

Memorandum to the City of Markham Committee of Adjustment

April 11, 2019

File: A/27/19
Address: 107 Wooten Way N, Markham
Applicant: Rustom Sethna
Agent: Barrett Municipal Consulting (Graham Barrett)
Hearing Date: Wednesday May 08, 2019

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

The applicant is requesting relief from the following requirements of By-law 163-78, R6 as amended:

- a) **Section 7.2:**
a minimum front yard of 4.99 m for a 1 storey building, whereas the By-law requires a minimum of 6.0 m;
- b) **Section 5.7(b):**
an uncovered stair to project 2.21 m into the front yard, whereas the By-law permits a maximum of 1.5 m to project into the required front or rear yard only;
- c) **Section 7.2:**
a minimum side yard setback of 1.71 m for a 2 storey building, whereas the By-law requires a minimum side yard setback of 1.8 m;
- d) **Section 7.2:**
a maximum lot coverage of 37.2 percent, whereas the By-law permits a maximum lot coverage of 33-1/3 percent;
- e) **Section 7.2:**
one secondary dwelling suite, whereas the By-law permits a Single Family Dwelling;
- f) **Section 5.7:**
an uncovered and unenclosed walk-up stair to project 0.47 m into the required side yard, whereas the By-law permits a maximum of 1.5 m to project into the required front or rear yard only;
- g) **Section 5.7(a):**
a canopy to project a maximum of 0.48 m into the required yard, whereas the By-law permits a maximum projection of 0.45 m into the required yard;
- h) **Parking By-law 28-97, Section 6:**
a minimum size of parking space of 2.6 m x 5.1 m, whereas the By-law requires 2.6 m x 5.8 m for the 2 required parking space in the existing private garage;

as they relate to a proposed addition to a residential dwelling under construction.

BACKGROUND

Property Description

The 510.06 m² (5,490.24 ft²) subject property is located on the east side of Wooten Way North, south of 16th Avenue and west of Ninth Line. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is an existing two-storey detached 510.06 m² (5,490.24 ft²) dwelling on the property, which according to

assessment records was constructed in 1982. Mature vegetation exists across the property including one large mature tree in the front yard.

Proposal

The applicant has received a building permit to demolish and re-construct portions of the first and second storeys of the existing residential dwelling. The applicant is proposing a basement and ground floor addition to the dwelling currently under construction. The proposal also includes a secondary suite in the existing basement of the dwelling. The proposed secondary suite would have direct and separate access provided by a proposed door on the north (left) side of the dwelling.

Provincial Policies

Strong Communities through Affordable Housing Act - Province of Ontario

In 2011, the Strong Communities through Affordable Housing Act amended various sections of the Ontario Planning Act to facilitate the creation of second units by:

- Requiring municipalities to establish Official Plan policies and Zoning By-law provisions allowing secondary units in detached, semi-detached and row houses, as well as in ancillary structures
- Providing authority for the Minister of Municipal Affairs and Housing to make regulations authorizing the use of, and prescribing standards for, second units.

Under the *Strong Communities through Affordable Housing Act*, 'Second Units' also known as secondary suites are defined as "self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings."

Official Plan and Zoning

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. In considering applications for development approval in a 'Residential Low Rise' area, which includes variances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan with respect to height, massing and setbacks 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. 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.

The definition of a "Secondary Suite" in the 2014 Official Plan is "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 8.13.8 states that it is the policy of Council that in considering an application to amend the zoning by-law to permit the establishment of a secondary suite where provided for in the 2014 Official Plan, that Council shall be satisfied that an appropriate set of development standards are provided for in the zoning by-law including: The building type in which the secondary suite is contained;

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

As part of the City initiated zoning by-law consolidation project, Council recently considered the issue of second suites within the City. On May 29th, 2018, Council voted not to permit second suites as of right in any single detached, semi-detached, or townhouse dwelling.

Zoning By-Law 163-78

The subject property is zoned R6 – 'Sixth Density – Single Family Residential' under By-law 163-78, as amended, which permits a single detached dwelling. The proposed development does not comply with the infill By-law requirements with respect to minimum front yard, maximum lot coverage, minimum side yard setback, uncovered stair projection, uncovered and unenclosed walk-up stair, secondary dwelling suite and the maximum canopy projection.

Parking Standards By-law 28-97

The proposed secondary suite also does not comply with the standard of the Parking By-law 28-97 with respect to minimum size of parking spaces in the garage.

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, *"variances are required to provide additional space for family and allow secondary basement suite"*.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on April 04, 2019. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently 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.

Requested Variances

The applicant has requested variances for minimum front yard, maximum lot coverage, minimum side yard setback, uncovered stair projection, uncovered and unenclosed walk-up stair, secondary dwelling suite, parking and the maximum canopy projection. It is unclear to Staff from the plans submitted by the applicant with this minor variance application, whether the requested variances are attributable to the proposed additions, original home and/or, the "existing dwelling".

Wooten Way North is characterized by modest one and two-storey detached dwellings. Staff have concerns with the overall impact of the proposed dwelling and encroachments on the character of the street and on neighbouring properties. Additionally, the requested variance to reduce the dimensions of the parking spaces in the garage will also set an undesirable precedent in the City and have City-wide implications. As such, while Staff have supported variances for secondary suites in the past, the culmination of the variances as shown in the proposal attached as appendix B will result in an undesirable development. According to digital records maintained by the City of Markham there are 4 other homes along Wooten Way North which have applied for Minor Variances since 1973. Of the variances requested, none has been to the extent requested in this application.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 10, 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 variance requests do not meet the four tests of the Planning Act and recommend the application be denied. 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.

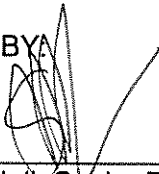
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Senior Planner, East District

File Path: Amanda\Files\19 115003 \Documents\District Team Comments Memo

FRONT YARD:

TOTAL	78.75 M ²	(100%)
HARD SURFACE	39.08 M ²	(49.5%)
SOFT SURFACE	39.67 M ²	(50.4%)

REAR YARD:

TOTAL	172.99 M ² (100%)
HARD SURFACE	81.07 M ² (46.9%)
SOFT SURFACE	91.92 M ² (53.1%)

NO. 105
2 STOREY
BRICK & VINYL
DWELLING
DSE= 206.71
GSE = 206.16
ROOF = 213.56

LOT 4

LOT 5
NO. 107
2 STOREY
BRICK DWELLING
DSE = 206.66
GSE = 205.82
ROOF = 214.13

No. 109
2 STOREY
RICK DWELLING
DSE = 206.66
GSE = 205.82
ROOF = 213.34

LOT 6

LOT 6

WOOTEN WAY BY REGISTERED PLAN M-1897

SITE PLAN

1 : 150

SENSUS DESIGN & BUILD INC
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M4M 4B2
416-491-5510

PHONE: 416-919-1433
EMAIL: info@benzanddesign.ca
www.benzanddesign.ca

NOTES:

[illegible]

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DATE OF INFORMATION	4/18/91
REPORTED OFFENSE OR VIOLATION UNDER DIS C - 2 & 3 of this	
SUBJECT'S NAME	JESSE SAWYER
BIRTH DATE	6/21/70
PLACEMENT AGENCY / COURT ORDER NO.	10070

ADDRESS:

107 Woolten Way North,
Markham, ON

CLIENT NAME:

PROJECT:

ADDITION

SITE PLAN

1000

Draw
Check

1

PC

A.E

[illegible]

SITE STATISTICS

MUNICIPAL ADDRESS	107 Woolten Way North
ZONING	Lot 5, registered plan M-1879
LOT AREA	510.06 m ² 5490.23 ft ²

ZONING INFORMATION	PERMITTED		EXISTING		PROPOSED	
	(metre)	(feet)	(metre)	(feet)	(metre)	(feet)
FRONTAGE	15	49.2	15.00	49.20	15	49.20
FRONT YARD SETBACK	6	19.68	6.09	19.98	4.98	16.33
SIDE (NORTH) YARD SETBACK	1.8	5.90	1.93	6.33	1.93	6.33
SIDE (SOUTH) YARD SETBACK	1.8	5.90	1.71	5.61	1.71	5.61
REAR YARD SETBACK	7.50	24.60	11.50	37.72	11.50	37.72
BUILDING LENGTH	17.00	55.76	16.50	54.12	16.50	54.12
BUILDING DEPTH	16.80	55.10	16.40	53.79	16.40	53.79
BUILDING HEIGHT	10.70	35.10	7.83	25.68	7.83	25.68

FLOOR AREAS	(m ²)	(ft ²)	(m ²)	(ft ²)	(m ²)	(ft ²)
BASEMENT			113.55	1221.76	132.13	1421.72
GROUND FLOOR			139.18	1497.54	157.76	1697.50
SECOND FLOOR			172.60	1857.18	172.60	1857.18
GROSS FLOOR AREA			311.78	3,354.72	330.36	3,554.67
LOT COVERAGE	33.33%		31%	158.12	1701.36	36.99%
DENSITY	FSI		FSI		FSI	
	N/R		0.00	0.00	0.00	0.00

***N/R - NOT RESTRICTED

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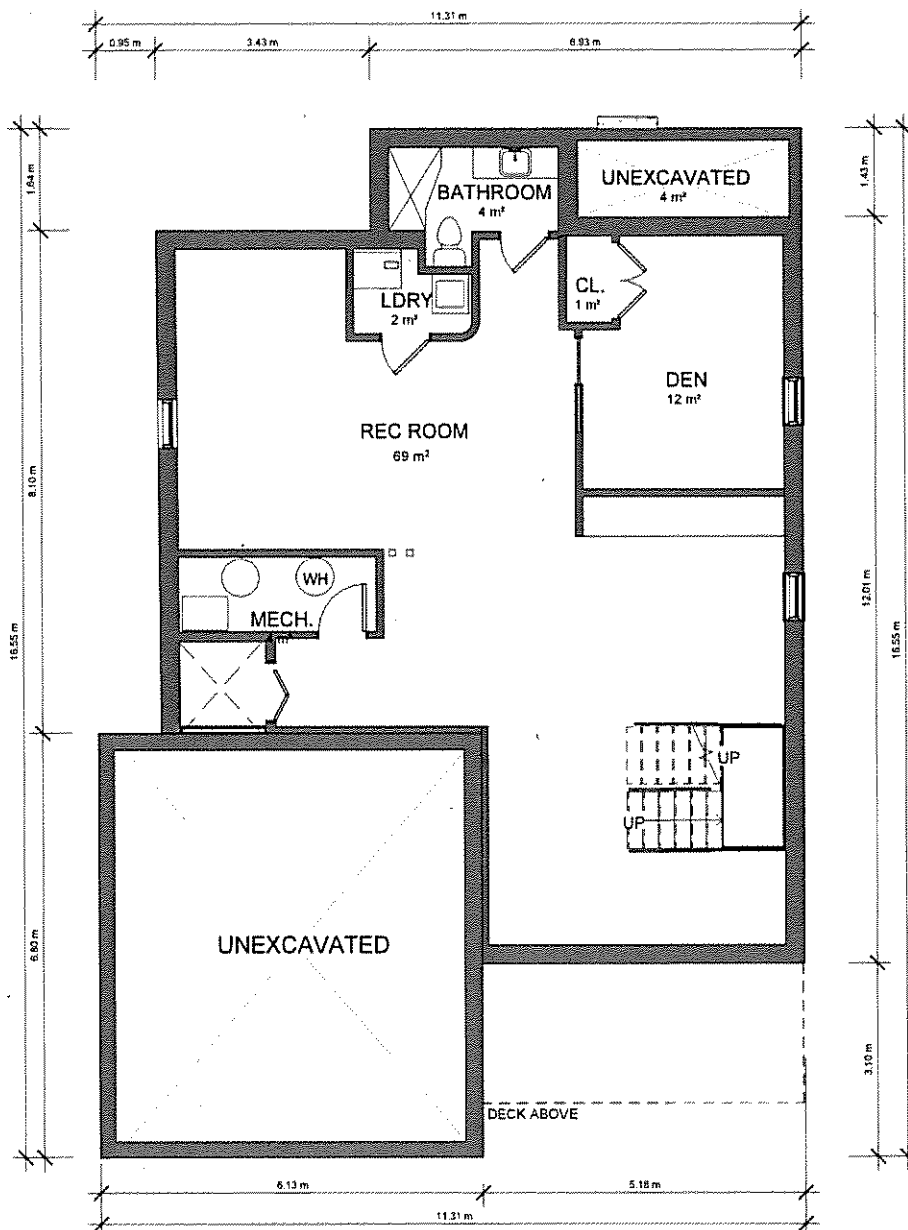
NOTES:
 DRAWINGS MUST NOT BE SCALE
 DRAWINGS TO BE READ IN CONJUNCTION WITH THE
 GENERAL NOTES AND THE C.D.C.
 All drawings are submitted on the basis of the information
 provided to the Designer. Unless otherwise indicated,
 the Designer is not responsible for the accuracy of the
 information provided by the Client.
 It is the responsibility of the Client to provide all
 necessary information to the Designer in a timely
 manner. The Designer is not responsible for the
 accuracy of the information provided by the Client.
 All drawings are the property of the Designer &
 must be returned upon request.

The Designer has reviewed and taken responsibility for
 the design and has the satisfaction and meets the
 requirements of the Client.
 Signature: JESSIE SHARAH
 NAME: JESSIE SHARAH
 SENIOR DESIGNER
 SENIUS DESIGN & BUILD INC.
 4554
 B.C.T.N.
 45794
 B.C.T.N.

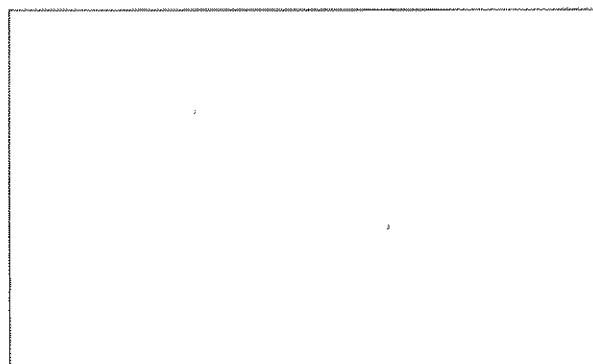
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 107 Woolten Way North,
 Markham, ON

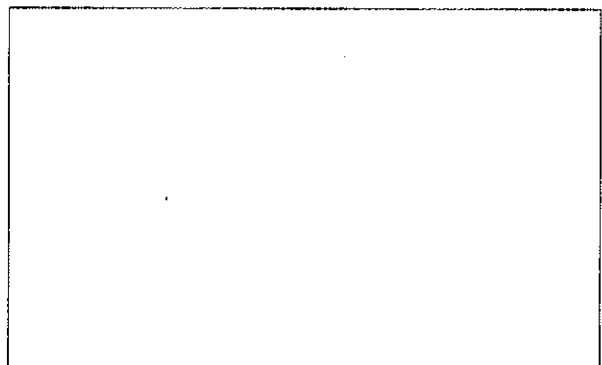
PROJECT:
 ADDITION
 SITE STATISTICS

Date: 2019-03-14
 Drawn by: R.C.
 Checked by: A.E.
 Scale: A0.2



1 EXISTING BASEMENT





NOTES:
1. DRAWINGS NOT TO BE SCALED
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3. ALL WORK TO BE IN ACCORDANCE WITH THE
4. CANADIAN NATIONAL BUILDING CODE (CNBC) AND THE O.C.C.
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6. CANADIAN NATIONAL ELECTRICAL CODE (CNEC) AND THE O.C.C.
7. ALL WORK TO BE IN ACCORDANCE WITH THE
8. CANADIAN NATIONAL PLUMBING AND MECHANICAL CODE (CNPMC) AND THE O.C.C.
9. ALL WORK TO BE IN ACCORDANCE WITH THE
10. CANADIAN NATIONAL FIRE PROTECTION CODE (CNFPC) AND THE O.C.C.
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12. CANADIAN NATIONAL SAFETY CODE (CNSC) AND THE O.C.C.
13. ALL WORK TO BE IN ACCORDANCE WITH THE
14. CANADIAN NATIONAL ENVIRONMENTAL CODE (CNEC) AND THE O.C.C.
15. ALL WORK TO BE IN ACCORDANCE WITH THE
16. CANADIAN NATIONAL ACCESSIBILITY ACT (CNA) AND THE O.C.C.
17. ALL WORK TO BE IN ACCORDANCE WITH THE
18. CANADIAN NATIONAL BUILDING ACT (CNBA) AND THE O.C.C.
19. ALL WORK TO BE IN ACCORDANCE WITH THE
20. CANADIAN NATIONAL BUILDING REGULATIONS (CNBR) AND THE O.C.C.

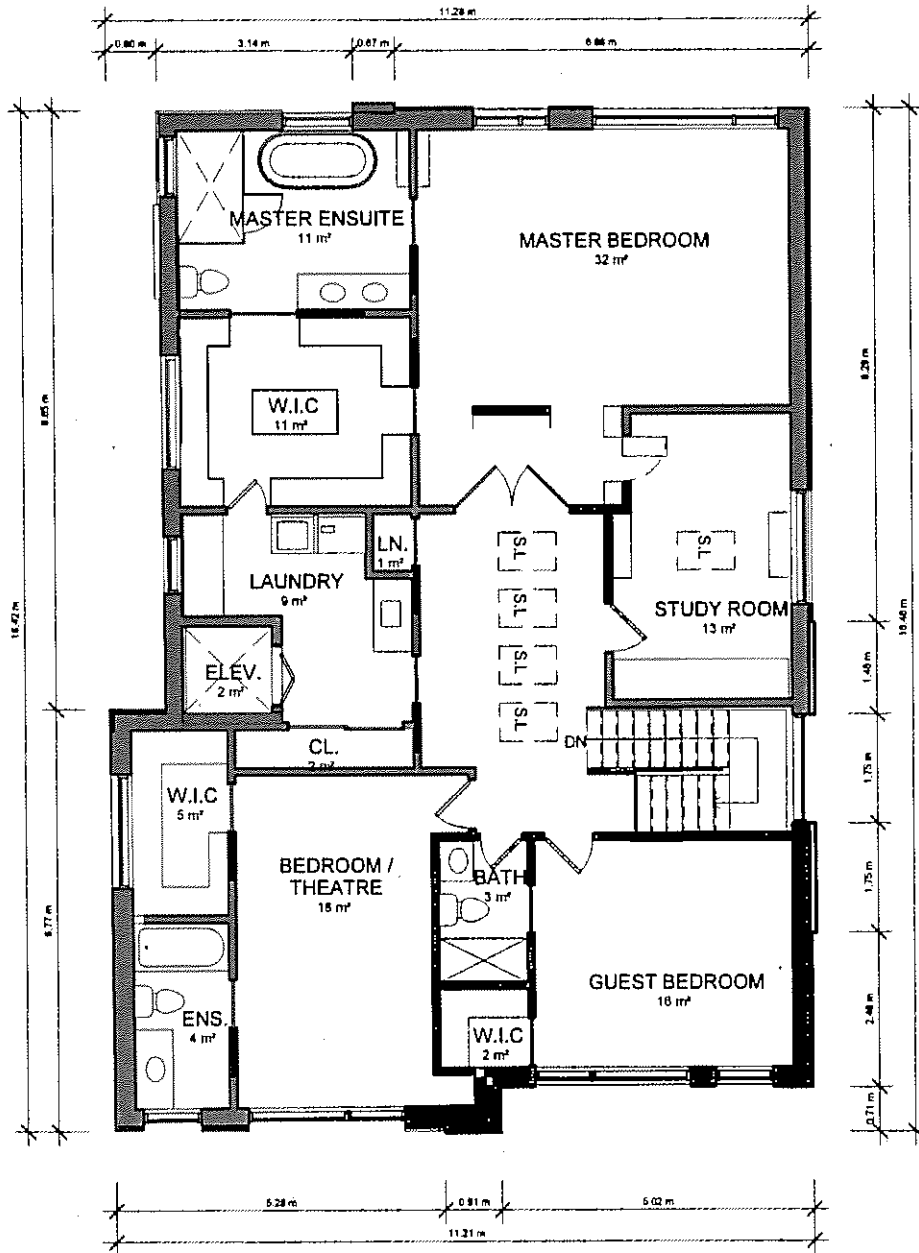
The undersigned, SENSUS DESIGN & BUILD INC, is a duly licensed professional corporation under the Professional Engineers Act, R.S.O. 1990, c. 19, and is authorized to prepare and seal drawings for the purpose of obtaining a building permit for the project described herein. The undersigned is not responsible for the accuracy of the information provided by the client or for the accuracy of the information provided by any other source. The undersigned is not responsible for the accuracy of the information provided by any other source. The undersigned is not responsible for the accuracy of the information provided by any other source.

ADDRESS:
107 Wootton Way North,
Markham, ON

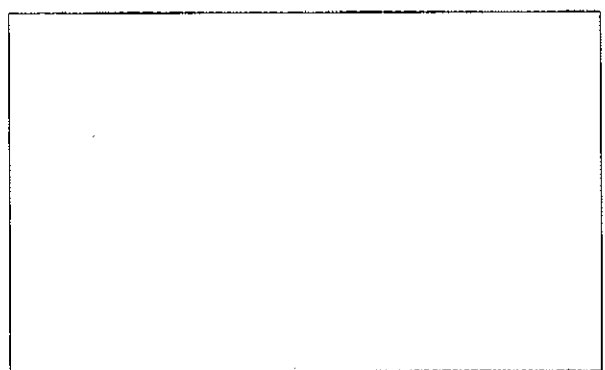
PROJECT:
ADDITION
EXISTING SECOND FLOOR PLAN

CLIENT NAME:
A1.3

Scale:
1:75



1 EXISTING SECOND FLOOR
1:75



SENSUS DESIGN & BUILD

SENSUS DESIGN & BUILD INC.
1315 LAWRENCE AVE. EAST, TORONTO, ON
M4M 5B1
PHONE: 416-291-1433
WWW.SENSUSDESIGNBUILD.CA

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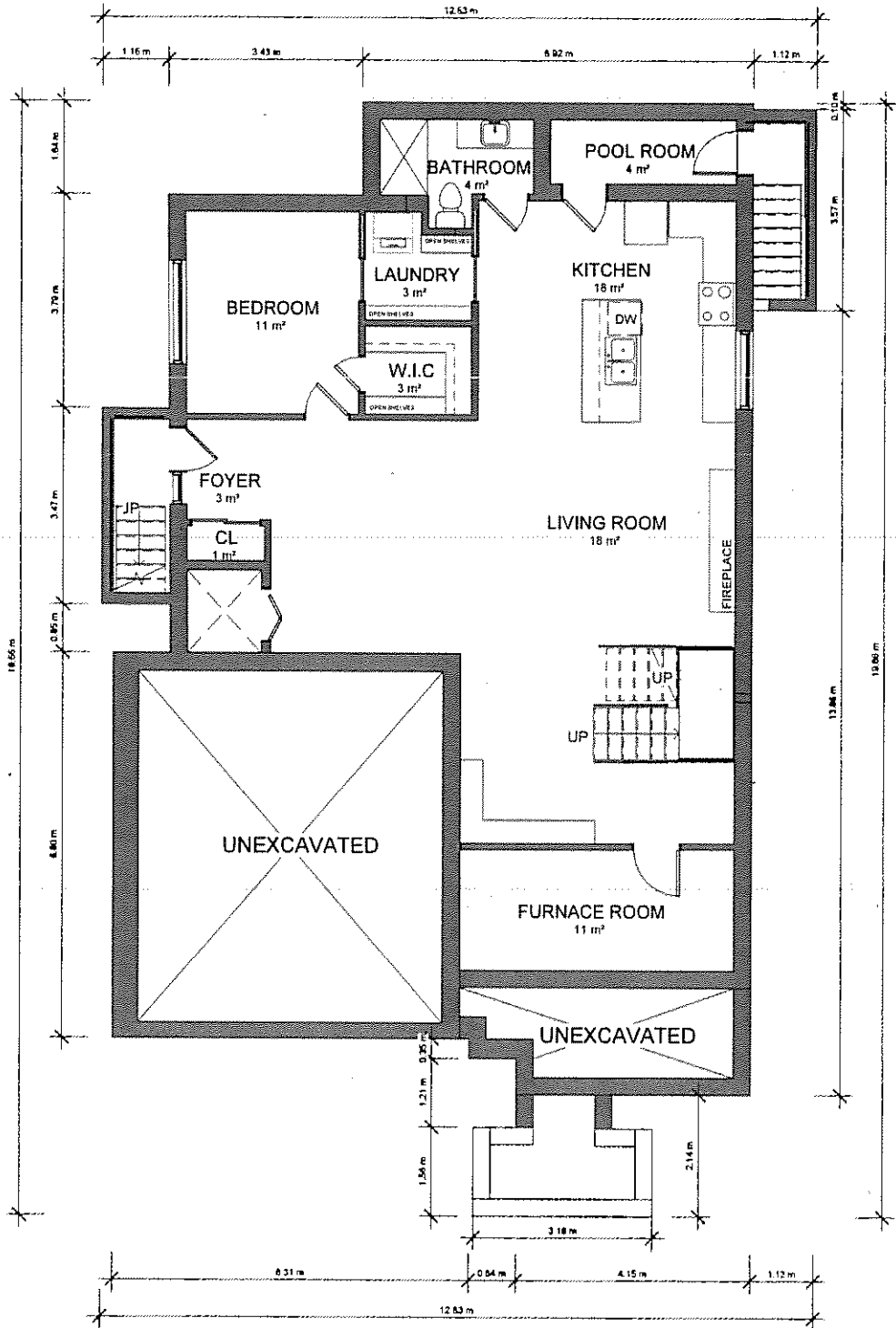
The undersigned has read and approved the drawings and specifications for the design and construction of the building and hereby certifies that the design and construction of the building shall conform to the requirements of the Building Code of Ontario and the City of Toronto.
SIGNED: [Signature]
DATE: [Date]
SENSE DESIGN & BUILD INC.
4774
B.C.M.

ADDRESS:
107 Woodbine Way North
Markham, ON

CLIENT NAME:

PROJECT:
ADDITION
PROPOSED BASEMENT

Date: 2019-01-11
Drawn by: R.C.
Checked by: A.E.
Scale: 1:75
A1.4



SENSUS DESIGN & BUILD

SENSUS DESIGN & BUILD INC
1315 LAWRENCE AVE EAST TORONTO ON
M3C 1K5
PHONE: 416-510-1433
EMAIL: info@sensusedesignandbuild.ca
www.sensusedesignandbuild.ca

NOTES:

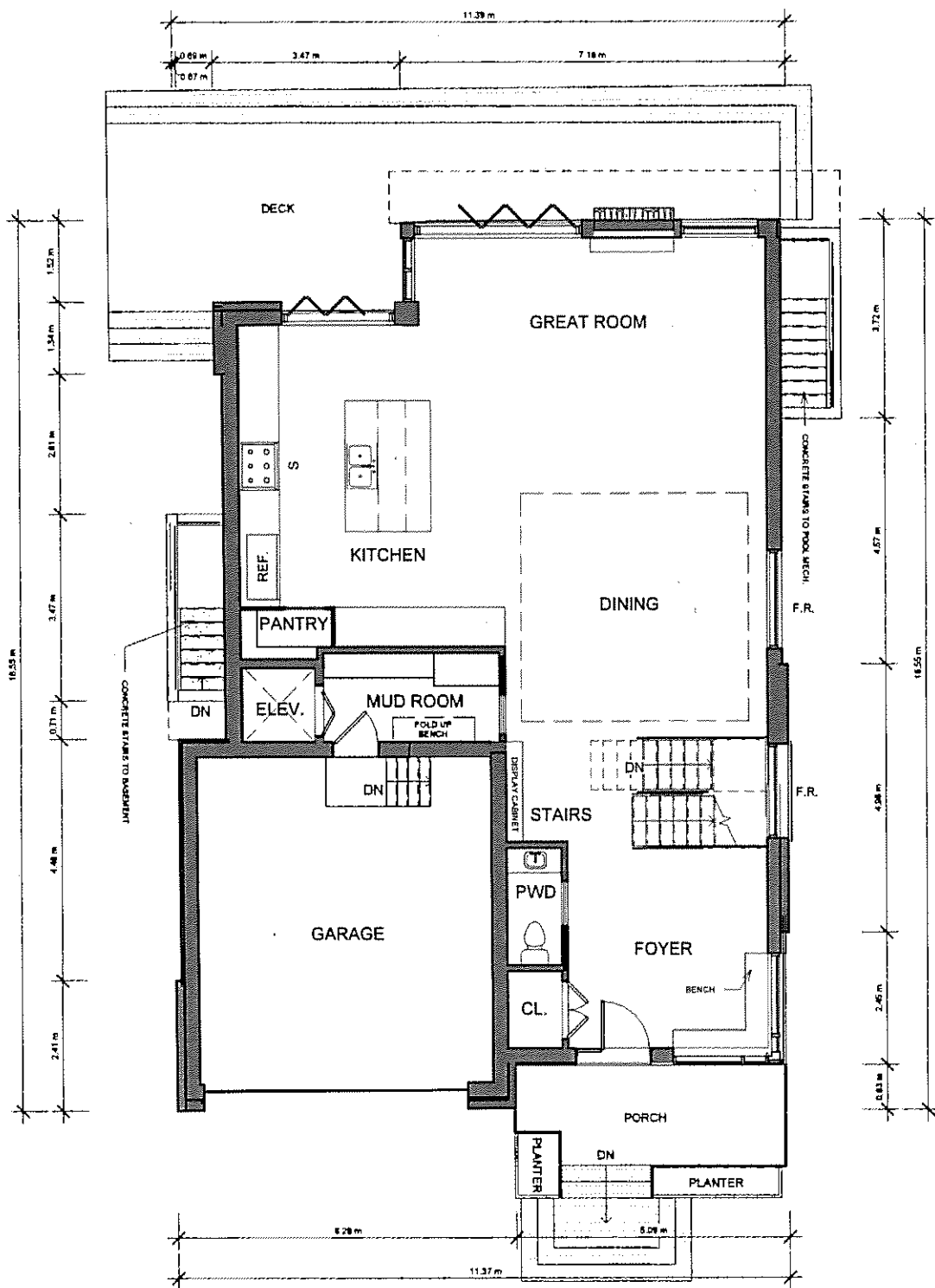
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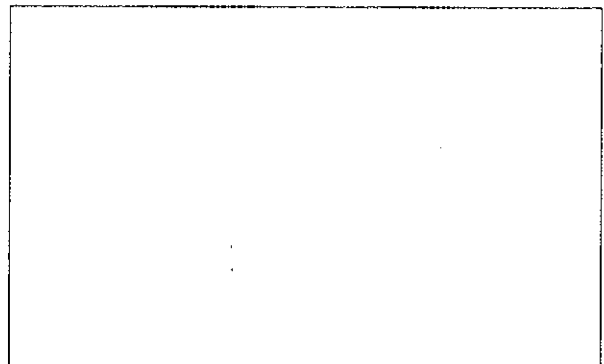
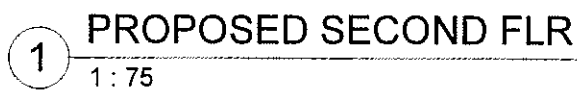
ADDRESS:
107 Woodlawn Way North,
Markham, ON

PROJECT:
ADDITION
PROPOSED GROUND
FLOOR PLAN

Date: 2019-04-03
Drawn By: R.C.
Checked By: A.E.
Scale: 1:75



1 PROP. GROUND FLR
1:75



NOTES

DISCUSSANTS WILL BE REQUESTED TO PREPARE A SUMMARY OF THEIR COMMENTS TO BE PLACED IN CONJUNCTION WITH THE ORIGINAL NOTES AND THE B.C.

At the time of submission, authors are asked to provide a short summary of the work to be presented at the symposium, to be placed in the margin of the abstract. This summary should be approximately 100 words in length.

It shall be the responsibility of the conference to present the abstracts of the papers. The abstracts should be prepared by the authors and should be submitted to the conference secretariat by the deadline date. The abstracts should be prepared by the authors and should be submitted to the conference secretariat by the deadline date. The abstracts should be prepared by the authors and should be submitted to the conference secretariat by the deadline date.

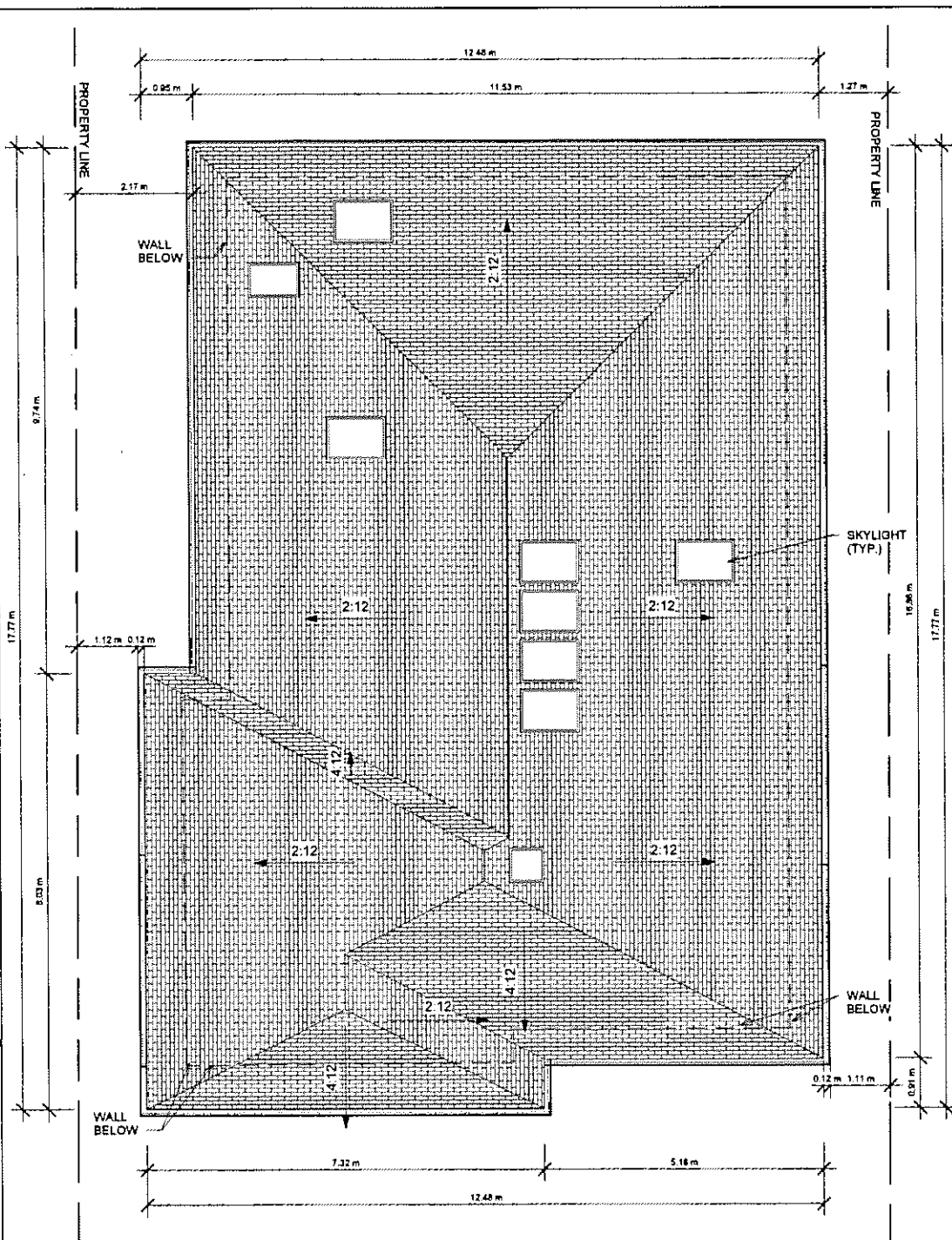
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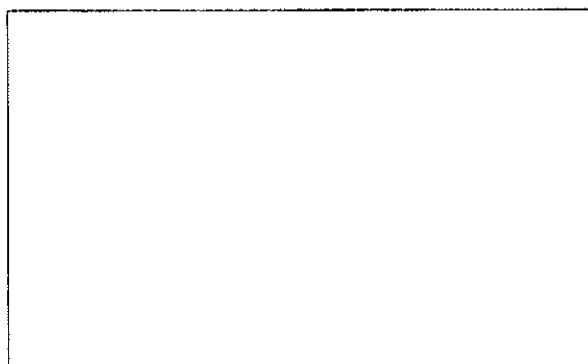
CLIENT NAME:

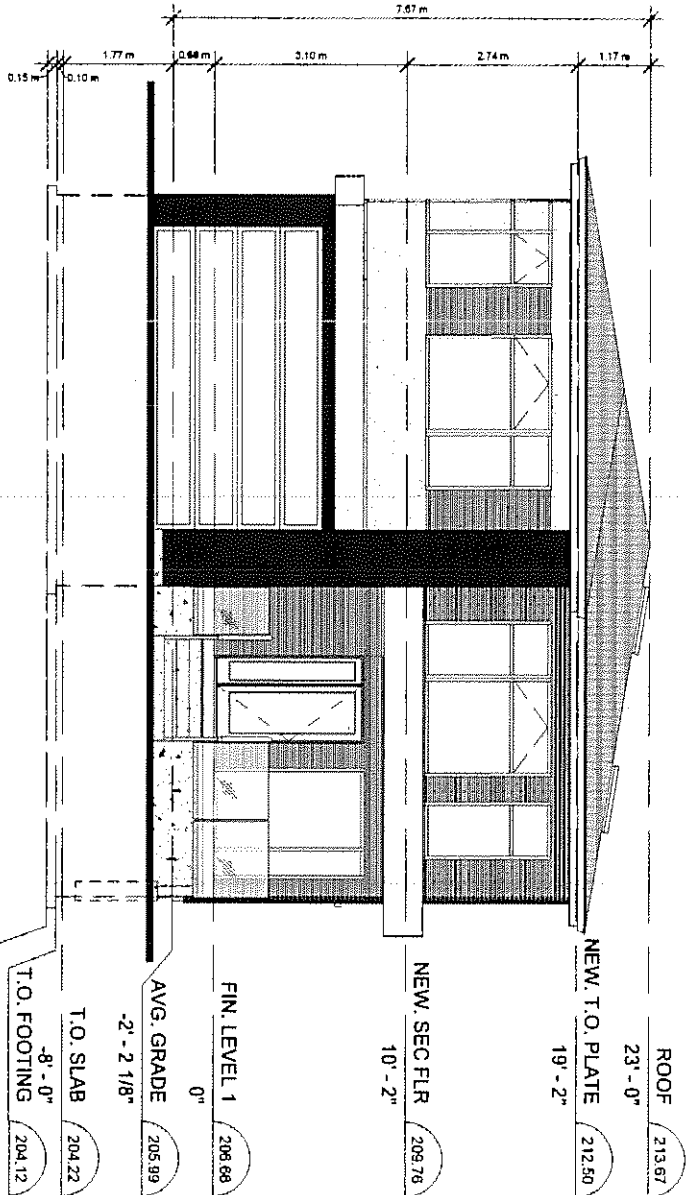
PROJECT:
ADDITION
PROPOSED ROOF
PLAN

Date:	2018-04-03
Drawn by:	R.C
Checked by:	A.E
A1.7	
Scale:	1:75



1 PROPOSED ROOF PLAN
1:75





1 1 : 75 EXISTING WEST ELEV.

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SENSUS DESIGN & BUILD INC.
1115 LAWRENCE AVE EAST TORONTO, ON
M4M 1B7
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EMAIL: info@sensusedesign.com
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9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

The undersigned hereby certifies that the drawings and specifications are true and correct and that the construction will conform to the same.
SIGNED: JESSIE GEMMAY
DATE: 2019-03-14
SENSUS DESIGN & BUILD INC.
8014
8014

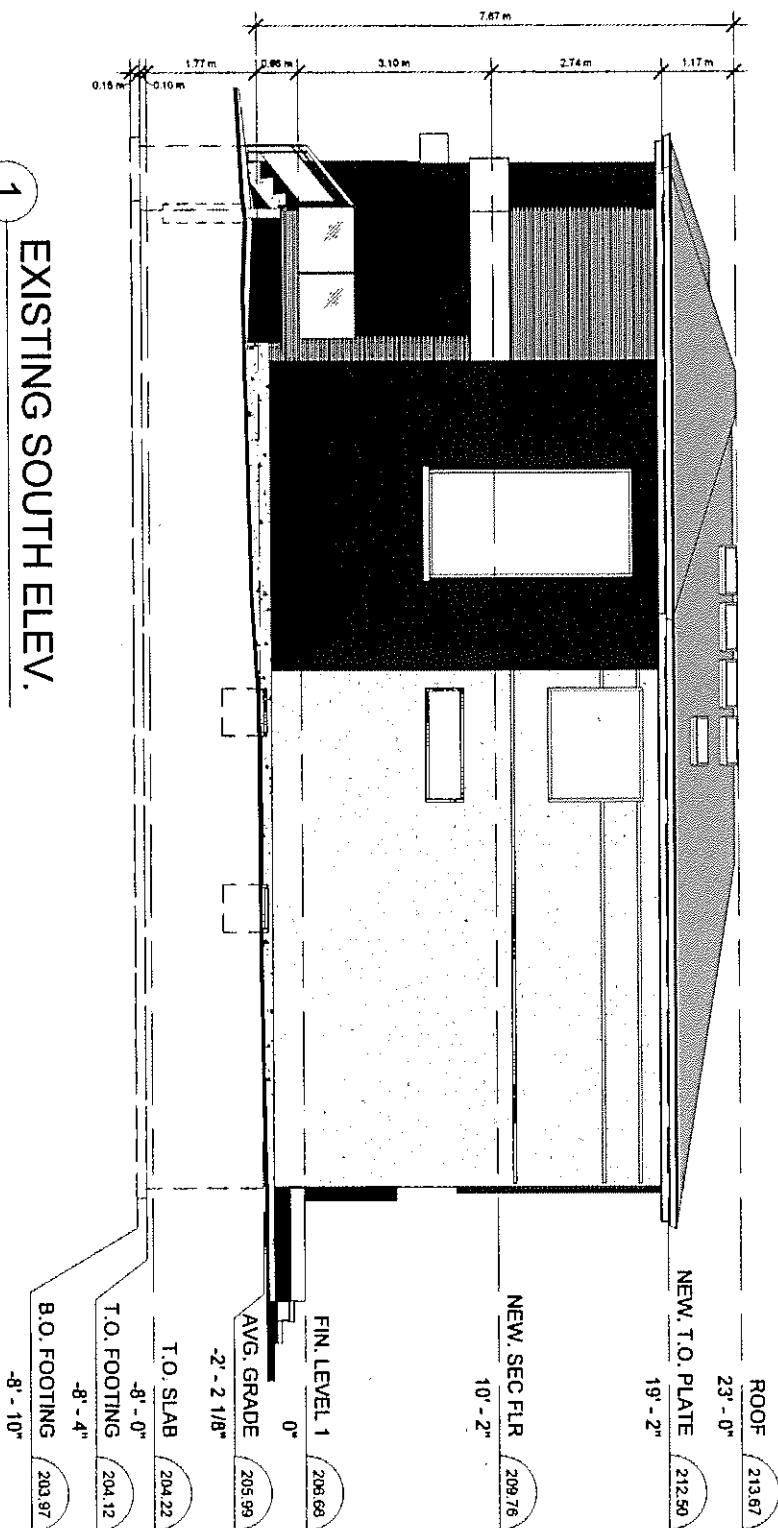
ADDRESS:
107 Woodlawn Way North,
Markham, ON

PROJECT:
ADDITION
EXISTING WEST
ELEVATION

Date: 2019-03-14
Drawn by: R.C.
Checked by: A.E.
Scale: 1 : 75

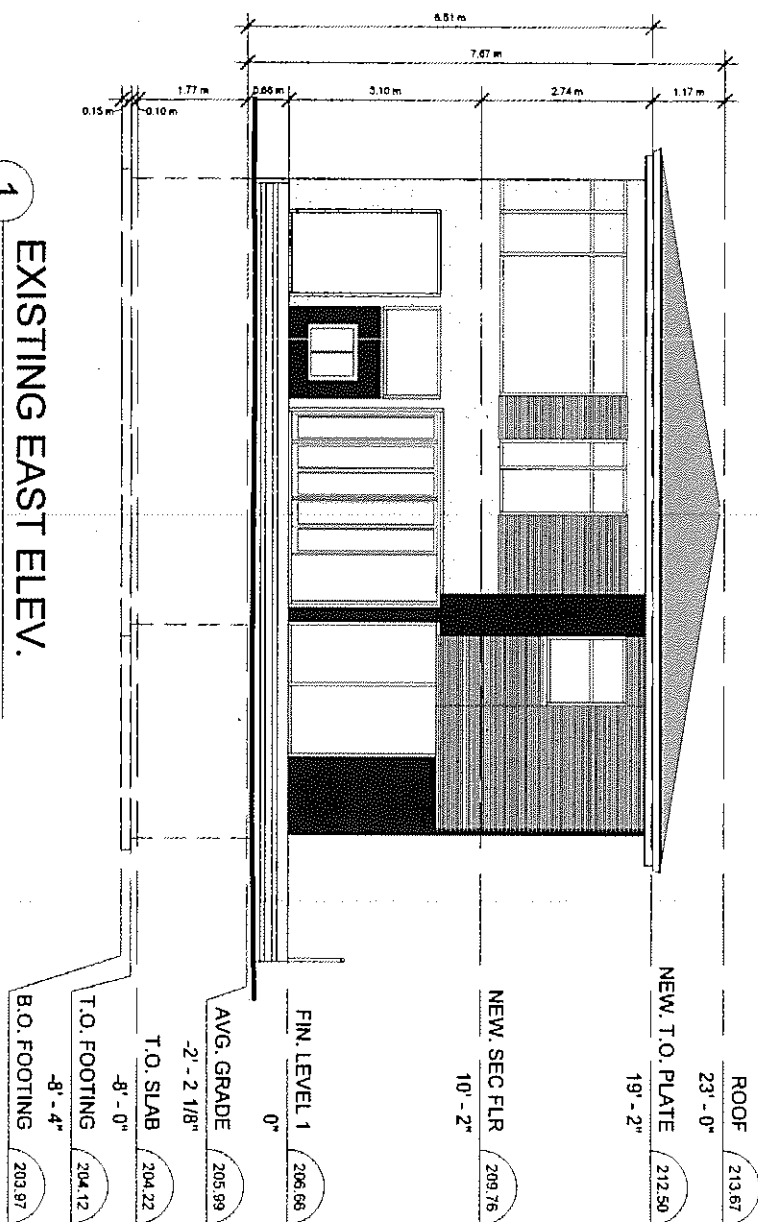
EXISTING SOUTH ELEV.

1:75



EXISTING EAST ELEV.

1
1:75

[illegible][illegible]

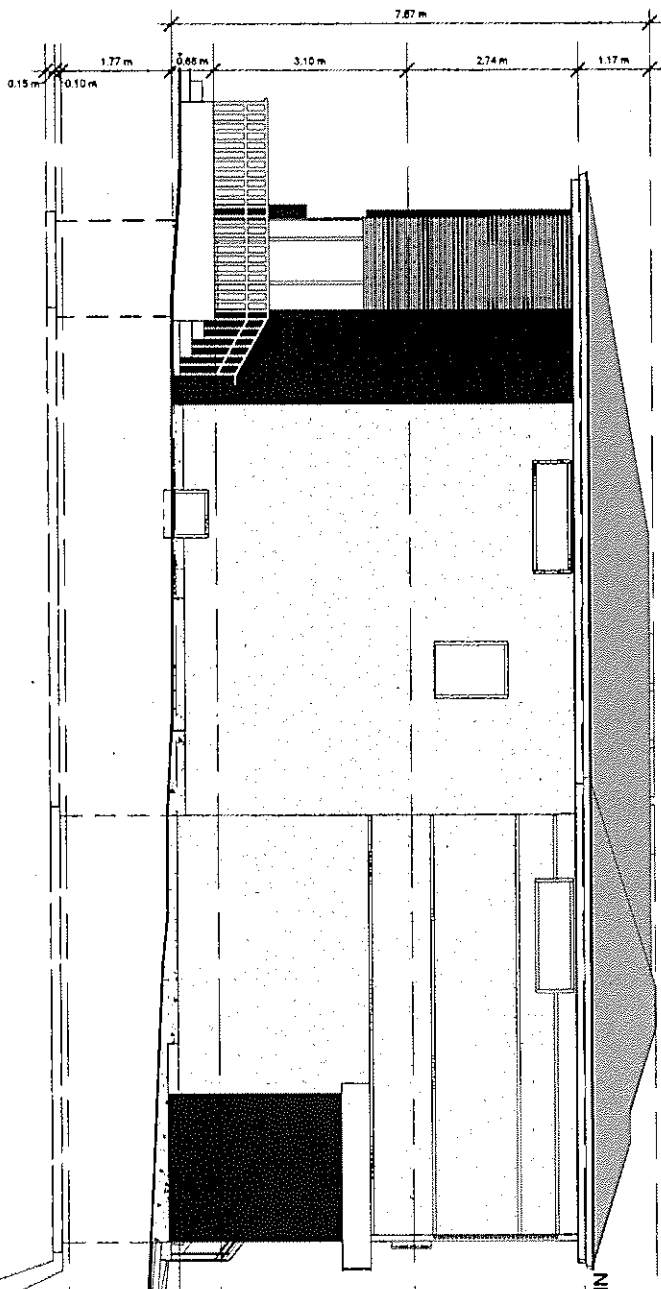
ADDRESS:
107 Woodlawn Way North,
Markham, ON

CLIENT NAME:

PROJECT:
ADDITION
EXISTING EAST
ELEVATION

Date: 2019-03-14
 Drawn by: R.C.
 Checked by: A.E.
 A2.3
 Scale: 1:75

ROOF	213.67
23' - 0"	
NEW, T.O. PLATE	212.50
19' - 2"	
NEW, SEC FLR	209.76
10' - 2"	
FIN. LEVEL ↑	206.66
0"	
AVG. GRADE	205.99
-2' - 2 1/8"	
T.O. SLAB	204.22
-8' - 0"	
T.O. FOOTING	204.12
-8' - 4"	
B.O. FOOTING	203.97



SENSUS DESIGN & BUILD INC.
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FAX: 416-219-1424
EMAIL: info@sensusedesign.ca
www.sensusedesign.ca

NOTES

COMPARISON MADE BY THE RESEARCHER
ADVANCED TO BE READ IN CONNECTION WITH THE
ORIGINAL NOTES AND BY THE R.C.

As compared to the original notes, the following changes
were made: (1) the original notes were corrected
to reflect the actual data; (2) the original notes were
corrected to reflect the actual data; (3) the original
notes were corrected to reflect the actual data; (4) the
original notes were corrected to reflect the actual data;
and (5) the original notes were corrected to reflect the
actual data.

Challenge International
 Produce other design a smart new DM C-125 for
JESSE SMITH 44569
HOUSE B/C/11
STUBBS DESIGN & PRINT INC. 40784
PRIN B/C/11

ADDRESS:
107 Wootten Way North,
Markham, ON

CLIENT NAME:

PROJECT:	ADDITION	EXISTING NORTH ELEVATION
1	2	3
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364	365	366

Date:	2019-03-14
Drawn by:	R.C
Checked by:	AE
A2.4	
Scale:	1 : 75

[illegible]

Creditors' Return Information

Reported building change or account number DW-0-123 of the Building Code

JESSE BAYLOR 44689
MOORE R.C.H.E.

SENSES OF SIGH & BOND INC. 6774
PERIN E.C.H.U.A.

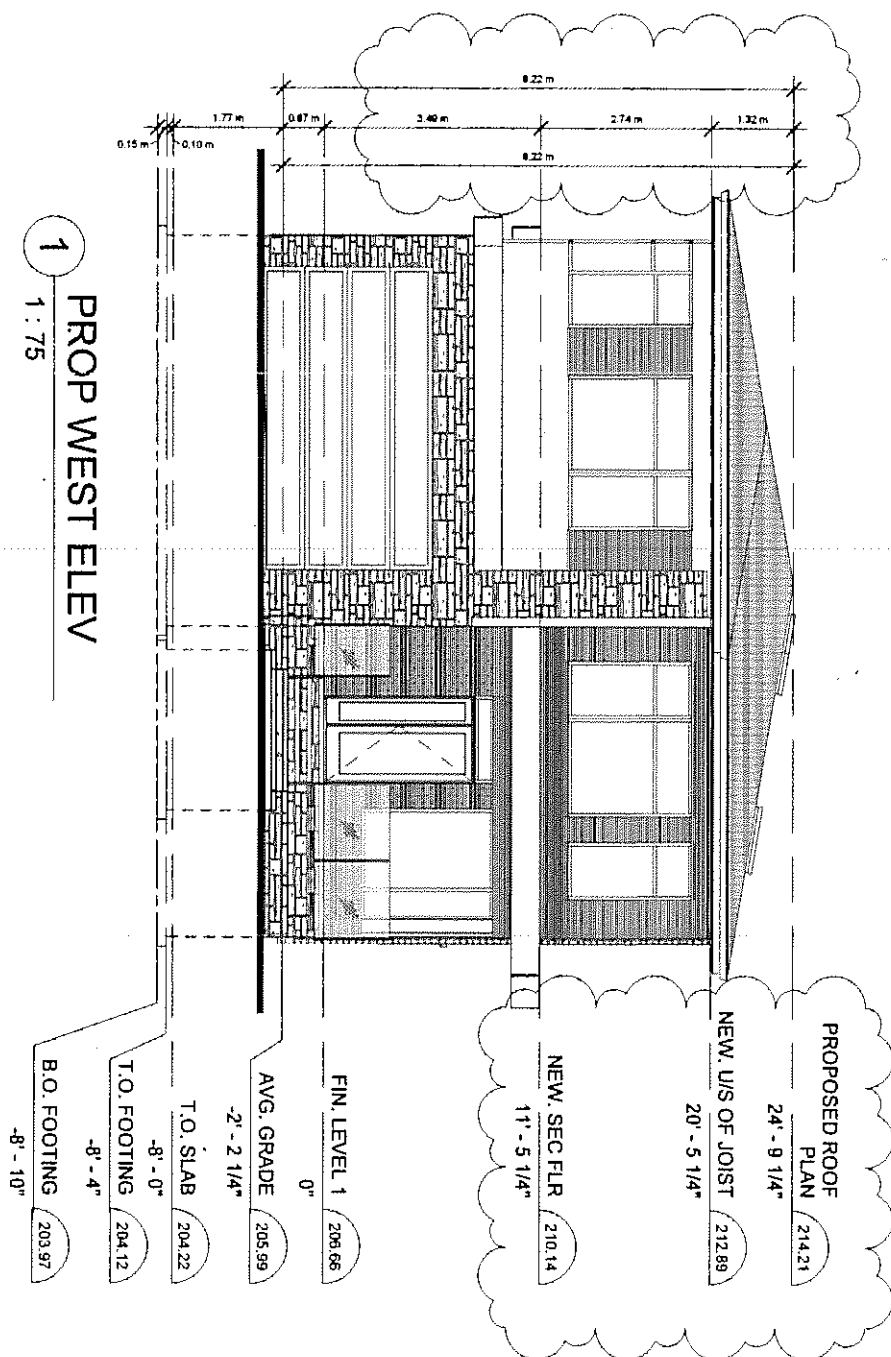
The section quoted last week said that "Businessmen" by their own actions have caused the economic crisis and must take responsibility for it. The specific figures and numbers that are mentioned reflect the fact that the Dallas Building Code is a business.

ADDRESS:
107 Wootten Way North,
Marham, ON

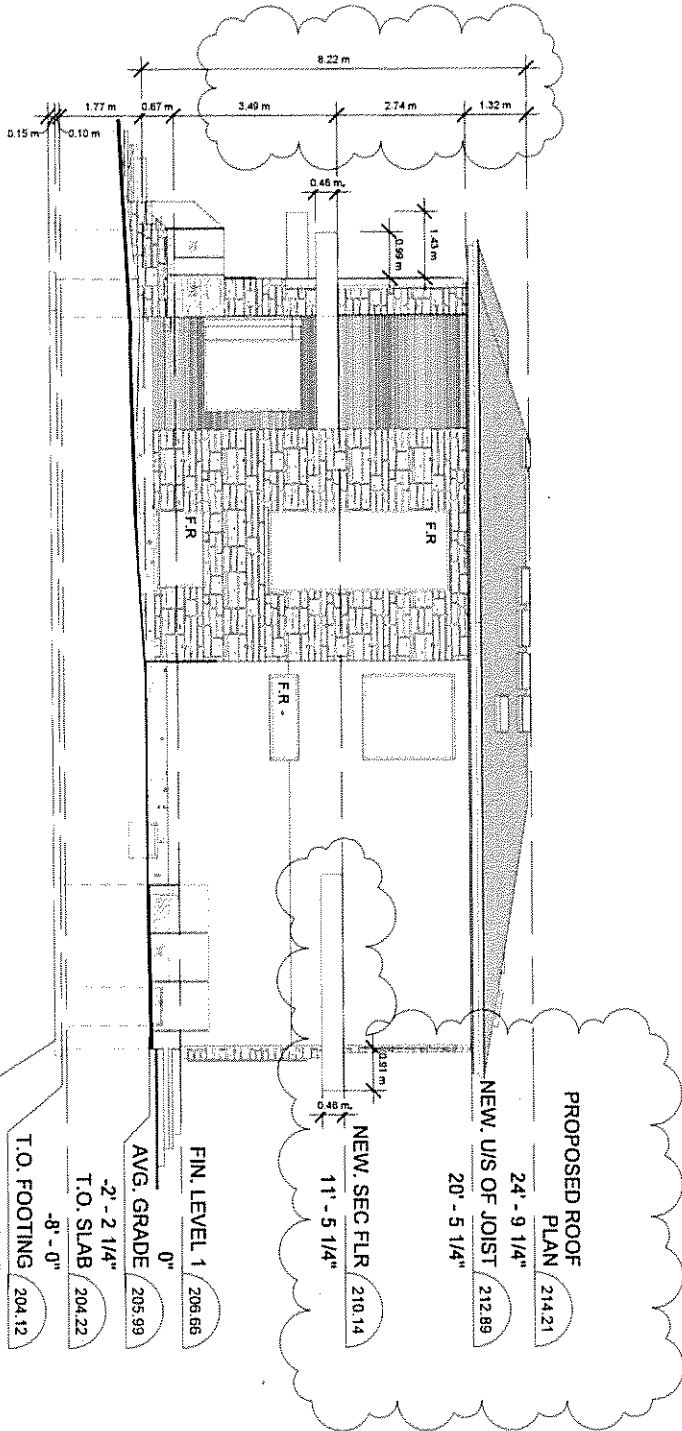
CLIENT NAME:

PROJECT:
ADDITION
PROPOSED WEST
ELEVATION

Date:	2019-04-03
Drawn by:	RC
Checked by:	AE
A2.5	
Scale:	1 : 75



1:100

[illegible]

Complete your information
Registered office design is awarded only to the C-3.2.5 of the
Building Code

The winning design will receive and submit a request for
this design. Submit the qualifications and meet the
requirements listed in the Current Building Code to be a
designer.

JESSE SALLAM	44549
NAME	B.C.IN.
SENSUS DESIGN & BUILD INC.	45794
IRIN	B.C.IN.

ADDRESS: 107 Wootten Way North,
Markham, ON

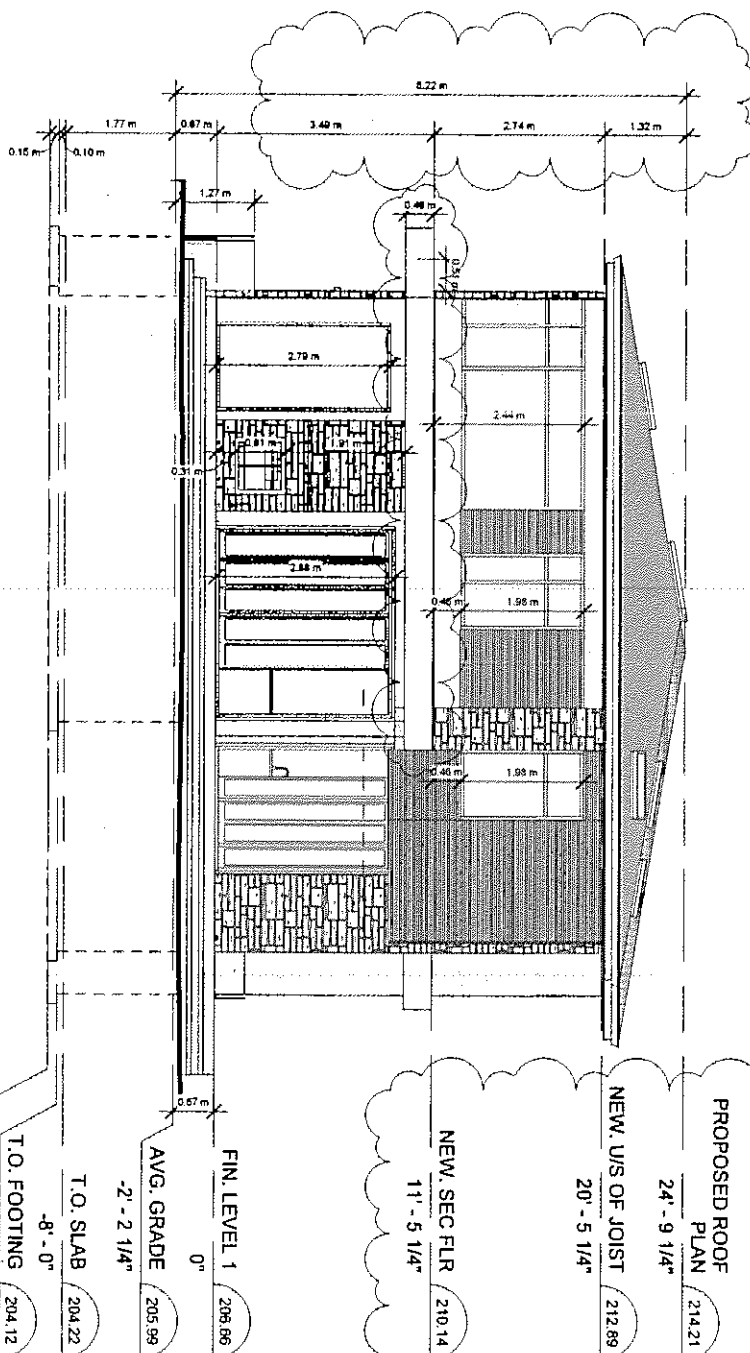
CLIENT NAME:

PROJECT:
ADDITION
PROPOSED SOUTH
ELEVATION

Date:	2019-04-03
Drawn by:	R.C
Checked by:	A.E
A2.6	
Scale:	1 : 100

PROP EAST ELEV

1:75



SENSUS DESIGN & BUILD

SENSUS DESIGN & BUILD INC
1115 LAWRENCE AVE EAST, TORONTO, ON
M3C 1C5
PHONE: (416) 391-1423
WWW.SENSUSDESIGN.BUILD.CA

NOTES:
1. DRAWINGS NOT TO BE SCALE
2. DRAWINGS TO BE READ IN CONJUNCTION WITH THE
GENERAL NOTES AND THE C.D.C.
3. A SENSUS DESIGN & BUILD PROJECT IS A TEAM EFFORT. THE
DESIGNER, ARCHITECT, ENGINEER, AND CONSTRUCTION
MANAGER ALL SHARE RESPONSIBILITY FOR THE SUCCESS
OF THE PROJECT. THE DESIGNER IS NOT RESPONSIBLE
FOR THE ACTIONS OF THE OTHER TEAM MEMBERS.
4. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACTIONS
OF THE OTHER TEAM MEMBERS.
5. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACTIONS
OF THE OTHER TEAM MEMBERS.

The undersigned hereby certifies that the
information contained herein is true and correct
to the best of his knowledge and belief.
Signature: _____
Name: _____
Title: _____
Date: _____

ADDRESS:
107 Woodlawn Way North,
Markham, ON

PROJECT:
ADDITION
**PROPOSED NORTH
ELEVATION**

Date: 2019-04-03
Drawn by: R.C.
Checked by: A.E.
Scale: 1 : 100

1 PROP NORTH ELEV 1 : 100

