AGENDA

for the

COMMITTEE OF ADJUSTMENT

Thursday, July 16th, 2020

9:15 a.m.

at

Township of The Archipelago, Council Chamber
9 James Street, Parry Sound, ON P2A 1T4

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1. **MEETING CALLED TO ORDER**

2. **APPROVAL OF AGENDA**

   20-07-ADJ-

   NOW THEREFORE BE IT RESOLVED that the agenda for the July 16th, 2020, Committee of Adjustment hearing be approved.

3. **DISCLOSURE OF CONFLICT OF INTEREST**

4. **ADOPTION OF MINUTES**

   20-07-ADJ-

   NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment hearing held on June 18th, 2020, be approved as circulated.

   Pages: 1 – 5

5. **DELEGATIONS**

   Nil

6. HEARING OF APPLICATIONS

i) **HARRIS, Martin – Application No. A09-19**
Part of Lot 24, Concession 8, being Lot 10 on Plan M-293, and Parts 3 and 6 on Plan 42R-13422, in the geographic Township of Conger

CIVIC ADDRESS: 117 South Crane Lake Road

Pages: 6 - 23

PURPOSE AND EFFECT OF THE APPLICATION:

The applicant is seeking relief from Section 7.1.3 h) Maximum Height, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the Maximum Height of a main dwelling is 9 metres (29.5 feet).

The purpose of the proposed application is to permit a variance of 1.50 metres (5.0 feet) from the allowable height of 9 metres for a main dwelling. The effect of the proposed variance would be to allow the construction of a 141 square metre (1518 square feet), main dwelling, having a maximum height of 10.5 metres (34.4 feet).

The owner states that the need for extra height is due to the orientation of the building roofs and the measurement from the lakeside of the cottage.

ii) **McCLINTOCK, Emily and Thomas – Application No. A05-20**
Part of Island 212A (Vernon Island), being Parcel 9853 PSNS, in front of the geographic Township of Harrison

CIVIC ADDRESS: 1 A212 Island

Pages: 24 - 38

PURPOSE AND EFFECT OF THE APPLICATION:

The applicants are seeking relief from Section 5.22 c) iii) Reconstruction of Buildings or Structures, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended.

The purpose of the proposed application is to permit a variance of 1.90 square metres (20.5 square feet) for the replacement of an existing, legally non-complying cabana building. The effect of the proposed variance would be to allow for the reconstruction of a combined cabana/sauna building in the same location, being 22.7 square metres (245 square feet) in size, and situated a further 2.1 metres (7.0 feet) over the lakebed.

The owners state that they are attempting to minimize impact with a combined building, rather than construct two separate buildings in close proximity to the water.

7. CORRESPONDENCE

Nil

8. UNFINISHED BUSINESS

Nil

9. ADMINISTRATION

Nil

10. ADJOURNMENT

NOW THEREFORE BE IT RESOLVED that the Committee of Adjustment hearing of July 16th, 2020, be discontinued at _____ .

MINUTES
of the
COMMITTEE OF ADJUSTMENT HEARING
for the
TOWNSHIP OF THE ARCHIPELAGO
held on
Thursday, June 18th, 2020
at
The Township of The Archipelago's Council Chamber

MEMBERS PRESENT:

P. Frost
E. Manners
L. Emery
S. Sheard
D. Ashley
A. Barton
B. Liverance
I. Mead
G. Walker

STAFF PRESENT:

C. Henderson, Secretary-Treasurer
J. Nawroth, Assistant Secretary-Treasurer
M. Weaver, Clerk
M. Macfie, Videographer

APOLOGIES:

G. Andrews

1. Meeting Called to Order

The meeting was called to order at 9:16 a.m.

2. Approval of Agenda

Resolution 20-06-ADJ-01

Moved by L. Emery
Seconded by B. Liverance

NOW THEREFORE BE IT RESOLVED that the agenda for the June 18th, 2020 Committee of Adjustment hearing be approved as circulated.

Disposition Carried

3. Disclosure of Conflict of Interest

NIL

4. Adoption of Minutes

Resolution 20-06-ADJ-02

Moved by L. Emery
Seconded by D. Ashley

NOW THEREFORE BE IT RESOLVED that the minutes of the Committee of Adjustment meeting held on February 21st, 2020, be approved.

Disposition Carried

5. Delegations

Nil

6. Hearing of Minor Variance Applications

i) **Crigger/Yousefi – Application No. A01-20**
Part of Oriole Island in Blackstone Lake, being Part 1 on Plan PSR-981, designated as Parcel 12503 PSSS, in the geographic Township of Conger

Blackstone Lake Neighbourhood

CIVIC ADDRESS: 48 Blackstone Lake Water

PURPOSE AND EFFECT OF THE APPLICATION:

The applicants are seeking relief from Section 5.36 b) i) Sleeping Cabins-Wards 5 and 6, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, that stipulates the maximum Total Floor Area of each sleeping cabin, including the floor area of any basement, does not exceed 40 square metres (430.6 square feet).

The purpose of the proposed application is to permit a variance of 34 square metres (366 square feet) to allow for the construction of a new sleeping cabin, on this 0.63 hectare (1.55 acre) parcel of land. The effect of the variance would be a sleeping cabin having a total floor area of 74 square metres (797 square feet). The applicant has stated that the request for the larger sleeping cabin is because the owners cannot extend the existing main dwelling, due to its proximity to the shoreline.

Cale Henderson; Secretary Treasurer, explained the nature of the application. The owner, Mr. Crigger, was in attendance.

Resolution 20-06-ADJ-03

Moved by I. Mead
Seconded by B. Liverance

NOW THEREFORE BE IT RESOLVED that Application No. A01-20, to permit a variance of 34 square metres (366 square feet) to allow for the construction of a new 74 square metre (797 square feet) sleeping cabin, **be deferred**.

Disposition Carried

ii) **Barks, Cecilia and Jeff – Application No. A03-20**
Part of B686 (Derbyshire Island), being Lot 3 on Plan M-150, Part Block B, LOC CL8997, including Part 1 on Plan 42R-13813 and Part 1 on Plan 42R-14520, in front of the geographic Township of Cowper

Five Mile Bay Neighbourhood

CIVIC ADDRESS: **1 B686 Island, Archipelago**

PURPOSE AND EFFECT OF THE APPLICATION:

The applicant is seeking relief from Section 6.1.3 f) Minimum Side Yard Setback, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the Minimum Side Yard Setback is 6 metres (20 feet).

The purpose of the proposed application is to permit a variance of 1.0 metre (3.3 feet) from the Minimum Side Yard Setback. The effect of the proposed variance would be to allow the construction of a 35.7 square metre (384 square feet), 2-bedroom addition onto the existing 99.2 square metre (1068 square feet) main cottage, that would be situated 5.0 metres (16.4 feet) from the side lot line.

The owners are proposing to build the addition at the back of the existing cottage, away from the water and away from the nearest neighbour.

Cale Henderson; Secretary Treasurer, explained the nature of the application. The owner, Ms. Barks, was in attendance.

Resolution 20-06-ADJ-04

Moved by I. Mead
Seconded by B. Liverance

NOW THEREFORE BE IT RESOLVED that Application No. A01-20, to permit the construction of a 35.7 square metre (384 square feet), 2-bedroom addition onto the existing 99.2 square metre (1068 square feet) main cottage, that would be situated 5.0 metres (16.4 feet) from the side lot line, **be approved**.

Disposition Carried

iii) **ROBINSON, Paul – Application No. A04-20**
Concession 3, Part Lot 41, being Part 7 on Plan PSR-102 and Part 11 on Plan 42R-8110, in the geographic Township of Conger

CIVIC ADDRESS: 12 Woods Bay Lane

PURPOSE AND EFFECT OF THE APPLICATION:

The owners are seeking relief from Section 6.1.3 f) Minimum Side Yard Setback, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the Minimum Side Yard Setback is 6 metres (20 feet).

The purpose of the proposed application is to permit a variance of 3.0 metres (10 feet) from the Minimum Side Yard Setback. The effect of the proposed variance would be to allow the construction of a 42.6 square metre (459 square feet) garage, which would have a side yard setback of 3.0 metres (10 feet)

The owners have stated that they are removing an existing 9 square metre (96.9 square feet) shed on a flat area of the property, to make room for the placement of the garage. They cannot increase the side yard setback due to rock outcroppings that would have to be removed or incorporated into the design of the building, at an additional expense.

Cale Henderson; Secretary Treasurer, explained the nature of the application. The owner, Mr. Robinson, was in attendance.

Resolution 20-06-ADJ-04

Moved by I. Mead
Seconded by B. Liverance

NOW THEREFORE BE IT RESOLVED that Application No. A01-20, to permit the construction of a 42.6 square metre (459 square feet) garage, which would have a side yard setback of 3.0 metres (10 feet), **be approved**.

Disposition Carried

7. Correspondence

Nil

8. Administration

Nil

9. Unfinished Business

Nil

10. Adjournment

NOW THEREFORE BE IT RESOLVED that the Committee of Adjustment meeting of June 18th, 2020, be discontinued at 10:30 a.m.

CHAIR	DATE
SECRETARY-TREASURER	DATE

TO: Chair Frost and Members of the Committee of Adjustment

FROM: Cale Henderson, Manager of Development & Environmental Services
Jane Nawroth, Assistant Secretary-Treasurer

DATE: July 16, 2020

RE: Minor Variance Application No. A09-19
(HARRIS, Martin)

LOCATION: 117 South Crane Lake Road, Crane Lake Neighbourhood

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RECOMMENDATION

Staff recommends that Application No. A09-19, be approved.

PROPOSAL

The applicant is seeking relief from Section 7.1.3 h) Maximum Height, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended, which stipulates that the maximum height for a residential main dwelling located in Ward 5, is 9 metres (29.5 feet).

The purpose of this application is to grant relief from Section 7.1.3 h), resulting in a variance of 1.5 metres (5.0 feet). The effect of the proposed variance would be to permit the construction of a 141 square metre (1518 square feet), main dwelling, having a maximum height of 10.5 metres (34.4 feet).

A copy of the application is attached as Appendix A.

PLANNING INFORMATION

Official Plan Neighbourhood:	Crane Lake
Zoning:	Inland Lakes Residential (IR)
Existing & Neighbouring Uses:	Residential and Crown land
Property Size:	0.47 hectares (1.17 acres)
Frontage:	+/- 54.5 metres (179 feet)

Background

Initially, the applicant had applied for a 3-storey, main dwelling in 2016. Since that time, the owner has been working with staff in an attempt to bring the height of the building into compliance. Due to the terrain of the property and the design of the dwelling, the maximum height of 9 metres (29.5 feet) could not be adhered to. The owner subsequently applied to the Committee for a variance to address the height issue.

ANALYSIS

Property Characteristics

Staff inspected the subject property on July 6th, 2020. The size of the property is typical for the Crane Lake Neighbourhood; being approximately 0.47 hectares (1.17 acres) in size. The property is currently vacant, but does contain a basic driveway and an area has been cleared and prepped for the future construction of a dwelling. The southern and northern portion of the shoreline is well screened with mature trees. Then centre of the shoreline has some barren rock and limited vegetation.

Planning Act Requirements

When considering this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, as amended, which states that the Committee be of the opinion that the variance:

a) Is minor in nature;
b) is desirable for the appropriate development or use of the land, building or structures;
c) maintains the general intent and purpose of the Zoning By-law; and,
d) maintains the general intent and purpose of the Official Plan;

The application must meet all of the above tests.

i) Minor in Nature

There is no precise definition as to what constitutes minor. Minor is a relative term and must be interpreted in the particular circumstances involved in conjunction with the other tests. In this case, quantitatively, the variance would represent an increase of 1.5 metres (5.0 feet). The height restriction of 9 metres was established to minimize the visual impact of structures on the shoreline. Due to the approximate 9.0 metre (30 feet) front yard setback, and the amount of surrounding vegetation, the increase in height appears to result in minimal visual impact on the surrounding neighbourhood. Further, the height of the building will not project beyond the tree canopy.

Conclusion

The proposed variance would appear to be minor in nature.

ii) Desirable for Appropriate Development

The applicants have indicated that the height of the building is due to the sloping terrain toward Crane Lake. The building is set back approximately 9 metres (30 feet) from the water.

Conclusion

Provided the existing vegetation remains to screen the increase in height, the proposed increase in height appears to represent appropriate development.

iii) Zoning By-law

The subject property is zoned 'Inland Lakes Residential (IR)' in Comprehensive Zoning By-law No. A2000-07, as amended. The property is located in the Crane Lake Neighbourhood in Ward 5, where dwellings are allowed a maximum height of 9 metres from final grade. The requested variance would increase the height to 10.5 metres (34.4 feet).

The maximum height provision has been included in the Zoning By-law in order to limit the visual impact of development from the water. The visual impact of the proposal is minimal, due to the vegetation along the shoreline, the existing tree cover, and having a sufficient setback from the water.

Conclusion

All other aspects of the proposed development would appear to comply with the requirements of Comprehensive Zoning By-law No. A2000-07, as amended. The

requested variance would appear to maintain the intent of the Comprehensive Zoning By-law.

iv) Official Plan

Section 14.23 of the Official Plan states:

> *'The aesthetics of the Township's waterfront lands will be preserved using detailed land use regulations and control during the consent, subdivision, site plan and building application processes. Principles that will be applied to afford a measure of aesthetic control will include: screening, setbacks and building locations.'*

Section 14.24 of the Official Plan contains specific policy regarding preservation of the natural landscape and the Inland Lake aesthetic and states that:

> *'The preservation of the natural landscape is fundamental to maintaining the Georgian Bay and Inland Lake aesthetic. In an effort to preserve the natural landscape, the visual impact of the built form shall be minimized through limiting the size of buildings (i.e. area and height), sighting structures below and behind trees, using muted colours on structures to blend with the natural landscape, and designing and constructing a building to fit with the natural landscape rather than altering the landscape to fit a building design.'*

Due to the vegetation and the setback from the water, it does not appear that the proposal will create any significant visual impacts. Ultimately, the vegetation in front of the proposed main dwelling will provide partial screening and the roof line will be below the top of the tree line, further helping to minimize the impact of the increased height. The tree cover situated between the building site and neighbouring lands shall be maintained.

Section 14.25 of the Official Plan states that new buildings and structures will be sited to minimize impact on existing development:

> *'New buildings and structures will be sited to minimize their impact on existing development so that maximum privacy is provided.'*, and

Section 14.26 of the Official Plan states:

> *'The determination of height, when applied to residential structures, will be defined so that steeply pitched roof designs are discouraged.'*

The applicant has stated that the increase in height is due to the dropping terrain at the lake side. As stated, tree coverage will be maintained to minimize the impact of the built form. The proposed design of the dwelling does not illustrate a steeply pitched roof design.

Conclusion

Based on the aforementioned, the proposal would appear to satisfy the criteria set out in Sections 14.23 through 14.26 of the Official Plan and the requested variance would appear to conform to the relevant policies of the Official Plan.

Correspondence

As of the writing of this report, one letter of correspondence was received in support of the proposal.

CONCLUSIONS – MINOR VARIANCE

1) The requested variance would appear to be minor in nature.

2) The proposed variance can be considered to allow for appropriate residential development.

3) The proposed variance would appear to maintain the intent of Comprehensive Zoning By-law A2000-07, as amended.

4) The requested variance would appear to conform with the intent of the relevant Official Plan policies.

Respectfully submitted,

Cale Henderson, MCIP, RPP
Manager of Development &
Environmental Services

Jane Nawroth
Assistant Secretary-Treasurer

APPENDIX A

APPLICATION AND COVER LETTER

Martin Harris

October 28th, 2019

Committee of Adjustment – Secretary-Treasurer
The Township od the Archipelago
9 James St.
Parry Sound, ON, P2A1T4

Dear Secretary- Treasurer:

Please find enclosed my application for a minor variance from the Zoning By-Law for construction of a new building structure at 117 South Crane Lake Road. I have been in consultation with staff regarding two main issues regarding the proposed structure.

The height of the building. Because of the orientation of the building roofs, and the measurement from the lakeside of the cottage, the height exceeds the zoning by law by approximately 5.5 feet. This is the purpose of this application, to get a variance from this restriction

Included in this package are as follows:

- The variance application
- A copy of the Transfer/Deed of Land
- Location/Site Plan
- A cheque for $1000

Thank you in advance for your review of this application and I look forward to hearing from you

Sincerely,

Marty Harris

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Print Form

9 James Street
Parry Sound, Ontario
P2A 1T4
Phone: 705-746-4243
Fax: 705-746-7301
web: www.thearchipelago.on.ca

Committee of Adjustment Application

Application for Minor Variance or for Permission
under Section 45 of the Planning Act
R.S.O. 1990, c.P. 13, as amended

OFFICE USE ONLY

Date Received _____ Complete Application ☐ Yes ☐ No Application No. A09-19

Date Accepted _____ Applicable Fee Paid ☐ Yes ☐ No

1. Applicant / Agent Information

Name of Applicant / Agent
Martin Harris

Address
+

City _____ Province / State _____ Postal / Zip Code _____

Home Phone N _____ Business Phone No. _____

2. Owner(s) Information

Name of Owner(s)
Same As Above

Address

City _____ Province / State _____ Postal / Zip Code _____

Home Phone No. _____ Business Phone No. _____ email _____

Please advise to whom all communication should be directed. ☒ Owner ☐ Applicant / Agent

3. Purpose and Type of Application

☒ Minor Variance from Comprehensive Zoning By-law ☐ Permission to extend a legal non-conforming use

From what section of the Zoning By-law is relief being sought?
7.1.3h

What is the nature and extent of the relief being sought?
height is 1.5m greater than code

Why is it not possible to comply with the provisions of the Zoning By-law?
measurement is from walkout / 2 story cottage

4. Location and Description of the Subject Land (Please provide a copy of the Transfer/Deed of Land)

117 South Crane Lake Road

Assessment Roll Number 4905-090-005-03418 Lot 10 & RP Concession Condor Island No. N/A

Registered Plan of Subdivision No. (if any) Plan No. M - _____ Lot No. _____

Reference Plan No. (if any) Plan No. 42R - 13422 Part No. _____

Parcel No. _____ Other Description _____

Dimensions of Subject Property:

Depth (metres) 131 Frontage (metres) 64.6 Hectares 0.47

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5. Land Use and Zoning

What was the date of acquisition of the subject land? OCT 1 99

What are the existing uses of the subject land? VACANT

How long have the existing uses been carried out on the subject land? ± 40 YEARS

What are the proposed uses of the subject land? COTTAGE

What are the existing uses of abutting properties? COTTAGES

What is the current Official Plan designation of the subject land? ~~INLAND LAK~~ RESIDENTIAL

What is the current zoning of the subject land? INLAND LAKE RESIDENTIAL

6. Buildings and Structures (on or proposed for the subject land)

EXISTING - List all existing buildings and structures					DISTANCE FROM LOT LINES (metres)			
Building / Structure Type	Date of Construction	# of Storeys / Height	Ground Floor Area (m^2)	Total Floor Area (m^2)	Front	Rear	Side	Side
NONE								

PROPOSED - List all proposed buildings and structures				PROPOSED DISTANCE FROM LOT LINES (metres)			
Building / Structure Type	# of Storeys / Height	Ground Floor Area (m^2)	Total Floor Area (m^2)	Front	Rear	Side	Side
COTTAGE	2	[redacted]	[redacted]	9.0m	[redacted]'	[redacted]'	[redacted]'
w SCREENED IN PORCH (attached)	1	[redacted] 20	202		107	7.0	2.5

7. Service Information (check appropriate box)

Access

☐ Provincial Highway ☐ Municipal road, maintained all year ☐ Municipal road, maintained seasonally

☒ Other public road ☐ Right-of-way ☐ Water Access (see below)

If access to the subject land is by private road, or if by "other public road" or "right-of-way", indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.

SOUTH CRANE LAKE ROAD (MAINTAINED SEASONALLY)

If access to the subject land is by water, describe the parking and docking facilities and the approximate distance of these facilities from the subject land and the nearest public road.

7. Service Information (cont'd) (check appropriate box)

Water (check appropriate box)

☐ Privately owned and operated individual well ☐ Privately owned and operated communal well

☒ Lake ☐ Other Means _____

To Be Constructed

Sewage Disposal (check appropriate box)

☒ Privately owned and operated individual septic system ☐ Privy

☐ Privately owned and operated communal septic system ☐ Other Means _____

8. History

Has the owner previously applied to the Committee of Adjustment for relief in respect of the subject property? ☐ Yes ☒ No If yes, please provide Application No., if known _____

Is the subject property the subject of an application for approval of a plan of subdivision or a consent?

☐ Yes ☒ No If yes, please provide Application No., if known _____

9. Plans (to assist in the preparation of plans, please refer to the attached sample sketch)

Location Plan

Every application shall be accompanied by a location plan, drawn to an appropriate scale, properly dimensioned and showing thereon:

- the boundaries of the parcel of land that is the subject of the application, the part of the parcel that is the subject of the application, the location of all adjacent properties and/or islands, transportation routes, etc.;
- the distance between the subject land and the nearest township lot line or landmark, such as a railway crossing or bridge;
- existing and proposed uses on the subject land (e.g. residential, agricultural, cottage, commercial etc.);
- existing uses of all lands within 120 metres (400 feet) of the subject land.

Site Plan

Every application shall be accompanied by a site plan, drawn to an appropriate scale, properly dimensioned and showing thereon:

- the boundaries and dimensions of the subject land and the part that is the subject of this application;
- the location and dimensions of existing and proposed buildings and structures and their distances from lot lines;
- the approximate location of all natural and artificial features on the subject land and adjacent lands that, in the opinion of the applicant, may affect the application, such as railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks, landscaped open spaces, planting strips, parking areas, loading areas, driveways and walkways;
- the existing uses on adjacent lands;
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a publicly travelled road, a private road or a right-of-way;
- if access to the subject land is by water only, the location of the parking and boat docking facilities used;
- the location and nature of any easement affecting the subject land.

Additional information, including architectural drawings and elevations, shall be furnished by the applicant at the request of the Township.

10. Affidavit or Sworn Declaration

Dated at the Toronto this 9th day of December, 2019

I, Marty Harris of the City of _____ in the

County/District/Regional Municipality of _____ solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT**.

DECLARED BEFORE ME at the city of Toronto

in the provine of Ontario this 12th day of December, 2019.

_____ _____

A Commissioner of Oaths Signature of Owner or authorized Applicant / Agent

Yonni Fishman, Barrister & Solicitor

My commission does not expire.

11. Authorizations N/A

Authorization of Owner(s) for Agent to Make the Application

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to make this application, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be provided by all registered owners of the subject property.

I/We, _____, am/are the owner(s) of the land that is the subject of this application and I/we authorize _____ to make this application on my/our behalf.

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Authorization of Owner(s) for Agent to Provide Personal Information

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to provide personal information, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be given by all registered owners of the subject property.

I/We, _____, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize _____ as my/our agent for this application, to provide any of my/our personal information that will be included in this application or collected during the process of the application.

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

12. Consent of the Owner(s) to the Use and Disclosure of Personal Information

All registered owners of the subject property must provide their consent concerning the disclosure of personal information, as set out below.

I/We, Marty Harris, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the *Planning Act* for the purposes of processing this application.

Date Dec 9, 2019 Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

APPENDIX B

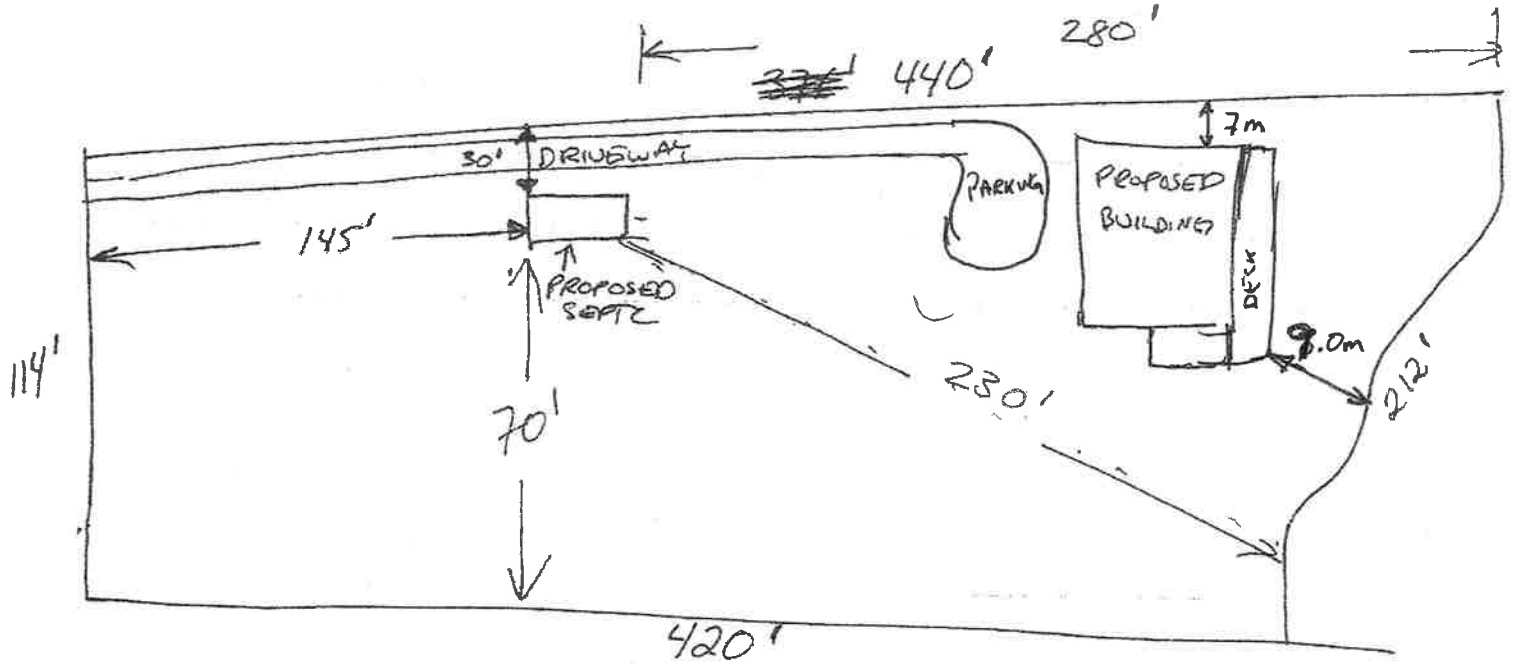
SKETCHES

MARTY HARRIS

LOT 10 ~~PLAN M-283~~, CON 8 + SHORELINE ALLOWANCE

FORMER CONGER

PLAN 42R-13422



CONTACT INFO (OWNER)

MARTY HARRIS

PROJECT: _____ DATE: _____

DEXTER Construction Company Limited
Bedford, N.S.
Tel: (902) 835-3381
Fax: (902) 835-7300

Pages ____ of ____

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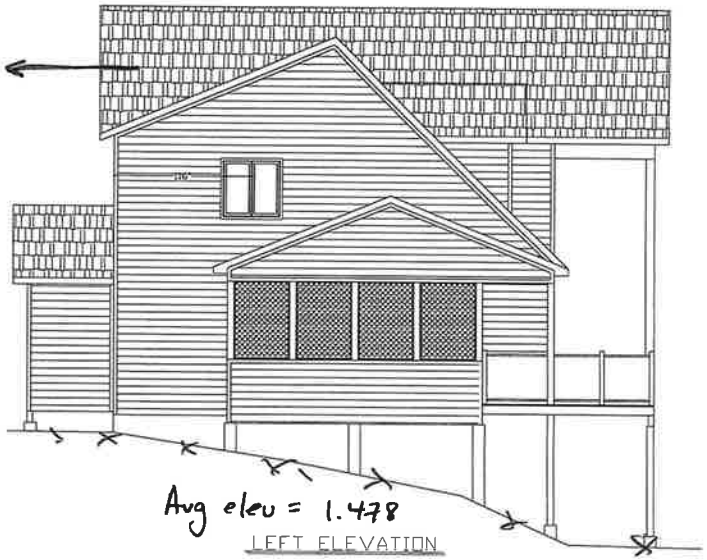
FRONT ELEVATION

LAKESIDE



LEFT ELEVATION

GEORGIAN BAY DESIGN
DAVE SMITH
4A GLENROCK AVE
BOX 191, RR#1 NOBEL, ON
P0G 1G0
705-342-7789
georgianbaydesign@gmail.com

Drawn By	Dave Smith
BCIN #	23483/40682
Date	26/10/16
Scale	1/4=1'

Client	Harris
Project	Cottage
South Crane Lake Rd Archipelago	

GENERAL NOTES:

-DO NOT SCALE DRAWINGS

-THE CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO THE START OF CONSTRUCTION & REPORT ANY DISCREPENCIES AND/OR OMISSIONS TO THE DESIGNER FOR REVISION AND RESUBMISSION TO THE BUILDING DEPARTMENT

-ANY CHANGES TO THE PLAN MUST BE APPROVED BY THE DESIGNER AND RESUBMITTED TO THE BUILDING DEPARTMENT

-ALL CONSTRUCTION MUST COMPLY WITH THE LATEST EDITION ON THE OBC

-ALL POINT LOADS TO BE CONTINUOUS TO THE FOUNDATION

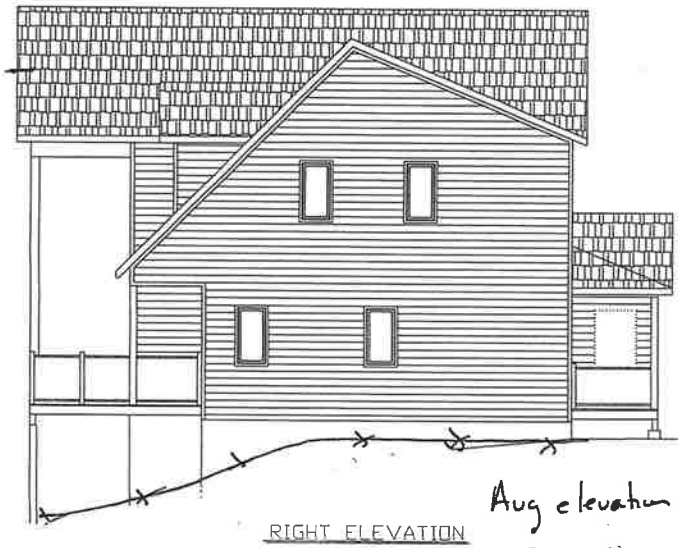
-ALL WINDOW & DOOR RO'S TO BE CONFIRMED BY MANUFACTURER

-ALL LUMBER TO BE #2 & BETTER K.D. SPRUCE

-ALL DESIGNS REMAIN PROPERTY OF GEORGIAN BAY DESIGN & CAN NOT BE COPIED WITHOUT CONSENT

A1

elev
11.6 m



RIGHT ELEVATION

Avg elevation
3.018

elev 10.5 m

REAR ELEVATION

Avg elevation
3.59 m

GEORGIAN BAY DESIGN DAVE SMITH 4A GLENROCK AVE BOX 191, RR#1 NOBEL, ON P0G 1G0 705-342-7789 georgianbaydesign@gmail.com	Drawn By	Dave Smith	Client	Harris
	BCIN #	23483/40682	Project	Cottage
	Date	26/10/16	South Crane Lake Rd Archipelago	
	Scale	1/4=1'		

GENERAL NOTES:

-DO NOT SCALE DRAWINGS

-THE CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO THE START OF CONSTRUCTION & REPORT ANY DISCREPENCIES AND/OR OMISSIONS TO THE DESIGNER FOR REVISION AND RESUBMISSION TO THE BUILDING DEPARTMENT

-ANY CHANGES TO THE PLAN MUST BE APPROVED BY THE DESIGNER AND RESUBMITTED TO THE BUILDING DEPARTMENT

-ALL CONSTRUCTION MUST COMPLY WITH THE LATEST EDITION OF THE OBC

-ALL POINT LOADS TO BE CONTINUOUS TO THE FOUNDATION

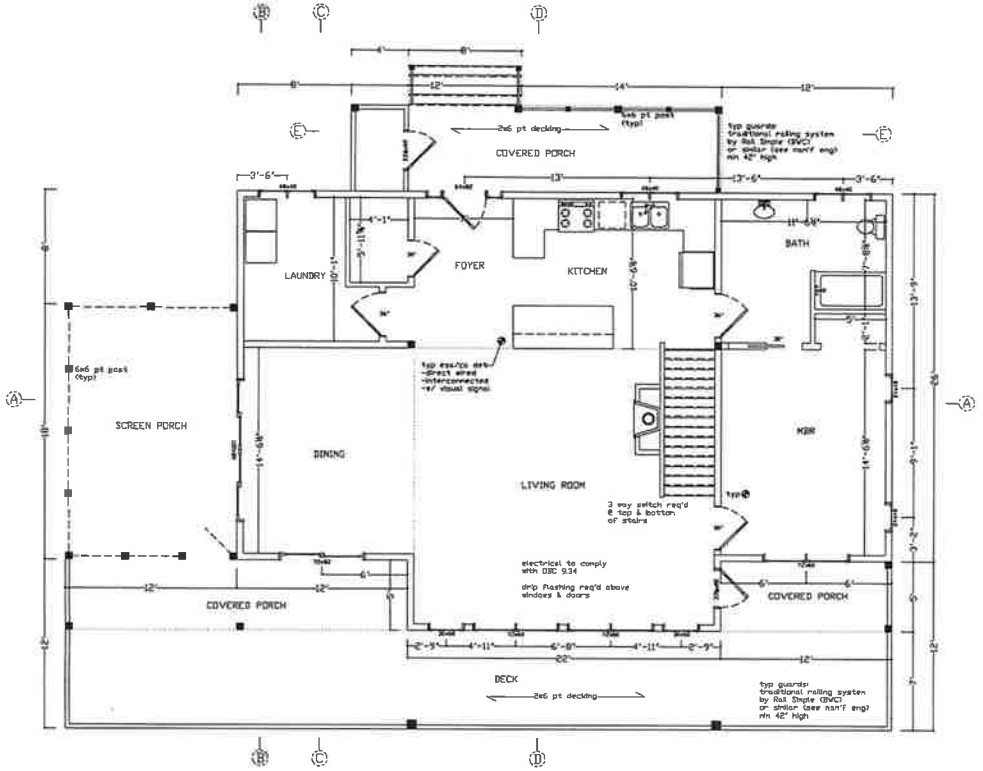
-ALL WINDOW & DOOR RO'S TO BE CONFIRMED BY MANUFACTURER

-ALL LUMBER TO BE #2 & BETTER K.D. SPRUCE

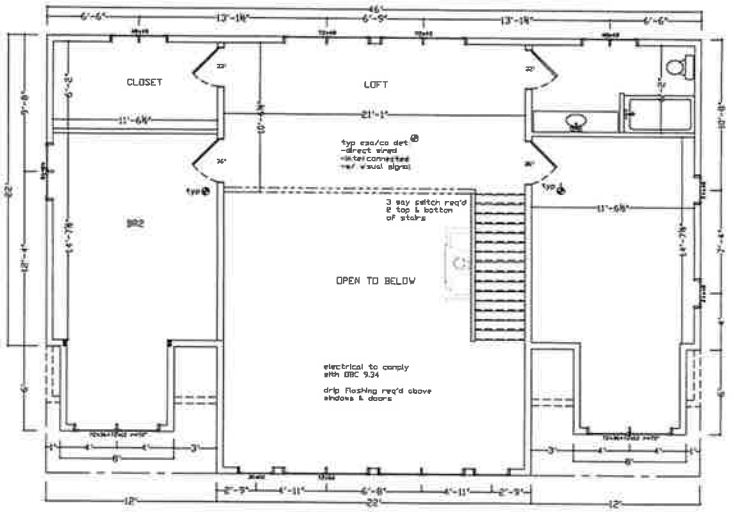
-ALL DESIGNS REMAIN PROPERTY OF GEORGIAN BAY DESIGN & CAN NOT BE COPIED WITHOUT CONSENT

A2

8



MAIN FLOOR PLAN



UPPER FLOOR PLAN

GEORGIAN BAY DESIGN
DAVE SMITH
4A GLENROCK AVE
BOX 191, RR#1 NOBEL, ON
P0G 1G0
705-342-7789
georgianbaydesign@gmail.com

Drawn By	Dave Smith
BCIN #	23483/40682
Date	26/10/16
Scale	1/4=1'

Client	Harris
Project	Cottage
South Crane Lake Rd Archipelago	

GENERAL NOTES:

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A4

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APPENDIX C

CORRESPONDENCE RECEIVED

Subject: Application A09-19
From: '
Date: 7/8/2020, 4:52 PM
To: "Cale Henderson" <chenderson@thearchipelago.on.ca>

Hello Cale:

The purpose of this email is to provide positive support with respect to Martin Harris' variance application at 117 South Crane Lake Road. He has attempted to meet the minimum height by-law requirement by digging down through the earth and further blasting another 6 to 8 feet in order to comply. The depth determination is somewhat suspect depending on where you measure the depth from because of the variable and unleveled terrain. Having seen the building plans, this cottage will be a pleasant addition to the surrounding neighbourhood and will blend in aesthetically well.

Brian Harris
98 South Crane Lake Road

Web: _____

NOTE: This email and any attachments are confidential and intended solely for the use of the addressee only. If you are not the intended recipient, you are not authorized to and must not disclose, copy, distribute or retain any part of this email, including any attachments, without written permission from the sender. Please notify the sender immediately by email if you have received this by mistake and delete this email, including any attachments, entirely from your records. If you are not the intended recipient of this message, please be reminded that electronic mail through the internet may not be secure and that the sender is not responsible if the information is intercepted and misused.

TO: Chair Frost and Members of the Committee of Adjustment

FROM: Cale Henderson, MCIP, RPP
Manager of Development & Environmental Services

Jane Nawroth, Assistant Secretary-Treasurer

DATE: July 16, 2020

RE: Minor Variance Application A05-20
(McCLINTOCK, Emily and Thomas)

LOCATION: **Island 212A (Vernon Island), being Parcel 9853 PSNS, in front of the geographic Township of Harrison**

RECOMMENDATION

Staff recommends that Application No. A05-20 be approved.

PROPOSAL

The applicants are seeking relief from Section 5.22 c) iii) Reconstruction of Buildings or Structures, of the Township's Comprehensive Zoning By-law No. A2000-07, as amended.

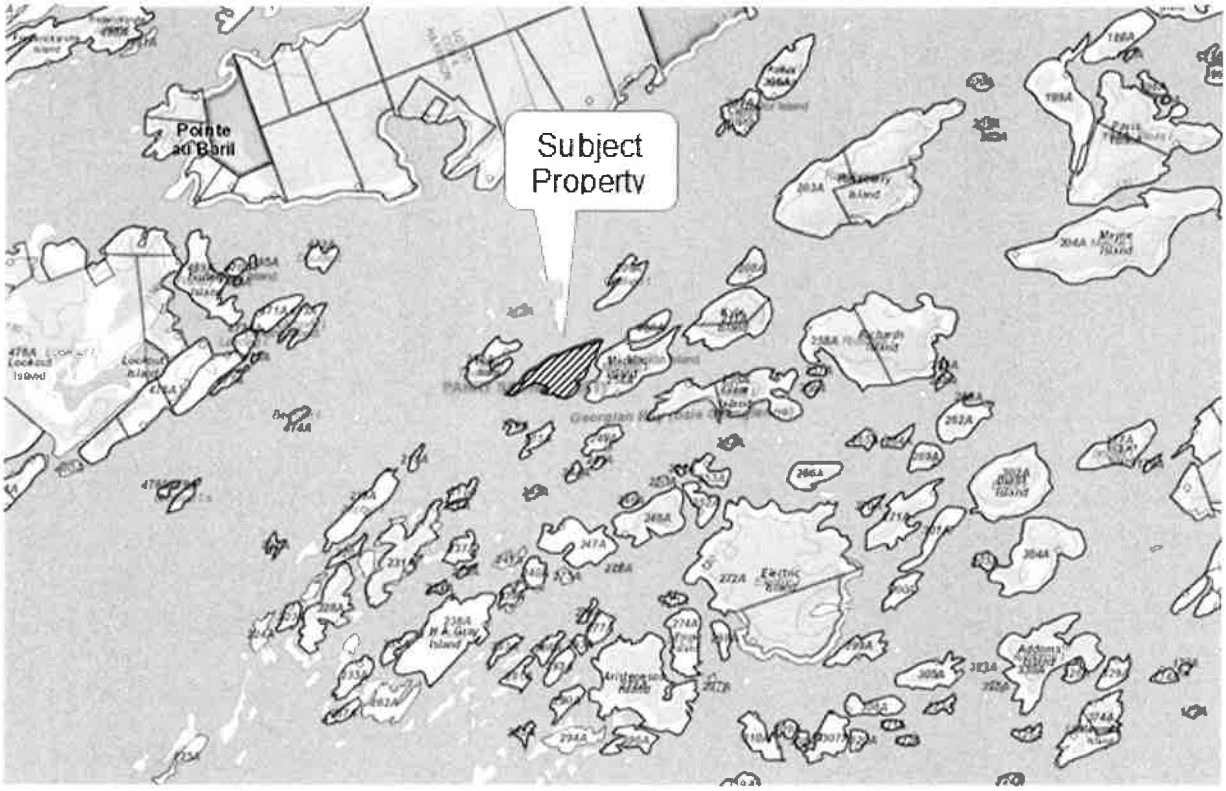
The purpose of the proposed application is to permit a variance of 1.90 square metres (20.5 square feet) for the replacement of an existing, legally non-complying cabana building. The effect of the proposed variance would be to allow for the reconstruction of a combined cabana/sauna building in the same location, being 22.7 square metres (245 square feet) in size, and situated a further 2.1 metres (7.0 feet) over the lakebed.

The owners state that they are attempting to minimize impact with a combined building, rather than construct two separate buildings in close proximity to the water. A copy of the application is attached as Appendix A, and sketches are attached as Appendix B.

PLANNING INFORMATION

Official Plan Neighbourhood:	Pointe au Baril Islands
By-law No. A2000-07:	Coastal/Island Residential (CR)
Existing & Neighbouring Uses:	Residential
Property Size:	2.0 hectares (5.0 acres)
Access:	Water

ANALYSIS



Property Characteristics

Staff inspected the subject property, a single ownership island, on July 9, 2020. The subject property is a medium sized island, located southeast of the Pointe au Baril lighthouse, on the south side of the main channel in the Pointe au Baril Islands Neighbourhood. The existing development precedes the formation of the Township, and does not comply with existing regulations regarding the maximum size of accessory building situated in the front yard. As a result, the existing development is considered legally non-complying. The owners are renovating the existing cabana/storage building and are proposing to add a sauna into the rebuilt accessory building.

Planning Act Requirements

When considering this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, as amended, which states that the Committee be of the opinion that the variance:

a) is minor in nature;
b) is desirable for the appropriate development or use of the land, building or structures;
c) maintains the general intent and purpose of the Zoning By-law; and,
d) maintains the general intent and purpose of the Official Plan;

The application must meet all of the above tests.

i) Minor in Nature

There is no precise definition as to what constitutes minor. Minor is a relative term and must be interpreted in the particular circumstances involved in conjunction with the other tests. In this case, quantitatively the proposed variance is for a 1.9 square metres (20.5 square feet) increase to the size of the existing building, which would represent an 8.4% increase in size.

	Existing Permitted	Proposed	Variance
Accessory Building	20.8 m^2 (223.9 ft^2)	22.7 m^2 (245 ft^2)	1.9 m^2 (20.5 ft^2)

Further, as the proposed new building is to be situated in the same location, there does not appear to be any additional significant visual impacts to the surrounding area. The front wall of the building will be slightly longer, however this increase in length would appear to have a negligible impact on the surrounding area.

The location of the existing cabana building is in a small bay on the south side of the island, away from the main channel.

Conclusion

The proposed increase to the size of the existing accessory building would have minimum impact, and the proposal appears to be minor in nature.

ii) Desirable for Appropriate Development

The proposal would result in a sauna being added to an existing cabana building. As previously stated, the proposal will not result in any significant additional visual impacts or substantially increase the usability of the building. The applicants have indicated it would meet their needs of a sauna, while limiting the number of buildings and structures along the shoreline.

Conclusion

The increase in size appears to be desirable for appropriate development.

iii) Zoning By-law

The subject property is located within the Coastal/Island Residential (CR) Zone of the Comprehensive Zoning By-law No. A2000-07, as amended. Section 5.22 c) iii) allows for the reconstruction of any existing non-complying building or structure provided the reconstruction of the building does not increase the total floor area of the lawfully used building.

The intent of restrictions on the expansion of legally non-complying buildings is to strictly regulate the built form and to minimize the visual and environmental impacts of

development. In this case, it would appear that the visual impact of the proposal would be minimal and there is no substantial increase to the usability or activity.

Conclusion

The proposed variance would appear to maintain the intent of the Zoning By-law.

iv) Official Plan

The Official Plan recognizes the importance of the waterfront area to the Township with the goal to preserve the unique and high quality of the natural environment which leads to an experience that is aesthetically appealing to property owners and to visitors who use the area.

To this end, Section 14.6 of the Official Plan States:

> *'Development must be appropriate for an area in terms of its density or prematurity.'*

Further, Section 14.23 of the Official Plan States:

> *'The aesthetics of the Township's waterfront lands will be preserved using detailed land use regulations and control....Principles that will be applied to afford a measure of aesthetic control will include: screening, setbacks and building locations.'*

As previously discussed, the proposal, being situated in the existing location, does not result in any significant visual impacts and the aesthetics of the Township's waterfront lands are preserved. Further, the increase to the size of the building will not substantially impact the density of the island or to the surrounding neighbourhood.

Conclusion

The proposed variance appears to conform with the intent of the relevant Official Plan policies.

CONCLUSIONS – MINOR VARIANCE

1) The requested variance would appear to be minor in nature.

2) The proposed variance can be considered to allow for appropriate residential development.

3) The proposed variance would appear to maintain the intent of Comprehensive Zoning By-law A2000-07, as amended.

4) The requested variance would appear to conform with the intent of the relevant Official Plan policies.

Respectfully submitted,

Cale Henderson, MCIP, RPP
Manager of Development &
Environmental Services

Jane Nawroth
Assistant Secretary-Treasurer

APPENDIX A

APPLICATION AND COVER LETTER

IAN MacDONALD ARCHITECT
1 wiltshire ave. suite 207, toronto ON, M6N2V7
info@ima.ca
416-682-9001

Cover Letter
re: Committee of Adjustment - McClintock Cabana Building
March 19, 2020

The 2.1HA property in question is known as Vernon Island (*a.k.a. Island 212A)* amongst the Pointe au Baril Islands in Georgian Bay. This island is accessed by water only and is conjoined on one side by a shallow marsh to Macklin Island (*a.k.a. Island 254A).* It is zoned as coastal island residential (**CR**) and so too are the other islands in the surrounds with the exception of a few smaller natural state (**NS**) zoned islands to the immediate south. Refer to the zoning map attached.

The owners, TK & Emily McClintock enjoy the property as a seasonal residence in the summer where they cottage often along with their children and their families. The intention of the owners is to one day sever the lot into two approximately 1HA properties. See sheet coa-03 with proposed lot severance line indicated.

Currently there are 6 buildings on the property. A main cottage, a secondary dwelling that shares a septic field, a small bunkie without plumbing, two small marine storage sheds immediately adjacent to each other, and an approximately **15' x 15' (225ft²/20.8m²) cabana building** in the front yard set back with a concrete deck that projects into the water. The water at the location of the deck is not deep enough to provide boat dockage and the deck and cabana building are currently used to facilitate swimming.

We are proposing to make a new building of approximately **22'-3" x 11' (244ft²/(22.7m²)** that reconstructs the existing cabana building within it's footprint with an additional new sauna attached outside of these boundaries. This would violate **§ 5.22 c) iii**, as the addition of the sauna to the cabana could be seen as changing its use, increasing its area, and reducing its front yard setback.

It is our understanding that each of these two functions would however be permissible as separate buildings;

- The reconstruction of the cabana at a smaller area (approximately **167ft²**) within the footprint of the old building. Which is allowed per **§ 5.22 c) vii**. and
- The construction of an approximately **80ft²** sauna building in the front yard setback per **§ 5.31**.

IAN MacDONALD inc.
ARCHITECT
1 wiltshire ave, suite 207, toronto ON, M6N2V7
info@ima.ca
416-682-9001

Although we recognize that in many situations aggregating buildings may serve to create a single larger building that is more conspicuous than it otherwise needs to be, in this case we are striving to minimize the visual impact of two adjacent water-side buildings by being more efficient with space planning through joining them, and by reducing the height of both from the existing height of approximately 9' -8", to a minimal height of 9'. In addition, it is important to note that the buildings will be stained a dark charcoal colour to help them recede visually in the landscape, and that the 4' over hang on the west side facing the water will shadow the main front wall as viewed from the water, further reducing its physical presence and building bulk.

Our intent is to diminish the presence of both buildings as much as possible, especially as seen from the water. This is in keeping with the intent of the official plan to respect and maintain the unique character of the Georgian Bay environment. Furthermore it is respectful of the intent of the bylaw it is in violation of (5.22 c iii) which is aimed at limiting the presence of non-complying structures.

Print Form

9 James Street
Parry Sound, Ontario
P2A 1T4
Phone: 705-746-4243
Fax: 705-746-7301
web: www.thearchipelago.on.ca

Committee of Adjustment Application

Application for Minor Variance or for Permission
under Section 45 of the Planning Act
R.S.O. 1990, c.P. 13, as amended

OFFICE USE ONLY

Date Received March 24, 2020 Complete Application ☐ Yes ☐ No Application No. A05-20

Date Accepted [illegible] Applicable Fee Paid ☒ Yes ☐ No

1. Applicant / Agent Information

Name of Applicant / Agent

Ian MacDonald Architect Inc.

Address

1 Wiltshire Ave suite 207

City Toronto Province / State ON Postal / Zip Code M6N 2V7

Home Phone No. 416-737-7050 Business Phone No. 416-682-9001 email ian@ima.ca

2. Owner(s) Information

Name of Owner(s)

Em ily and Thomas MClintock

Address

City Province / State Postal / Zip Code

Home Phone No. Business Phone No. email

Please advise to whom all communication should be directed. ☒ Owner ☒ Applicant / Agent

3. Purpose and Type of Application

☒ Minor Variance from Comprehensive Zoning By-law ☒ Permission to extend a legal non-conforming use

From what section of the Zoning By-law is relief being sought?

5.22 c) iii

What is the nature and extent of the relief being sought?

we wish to combine a sauna with an existing non-complying structure. see cover letter attached

Why is it not possible to comply with the provisions of the Zoning By-law?

see attached cover letter

4. Location and Description of the Subject Land (Please provide a copy of the Transfer/Deed of Land)

Assessment Roll Number 4905- 1400100660 0 Lot Concession Island No. 212A

Registered Plan of Subdivision No. (if any) Plan No. M - Lot No.

Reference Plan No. (if any) Plan No. 42R - Part No.

Parcel No. Other Description

Dimensions of Subject Property:

Depth (metres) Frontage (metres) Hectares 2.10 HA

5. Land Use and Zoning

What was the date of acquisition of the subject land? 2017

What are the existing uses of the subject land? coastal island residential

How long have the existing uses been carried out on the subject land? > 100 years

What are the proposed uses of the subject land? unchanged

What are the existing uses of abutting properties? coastal island residential/natural sta

What is the current Official Plan designation of the subject land? Pointe au Baril Islands Neighb

What is the current zoning of the subject land? (CR) coastal island residential

6. Buildings and Structures (on or proposed for the subject land)

EXISTING - List all existing buildings and structures					DISTANCE FROM LOT LINES (metres)			
Building / Structure Type	Date of Construction	# of Storeys / Height	Ground Floor Area (m^2)	Total Floor Area (m^2)	Front	Rear	Side	Side
Main Dwelling	early 1900s	1	253.6	"	17.7m	–	–	–
Bunkie		1	19.1	"	6.9m	–	–	–
Small Dwelling		1	58.4	"	11.9m	–	–	–
Marine Stor. Shed		1	13.1	"	over lakebed	–	–	–
Marine Stor. Shed		1	21.8	"	over lakebed	–	–	–
Cabana	↓	1	20.8	"	over lakebed	–	–	–

PROPOSED - List all proposed buildings and structures				PROPOSED DISTANCE FROM LOT LINES (metres)			
Building / Structure Type	# of Storeys / Height	Ground Floor Area (m^2)	Total Floor Area (m^2)	Front	Rear	Side	Side
cabana / sauna	1	22.7	"	over lakebed	–	–	–

7. Service Information (check appropriate box)

Access

☐ Provincial Highway ☐ Municipal road, maintained all year ☐ Municipal road, maintained seasonally

☐ Other public road ☐ Right-of-way ☒ Water Access (see below)

If access to the subject land is by private road, or if by "other public road" or "right-of-way", indicate who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year.

If access to the subject land is by water, describe the parking and docking facilities and the approximate distance of these facilities from the subject land and the nearest public road.

Two docking sites on the island with cribbed fixed docks near shore and with floating finger docks. 4.4nm to Payne's Marina.

7. Service Information (cont'd) (check appropriate box)

Water (check appropriate box)

☐ Privately owned and operated individual well ☐ Privately owned and operated communal well

☒ Lake ☐ Other Means _____

Sewage Disposal (check appropriate box)

☒ Privately owned and operated individual septic system ☐ Privy

☐ Privately owned and operated communal septic system ☐ Other Means _____

8. History

Has the owner previously applied to the Committee of Adjustment for relief in respect of the subject property? ☐ Yes ☒ No If yes, please provide Application No., if known _____

Is the subject property the subject of an application for approval of a plan of subdivision or a consent?

☐ Yes ☒ No If yes, please provide Application No., if known _____

9. Plans (to assist in the preparation of plans, please refer to the attached sample sketch)

Location Plan

Every application shall be accompanied by a location plan, drawn to an appropriate scale, properly dimensioned and showing thereon:

- the boundaries of the parcel of land that is the subject of the application, the part of the parcel that is the subject of the application, the location of all adjacent properties and/or islands, transportation routes, etc.;
- the distance between the subject land and the nearest township lot line or landmark, such as a railway crossing or bridge;
- existing and proposed uses on the subject land (e.g. residential, agricultural, cottage, commercial etc.);
- existing uses of all lands within 120 metres (400 feet) of the subject land.

Site Plan

Every application shall be accompanied by a site plan, drawn to an appropriate scale, properly dimensioned and showing thereon:

- the boundaries and dimensions of the subject land and the part that is the subject of this application;
- the location and dimensions of existing and proposed buildings and structures and their distances from lot lines;
- the approximate location of all natural and artificial features on the subject land and adjacent lands that, in the opinion of the applicant, may affect the application, such as railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks, landscaped open spaces, planting strips, parking areas, loading areas, driveways and walkways;
- the existing uses on adjacent lands;
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a publicly travelled road, a private road or a right-of-way;
- if access to the subject land is by water only, the location of the parking and boat docking facilities used;
- the location and nature of any easement affecting the subject land.

Additional information, including architectural drawings and elevations, shall be furnished by the applicant at the request of the Township.

10. Affidavit or Sworn Declaration

Dated at the city of Toronto this 19 day of March, 20 20

I, Ben Angus of the city of Toronto in the

County/District/Regional Municipality of Toronto solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT**.

DECLARED BEFORE ME at the City of Toronto

in the Province of Ontario this 19th day of March, 20 20.

_____ _____

Commissioner of Oaths Signature of Owner or authorized Applicant / Agent

Robin Spurr

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11. Authorizations

Authorization of Owner(s) for Agent to Make the Application

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to make this application, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be provided by all registered owners of the subject property.

I/We, Emily and Thomas McClintock, am/are the owner(s) of the land that is the subject of this application and I/we authorize Ian MacDonald Inc. to make this application on my/our behalf.

Date 12 November 2019 Signature of Owner Thomas McClintock

Date 12 November 2019 Signature of Owner Emily Nord McClintock

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

Authorization of Owner(s) for Agent to Provide Personal Information

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to provide personal information, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be given by all registered owners of the subject property.

I/We, Emily and Thomas McClinbtock, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize Ian acDonald Inc. as my/our agent for this application, to provide any of my/our personal information that will be included in this application or collected during the process of the application.

Date 12 November 2019 Signature of Owner Thomas McClintock

Date 12 November 2019 Signature of Owner Emily Nord McClintock

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

12. Consent of the Owner(s) to the Use and Disclosure of Personal Information

All registered owners of the subject property must provide their consent concerning the disclosure of personal information, as set out below.

I/We, Emily and Thomas McClintock, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the *Planning Act* for the purposes of processing this application.

Date 12 November 2019 Signature of Owner Thomas McClintock

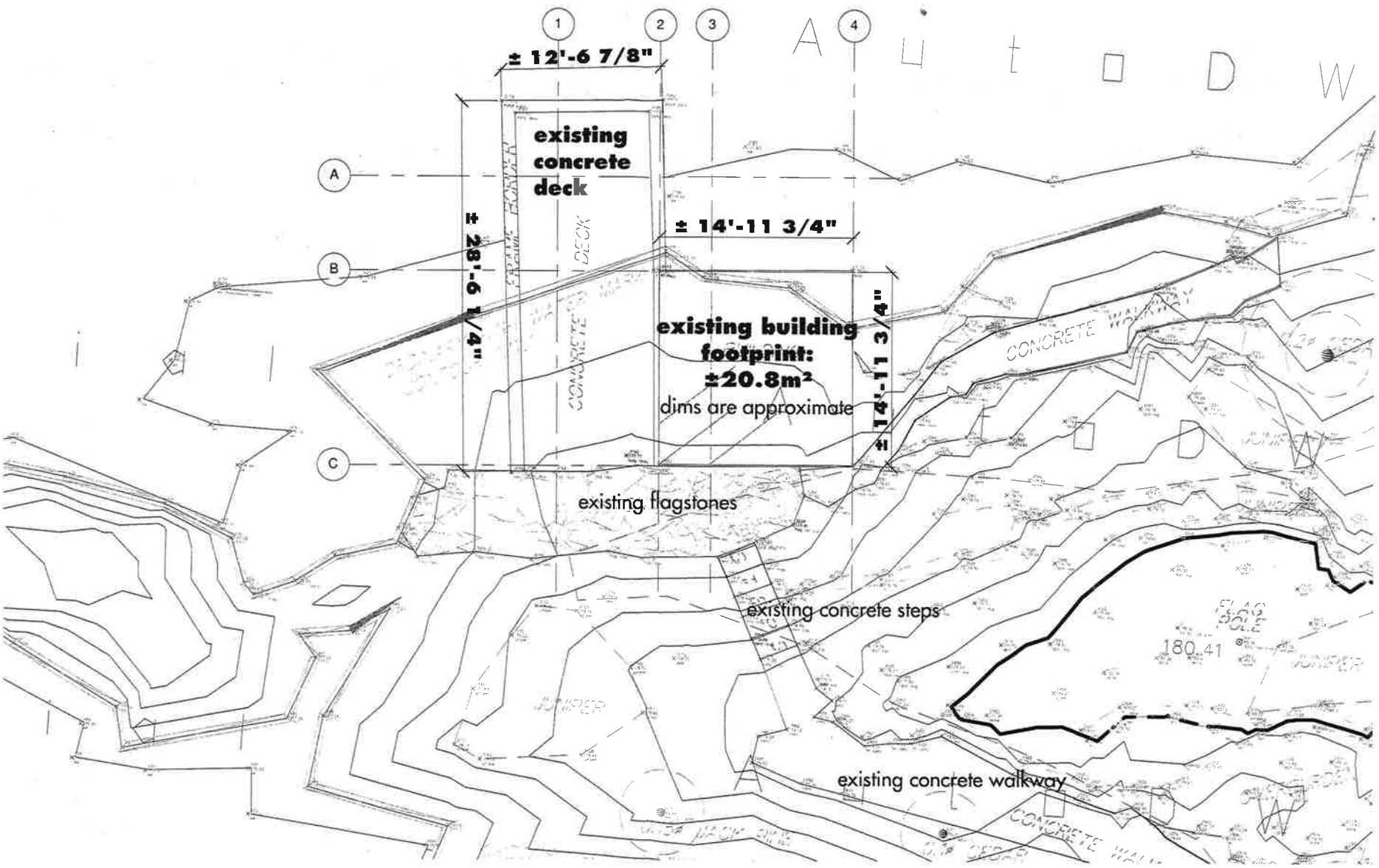
Date 12 November 2019 Signature of Owner Emily Nord McClintock

Date _____ Signature of Owner _____

Date _____ Signature of Owner _____

APPENDIX B

SKETCHES

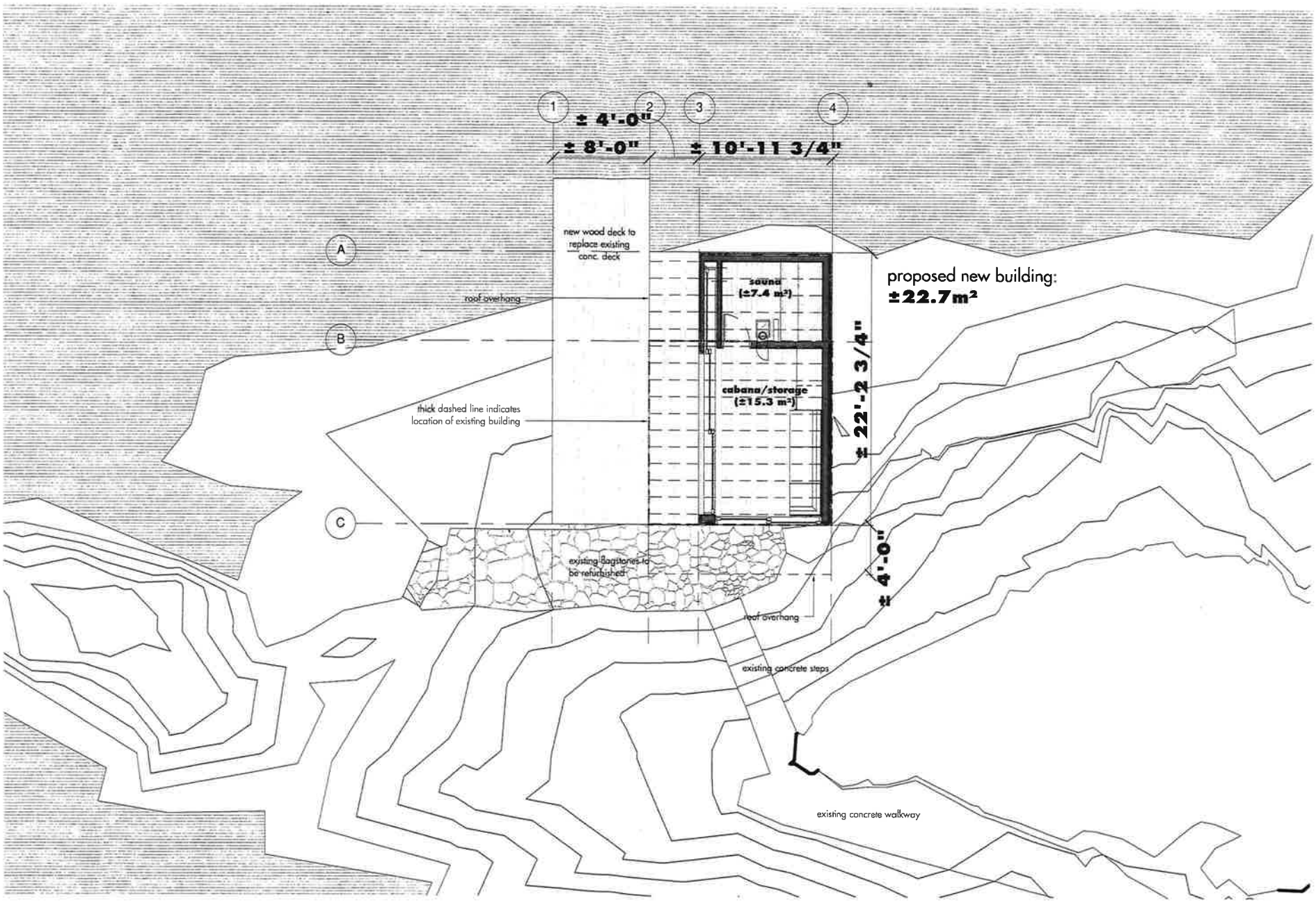


coa-04

plan diagram - existing features
Project No. 1802a
Date Issued: 03/19/19
Scale: 1/8" = 1'-0"
Drawn By: BFA
Checked By: IM

No.	Issue	Date
1	Issued for C.O.A. Application	2020-03-16

37



coa-05

proposed plan
Project No. 1802a
Date Issued: 01/10/19
Scale: 1/8" = 1'-0"
Drawn By: BFA
Checked By: IM

No.	Issue	Date
1	Issued for C.O.A. Application	2020-03-16

38