

Memorandum to the City of Markham Committee of Adjustment

February 3, 2023

File: A/153/22
Address: 11 Drakefield Road, Markham
Applicant: Fasheng Zhou
Agent: Alit Design
Hearing Date: Wednesday, February 15, 2023

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential One – (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The requested variances are to permit:

- a) **Amending By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 50.0%, whereas the By-law permits a maximum of 45.0%.
- b) **Amending By-law 99-90, Section 1.2(vi):**
a maximum building depth of 17.1 m (56.1 ft), whereas the By-law permits a building depth of 16.80 m (55.11 ft).

BACKGROUND

Property Description

The 888.6 m² (9,564.8 ft²) subject property is located on the south side of Drakefield Road, which is south of Highway 7 East, and west of Willowgate Drive and Grandview Boulevard. It is developed with a one-storey detached dwelling and attached one-car garage, which according to assessment records was constructed in 1963. It is irregular in shape at the rear; contains a mature tree within the front yard; and mature trees and vegetation in the rear yard. It slopes to the south towards a valley system in the abutting Milne Dam Conservation Park.

The subject property is located in an established and relatively stable residential neighbourhood comprising one and two-storey detached dwellings to the north, east and west. Homes within the immediate vicinity of the site along Drakefield Road are modestly sized, consisting of the original housing stock built in the early to mid 1960s. There are examples of newer and larger infill homes in the area, further east on Riverview Avenue and Grandview Boulevard. As noted, Milne Dam Conservation Park, a conservation area owned by the Toronto Region Conservation Authority (TRCA) abuts the site to the south.

Previous Committee of Adjustment Hearing – November 23, 2022

This application was initially heard by the Committee of Adjustment at the November 23, 2022 hearing. At the time, the applicant requested variances to permit a floor area ratio of 54.9% and building depth of 17.88 m (58.66 ft). The requested variances related to a proposed two storey detached dwelling with a total Gross Floor Area (GFA) of 455.0 m² (4,897.6 ft²), inclusive of a two-car garage. (Staff also note that prior to the hearing, the original submission requested a floor area ratio of 56.93%, as outlined in the November 10, 2022 Staff Memorandum in Appendix ‘A’).

In the memorandum dated November 10, 2022 (Appendix ‘A’), staff did not object to the building depth variance, but opined that the floor area ratio of 54.9% was not ‘minor’ or appropriate development for the site. Consequently the application was deferred.

Proposal

To address staff and Committee member comments, the applicant revised the proposal and is now proposing a two-storey detached dwelling with a GFA of 375.4 m² (4041 ft²). This was achieved by reducing the proposed building depth and floor space. The revised proposal now requests a floor area ratio of 50% and building depth of 17.1 m (56.1 ft).

Official Plan and Zoning

Official Plan and Zoning information is in the November 10, 2022 Staff memorandum.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a Zoning Preliminary Review (ZPR) on August 2nd 2022 to confirm the initial variances required for the proposed development. A follow up ZPR for the most recent plans was not submitted. Consequently it is 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 variance request in this revised application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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.

Increase in Maximum Floor Area Ratio

The applicant is requesting a floor area ratio of 50%, whereas the By-law permits a maximum floor area ratio of 45%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 375.4 m² (4041 ft²), whereas the by-law permits a dwelling with a floor area of 337.9 m² (3,637.1 ft²). This is an increase of 37.5 m² (403.65 ft²) above what is permitted by the By-law.

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling. This is because the floor area ratio provision only includes interior floor space and not any open areas within the dwelling. An applicant could remove interior floor space to reduce the floor area ratio percentage, but still maintain the same scale and mass of building form.

The applicant has reduced the requested floor area ratio variance from 56.93% to 54.9% and now to 50%. Staff, are satisfied with the revisions to the proposal and consider that the requested variance reflects an appropriate scale of infill housing, as intended by the Zoning By-law. Staff opine that the requested variance satisfies the four tests of the Planning Act.

Increase in Maximum Building Depth

In the November 10, 2022 Memorandum, staff did not object to the proposed depth of 17.88 m (58.66 ft). Staff have no concerns with the reduced depth of 17.1 m (56.1 ft).

Tree Protection and Compensation

Staff recommend that the tree related conditions be adopted with any approval of this application, to ensure that the applicant installs the appropriate tree protection barriers, and provides compensation to the City, if necessary. It is also noted that property owners are required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height of 20.0 cm (7.87 in), or more.

TRCA Comments

The subject property is located within (TRCA)'s Regulated Area as it is within a valley corridor associated with the Rouge River watershed. The TRCA provided comments in a letter dated September 29, 2022 advising that TRCA staff have no objection to this minor variance application, subject to conditions that the Applicant pay the \$875.00 TRCA review fee and obtain a TRCA permit under Regulation 166/06, as amended.

In an email dated October 13, 2022, the TRCA advised that the review has been paid. The condition to require a TRCA permit is included in Appendix 'A'.

PUBLIC INPUT SUMMARY

Prior to the initial November 23, 2022 hearing ten (10) letters of opposition were received. No additional correspondence has been received since the deferral and finalization of this report. The Secretary-Treasurer will provide any new correspondence 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 have no objection to requested variances. Should the Committee see merit approving the application, please refer to Appendix "B" for conditions to be attached to any approval of this application.

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.

PREPARED BY:



Stephen Corr, Senior Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

Memorandum to the City of Markham Committee of Adjustment

November 10, 2022

File: A/153/22
Address: 11 Drakefield Road, Markham
Applicant: Fasheng Zhou
Agent: Alit Design
Hearing Date: Wednesday, November 23, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential One – (R1)” zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The requested variances are to permit:

- a) **Amending By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 54.9%, whereas the By-law permits a maximum of 45.0%.
- b) **Amending By-law 99-90, Section 1.2(vi):**
a maximum building depth of 17.88 m (58.66 ft), whereas the By-law permits a building depth of 16.80 m (55.11 ft).

BACKGROUND

Property Description

The 888.6 m² (9,564.8 ft²) subject property is located on the south side of Drakefield Road, which is south of Highway 7 East, and west of Willowgate Drive and Grandview Boulevard. It is developed with a one-storey detached dwelling and attached one-car garage, which according to assessment records was constructed in 1963. It is irregular in shape at the rear; contains a mature tree within the front yard; and mature trees and vegetation in the rear yard. It slopes to the south towards a valley system in the abutting Milne Dam Conservation Park.

The subject property is located in an established and relatively stable residential neighbourhood comprising one and two-storey detached dwellings to the north, east and west. Homes within the immediate vicinity of the site along Drakefield Road are modestly sized, consisting of the original housing stock built in the early to mid 1960s. There are examples of newer and larger infill homes in the area, further east on Riverview Avenue and Grandview Boulevard. As noted, Milne Dam Conservation Park, a conservation area owned by the Toronto Region Conservation Authority (TRCA) abuts the site to the south.

Proposal

The applicant is proposing to redevelop the subject property with a new two-storey detached dwelling with an attached two-car garage (refer to Appendix 'B'). The total Gross Floor Area (GFA) of the proposed dwelling is 455.0 m² (4,897.6 ft²). It has a proposed height of 9.8 m (32.2 ft), an uncovered deck in the rear yard and a 5.81 m² (62.56 ft²) balcony in the rear yard of the second storey. Vehicular access to the property is provided via a two-car driveway. To facilitate this proposal, the applicant has submitted variances to permit increases to the maximum permitted floor area ratio and building depth as described above.

The applicant has reduced the requested variances from the original submission which requested:

- A maximum floor area ratio of 56.93%;
- A maximum building depth of 18.34 m (60.17 ft)
- Eaves to encroach 19 inches (0.48 m) into a required yard, whereas the By-law permits a maximum eaves encroachment of 18 inches (0.46 m).

Staff had concern with the original request to permit a floor area ratio of 56.93%. In response, the applicant revised the proposal with design modifications, including reducing the proposed building depth from 18.34 m (60.17 ft) to 17.88 m (58.66 ft), consequently reducing the floor area ratio to 54.9%. The applicant also revised the eaves to comply with the by-law, eliminating that variance.

Official Plan and Zoning

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

The subject property is designated “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Infill development is required to meet the general intent and purpose of the 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 street, while accommodating a diversity of building styles. Regard shall also be had for the retention of existing trees and vegetation, as well as the proposed width of garages and driveways.

Zoning By-Law 1229

The subject property is zoned “Residential One – (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot. The proposed development complies with the general R1 zone provisions, such as minimum lot area, minimum lot frontage, minimum building setbacks (front, rear and side yards), and maximum lot coverage.

Residential Infill Zoning By-law 99-90

The subject property is also subject to Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will generally maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, floor area ratio, height, and number of storeys. The proposed development does not comply with the Infill By-law requirements with respect to the maximum floor area ratio and building depth.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a Zoning Preliminary Review (ZPR) on August 2nd 2022 to confirm the initial variances required for the proposed development. The applicant submitted revised plans to reflect the current proposal with reduced floor area ratio and building depth variances, but did not conduct a follow up ZPR for the revised plans. Consequently it is 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 variance request in this revised application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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.

Increase in Maximum Floor Area Ratio

The applicant is requesting a floor area ratio of 54.9%, whereas the By-law permits a maximum floor area ratio of 45%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 455.0 m² (4,897.6 ft²), whereas the by-law permits a dwelling with a floor area of 337.9 m² (3,637.1 ft²). This is an increase of 117.1 m² (1,260.5 ft²) above what is permitted by the By-law.

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling. This is because the floor area ratio provision only includes interior floor space and not any open areas within the dwelling. Consequently an applicant could remove interior floor space to reduce the floor area ratio percentage, but still maintain the same scale and mass of building form.

The applicant has reduced the requested floor area ratio variance from 56.93% to 54.9%. Staff, are of the opinion that 54.9% floor area ratio still does not maintain the general intent of the zoning by-law, which is to minimize floor area of dwellings so that the size of larger infill homes is appropriately balanced with the existing and established community fabric. As noted, the surrounding context predominantly consists of modestly sized dwellings, constructed in the mid 1960s. In that regard staff also opine that the requested floor area ratio variance is not 'minor' or appropriate development for the site.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 17.88 m (58.66 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.2 ft). This is an increase of approximately 1.08 m (3.54 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line. Given the configuration of the lot, building depth is measured on an angle through the proposed building.

Staff opine that the proposed building depth of 17.88 m will not impact abutting properties, is a moderate increase within the rear yard, and satisfies the general intent of both the Official Plan and Zoning By-law. Staff do not object to this requested variance.

Tree Protection and Compensation

Staff recommend that the tree related conditions be adopted with any approval of this application, to ensure that the applicant installs the appropriate tree protection barriers, and provides compensation to the City, if necessary. It is also noted that property owners

are required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height of 20.0 cm (7.87 in), or more.

TRCA Comments

The subject property is located within (TRCA)'s Regulated Area as it is within a valley corridor associated with the Rouge River watershed. The TRCA provided comments in a letter dated September 29, 2022 advising that TRCA staff have no objection to this minor variance application, subject to conditions that the Applicant pay the \$875.00 TRCA review fee and obtain a TRCA permit under Regulation 166/06, as amended.

In an email dated October 13, 2022, the TRCA advised that the review has been paid. The condition to require a TRCA permit is included in Appendix 'A'.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 14, 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 have no objection to the proposed building depth variance. Staff however opine, that the requested floor area ratio variance of 54.9% is not appropriate for the site, is not 'minor' and does not maintain the general intent of the zoning by-law.

Should the Committee defer this application, staff will work with the applicant on potentially reducing the floor area ratio further and report back to Committee at a future hearing. Should the Committee see merit approving the application, please refer to Appendix "A" for conditions to be attached to any approval of this application.

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.

PREPARED BY:



Stephen Corr, Senior Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "B"

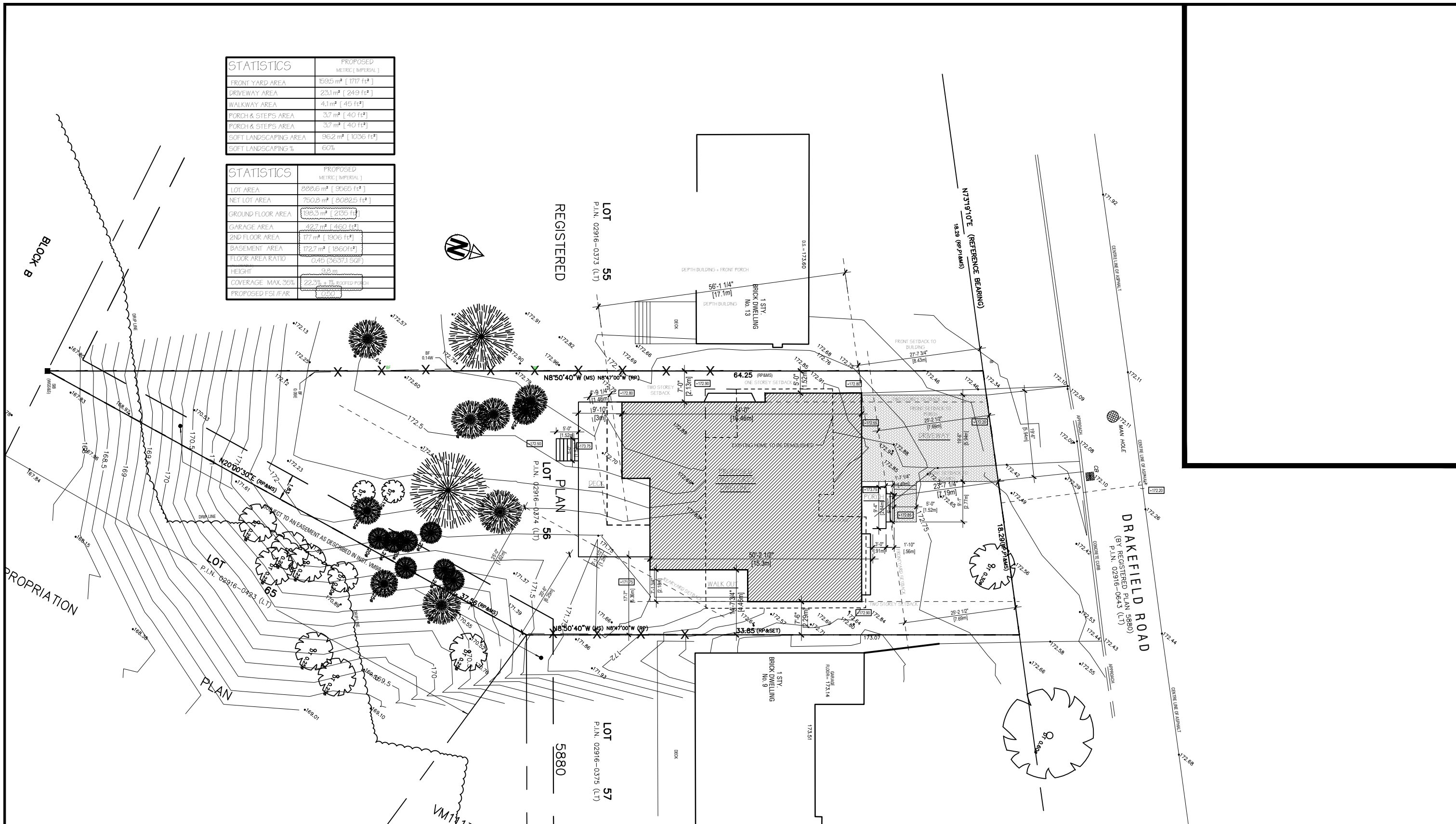
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/153/22

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 C' to this Staff Report and received by the City of Markham on January 17, 2023, 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 City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Manager of By-law Enforcement & Regulatory Services Division 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 in accordance with the City's Streetscape Manual, including 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 Technician or Manager of By-law Enforcement & Regulatory Services Division.
5. That tree replacements be provided and/or tree replacement fees be paid to the City 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 Tree Preservation Technician or Manager of By-law Enforcement & Regulatory Services Division;
6. That the applicant obtains a permit from the Toronto Regionm Conservation Authority (TRCA), as requested in their letter dated September 29, 2022, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA.

CONDITIONS PREPARED BY:



Stephen Corr, Senior Planner II, East District



STATISTICS		PROPOSED
		METRIC (IMPERIAL)
FRONT YARD AREA		159.5 m ² [1717 ft ²]
DRIVEWAY AREA		23.1 m ² [249 ft ²]
WALKWAY AREA		4.1 m ² [45 ft ²]
PORCH & STEPS AREA		3.7 m ² [40 ft ²]
PORCH & STEPS AREA		3.7 m ² [40 ft ²]
SOFT LANDSCAPING AREA		96.2 m ² [1036 ft ²]
SOFT LANDSCAPING %		60%

STATISTICS		PROPOSED
		METRIC (IMPERIAL)
LOT AREA		888.6 m ² [9565 ft ²]
NET LOT AREA		750.8 m ² [8092.5 ft ²]
GROUND FLOOR AREA		198.3 m ² [2135 ft ²]
GARAGE AREA		42.7 m ² [460 ft ²]
2ND FLOOR AREA		177 m ² [1906 ft ²]
BASEMENT AREA		172.7 m ² [1860 ft ²]
FLOOR AREA RATIO		0.45 (363/3.50)
HEIGHT		9.2 m
COVERAGE MAX 35%		22.3% (18.5% COVERED)
PROPOSED FSI/FAR		0.50

NOTE:

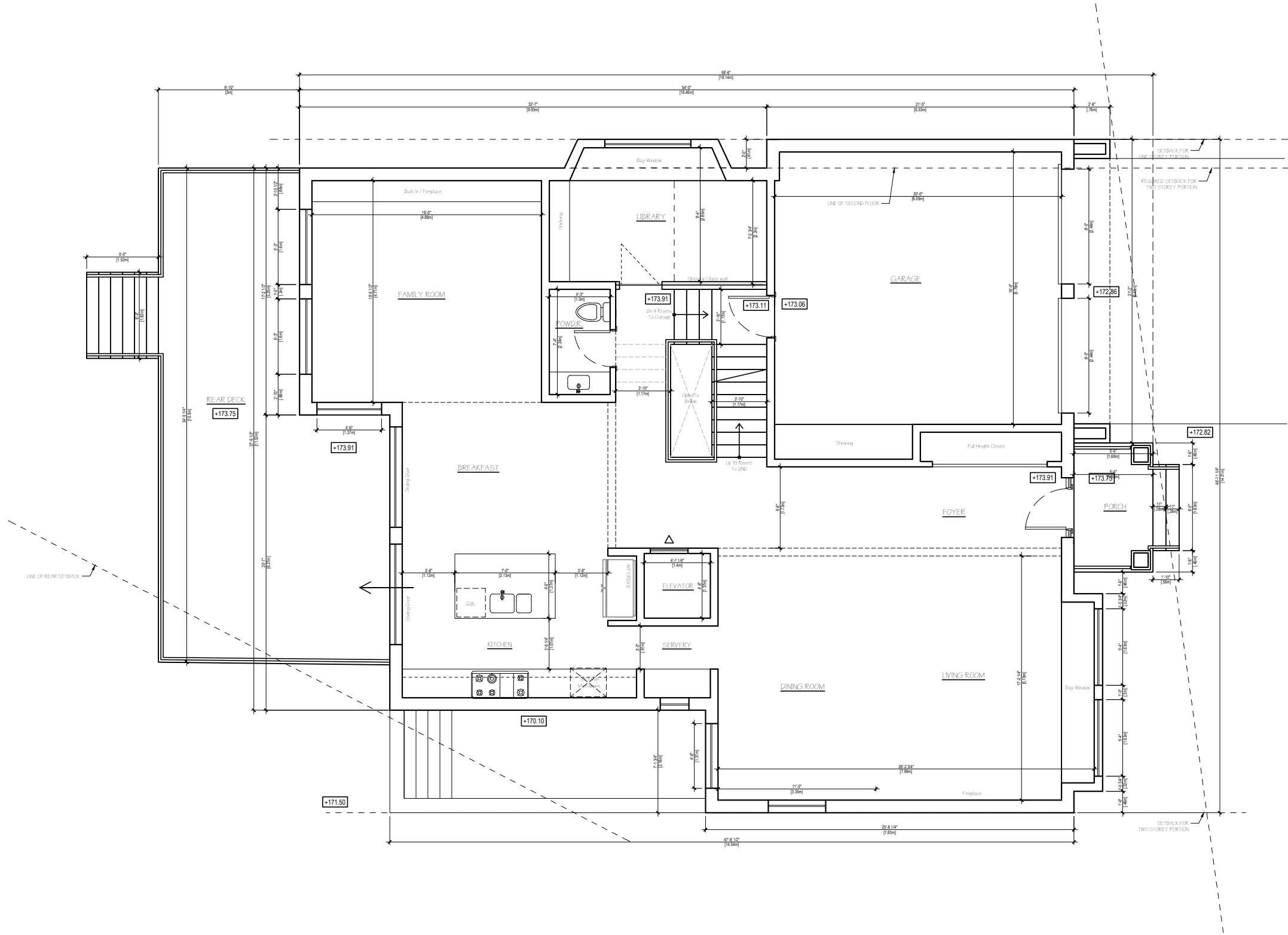
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REVISIONS		
NO.	DATE	DESCRIPTION
1	JULY. 12,22	REV. 1
2	NOV. 9,22	REV. COFA
3	JAN.16,23	REV. COFA
4		

A1.1 Site Plan	
SC: 1/250	
PROJECT	11 DRAKEFIELD RD.
DATE	JUNE 8TH, 2022
CLIENT	G.T.

ALIT DESIGN INC.

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 www.ALITDESIGN.com



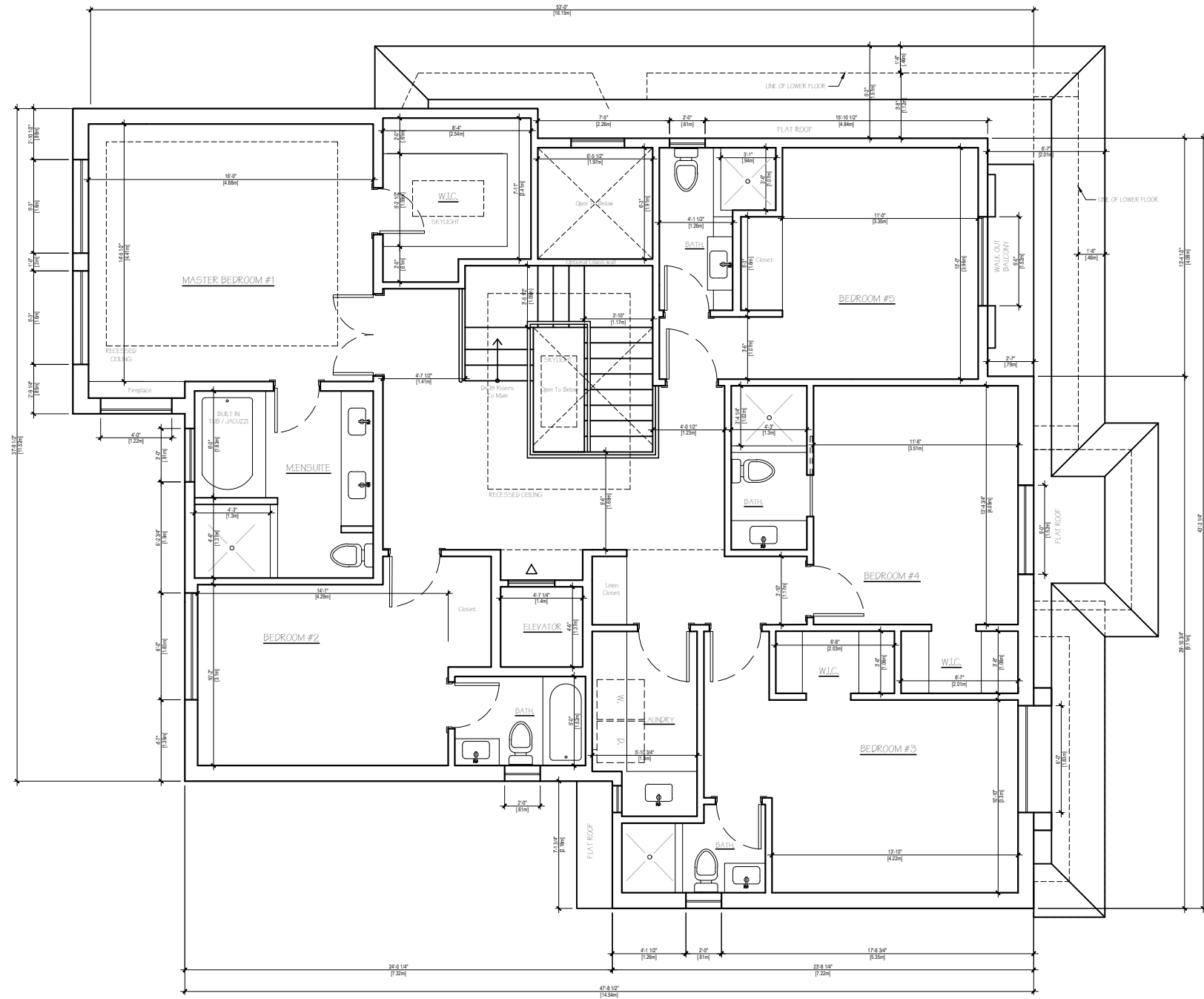
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1	JULY. 12,22	REV. 1
2	NOV. 9,22	REV. COFA
3	JAN.16,23	REV. COFA
4		

A1.2 Ground Floor Plan	
SC: $\frac{1}{8}'' = 1'$	
PROJECT	11 DRAKEFIELD RD.
DATE	JUNE 8TH, 2022
CLIENT	G.T.

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NO.	DATE	DESCRIPTION
1	NOV. 9,22	REV. COFA
2		
3	JAN.16,23	REV. COFA
4		

A1.3 Second Floor Plan

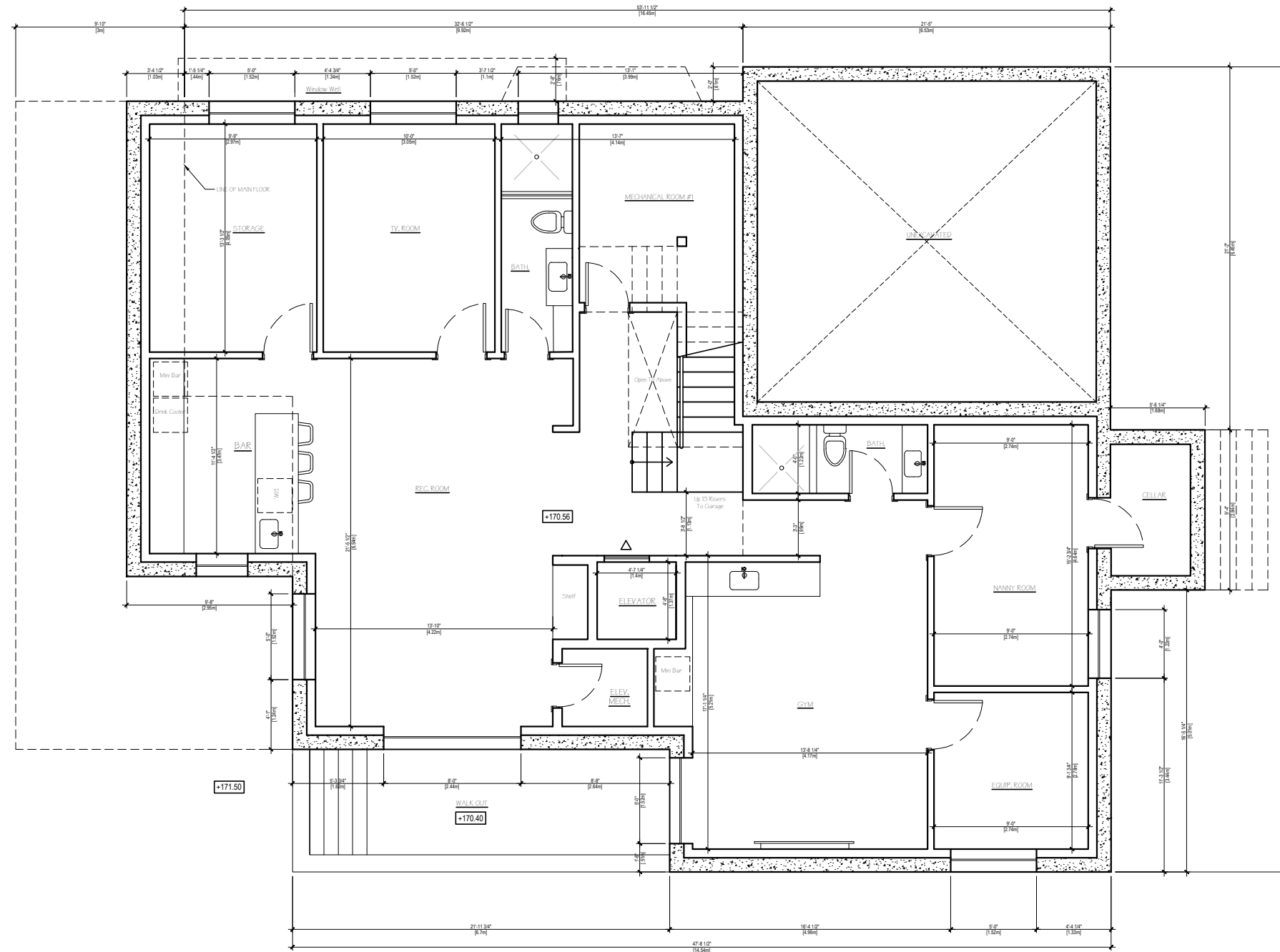
SC: $\frac{1}{8}'' = 1'$

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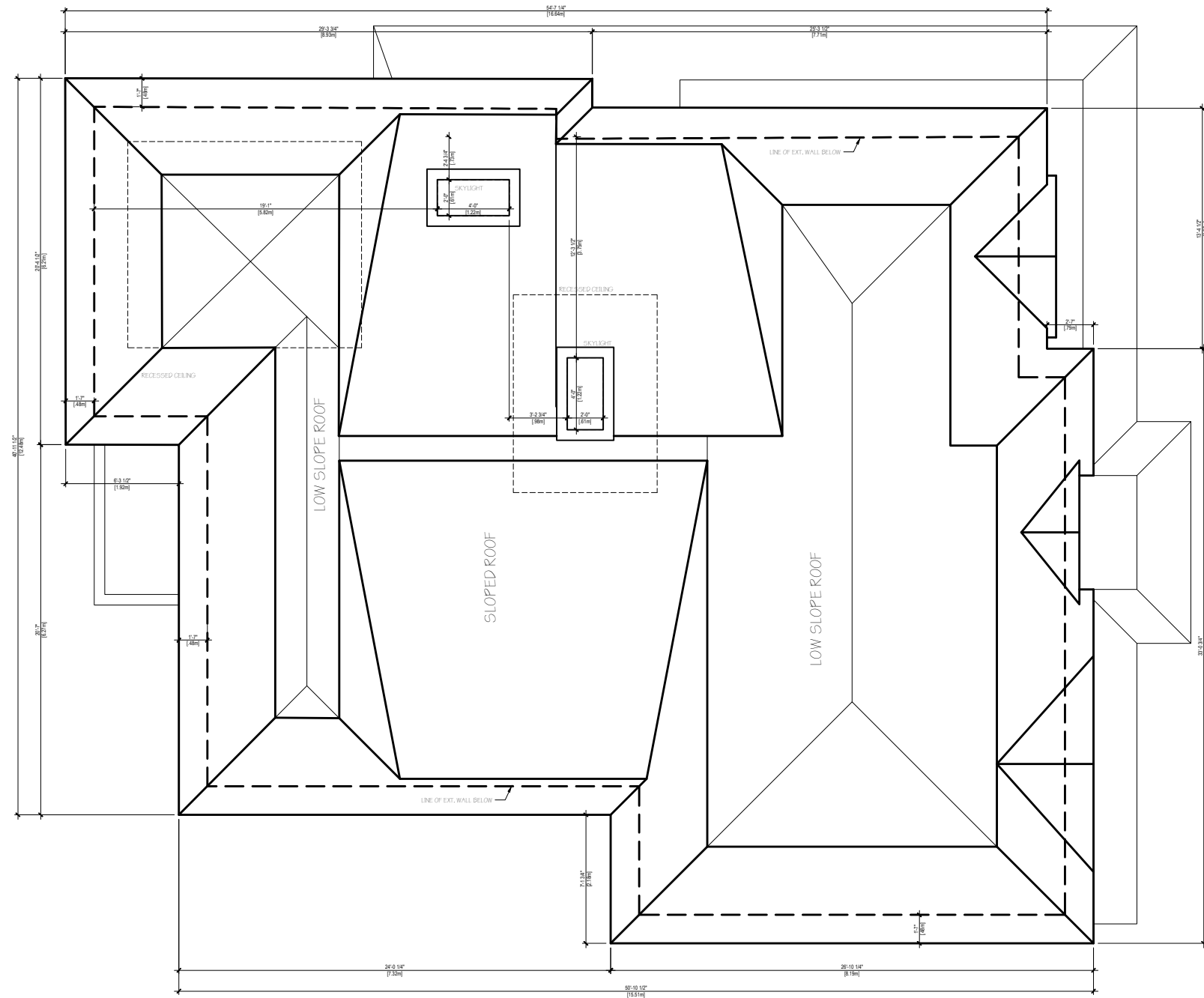
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REVISIONS		
NO.	DATE	DESCRIPTION
1	NOV. 9,22	REV. COFA
2		
3	JAN.16,23	REV. COFA
4		

A1.4 Basement Floor Plan	
SC: 1/8" = 1'	
PROJECT	11 DRAKEFIELD RD.
DATE	JUNE 8TH, 2022
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1	NOV. 9,22	REV. COFA
2		
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4		

A1.5 Roof Plan	
SC: $\frac{1}{8}'' = 1'$	
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4		

A1.6 Main Elevation
 SC: 1/100

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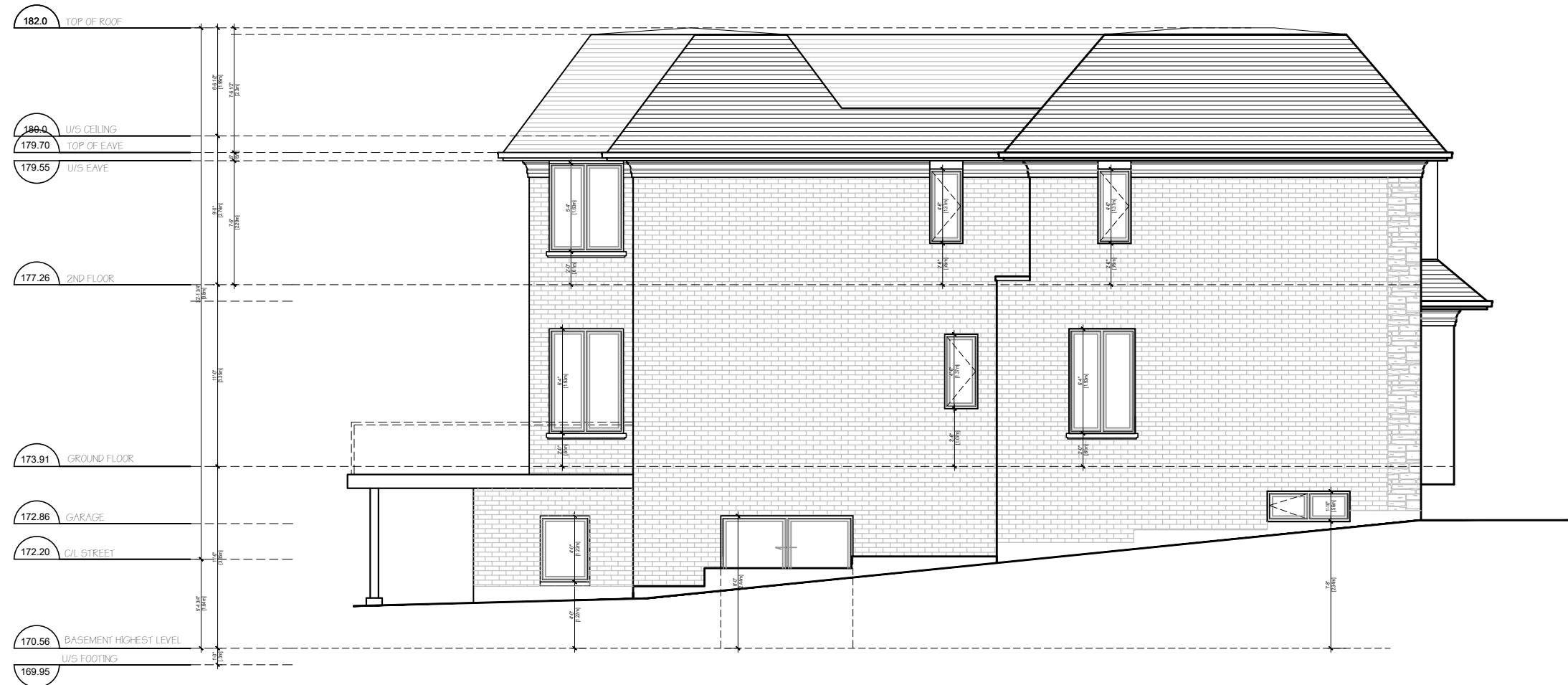
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3	JAN.16,23	REV. COFA
4		

A1.7 Rear Elevation	
SC: 1/100	
PROJECT	11 DRAKEFIELD RD.
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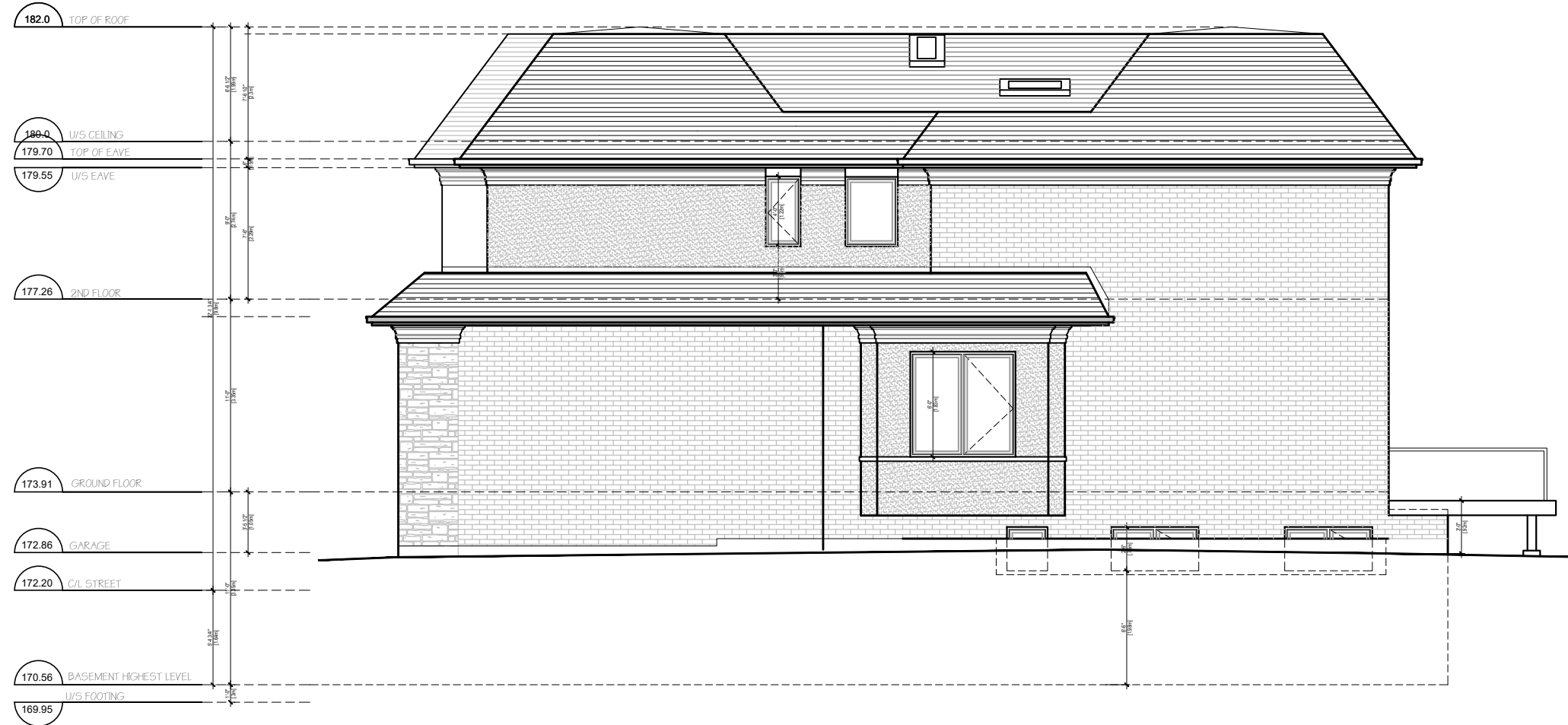
REVISIONS		
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1	JULY. 12,22	REV. 1
2	NOV. 9,22	REV. COFA
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4		

A1.8 East Elevation	
SC: 1/100	
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A1.9 West Elevation
 SC: 1/100

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