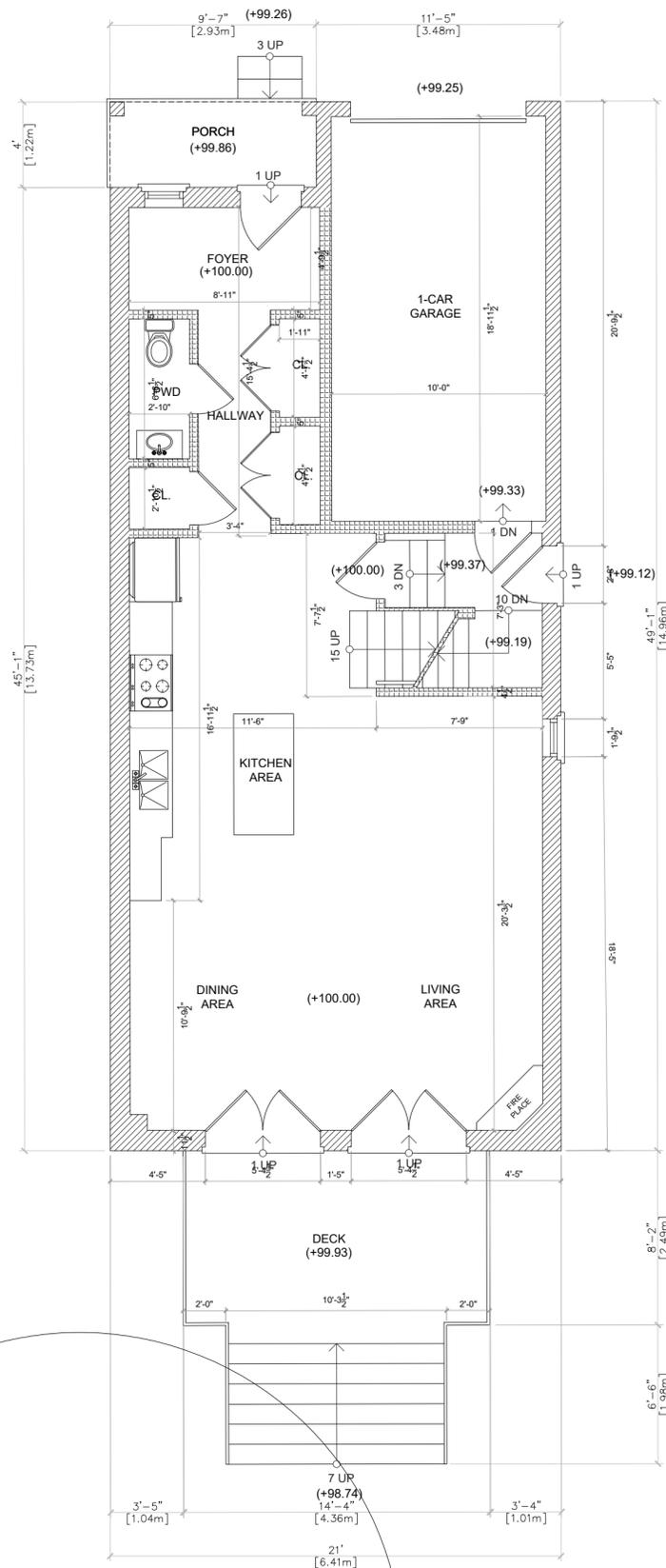
CURRENT SUBMISSION		ISSUED FOR	
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V1	ADDITION TO THE BASEMENT AND MAIN FLOOR AT THE REAR OF A DETACHED 2-STORY SINGLE-FAMILY DWELLING		PLANNING / DEVELOPMENT APPLICATION

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1			

OTHER ENGINEER / DESIGNER			
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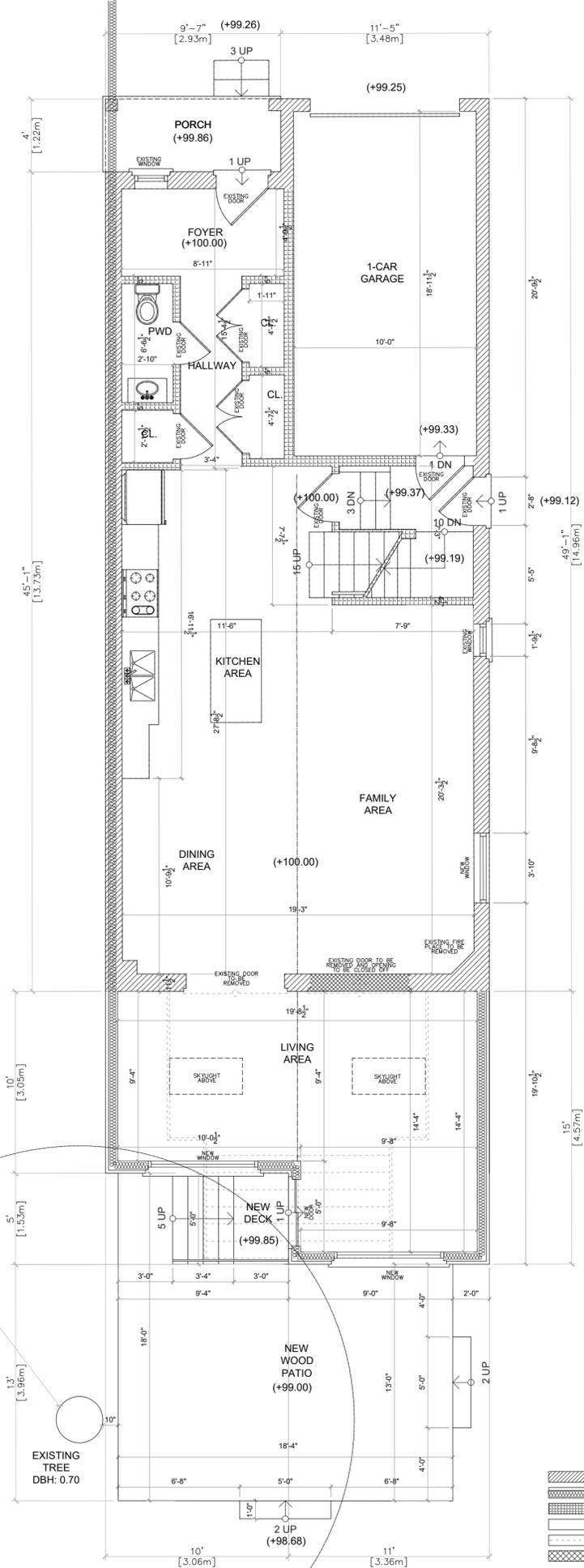
PROPOSED BASEMENT FLOOR PLAN



EXISTING TREE
DBH: 0.70

EXISTING MAIN FLOOR PLAN

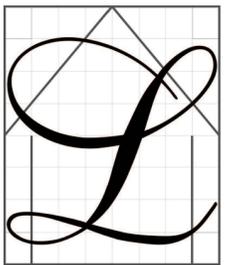
- EXISTING EXTERIOR WALLS
- EXISTING INTERIOR WALLS



EXISTING TREE
DBH: 0.70

PROPOSED MAIN FLOOR PLAN

- EXISTING EXTERIOR WALLS
- NEW EXTERIOR WALLS
- EXISTING INTERIOR WALLS
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- TO BE CLOSED OFF



LIVENSA
DESIGN & CONSTRUCTION

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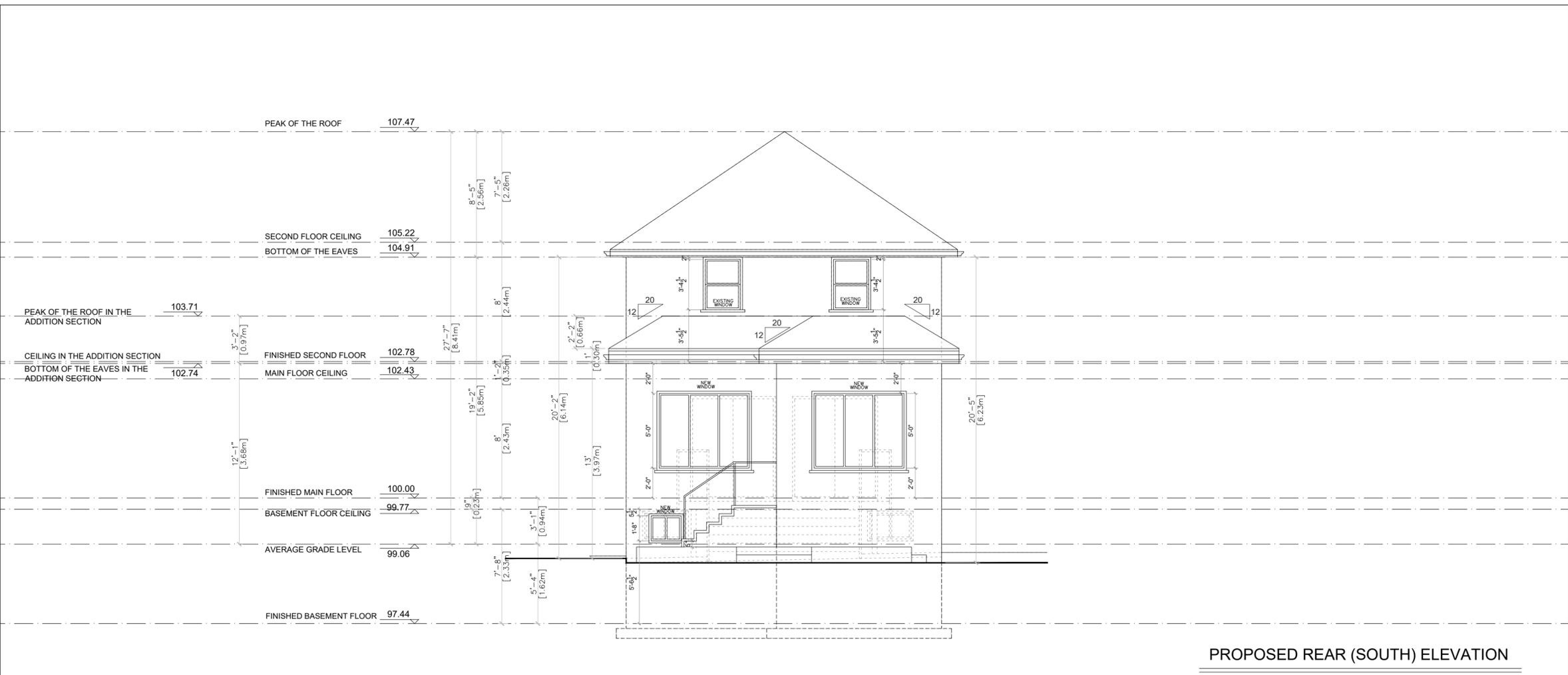
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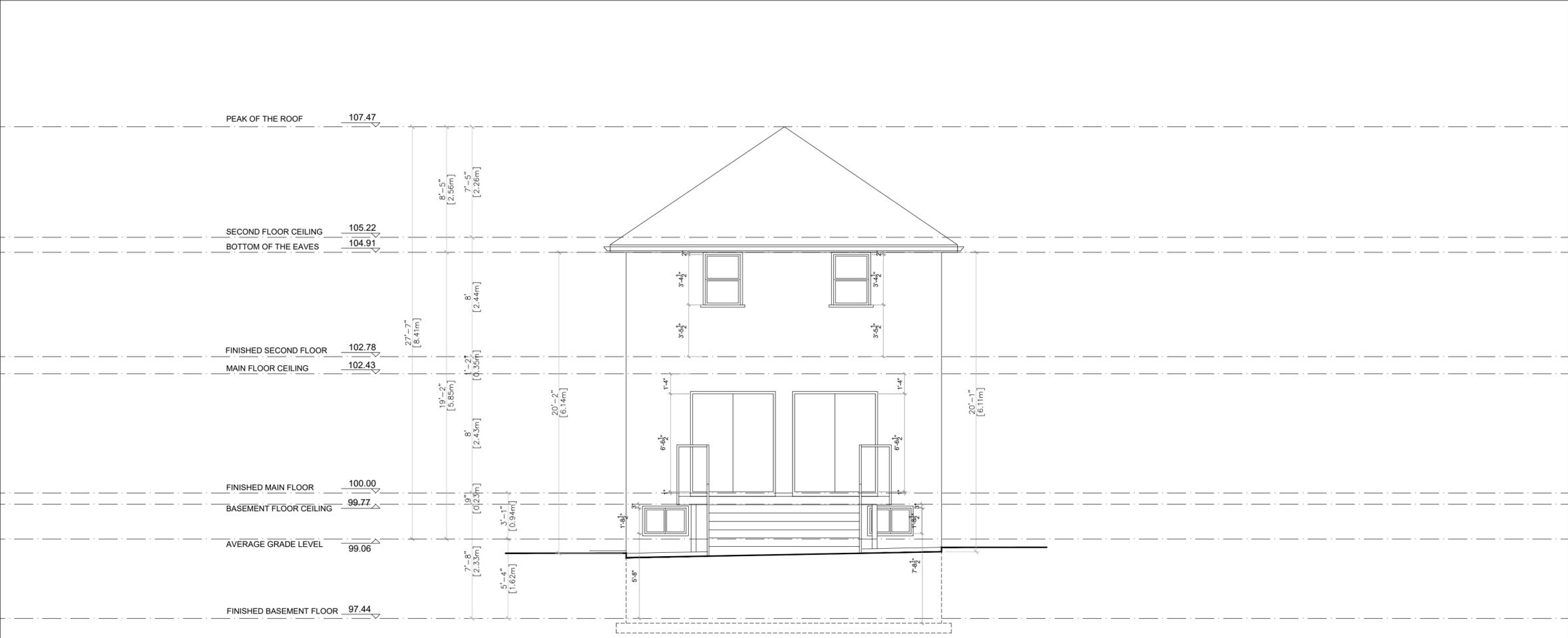
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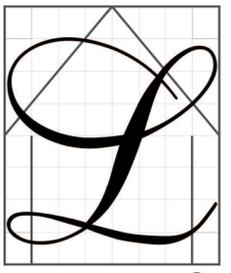
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PROPOSED REAR (SOUTH) ELEVATION



EXISTING REAR (SOUTH) ELEVATION



LIVENSA
DESIGN & CONSTRUCTION

THE UNDERSIGNED HAS REVIEWED AND ACCEPTS RESPONSIBILITY FOR THIS DESIGN AND THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A REGISTERED PROFESSIONAL ENGINEER UNDER DIVISION C-3.2.1.1 OF THE 2006 O.B.C. (OR 217.5.1 OF THE 1997 O.B.C.)

NAME AND BCIN:

NAFISEH ZANGIABADI 43395

REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.1.1 OF THE 2006 O.B.C. (OR 217.5.1 OF THE 1997 O.B.C.)

NAME AND BCIN:

LIVENSA DESIGN INC 44961

N. Zangiabadi

E-MAIL: info@livenso.com Cell Number: (647) 637 3010
Address: 30 Apple Orchard Path, Thornhill, Ontario, L3T 3B8

PROJECT ADDRESS: **25 WILSON STREET
L3P 1M9
MARKHAM
ONTARIO, CANADA**

TITLE
**EXISTING & PROPOSED REAR
(SOUTH) ELEVATIONS**

DATE: 2024, AUGUST 13th

SCALE:	PAPER SIZE	DRAWINGS:
3/16"=1'-0"	24X18	A6

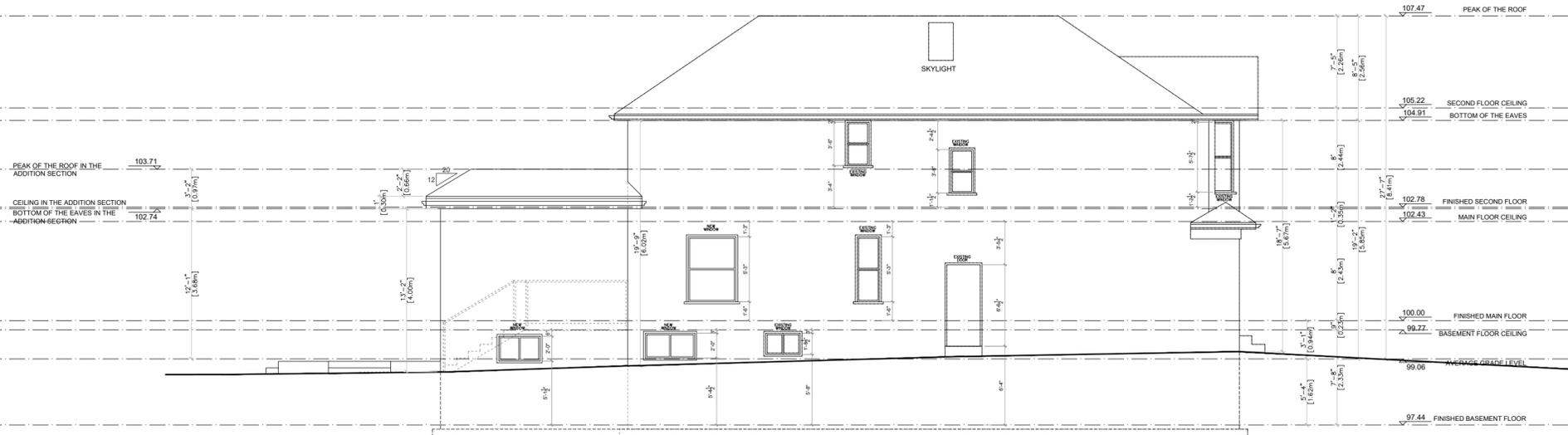
CURRENT SUBMISSION		
VERSION NO.	SUBJECT	ISSUED FOR
V1	ADDITION TO THE BASEMENT AND MAIN FLOOR AT THE REAR OF A DETACHED 2-STORY SINGLE-FAMILY DWELLING	PLANNING / DEVELOPMENT APPLICATION

PRIOR APPROVALS			
NO.	DATE	ISSUED NO.	SUBJECT
1			

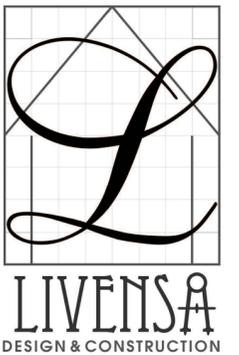
OTHER ENGINEER / DESIGNER			
FIELD	NAME	ENG. NO.	DATE

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 2. THESE DRAWINGS ARE FOR PERMIT APPLICATION PURPOSE. CONTRACTOR MUST CHECK ALL APPLICABLE BY-LAWS AND OBC. ANY DISCREPANCY MUST BE REPORTED TO THE DESIGNER.
 3. DO NOT SCALE DRAWINGS.
 4. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
 5. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
 6. USE ONLY LATEST REVISED DRAWINGS.
 7. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB SITE.
 8. ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO DESIGN FIRM PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.

GLAZED AREAS:
 1. AREA OF EXPOSED BUILDING FACE: 1,131.02 SQ.FT.
 2. MAX. ALLOWED GLAZED COVERAGE: 79.17 SQ.FT. (%7 OF LINE 1)
 3. PROPOSED GLAZED AREA: 68.60 X 0.90 = 61.74 SQ.FT.



PROPOSED SIDE (EAST) ELEVATION



THE UNDERSIGNED HAS REVIEWED AND ACCEPTS RESPONSIBILITY FOR THIS DESIGN AND THE QUALITY AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A REGISTERED PROFESSIONAL DESIGNER.

NAME AND BCIN: NAFISEH ZANGIABADI 43395

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NAME AND BCIN: LIVENSA DESIGN INC 44961

N. Zangiabadi

E-MAIL: info@livenso.com Cell Number: (647) 637 3010
 Address: 30 Apple Orchard Path, Thornhill, Ontario, L3T 3B6

PROJECT ADDRESS: **25 WILSON STREET
 L3P 1M9
 MARKHAM
 ONTARIO, CANADA**

TITLE: **EXISTING & PROPOSED SIDE
 (EAST) ELEVATIONS**

DATE: 2024, AUGUST 13th

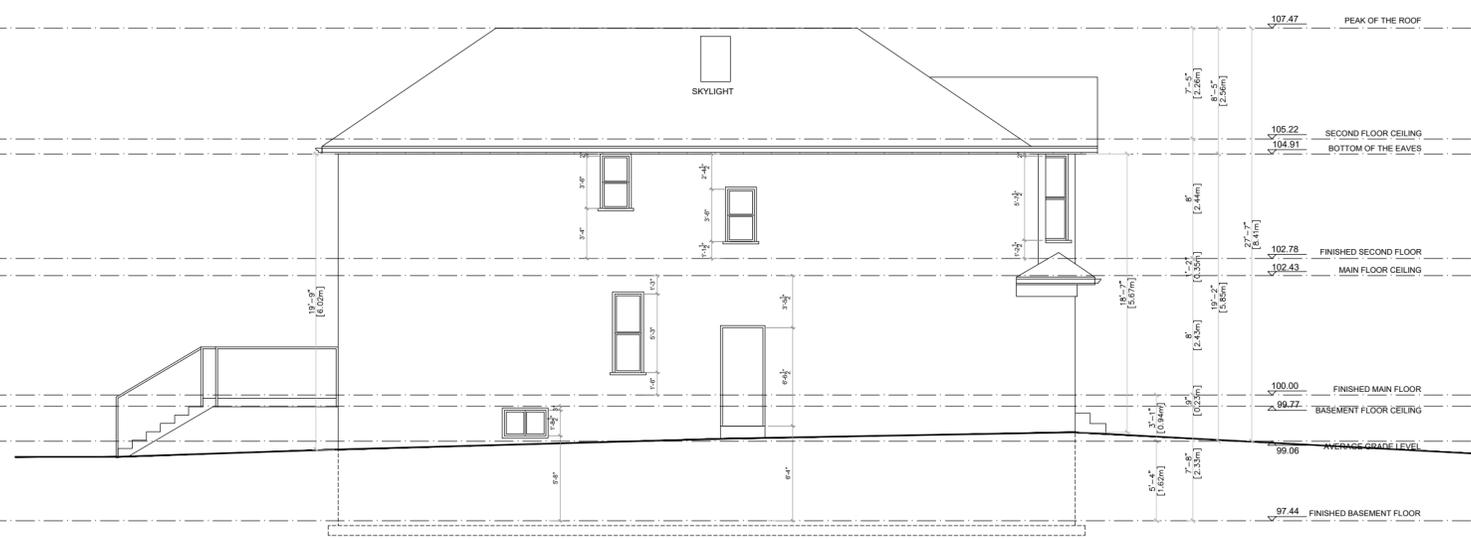
SCALE: **1/8"=1'-0"** PAPER SIZE: 24X18 DRAWINGS: **A7**

VERSION NO.	SUBJECT	ISSUED FOR
V1	ADDITION TO THE BASEMENT AND MAIN FLOOR AT THE REAR OF A DETACHED 2-STORY SINGLE-FAMILY DWELLING	PLANNING / DEVELOPMENT APPLICATION

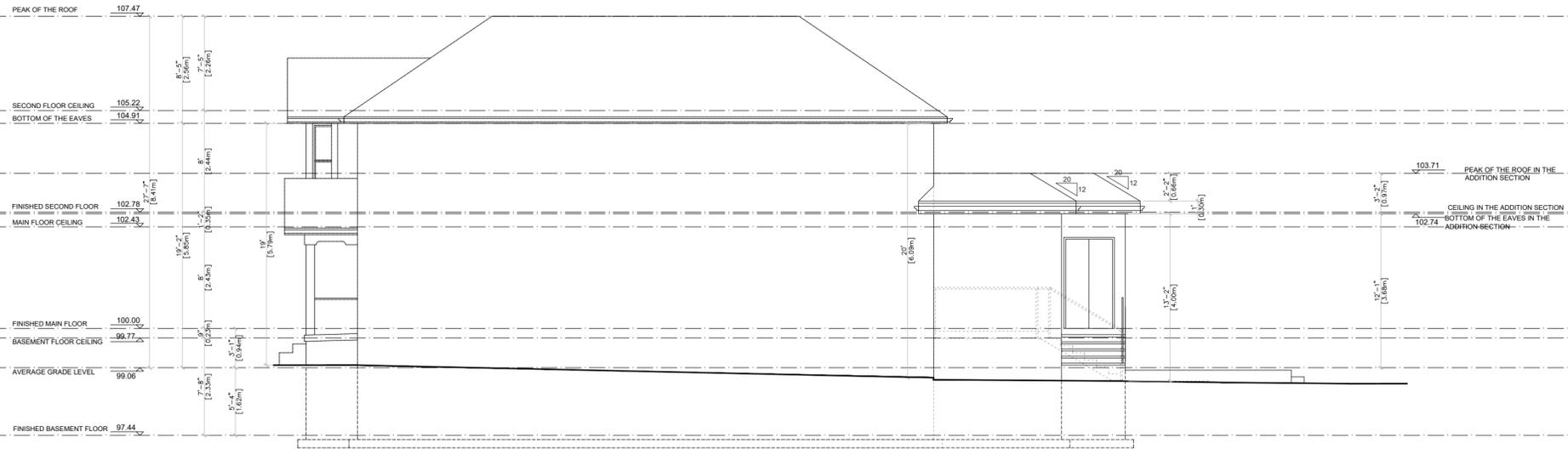
PRIOR APPROVALS			
NO.	DATE	ISSUED NO.	SUBJECT
1			

OTHER ENGINEER / DESIGNER			
FIELD	NAME	ENG. NO.	DATE

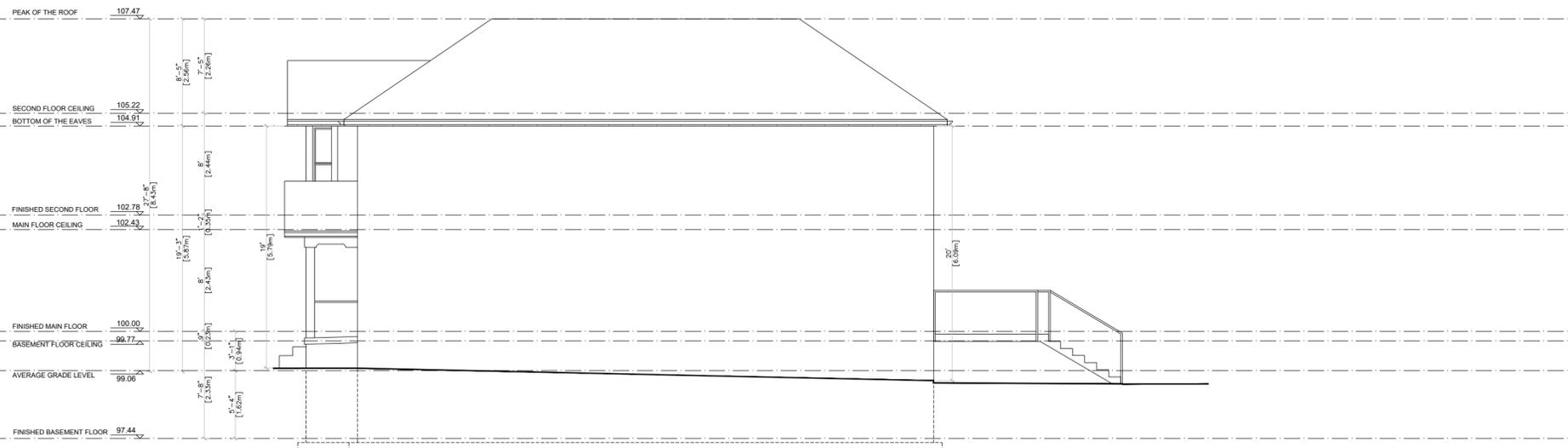
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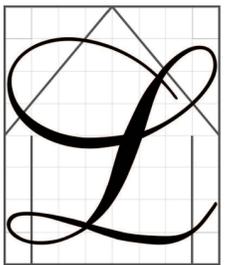
EXISTING SIDE (EAST) ELEVATION



PROPOSED SIDE (WEST) ELEVATION



EXISTING SIDE (WEST) ELEVATION



LIVENSA
DESIGN & CONSTRUCTION

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NAME AND BCIN: LIVENSA DESIGN INC 44961

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PROJECT ADDRESS: **25 WILSON STREET
L3P 1M9
MARKHAM
ONTARIO, CANADA**

TITLE: **EXISTING & PROPOSED SIDE
(WEST) ELEVATIONS**

DATE: 2024, AUGUST 13th

SCALE:	PAPER SIZE	DRAWINGS:
1/8"=1'-0"	24X18	A8

CURRENT SUBMISSION		
VERSION NO.	SUBJECT	ISSUED FOR
V1	ADDITION TO THE BASEMENT AND MAIN FLOOR AT THE REAR OF A DETACHED 2-STORY SINGLE-FAMILY DWELLING	PLANNING / DEVELOPMENT APPLICATION

PRIOR APPROVALS			
NO.	DATE	ISSUED NO.	SUBJECT
1			

OTHER ENGINEER / DESIGNER			
FIELD	NAME	ENG. NO.	DATE

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