Agenda – Council – May 24, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 7, 2018

Item No. 1 Zoning Agreement Amendment – 1001 and 1003 Clarence Avenue (River Heights - Fort Garry Ward)
File ZAA 8/2017 [c/r DCU 178085/2016D and DAV 102726/2018D]

STANDING COMMITTEE RECOMMENDATION:

On May 15, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That Zoning Agreement Caveat 253948/1 under File DAZ 317/1977 dated December 7, 1977 (By-law 2044/78), be discharged.

2. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 7, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 15, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 7, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 10, 2018, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Zoning Agreement Amendment – 1001 and 1003 Clarence Avenue File ZAA 8/2017**

For submission to: **The Standing Policy Committee on Property and Development, Heritage and Downtown Development**

Prepared by: **Kate McMillan, Senior Committee Clerk**
City Centre Community Committee

Report date: **April 11, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 10, 2018, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That Zoning Agreement Caveat 253948/1 under File DAZ 317/1977 dated December 7, 1977 (By-law 2044/78), be discharged.

2. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

The City Centre Community Committee provided the following supporting reasons for its recommendation:

1. The issue that we've heard about today is not about the land use, the variance and built form, it's about an outside issue regarding litigation on this matter. We as a Council can't stop whenever we have matters that are being litigated outside. Again the courts will resolve this as they see fit.

2. At this point we don't have any of that information. We just have what we have in front of us and then some anecdotal issues. I do find it unfortunate when these buildings and family homes get into these states; it's unfortunate, but again we're looking at land use

PUBLIC HEARING SUMMARY

File: ZAA 8/2017

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Orlikow

Public Hearing: April 10, 2018
Council Building, 510 Main Street

Applicant: 5585148 Manitoba Ltd. (Tracy Hermann)

Subject:



Premises Affected: 1001 and 1003 Clarence Avenue

Exhibits Filed:

1. Application dated January 2, 2018
2. Notification of Public Hearing dated February 8, 2018
3. Manitoba Status of Titles 2875721/1 and 2879758/1
4. Letter of authorization dated October 4, 2016 from Martin Weber to Tracy Hermann
5. Letter of authorization dated October 15, 2017 from 5585148 Manitoba Ltd. to Tracy Hermann

6. Caveat 253948
7. Plans (6 pages)
8. Report from the Urban Planning Division dated April 3, 2018
9. Inspection Report

REPRESENTATIONS:

In Support:

Tracy Hermann
Martin Weber

In Opposition

Anna Pauly
Andrea Weber

For Information:

Nil

For the City:

M. Robinson, Senior Planner, Planning, Property and Development Department
A. Ross, Planner, Planning, Property and Development Department

Exhibit " 8 " referred to in File ZAA 8/2017

ADMINISTRATIVE REPORT

Title: ZAA 8/17 – 1001 and 1003 Clarence Avenue

Issue: For consideration at the Public Hearing to discharge the existing zoning agreement DAZ 317/1977, By-law 2044/78, Caveat 253948/1 to permit a multiple-family dwelling use

Critical Path: City Centre Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Michael Robinson, RPP, MCIP	B. Smith, RPP, MCIP	n/a	n/a	

RECOMMENDATIONS

1. That Zoning Agreement Caveat 253948/1 under File DAZ 317/1977 dated December 7, 1977 (By-law 2044/78), be discharged

2. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

Reason for application

- The applicant seeks approval to add a third unit to an existing side by side duplex.
- The proposed unit would be in the basement of the east side unit (1001 Clarence). The upper suite will utilize the existing front entrance and the lower unit will be accessed using the existing side entrance. Both suites will be approximately 1,200 square feet.
- The Zoning Agreement for this property currently limits the property to a side by side duplex
- The applicant is applying to discharge the zoning agreement to accommodate the proposed third unit.

- A zoning agreement amendment requires a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the zoning agreement will be discharged.

HISTORY

DAZ 317/1977

- In 1977, the subject property was rezoned to allow a side by side duplex. At the time of the rezoning, a zoning agreement was added as a condition of approval. The zoning agreement included the following:

    a) No building, structure, or land shall be used and no building or structure shall be erected, altered, or enlarged on the land for any use except a side-by-side two-family dwelling

    b) It is understood and agreed that no building or structure shall be erected on the land and no building permit issued for construction on the land until plans showing the location and design of the proposed buildings are submitted to and approved by the Director of Environmental Planning and thereafter identified by the signature of the Commissioner of Environment under the designation Schedule "A" to Zoning Agreement DAZ 317/77

CONSULTATION

In preparing this report there was consultation with:
N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Michael Robinson, RPP, MCIP
Date:	April 3, 2018
File No.	ZAA 8/17

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

DATE: April 3, 2018

FILE: ZAA 8/17
RELATED FILES: DAZ 317/1977, DCU 16-178085/D, DAV 18-102726/D

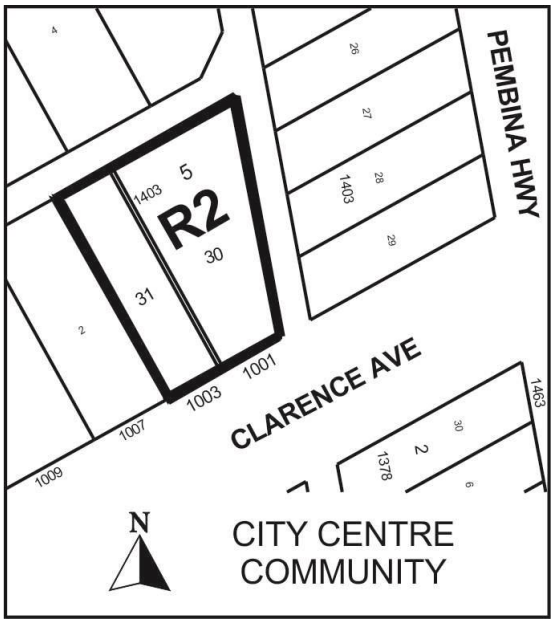
COMMUNITY: City Centre

NEIGHBOURHOOD #: 1.605 (Maybank)

SUBJECT: For consideration at the Public Hearing to discharge the existing zoning agreement DAZ 317/1977, By-law 2044/78, Caveat 253948/1 to permit a multiple-family dwelling use

LOCATION: 1001 and 1003 Clarence Avenue

LEGAL DESCRIPTION: Lot 30; E 2F Lot 31 Block 5 Plan 1403 34/35 STV* and EXC E 2F Lot 31 Block 5 Plan 1403 34/35 STV*



APPLICANT: 5585148 Manitoba Ltd. Tracy Herman
14 Winmart Court
Winnipeg, MB R3G 2M8

OWNER: 5585148 Manitoba Ltd. And Martin Weber

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant seeks approval to add a third unit to an existing side by side duplex.
- The proposed unit would be in the basement of the east side unit (1001 Clarence). The upper suite will utilize the existing front entrance and the lower unit will be accessed using the existing side entrance. Both suites will be approximately 1,200 square feet.
- The Zoning Agreement for this property currently limits the property to a side by side duplex
- The applicant is applying to discharge the zoning agreement to accommodate the proposed third unit.
- The Urban Planning Division recommends supporting this application because:
    - The building will not be physically changing on the exterior in any way. It will continue to be compatible with the existing scale, character, and built form of the neighbourhood.
    - The subject property is a transitional property between commercial development fronting Pembina Highway and single-family residential development to the west. These properties are well suited to accommodate moderate increases in density, as they do not have much impact on traffic on the lane, since they are on the end of the block, and they only have residential development abutting the property on one side.

SITE DESCRIPTION

The subject property consists of two lots (Lot 30 and 31). Lot 30 is 5,513 sq. ft. and Lot 31 is 3,058 sq. ft. They are located on Clarence Avenue, in the Maybank neighbourhood of the River Heights - Fort Garry ward

The site is Mature Communities under the *Complete Communities Direction Strategy*. The property is zoned “R2” Residential Two-Family District.

The subject property is occupied by a side by side duplex.

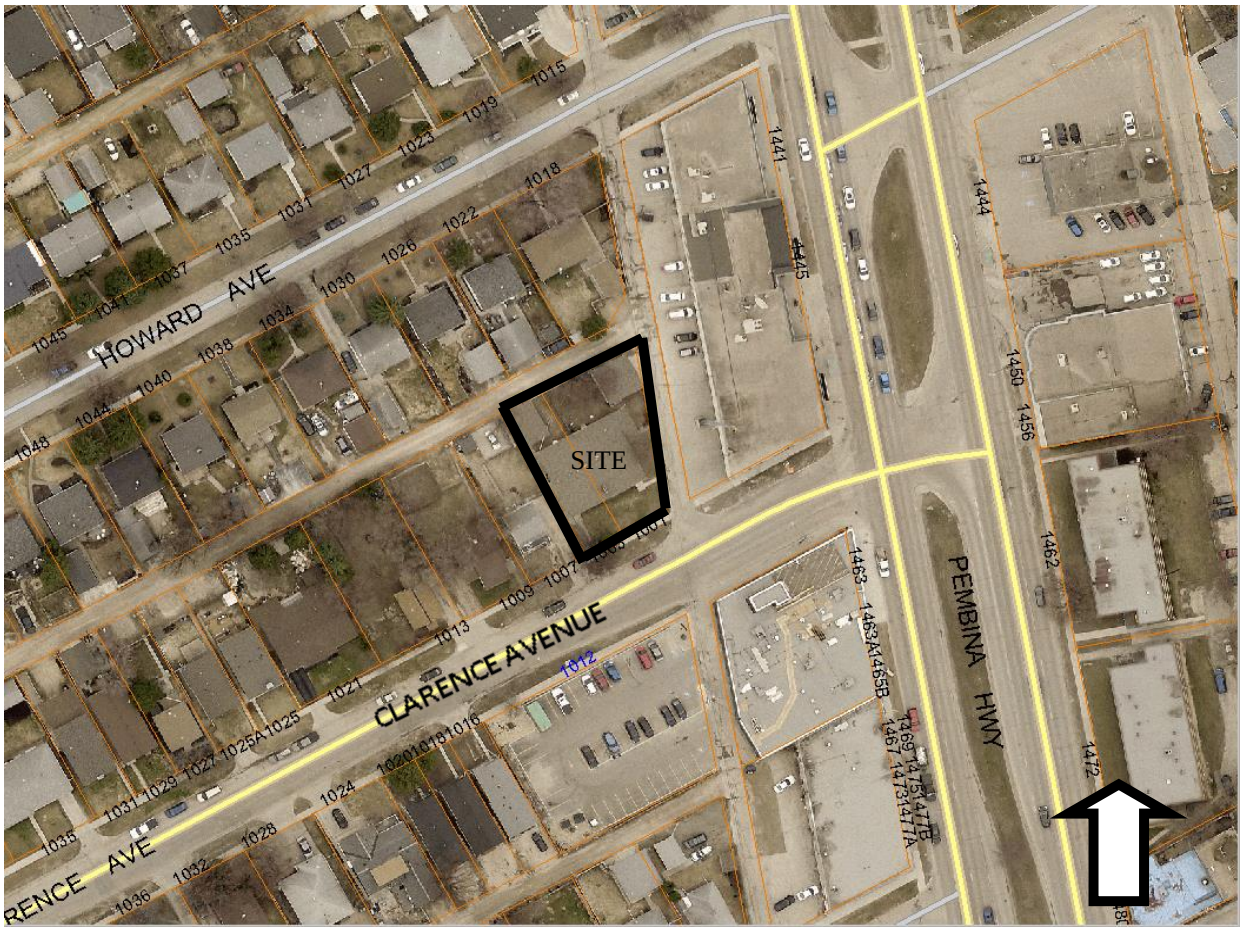


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)
North: Back lane, then residences zoned “R1-M” Residential Single-Family District
South: Clarence Avenue, then a surface parking lot zoned “R1-M” Residential Single-Family District
East: Back lane, then commercial uses zoned “C2” Commercial District
West: Residences zoned “R1-M” Residential Single-Family District

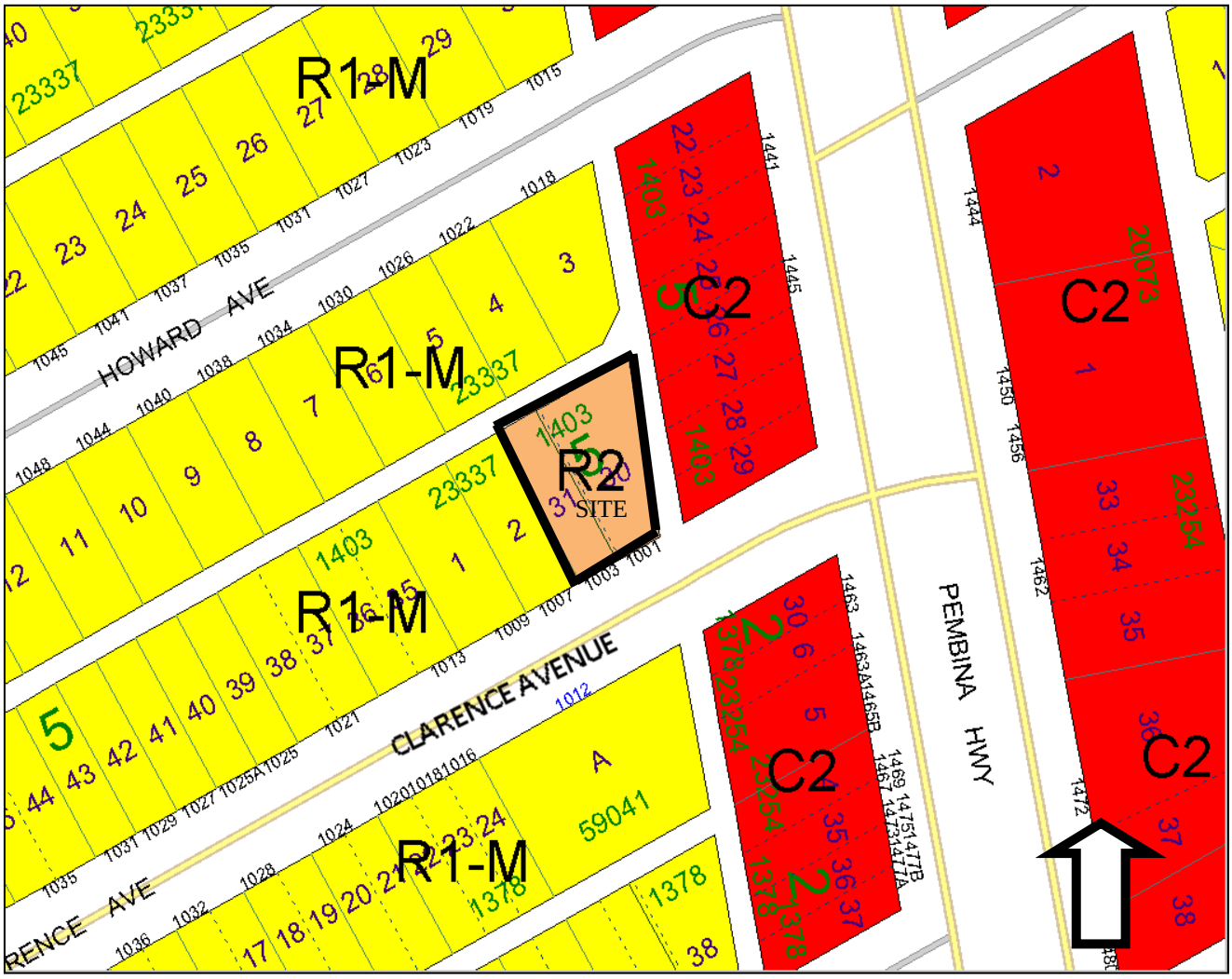


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks approval to add a third unit to an existing side by side duplex. The proposed unit would be in the basement of the east side unit (1001 Clarence). The upper suite will utilize the existing front entrance and the lower unit will be accessed using the existing side entrance. Both suites will be approximately 1,200 square feet.

Reason for application

The Zoning Agreement for this property currently limits the property to a side by side duplex

The applicant is applying to discharge the zoning agreement to accommodate the proposed third unit.

In addition to the zoning agreement amendment, a variance (DAV 18-102726/D) and conditional use (DCU 16-178085/D) are also required.

ANALYSIS AND ISSUES

Zoning Agreement DAZ 317/1977

Clause 2 reads:

No building, structure, or land shall be used and no building or structure shall be erected, altered, or enlarged on the land for any use except a side-by-side two-family dwelling

Complete Communities Direction Strategy

Complete Communities has policies in the Areas of Stability section that speak to housing diversity and density. Relevant policies are as follows:

1. *Support low to moderate change in low-density neighbourhoods that development and redevelopment that is complimentary to the existing scale, character, and built form.*

2. *In order to meet the full life cycle of housing needs within a community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, and townhouses*

With respect to Policy 1, the building will not be physically changing on the exterior in any way. It will continue to be compatible with the existing scale, character, and built form of the neighbourhood

With respect to Policy 2, the subject property is a transitional property between commercial development fronting Pembina Highway and single-family residential development to the west. These properties are well suited to accommodate moderate increases in density, as they do not have much impact on traffic on the lane, since they are on the end of the block, and they only have residential development abutting the property on one side.

Other
It should also be noted that adding a unit in the basement is not dissimilar to adding a secondary suite in a single-family home, which is a permitted accessory use in the Winnipeg Zoning By-law. The only difference is the size (secondary suites are limited to 1/3 of the overall size of the home or 800 sq. ft. – whichever is less) and the form of the building (single-family vs. duplex).

Clause 3 reads:

It is understood and agreed that no building or structure shall be erected on the land and no building permit issued for construction on the land until plans showing the location and design of the proposed buildings are submitted to and approved by the Director of Environmental Planning and thereafter identified by the signature of the Commissioner of Environment under the designation Schedule "A" to Zoning Agreement DAZ 317/77

Plan approval
This plan approval clause is no longer needed because the existing structure has been constructed and the Winnipeg Public Service is recommending a substantial conformance clause on the associated conditional use, so that the building be maintained in conformance with the plans that were submitted.

RECOMMENDATION

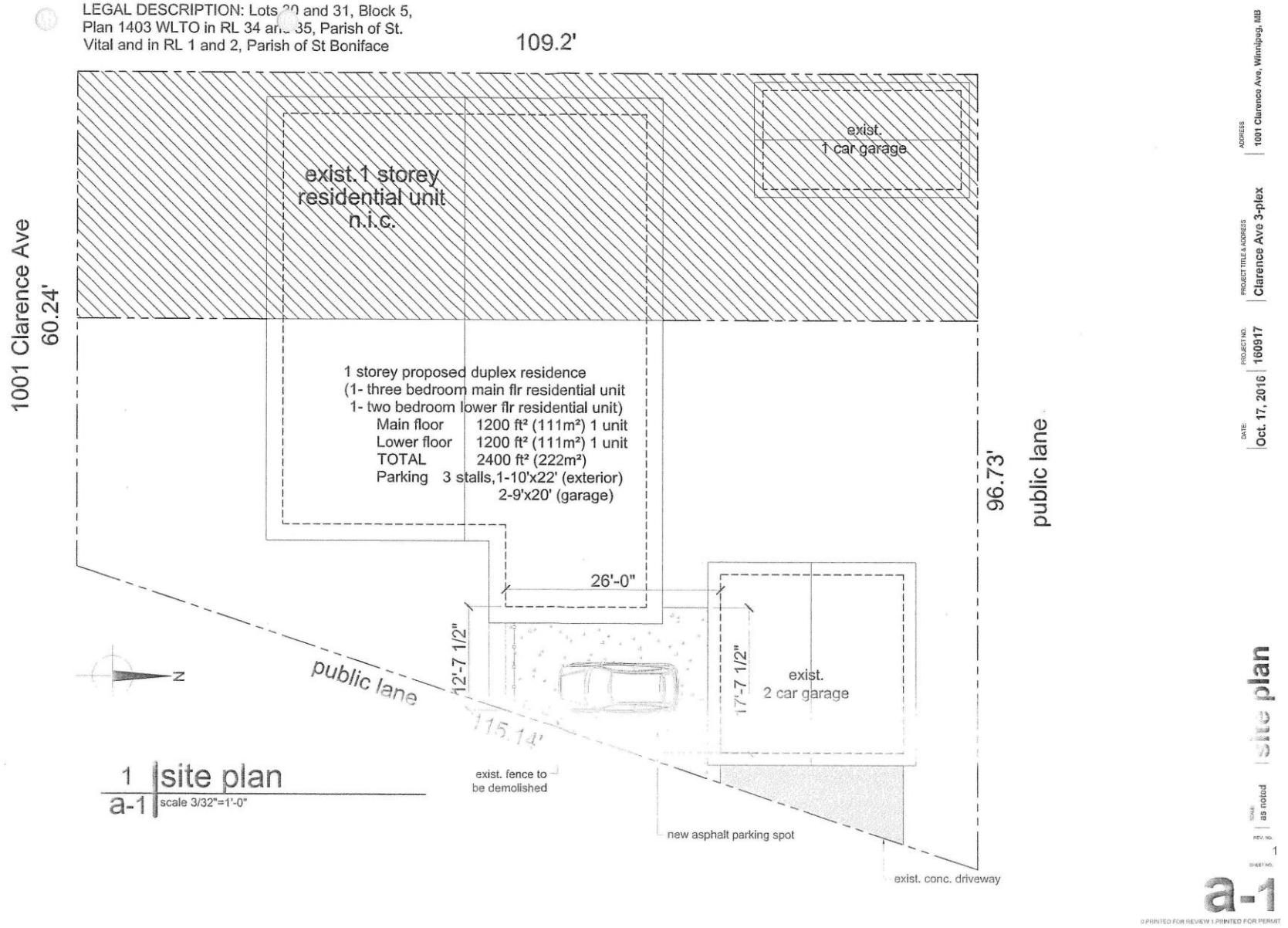
The Urban Planning Division recommends **approval** for the following reasons:

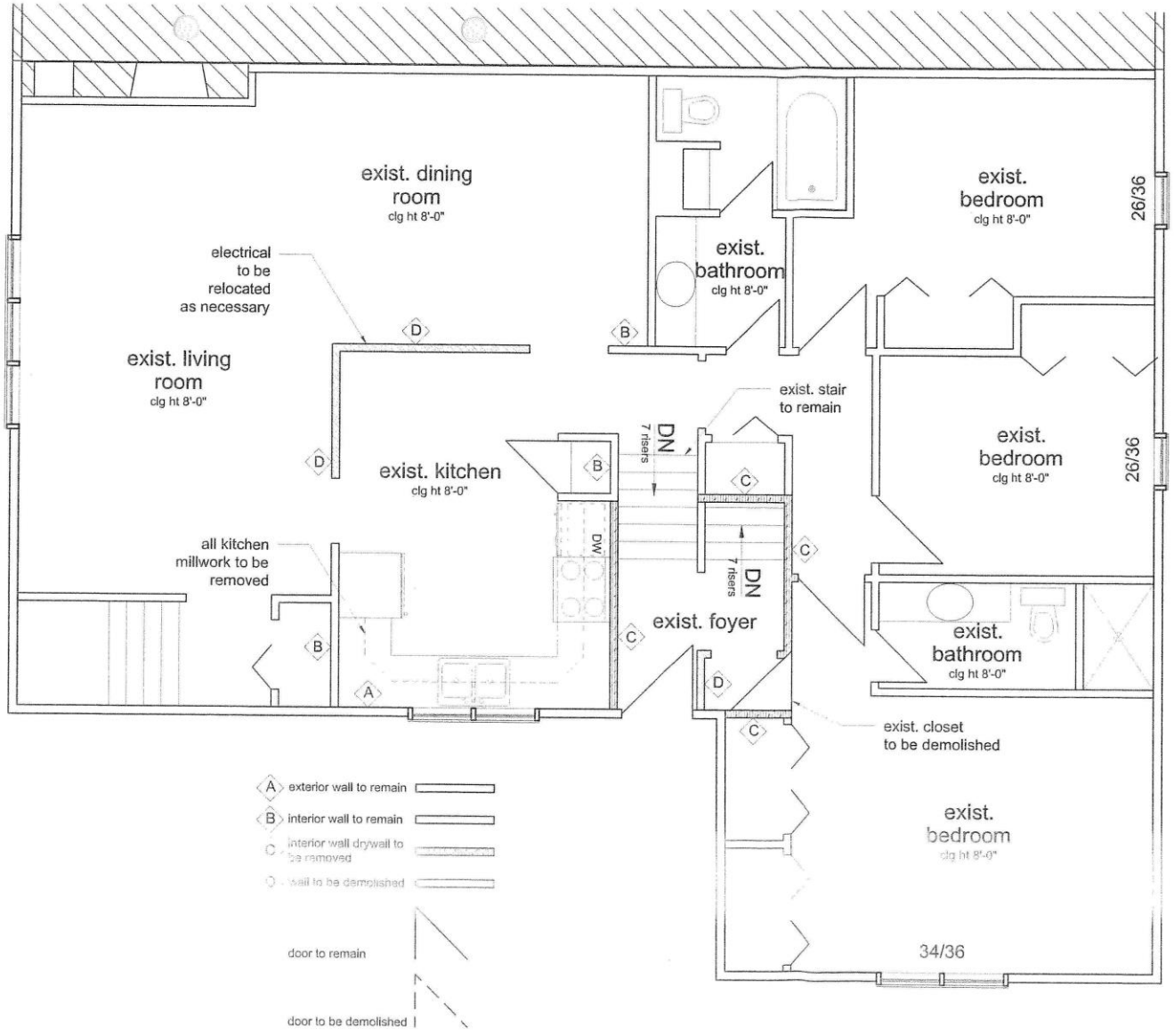
- The building will not be physically changing on the exterior in any way. It will continue to be compatible with the existing scale, character, and built form of the neighbourhood.
- The subject property is a transitional property between commercial development fronting Pembina Highway and single-family residential development to the west. These properties are well suited to accommodate moderate increases in density, as they do not have much impact on traffic on the lane, since they are on the end of the block, and they only have residential development abutting the property on one side.
- Plan approval in no longer required in the zoning agreement because the building has been constructed and there is a substantial conformance clause for the building tied to the associated conditional use

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared By: Michael Robinson, RPP, MCIP
PPD File # ZAA 8/17

Exhibit " 7 " referred to in File ZAA 8/2017





1 main exist/demo floor plan

a-2 scale 1/4"=1'-0"

WALL SCHEDULE

1 EXTERIOR WALL CONSTRUCTION
EXISTING WALL
STUCCO AND PARGING ON WIRE MESH
BUILDING PAPER
9/16" O.S.B. SHEATHING
2X6 STUDS @ 16" O/C
R-20 BATT INSULATION
6 MIL CGSB POLY V. B.
1/2" GWB, TAPED, SANDED & PAINTED

2 INTERIOR WALL CONSTRUCTION
1/2" GWB, TAPED, SANDED & PAINTED
2X4 STUDS @ 16" O/C
1/2" GWB, TAPED, SANDED & PAINTED

3 SUITE TO SUITE PARTITION WALL
NEW WALL (1HR. F.R.R., STC 53)
5/8" TYPE 'X' GWB, TAPED, SANDED & PAINTED
2X4 STUDS @ 24" O/C
(ROXUL INSUL. OR EQUIV.)
RESILIENT CHANNELS @ 16" O/C
2-5/8" TYPE 'X' GWB, TAPED, SANDED & PAINTED

3a SUITE TO SUITE PARTITION WALL
EXISTING WALL(1HR. F.R.R., STC 57)
5/8" TYPE 'X' GWB, TAPED, SANDED & PAINTED
2X4 STUDS @ 16" O/C (R-12 INSUL.)
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2X4 STUDS @ 16" O/C
5/8" TYPE 'X' GWB, TAPED, SANDED & PAINTED

4 BASEMENT WALL CONSTRUCTION
PARGING ABOVE GRADE
ASPHALT DAMPPROOFING
9" CONC. FNDTN. WALL
2x6 STUDS @ 16" O/C ON TOP OF CONC. WALL
R-20 BATT INSULATION
6 MIL CGSB POLY V.B.
1/2" GWB, TAPED, SANDED & PAINTED
(TYP.)

5 SUITE TO SUITE BASEMENT WALL
EXISTING FULL HEIGHT CONC. WALL
1/2" GWB, TAPED, SANDED & PAINTED
9" CONC. FNDTN. WALL
1/2" GWB, TAPED, SANDED & PAINTED
(TYP.)

FLOOR SCHEDULE

6 MAIN FLOOR CONSTRUCTION
(1HR F.R.R, STC 55)
FLOOR FINISH AS NOTED
EXIST. 5/8" T&G PLY SUBFLOOR
EXIST. 2x10 WOOD JOISTS
NEW SOUND ATTENUATION INSULATION
NEW RESILIENT CHANNELS @ 16' O/C
NEW 2 -1/2" TYPE 'X' GCB, TAPED, PAINTED & SANDED

ROOF SCHEDULE

7 ROOF CONSTRUCTION
ABOVE LOWER LEVEL FOYER
EXISTING ASPHALT SHINGLES
EXISTING ½" PLY SHEATHING
EXISTING WOOD TRUSSES @ 24" O/C
EXISTING R-28 BLOWN IN INSULATION
EXISTING VAPOUR BARRIER
RESILIENT CHANNEL @ 16" O.C.
1-1/2" TYPEX GCB, TAPED, SANDED & PAINTED
(T.O.)

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EXISTING ½" GWB TAPED, SANDED & PAINTED

ADDRESS: 1001 Clarence Ave, Winnipeg, MB
PROJECT TITLE & ADDRESS: Clarence Ave 3-plex
PROJECT NO.: 160917
DATE: Oct. 17, 2016
SHEET TITLE: main floor plan
SCALE: as noted
REV. NO.: 1
SHEET NO.: a-2

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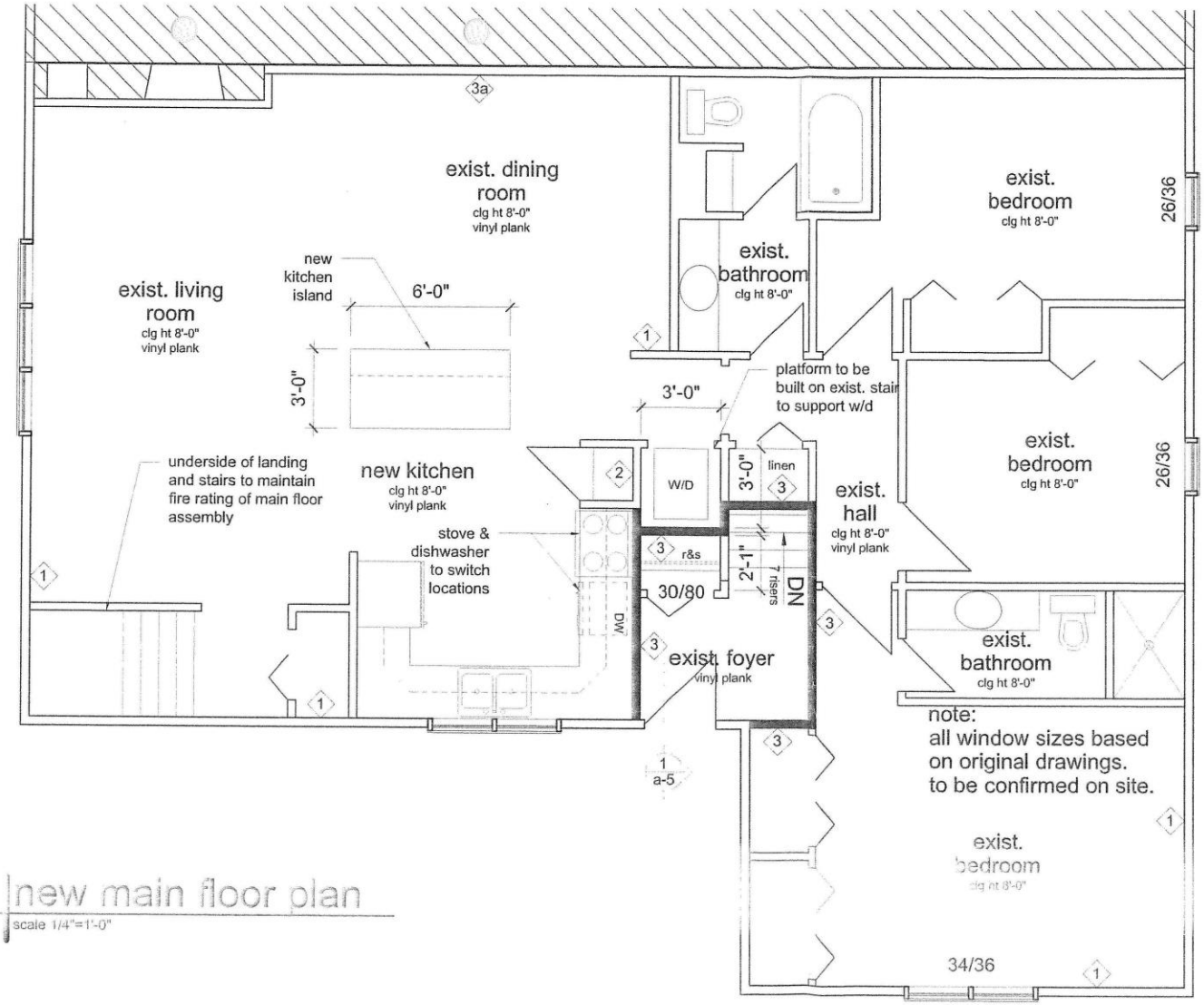

new main floor plan

a-3 | scale 1/4"=1'-0"

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PROJECT NO.: 160917
DATE: Oct. 17, 2016
main floor plan
SCALE: as noted
REV. NO.: 1
SHEET NO.: a-3

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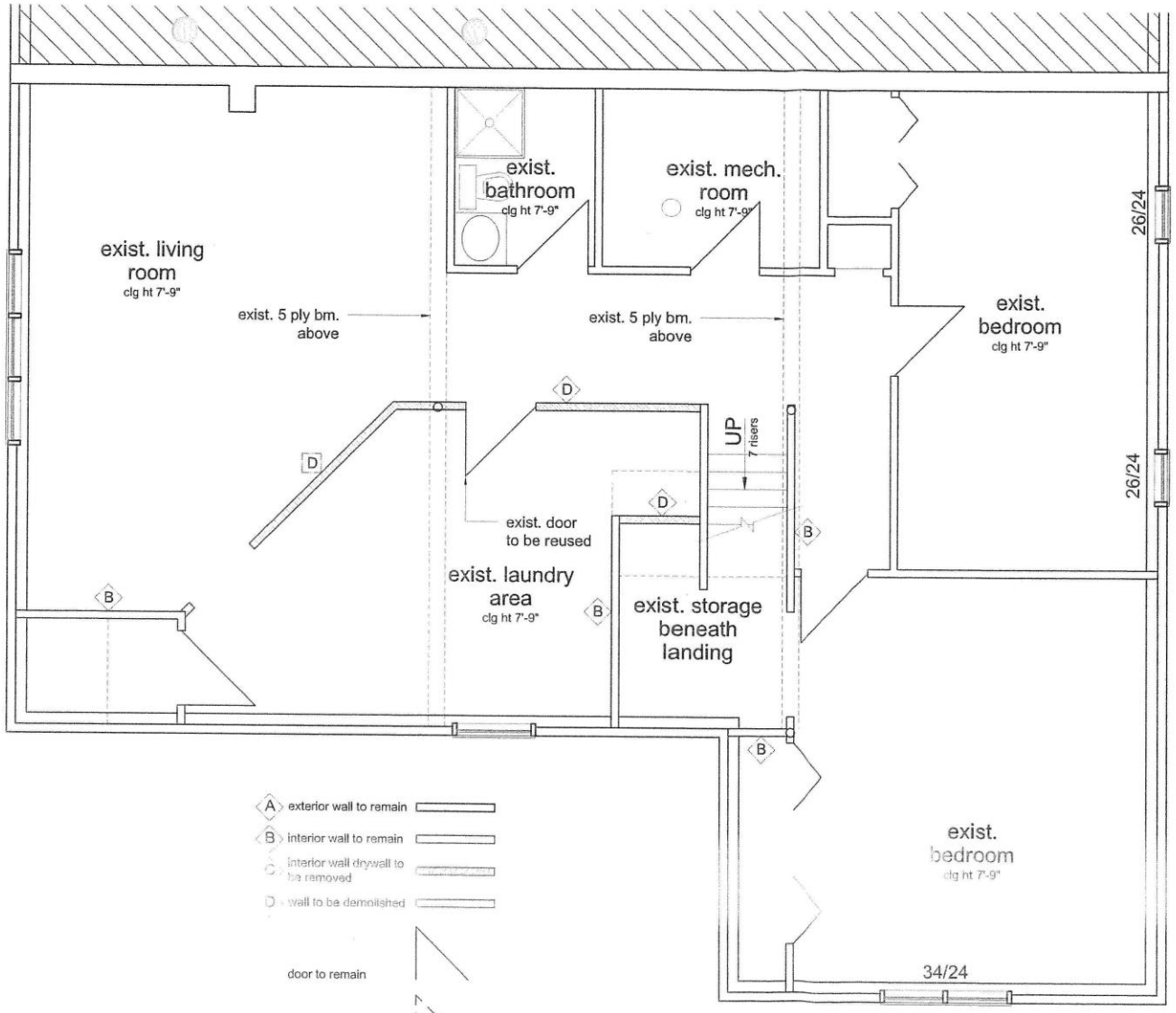

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PROJECT NO.: 160917
DATE: Oct. 17, 2016
basement plan
SCALE: as noted
REV. NO.: 1
SHEET NO.: a-4
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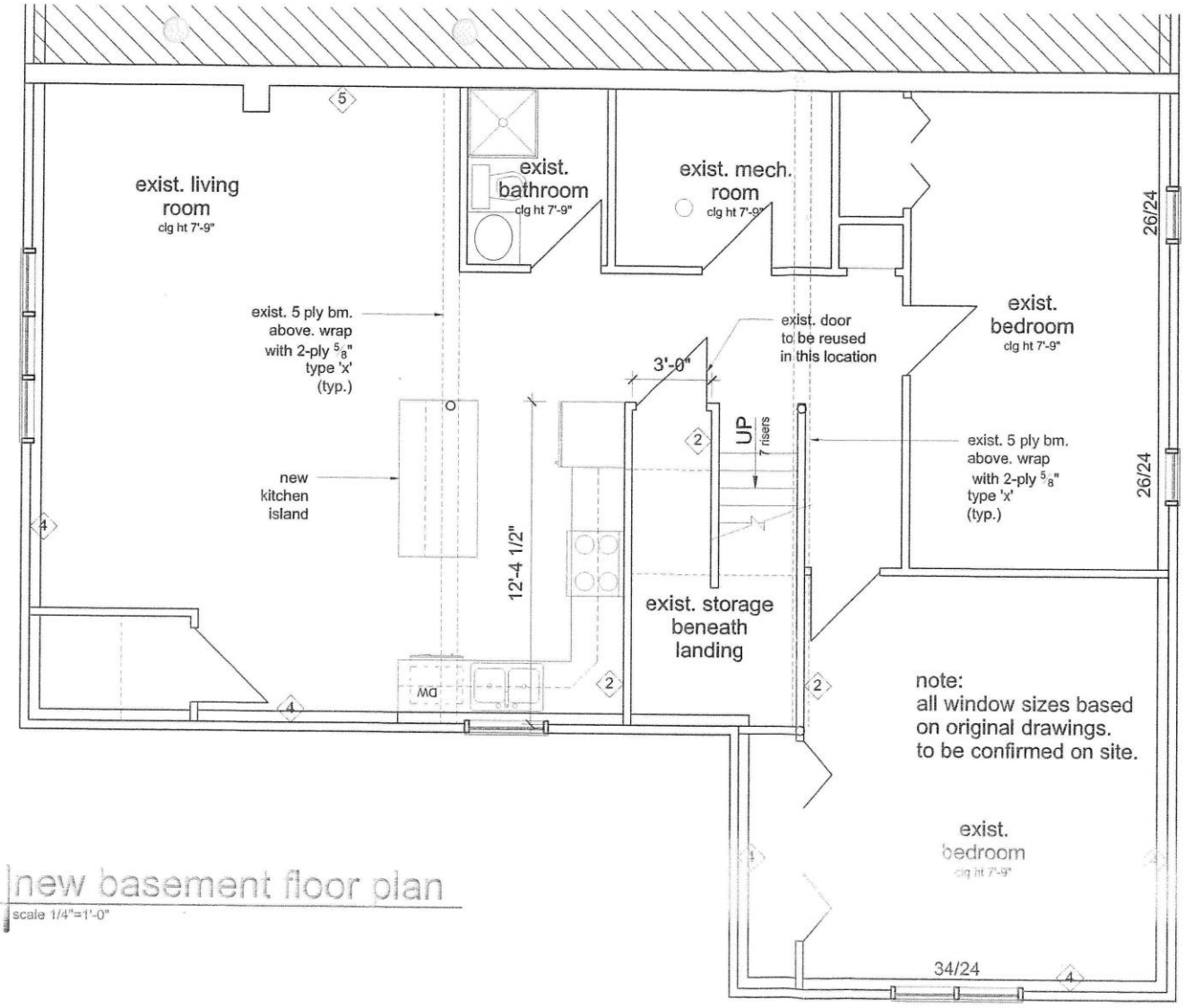

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1/2" GWB, TAPED, SANDED & PAINTED
2X4 STUDS @ 16" O/C
1/2" GWB, TAPED, SANDED & PAINTED

3 SUITE TO SUITE PARTITION WALL
NEW WALL (1HR. F.R.R., STC 53)
5/8" TYPE 'X' GWB, TAPED, SANDED & PAINTED
2X4 STUDS @ 24" O/C
(ROXUL INSUL. OR EQUIV.)
RESILIENT CHANNELS @ 16" O/C
2-5/8" TYPE 'X' GWB, TAPED, SANDED & PAINTED

3a SUITE TO SUITE PARTITION WALL
EXISTING WALL(1HR. F.R.R., STC 57)
5/8" TYPE 'X' GWB, TAPED, SANDED & PAINTED
2X4 STUDS @ 16" O/C (R-12 INSUL.)
1/2" AIRSPACE
7/16" KB SHEATHING
2X4 STUDS @ 16" O/C
5/8" TYPE 'X' GWB, TAPED, SANDED & PAINTED

4 BASEMENT WALL CONSTRUCTION
PARGING ABOVE GRADE
ASPHALT DAMPPROOFING
9" CONC. FNDTN. WALL
2x6 STUDS @ 16" O/C ON TOP OF CONC. WALL
R-20 BATT INSULATION
6 MIL CGSB POLY V.B.
1/2" GWB, TAPED, SANDED & PAINTED
(TYP.)

5 SUITE TO SUITE BASEMENT WALL
EXISTING FULL HEIGHT CONC. WALL
1/2" GWB, TAPED, SANDED & PAINTED
9" CONC. FNDTN. WALL
1/2" GWB, TAPED, SANDED & PAINTED
(TYP.)

FLOOR SCHEDULE

6 MAIN FLOOR CONSTRUCTION
(1HR F.R.R. STC 55)
FLOOR FINISH AS NOTED
EXIST. 5/8" T&G PLY SUBFLOOR
EXIST. 2x10 WOOD JOISTS
NEW SOUND ATTENUATION INSULATION
NEW RESILIENT CHANNELS @ 16" O/C
NEW 2 -1/2" TYPE 'X' GCB, TAPED, PAINTED & SANDED

ROOF SCHEDULE

7 ROOF CONSTRUCTION
ABOVE LOWER LEVEL FOYER
EXISTING ASPHALT SHINGLES
EXISTING ¾" PLY SHEATHING
EXISTING WOOD TRUSSES @ 24" O/C
EXISTING R-28 BLOWN IN INSULATION
EXISTING VAPOUR BARRIER
RESILIENT CHANNEL @ 16" O.C.
2-1/2" TYPEX GCB, TAPED, SANDED & PAINTED
(TYP.)

ROOF CONSTRUCTION
EXISTING ASPHALT SHINGLES
EXISTING ¾" PLY SHEATHING
EXISTING WOOD TRUSSES @ 24" O/C
EXISTING R-28 BLOWN IN INSULATION
EXISTING VAPOUR BARRIER
EXISTING ½" GWB TAPED, SANDED & PAINTED

ADDRESS: 1601 Clarence Ave, Winnipeg, MB
PROJECT TITLE & ADDRESS: Clarence Ave 3-plex
PROJECT NO.: 160917
DATE: Oct. 17, 2016
basement plan
SCALE: as noted
REV. NO. 1
SHEET NO. a-5
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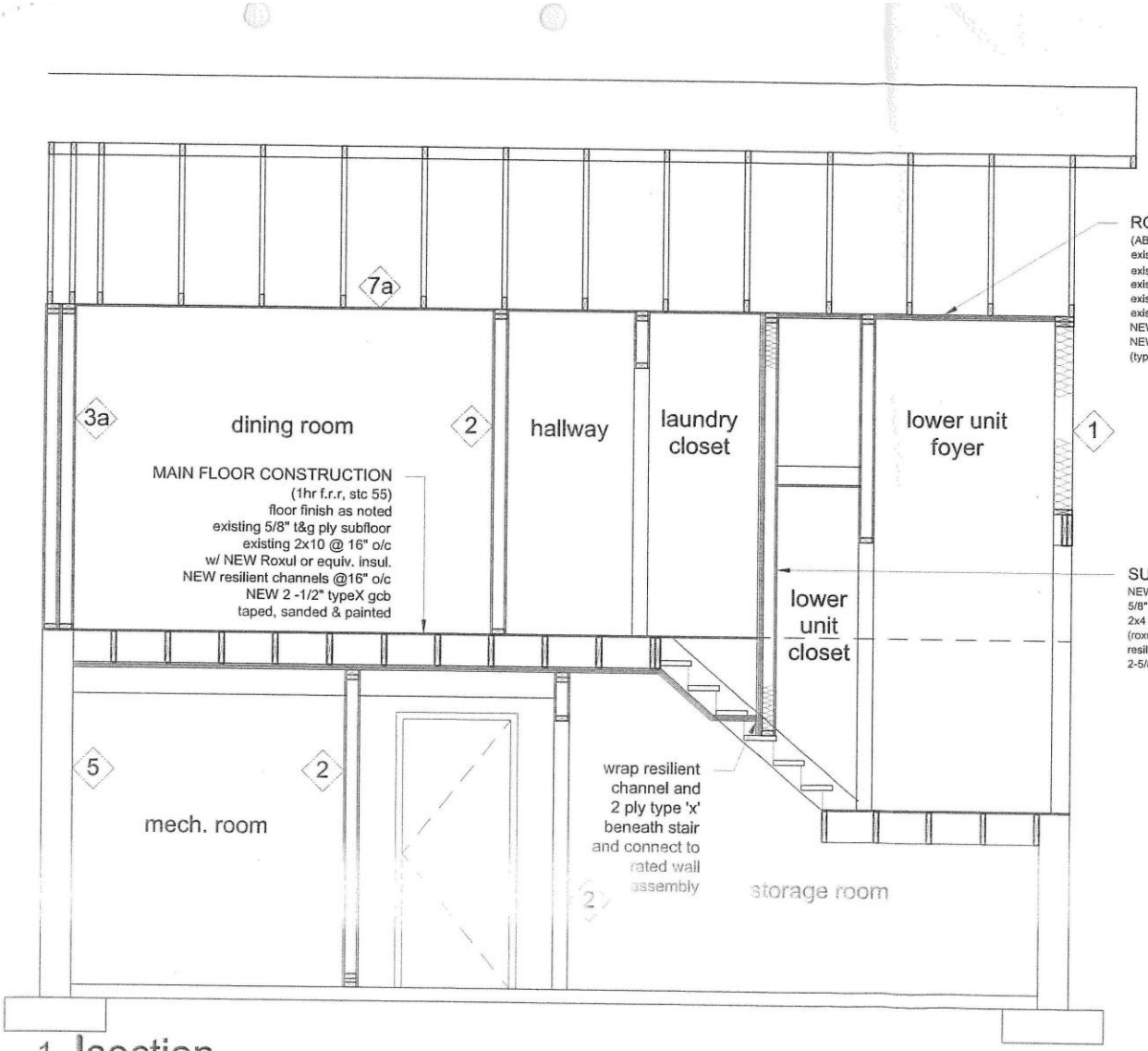

ROOF CONSTRUCTION
(ABOVE LOWER UNIT FOYER)
existing asphalt shingles
existing 3/8" ply sheathing
existing wood trusses @ 24" o/c
existing r-28 blown in insulation
existing vapour barrier
NEW resilient channel @ 16" o.c.
NEW 2-1/2" typex gcb, taped, sanded & painted
(typ.)

SUITE-SUITE PARTITION WALL 3
NEW WALL (1hr. f.r.r., stc 53)
5/8" type 'x' gwb, taped, sanded & painted
2x4 studs @ 24" o/c
(roxul insul. or equiv.)
resilient channels @ 16" o/c
2-5/8" type 'x' gwb, taped, sanded & painted

1 section
a-6 scale 3/8"=1'-0"

WALL SCHEDULE

1 EXTERIOR WALL CONSTRUCTION
EXISTING WALL
STUCCO AND PARGING ON WIRE MESH
BUILDING PAPER
9/16" O.S.B. SHEATHING
2X6 STUDS @ 16" O/C
R-20 BATT INSULATION
6 MIL CGSB POLY V. B.
1/2" GWB, TAPED, SANDED & PAINTED

2 INTERIOR WALL CONSTRUCTION
1/2" GWB, TAPED, SANDED & PAINTED
2X4 STUDS @ 16" O/C
1/2" GWB, TAPED, SANDED & PAINTED

3 SUITE TO SUITE PARTITION WALL
NEW WALL (1HR. F.R.R., STC 53)
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2X4 STUDS @ 24" O/C
(ROXUL INSUL. OR EQUIV.)
RESILIENT CHANNELS @ 16" O/C
2-5/8" TYPE 'X' GWB, TAPED, SANDED & PAINTED

3a SUITE TO SUITE PARTITION WALL
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PARGING ABOVE GRADE
ASPHALT DAMPPROOFING
9" CONC. FNDTN. WALL
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6 MIL CGSB POLY V.B.
1/2" GWB, TAPED, SANDED & PAINTED
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EXISTING FULL HEIGHT CONC. WALL
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(TYP.)

FLOOR SCHEDULE

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(1HR F.R.R. STC 55)
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ROOF SCHEDULE

7 ROOF CONSTRUCTION
ABOVE LOWER LEVEL FOYER
EXISTING ASPHALT SHINGLES
EXISTING 3/8" PLY SHEATHING
EXISTING WOOD TRUSSES @ 24" O/C
EXISTING R-28 BLOWN IN INSULATION
EXISTING VAPOUR BARRIER
RESILIENT CHANNEL @ 16" O.C.
2-1/2" TYPEX GCB, TAPED, SANDED & PAINTED
(TYP.)

7a ROOF CONSTRUCTION
EXISTING ASPHALT SHINGLES
EXISTING 3/8" PLY SHEATHING
EXISTING WOOD TRUSSES @ 24" O/C
EXISTING R-28 BLOWN IN INSULATION
EXISTING VAPOUR BARRIER
EXISTING 1/2" GWB TAPED, SANDED & PAINTED

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PROJECT NO.: 160917
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Section
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