

Memorandum to the City of Markham Committee of Adjustment
July 17, 2018

File: A/80/18
Address: 6350 Steeles Avenue East, Markham
Applicant: Forest Bay Homes Ltd. (Corey Leibel)
Agent: Forest Bay Homes Ltd. (Clay Leibel)
Hearing Date: Wednesday July 25, 2018

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

The applicant is requesting relief from the following requirements of By-laws 90-81 and 304-87, as amended, R9, to permit:

b) Amending By-law 2015-6, Section 2.3 (7.62.1 a) v):

- i. a minimum rear yard setback of 6.05 m (Lot 139), whereas the By-law requires a minimum rear yard setback of 7 m;
- ii. a minimum rear yard setback of 5.2 m (Lot 140), whereas the By-law requires a minimum rear yard setback of 7 m;
- iii. a minimum rear yard setback of 6.55 m (Lot 141), whereas the By-law requires a minimum rear yard setback of 7 m;
- iv. a minimum rear yard setback of 6.1 m (Lot 142), whereas the By-law requires a minimum rear yard setback of 7 m;
- v. a minimum rear yard setback of 6.45 m (Lot 143), whereas the By-law requires a minimum rear yard setback of 7 m;
- vi. a minimum rear yard setback of 5.85 m (Lot 144), whereas the By-law requires a minimum rear yard setback of 7 m;
- vii. a minimum rear yard setback of 6.55 m (Lot 145), whereas the By-law requires a minimum rear yard setback of 7 m;

c) Amending By-law 2015-6, Section 2.3 (7.62.1 c):

a maximum lot coverage of 46.45 percent (Lot 140), whereas the By-law permits a maximum lot coverage of 45 percent;

as they relate to multiple residential dwellings on Draft Plan of Subdivision 19TM-98019.

BACKGROUND

Property Description

The subject applications relate to seven (7) single detached residential lots on Draft Plan of Subdivision 19TM-98019 (hereinafter "the subdivision"), which was draft approved on November 27, 2014. Zoning By-law 2015-6, which amends the provisions of Zoning By-laws 90-81 and 304-87 to facilitate development of the subdivision, was approved by the Ontario Municipal Board on November 17, 2014.

The subdivision is located north of Steeles Avenue East and east of Markham Road. Lots 139 to 145 back onto the western boundary of the subdivision, which abuts a valley corridor associated with the Rouge River Watershed. The valley is regulated by the Toronto and Region Conservation Authority.

Proposal

The applicant is proposing to construct a single detached dwelling on each of the subject lots referred to above. Relief is requested for rear yard setbacks on all of the lots, and for lot coverage on Lot 140.

The Toronto and Region Conservation Authority has no objections to the proposed variances, subject to the applicant paying outstanding fees for their review of the applications and obtaining a permit for the proposed development. These requirements are included as recommended conditions of approval.

Official Plan and Zoning

Official Plan 2014, as partially approved on November 24, 2017 and further updated on April 9, 2018

The Official Plan 2014 designates the subject property 'Residential – Low Rise,' which provides for low-rise housing forms including single detached dwellings.

Zoning By-law

The subject property is zoned R9 under by-laws 90-81 and 304-87, as amended, which permits single detached dwellings. The proposed rear yard setbacks for all seven lots do not meet the required rear yard setback of 7 m (23 ft). The proposed lot coverage for Lot 140 exceeds the maximum lot coverage of 45 percent.

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

The applicant's stated reasons for not complying with the zoning, as provided in the application forms, is "market demand." On July 3, 2018, Planning staff met with the applicant to discuss the proposal.

Zoning Preliminary Review Not Undertaken

The applicant has not completed a Zoning Preliminary Review to confirm the variances required for the proposed development. It is the owner's responsibility to ensure that the applications have accurately identified all of the variances to the Zoning By-law required for the proposed development. If the variances in the application contain errors, or if the need for additional variances is identified during the Building Permit review process, further variances application(s) may be required to address the outstanding matters and there will be a delay in application processing.

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.

Lot 139

The applicant is requesting relief to permit a minimum rear yard setback of 6.05 m (19.8 ft), whereas the By-law requires a minimum rear yard setback of 7 m (23 ft). This represents a 0.95 m (3.1 ft) reduction when compared to the By-law requirement.

It is noted that the rear yard setback deficiency applies to a portion of the bump-out area, which has a width of less than half of the total dwelling width. The variance is also partly attributable to the angle of the rear lot line, which creates a setback line that is skewed when compared to the orientation of the dwelling. Additionally, the rear yard includes extra space at the northwest corner that helps to create a rear yard that is similar to that which would typically be achieved with a 7 m (23 ft) setback.

Lot 140

Rear Yard Setback

The applicant is requesting relief to permit a minimum rear yard setback of 5.2 m (17.1 ft), whereas the By-law requires a minimum rear yard setback of 7 m (23 ft). This represents a 1.8 m (5.9 ft) reduction when compared to the By-law requirement.

The rear yard setback deficiency appears to apply to the majority of the rear bump-out area. When combined with the swale that exists at the rear of the property, the reduction in rear yard setback leaves limited usable space in the rear yard and is small compared to the size of the lot.

Lot Coverage

The applicant is requesting relief to permit a maximum lot coverage of 46.45 percent (Lot 140), whereas the By-law permits a maximum lot coverage of 45 percent. This represents a 5.8 sq. m (62.4 sq. ft) increase in lot coverage when compared to the By-law maximum, which is considered to be minor. However, it should be noted that increasing the proposed rear yard setback to comply with the zoning would also eliminate the lot coverage variance to bring the lot into conformity with By-law requirements.

Lot 141

The applicant is requesting relief to permit a minimum rear yard setback of 6.55 m (21.5 ft), whereas the By-law requires a minimum rear yard setback of 7 m (23 ft). This represents a 0.45 m (1.5 ft) reduction when compared to the By-law requirement.

The reduction in rear yard setback is considered to be minor. The deficiency is partly attributable to the angle of the lot line and applies only to the rear bump-out area, which has a width of less than half of the total dwelling width.

Lots 142 and 143

The applicant is requesting relief to permit a minimum rear yard setback of 6.1 m (20 ft) for Lot 142 and 6.45 m (21.2 ft) for Lot 143, whereas the By-law requires a minimum rear yard setback of 7 m (23 ft). When compared to the By-law requirement, this represents a 0.9 m (3 ft) reduction in rear yard setback for Lot 142, and a 0.55 m (1.8 ft) reduction for Lot 143.

On both Lots 142 and 143, the entire width of the dwelling encroaches into the required rear yard setback. When combined with the swale that exists at the rear of the properties, the reduction in rear yard setbacks leaves limited usable space in the rear yards.

Lot 144

The applicant is requesting relief to permit a minimum rear yard setback of 5.85 m (19.2 ft), whereas the By-law requires a minimum rear yard setback of 7 m (23 ft). This represents a 1.15 m (3.8 ft) reduction when compared to the By-law requirement.

In this case, part of the main portion of the dwelling encroaches into the required rear yard in addition to a portion of the rear bump-out area. When combined with the swale that exists at the rear of the property, the reduction in rear yard setback leaves limited usable space in the rear yard. The proposed rear yard setback is also small relative to the size of the lot.

Lot 145

The applicant is requesting relief to permit a minimum rear yard setback of 6.55 m (21.5 ft), whereas the By-law requires a minimum rear yard setback of 7 m (23 ft). This represents a 0.45 m (1.5 ft) reduction when compared to the By-law requirement.

It is noted that the rear yard setback deficiency applies to a portion of the rear bump-out area, which has a width of less than half of the total dwelling width. The variance can also be partly attributed to the angle of the lot line, which creates a setback line that is skewed when compared to the orientation of the dwelling. Additionally, the rear yard includes extra space at the southwest corner that helps to create a rear yard that is similar to that which would typically be achieved with a 7 m (23 ft) setback.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 17, 2018. Additional information may be received after the writing of this report; the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning staff are of the opinion that the Committee should satisfy themselves as to the appropriateness of the variances and whether they meet the four tests of the Planning Act. 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 the subject applications.

PREPARED BY:



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

REVIEWED BY:



Stacia Muradali, Senior Planner, East District

APPENDIX "A"

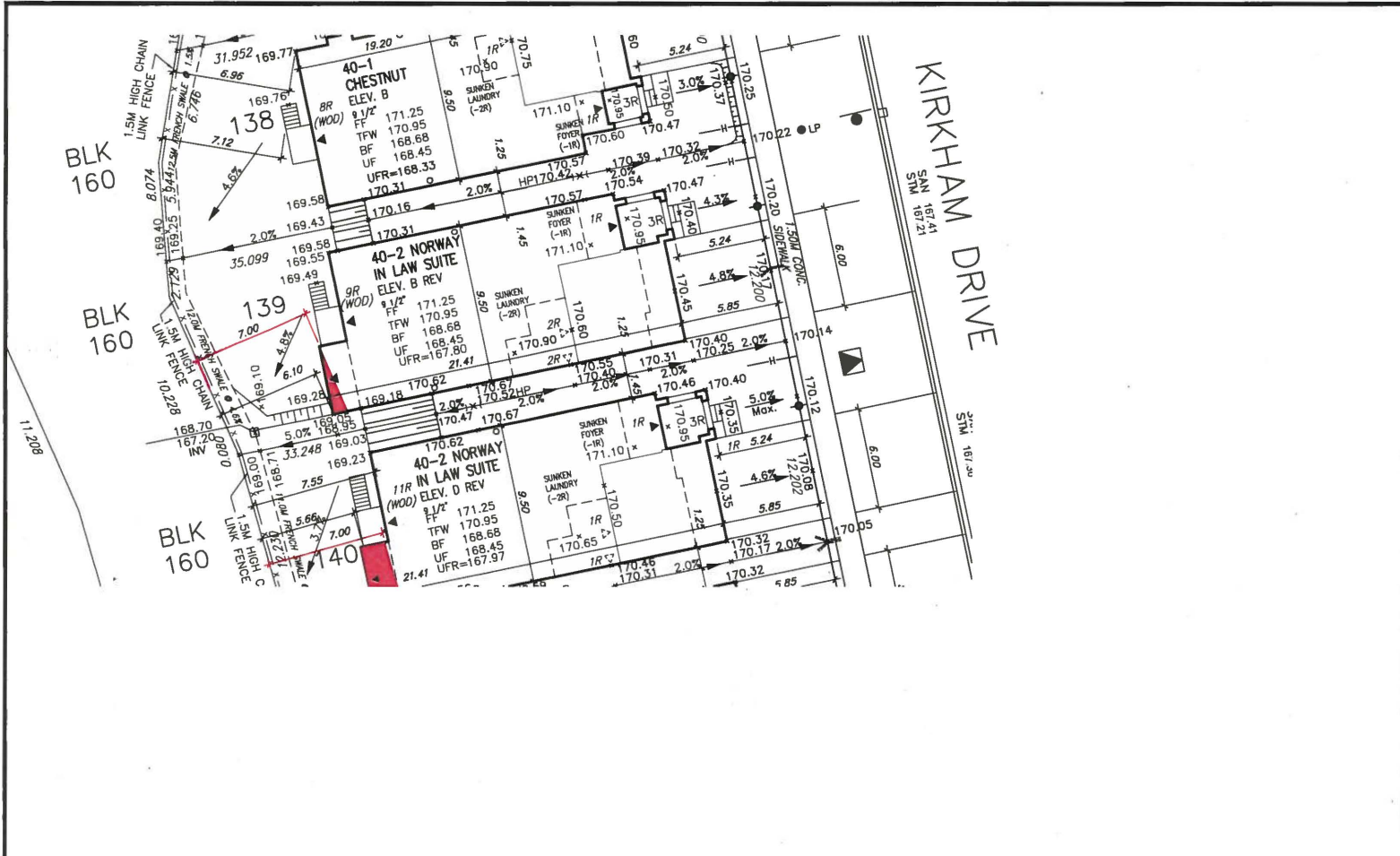
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/80/18

1. That 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 September 2014 and May 15, 2018, 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 Secretary Treasurer receives written confirmation from Toronto and Region Conservation Authority (TRCA) that the conditions indicated in the letter dated June 25th, 2018 (Appendix D) have been fulfilled to the satisfaction of Toronto and Region Conservation Authority (TRCA).

CONDITIONS PREPARED BY:



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

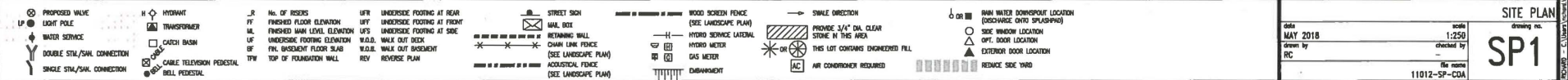


Grading Notes:
 It shall be the responsibility of the builder to have all grades and services verified and checked before construction by an approved grading engineer. These grades and the placement of storm and sanitary services off the street are to meet the requirements of the municipality having jurisdiction.

VA3 Design Inc. is to be notified promptly of any discrepancies at least 1 (one) week prior to excavation commences in order that the building can be re-raised. Failure to observe these conditions may require separate remedial action that will not be the responsibility of or cost to VA3 Design Inc. Foundation wall shall be poured to a minimum of 6" above approved grades.

Finished grade lines as indicated on the house prototype are for reference only and do not necessarily depict finish grading conditions of any particular lot.

COVERAGE MAX 45% WITHOUT PORCH				
LOT NO.	MODEL	LOT AREA S.M.	UNIT COVERAGE S.M.	PERCENTAGE (MAX. 45%)
139	S40-2 'B'	420.44 S.M.	185.99 S.M.	44.24 %



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2	ISSUED FOR PERMIT	MAY 15-18 RC
1	no description	date

The undersigned has reviewed and takes responsibility for the design and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.
 qualifications information
 name: Wallington Jno-Baptiste
 registration information: 25591
 name: VA3 Design Inc.
 registration information: 42658

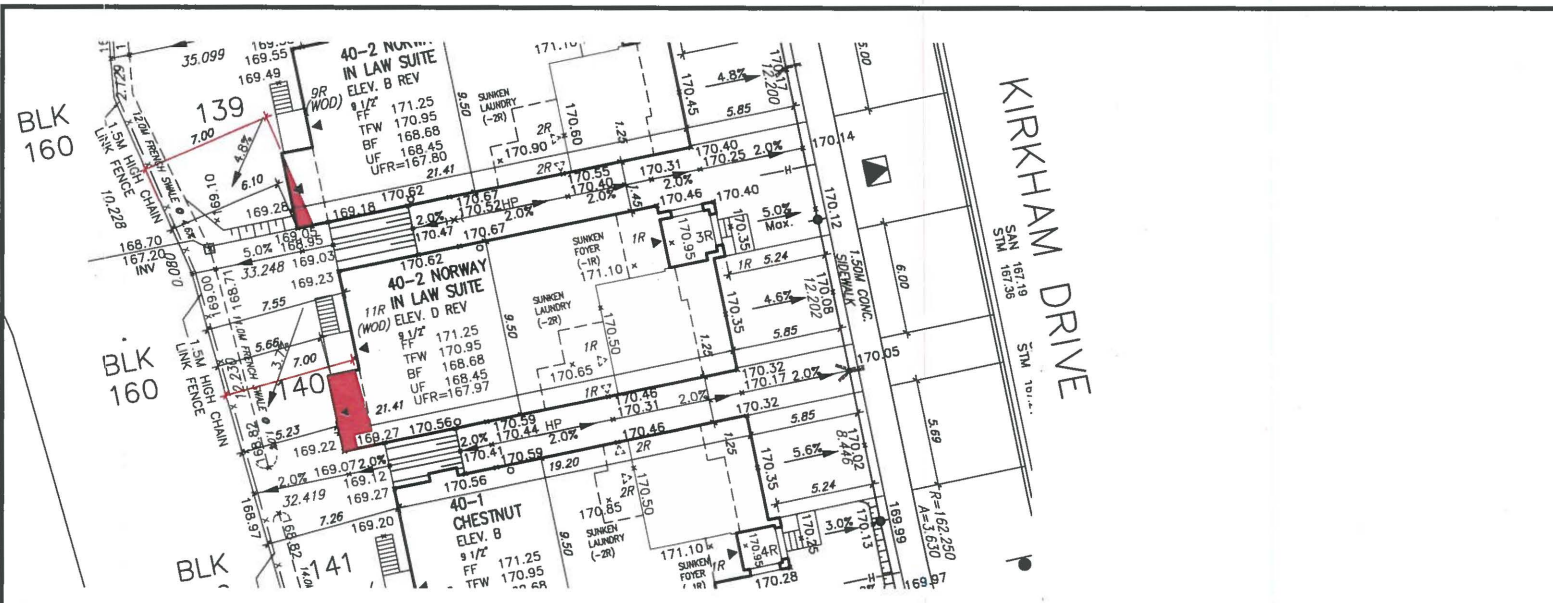
Contractor must verify all dimensions on the job and report any discrepancy to the Designer before proceeding with the work. All drawings and specifications are instruments of service and the property of the Designer which must be returned at the completion of the work. Drawings are not to be copied.

VA3 DESIGN
 255 Consumers Rd Suite 120
 Toronto ON M2J 1R4
 1 416.630.2255 | 416.630.4782
 vo3design.com

CALEXICO HOLDINGS INC.

project name: FAIRTREE ON THE ROUGE
 municipality: MARKHAM, ON.
 registered plan no.: 11012

SITE PLAN
 date: MAY 2018 scale: 1:250
 drawn by: RC checked by: [Signature]
 file name: 11012-SP-COA



Grading Notes:
 It shall be the responsibility of the builder to have all grades and services verified and checked before construction by an approved grading engineer. These grades and the placement of storm and sanitary services off the street are to meet the requirements of the municipality having jurisdiction.

VA3 Design Inc. is to be notified promptly of any discrepancies of least 1 (one) week prior to excavation commences in order that the building can be re-sited. Failure to observe these conditions may require expensive remedial action that will not be the responsibility of or cost to VA3 Design Inc. Excavation work shall be placed to a minimum of 6" above approved grades.

Finished grade lines as indicated on the house prototype are for reference only and do not necessarily depict finish grading conditions of any particular lot.

COVERAGE MAX 45% WITHOUT PORCH				
LOT NO.	MODEL	LOT AREA S.M.	UNIT COVERAGE S.M.	PERCENTAGE (MAX. 45%)
140	S40-2 'D'	400.63 S.M.	185.99 S.M.	46.42 %

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1	ISSUED FOR PERMIT	MAY 15-18	RC

The undersigned has reviewed and takes responsibility for the design and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.

qualification information
 Wellington Jno-Baptiste 25591
 name registration information BCN
 VA3 Design Inc. 42658

Contractor must verify all dimensions on the job and report any discrepancy to the Designer before proceeding with the work. All drawings and specifications are instruments of service and the property of the Designer which must be returned at the completion of the work. Drawings are not to be sold.

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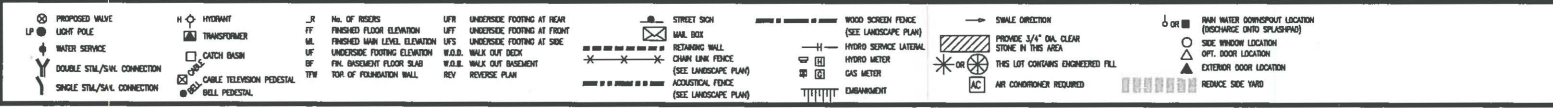


CALEXICO HOLDINGS INC.

project name
FAIRTREE ON THE ROUGE

property
MARKHAM, ON.

registration plan no. 140
 project no. 11012



SITE PLAN

date
 MAY 2018

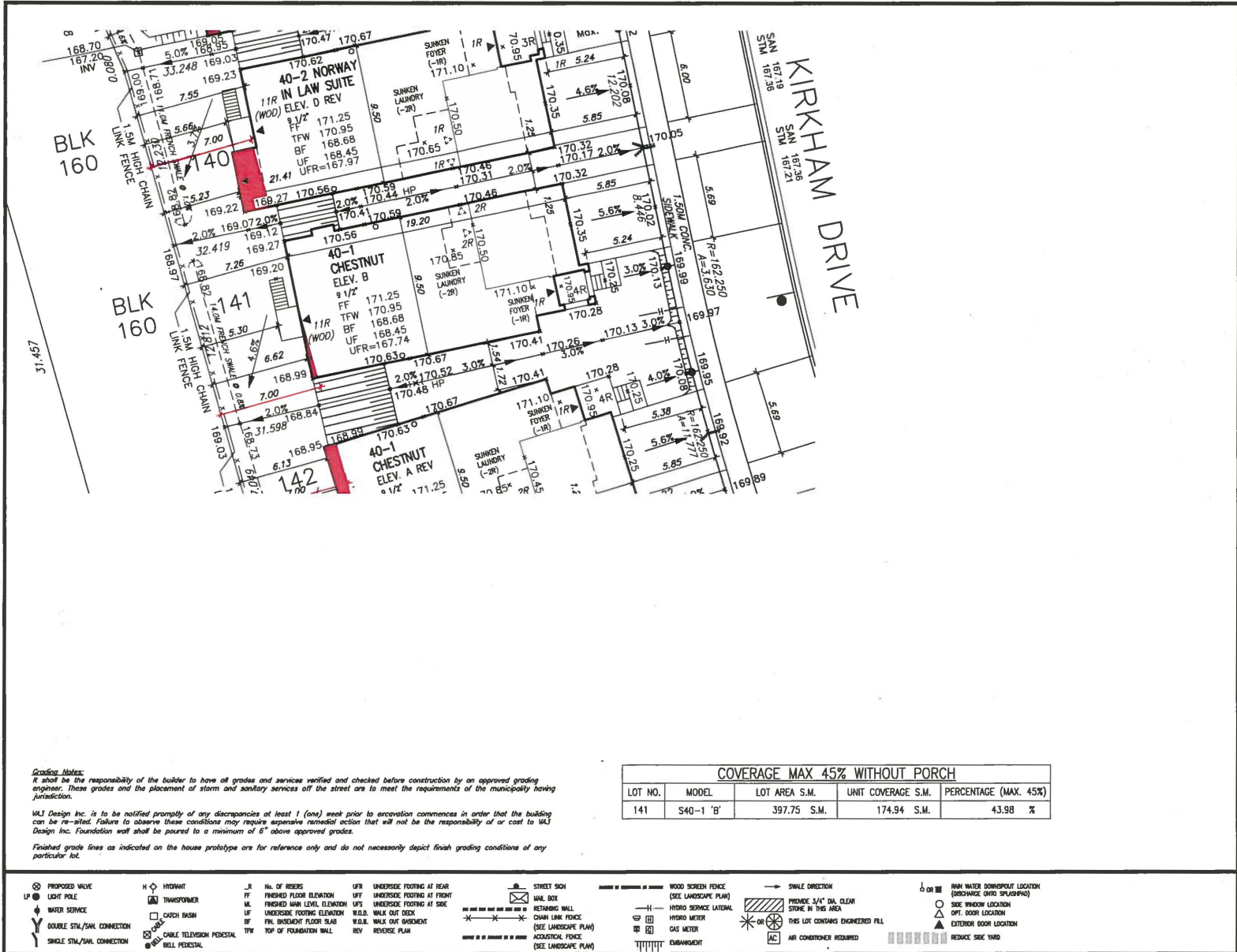
scale
 1:250

drawn by
 RC

checked by
 RC

file name
 11012-SF-CDA

SP1



Grading Notes:
 It shall be the responsibility of the builder to have all grades and services verified and checked before construction by an approved grading engineer. These grades and the placement of storm and sanitary services off the street are to meet the requirements of the municipality having jurisdiction.

V&J Design Inc. is to be notified promptly of any discrepancies at least 1 (one) week prior to excavation commences in order that the building can be re-located. Failure to observe these conditions may require expensive remedial action that will not be the responsibility of or cost to V&J Design Inc. Foundation wall shall be poured to a minimum of 6" above approved grades.

Finished grade lines as indicated on the house prototype are for reference only and do not necessarily depict finish grading conditions of any particular lot.

COVERAGE MAX 45% WITHOUT PORCH				
LOT NO.	MODEL	LOT AREA S.M.	UNIT COVERAGE S.M.	PERCENTAGE (MAX. 45%)
141	S40-1 'B'	397.75 S.M.	174.94 S.M.	43.98 %



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1	ISSUED FOR PERMIT	MAY 15-18	RC

no. description date by
 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.
 qualification information
 Wellington Jno-Baptista 25591
 name registration information BCN
 V&J Design Inc. 42658

Contractor must verify all dimensions on the job and report any discrepancy to the Designer before proceeding with the work. All drawings and specifications are instruments of service and the property of the Designer which must be returned at the completion of the work. Drawings are not to be used.

V&J DESIGN
 255 Consumers Rd Suite 120
 Toronto ON M2J 1R4
 1 416.630.2255 | 416.630.4782
 v&jdesign.com

CALEXICO HOLDINGS INC.

project name
FAIRTREE ON THE ROUGE

municipality
MARKHAM, ON.

registered plan no.
141

project no.
11012

date
MAY 2018

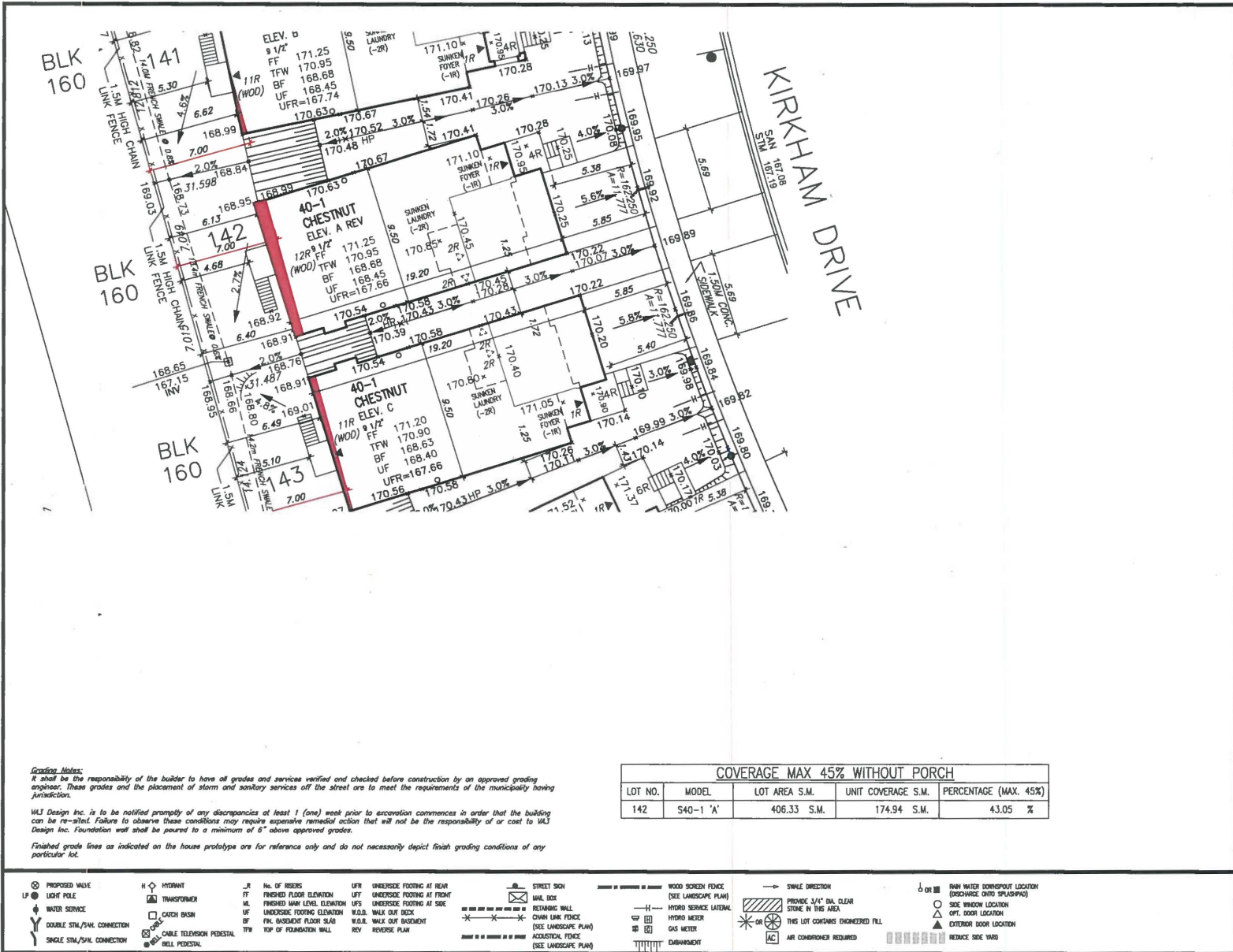
scale
1:250

drawn by
 RC

checked by
 -

the name
11012-SP-COA

SITE PLAN
 drawing no.
SP1



Grading Notes:
 It shall be the responsibility of the builder to have all grades and services verified and checked before construction by an approved grading engineer. These grades and the placement of storm and sanitary services off the street are to meet the requirements of the municipality having jurisdiction.

VA3 Design Inc. is to be notified promptly of any discrepancies of least 1 (one) week prior to excavation commences in order that the building can be re-sited. Failure to observe these conditions may require expensive remedial action that will not be the responsibility of or cost to VA3 Design Inc. Foundation wall shall be poured to a minimum of 6" above approved grades.

Finished grade lines as indicated on the house prototype are for reference only and do not necessarily depict finish grading conditions of any particular lot.

COVERAGE MAX 45% WITHOUT PORCH				
LOT NO.	MODEL	LOT AREA S.M.	UNIT COVERAGE S.M.	PERCENTAGE (MAX. 45%)
142	S40-1 'A'	406.33 S.M.	174.94 S.M.	43.05 %

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1.	ISSUED FOR PERMIT	MAY 15-18	RC

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.

Wallington Jno-Saptista 25591
 name registration information BCIN
 VA3 Design Inc. 42658

Contractor must verify all dimensions on the job and report any discrepancy to the Designer before proceeding with the work. All drawings and specifications are instruments of service and the property of the Designer which must be returned at the completion of the work. Drawings are not to be copied.

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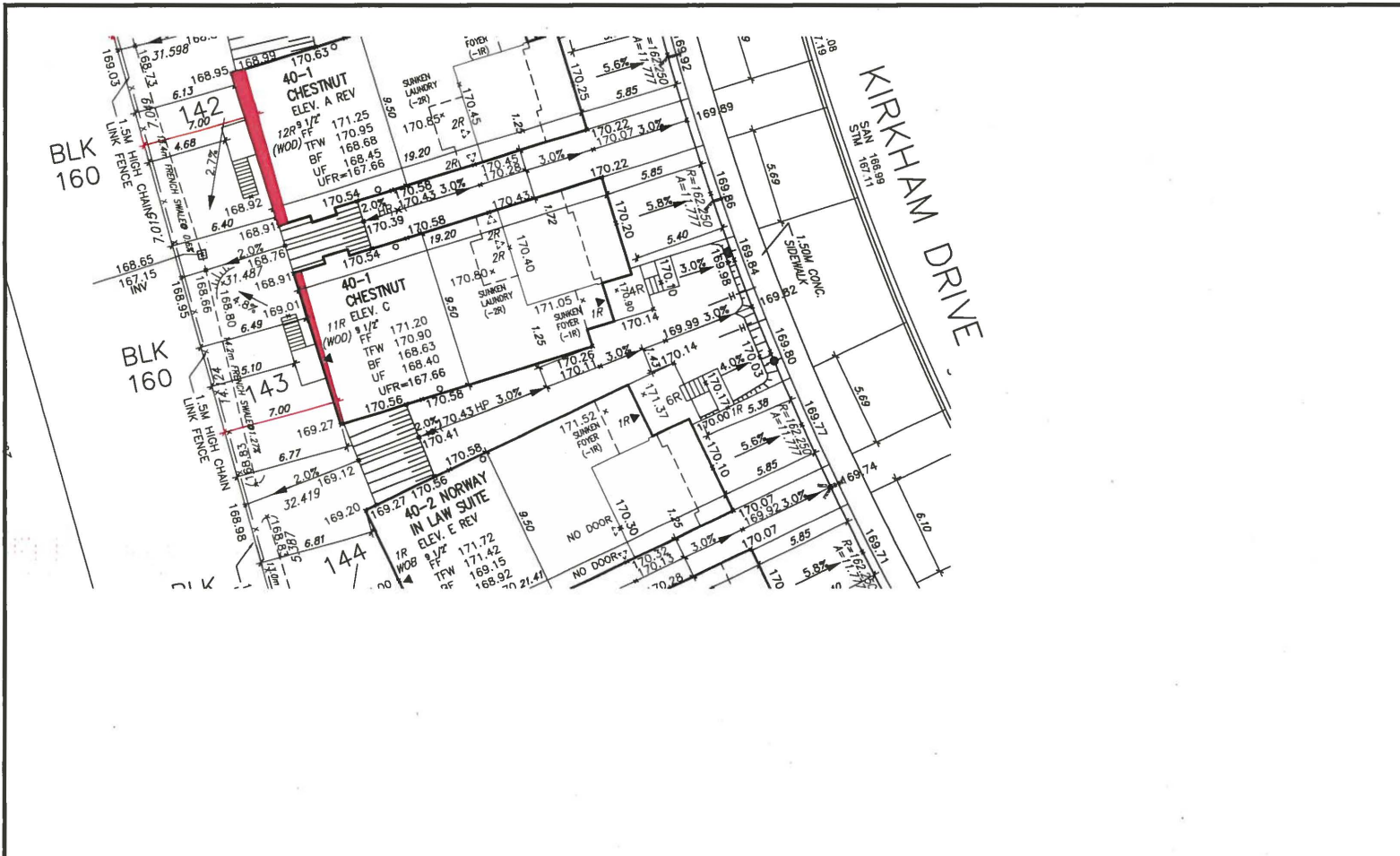
VA3 DESIGN
 255 Consumers Rd Suite 120
 Toronto ON M2J 1R4
 1 416.630.2255 1 416.630.4782
 va3design.com

CALEXICO HOLDINGS INC.

project name: FAIRTREE ON THE ROUGE
 municipality: MARKHAM, ON.
 registered plan no.: 11012

SITE PLAN
 drawing no.: SP1
 date: MAY 2018
 scale: 1:250
 checked by: RC
 file name: 11012-SP-COA





Grading Notes:
 It shall be the responsibility of the builder to have all grades and services verified and checked before construction by an approved grading engineer. These grades and the placement of storm and sanitary services off the street are to meet the requirements of the municipality having jurisdiction.

WJ3 Design Inc. is to be notified promptly of any discrepancies at least 1 (one) week prior to excavation commences in order that the building can be re-sited. Failure to observe these conditions may require expensive remedial action that will not be the responsibility of or cost to WJ3 Design Inc. Foundation wall shall be poured to a minimum of 6" above approved grades.

Finished grade lines as indicated on the house prototype are for reference only and do not necessarily depict finish grading conditions of any particular lot.

COVERAGE MAX 45% WITHOUT PORCH				
LOT NO.	MODEL	LOT AREA S.M.	UNIT COVERAGE S.M.	PERCENTAGE (MAX. 45%)
143	S40-1 'c'	412.16 S.M.	174.94 S.M.	42.44 %



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1	ISSUED FOR PERMIT	MAY 15-18	RC

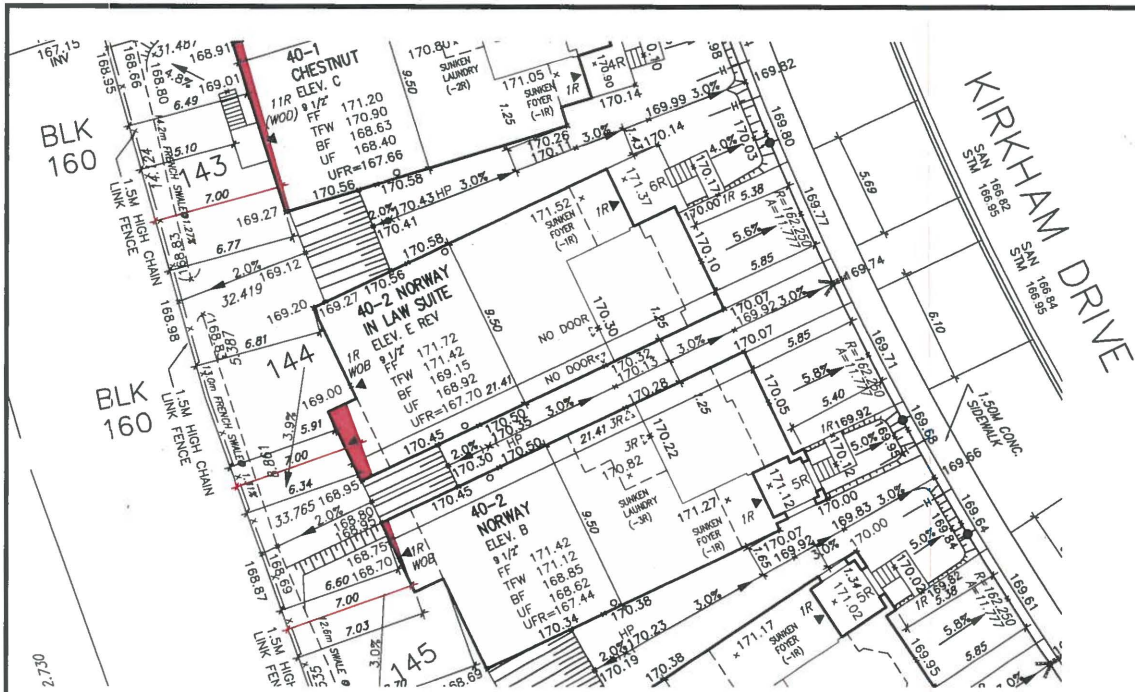
The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.
 name: Wellington Jno-Baptista
 registration information: WJ3 Design Inc. 42658



Contractor must verify all dimensions on the job and report any discrepancy to the Designer before proceeding with the work. All drawings and specifications are instruments of service and the property of the Designer which must be returned at the completion of the work. Drawings are not to be copied.

CALEXICO HOLDINGS INC.
 project name: FAIRTREE ON THE ROUGE
 municipality: MARKHAM, ON.
 lot/block no.: 143
 project no.: 11012
 registered plan no.: 11012

SITE PLAN
 date: MAY 2018
 scale: 1:250
 drawn by: RC
 checked by:
 file name: 11012-SP-COA
 drawing no.: **SP1**



KIRKHAM DRIVE
S.M. 168.85
S.M. 168.85
S.M. 168.85

BLK 160

BLK 160

2.730

Grading Notes:
It shall be the responsibility of the builder to have all grades and services verified and checked before construction by an approved grading engineer. These grades and the placement of storm and sanitary services off the street are to meet the requirements of the municipality having jurisdiction.
V&3 Design Inc. is to be notified promptly of any discrepancies at least 1 (one) week prior to excavation commences in order that the building can be re-sited. Failure to observe these conditions may require expensive remedial action that will not be the responsibility of or cost to V&3 Design Inc. Foundation wall shall be poured to a minimum of 6" above approved grades.
Finished grade lines as indicated on the house prototype are for reference only and do not necessarily depict finish grading conditions of any particular lot.

COVERAGE MAX 45% WITHOUT PORCH

LOT NO.	MODEL	LOT AREA S.M.	UNIT COVERAGE S.M.	PERCENTAGE (MAX. 45%)
144	S40-2 'E'	429.93 S.M.	185.99 S.M.	43.26 %

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1	ISSUED FOR PERMIT	MAY 15-18 RC

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.
 name: Wellington Jno-Baptiste
 registration information: V&3 Design Inc. 42658

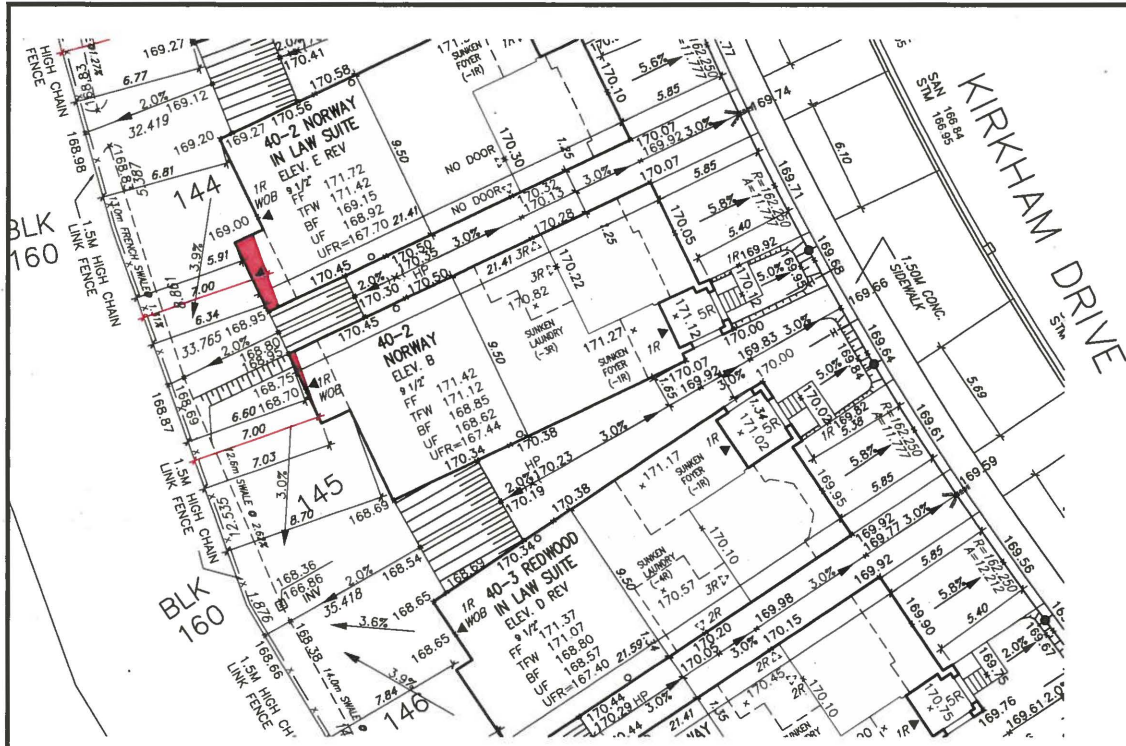
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 255 Consumers Rd Suite 120
 Toronto ON M2J 1R4
 1 416.630.2255 / 416.630.4782
 v&3design.com

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CALEXICO HOLDINGS INC.
 project name: FAIRTREE ON THE ROUGE
 municipality: MARKHAM, ON.
 project no.: 144
 registered plan no.: 11012

SITE PLAN
 date: MAY 2018
 scale: 1:250
 drawing no.: SP1
 11012-SP-C04

<ul style="list-style-type: none"> PROPOSED VALVE LIGHT POLE WATER SERVICE DOUBLE STA./SAL. CONNECTION SINGLE STA./SAL. CONNECTION 	<ul style="list-style-type: none"> MIDWALT TRANSFORMER CATCH BASIN CABLE TELEVISION PEDISTAL BELL PEDISTAL 	<ul style="list-style-type: none"> NO. OF RISERS FINISHED FLOOR ELEVATION FINISHED MAIN LEVEL ELEVATION UNDERGRADE FOOTING ELEVATION FIL. INCIDENT FLOOR SLAB TOP OF FOUNDATION WALL 	<ul style="list-style-type: none"> UNDERGRADE FOOTING AT REAR UNDERGRADE FOOTING AT FRONT UNDERGRADE FOOTING AT SIDE WALK OUT DECK WALK OUT BEMENT REVERSE PLAN 	<ul style="list-style-type: none"> STREET SIGN WALK SIGN RETAINING WALL CHAIN LINK FENCE ACoustical FENCE (SEE LANDSCAPE PLAN) 	<ul style="list-style-type: none"> WOOD SCREEN FENCE HYDRO SERVICE LATERAL HYDRO METER GAS METER EMBANKMENT 	<ul style="list-style-type: none"> SINGLE DIRECTION PROVIDE 3/4" DIA. CLEAR STONE IN THIS AREA THIS LOT CONTAINS ENGINEERED FILL AIR CONDITIONER REQUIRED 	<ul style="list-style-type: none"> RAIN WATER DRAINAGE LOCATION (DISCHARGE INTO STORMWATER) SIDE WINDOW LOCATION OPT. DOOR LOCATION EXTERIOR DOOR LOCATION REDUCE SIDE YARD
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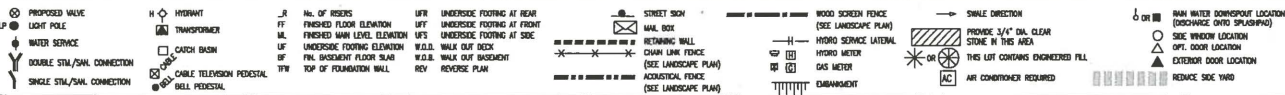


Grading Notes:
 It shall be the responsibility of the builder to have all grades and services verified and checked before construction by an approved grading engineer. These grades and the placement of storm and sanitary services off the street are to meet the requirements of the municipality having jurisdiction.

VA3 Design Inc. is to be notified promptly of any discrepancies at least 1 (one) week prior to excavation commences in order that the building can be re-sited. Failure to observe these conditions may require expensive remedial action that will not be the responsibility of or cost to VA3 Design Inc. Foundation wall shall be poured to a minimum of 6" above approved grades.

Finished grade lines as indicated on the house prototype are for reference only and do not necessarily depict finish grading conditions of any particular lot.

COVERAGE MAX 45% WITHOUT PORCH				
LOT NO.	MODEL	LOT AREA S.M.	UNIT COVERAGE S.M.	PERCENTAGE (MAX. 45%)
145	S40-2 'B'	451.84 S.M.	185.99 S.M.	41.16 %



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ISSUED FOR PERMIT MAY 15-18 RC
 no. description date by
 The undersigned has reviewed and takes responsibility for the design and site the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.
 qualification information
 Wellington Jno-Baptista 25591
 name
 registration information: 42650
 VA3 Design Inc.

Contractor must verify all dimensions on the job and report any discrepancy to the Designer before proceeding with the work. All drawings and specifications are instruments of service and the property of the Designer which must be returned at the completion of the work. Drawings are not to be scaled.

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255 Consumers Rd Suite 120
 Toronto ON M2J 1R4
 T 416.630.2255 / 416.630.4782
 va3design.com

CALEXICO HOLDINGS INC.

project name
FAIRTREE ON THE ROUGE
 municipality
MARKHAM, ON.
 registered plan no.
11012

SITE PLAN

scale
 1:250
 date
 MAY 2018
 drawn by
 RC
 checked by
 RC
 file name
SP1
 drawing no.
11012-SP-C0A

