

Memorandum to the City of Markham Committee of Adjustment
March 20, 2018

File: A/24/18
Address: 71 Grandview Avenue, Thornhill
Applicant: Gholamreza Pazooki & Seyedeh Hashemi
Agent: Nafics Design Inc. (Nafiseh Zangiabadi)
Hearing Date: Wednesday March 28, 2018

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

The applicant is requesting relief from the following requirements of By-law 2237, R4, as amended:

- a) **Section 6.1; Infill By-law 101-90, Section 1.2(ii):**
an existing front yard setback of 8.27 m (27'-2"); whereas, the by-law requires a minimum front yard setback of 10.7 m (35'-1");
- b) **Section 3.7:**
an unenclosed roofed porch projection of 80"; whereas, the by-law permits a maximum encroachment of 18" into the required front yard setback;

as they relate to a front porch addition.

BACKGROUND

Property Description

The subject property is located on the south side of Grandview Avenue, east of Yonge Street and north of Steeles Avenue East. The property has a lot frontage of approximately 15.24 m (50 ft) and area of approximately 650.29 sq. m (7,000 sq. ft). There is a 138.2 sq. m (1,488 sq. ft) two-storey dwelling with detached garage, built circa 1964, as well as a mature tree and other vegetation in the front yard. The surrounding residential neighbourhood includes a mixture of similar sized houses around the same age, and larger newer houses.

Proposal

The proposed minor variances relate to a 6.7 sq. m (72 sq. ft) covered porch that was built at the front of the existing dwelling without a Building Permit. A Building Permit is required for the proposed construction. The City's Building department is aware of the situation. Photos of the dwelling from March 19, 2018 showing the addition as constructed are attached to this report as Appendix C.

Official Plan and Zoning

Official Plan 2014 (partially approved on October 30, 2015, May 26, 2016, March 10, 2017, April 21, 2017 and November 24, 2017)

The Official Plan 2014 designates the subject property "Residential Low Rise," which provides for low rise housing forms including single detached dwellings. Within "Residential Low Rise" areas, infill development is required to meet the

general intent of Section 8.2.3.5 with respect to lot frontage, lot area, height, massing and setbacks in order to ensure that it is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. 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. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-law

The subject property is zoned R4 under By-law 2237, as amended. The existing building does not comply with the required front yard setback of 10.7 m (35'-1"). The building has a setback of 8.27 m (27'-2") from the front lot line.

The front porch addition does not comply with the permitted porch projection of 18" (0.46 m). The porch projects approximately 80" (2 m) into the front yard.

Residential Infill Zoning By-law

The subject property is also subject to Residential Infill Zoning By-law 101-90. The intent of this By-law is to ensure that the built form of new residential development 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 existing development does not comply with the required front yard setback under this By-law, as explained above.

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

The application form indicates, "The existing front portico, which got rebuilt, did not comply with the required front setback."

Zoning Preliminary Review Undertaken

The applicant has completed a Zoning Preliminary Review to confirm the variances required for the proposed development.

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.

Front Yard Setback

The applicant is seeking relief for a front yard setback of 8.27 m (27'-2"), whereas the by-law requires a minimum front yard setback of 10.7 m (35'-1"). This variance is to address the existing front yard setback, which is deficient by 2.43 m (8 ft).

It is noted that the dwelling was likely built in 1964, before the passing of the By-law in 1967. The variance for front yard setback can be considered as a means of legalizing the existing condition.

Three houses immediately east of the subject property, and others in the surrounding area, have similar front yard setbacks. Legalizing the existing front yard setback is appropriate given the age of the dwelling, and there have been no concerns raised regarding the existing setback.

Front Porch Projection

The applicant is seeking relief to permit an unenclosed roofed porch projection of 80" (2 m), whereas the by-law permits a maximum encroachment of 18" (0.46 m) into the required front yard. This represents an increase of 1.6 m (62") when compared to the permitted front porch projection.

It is noted that the By-law is approximately 51 years old and the porch projection provisions have not been updated since its inception. The minor variance application process has given staff the opportunity to review the plans in the context of site characteristics and surrounding development. Given the porch's modest size, planning staff are of the opinion that the addition is appropriate for the property.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 20, 2018. Additional information may be received after the writing of this report; the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Staff are of the opinion that the variance request satisfies the four tests of the Planning Act and have no objection to approval of the application. It is recommended 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.

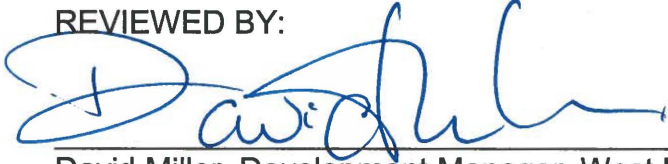
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:

A handwritten signature in blue ink, appearing to read "Greg Hayes", written over a horizontal line.

Greg Hayes, Committee of Adjustment Technician, Zoning and Special Projects

REVIEWED BY:

A handwritten signature in blue ink, appearing to read "David Miller", written over a horizontal line.

David Miller, Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/24/18

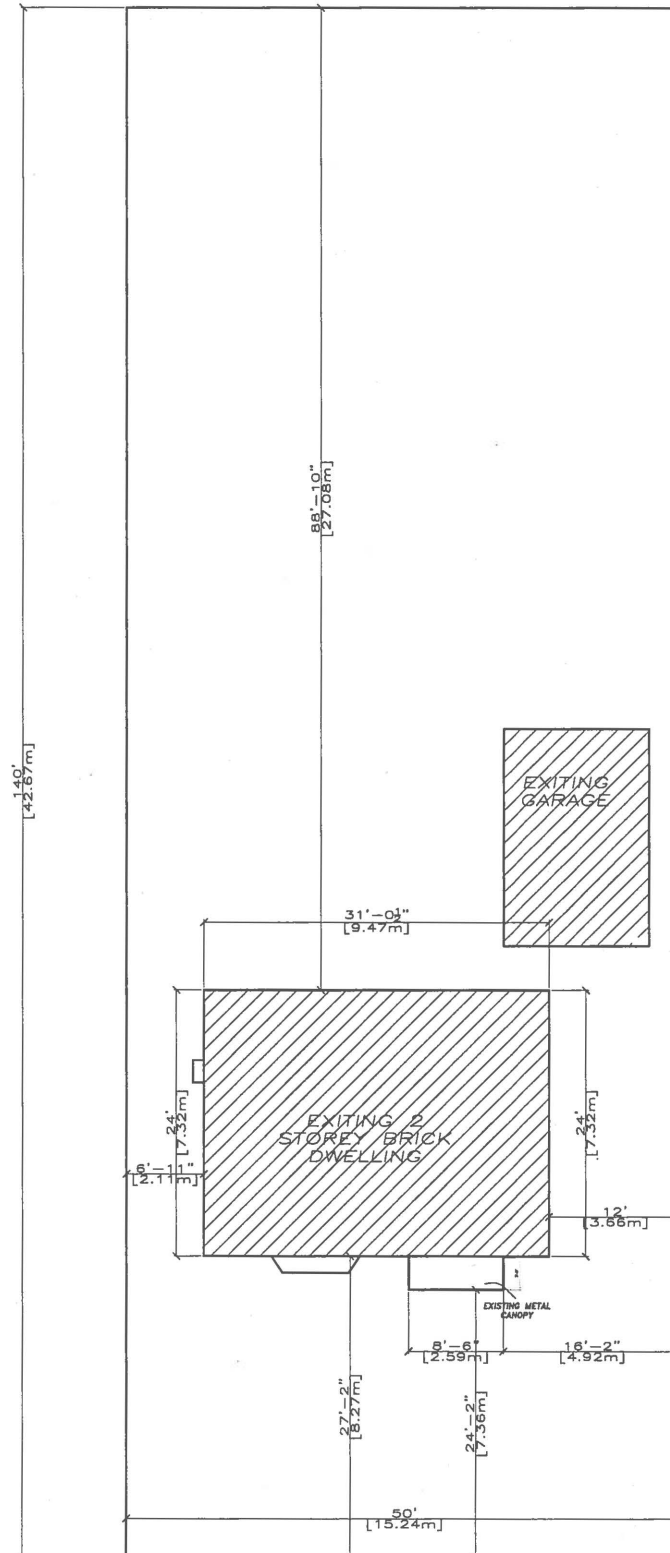
1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as Appendix "B" to this Staff Report and dated October 15, 2017, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:




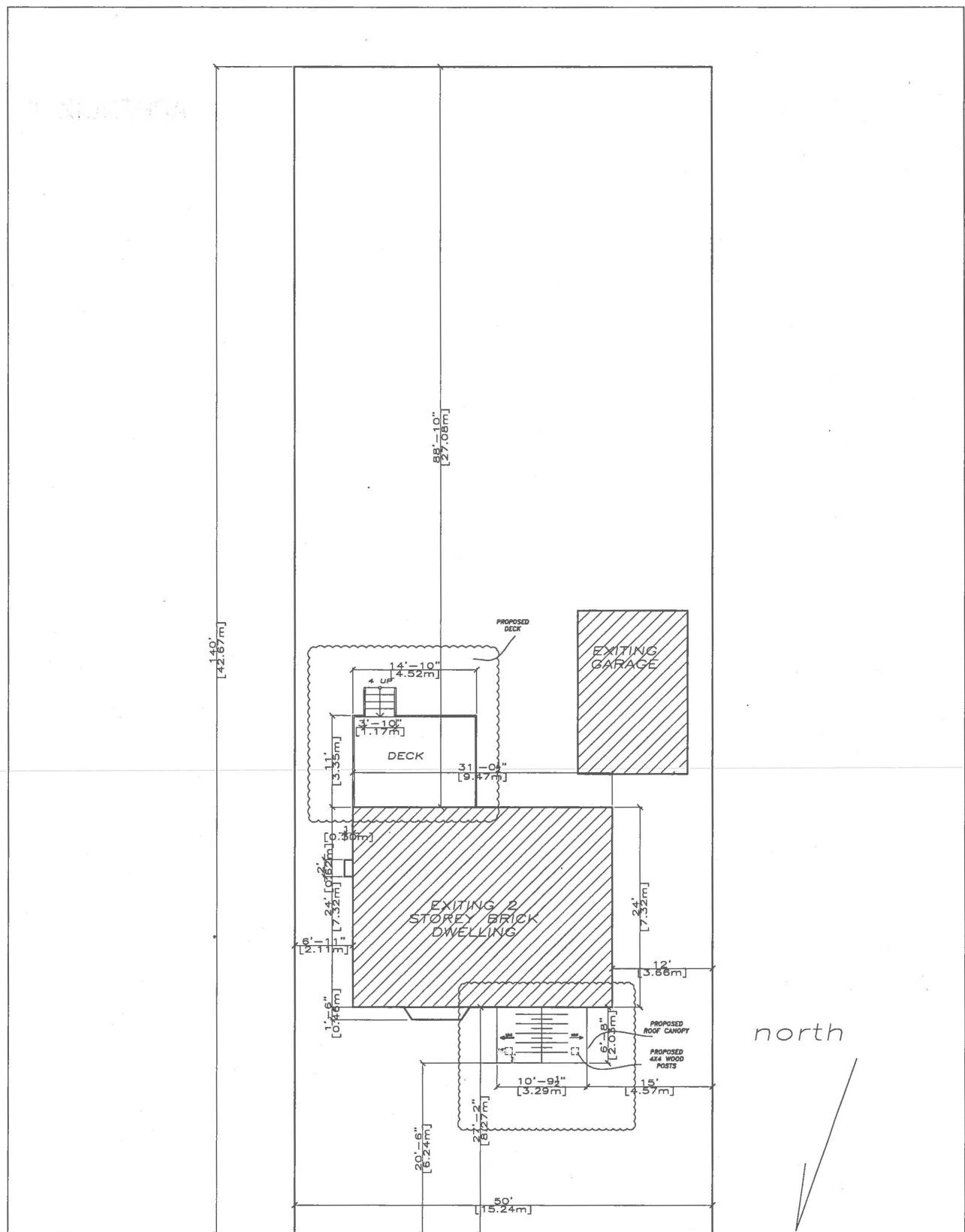
Greg Hayes, Committee of Adjustment Technician, Zoning and Special Projects

APPENDIX B



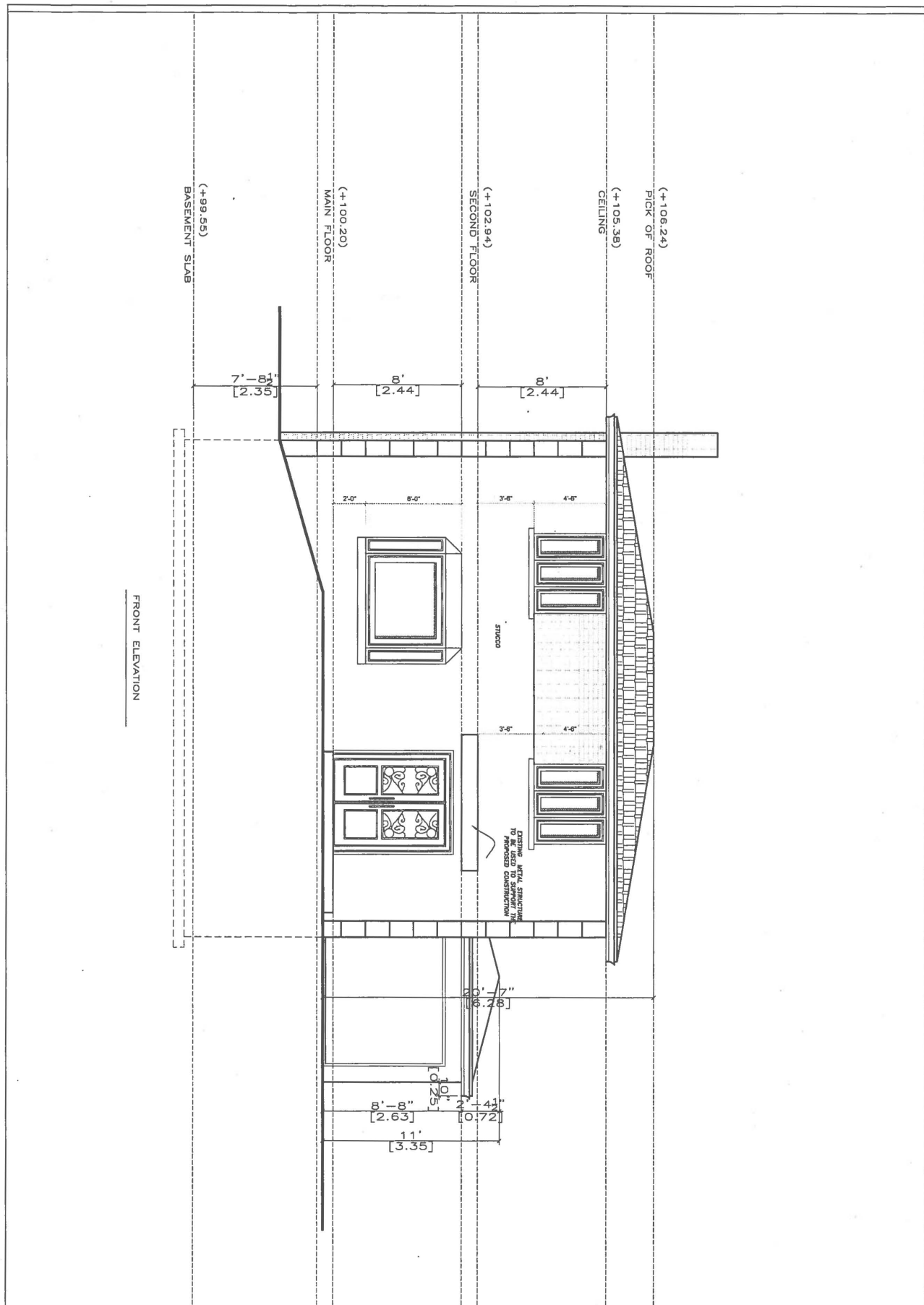
GRANDVIEW AVE

DESIGNED BY: NZ		PROJECT TITLE: 71 GRANDVIEW AVE	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 REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.5.1. OF THE 2012 O.B.C. (OR 2.17.5.1. OF THE 1997 O.B.C.)
DRAWN BY:		DRAWING TITLE: EXISTING SITE PLAN	
DRAWING # A0			
GENERAL NOTES:		3. DO NOT SCALE DRAWINGS.	NAME: NAFISEH ZANGIABADI BCIN: 43395 
1. THESE DRAWINGS ARE THE COPYRIGHT PROPERTY OF NAFISS DESIGN INC AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION.		4. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.	
2. THESE DRAWINGS ARE FOR PERMIT APPLICATION PURPOSE. CONTRACTOR MUST CHECK ALL APPLICABLE BY-LAWS AND O.B.C. ANY DISCREPANCY MUST BE REPORTED TO THE DESIGNER.		5. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.	
		6. USE ONLY LATEST REVISED DRAWINGS.	
		7. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO NAFISS DESIGN INC BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.	
30 APPLE ORCHARD PATH, THORNHILL, ON		8. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.	REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.4.1. OF THE 2008 O.B.C. (OR 2.17.5.1. OF THE 1997 O.B.C.)
C: 647 637 3010			FIRM NAME: NAFISS DESIGN INC
DATE: OCT 15TH, 2017			BCIN: 44961
SIZE: 11x17 SCALE: 3/32" = 1'			

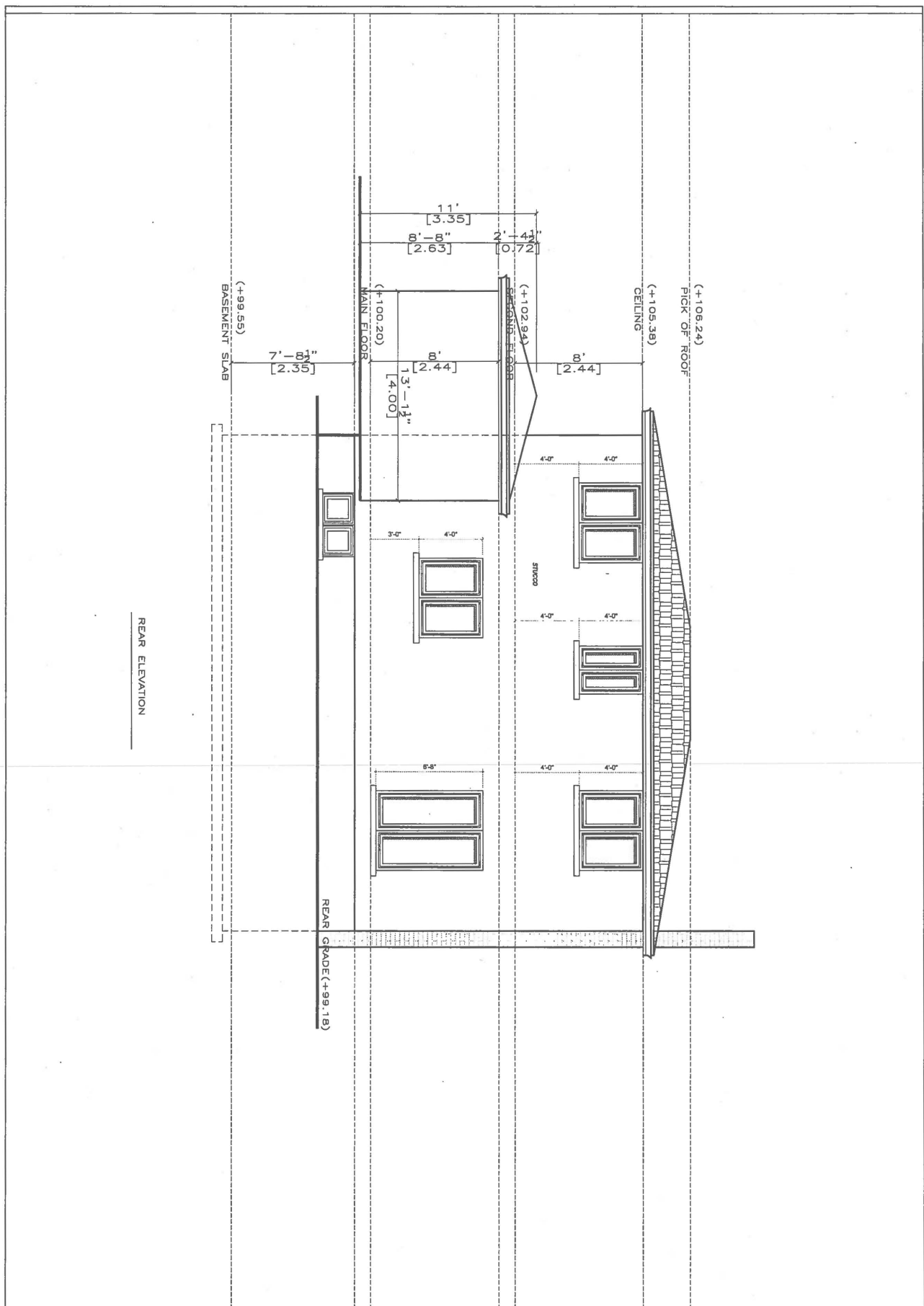


GRANDVIEW AVE

<p>DESIGNED BY: NZ</p> <p>DRAWN BY:</p> <p>DRAWING #: A1</p> <p>30 APPLE ORCHARD PATH, THORNHILL, ON</p> <p>C: 647 637 3010</p> <p>DATE: OCT 15TH, 2017</p>	<p>PROJECT TITLE: 71 GRANDVIEW AVE</p> <p>DRAWING TITLE: PROPOSED SITE PLAN</p> <p>GENERAL NOTES:</p> <ol style="list-style-type: none"> 1. THESE DRAWINGS ARE THE COPYRIGHT PROPERTY OF NAFISS DESIGN INC AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION. 2. THESE DRAWINGS ARE FOR PERMIT APPLICATION PURPOSE. CONTRACTOR MUST CHECK ALL APPLICABLE BY-LAWS AND OBC. ANY DISCREPANCY MUST BE REPORTED TO THE DESIGNER. 3. DO NOT SCALE DRAWINGS. 4. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE. 5. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. 6. USE ONLY LATEST REVISED DRAWINGS. 7. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO NAFISS DESIGN INC BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK. 8. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION. 	<p>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 REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.5.1. OF THE 2012 O.B.C. (OR 2.17.5.1. OF THE 1997 O.B.C.)</p> <p>NAME: NAFISEH ZANGIABADI</p> <p>BCIN: 43395</p> <p>REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.4.1. OF THE 2008 O.B.C. (OR 2.17.5.1. OF THE 1997 O.B.C.)</p> <p>FIRM NAME: NAFISS DESIGN INC</p> <p>BCIN: 44961</p>
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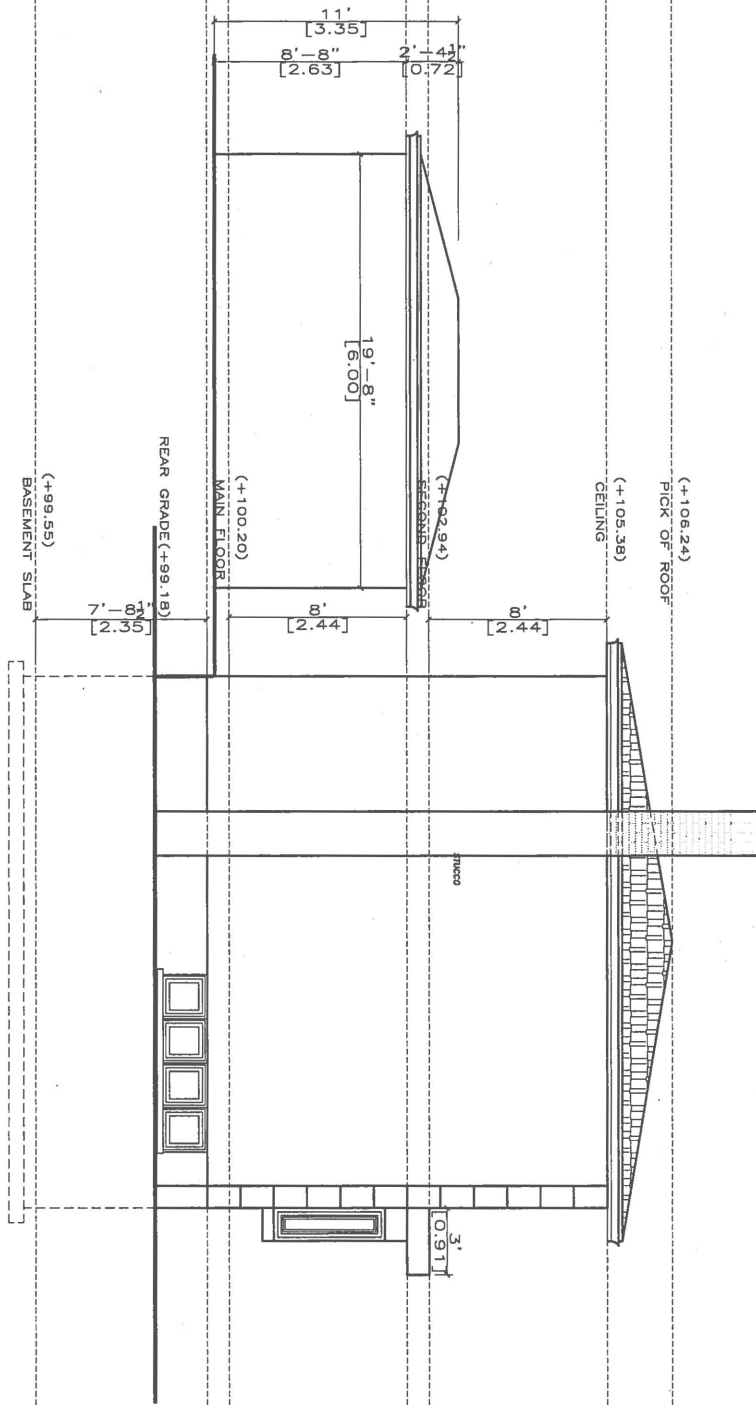


<p>DESIGNED BY: NZ DRAWN BY: DRAWING #: A2</p> <p>GENERAL NOTES: 1. THESE DRAWINGS ARE THE COPYRIGHT PROPERTY OF NAFISS DESIGN INC AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION. 2. THESE DRAWINGS ARE FOR PERMIT APPLICATION PURPOSE. CONTRACTOR MUST CHECK ALL APPLICABLE BY-LAWS AND OBC. ANY DISCREPANCY MUST BE REPORTED TO THE DESIGNER. 3. DO NOT SCALE DRAWINGS. 4. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE. 5. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. 6. USE ONLY LATEST REVISED DRAWINGS. 7. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO NAFISS DESIGN INC BY PHONE AND SUBSEQUENT WRITTEN CONTRIBUTION PRIOR TO COMMENCEMENT OF THE WORK. 8. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.</p> <p>30 APPLE ORCHARD PATH, THORNHILL, ON C: 647 837 3010 DATE: OCT 15TH, 2017 SIZE: 11x17 SCALE: 3/16" = 1'</p>	<p>PROJECT TITLE: 71 GRANDVIEW AVE DRAWING TITLE: EXISTING MAIN ELEVATION</p>	<p>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 REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.5.1. OF THE 2012 O.B.C. (OR 2.17.5.1. OF THE 1997 O.B.C.)</p> <p>NAME: NAFISEH ZANGIABADI BCIN: 43395</p> <p>REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.4.1. OF THE 2006 O.B.C. (OR 2.17.5.1. OF THE 1997 O.B.C.)</p> <p>FIRM NAME: NAFISS DESIGN INC BCIN: 44961</p>
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<p>DESIGNED BY: NZ</p> <p>DRAWN BY:</p> <p>DRAWING #: A3</p> <p>GENERAL NOTES:</p> <p>1. THESE DRAWINGS ARE THE COPYRIGHT PROPERTY OF NAFISS DESIGN INC AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION.</p> <p>2. THESE DRAWINGS ARE FOR PERMIT APPLICATION PURPOSE. CONTRACTOR MUST CHECK ALL APPLICABLE BY-LAWS AND OBC. ANY DISCREPANCY MUST BE REPORTED TO THE DESIGNER.</p> <p>3. DO NOT SCALE DRAWINGS.</p> <p>4. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST EDITION OF THE OBC AND BUILDING CODE.</p> <p>5. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.</p> <p>6. USE ONLY LATEST REVISED DRAWINGS.</p> <p>7. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO NAFISS DESIGN INC BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.</p> <p>8. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.</p> <p>30 APPLE ORCHARD PATH, THORNHILL, ON</p> <p>C: 647 837 3010</p> <p>DATE: OCT 15TH, 2017</p> <p>SIZE: 11x17 (SCALE: 3/16" = 1')</p>	<p>PROJECT TITLE: 71 GRANDVIEW AVE</p> <p>DRAWING TITLE: EXISTING REAR ELEVATION</p>	<p>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 REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.5.1. OF THE 2012 O.B.C. (OR 2.17.5.1. OF THE 1997 O.B.C.)</p> <p>NAME: NAFISEH ZANGIABADI</p> <p>BCIN: 43395</p> <p>REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.4.1. OF THE 2008 O.B.C. (OR 2.17.5.1. OF THE 1997 O.B.C.)</p> <p>FIRM NAME: NAFISS DESIGN INC</p> <p>BCIN: 44961</p>
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EAST SIDE ELEVATION



DESIGNED BY: NZ

DRAWN BY:

DRAWING #: A4

PROJECT TITLE: 71 GRANDVIEW AVE

DRAWING TITLE: EXISTING SIDE ELEVATIONS

GENERAL NOTES:

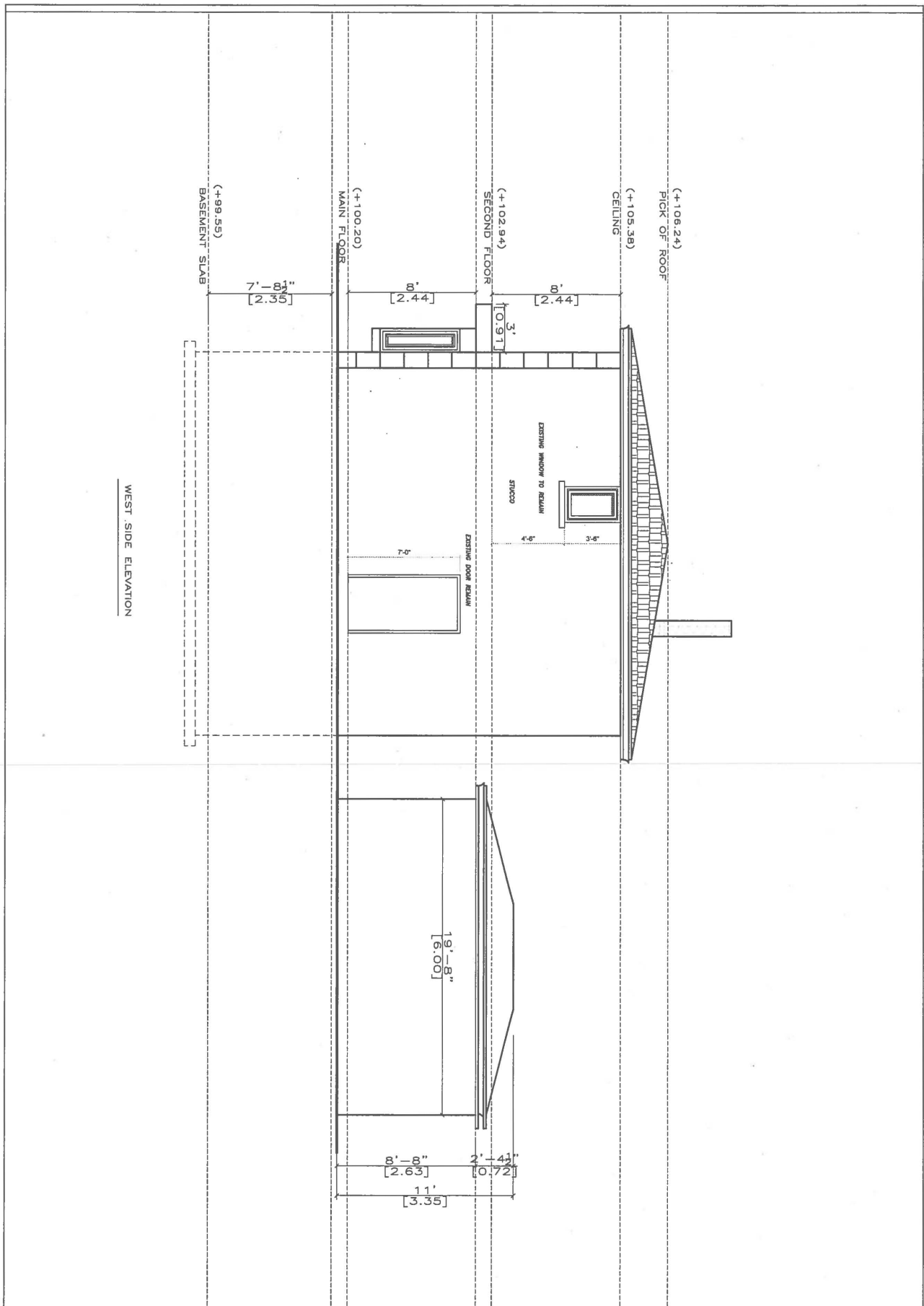
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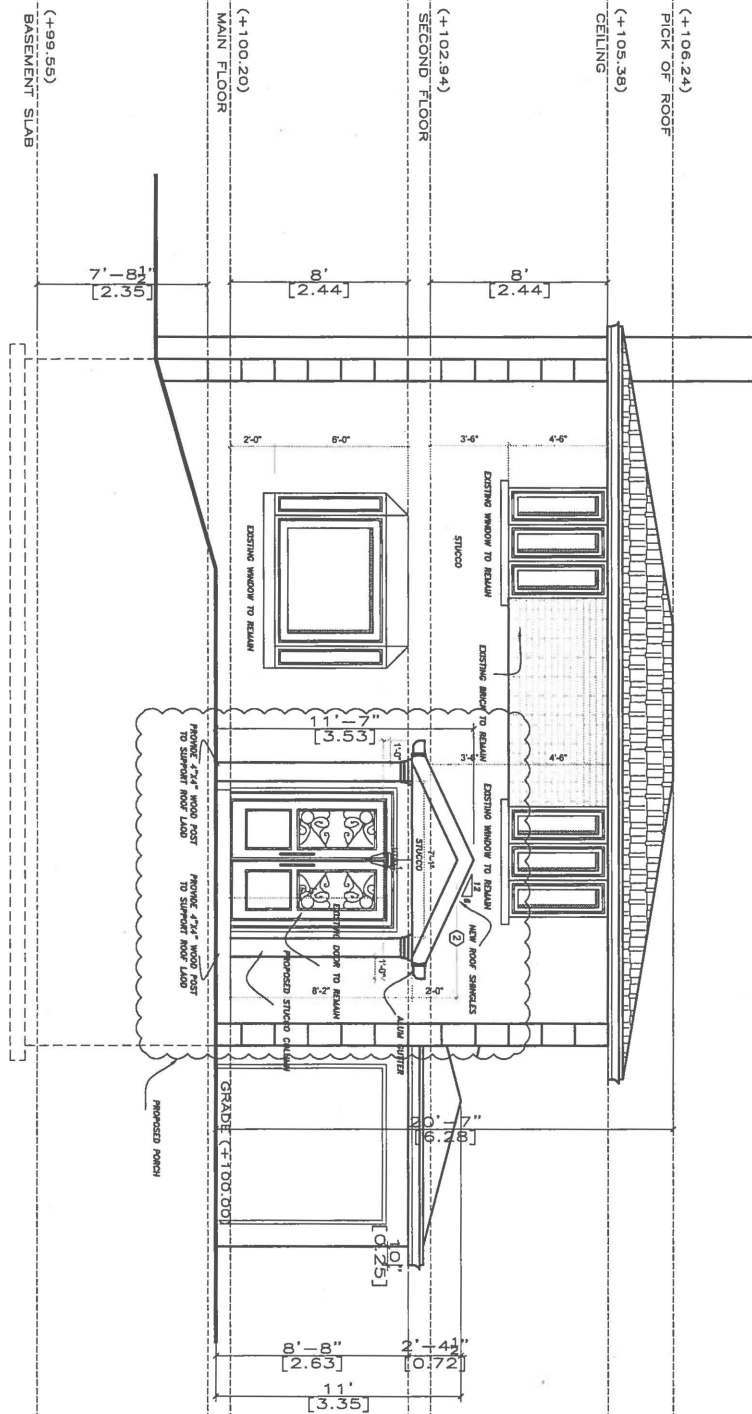
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NAME: NAFISEH ZANGIABADI
BCIN: 43395

REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.4.1. OF THE 2006 O.B.C. (OR 2.17.5.1. OF THE 1997 O.B.C.)
FIRM NAME: NAFISS DESIGN INC
BCIN: 44961



DESIGNED BY: NZ DRAWN BY: DRAWING #: A4-1		PROJECT TITLE: 71 GRANDVIEW AVE DRAWING TITLE: EXISTING SIDE ELEVATIONS		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 REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.5.1. OF THE 2012 O.B.C. (OR 2.17.5.1. OF THE 1997 O.B.C.)	
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FRONT ELEVATION

DESIGNED BY: NZ

DRAWN BY:

DRAWING #: A5

PROJECT TITLE: 71 GRANDVIEW AVE

DRAWING TITLE: PROPOSED MAIN ELEVATION

GENERAL NOTES:

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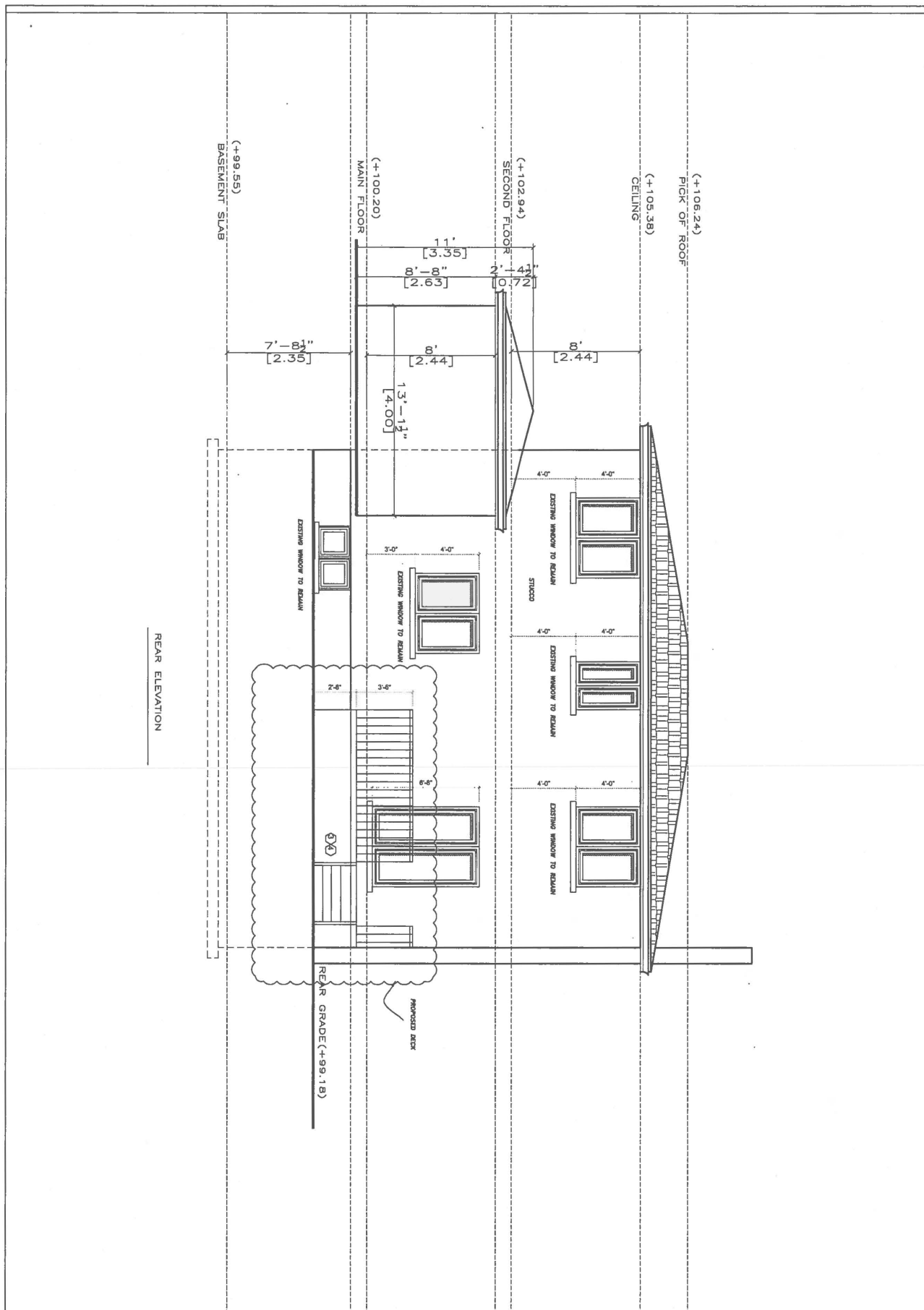
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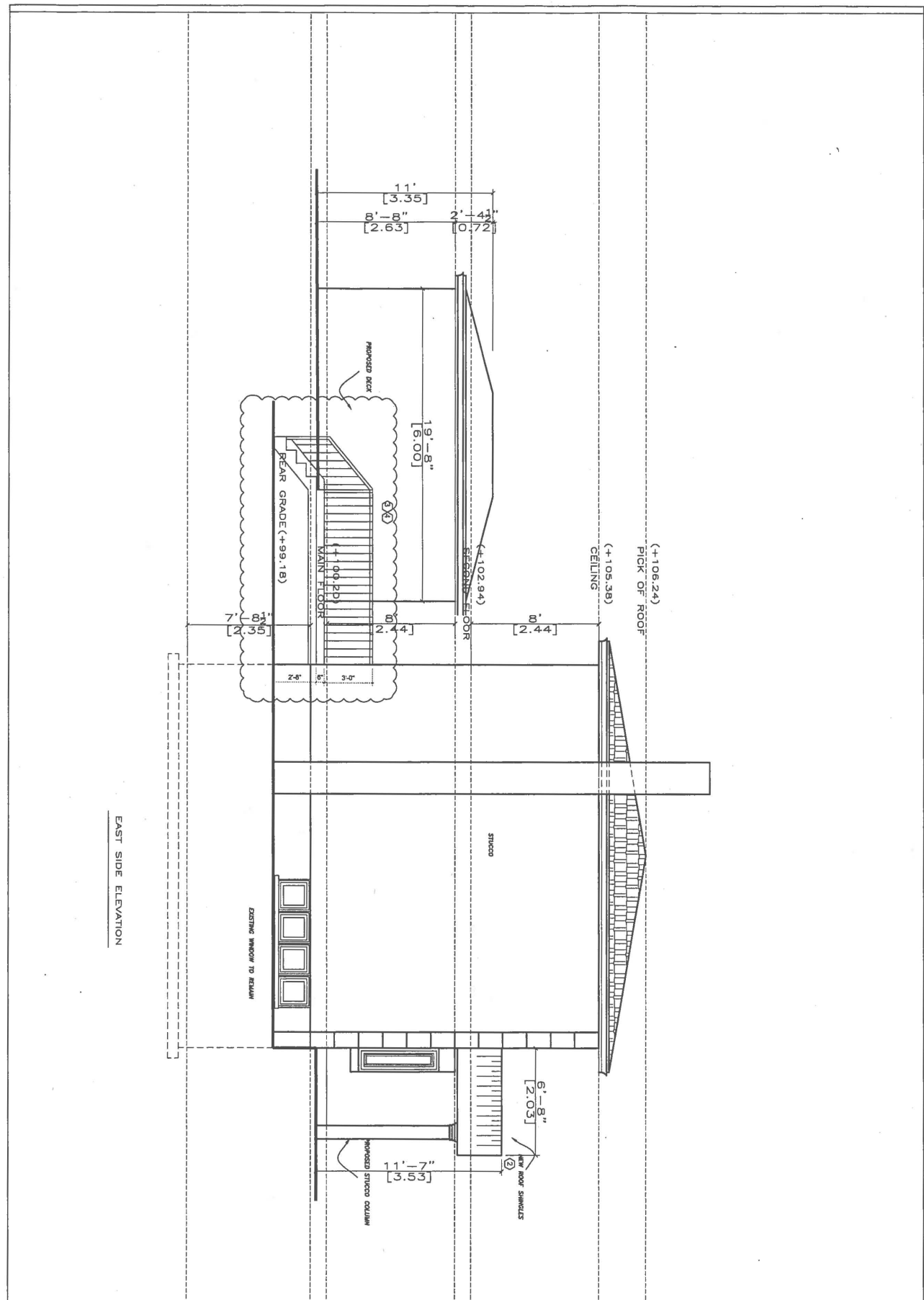
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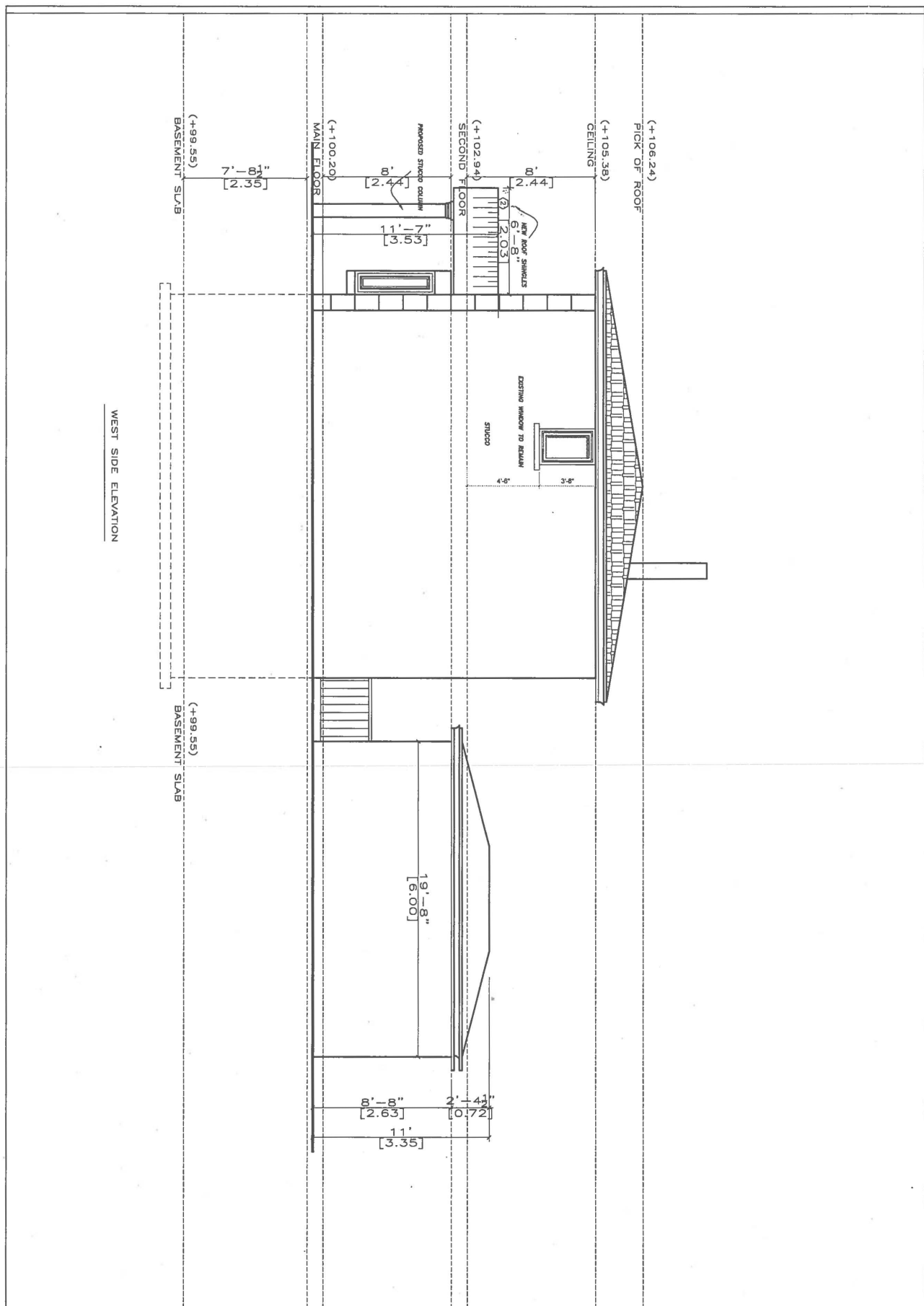
FIRM NAME: NAFISS DESIGN INC
BCIN: 44961



<p>DESIGNED BY: NZ</p> <p>DRAWN BY:</p> <p>DRAWING #: A6</p> <p>GENERAL NOTES:</p> <p>1. THESE DRAWINGS ARE THE COPYRIGHT PROPERTY OF NAFISS DESIGN INC. AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION.</p> <p>2. THESE DRAWINGS ARE FOR PERMIT APPLICATION PURPOSE. CONTRACTOR MUST CHECK ALL APPLICABLE BY-LAWS AND OBC. ANY DISCREPANCY MUST BE REPORTED TO THE DESIGNER.</p> <p>3. DO NOT SCALE DRAWINGS.</p> <p>4. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.</p> <p>5. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.</p> <p>6. USE ONLY LATEST REVISED DRAWINGS.</p> <p>7. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO NAFISS DESIGN INC BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.</p> <p>8. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.</p> <p>30 APPLE ORCHARD PATH, THORNHILL, ON C: 647 837 3010 DATE: OCT 15TH, 2017 SIZE: 11x17" SCALE: 3/16" = 1'</p>	<p>PROJECT TITLE: 71 GRANDVIEW AVE</p> <p>DRAWING TITLE: PROPOSED REAR ELEVATION</p>	<p>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 REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.5.1. OF THE 2012 O.B.C. (OR 2.17.5.1. OF THE 1997 O.B.C.)</p> <p>NAME: NAFISEH ZANGIABADI</p> <p>BCIN: 43395</p> <p>REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.4.1. OF THE 2008 O.B.C. (OR 2.17.5.1. OF THE 1997 O.B.C.)</p> <p>FIRM NAME: NAFISS DESIGN INC</p> <p>BCIN: 44961</p>
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DRAWN BY:		DRAWING TITLE: PROPOSED SIDE ELEVATION			
DRAWING #: A7					
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30 APPLE ORCHARD PATH, THORNHILL, ON DATE: OCT 15TH, 2017		C: 647 837 3010 SIZE: 11x17 SCALE: 3/16" = 1'			



DESIGNED BY: NZ	PROJECT TITLE: 71 GRANDVIEW AVE	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 REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.5.1 OF THE 2012 O.B.C. (OR 2.17.5.1 OF THE 1997 O.B.C.)
DRAWN BY:	DRAWING TITLE: PROPOSED SIDE ELEVATION	
DRAWING #: A8		NAME: NAFISEH ZANGIABADI
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30 APPLE ORCHARD PATH, THORNHILL, ON C: 847 837 3010 DATE: OCT 15TH, 2017 SIZE: 11x17 (SCALE: 3/16" = 1')		FIRM NAME: NAFISS DESIGN INC BCIN: 44961





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