

Memorandum to the City of Markham Committee of Adjustment

September 16, 2019

File: A/89/19
Address: 68 Poinsetta Drive Thornhill
Applicant: Mohammad Mosleh & Sara Salmanian
Agent: Ali Goudarzi
Hearing Date: Wednesday September 25, 2019

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

The applicant is requesting relief from the following requirements of the Residential Third Density (R3) zone in By-law 1767, as amended:

a) Infill By-law 100-90, Section 1.2 (vi):

a floor area ratio of 53.5 percent, whereas the By-law permits a maximum floor area ratio of 50 percent;

b) Infill By-law 100-90, Section 1.2 (iii):

a building depth of 17.4 metres, whereas the By-law permits a maximum building depth of 16.8 metres;

as it relates to a proposed two-storey detached dwelling.

BACKGROUND

Property Description

The 696.85 m² (7500.83 ft²) subject property is located on the east side of Poinsetta Drive, south of John Street and east of Bayview Avenue. There is an existing one and a half storey dwelling on the property, which according to assessment records was constructed in 1966. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation exists across the property.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a new 371.30 m² (3996.63 ft²) two storey detached dwelling on the subject property. The proposal also includes a front covered porch.

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. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the 'Residential Low Rise' designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a 'Residential Low Rise' area, including variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Residential Infill Zoning By-law 100-90

The subject property is subject to the Residential Infill Zoning By-law 100-90. 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, maximum building height, and maximum building depth.

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, "A reasonably desired design won't be achieved without requested variances".

Zoning Preliminary Review (ZPR) 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 53.5 percent, whereas the By-law permits a maximum floor area ratio of 50 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 371.37 m² (3997.39 ft²), whereas the By-law permits a dwelling with a maximum floor area of 348.38 m² (3750.00 ft²). This represents an increase of approximately 22.98 m² (247.39 ft²) or 6.6 percent.

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.

The building layout meets the front, rear, and side setbacks as well as coverage, which ensures the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 17.4 m (57.08 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 0.6 m (1.96 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.

The variance includes a front covered porch, which adds approximately 1.15 m (3.8 ft) to the overall depth of the building. The main component of the building, excluding the porch, has a depth of 16.25 m (53.31 ft) which complies with the by-law requirement.

Staff believe the variance for maximum building depth to be minor in nature and comparable to development in the surrounding area.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 16, 2019. 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 variances requested meet the four tests of the Planning Act and have no objection. 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:


Hailey Miller, Development Technician, Zoning and Special Projects

REVIEWED BY:


David Miller, Development Manager, West District

APPENDIX "A"

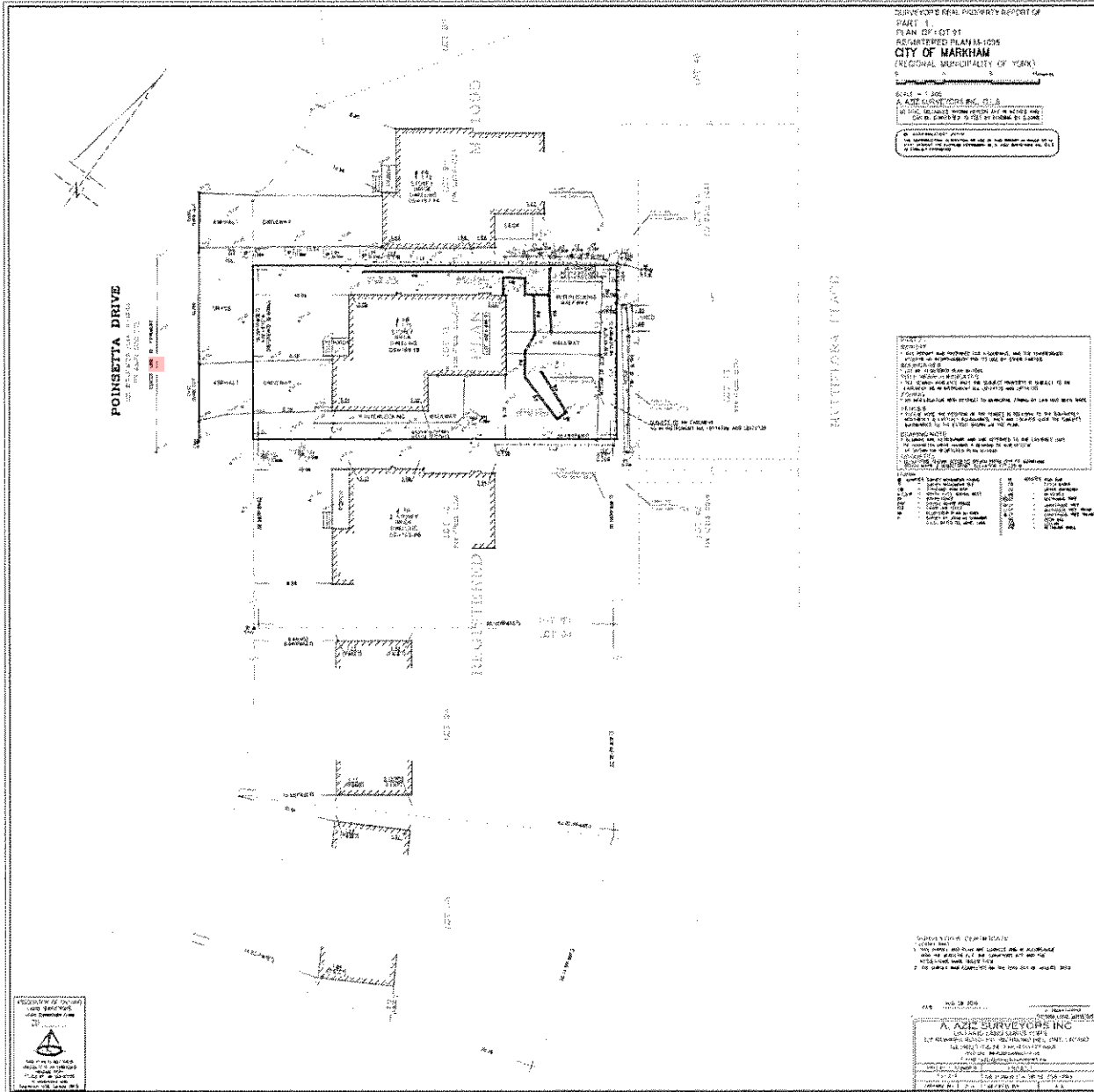
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/89/19

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 received by the City of Markham on September 17, 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;
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 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;
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 Director of Operations.
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 Director of Operations.

CONDITIONS PREPARED BY:



Hailey Miller, Development Technician, Zoning and Special Projects



SURVEYOR'S REAL PROPERTY REPORT OF
PART 1
PLAN OF LOT 87
REGISTERED PLAN 11-1595
CITY OF MARKHAM
(REGIONAL MUNICIPALITY OF YORK)

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

A. AZIZ SURVEYORS INC. O.S.A.
1100 SHEPPARD AVENUE EAST, SUITE 100
SCARBOROUGH, ONTARIO M1B 3Y9
TEL: (416) 291-1111
WWW.AZIZSURVEYORS.COM

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	2019-09-17
2	REVISED PER COMMITTEE OF ADJUSTMENT	2019-09-17
3	REVISED PER CITY ENGINEER	2019-09-17
4	REVISED PER ARCHITECT	2019-09-17
5	REVISED PER ELECTRICAL ENGINEER	2019-09-17
6	REVISED PER MECHANICAL ENGINEER	2019-09-17
7	REVISED PER CIVIL ENGINEER	2019-09-17
8	REVISED PER STRUCTURAL ENGINEER	2019-09-17
9	REVISED PER ENVIRONMENTAL ENGINEER	2019-09-17
10	REVISED PER LANDSCAPE ARCHITECT	2019-09-17
11	REVISED PER HISTORIC ARCHITECTURE CONSULTANT	2019-09-17
12	REVISED PER ARCHITECTURAL HISTORIC CONSULTANT	2019-09-17
13	REVISED PER ARCHITECTURAL HISTORIC CONSULTANT	2019-09-17
14	REVISED PER ARCHITECTURAL HISTORIC CONSULTANT	2019-09-17
15	REVISED PER ARCHITECTURAL HISTORIC CONSULTANT	2019-09-17
16	REVISED PER ARCHITECTURAL HISTORIC CONSULTANT	2019-09-17
17	REVISED PER ARCHITECTURAL HISTORIC CONSULTANT	2019-09-17
18	REVISED PER ARCHITECTURAL HISTORIC CONSULTANT	2019-09-17
19	REVISED PER ARCHITECTURAL HISTORIC CONSULTANT	2019-09-17
20	REVISED PER ARCHITECTURAL HISTORIC CONSULTANT	2019-09-17

PROVISIONAL CERTIFICATE

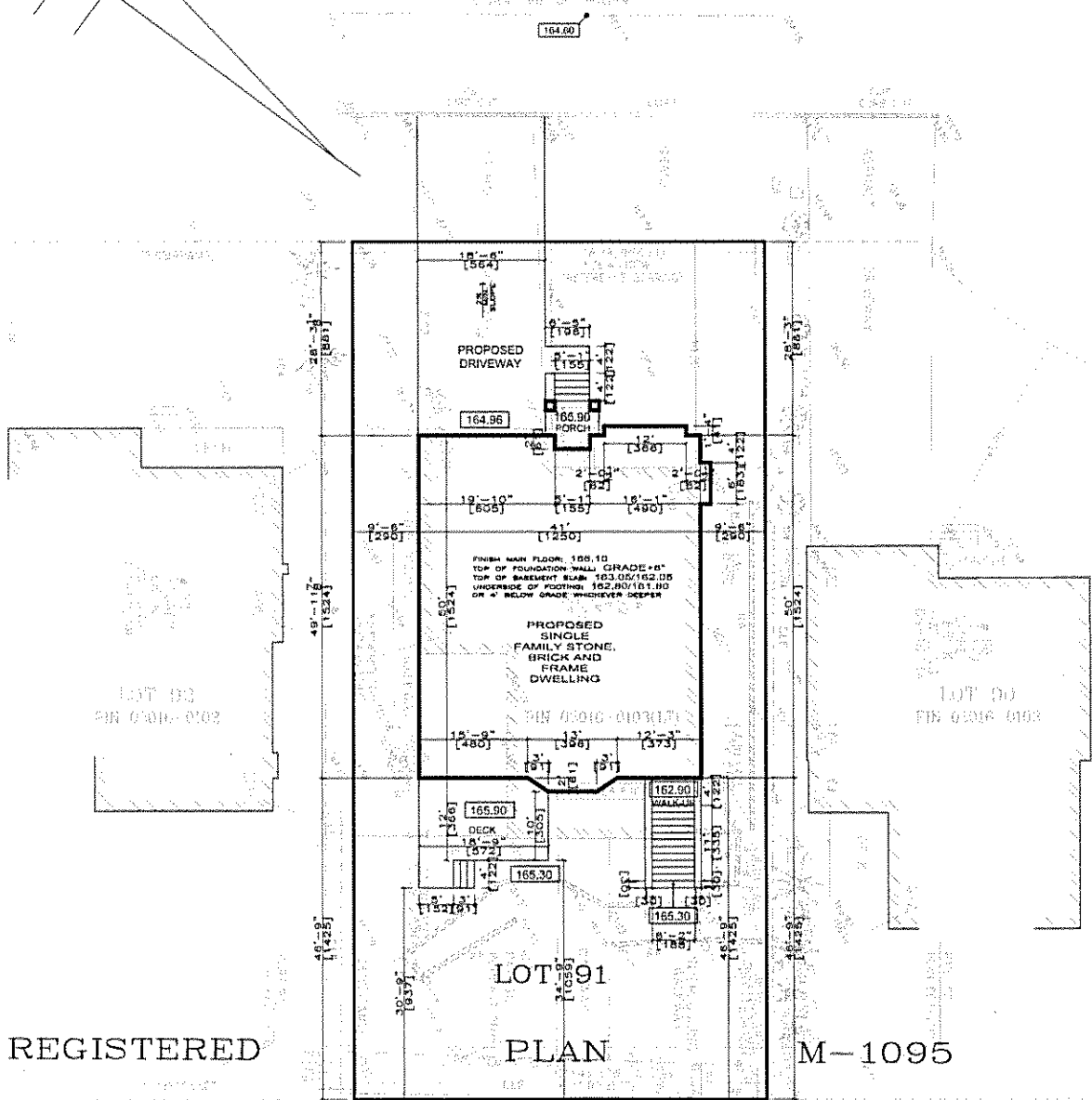
THIS PLAN IS NOT VALID UNLESS APPROVED BY THE CITY OF MARKHAM. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE CITY OF MARKHAM. THIS PLAN IS NOT VALID UNLESS APPROVED BY THE CITY OF MARKHAM. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE CITY OF MARKHAM.

DATE: 2019-09-17

A. AZIZ SURVEYORS INC.
1100 SHEPPARD AVENUE EAST, SUITE 100
SCARBOROUGH, ONTARIO M1B 3Y9
TEL: (416) 291-1111
WWW.AZIZSURVEYORS.COM

POINSETTA DRIVE

(BY REGISTERED PLAN # 1095)
(S.S. 03010-013) (L7)



REGISTERED

PLAN

M-1095

SITE DATA	
ZONING	R3
LOT #	91
PLAN #	M-1095
LOT AREA	696.85 S.M.
	7500 S.F.
NET LOT AREA	696.85 S.M.
	7500 S.F.

FRONT YARD AREA= 1354.32 S.F.
DRIVEWAY AREA= 477.17 S.F.
HARD LANDSCAPING AREA= 85.00 S.F.
SOFT LANDSCAPING AREA= 789.1 S.F. (89.96%)
LANDSCAPE OPEN SPACE= 877.15 S.F. (84.76%)

AREA	EXISTING	PROPOSED	
LOT COVERAGE	192.85 S.M.	2075.83 S.F.	29.04%
FLOOR AREA RATIO	-	371.37 S.M.	53.5%
NO. OF STORIES HEIGHT	-	2 STORIES AS SHOWN	
PARKING	-	AS SHOWN	

designed by:
ALI SHAKERI
7.416 8213900
ARCICA INC.
326 SHEPPARD AVENUE EAST, M2N 2B4
TORONTO, ONTARIO, CANADA.

project:
68 POINSETTA DRIVE
drawing:
SITE PLAN
scale:
1/16"=1'
page:
A1

revisions:
AUG 28, 2019-issued for COA1

THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER
Ali Shakeri
BCIN#24874
P&A Associates Ltd.
BCIN#30998

1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
3. DO NOT SCALE DRAWINGS.
4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO P&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.
5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".
6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.

STRUCTURAL MEMBERS:

- J1: LPI 20 Plus 11" @ 16" o/c
- J2: LPI 42 Plus 11" @ 16" o/c
- J3: LPI 42 Plus 11" @ 12" o/c

- B1: 14-LVL 11"x12" 2.0E TYP.
- B2: 24-LVL 11"x12" 2.0E TYP.
- B3: 34-LVL 11"x12" 2.0E TYP.
- B4: 44-LVL 11"x12" 2.0E TYP.

- C1: HSS Ø 102XB
- +5X5"x PL TOP
- +10X10"x PL BOT.
- +4"x A.B.

- C2: HSS Ø 127XB
- +5X5"x PL TOP
- +6X10"x PL BOT.
- +2"x A.B.

- C3: 3-2x6
- C4: 4-2x6
- C5: 5-2x6

- L1: 3-2x10
- L2: 3-2x12

- S1: L3/2 x 3/4
- S2: L5 x 3/2

WP1: 6"x12"x STEEL WITH 2 HOOKS

FOR TALL EXTR. WALL LIBRY. & GARAGE PROVIDE 2-2x6 @ 12" O/C W/BLT'S @ 8FT. O.C VERT.

LINE OF 8" CONC. FDN. WALL W/15M DOWELS @ 16" O/C 18"x6" STRIP FTG. @ SLAB TRANSITION

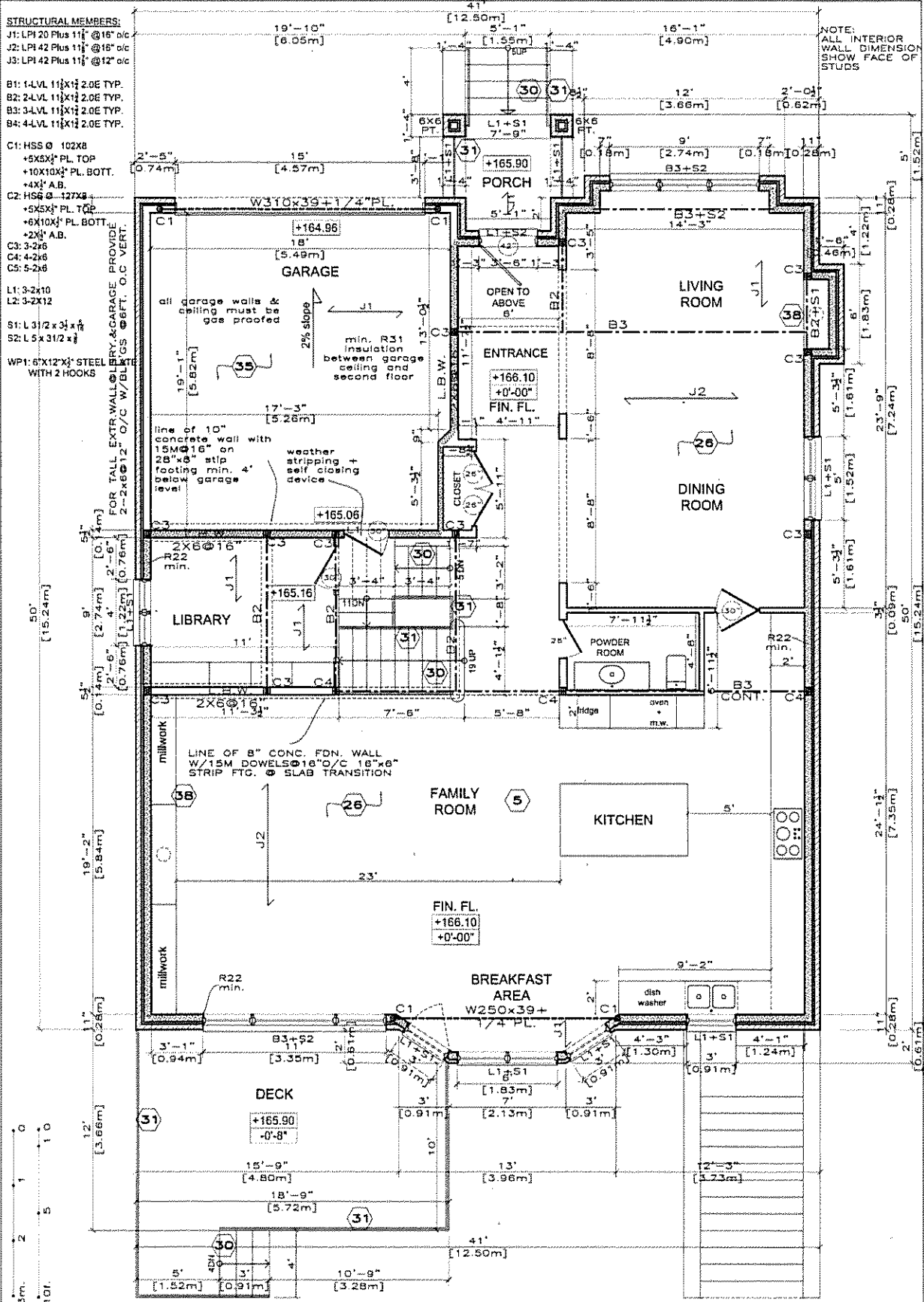
all garage walls & ceiling must be gas proofed

min. R31 insulation between garage ceiling and second floor

weather stripping self closing + self closing device

line of 10" concrete wall with 15M @ 16" on 2B"x6" strip footing min. 4' below garage level

NOTE: ALL INTERIOR WALL DIMENSION SHOW FACE OF STUDS



designed by:
ALI SHAKERI
T.416.821.3980
ARCICA INC.
326 SHEPPARD AVENUE EAST, M2N 3B4
TORONTO, ONTARIO, CANADA.

project:
68 POINSETTA DRIVE

drawing:
GROUND FLOOR PLAN

scale:
3/16"=1'

page:
A3

revisions:
AUG 28, 2019 - Issued for COA1

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Ali Shakeri
BCIN224674
P.E.A. Association Ltd.
BCIN230598

Ali Shakeri

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- J2: LPI 42 Plus 11" @16" o/c
- J3: LPI 42 Plus 11" @12" o/c

- B1: 1-LVL 11"x11" 2.0E TYP.
- B2: 2-LVL 11"x11" 2.0E TYP.
- B3: 3-LVL 11"x11" 2.0E TYP.
- B4: 4-LVL 11"x11" 2.0E TYP.

- C1: HSS Ø 102X8
- +5X5X $\frac{1}{2}$ PL TOP
- +10X10X $\frac{1}{2}$ PL BOT.
- +4X $\frac{1}{2}$ A.B.

- C2: HSS Ø 127X8
- +5X5X $\frac{1}{2}$ PL TOP
- +6X10X $\frac{1}{2}$ PL BOT.
- +2X $\frac{1}{2}$ A.B.

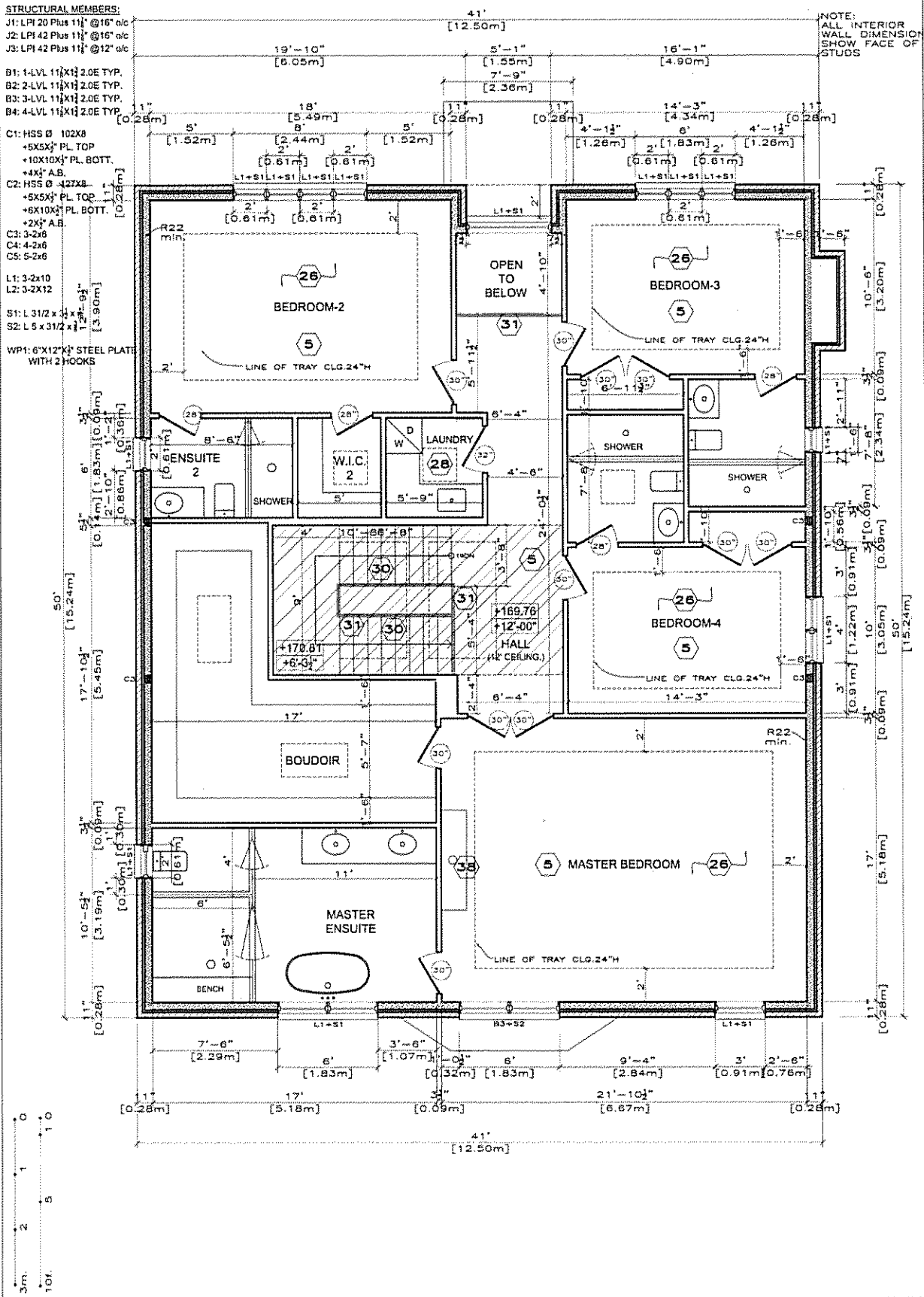
- C3: 3-2x6
- C4: 4-2x6
- C5: 5-2x6

- L1: 3-2x10
- L2: 3-2x12

- S1: L 31/2 x 4 x 3/8
- S2: L 5 x 31/2 x 3/8

WP1: 6"x12" X $\frac{1}{2}$ " STEEL PLATE WITH 2 HOOKS

NOTE:
ALL INTERIOR
DIMENSION
SHOW FACE OF
STUDS



designed by: ALI SHAKERI T.416 8213860 ARCICA INC. 328 SHEPPARD AVENUE EAST, M2N 3P4 TORONTO, ONTARIO, CANADA.	project: 68 POINSETTA DRIVE	revisions: AUG 26, 2019- issued for COA1	1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE. 2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. 3. DO NOT SCALE DRAWINGS. 4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK. 5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION". 6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.
	drawing: SECOND FLOOR PLAN	code: 3/16"=1'	

THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER (All Shakeri)
 RCIN#24574
 F&A Associates Ltd.
 RCIN#30998

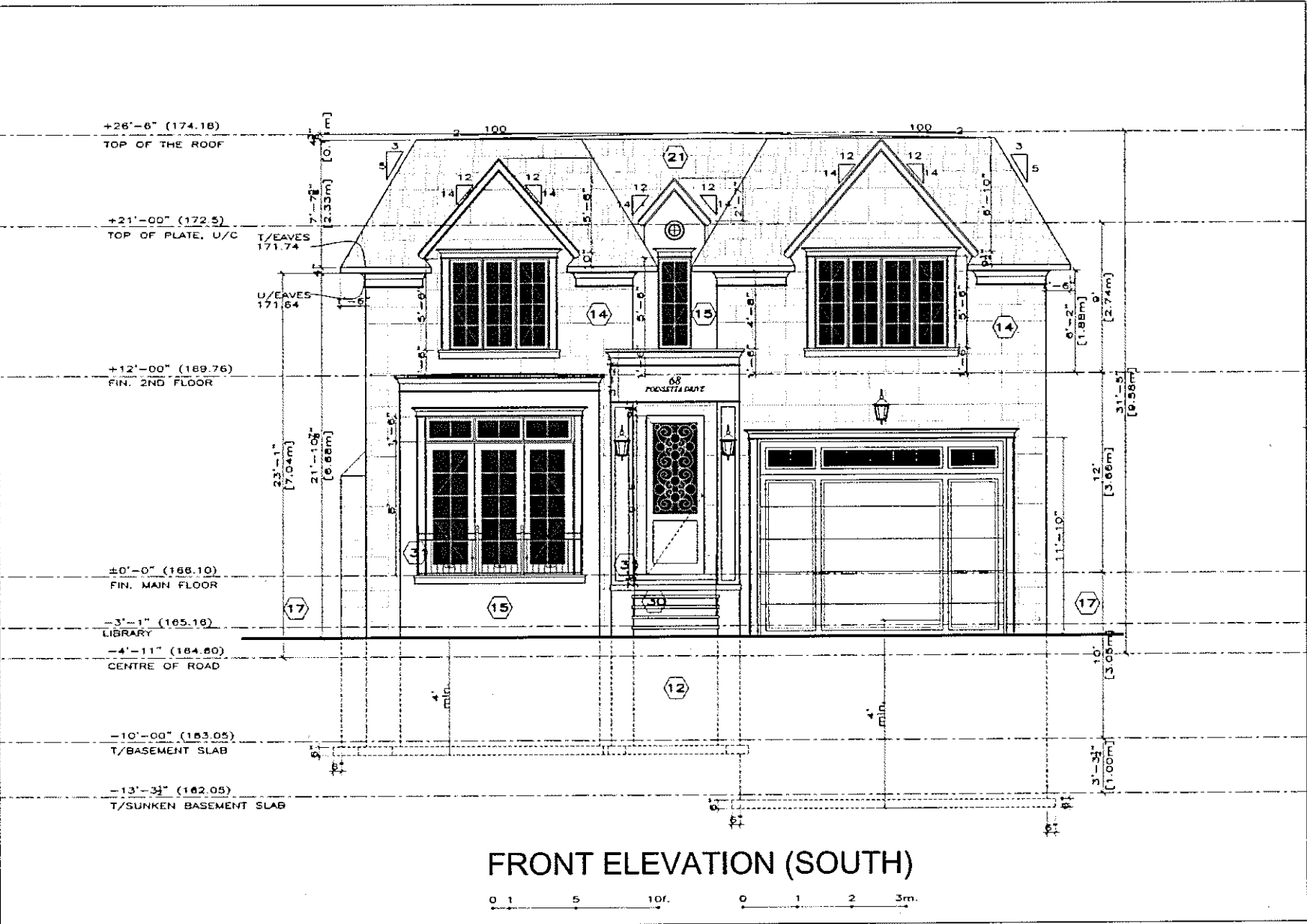
Ali Shakeri

Designed By:
ALI SHAKERI
 T-419 821380
ARCICA INC.
 328 SHEPPARD AVENUE EAST, 4TH FL. 3RD
 TORONTO, ONTARIO, CANADA

Project:
68 POINSETTA DRIVE
 Drawing:
FRONT ELEVATION (SOUTH)
 Scale:
3/16"=1'
 Sheet:
A5

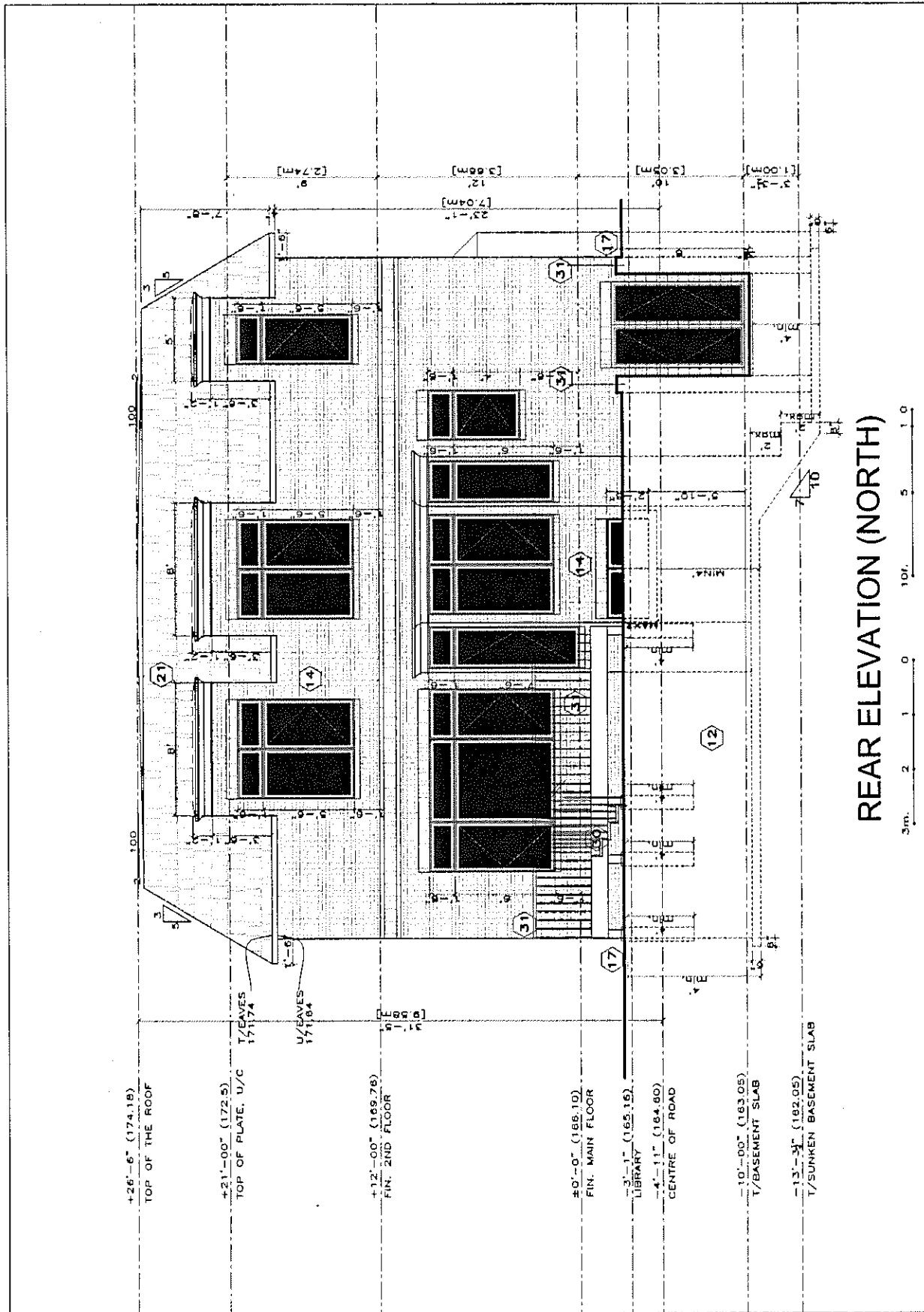
Professional:
 ALI SHAKERI (P. ENG.) (10101)
 THIS DOCUMENT HAS BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A REGISTERED PROFESSIONAL ENGINEER IN THE PROVINCE OF ONTARIO.
 ALI SHAKERI (P. ENG.) (10101)
 RC&A ASSOCIATES LTD.
 100 KING STREET WEST, SUITE 1000
 TORONTO, ONTARIO M5X 1C7
 RC&A ASSOCIATES LTD.
 (10101)
AS

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ONTARIO BUILDING CODE AND ALL DIMENSIONS FROM TO TO UNLESS OTHERWISE SPECIFIED.
 2. ALL DIMENSIONS SHALL BE FROM FACE UNLESS OTHERWISE SPECIFIED.
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 9. ALL DIMENSIONS SHALL BE FROM FACE UNLESS OTHERWISE SPECIFIED.



FRONT ELEVATION (SOUTH)

0 1 5 10f. 0 1 2 3m.

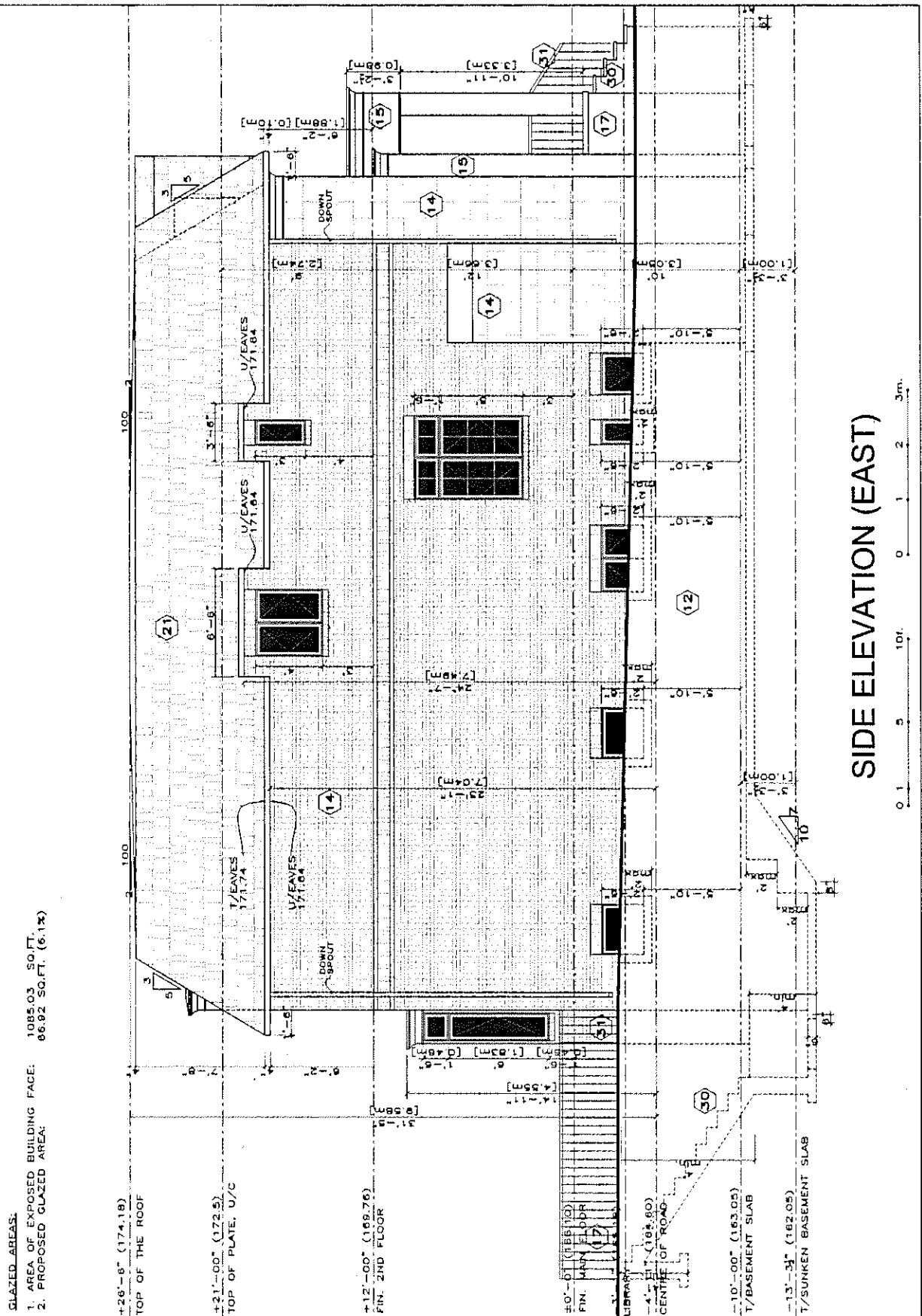


REAR ELEVATION (NORTH)



designed by: ALI SHAKERI T 418 8213980 ARCICA INC. 328 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO, CANADA.	project: 68 POINSETTA DRIVE	revisions: AUG 26, 2019 - issued for COA	1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE. 2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. 3. DO NOT SCALE DRAWINGS. 4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK. 5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION". 6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.
	drawing: REAR ELEVATION(NORTH)	page: A6	

THE UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER
 Ali Shakeri
 RCIN#23873
 F&A Associates Ltd.
 RCIN#30892



GLAZED AREAS:
 1. AREA OF EXPOSED BUILDING FACE: 1085.03 SQ.FT.
 2. PROPOSED GLAZED AREA: 86.92 SQ.FT. (6.1%)

±26'-6" (174.19)
 TOP OF THE ROOF
 ±21'-00" (172.5)
 TOP OF PLATE, U/C
 ±12'-00" (189.76)
 FIN. 2ND FLOOR

SIDE ELEVATION (EAST)



Project: 68 POINSETTA DRIVE	revisions: AUG 28, 2010 issued for COA1	1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE. 2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. 3. DO NOT SCALE DRAWINGS. 4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK. 5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION". 6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.
	drawing: SIDE ELEVATION (EAST)	
scale: 3/16"=1'	page: A7	Ali Shakeri
Ali Shakeri T.416 8213980 ARCICA INC. 338 SHEPPARD AVENUE EAST, W2N 3B4 TORONTO, ONTARIO, CANADA.		

