

# Memorandum to the City of Markham Committee of Adjustment

February 6, 2019

**File:** A/167/18  
**Address:** 41 Hawkrigde Ave, Markham  
**Applicant:** Jie Zhou  
**Agent:** Vince Emam Jomeh  
**Hearing Date:** Wednesday February 20, 2019

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended:

**a) In-fill By-law 99-90, Sec. 1.2 (vi):**

a maximum floor area ratio (FAR) of 49.96 percent, whereas the By-law permits a maximum FAR of 45 percent; as it relates to a proposed two storey detached dwelling.

The Committee of Adjustment deferred the application on January 23, 2019, due to concerns regarding the roof design of the proposed dwelling. In response to the Committee of Adjustment's comments, the applicant submitted revised drawings on January 30, 2019 (Appendix B2) showing a revised design of the roof and removal of the front balcony. Staff comments dated November 20, 2018 (Appendix 'C2') are still applicable.

### **Zoning Preliminary Review Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 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.

### **PUBLIC INPUT SUMMARY**

As of February 6, 2019 the City received 1 letter expressing concerns over the massing of the proposed dwelling. 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.

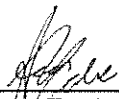
### **CONCLUSION**

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 variance request meets the four tests of the Planning Act. 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 see Appendix "A2" for conditions to be attached to any approval of this application.

PREPARED BY:



\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



\_\_\_\_\_  
Stacia Muradali, Senior Planner, East District

File Path: Amanda\File\ 18 254581 \Documents\District Team Comments Memo

Appendices

Appendix A2 – Conditions

Appendix B2 – Plans

Appendix C2 – Staff Report (January 23, 2019 & November 20, 2018)

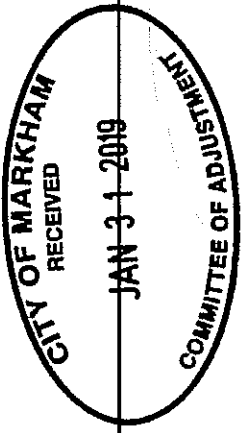
**APPENDIX "A2"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/167/18**

1. That the front and rear balcony remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B2' to this Staff Report received by the City of Markham on *January 31, 2019* 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;
4. 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 Director of Operations 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;
5. 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 Director of Operations;
6. 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 Director of Operations;

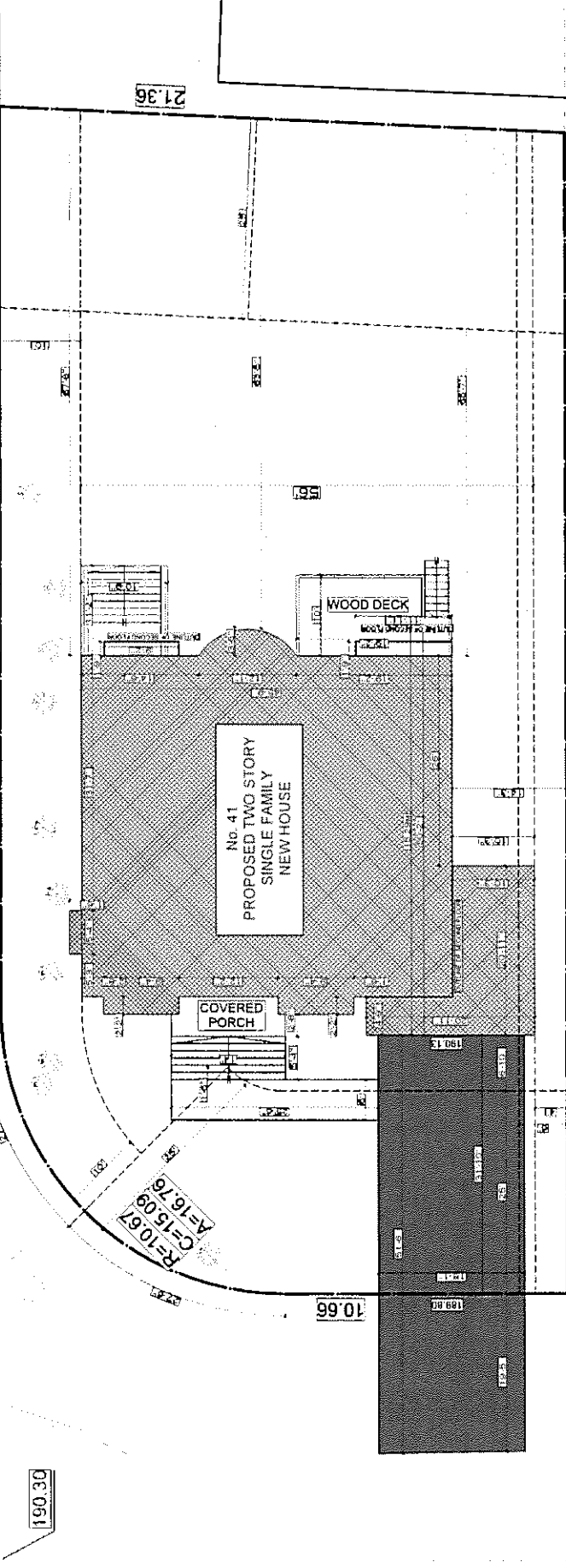
CONDITIONS PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects



LOT AREA: 9910SQFT/920.87 SQ. FT.		LOT COVERAGE: 23.96%		NET FLOOR AREA RATIO: 49.96%	
GFA	GRT FLOOR INCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	TOTAL GFA
2271 SF	2271 SF	1853 SF	234 SF	419 SF	3705 SF
TOTAL					
					23.96%

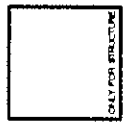
6600+(9910-6600/2)=8255sqft  
GROUND FLOOR(Including Garage)+SECOND FLOOR=4124sqft  
4124sqft / 8255sqft = %49.96



DATE: NOVEMBER 2019	ISSUED FOR: FOR BUILDING PERMIT	DRAWING TITLE: SITE PLAN	A.01
		PROJECT TITLE/ADDRESS: 41 HAWKRIIDGE AVENUE, MARKHAM ON	
		SCALE: 1:150	
		LAST MODIFIED ON: JANUARY 31, 2019	
		DRAWN BY: V/E	
<p>THE UNDERSIGNED HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THIS DESIGN AND FOR THE CALCULATIONS AND ASSUMPTIONS THEREON.                  VALERIE ELAM JOMAH BCIN # 48213                  PRICHOUE DESIGN INC. BCIN # 102230</p>			
FOR STRUCTURAL ONLY			

THE UNDERSIGNED HAVE REVIEWED AND MADE REVISIONS TO THE DRAWING AND ALL THE CONDITIONS AND SPECIFICATIONS AND MADE THE REVISIONS SET OUT IN THE NOTING BLOCKS REFER TO BE REVISIONS.

NAME: MARKUS BILAU ZONER BOB M. HILL  
 FIRM: PROVENCE DESIGN INC. BOB L. LUDEN  
*Bob Hill*



ALL COMMENTS AND REVISIONS ARE TO BE MADE IN THE NOTING BLOCKS AND NOT IN THE DRAWING. ALL COMMENTS MUST BE MADE IN THE NOTING BLOCKS AND NOT IN THE DRAWING. ALL COMMENTS MUST BE MADE IN THE NOTING BLOCKS AND NOT IN THE DRAWING. ALL COMMENTS MUST BE MADE IN THE NOTING BLOCKS AND NOT IN THE DRAWING.

PROJECT TITLE/ADDRESS  
 41 HAWKBRIDGE AVENUE  
 MARKHAM, ON

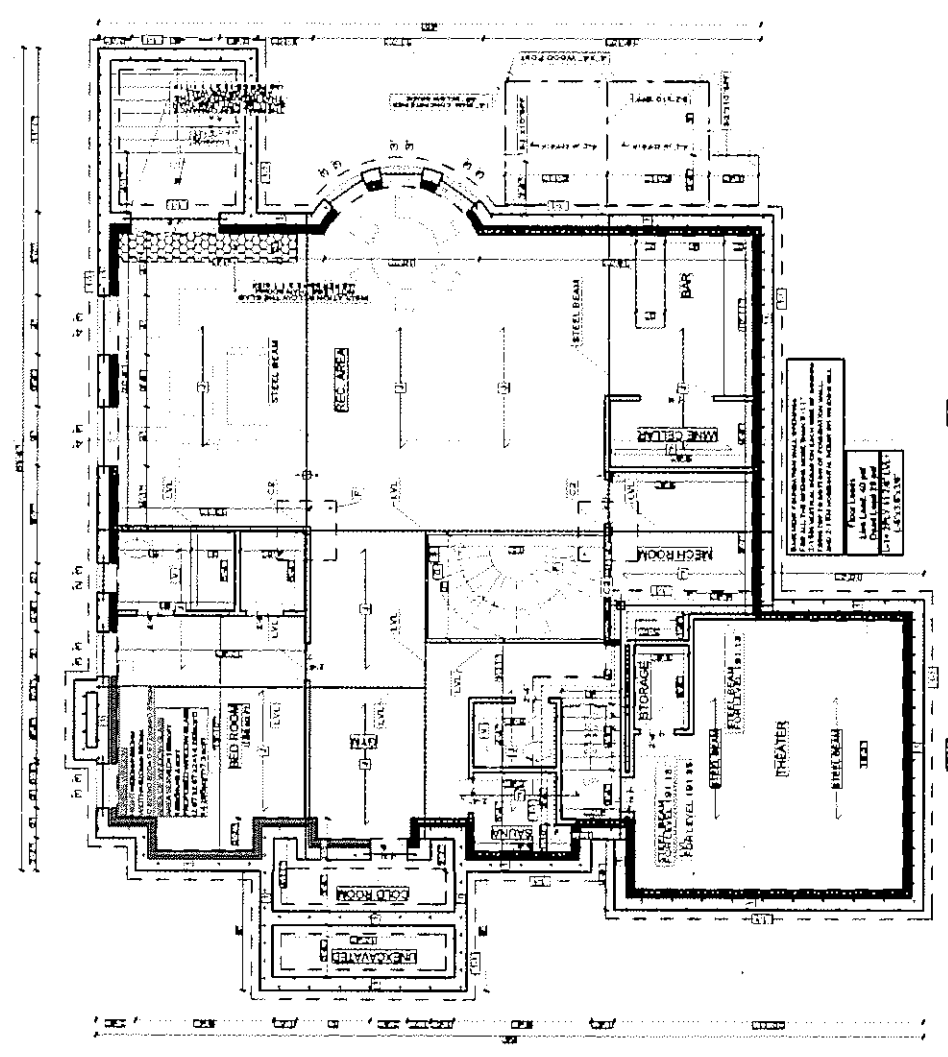
DRAWING TITLE  
**BASEMENT**

SCALE 1/8" = 1'-0"

CREATED BY: VE CHKOBY  
 VE

LAST MODIFIED ON:  
 JANUARY 31, 2019

A.02



ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MARKHAM BY-LAW 671, 2006, AND THE MARKHAM ZONING BY-LAW 629, 2006. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MARKHAM BY-LAW 671, 2006, AND THE MARKHAM ZONING BY-LAW 629, 2006. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MARKHAM BY-LAW 671, 2006, AND THE MARKHAM ZONING BY-LAW 629, 2006.

THE DRAWERMAN HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE ACCURACY OF THE DRAWING. THE DRAWERMAN HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE ACCURACY OF THE DRAWING. THE DRAWERMAN HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE ACCURACY OF THE DRAWING.

NAME: [Redacted]  
 HOUSE NO. [Redacted]  
 PROJECT DESIGN NO. [Redacted]  
 FIRM [Redacted]



ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. THE DRAWING IS TO BE USED FOR PERMITTING PURPOSES ONLY. ALL DIMENSIONS SPECIFIED IN THIS DRAWING ARE TO FACE UNLESS OTHERWISE NOTED. THE DRAWING IS TO BE USED FOR PERMITTING PURPOSES ONLY.

DATE: [Redacted]  
 DESIGNED FOR: [Redacted]  
 DRAWN BY: [Redacted]

PROJECT TITLE/ADDRESS:  
 41 HAWKRIDGE AVENUE MARKHAM, ON

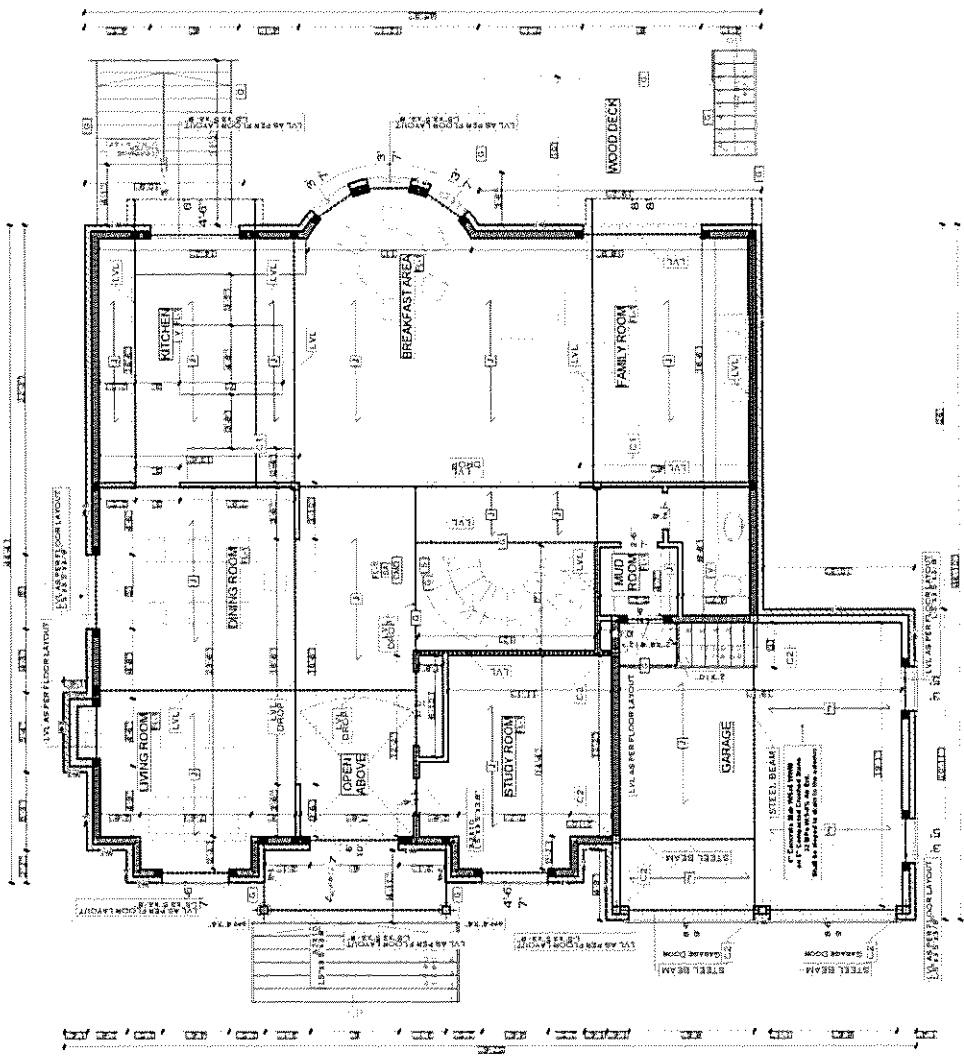
DRAWING TITLE:  
 GROUND FLOOR

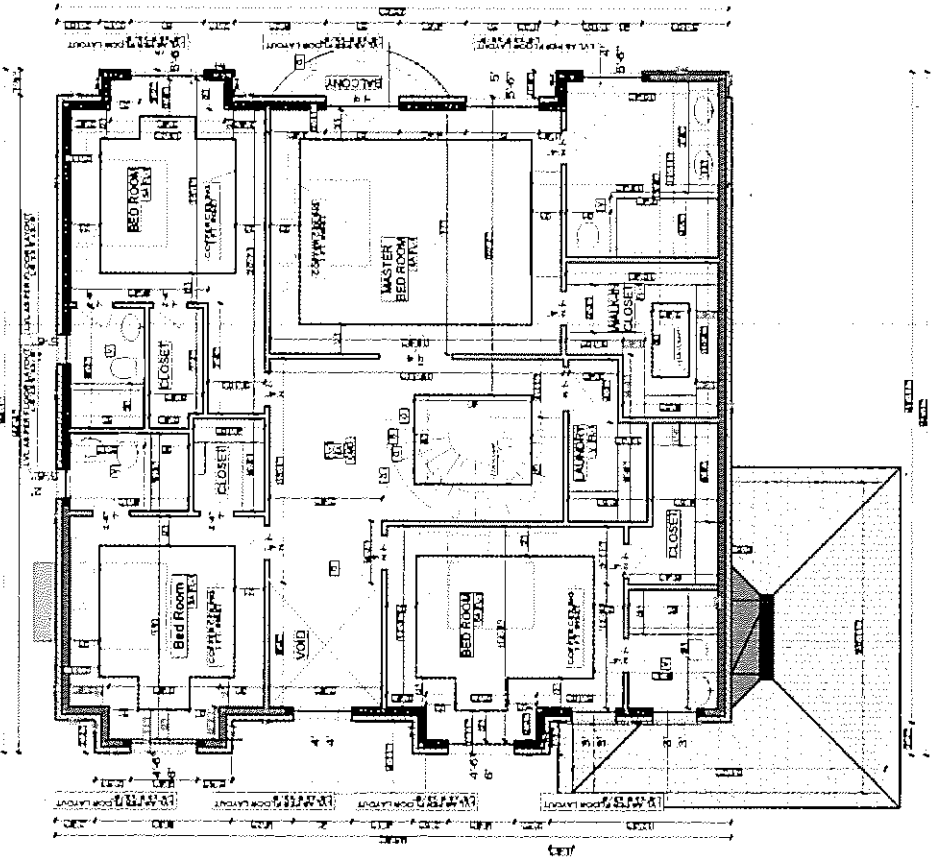
SCALE: 1/8" = 1'-0"

DRAWN BY: VE  
 CHECKED BY: VE

LAST MODIFIED ON:  
 JANUARY 31, 2019

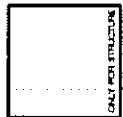
A.03





THE UNDERSIGNED HAS REVIEWED AND FOUND THIS DRAWING TO BE IN ACCORDANCE WITH THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE COMPLIANT.

NAME: YUSUF ALI JOSEPH REG. NO. 42111  
 FIRM: PROVINCIAL DESIGN INC. REG. NO. 11222



ALL DIMENSIONS AND CONSTRUCTION SHALL BE AS SHOWN ON THIS DRAWING UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.

PROJECT TITLE/ADDRESS  
**41 HAWKRIDGE AVENUE MARKHAM, ON**

DRAWING TITLE  
**SECOND FLOOR**

SCALE: **1/8" = 1'-0"**

DRAWN BY: **VE**  
 CHECKED BY: **VE**

LAST MODIFIED ON  
**JANUARY 31, 2019**

**A.04**

THE UNDERSIGNED HAS REVIEWED AND TAKES NOTICE THAT THE DRAWINGS AND SPECIFICATIONS HEREON HAVE BEEN PREPARED BY THE ARCHITECT OR ENGINEER OR PROFESSIONAL CONSULTANT IN THE PROFESSION OF ARCHITECTURE, ENGINEERING OR PROFESSIONAL CONSULTING IN THE PROVINCE OF ONTARIO IN ACCORDANCE WITH THE REQUIREMENTS OF THE REGULATION OF PROFESSIONS ACT AND THE REGULATIONS THEREUNDER.

NAME: MAHMOUD ELAMAM JAWHAR, BORN 04/04/1977, BORN IN EGYPT

FIRM: PROHOME DESIGN INC., BORN IN 2012, 1221222

PROFESSION: ARCHITECT



ONLY FOR STRUCTURE

ALL DIMENSIONS AND COORDINATES ARE PRELIMINARY AND SUBJECT TO CHANGE. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND MUNICIPALITY OF MARKHAM. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND MUNICIPALITY OF MARKHAM. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND MUNICIPALITY OF MARKHAM.

DATE: ISSUED FOR: BUILDING PERMITS

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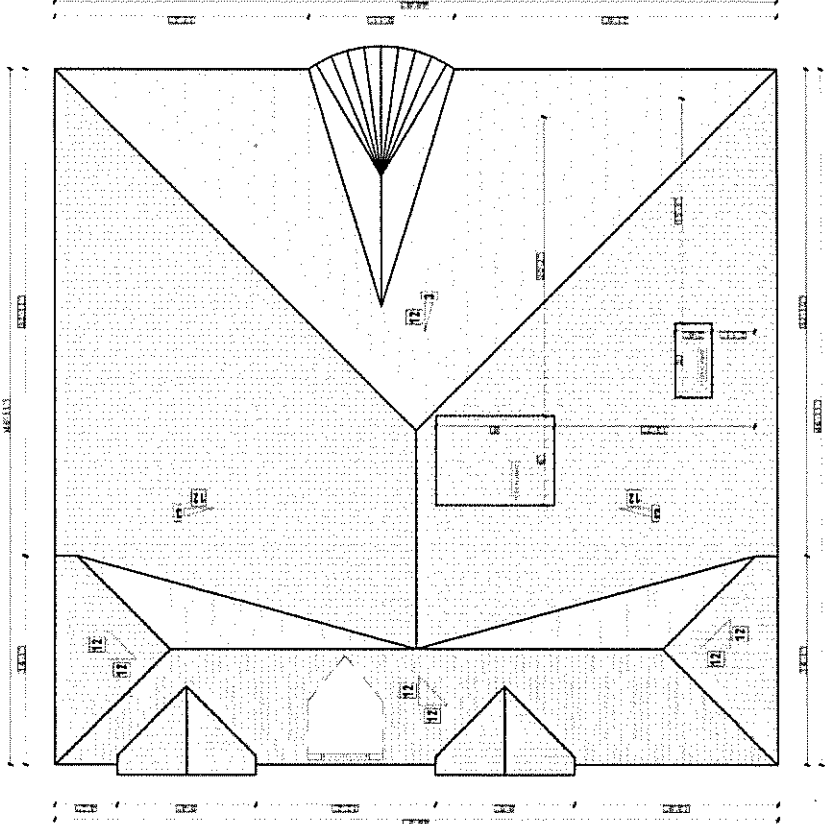
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SCALE: 1/8" = 1'-0"

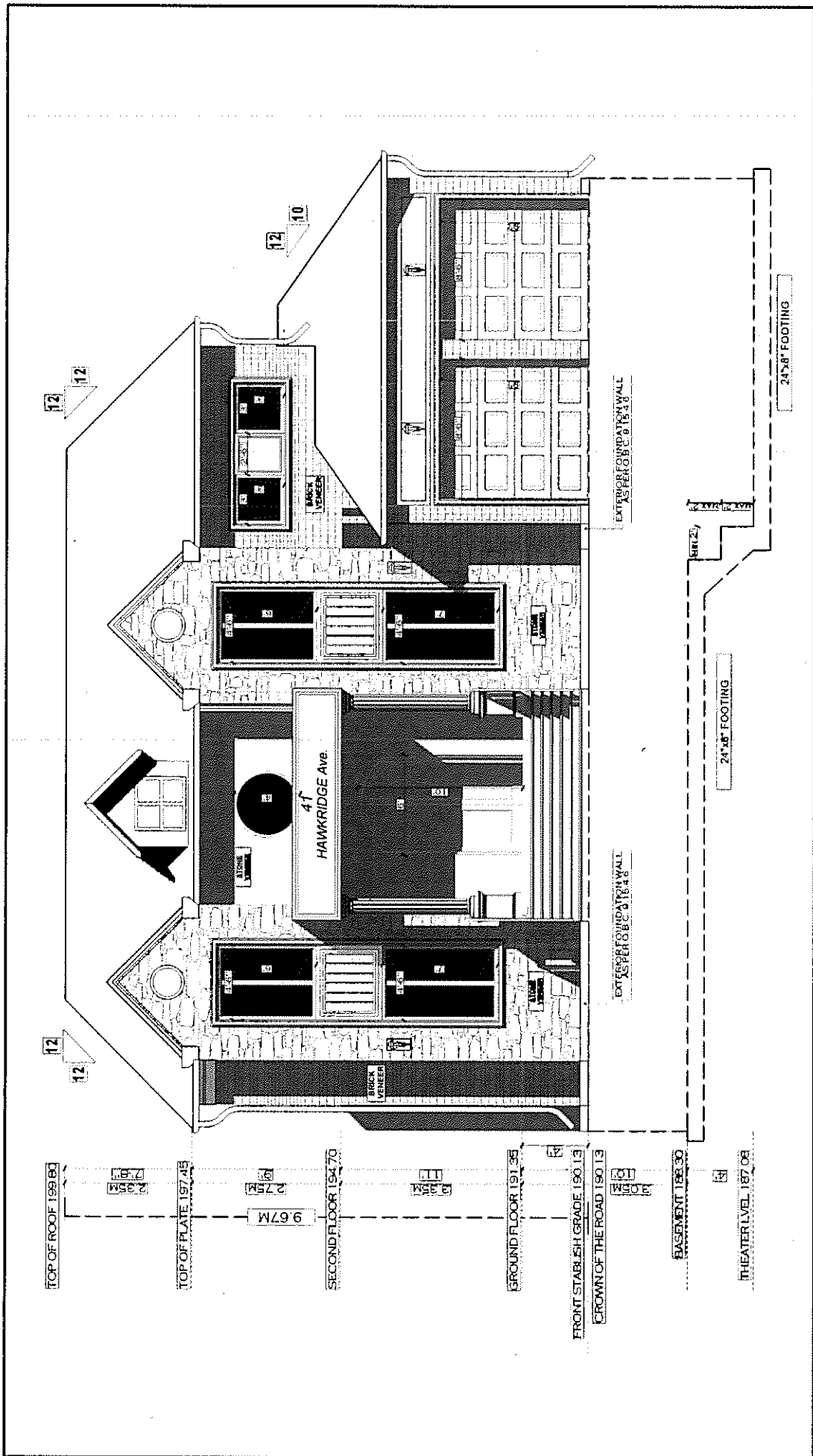
DRAWN BY: VE

LAST MODIFIED ON: JANUARY 31, 2019

A.05

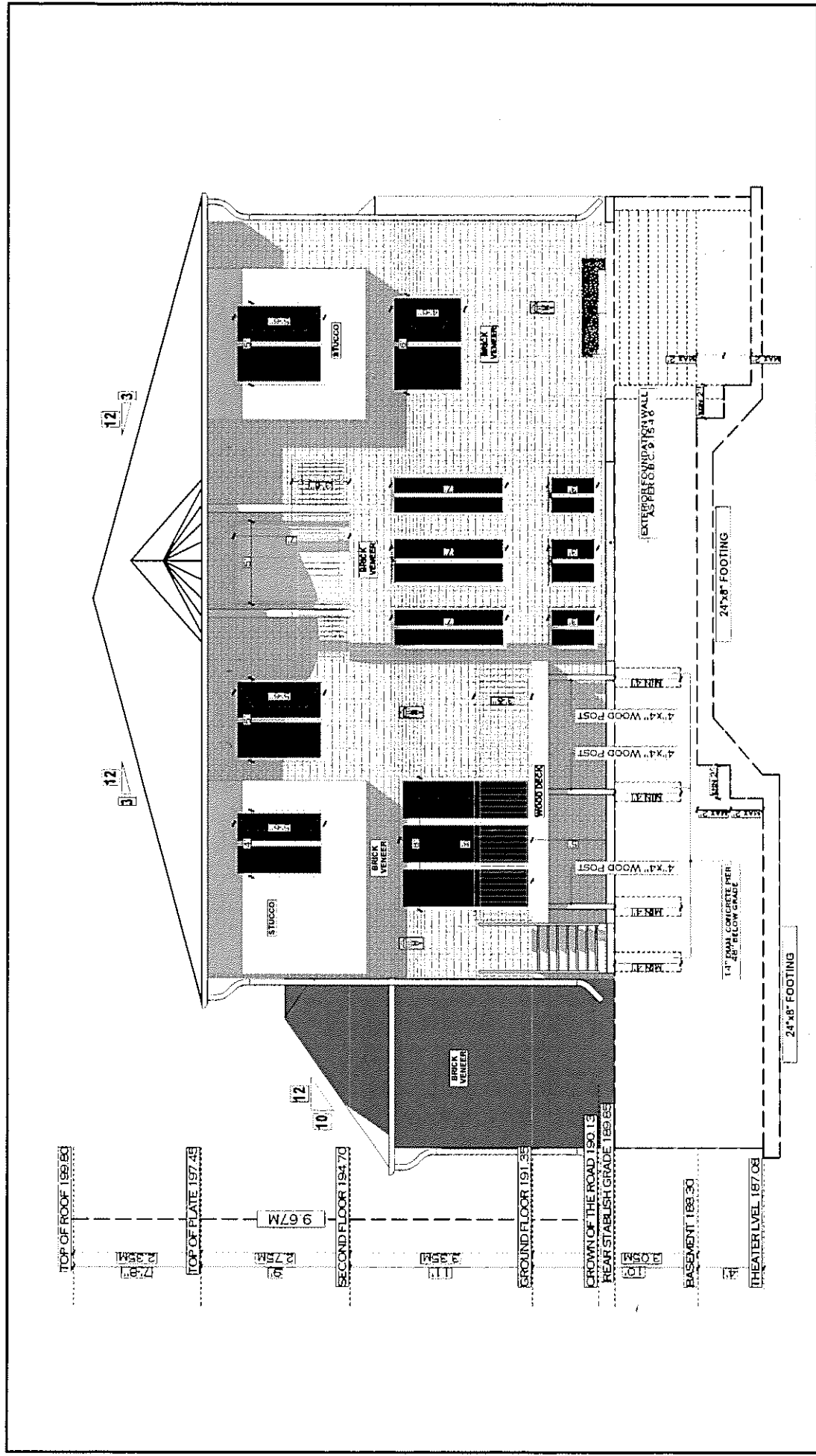




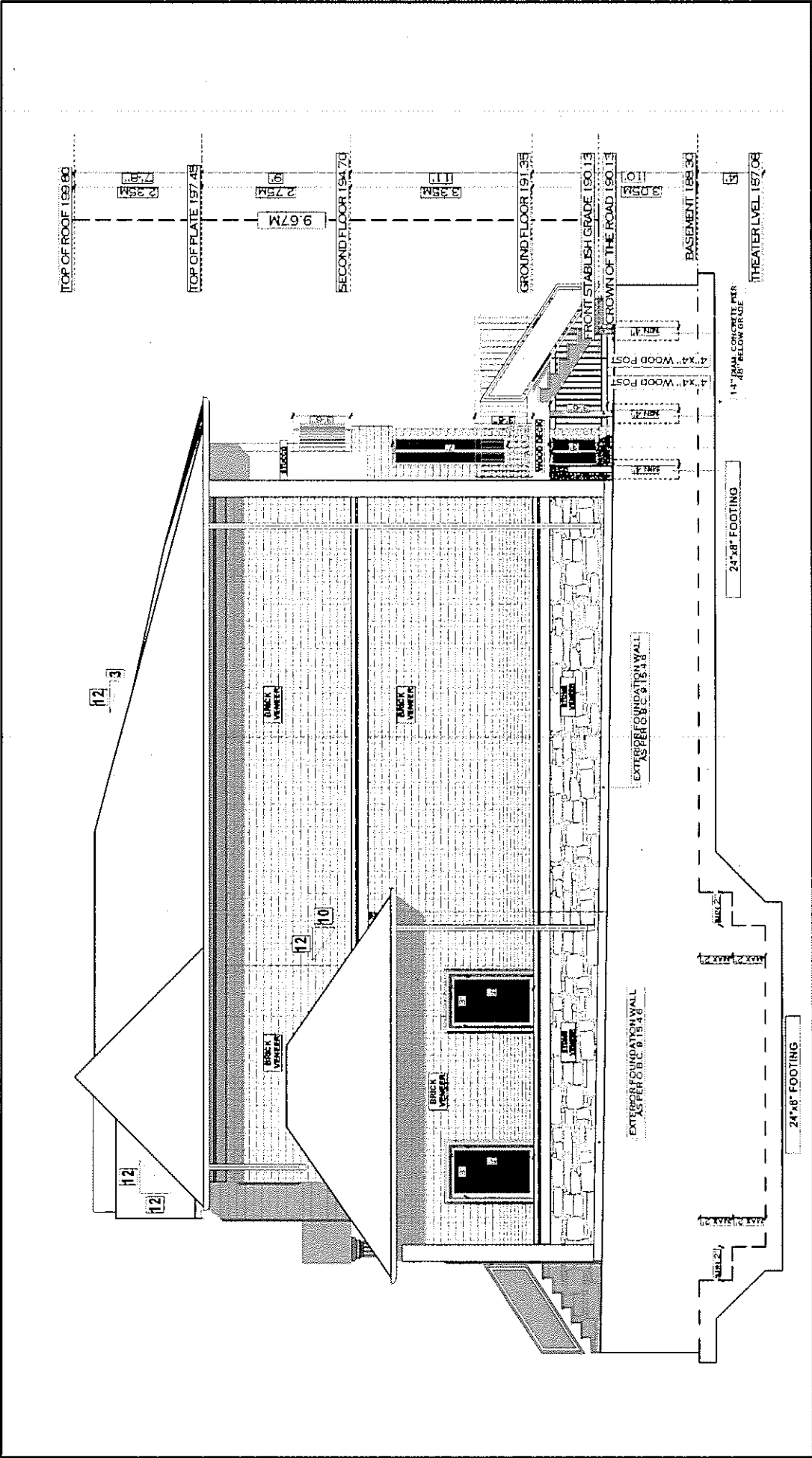


DATE	ISSUED FOR:	FOR BUILDING PERMIT	FOR STRUCTURE ONLY
PROJECT NO. #	PROJECT TITLE:	FRONT ELEVATION	
SCALE:	3/16" = 1'-0"		
DRAWN BY:	V.E.		
PROJECT TITLE/ADDRESS:	41 HAWKRIDGE AVENUE, MARKHAM, ON		
LAST MODIFIED ON:	JANUARY 31, 2019		
THE UNDERSIGNED HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION SET OUT IN THE ATTACHED BUILDING CODE TO BE USED IN ACCORDANCE WITH THE BUILDING ACT AND REGULATIONS.			
VANDI DILAM JONHEI    BCN # 48213    P. 1/1 PROJECT DESIGNING:    BCN # 102220			

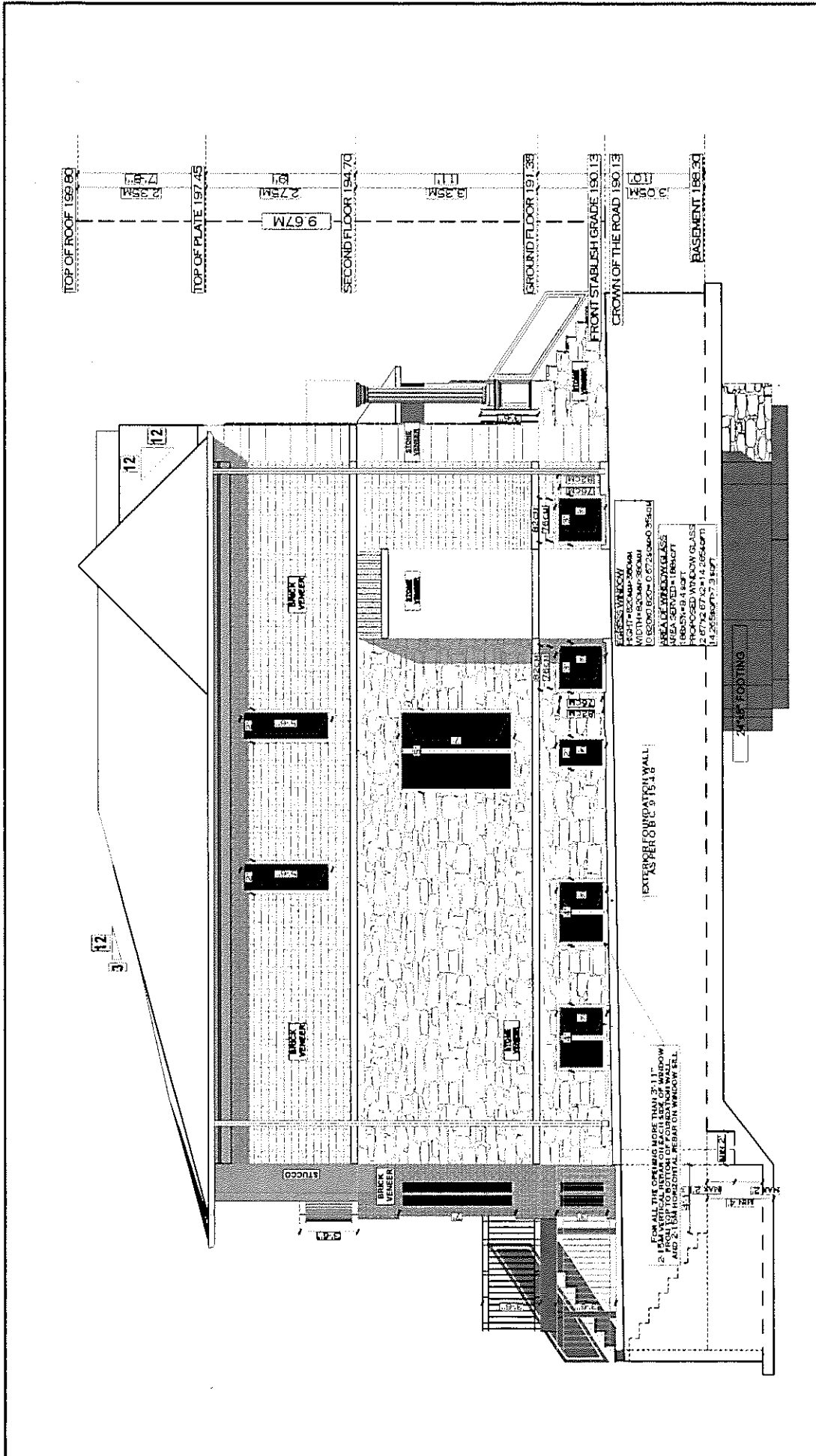
A.06



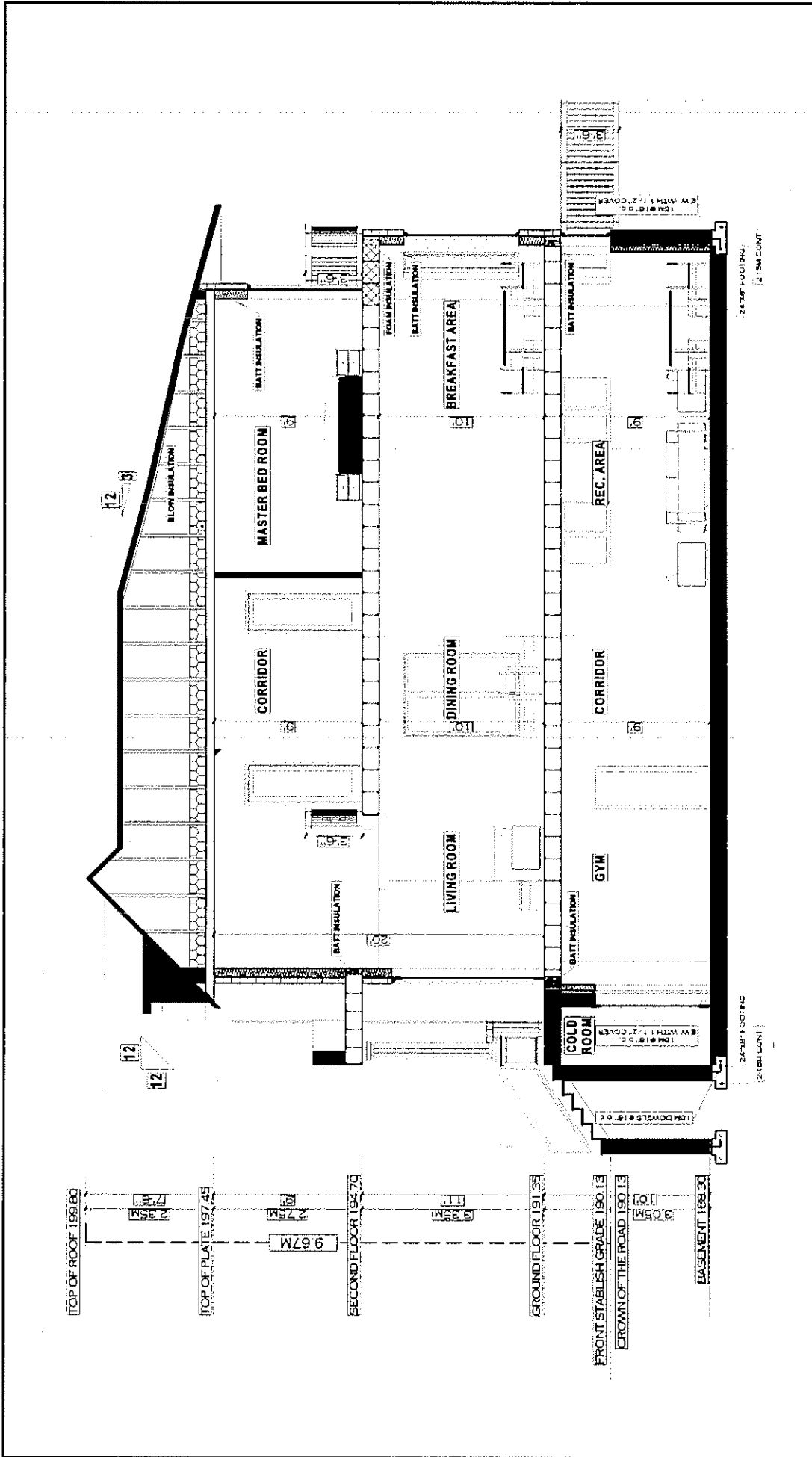
DATE: NOVEMBER 2018 ISSUED FOR: FOR BUILDING PERMIT		DRAWING TITLE: REAR ELEVATION PROJECT TITLE/ADDRESS: 41 HAWKRIDGE AVENUE, MARKHAM ON	
SCALE: 3/16" = 1'-0" LAST MODIFIED ON: JANUARY 31, 2018		DRAWN BY: V.E.	
THE UNDERSIGNED HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION SET OUT IN THE DRAWING IN ACCORDANCE WITH THE ONTARIO BUILDING CODE TO BE OBSERVED.		VARD ELMAR JOMEDI - BCIN # 48213 PROHOME DESIGN INC. - BCIN # 102220	
FOR STRUCTURE ONLY			



DATE: NOVEMBER 2019		ISSUED FOR: FOR BUILDING PERMIT		DRAWING TITLE: SIDE ELEVATION		PROJECT TITLE/ADDRESS: 41 HAWKRIE AVENUE, MARKHAM, ON		A.08	
SCALE: 3/16" = 1'-0"		LAST MODIFIED ON: JANUARY 31, 2019		DRAWN BY: V.E.		THE UNDERSIGNED HAVE REVIEWED AND TAKEN RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN AND I AM NOT PROVIDING THIS INFORMATION AS AN INSURANCE OR AS A GUARANTEE.		FOR STRUCTURE ONLY	
VAHD ELWAN JOMISH		BCIN # 45213		PRICHROME DESIGN INC.		BCIN # 102220			



DATE: FEBRUARY 2019	ISSUED FOR: FOR BUILDING PERMIT	DRAWN BY: V.E.	SCALE: 3/16" = 1'-0"	DRAWING TITLE: SIDE ELEVATION	A.09
			LAST MODIFIED ON: JANUARY 31, 2019	PROJECT TITLE/ADDRESS: 41 HAWKCRIDGE AVENUE, MARKHAM ON	
THE UNDERSIGNED HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THIS DRAWING AND THE BUILDING PERMIT APPLICATIONS AND RECORDS THEREON. VARD EDUARD JOSEPH    BCIN # 48213  PROFESSIONAL DESIGNER    BCIN # 100220					
FOR INFORMATION ONLY					



DATE: NOVEMBER 18, 2018		ISSUED FOR: FOR BUILDING PERMIT	DRAWING TITLE: SECTION		A.10
FOR STRUCTURE ONLY			PROJECT TITLE/ADDRESS: 41 HAWKRIDGE AVENUE, MARKHAM, ON		
SCALE: 3/16" = 1'-0"		DRAWN BY: VE		LAST MODIFIED ON: JANUARY 21, 2018	
THE UNDERSIGNED HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION SET OUT IN THE CERTIFIED BUILDING CODE TO BE DESIGNER VAHE EDJAN JONKH    BCIN # 48213  PROHOME DESIGN INC.    BCIN # 102220					

## Memorandum to the City of Markham Committee of Adjustment

December 10, 2018

File: A/167/18  
 Address: 41 Hawkridge Ave, Markham  
 Applicant: Jie Zhou  
 Agent: Vince Emam Jomeh  
 Hearing Date: Wednesday January 23, 2019

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended:

a) In-fill By-law 99-90, Sec. 1.2 (vi):

a maximum floor area ratio (FAR) of 49.96 percent, whereas the By-law permits a maximum FAR of 45 percent; as it relates to a proposed two storey detached dwelling.

### Comments

The Committee of Adjustment deferred the application on November 28, 2018, due to concerns regarding the size of the proposed dwelling. In response to the Committee of Adjustment's comments, the applicant submitted revised drawings on December 06, 2018 (Appendix 'B1') showing a reduced height of the front balcony roof and reduced floor area ratio. The applicant is requesting relief to permit a floor area ratio of 49.96 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. This is a reduction from the original request for a floor area ratio of 51.62 percent. The variance will facilitate the construction of a two-storey detached dwelling with a total floor area of approximately 383.15 m<sup>2</sup> (4,124.2 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 345.11 m<sup>2</sup> (3714.75 ft<sup>2</sup>). This represents an increase of approximately 38.04 m<sup>2</sup> (409.45 ft<sup>2</sup>). Staff's comments dated November 20, 2018 (Appendix 'C1') remain applicable.

### Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 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.

**PUBLIC INPUT SUMMARY**

As of December 10, 2018, the City received 1 letter expressing concerns over the massing of the proposed dwelling. 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. Staff are of the opinion that the variance request for floor area ratio meets the four tests of the Planning Act and, 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects  
REVIEWED BY:

  
\_\_\_\_\_  
Stacia Muradali, Senior Planner, East District  
File Path: Amanda\File\ 18 254581 \Documents\District Team Comments Memo

- Appendices  
Appendix A1 – Conditions  
Appendix B1 – Plans  
Appendix C1 – Staff Report (November 20, 2018)

**APPENDIX "A1"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/167/18**

1. That the front and rear balcony remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report received by the City of Markham on December 05, 2018 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.
4. 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 Director of Operations 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.
5. 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 Director of Operations.
6. 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 Director of Operations;

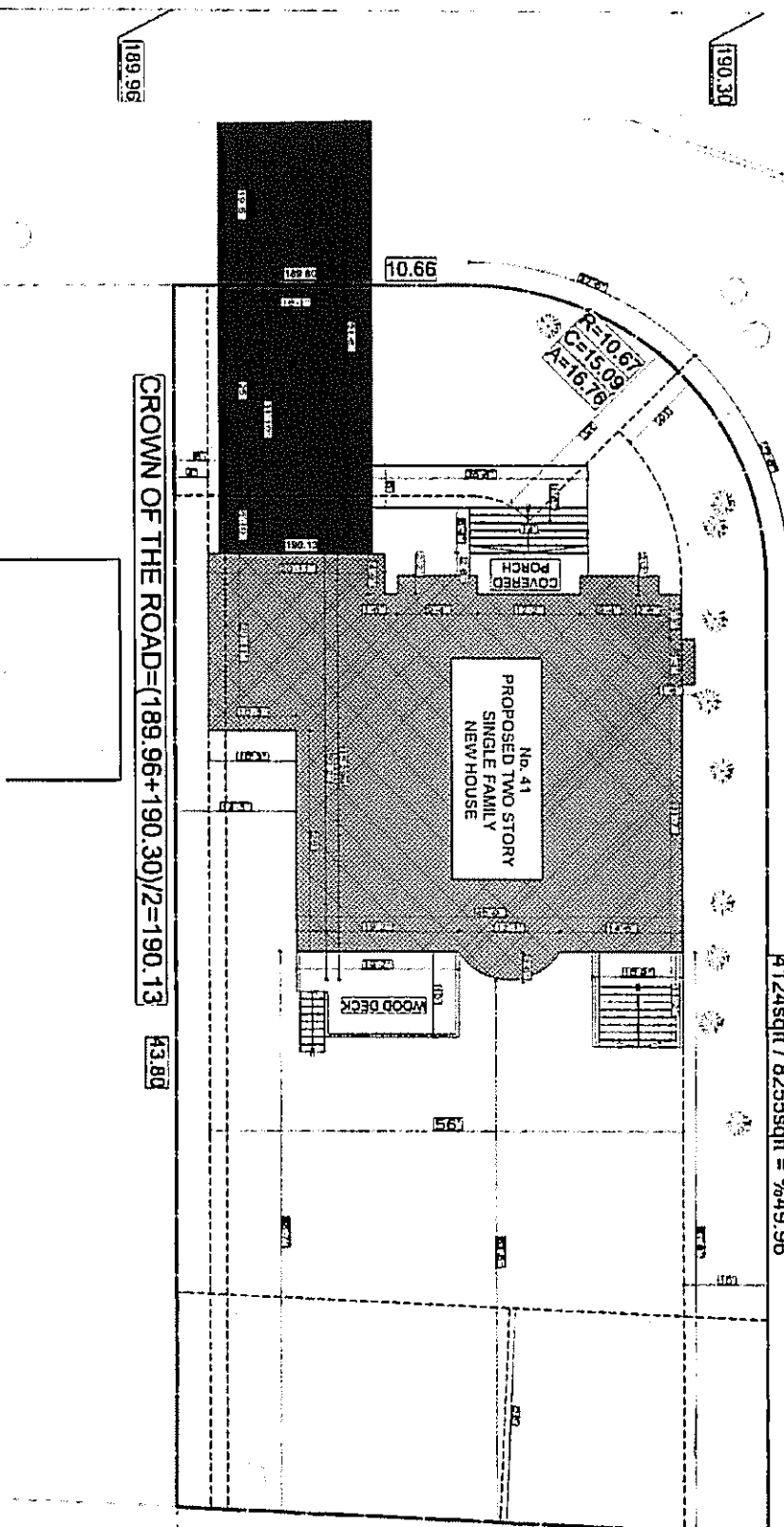
CONDITIONS PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects



CITY OF WINDSOR  
RECEIVED  
DEC 05 2018  
COMMITTEE OF ADJUSTMENT

**APPENDIX B**



LOT AREA	LANDSCAPE	LOT COVERAGE	ZONING	NET FLOOR AREA RATIO	40 DEN
8255	23.1%	18.8%	R-10	118 FT <sup>2</sup>	N
4124				57.9 FT <sup>2</sup>	2.1 DEN

$6600 + (9910 - 6600 / 2) = 8255 \text{ sqft}$   
 GROUND FLOOR (including Garage) + SECOND FLOOR = 4124 sqft  
 4124 sqft / 8255 sqft = %49.96

DATE: \_\_\_\_\_

DESIGNED FOR: \_\_\_\_\_

FOR: \_\_\_\_\_

PROJECT NO.: \_\_\_\_\_

DATE: \_\_\_\_\_

SCALE: \_\_\_\_\_

DATE: \_\_\_\_\_



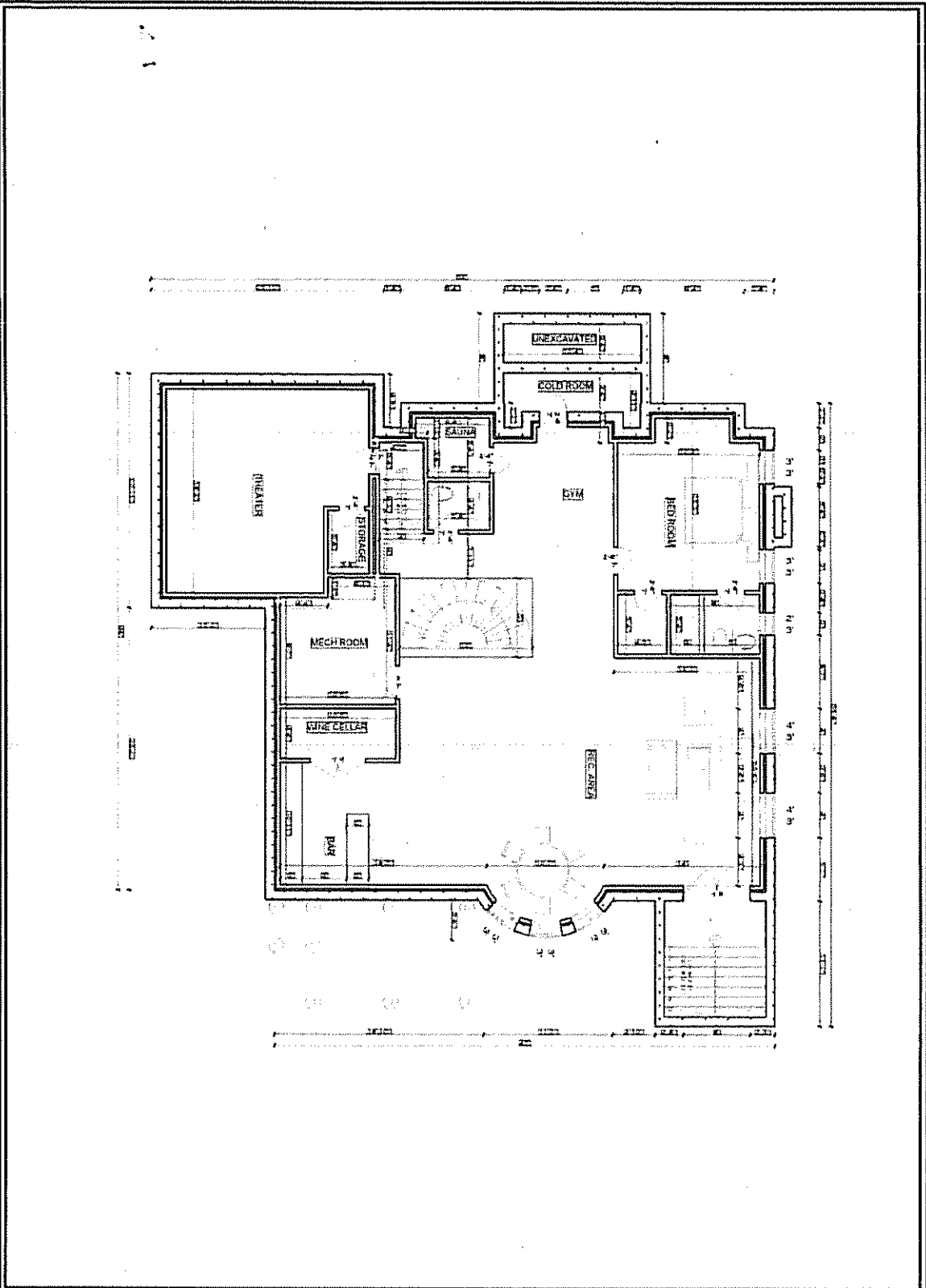
SCALE: 1:150

DATE: OCTOBER 8, 2018

SITE PLAN

41 LAWRIDGE AVENUE, WINDSOR, ON

A.01



PROHOME INC. 1000 SHEPPARD AVENUE EAST, SUITE 1000, SCARBOROUGH, ONTARIO M1S 1W2  
 TEL: (416) 291-1111 FAX: (416) 291-1112  
 WWW.PROHOMEINC.COM

PROJECT: 1000 SHEPPARD AVENUE EAST, SUITE 1000, SCARBOROUGH, ONTARIO M1S 1W2  
 DRAWING NO: 1000 SHEPPARD AVENUE EAST, SUITE 1000, SCARBOROUGH, ONTARIO M1S 1W2

DATE: 10/15/2018

PROJECT TITLE: 1000 SHEPPARD AVENUE EAST, SUITE 1000, SCARBOROUGH, ONTARIO M1S 1W2  
 DRAWING TITLE: BASEMENT

SCALE: 1:96

DESIGNER: CAROLBI

CHECKER: VE

DATE: 10/15/2018

PROJECT TITLE: 1000 SHEPPARD AVENUE EAST, SUITE 1000, SCARBOROUGH, ONTARIO M1S 1W2

DRAWING TITLE: BASEMENT

SCALE: 1:96

DESIGNER: CAROLBI

CHECKER: VE

DATE: 10/15/2018

PROJECT TITLE: 1000 SHEPPARD AVENUE EAST, SUITE 1000, SCARBOROUGH, ONTARIO M1S 1W2

DRAWING TITLE: BASEMENT

SCALE: 1:96

DESIGNER: CAROLBI

CHECKER: VE

DATE: 10/15/2018

PROJECT TITLE: 1000 SHEPPARD AVENUE EAST, SUITE 1000, SCARBOROUGH, ONTARIO M1S 1W2

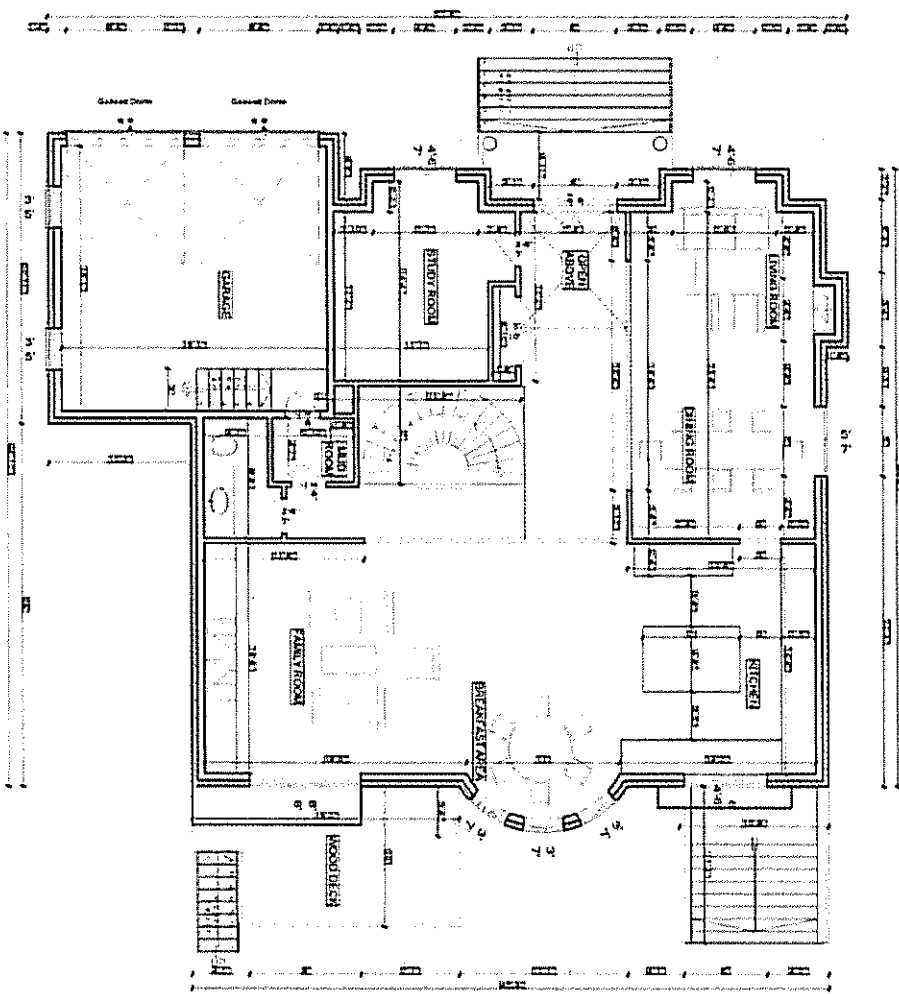
DRAWING TITLE: BASEMENT

SCALE: 1:96

DESIGNER: CAROLBI

<p>PROJECT TITLE/ADDRESS          41 HAWKRIIDGE AVENUE, MARKHAM, ON</p>	<p>DRAWING TITLE          BASEMENT</p>	<p>SCALE          1:96</p>	<p>DESIGNER          CAROLBI</p>	<p>CHECKER          VE</p>	<p>DATE          10/15/2018</p>	<p>PROJECT TITLE/ADDRESS          41 HAWKRIIDGE AVENUE, MARKHAM, ON</p>	<p>DRAWING TITLE          BASEMENT</p>	<p>SCALE          1:96</p>	<p>DESIGNER          CAROLBI</p>	<p>CHECKER          VE</p>	<p>DATE          10/15/2018</p>
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A.02



FOR A LISTING OF REAL ESTATE AGENTS AND BROKERS, VISIT WWW.PROHOMEREALESTATE.COM. REALTOR: [Signature]

PROHOMEREALESTATE.COM, 2014-2015. ALL RIGHTS RESERVED.

DATE: [Blank]

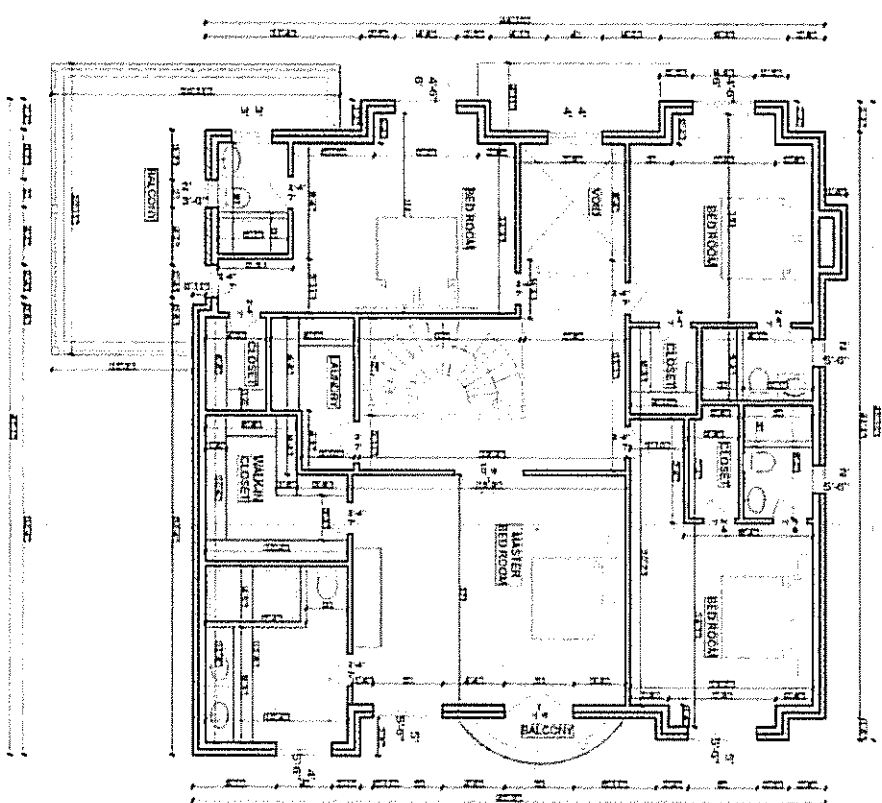
PROJECT TITLE/ADDRESS: 41 HAWKBRIDGE AVENUE, MARKHAM, ON

DRAWING TITLE: GROUND FLOOR

SCALE: 1:96

LAST MODIFIED ON: DECEMBER 5, 2014

A.03



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PROHOME DESIGN INC. 8574 - 49TH AVE. MARKHAM, ONTARIO L3R 9V7  
 PHONE: (905) 477-8888  
 FAX: (905) 477-8889  
 WWW.PROHOMEDESIGN.COM

DATE: 12/05/2018  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 PROJECT NO: [Number]

PROJECT TITLE/ADDRESS  
 41 HAWKBRIDGE AVENUE, MARKHAM, ON

DRAWING TITLE  
 SECOND FLOOR

SCALE  
 1:96

DESIGNER: VE  
 CHECKER: VE

LAST MODIFIED BY:  
 DECEMBER 5, 2018

A.04



THE UNDERSIGNED HAVE REVIEWED AND FOUND THIS DRAWING TO BE ACCURATE AND COMPLETE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CHARTER AND CODE TO BE OBSERVED.

LANCE L. JONES, ARCHT., REG. - ONT.  
 NAME

PROHOME DESIGN INC. 10000 KENNEDY RD. #200  
 FIRM

*AS*



DATE FOR EXPIRES

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DATE: 12/15/18  
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 CHECKED BY: [blank]

PROJECT TITLE / ADDRESS  
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 MARKHAM, ON

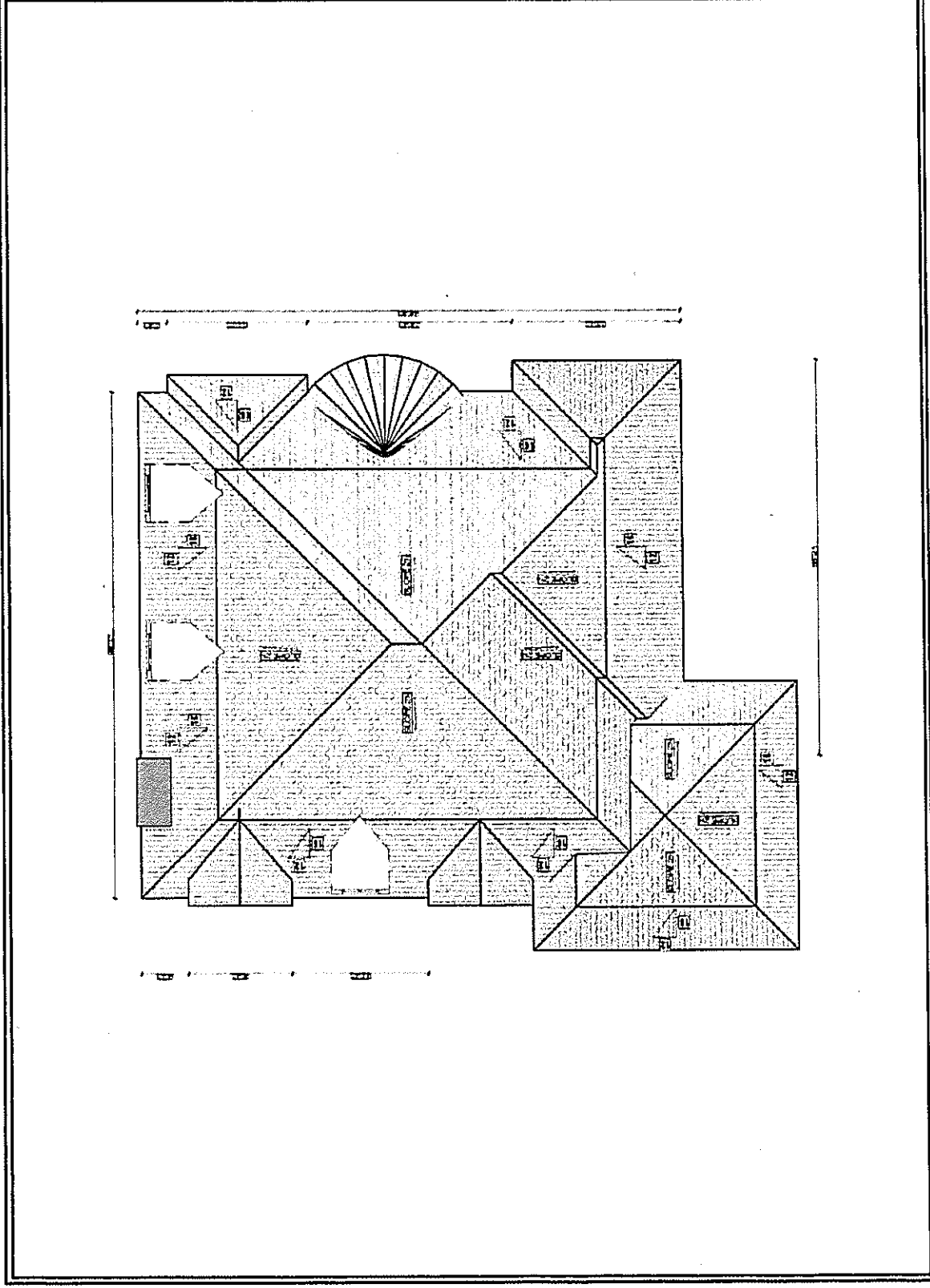
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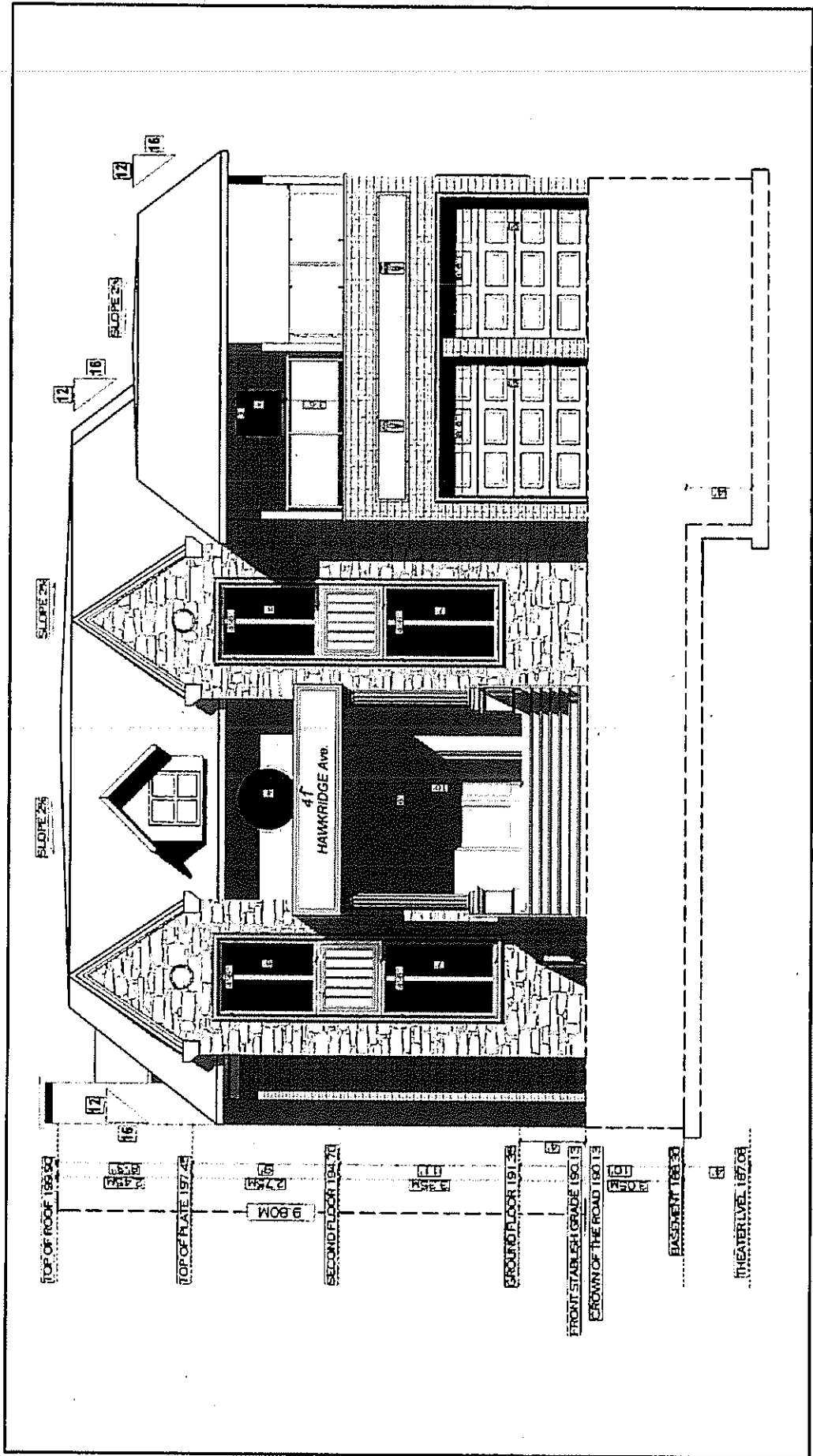
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Y/N	Y/N

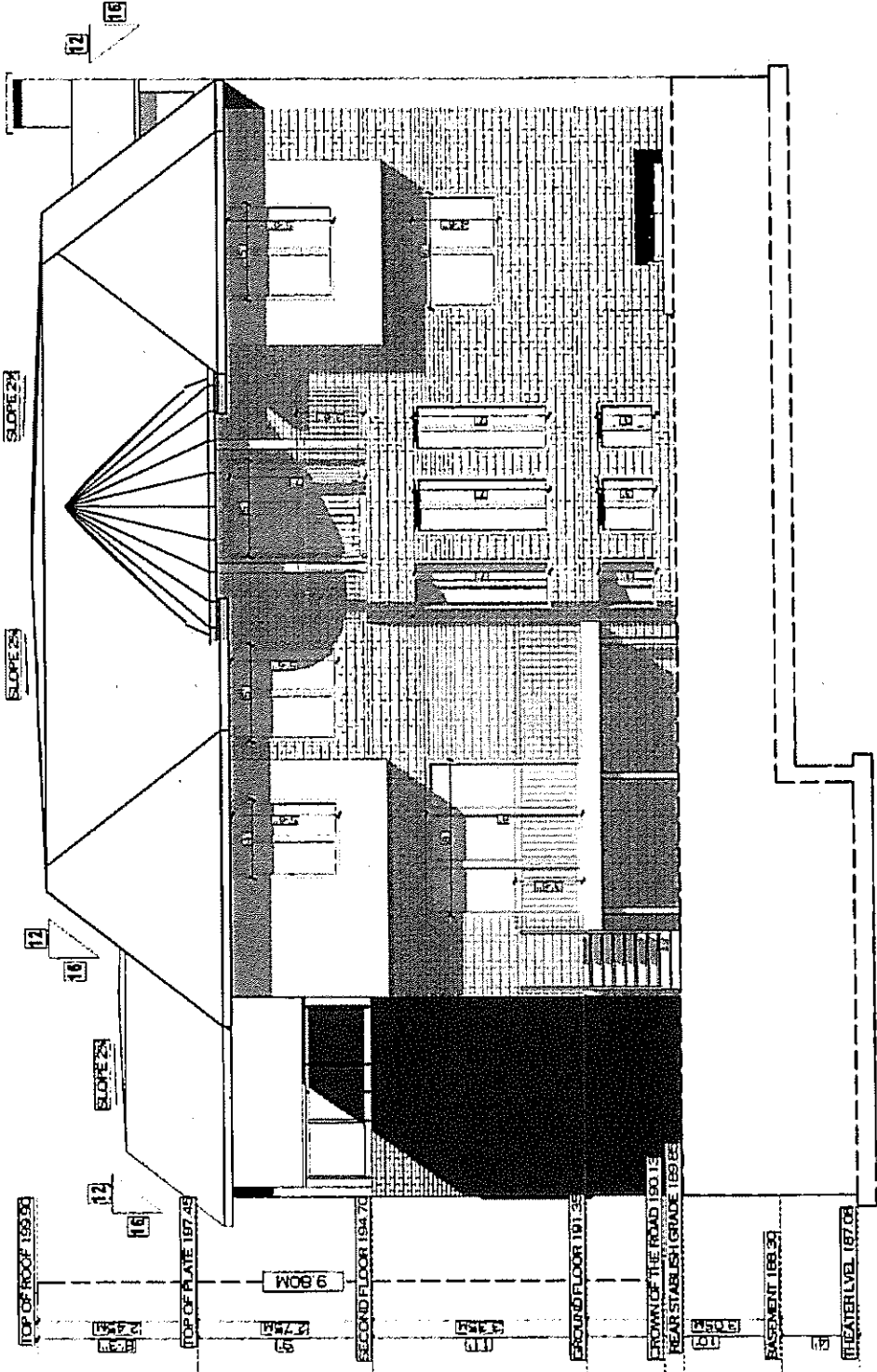
LAST MODIFIED ON:  
 DECEMBER 8, 2018

A.05

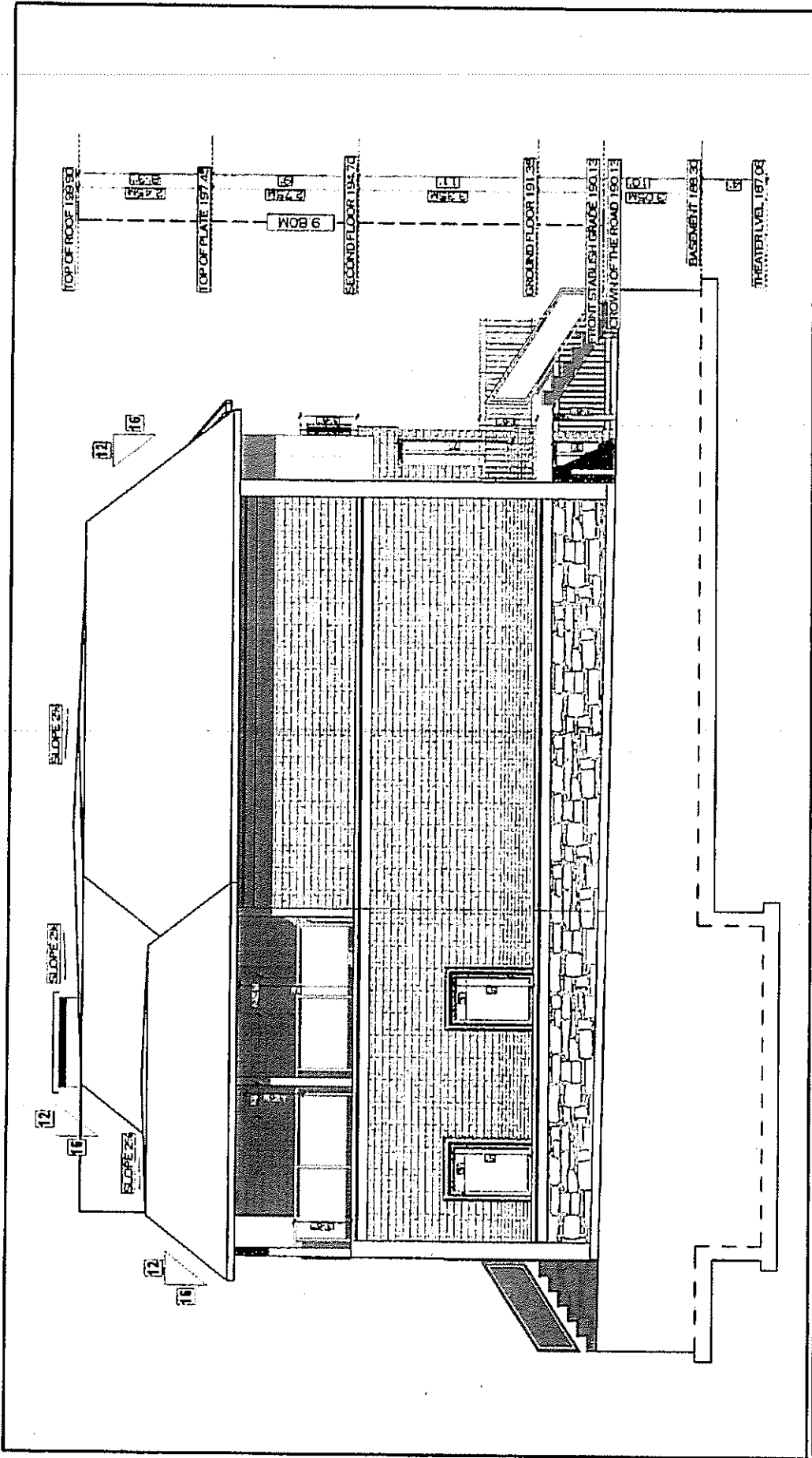




DATE: _____	DESIGN FOR: _____	SCALE: 1/8" = 1'-0"	DRAWING TITLE: FRONT ELEVATION	A.06
PROJECT NO.: _____	FOR BUILDING PERMIT: _____	LAST MODIFIED ON: _____	PROJECT TITLE/ADDRESS: 41 HAWKRIDGE AVENUE, WARRHAM, ON	
THE UNDERSIGNED HAVE DRAWN AND TAKEN RESPONSIBILITY FOR THIS PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING ACT AND THE REGULATIONS THEREUNDER.		DRAWN BY: V.E.		
I, _____ ARCHITECT, INC. REG. NO. _____		FOR THE PLAN ONLY: _____		

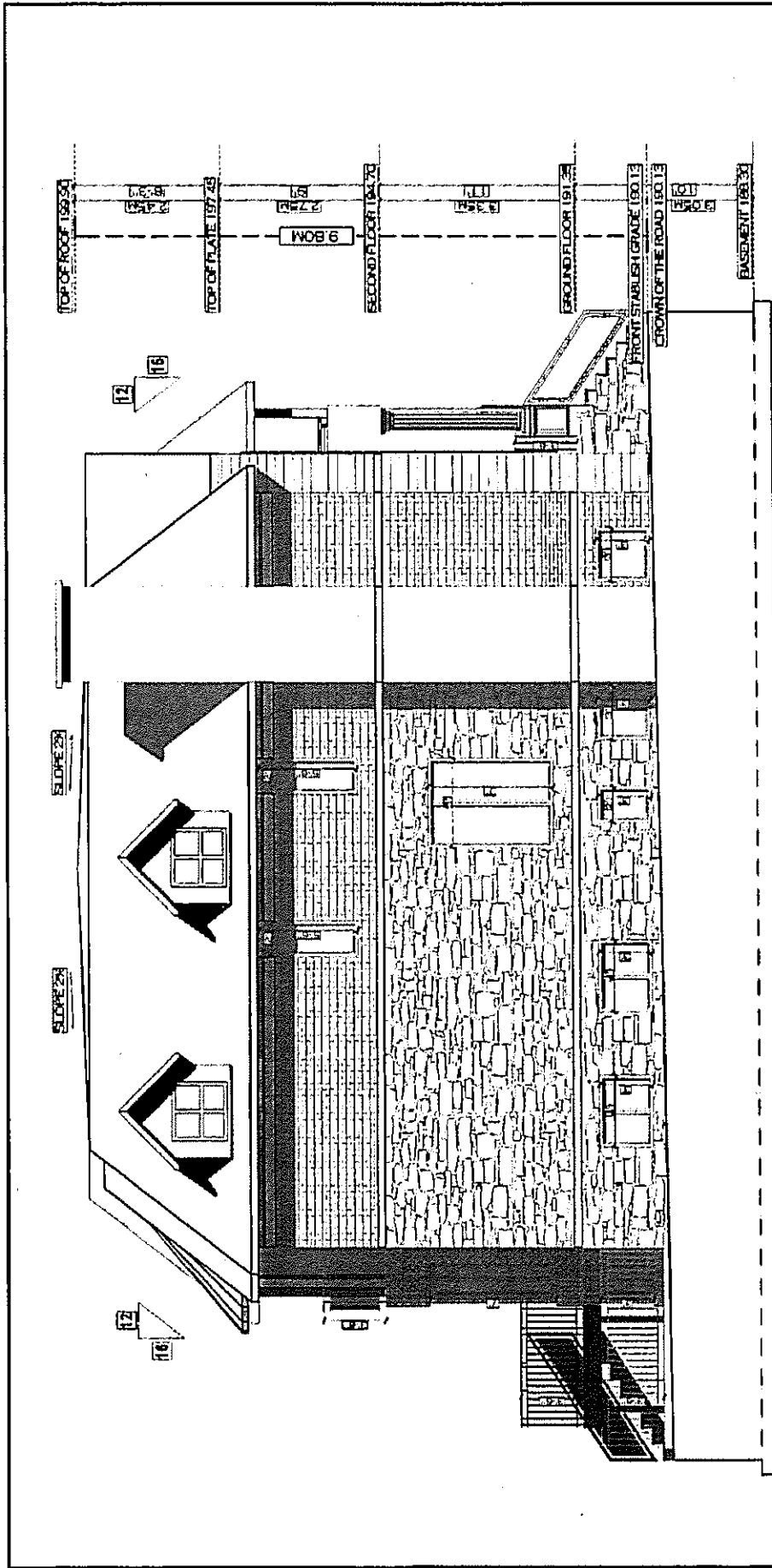


DATE: 11/14/18 FOR BUILDING PERMIT		DRAWING TITLE: REAR ELEVATION		A.07
PROJECT NO.: 18-000000		SCALE: 1/8" = 1'-0"		PROJECT TITLE/ADDRESS: 411 HAWKBRIDGE AVENUE, MARKHAM, ON
PROJECT NO.: 18-000000		LAST MODIFIED ON: December 8, 2018		DRAWN BY: V.E.
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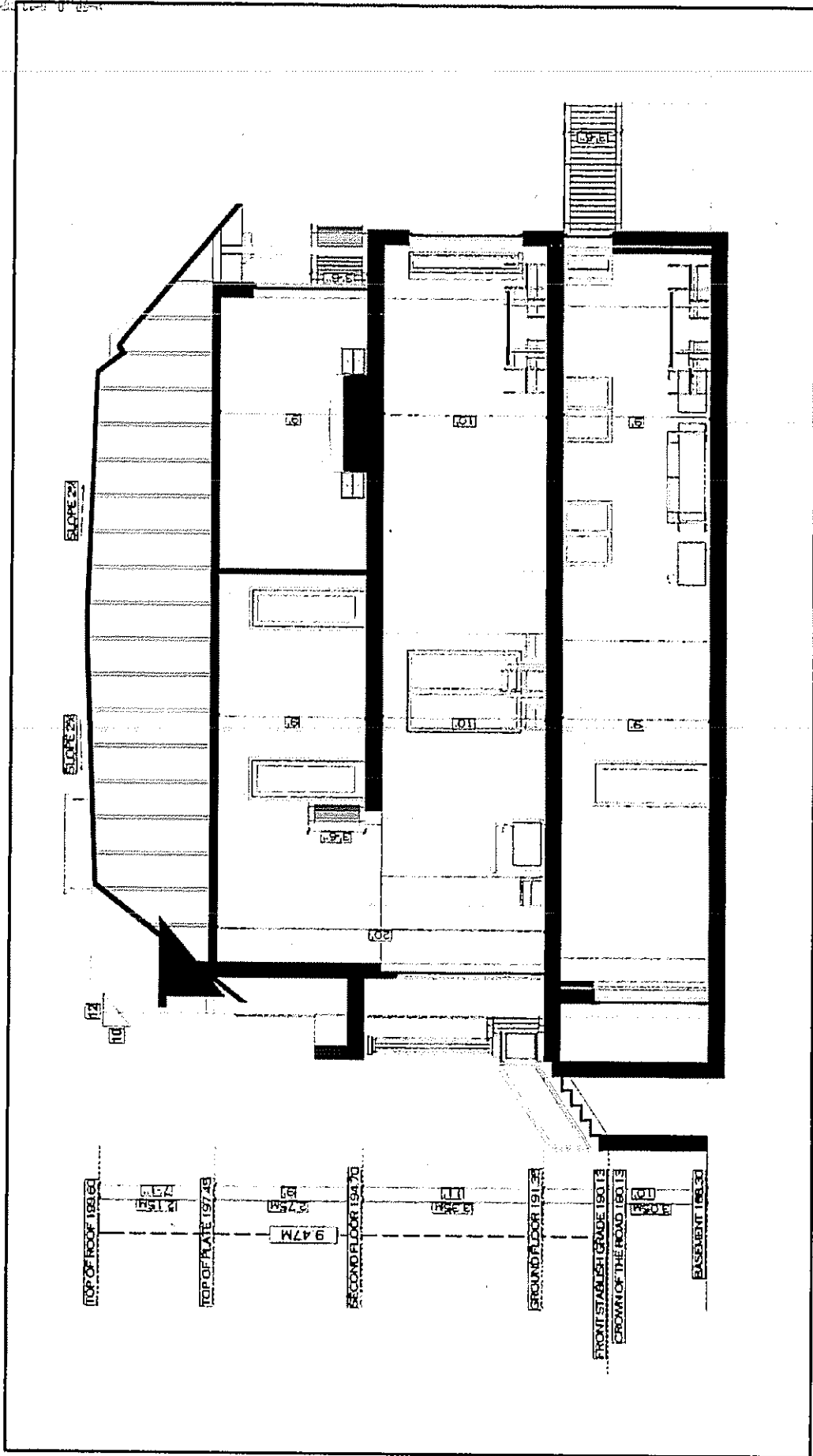


DATE	DESIGNER	SCALE	DRAWN BY	PROHome	PROJECT TITLE/ADDRESS	A.08
FOR REVISION	FOR REVISION	1/84	V.E.		41 HAWKBRIDGE AVENUE, MARKHAM ON	
		LAST MODIFIED ON				
		December 8, 2018				
<p>THE ARCHITECT HAS REVIEWED AND ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE ARCHITECT'S LIABILITY IS LIMITED TO THE CONTRACT DOCUMENTS AND TO THE EXTENT PERMITTED BY LAW.</p> <p>VJHO CONSULT GROUP INC. 05219 40113          PROHOME CONSULTING INC. INC. # 1122221</p>						





DATE	REVISIONS	FOR BUILDERS PERMIT		DRAWN BY V.E.	SCALE: 1/8" = 1'-0" LAST MODIFIED ON: DECEMBER 8, 2018	DRAWING TITLE: SIDE ELEVATION PROJECT TITLE/ADDRESS: 41 HAWKCRIDGE AVENUE, MARKHAM, ON	A.09
HOLD NUMBER							
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DATE: 10/08/2018	USED FOR: FOR BUILDING PERMIT		DRAWN BY: V.E	SCALE: 1/8" = 1'-0"	DRAWING TITLE: SECTION	A.10
			<p>THE USER SHALL BE RESPONSIBLE AND LIABLE FOR THE ACCURACY AND COMPLETENESS OF THE INFORMATION PROVIDED TO THE ARCHITECT AND FOR THE INFORMATION PROVIDED TO THE ARCHITECT BY THE USER. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY AND COMPLETENESS OF THE INFORMATION PROVIDED TO THE ARCHITECT BY THE USER.</p> <p>VANDERKAM &amp; ASSOCIATES, INC. 2007-2023          PRO-HOME DESIGN, INC. 2016-2020</p>	PROJECT TITLE/ADDRESS: 41 HAWKBRIDGE AVENUE, MARKHAM, ON		
			LAST MODIFIED ON: December 8, 2018			

**Memorandum to the City of Markham Committee of Adjustment**

November 20, 2018

**File:** A/167/18  
**Address:** 41 Hawkridge Ave, Markham  
**Applicant:** Jie Zhou  
**Agent:** Vince Emam Jomeh  
**Hearing Date:** Wednesday November 28, 2018

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended:

a) In-fill By-law 99-90, Sec. 1.2 (vi):

a maximum floor area ratio (FAR) of 51.62 percent, whereas the By-law permits a maximum FAR of 45 percent; as it relates to a proposed two storey detached dwelling.

**BACKGROUND****Property Description**

The 920.67 m<sup>2</sup> (9,910 ft<sup>2</sup>) subject property is a corner lot located on the east side of Hawkridge Avenue, north of Highway 7 East and west of Main Street Markham. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing one-storey detached 123.75 m<sup>2</sup> (1,332 ft<sup>2</sup>) dwelling on the property, which according to assessment records was constructed in 1952. Mature vegetation exists across the property.

**Proposal**

The applicant is proposing to construct a new two-storey detached 395.86 m<sup>2</sup> (4,261 ft<sup>2</sup>) dwelling with a rear yard deck and a basement walkout. The proposal also includes a front covered porch and covered balcony and a rear covered balcony. The ground floor of the proposed dwelling will have a floor area of 217.39 m<sup>2</sup> (2,340 ft<sup>2</sup>) while the second floor will have a floor area of 178.46 m<sup>2</sup> (1,921 ft<sup>2</sup>).

**Official Plan and Zoning**Official Plan 2014 (partially approved on Nov 24/17, and further 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 of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 1229

The subject property is zoned "One Family Detached Dwellings (R1)" in By-law 1229, as amended, which permits a single detached dwelling.

### Residential Infill Zoning By-law 99-90

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

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

According to the information provided by the applicant, the reason for not complying with Zoning is, "the garage is included in FAR, since the owner has large family and their parent live with them. The permitted floor area doesn't need their needs".

### **Zoning Preliminary Review Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 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 relief to permit a floor area ratio of 51.62 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a total floor area of 395.86 m<sup>2</sup> (4,261 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 345.11 m<sup>2</sup> (3714.75 ft<sup>2</sup>). This represents an increase of approximately 50.75 m<sup>2</sup> (546.27 ft<sup>2</sup>).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. It is not a definitive measure of the mass of the dwelling, since it does not include "open to below" areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs). In addition to the space associated with the stairs, there is approximately 5.92 m<sup>2</sup> (63.81 ft<sup>2</sup>) of open to below area on the second floor above the foyer which is excluded from the gross floor area calculation under the by-law. The proposed dwelling is also designed to include a front covered balcony on top of the garage and a rear covered balcony which, are unenclosed and excluded from the calculation of Floor Area Ratio. If the balconies were to be enclosed the proposed Floor Area Ratio would increase.

Excluding Floor Area Ratio, the building layout meets all other zoning provisions (such as setbacks and lot coverage) that establish the prescribed building envelope, which ensures the

proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

While the proposed dwelling will be larger than the existing homes developed originally in the 1950s-1960s, it is consistent with recent infill development on the street including a number of nearby infill homes that have obtained variance approval for a similar increase in floor area ratio ranging between 47.5 percent and 53 percent. Given that the balconies are unenclosed and, that the proposed floor area ratio is generally consistent with newer in-fill developments on the street, Staff are of the opinion that the proposal meets the general intent and purpose of the infill By-law and is appropriate for the lot.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 20, 2018. 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. Staff are of the opinion that the variance request for floor area ratio meets the four tests of the Planning Act and, 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:

  
Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:

  
Stacia Muradali, Senior Planner, East District

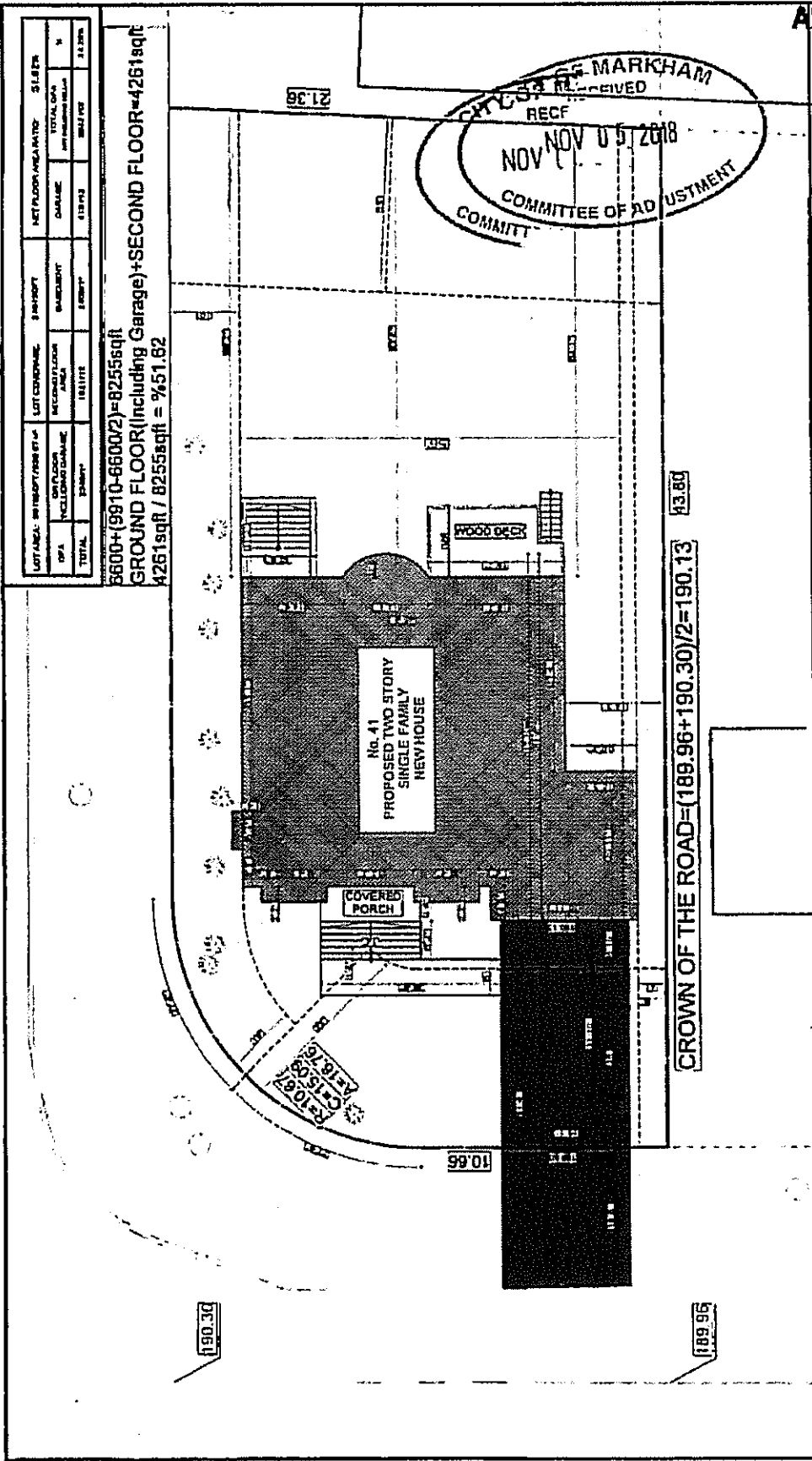
File Path: Amanda\File\18 254581\Documents\District Team Comments Memo

**APPENDIX "A"**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/167/18**

1. That the front and rear balcony remain unenclosed;
2. The variances apply only to the proposed development as long as it remains;
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report received by the City of Markham on November 05, 2018 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.
4. 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 Director of Operations 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.
5. 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 Director of Operations.
6. 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 Director of Operations;

CONDITIONS PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects



LOT AREA: 9910-6600/2		LOT CORNER		3rd FLOOR		NET FLOOR AREA (NFA)		S.I.B.F.R.	
ON FLOOR	OFF FLOOR	INTERIOR FLOOR	PERIMETER	PERIMETER	PERIMETER	PERIMETER	PERIMETER	TOTAL ON FLOOR	TOTAL OFF FLOOR
181.17	181.17	181.17	181.17	181.17	181.17	181.17	181.17	181.17	181.17
TOTAL		TOTAL		TOTAL		TOTAL		TOTAL	

6600+(9910-6600/2)=8255sqft  
 GROUND FLOOR(Including Garage)+SECOND FLOOR=4261sqft  
 4261sqft / 8255sqft = %51.62

DATE	CLASSIFICATION	PROJECT TITLE	A.01
10/08/2018	(OR MULTIPLE)	41 HAWKBRIDGE AVENUE, MARKHAM, ON	
		SCALE: 1"=50'	
		LAST MODIFIED BY: [Signature]	
		DATE: [Date]	
		PROJECT NO. / JOB NO.	
		DATE: [Date]	

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ASSOCIATES, INC.

ASHT

CELL FOR ELEVATOR

NO. APPROVALS AND REVISIONS  
DATE DESCRIPTION  
1. 11/2/16 1. 11/2/16 1. 11/2/16  
2. 11/2/16 2. 11/2/16 2. 11/2/16  
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AVENUE  
MARTHA, ON

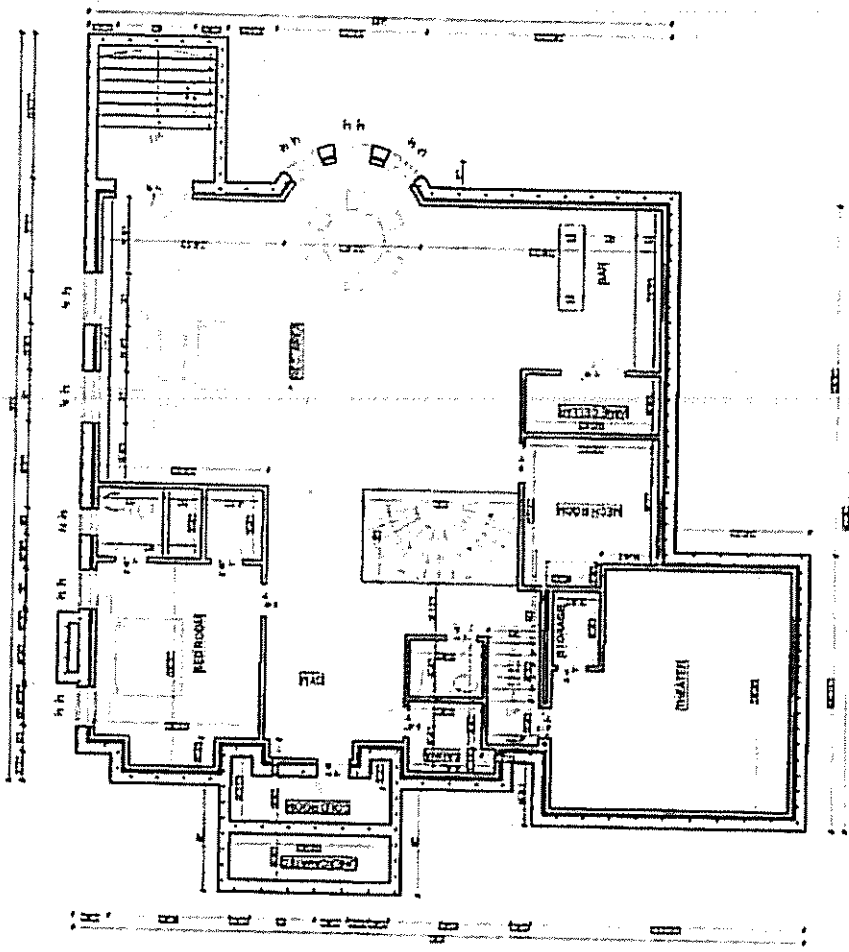
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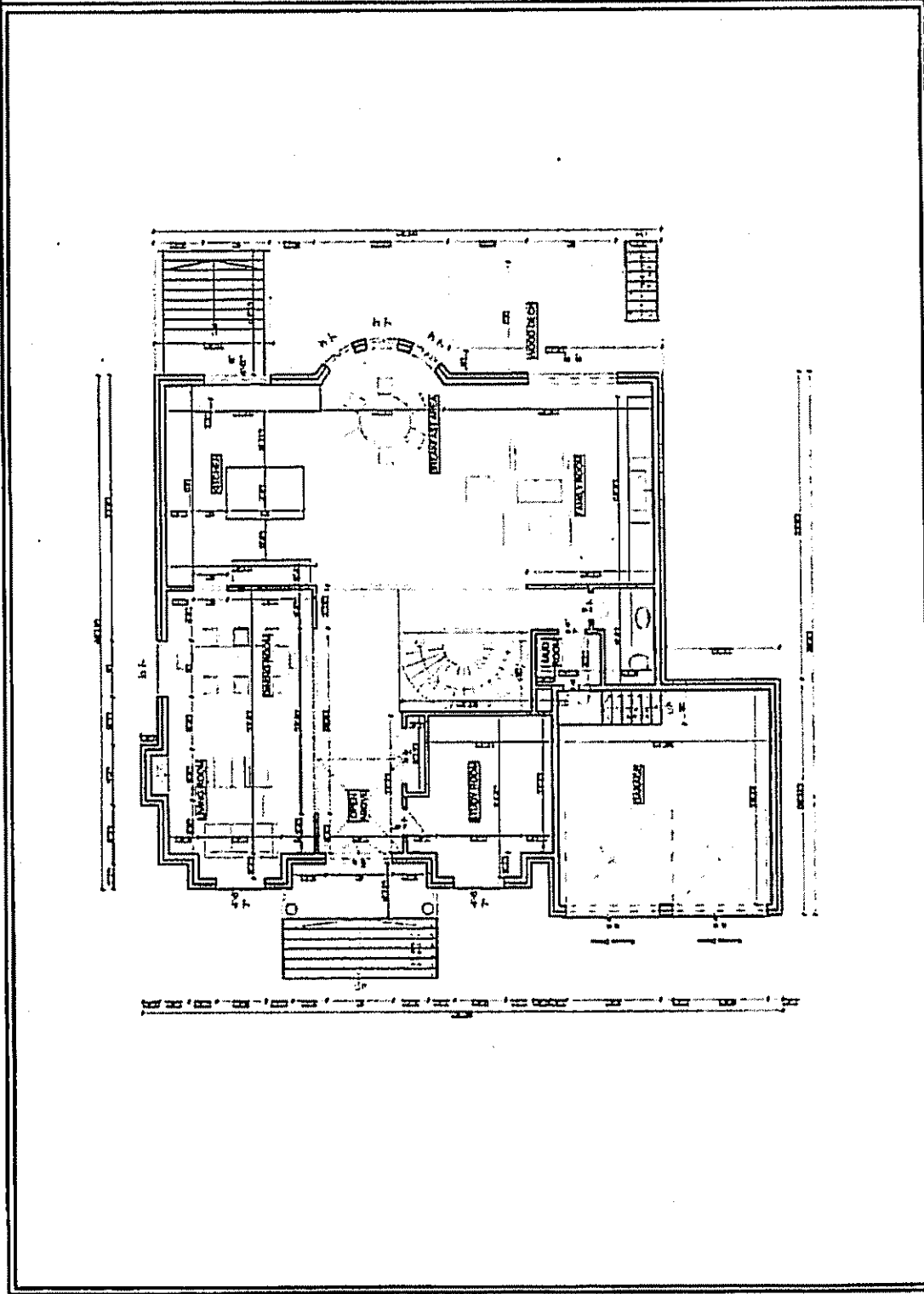
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PROJECT TITLE/ADDRESS <b>41 HAYBRIDGE AVENUE, HAYWARD, ON</b>		SCALE: 1:96
DRAWING TITLE <b>GROUND FLOOR</b>		DRAWN BY: _____ CHECKED BY: _____
LAST MODIFIED ON <b>NOVEMBER 2, 2018</b>		A.03



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 CHECKED BY: [Signature]  
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PROJECT TITLE/ADDRESS  
 411 HAVENBRIDGE AVENUE  
 MARIETTA, OH

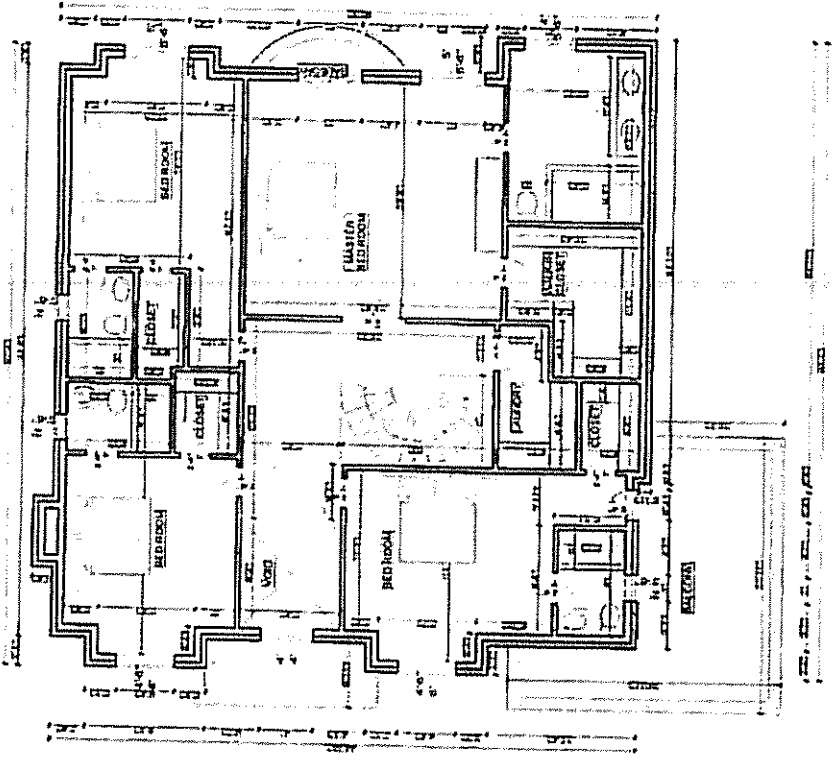
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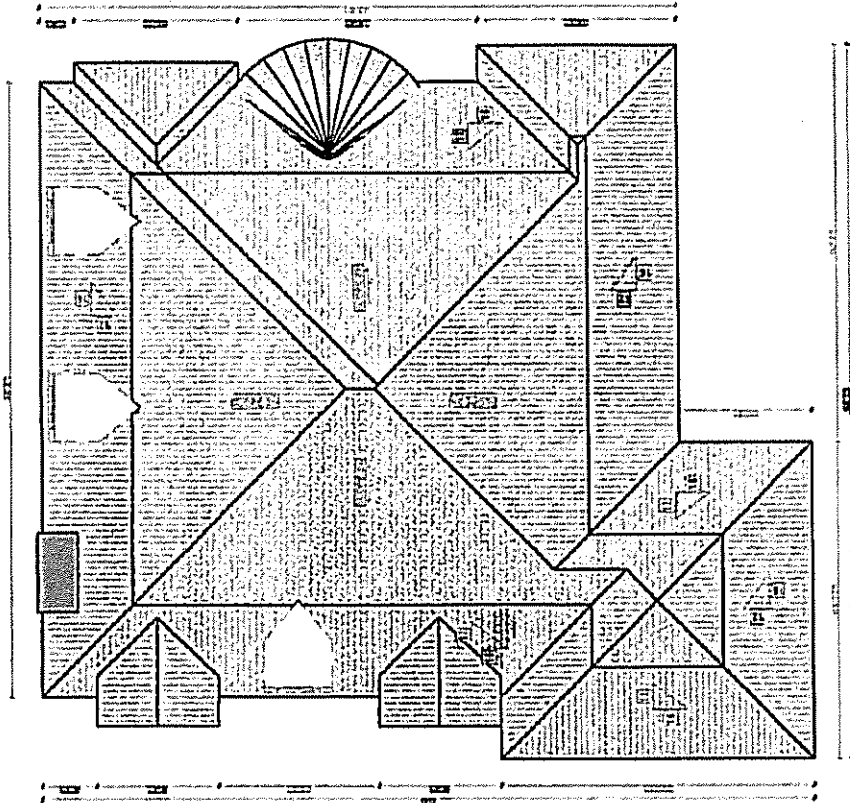
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 NOVEMBER 2, 2018

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ADH



PROJECT TITLE / ADDRESS  
 41 HAWKBRIDGE AVENUE  
 HARTMAN, OH

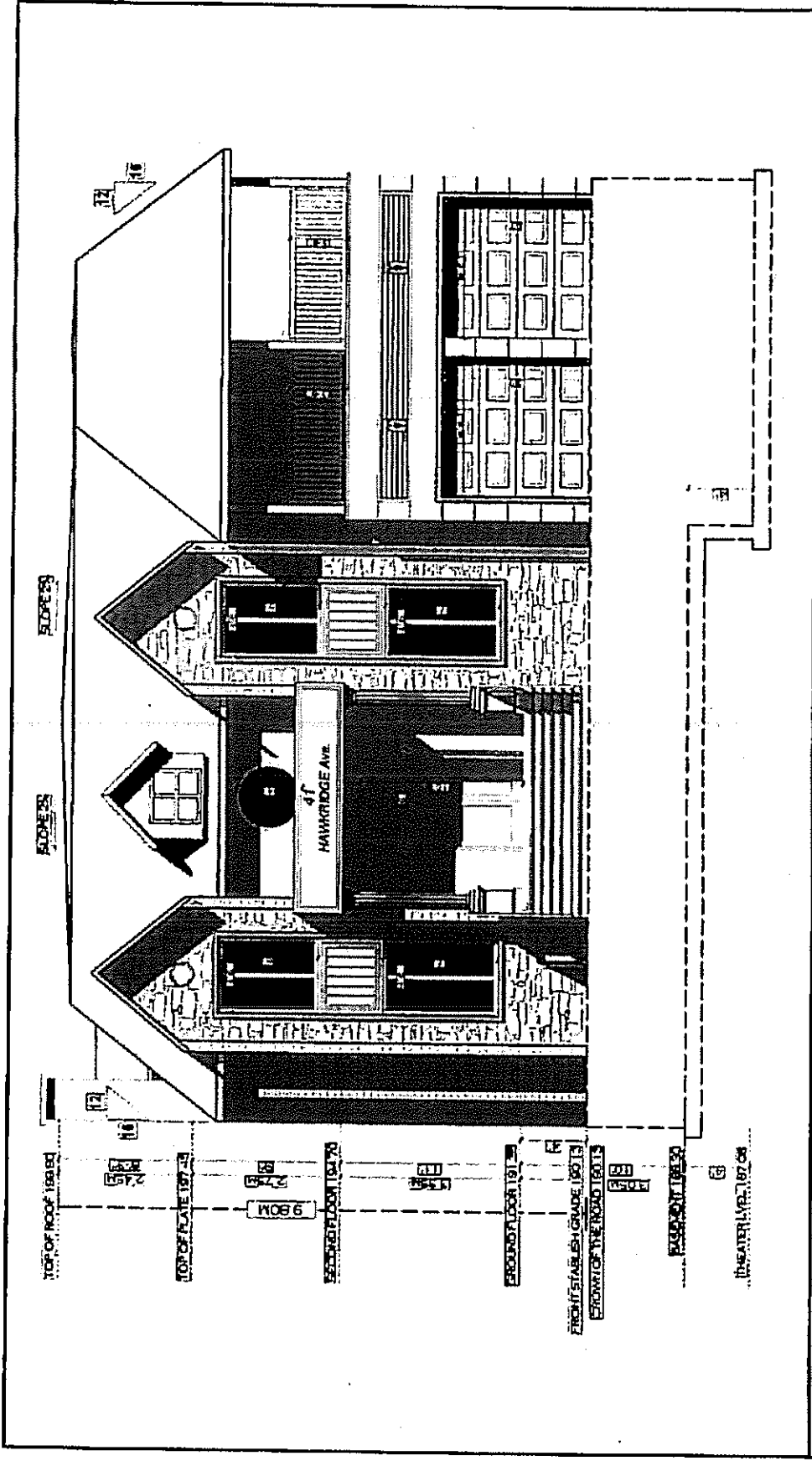
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SCALE  
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DATE  
 NOVEMBER 2, 2010

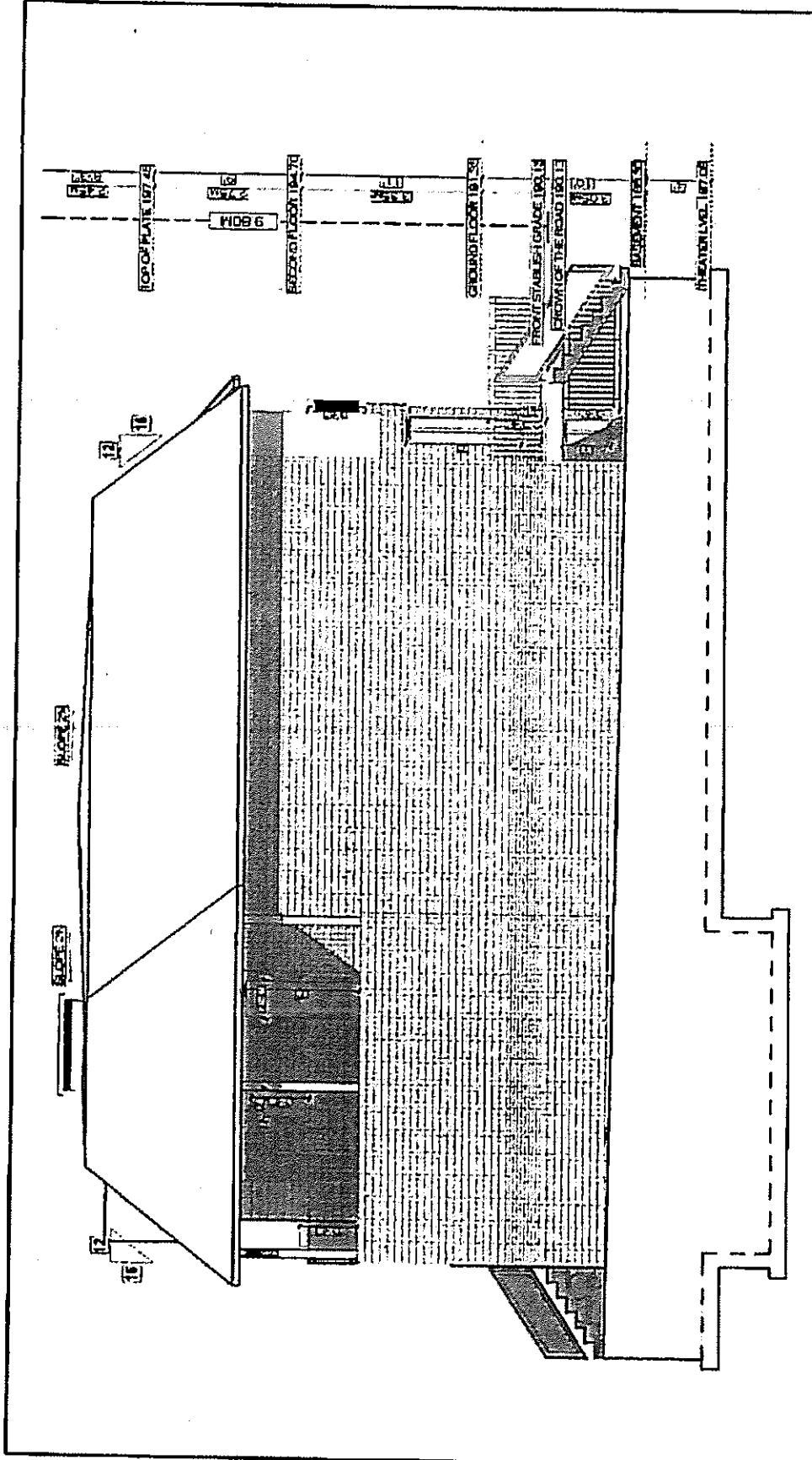
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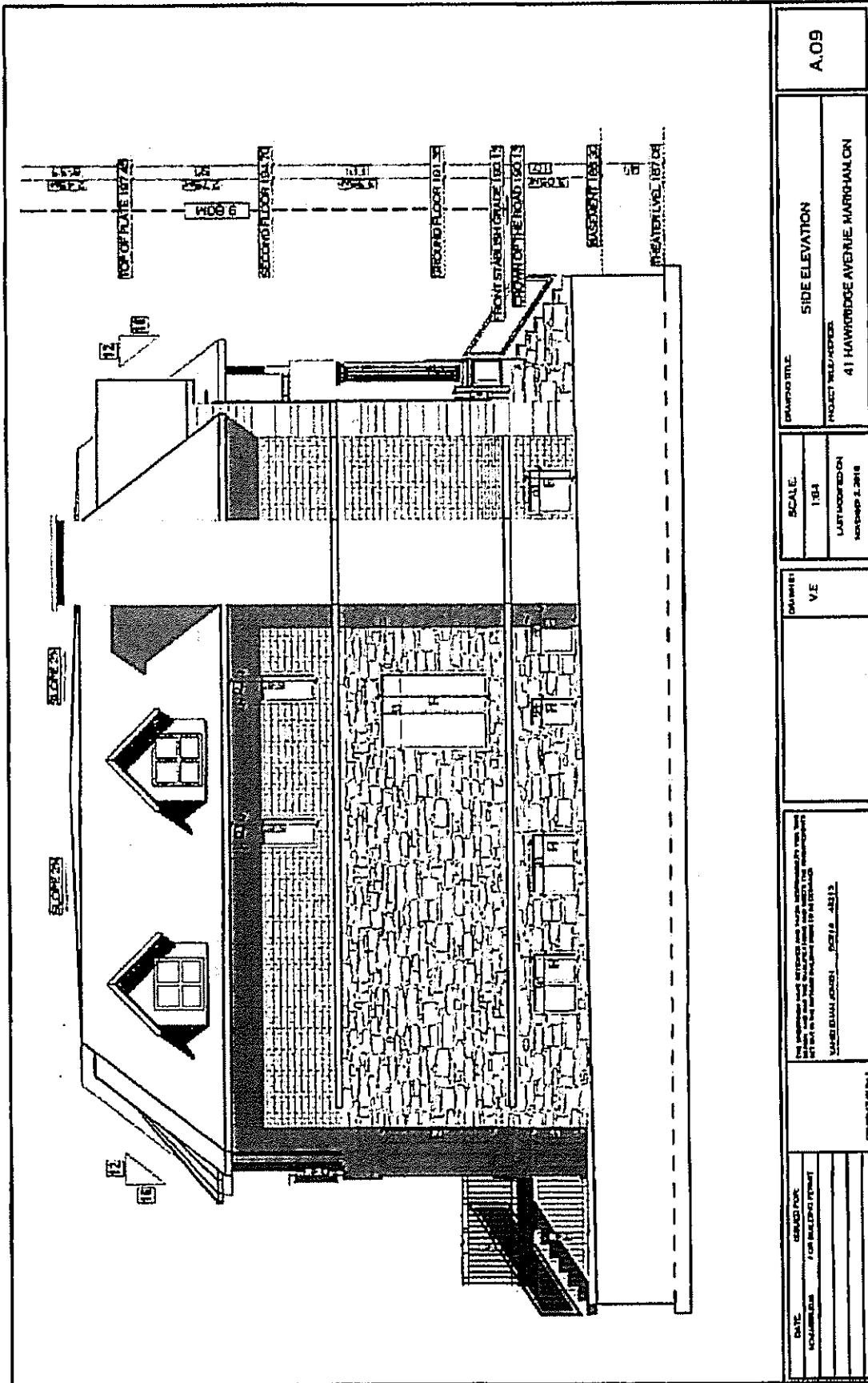


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DESIGNED BY: _____		DATE: _____	
CHECKED BY: _____		DATE: _____	
APPROVED BY: _____		DATE: _____	

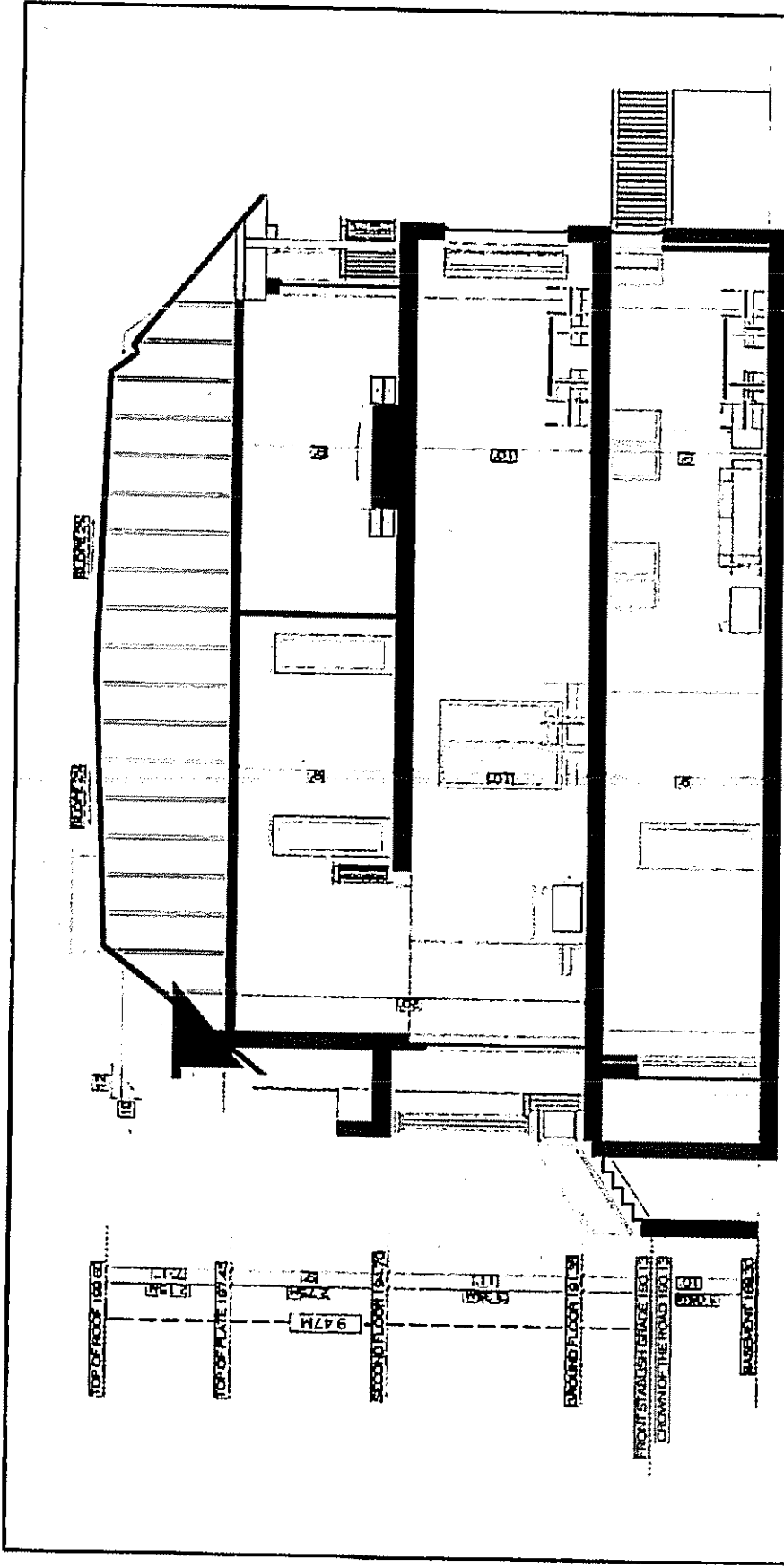




DATE 10/20/2017		DRAWN BY FOR BUILDING PERMIT		PROJECT TITLE SIDE ELEVATION		PROJECT NO./ADDRESS 41 HAWKBRIDGE AVENUE, MARRHAM, ON		A.08	
SCALE: 1/8" = 1'-0"		LAST MODIFIED ON November 2, 2017		DRAWN BY V E		PROJECT NO./ADDRESS 41 HAWKBRIDGE AVENUE, MARRHAM, ON		A.08	
DATE 10/20/2017		DRAWN BY V E		PROJECT TITLE SIDE ELEVATION		PROJECT NO./ADDRESS 41 HAWKBRIDGE AVENUE, MARRHAM, ON		A.08	
DATE 10/20/2017		DRAWN BY V E		PROJECT TITLE SIDE ELEVATION		PROJECT NO./ADDRESS 41 HAWKBRIDGE AVENUE, MARRHAM, ON		A.08	



DATE: _____		DRAWING TITLE: SIDE ELEVATION		A.09	
DRAWN BY: _____		PROJECT NAME/ADDRESS: 41 HAWTHORNE AVENUE HARRINGTON			
SCALE: 1/8" = 1'-0"		DATE: _____			
LAST MODIFIED ON: _____		DATE: _____			
DRAWN BY: V.E.		DATE: _____			
<p>The information on this drawing was prepared by the architect and is not to be used for any other purpose without the written consent of the architect.</p> <p>NAME: ELLIOTT CLARK ARCHITECTS, P.C. (P.A.)</p>		DATE: _____			
CHECKED BY: _____ DATE: _____		DATE: _____			



DATE APPROVED DRAWN BY	REVISIONS FOR REVISIONS	DRAWN BY V E	SCALE 1:84 LAST REVISION BY MARCH 2, 2018	DRAWING TITLE <b>SECTION</b>	A.10
				PROJECT TITLE/ADDRESS 41 HAWKEDGE AVENUE, MARRICKWILL	
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