Memorandum to the City of Markham Committee of Adjustment

August 27, 2020

File: A/075/20

Address: 22 Barter St – Markham, ON

Applicant: Saseetharan Thirugnanasampanthen

Agent: Varatha Design Associates
Hearing Date: Wednesday September 2, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of the Residential Two Exception (R2*224*323) Zone, under By-law 177-96 as amended, as they relate to an existing accessory dwelling unit within the basement of the detached dwelling:

a) Parking By-law 28-97, Section 3.0:

to permit two parking spaces, whereas the By-law requires three parking spaces; and

b) **Section 6.5**:

to permit an accessory dwelling unit, whereas the By-law permits one single detached dwelling.

BACKGROUND

Property Description

The 424.15 m² (4,565.51 ft²) subject property is a corner lot situated at the northwest corner of Barter Street and Kentwood Crescent, located east of 9th Line and south of 14th Avenue. There is an existing two-storey single detached dwelling on the subject property with an existing basement apartment, and City owned trees within the municipal boulevard of both street frontages. The property is located within an established residential neighbourhood primarily comprised of two-storey detached dwellings.

Proposal

The applicant is requesting permission to legalize an existing secondary suite in the basement of the detached dwelling. The proposal includes the addition of two new windows at the south side of the dwelling, and an enlarged basement window at the front wall (east side) of the building. The existing secondary suite contains two bedrooms within the basement floor which will have direct and separate access from the new walk-up stairs proposed at the west side (rear) of the building. An existing interlock paved walkway that connects the driveway to the main front door is proposed to be extended to connect to the walk-up stairs in the rear yard.

Provincial Policies

More Homes, More Choice Act, 2019

The More Homes, More Choice Act, 2019, S.O. 2019, c. 9 – (Bill 108), received Royal Assent on June 6, 2019 and portions were proclaimed on September 3, 2019. The proclaimed portions of Bill 108 amended the *Planning Act* to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse dwellings, as well as permitting a residential unit in ancillary structures to a detached house, semi-detached house, or rowhouse. Under this legislation, "second

suites" are now referred to as "additional residential units", and the terms are used synonymously in this memorandum.

Provincial Policy Statement, 2020

Section 1.4.3 of the *Provincial Policy Statement, 2020,* requires planning authorities to provide for an appropriate range and mix of housing options and densities to meet the affordable housing needs of current and future residents. Amongst other means, this can be achieved by permitting and facilitating residential intensification, including additional residential units, and redevelopment by accommodating a significant supply and range of housing options through intensification and redevelopment while taking into account existing building stock.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan, 2019)

Section 2.1.4 (c) of the *Growth Plan, 2019* requires municipalities to provide a diverse range and mix of housing option including second units to support complete communities.

Official Plan and Zoning

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

The City's Official Plan designates the subject property "Residential Low Rise", which provides for low rise housing forms including single detached dwellings. The Official Plan also contains criteria for the establishment of secondary suites in Section 8.13.8 which states:

"That in considering an application to amend the Zoning By-law to permit the establishment of a secondary suite where provided for in this Plan, Council shall be satisfied that an appropriate set of development standards are provided for in the Zoning By-law including:

- a) the building type in which the secondary suite is contained;
- b) the percentage of the floor area of the building type devoted to the secondary suite;
- c) the number of dwelling units permitted on the same lot;
- d) the size of the secondary suite;
- e) the applicable parking standards; and
- f) the external appearance of the main dwelling."

A "Secondary Suite" in the Official Plan is defined as:

"...a second residential unit in a detached house, semi-detached house or rowhouse that consists of one or more rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons."

Section 4.1.2.6 of the Official Plan contains policies to support further diversification of the housing stock and rental housing tenure by permitting secondary suites within existing and new single detached, semi-detached and rowhouse dwellings in accordance with Section 3.5.22 of the Regional Official Plan and subject to appropriate zoning, development criteria, and standards.

Zoning By-Law 177-96

The subject property is zoned Residential Two Exception (R2*224*323) under By-law 177-96, as amended, which permits low rise housing forms, including single detached, semi-detached, duplex, triplex, fourplex, or townhouse dwellings subject to specific development standards and lot sizes. Section 6.5 of the By-law only permits one dwelling on a lot. Consequently, the applicant has submitted a variance to request that a secondary suite be permitted within the existing dwelling on the subject property.

Exceptions 224 and 323 are not specifically applicable to the requested variances, as they relate to permitted encroachments in the front yard, and driveway setbacks, respectively.

Parking Standards By-law 28-97

The proposed development also does not comply with the City of Markham Parking Standards By-law 28-97, as amended with respect to the required minimum parking for the main dwelling and accessory unit. Further details as they relate to the requested parking variance are provided in the comments section below.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant has confirmed that a ZPR has not been conducted; however the applicant has received zoning comments from the Building Standards Department through the building permit review process to legalize the secondary suite. The applicant has requested variances to address these zoning comments.

COMMENTS

The *Planning Act* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (the "Committee"):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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.

Secondary Suites

Fire and Emergency Services Department has no objection to the proposed secondary suite provided it is registered with the City and complies with Building and Fire Codes. Should this application be approved, the applicant will be required to obtain a building permit which ensures the secondary suite will be in compliance with Building Code and Fire Code regulations, and will be required to register their secondary suite with the Fire Department prior to the occupancy of the unit.

The City of Markham is committed to promoting affordable and shared housing opportunities. Secondary suites help the City increase the availability of affordable housing forms and provide support to achieve its affordable housing target required by the Province. Planning staff are of the opinion that the application meets the criteria under Section 8.13.8 of the 2014 Official Plan for the establishment of a secondary suite and therefore have no objections.

Reduced Parking Spaces

The City of Markham Parking Standards By-law 28-97, as amended, requires a minimum of two parking spaces be provided for the principal dwelling unit, and one additional space for a secondary suite. The existing garage and driveway currently provides for a total of

two parking spaces based on the minimum parking space size requirements in the By-law which requires a minimum width of 2.60 m (8.53 ft) in a garage and 2.75 m (9.02 ft) on a driveway. Staff note that the existing garage and driveway are wider than what is typical of a one car garage and driveway, with widths of approximately 5.05 m (16.57 ft), which could provide additional space for parking.

Requiring an additional parking space will result in changes to the property, such as reduced soft landscaping and consequently, an increased hard surface area within the front yard. Staff are of the opinion that a reduction in parking may also be considered "self-regulating", as the secondary suite could 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 property owner. The applicant should be aware that overnight parking is not permitted on residential streets in Markham, unless a permit or exemption is obtained through the City's By-law Licensing and Enforcement Department. Staff have no objections to the requested variance.

Tree Protection

Due to the proposed construction and landscaping activities, operations staff recommend that appropriate tree protection hoarding or fencing be installed around the City owned trees in the municipal boulevard prior to the undertaking of any works related to landscaping, construction, or demolition. Accordingly, staff recommend that a condition of approval related to protection of the trees located within the boulevard area as provided in Appendix "A" be adopted to ensure protection of the City owned trees.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 27, 2020. 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. 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 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.

APPENDICES

Appendix "A" – Conditions of Approval Appendix "B" – Plans

PREPARED BY:

Aleks Todorovski, Planner, Zoning and

Special Projects

REVIEWED BY:

Stephen Corr, Senior Planner, East

District

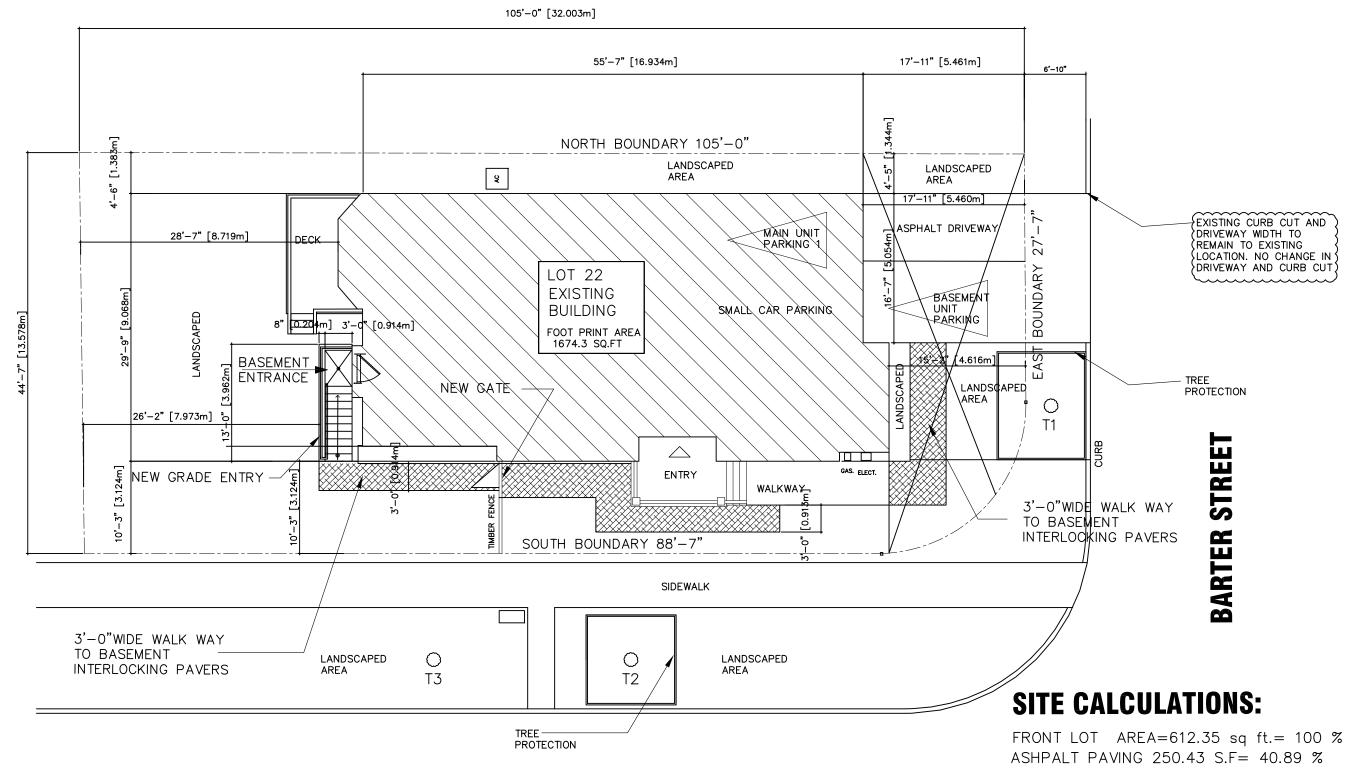
APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/075/20

- 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 batch stamped 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.
- 3. That the owner submit, if required by the Chief Building Official, a third-party report prepared by an architect or professional engineer licensed in the Province of Ontario, to assess compliance of existing construction with the provisions of the Ontario Building Code, and in particular relating to the change of use from a dwelling containing a single suite to a dweslling containing more than one suite.
- 4. That prior to the commencement of landscaping, construction, or demolition, tree protection hoarding or snow fencing be erected and maintained around all City owned street trees on site located along Kentwood Crescent and Barter Street, 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.

CONDITIONS PREPARED BY:

Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B" PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/075/20



KENTWOOD CRESCENT

NOTE

NO NEED TO EXTEND THE DRIVEWAY REMAIN AS IT IS

SITE PLAN SCALE: 3/32" = 1'-0"



TREE PROTECTION

TREE T1 AND T2 PROTECTED TO 3'-0" ALL 4 SIDES.

TREE T3 FAR-AWAY FROM THE CONSTRUCTION

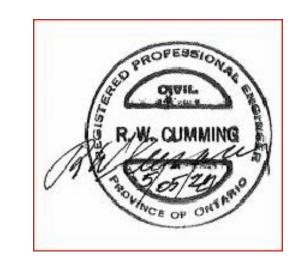
LANDSCAPING 361.92 S.F= 59.10 %

HARD LAND. (INTERLOCKING BRICKS) 107.38 S.F.

SITE STATISTICS:

SITE ADDRESS: 22 BARTER STREET

LOT AREA: 4563.9 square ft. = (424.15 SQ.M.)



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE O.B.C TO BE A DESIGNER

> QUALIFICATION INFORMATION: K.Ranagavaratha (B.C.t.N) 26147

REGISTRATION INFORMATION: VARATHA DESIGN ASSOCIATES (B.C.L.N) 33937

DRAWING TITLE: SITE PLAN PROJECT: NEW GRADE ENTRY EXISTING DWELLING AND BASEMENT LAYOUT RENOVATION TO 22 BARTER STREET, MARKHAM, ONTARIO OWNER:

SASEETHARAN THIRUGNANASAMPANTHEN

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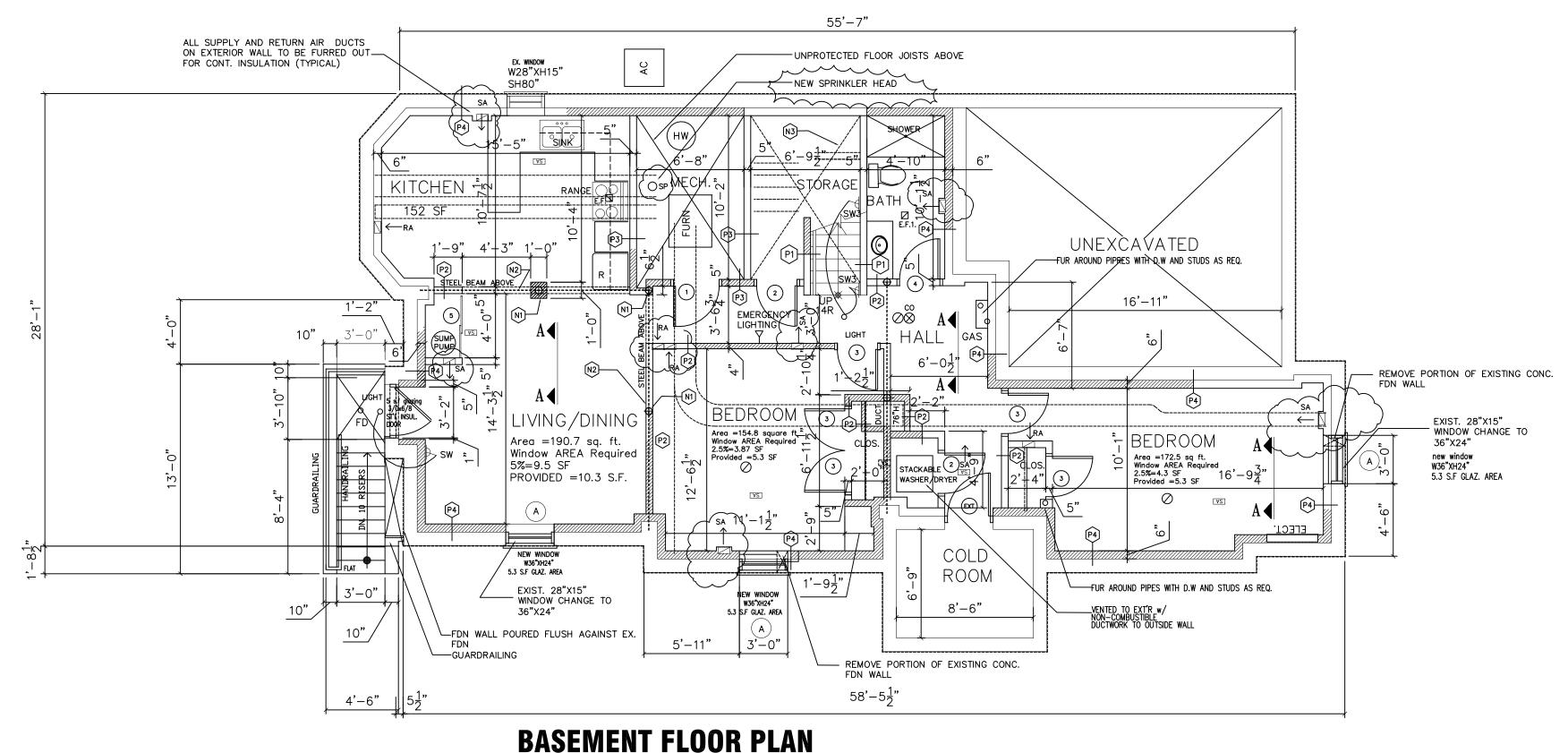
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2	REVISIONS	K.V.	MAY5,20
1	BUILDING PERMIT	K.V.	APR.17,20
	REVISION/ISSUED TO	BY	DATE

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Architectural Designer
TEL: (416) 284 7

IEL: (416) 284 7945 CELL: (416) 725 2041 TORONTO Ont. email: kvaratha@hotmail.com CAD FILE : SCALE: JOB No.: 3/32" =1'-0" 20144. DATE: DWG NO: OF APR.17,20 DRAWN BY: K.V CHECKED BY: DATE OF PRINT:

K.V

MAY5,20



·SMOKE ALARM ON MAIN FLOOR IS INTERCONNECTED WITH SMOKE ALARM ON SECOND FLOOR AND BASEMENT. ·SMOKE ALARM SHALL CONFIRM TO O.B.C. DIV. B 9.10.19

EXISTING MAIN FLOOR WALL AND CEILING IS DRY WALL FILLED WITH INSULATION SOUND TRANSMISSION BETWEEN SMOKE ALARM. MAIN UNIT AND SECOND SUITE. SEE SECTION A-A

ALL SUPPLY AND RETURN AIR DUCTS ON EXTERIOR WALL TO BE FURRED OUT FOR CONT. INSULATION

_EGEND:

SMOKE ALARM SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE

INSTALL TYPE 'X' DRYWALL CEILING SEE SECTION A-A @ 84" A.F.F FULL-BASEMENT AND 80" U/D BEAMS

·SHALL HAVE A BATTERY BACKUP

ALL SUPPLY AND RETURN AIR TO-

BE 18" AFF

BUILT UP WD POSTS 3-2" X4"

ADD 1 LAYER 5/8" TYPE "X" AROUND (N1) ST'L COLUMN (BASED ON TABLE 2.6.1.F) 1 HR FIRERATED ASSEMBLY SB-2 PG 27(TYP. FOR 4 PLACES)

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

2 LAYER 5/8" TYPE "X" AROUND ST'L BEAM BASED ON TABLE 2.3.12 C/W MINERAL WOOL 1 HOUR

N3 INSTALL 5/8" TYPE "X" BASED ON TABLE 2.3.4A SB-2 MIN 40 MIN F.R.JOISTS EQ. 10 MIN =50 MIN TOTAL

2 LAYER 5/8" TYPE "X" C/W SOUND CHANNELS C/W SOUND

1. DOORWAY SIZE SHALL CONFIRM TO O.B.C 9.6.3 2. A SMOKE DETECTOR SHALL BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM WHICH SHOULD BE TURN OFF THE FUEL SUPPLY AND ELEC. POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR. 3. 1HR MINUTE FIRE SEPARATION 5/8" TYPE "X"

GYPSUM BOARD CEILING SEE SECTION A-A

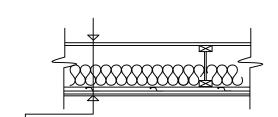
1. DOORWAY SIZE SHALL CONFIRM TO O.B.C 9.6.3

ACTIVATION OF SUCH DETECTOR.

CEILING SEE SECTION A A

(A) WINDOW LINTEL TO BE 3-2" X10" FLUSH C/W 3.5" X3.5" X 5/16" STEEL BRICK ANGLE

R.W. CUMMING



subfloor of 15.5 mm plywood, OSB or waferboard, or 17 mm tongue and groove lumber ON EXISTING wood joists spaced at 16" o.c. 3" SOUND ATTENUATION/FIRE BLANKET INSUL. resilient metal channels spaced 24" o.c. 1 layer of 1/2" th. type 'x' gypsum board on ceiling side

FLOOR CONSTRUCTION

F.R.-30MIN. min. STC. 42 stc F 10 G floor constuction type based on mmhs sb-3

SECTION A-A

MECHANICAL VENTILATION 150 CFM INSUL. 6" DIA. EXHAUST OUT EXISTING WALLS O.C. AND 1 LAYER OF 5/8" 32X80 NEW BOOR (20 MIN RATED 5 48X80 SLIDING DOOR WITH SELF CLOSING DEVICE. NEW WALLS TYPE X (BASED ON W4A SB-3 STC RATING 51) 2X4 WITH 1/2" DRY WALL 2 32X80 NEW DOOR (3 30X80 NEW DOOR (4 24X80 NEW DOOR ∠ SW SWITCH BOTH SIDES 2X4 WITH 5/8" TYPE 'X' DRY WALL @ 16" O.C BOTH SIDES 1 SMOKE ALARM INTER CONNECTED (EXT) EXISTING DOOR HR FIRERATED WALL(BASED ON SA EXISTING SUPPLY AIR W1D SB-3) E.F.1. MECHANICAL VENTILATION
100 CFM INSUL.6" DIA. EXHAUST OUT

RENOVATED WALLS

DRAWING TITLE:

2X3@16" WITH 为" DRY √ SW3 3-way SWITCH WALL WITH R20 CI SPRAYFOAM (2.75"MIN.TH.)

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2. A SMOKE DETECTOR SHALL BE INSTALLED IN THE SUPPLY OR

3.30 MINUTE FIRE SEPARATION (15.9 MM) TYPE "X" GYPSUM BOARD

RETURN AIR DUCT SYSTEM WHICH SHOULD BE TURN OFF THE FUEL

SUPPLY AND ELEC. POWER TO THE HEATING SYSTEM UPON

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Varatha design associates Architectural & Engineering Services Varatha Ken Architectural Designer TEL: (416) 284 7945 CELL: (416) 725 2041 TORONTO Ont. email: kvaratha@hotmail.com CAD FILE : E: JOB No.: =1'-0" 20144. DWG NO: APR.17,20 WN BY: K.V CKED BY: DATE OF PRINT:

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OSP INSTALL NEW SPRINKLER HEAD IN FURNACE ROOM

QUALIFICATION INFORMATION: K.RANAGAVARATHA-(B.C.I.N) 26/47

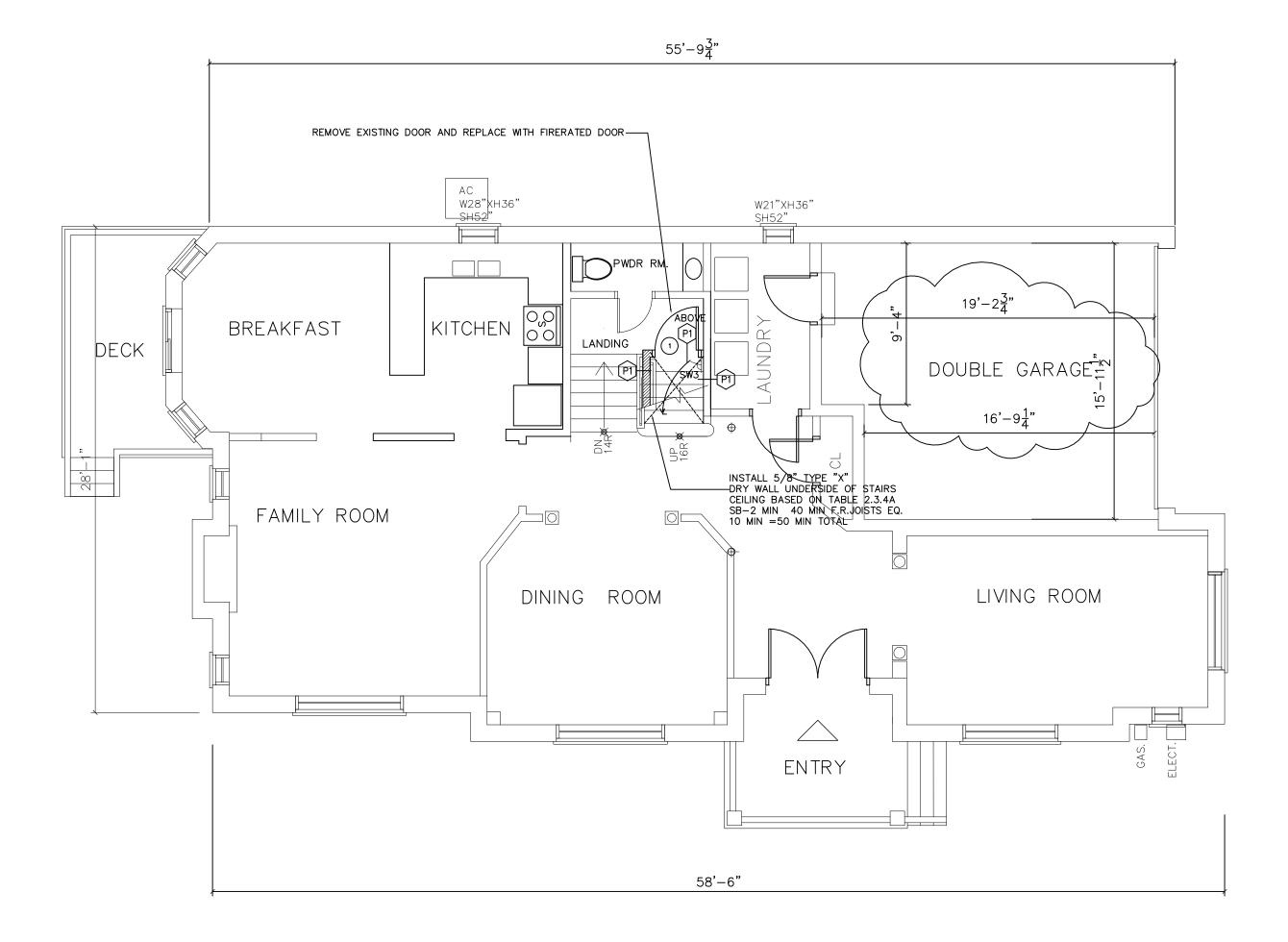
REGISTRATION INFORMATION: VARATHA DESIGN ASSOCIATES (B.C.I..N) 33937

PROJECT: NEW GRADE ENTRY EXISTING DWELLING AND BASEMENT LAYOUT RENOVATION TO 22 BARTER STREET, MARKHAM, ONTARIO OWNER: SASEETHARAN THIRUGNANASAMPANTHEN

BASEMENT RENOVATED PLAN

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE SITE AND REPORT ANY DISCREPANCIES OR ERRORS BEFORE COMMENCING ANY PART OF THE WORK





LEGEND:

EXISTING WALLS

MEW WALLS

RENOVATED WALLS

32X80 NEW DOOR (20 MIN RATED WITH SELF CLOSING DEVICE.

FIRST FLOOR PLAN

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

no change to mech. an exhaust system

∠SW3 3-way SWITCH



CHECKED BY:

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FIRST FLOOR PLAN

PROJECT:

NEW GRADE ENTRY EXISTING DWELLING AND BASEMENT LAYOUT RENOVATION TO 22 BARTER STREET, MARKHAM, ONTARIO

OWNER:

SASEETHARAN THIRUGNANASAMPANTHEN

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 TORONTO Ont.
 email: kvaratha@hotmail.com

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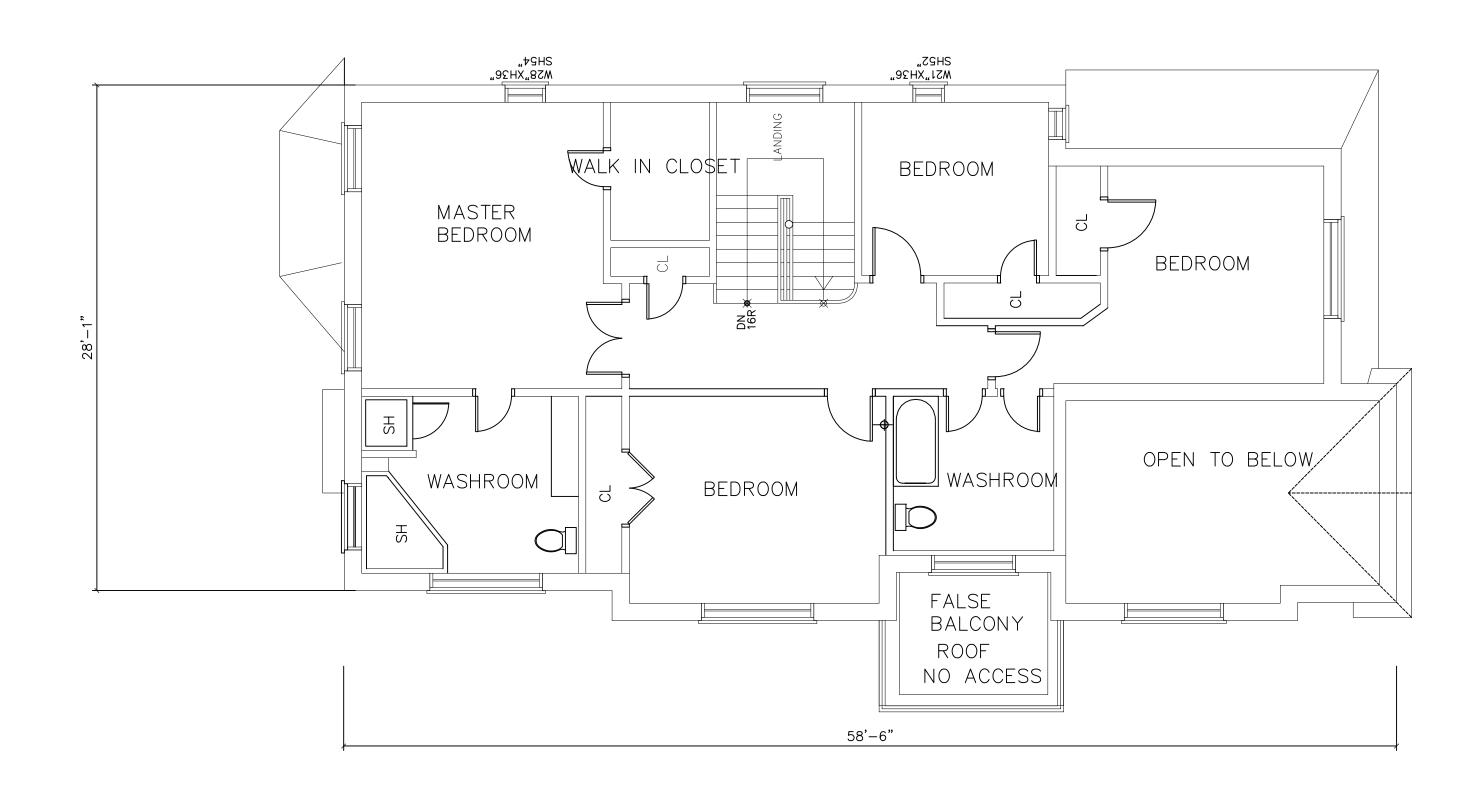
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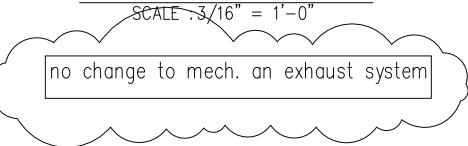
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SECOND FLOOR PLAN



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QUALIFICATION INFORMATION: K.R.ANAGAVARATHA (B.C.I.N) 26147

REGISTRATION INFORMATION: VARATHA DESIGN ASSOCIATES (B.C.L.N) 33937 DRAWING TITLE:

EXISTING SECOND FLOOR

PROJECT:

NEW GRADE ENTRY EXISTING DWELLING AND BASEMENT LAYOUT RENOVATION TO 22 BARTER STREET, MARKHAM, ONTARIO

OWNER:

SASEETHARAN THIRUGNANASAMPANTHEN

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	BUILDING PERMIT	K.V.	APR.17,20
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VARATHA DESIGN ASSOCIATES Architectural & Engineering Services
And integral at Engineering Convictor
Varatha Ken
Architectural Designer
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0511 (446) 705 0044
TEL: (416) 284 7945 CELL: (416) 725 2041
TORONTO Ont. email: kvaratha@hotmail.com

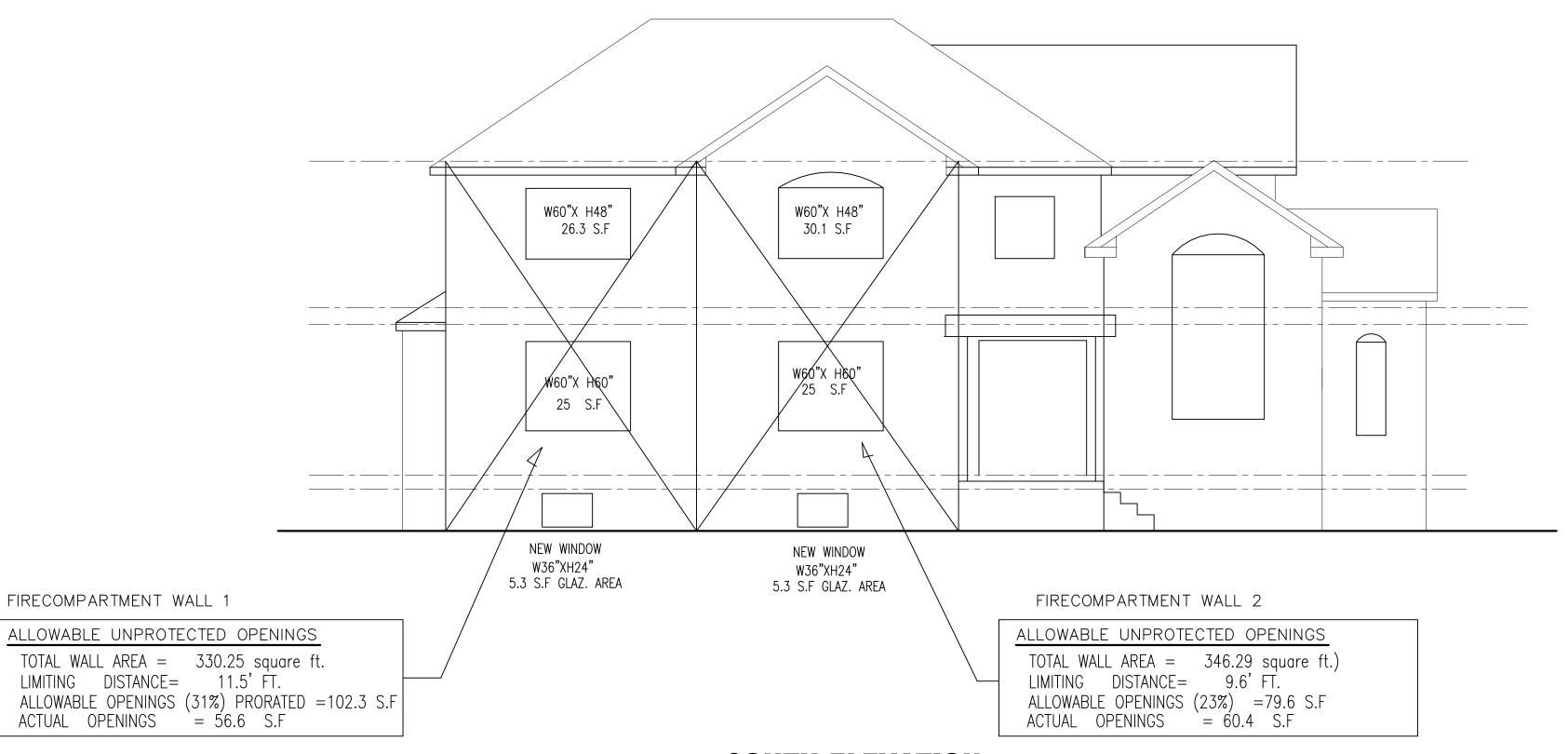
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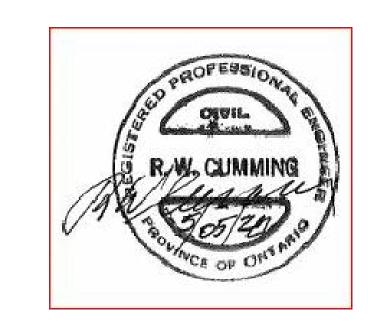
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SOUTH ELEVATION

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



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FIRECOMPARTMENT WALL 1

QUALIFICATION INFORMATION: K.RANAGAVARAJHA-(B.C.I.N) 26147

OWNER:

REGISTRATION INFORMATION: VARATHA DESIGN ASSOCIATES (B.C.I..N) 33937

DRAWING TITLE: SOUTH ELEVATION PROJECT: NEW GRADE ENTRY EXISTING DWELLING AND BASEMENT LAYOUT RENOVATION TO 22 BARTER STREET, MARKHAM, ONTARIO

SASEETHARAN THIRUGNANASAMPANTHEN

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VARATHA DESIGN ASSOCIATES Architectural & Engineering Services Varatha Ken Architectural Designer TEL: (416) 284 7945 CELL: (416) 725 2041 TORONTO Ont. email: kvaratha@hotmail.com CAD FILE :

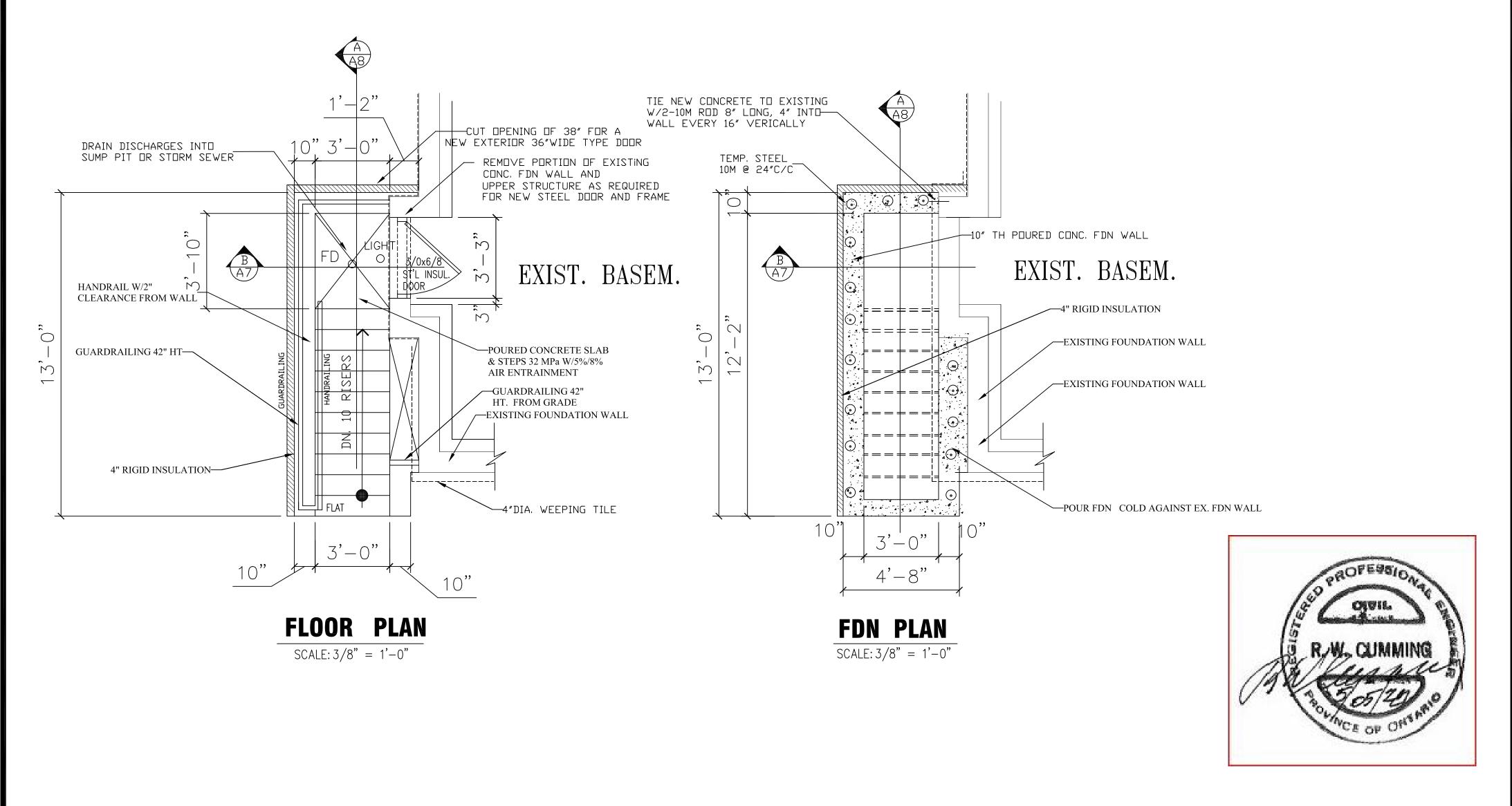
SCALE: JOB No.: 20144. 3/16" =1'-0" DATE: DWG NO: APRIL17,20 DRAWN BY: K.V

K.V

DATE OF PRINT:

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QUALIFICATION INFORMATION: K.RANAGAVARATHA (B.C.I.N) 26147

REGISTRATION INFORMATION: VARATHA DESIGN ASSOCIATES (B.C.I..N) 33937 DRAWING TITLE:

GRADE ENTRY PLANS

PROJECT:

NEW GRADE ENTRY EXISTING DWELLING AND BASEMENT LAYOUT RENOVATION TO 22 BARTER STREET, MARKHAM,ONTARIO

OWNERS:

SASEETHARAN THIRUGNANASAMPANTHEN

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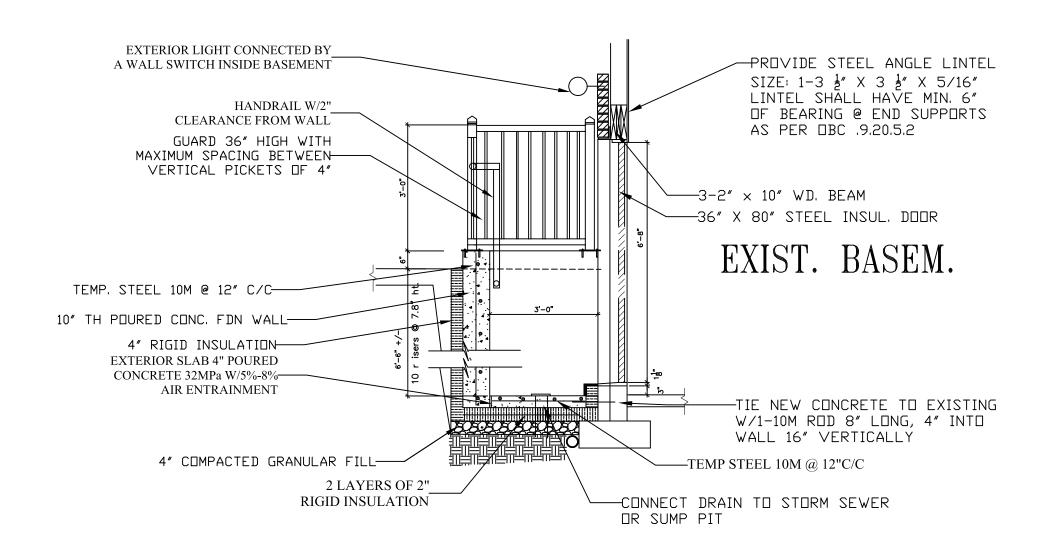
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CELL: (416) 725 2041 TORONTO Ont. email: kvaratha@hotmail.com				
SCALE: 3/8" =1'-0"	CAD FILE :		JOB 20	No.: 0144.
DATE: APR.	17,20	DWG	NO:	OF
DRAWN BY:	K.V	Α(S	8
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SECTION B: FOR BELOW GRADE ENTRANCE

SCALE: 3/8" = 1'-0"

"Contractor shall obtain guards specifically Ontario Building Code compliant.

GENERAL NOTES:

1. WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE (OBC) AND LOCAL REGULATIONS

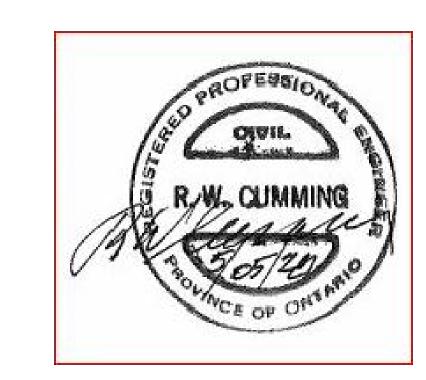
2. MATERIAL SHALL BE AS FOLLOWS:
--CONCRETE,32 MPA WITH 5 % TO 8% AIR.
--REINFORCING CSA G30.18-GRADE 400
--TIMBER --SAWN CSAO 141 S-P-F

-STEEL -HSS-CSA G 40.21 -INSULATION- DOW STYROFOAM SM OR EQUIVALENT

3. FOOTINGS SHALL BEAR ON SOIL CAPABLE OF SUSTAINING

AN ALLOWABLE BEARING PRESSURE OF 2000 PSF LIGHT TO HAVE ITS OWN DEDICATED CIRCUIT

4. DOOR AND FRAME TO ENTRY RESISTANT METAL PER OBC



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QUALIFICATION INFORMATION: K.R.ANAGAVARATHA (B.C.I.N) 26147

REGISTRATION INFORMATION: VARATHA DESIGN ASSOCIATES (B.C.L.N) 33937 DRAWING TITLE:

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PROJECT:

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OWNERS:

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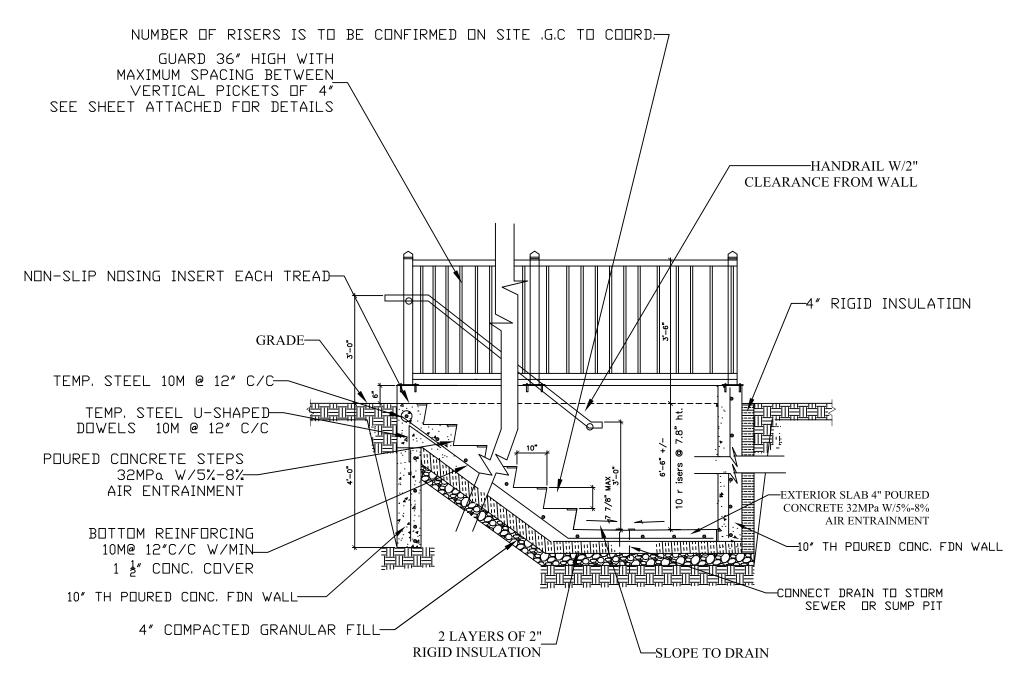
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Varatha Ken Architectural Designer TEL: (416) 284 7945 CELL: (416) 725 2041				
TORONTO Ont. email: kvaratha@hotmail.com				
SCALE:	CAD FILE :		JOB 20	No.:
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DRAWN BY:	K.V	к.v A7		8
CHECKED BY	: K.V	DATE OF PRINT: MAY5,20		



SECTION A: FOR BELOW GRADE ENTRANCE

SCALE: 3/8" = 1'-0"



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CHECKED BY:

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