

Memorandum to the City of Markham Committee of Adjustment

November 24, 2021

File: A/155/21
Address: 8 Waterleaf Road, Markham
Applicant: Forest Hill Homes (Eddie Lee)
Agent: Forest Hill Homes (Eddie Lee)
Hearing Date: Wednesday December 08, 2021

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

The applicant is requesting relief from the following requirements of By-law 177-96, R2*190*192*514 as amended:

a) By-law 177-96, Section 7.190.1 (a) (iii):

two parking spaces, whereas the By-law requires three parking spaces; as it relates to a proposed dwelling as part of a new subdivision.

BACKGROUND

Property Description

The subject property is located on the north side of Waterleaf Road, south of White's Hill Avenue and west of Donald Cousens Parkway, within a new subdivision located in the Cornell community. The property will be developed with a two-storey single detached dwelling with an attached double-car garage accessed via a rear lane. The foundation walls have already been constructed in accordance with the issued building permit.

The property is located in the Cornell community, which is primarily a residential neighborhood that contains a mix of low rise housing forms, including detached, semi-detached, and townhouse dwellings. Cornell is primarily a lane-based community in which vehicular access and parking is provided via rear lanes and garages, and along public streets. The property is within close proximity to local institutional (education and health) and commercial uses, parks, and transit options. Accessory dwelling units exist in the form of coach houses located above private garages, and as basement apartments.

Proposal

The zoning by-law requires two parking spaces for a single detached dwelling. The applicant is proposing an accessory dwelling unit above the garage, which triggers the requirement for one additional parking space; and thereby increases the total parking requirement on the property to three parking spaces. The applicant is requesting a reduction of one parking space from the by-law requirement.

Official Plan and Zoning

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

The Official Plan designates the subject property "Residential Low Rise" which provides for a mix of low rise housing forms.

Zoning By-Law 177-96, as amended ("the Zoning By-law")

The subject property is zoned "Residential Two Exception *190*192*514 (R2*190*192*514)" under By-law 177-96, as amended, which permits single detached dwellings. One accessory dwelling unit on a lot is permitted by the zoning, provided that it meets specific criteria, including the applicable parking requirements.

Parking Standards By-law 28-97 (“the Parking By-law”)

The proposed development also does not comply with the Parking By-law with respect to the parking requirement for an accessory dwelling unit.

Zoning Preliminary Review (ZPR) Not Undertaken

City records indicate that the applicant has not completed a ZPR. It is the applicant’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 are identified at the Building Permit stage, further variance application(s) may be required to address any non-compliances.

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.

Parking Reduction

The requested variance is to permit two parking spaces on the property, whereas the By-law requires a total of three parking spaces (two for the principal unit and one for an accessory dwelling unit).

Staff are of the opinion that the proposed parking reduction may be considered “self-regulating”, as the accessory dwelling unit would only be of interest to an occupant that does not require a parking space, in the event that both parking spaces are required for use by the owner of the dwelling.

Additionally, the property is located within the general proximity of a bus station on Cornell Rouge Boulevard, which is on YRT’s Route 25 and can connect to the bus terminal at Markham Stouffville Hospital providing a number of transfer options including, but not limited to:

- Route 1 - to Richmond Hill Centre (Yonge) via Highway 7
- Viva Purple - to Richmond Hill Centre (Yonge) via Highway 7 (includes connection to Unionville GO station)
- Route 9 – to Whitchurch Stouffville via 9th Line
- Route 18 – to Angus Glen (Kennedy) via Bur Oak Avenue
- Route 16 – to Richmond Hill (Yonge) via 16th Avenue (includes connection to Mount Joy GO station)
- Route 25 – to Richmond Hill (Yonge) via Major Mackenzie Drive (includes connection to Richmond Hill GO station)

The City of Markham is committed to promoting affordable and shared housing opportunities. The requested variance will facilitate the creation of an accessory dwelling unit which contributes to the supply of affording housing in the City. Staff are of the opinion that the variance maintains the general intent of the Official Plan and Zoning By-law and support the approval of the application.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 1, 2021. 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 and have no objection to the approval of the application. 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:



Carlson Tsang, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 21 140770 \Documents\District Team Comments Memo

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/155/21

1. The variance applies only to the proposed development for as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix “B” to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

PREPARED BY:

A handwritten signature in black ink, appearing to read 'Carlson Tsang', with a horizontal line extending from the end of the signature.

Carlson Tsang, Senior Planner, East District

Appendix B

File: 21.140770.000.00.MNV

Date: 12/03/21
MM/DD/YY

R.F. Merrill
2218045 Ontario Limited
Design Control Review

I, Richard F. Merrill, certify that the Plans/
Drawings comply with the approved
architectural control guidelines. This
stamp is ONLY for the purposes of design
control and carries no other professional
obligation.

Reviewed by:

Date: July 22, 2021

Reviewed for: Final Review

LOT GRADING

wsp

REVIEWED ☒
REVIEWED AS MODIFIED ☐
REVISE AND RE-SUBMIT FOR REVIEW ☐
NOT REVIEWED ☐

This review by the undersigned is for the sole purpose of
ascertaining conformance with the general grading concept,
but no approval is given or responsibility assumed by the
undersigned for correctness of dimensions or details or
conformity to zoning by-law, which remain the responsibility
of the architect.
Builder to verify lateral elevations prior to digging foundation.

Date JULY 21, 2021

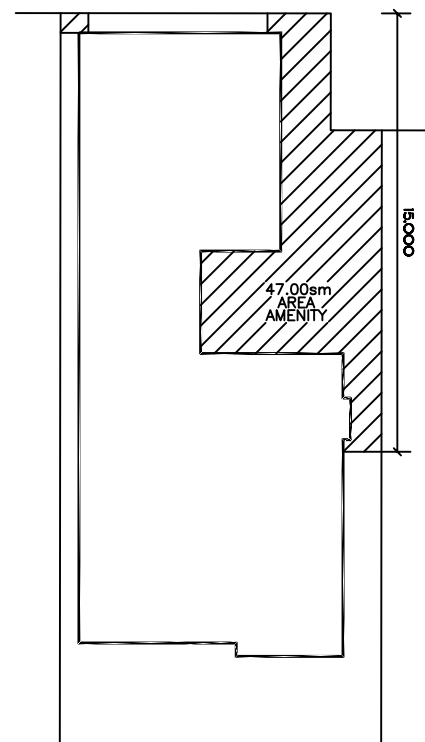
By

Patricia Blady

LEGEND

GM → GAS METER
FFE FINISHED FLOOR ELEVATION
TFW TOP OF FOUNDATION WALL
TBS TOP OF BASEMENT SLAB
USF UNDERSIDE FOOTING
USFR(REAL) UNDERSIDE FOOTING REAR
USFG UNDERSIDE FOOTING GARAGE
TEF TOP OF ENGINEERED FILL
R NUMBER OF RISERS
WOD WALKOUT DECK
LOB LOOK OUT BASEMENT
WOB WALKOUT BASEMENT
REV PLAN
STD STANDARD PLAN
DOOR LOCATION
BELL VAULT
CALBE TV
CATCH BASIN
DOUBLE CATCH BASIN
ENGINEERED FILL
HYDRANT
STREET LIGHT
WATER VALVE
MAIL BOX
TRANSFORMER
WATER CONNECTION
STORM + SAN. CONNECTION
(2 LOTS)
STORM + SAN. CONNECTION
(1 LOT)
A/C CONDENSER
ROOF DOWNSPOUT TO SPLASH PAD
SWALE DIRECTION
CHAIN LINK FENCE
PRIVACY FENCE
SOUND BARRIER
FOOTING TO BE EXTENDED
TO 1.25 (MIN) BELOW GRADE
MAX 3:1 SLOPE

NOTE:
THIS LOT DOES NOT CONTAINS AN ACCESSORY
DWELLING UNIT



NOTES:

"DOWNSPOUTS TO DISCHARGE ONTO GROUND
VIA SPLASH PAD" ALL DOWNSPOUTS TO BE AT
REAR OF UNITS. "BASE CURB ELEVATION TO
BE CHECKED VS. GARAGE SLAP ELEVATION TO
ENSURE ADEQUATE DRIVEWAY GRADE BEFORE
CONSTRUCTING GARAGE". FOR DETAILS OF
THE PRIVACY FENCE REFER TO THE
DRAWINGS.

BUILDER TO CONFIRM SERVICE CONNECTION
INVERTS PRIOR TO CONSTRUCTION

BUILDER TO ENSURE WATER BOX IS
ACCESSIBLE AND OPERATIONAL AT ALL TIMES

NOTE:

BUILDER TO VERIFY LOCATION OF ALL HYDRANTS,
STREET LIGHTS, TRANSFORMERS AND OTHER SERVICES.
IF MIN DIMENSIONS ARE NOT MAINTAINED BUILDER IS
TO RELOCATE AT HIS OWN EXPENSE

DRAWN BY:

JP

DATE:

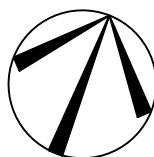
AUGUST 2020

SCALE:

1 : 250

LOT NUMBER:

LOT 100



JAMES PIGGOTT
Residential Design Consultant

3A King Street South, Suite 4
Cookstown Ont. L0L 1L0
(705) 458 8433

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS
DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET
OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5. OF DIVISION C OF THE

JAMES PIGGOTT 25146
NAME SIGNATURE

REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4. OF DIVISION C OF THE

JAMES PIGGOTT 34700
FIRM NAME

CLIENT
FOREST HILL HOMES

PROJECT/LOCATION
CORNELL — PHASE 7

MARKHAM, ONTARIO

DRAWING
SITE GRADING PLAN

BUILDING STATISTICS

REG. PLAN No	65M-4544
ZONE	R2 * 190 * 192
LOT NUMBER	100
No. OF STOREYS	2
MEAN HEIGHT (m)	7.59M

REVISIONS

NO	DATE	
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-

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2700 Dufferin St. Unit 34
Toronto, Ont. M6B 4J3

DRAWN BY: JP	DATE: JUNE 2015
CHECKED BY:	DATE:
SCALE: 3/16" = 1'-0"	

UNIT TYPE:
MODEL TYPE 36-11

PROJECT NO.:	DWG NO.:
	A1

FILE NAME: 36-11P



LATEST DWG 6/12/2020		
GFA=	2996 SF EL 'A' 2966 SF EL 'B' 2971 SF EL 'C' 2971 SF EL 'D'	
COV=	1762 SF EL 'A' 1804 SF EL 'B' 1804 SF EL 'C' 1804 SF EL 'D'	
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER. QUALIFICATIONS INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5. OF DIVISION C OF THE BUILDING CODE JAMES PIGGOTT NAME SIGNATURE 25146 BCIN REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4. OF DIVISION C OF THE BUILDING CODE JAMES PIGGOTT FIRM NAME 34700 BCIN		
3	-	-
2	6/12/2020	TOWN OF MARKHAMS COMMENTS
1	7/10/2020	CAN DESIGN STRUCT COMMENTS
NO	DATE	DESCRIPTION
REVISIONS		

Appendix B

File: 21-140770-000.00.MW

Date: 12/03/21 MM/DD/YY

GENERAL NOTES:

CONTRACTOR WILL CHECK AND VERIFY ALL DIMENSIONS AND CHECK ALL CONDITIONS ON THE JOB BEFORE PROCEEDING WITH WORK. ALL DISCREPANCIES TO BE REPORTED TO THE DESIGN CONSULTANT BEFORE PROCEEDING WITH THE WORK.

LATEST APPROVED DRAWINGS ONLY TO BE USED FOR CONSTRUCTION.
DRAWINGS NOT TO BE SCALED.

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(705) 458 8433

FOREST HILL HOMES

2700 Dufferin St. Unit 34
Toronto, Ont. M6B 4J3

PROJECT CO-ORDINATOR
J PIGGOTT

DRAWN BY: JP DATE: JUNE 2015

CHECKED BY: DATE:

SCALE:
3/16" = 1'-0"

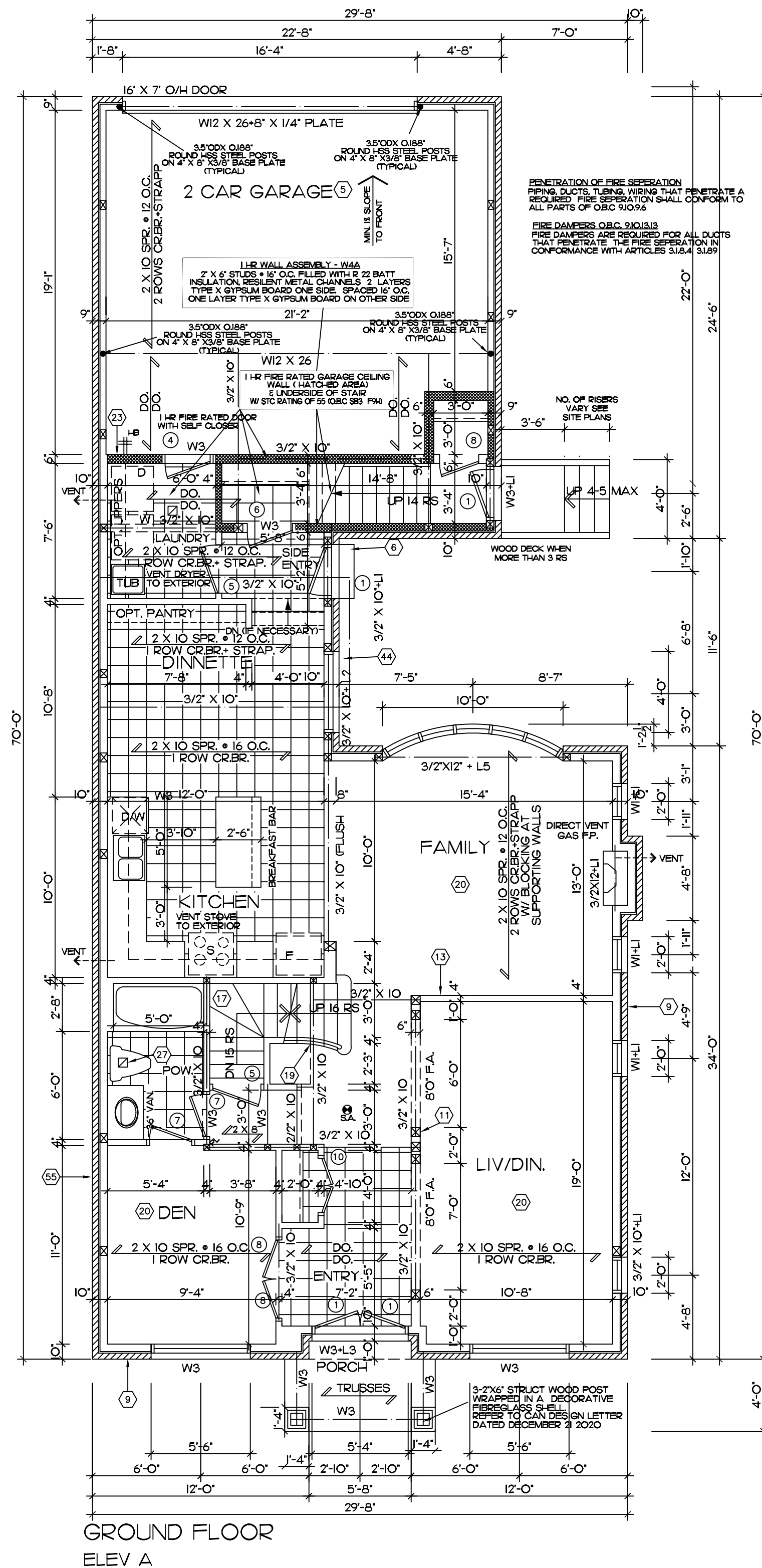
PROJECT NAME:
CORNEL

UNIT TYPE:
MODEL TYPE 36-11

SHEET NAME:
PLANS

PROJECT NO.: DWG NO.:
A2

FILE NAME:
36-11P



TOWN OF MARKHAM
CERTIFIED MODEL

LATEST DWG

8/10/2020

GFA= 2996 SF EL 'A'
2966 SF EL 'B'
2971 SF EL 'C'
2971 SF EL 'D'
COV= 1762 SF EL 'A'
1804 SF EL 'B'
1804 SF EL 'C'
1804 SF EL 'D'

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REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4. OF DIVISION C OF THE BUILDING CODE

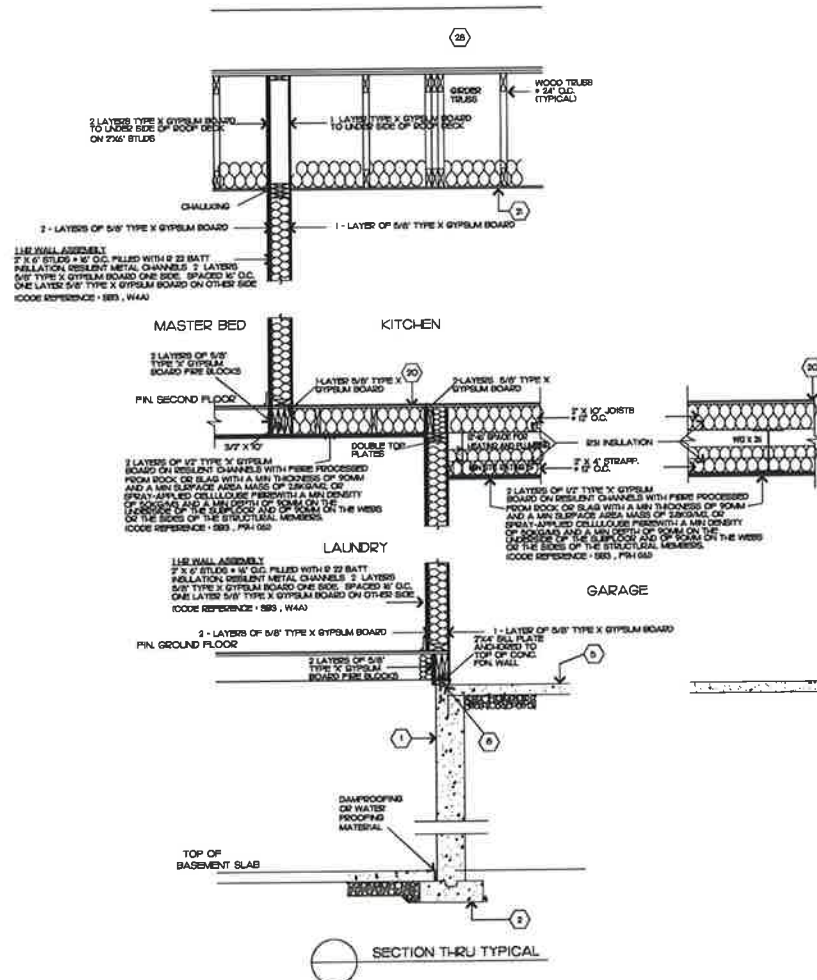
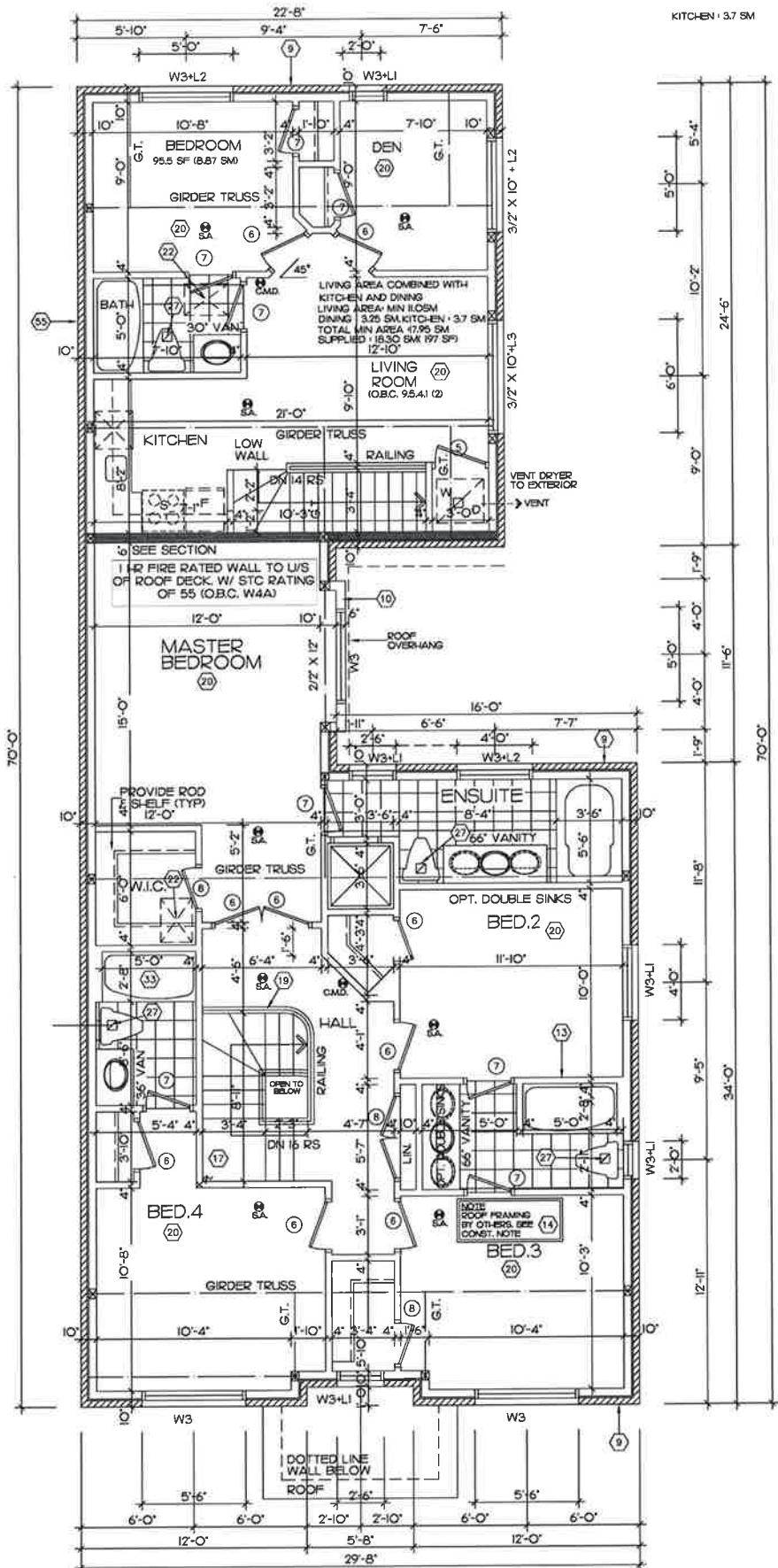
QUALIFICATIONS INFORMATION
JAMES PIGGOTT 25146
NAME SIGNATURE BCIN

REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4. OF DIVISION C OF THE BUILDING CODE

REGISTRATION INFORMATION
JAMES PIGGOTT 34700
FIRM NAME BCIN

3	-	-
2	6/12/2020	TOWN OF MARKHAM COMMENTS
1	7/10/2020	CAN DESIGN STRUCT COMMENTS
NO	DATE	DESCRIPTION

REVISIONS



LATEST DWG		6/12/2020	
GFA=	2996 SF	EL	'A'
	2966 SF	EL	'B'
	2971 SF	EL	'C'
	2971 SF	EL	'D'
COV=	1762 SF	EL	'A'
	1804 SF	EL	'B'
	1804 SF	EL	'C'
	1804 SF	EL	'D'
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REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5 OF DIVISION C OF THE BUILDING CODE		25146 BCN	
JAMES PIGGOTT		SIGNATURE	
NAME		REGISTRATION INFORMATION	
REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4 OF DIVISION C OF THE BUILDING CODE		34700 BCN	
JAMES PIGGOTT		FIRM NAME	
3	-	-	
2	6/12/2020	TOWN OF MARKHAM COMMENTS	
1	7/10/2020	CAN DESIGN STRUCT COMMENTS	
NO	DATE	DESCRIPTION	
REVISIONS			

Date: 01/14/21
ALL CONSTRUCTION SHALL COMPLY WITH THE ONTARIO BUILDING CODE
NO PERSON SHALL CONSTRUCT OR DEMOLISH A BUILDING OR CAUSE A BUILDING TO BE CONSTRUCTED EXCEPT IN ACCORDANCE WITH THESE CERTIFIED MODEL DOCUMENTS, THE BUILDING CODE ACT AND THE BUILDING CODE
THIS IS NOT A BUILDING PERMIT. A BUILDING PERMIT REFERRING TO THIS CERTIFIED MODEL MUST BE OBTAINED PRIOR TO THE START OF CONSTRUCTION.

GENERAL NOTES:
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DRAWINGS NOT TO BE SCALED.

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3A King Street South, Suite 4
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(705) 458 8433

FOREST HILL HOMES
2700 Dufferin St. Unit 34
Toronto, Ont. M6B 4J3

PROJECT CO-ORDINATOR J PIGGOTT	
DRAWN BY: JP	DATE: JUNE 2015
CHECKED BY:	DATE:
SCALE: 3/16" = 1'-0"	

PROJECT NAME: CORNEL	
UNIT TYPE: MODEL TYPE 36-11	
SHEET NAME: PLANS	
PROJECT NO.:	DWG NO.: A3
FILE NAME: 36-11P	

Appendix B

File: 21-140770-000.00.MW

Date: 12/03/21

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PROJECT CO-ORDINATOR

J PIGGOTT

DRAWN BY: JP DATE: JUNE 2015

CHECKED BY: DATE:

SCALE: 3/16" = 1'-0"

PROJECT NAME:

CORNEL

UNIT TYPE:

MODEL TYPE 36-11

SHEET NAME:

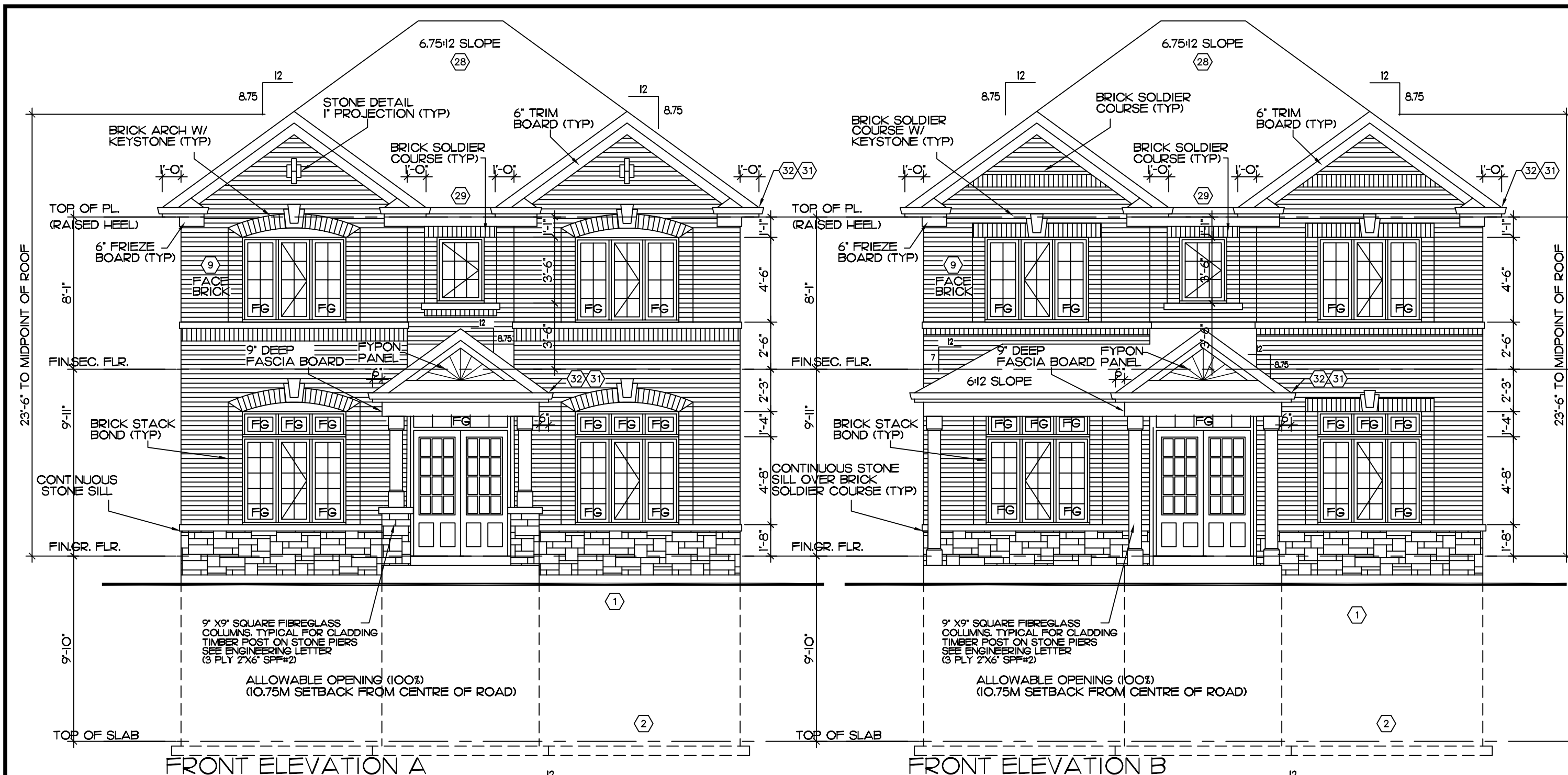
ELEVATIONS

PROJECT NO.: DWG NO.:

2012-1

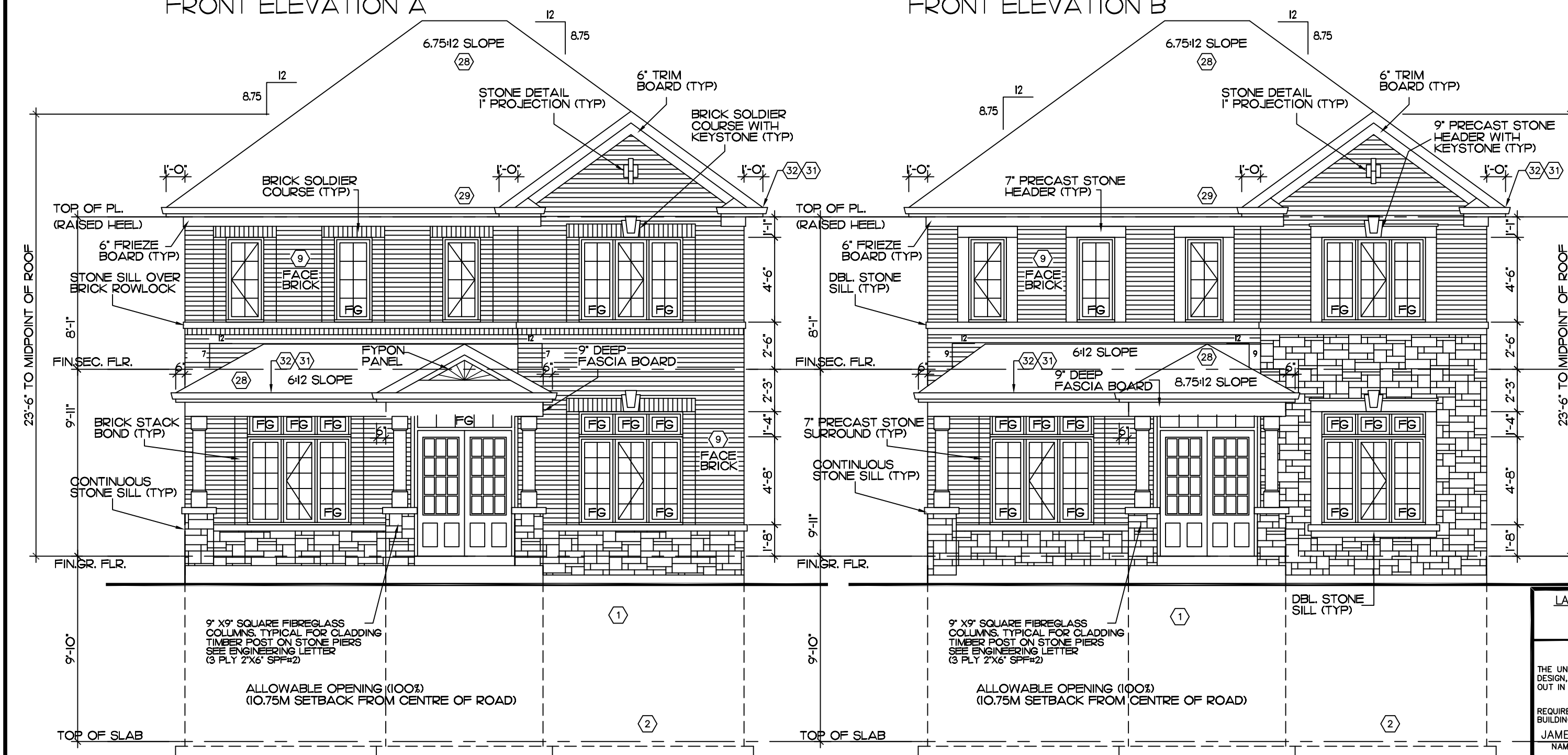
A5

FILE NAME: 36-11e.dwg



FRONT ELEVATION A

FRONT ELEVATION B



FRONT ELEVATION C

FRONT ELEVATION D

TOWN OF MARKHAM
CERTIFIED MODEL

LATEST DWG

6/12/2020

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REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5. OF DIVISION C OF THE BUILDING CODE

JAMES PIGGOTT 25146 BCIN

REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4. OF DIVISION C OF THE BUILDING CODE

JAMES PIGGOTT 34700 BCIN

2 - -

1 6/12/2020 TOWN OF MARKHAM COMMENTS

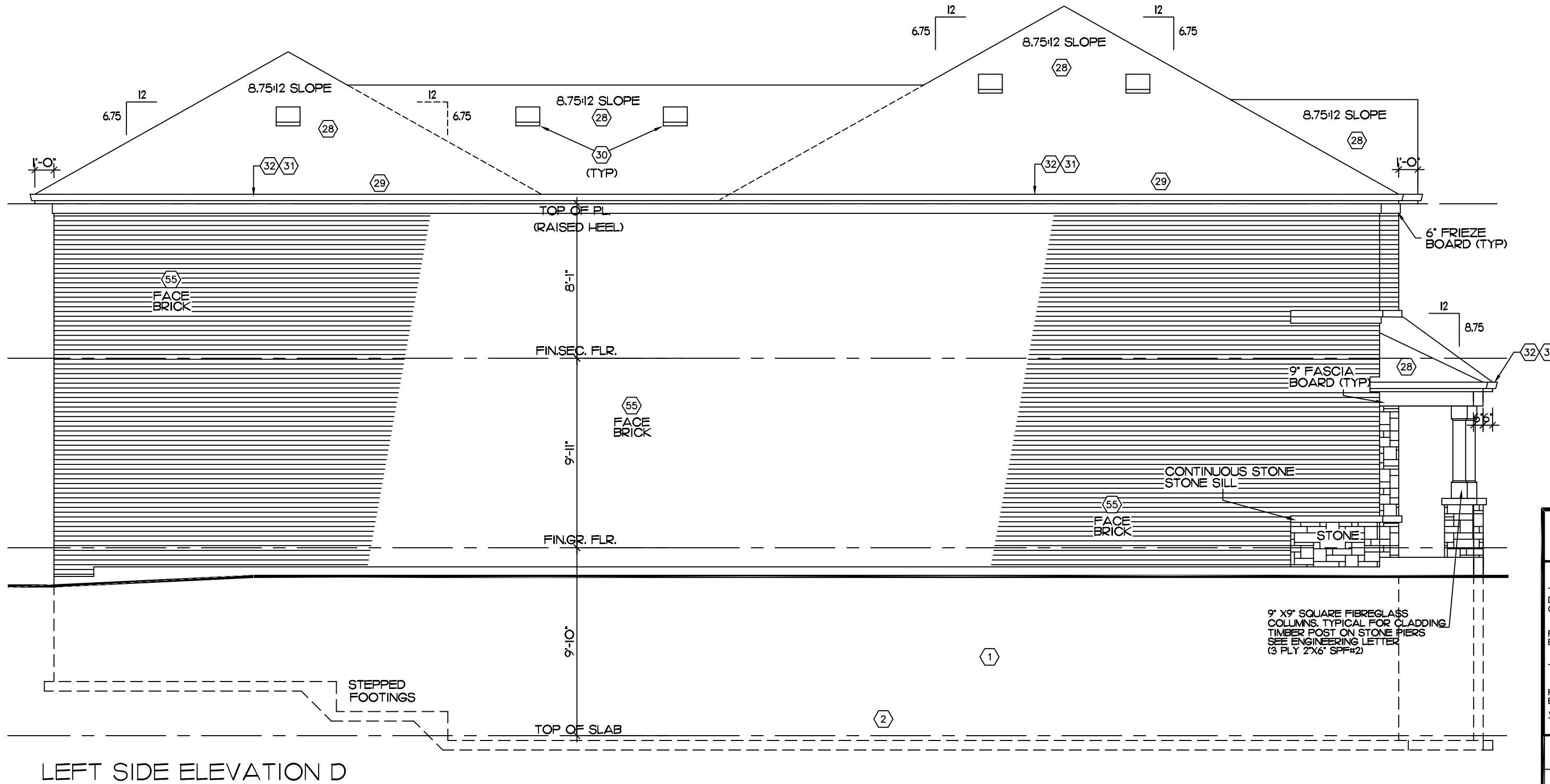
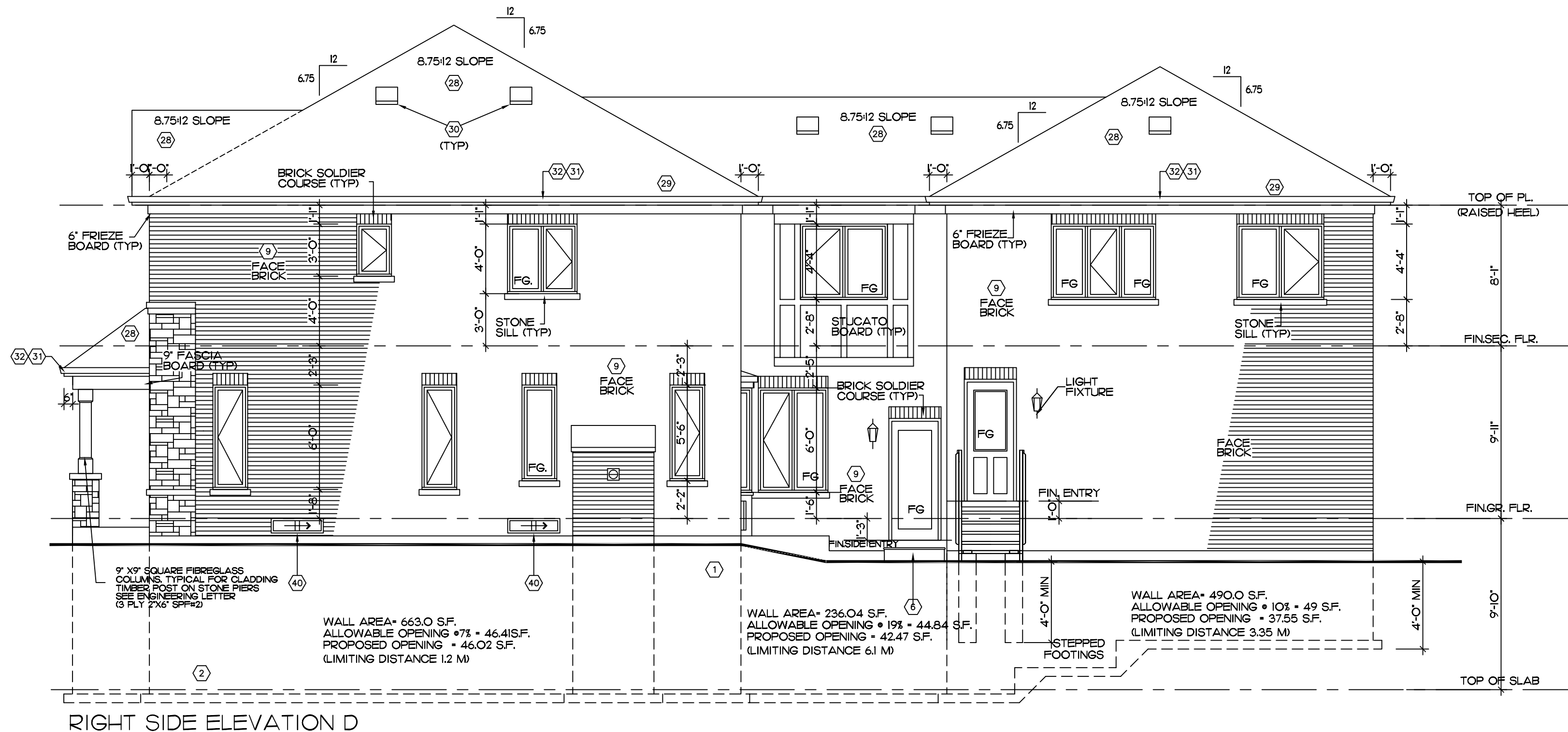
NO DATE DESCRIPTION

REVISIONS

Appendix B

File: 21-140770.000.00.MKV

Date: 12/03/21 MM/DD/YYYY



TOWN OF MARKHAM
CERTIFIED MODEL

LATEST DWG		
6/12/2020		
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QUALIFICATIONS INFORMATION		
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JAMES PIGGOTT	SIGNATURE	25146
JAMES PIGGOTT	REGISTRATION INFORMATION	34700
JAMES PIGGOTT	FIRM NAME	BCIN
2	-	-
1	6/12/2020	TOWN OF MARKHAM COMMENTS
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PROJECT CO-ORDINATOR	
J PIGGOTT	
DRAWN BY:	DATE:
JP	JUNE 2015
CHECKED BY:	DATE:
SCALE:	3/16" = 1'-0"

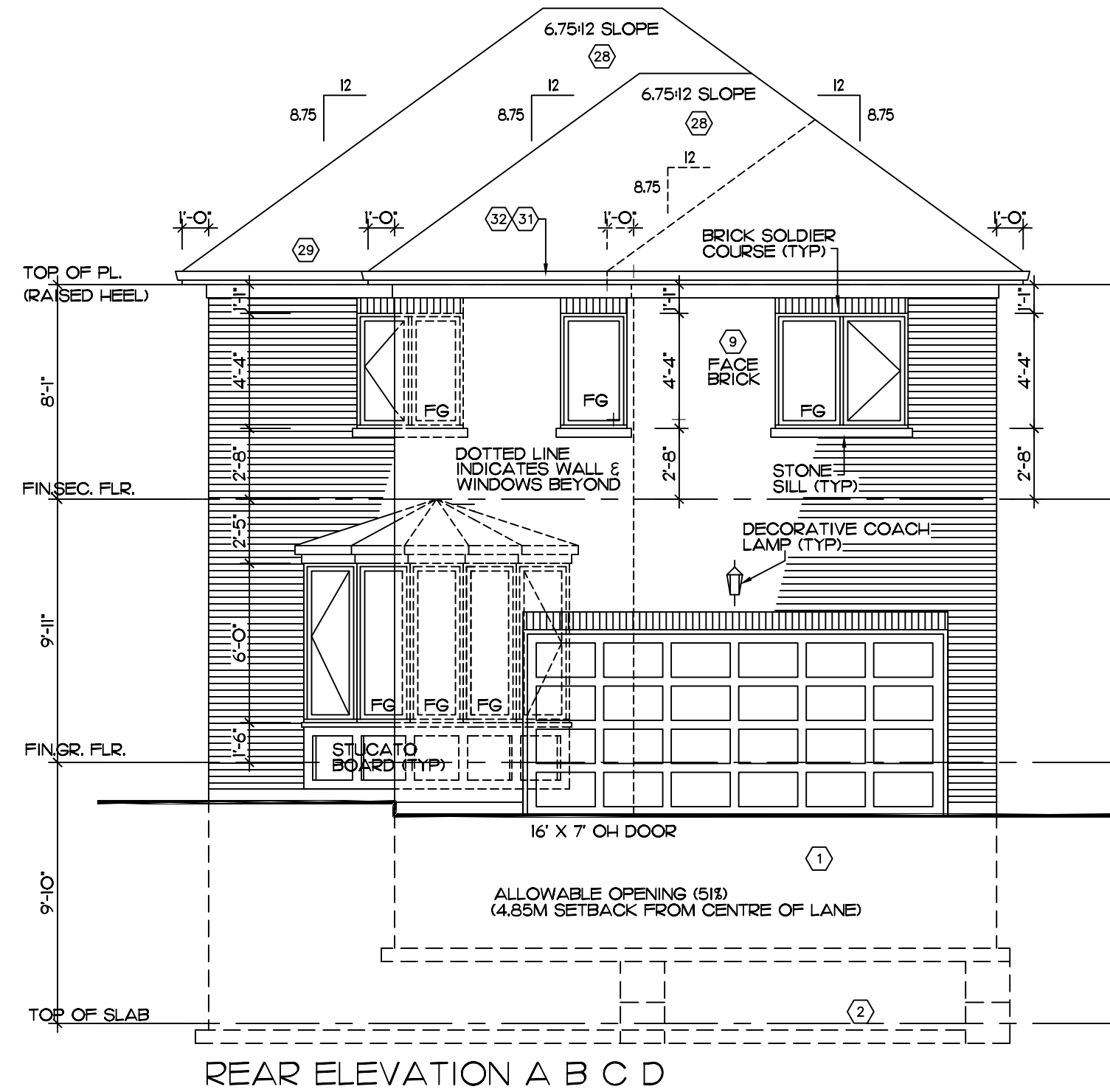
PROJECT NAME:
CORNEL

UNIT TYPE:
MODEL TYPE 36-11

SHEET NAME:
SIDE ELEVATIONS D

PROJECT NO.:	DWG NO.:
2012-1	A10

FILE NAME:
3611e.dwg



R.F. Merrill
2218045 Ontario Limited
Design Control Review

I, Richard F. Merrill, certify that the Plans/ Drawings comply with the approved architectural control guidelines. This stamp is ONLY for the purposes of design control and carries no other professional obligation.

Reviewed by: 
Date: April 20, 2021
Reviewed for: Final Review

TOWN OF MARKHAM
CERTIFIED MODEL

LATEST DWG		
6/12/2020		
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JAMES PIGGOTT	25146	BCIN
NAME	SIGNATURE	BCIN
REGISTRATION INFORMATION		
REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4. OF DIVISION C OF THE BUILDING CODE		
JAMES PIGGOTT	34700	BCIN
FIRM NAME	BCIN	
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Toronto, Ont. M6B 4J3

PROJECT CO-ORDINATOR
J PIGGOTT

DRAWN BY:	DATE:
CHECKED BY:	DATE:
SCALE:	3/16" = 1'-0"

PROJECT NAME:

CORNEL

UNIT TYPE:
MODEL TYPE 36-11

SHEET NAME:
REAR ELEVATION

PROJECT NO.: 2012-1
DWG NO.: A6

FILE NAME: 36-11e.dwg