Agenda – Board of Adjustment – January 8, 2020

PUBLIC HEARINGS

Item No. 8 Variance – 349 Alfred Avenue
(Mynarski Ward)
File DAV 211752/2019C [c/r DCU 211772/2019C]

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Urban Planning Division recommends approval of the application to vary the "R2" dimensional standards of Zoning By-Law No. 200/2006 for the establishment of accessory parking to permit as follows:

1. no buffering of parking located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district;

2. parking spaces located within 10 feet (3.05 metres) of a window to a habitable room where the sill is located 5 feet (1.52 metres) or less from grade;

Agenda – Board of Adjustment – January 8, 2020

File:	DAV 211752/2019C
Applicant:	Ithan Bullard
Premises Affected:	349 Alfred Avenue
Legal Description:	EXC N 8 LOT 1187/1188 PLAN 28 39W ST J, hereinafter called "the land"
Property Zoned:	"R2" Residential Two-Family
Nature of Application:	To vary the "R2" District Dimensional standards of Zoning By-Law No. 200/2006 for the establishment of accessory parking to permit as follows: a. no buffering of parking located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district; b. parking spaces located within 10 feet (3.05 metres) of a window to a habitable room where the sill is located 5 feet (1.52 metres) or less from grade.
Exhibits Filed:	1. Application dated December 9, 2019 2. Notification of Public Hearing dated December 10, 2019 3. Manitoba Status of Title 3022725/1 4. Letter of authorization dated October 30, 2019 from Ithan Bullard to Ithan Bullard 5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising 6. Plans, Sheets 1 to 11 inclusive, for File DAV 211752/2019C dated December 4, 2019 7. Report from the Urban Planning Division dated December 17, 2019 8. Inspection Report

The Winnipeg Public Service to advise that all statutory requirements with respect to this application have been complied with.

REPRESENTATIONS:

In Support:

In Opposition:

For Information:

For the City:

Moved by

That the report of the Winnipeg Public Service be taken as read.

Moved by

That the receipt of public representations be concluded.

Moved by

That in accordance with Subsection 247(3) of The City of Winnipeg Charter, the Variance,

(a) ☐ is consistent ☐ is not consistent
with Plan Winnipeg, and any applicable secondary plan;

(b) ☐ does not create ☐ does create
a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) ☐ is ☐ is not
the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) ☐ is ☐ is not
compatible with the area in which the property to be affected is situated.

Supporting Comments:

Moved by

That the recommendation of the Winnipeg Public Service be concurred in / not be concurred in and the Variance be approved / rejected.

Moved by

That the public hearing with respect to this application be concluded.

Exhibit "7" referred to in File DAV 211752/2019C

ADMINISTRATIVE REPORT

Title: DAV 19-211752\C – 349 Alfred Avenue

Issue: For consideration at the public hearing for variances associated with the establishment of a parking area accessory to a proposed multi-family dwelling.

Critical Path: Board of Adjustment as per the Development Procedures By-law and The City of Winnipeg Charter.

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Hayer, MCP	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends **approval** of the application to vary the "R2" dimensional standards of *Zoning By-Law No. 200/2006* for the establishment of accessory parking to permit as follows:

a) no buffering of parking located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district;

b) parking spaces located within 10 feet (3.05 metres) of a window to a habitable room where the sill is located 5 feet (1.52 metres) or less from grade;

REASON FOR THE REPORT

- The applicant is proposing to construct a multi-family dwelling containing six (6) units and parking area with seven (7) stalls. Variances have been applied for to accommodate aspects of the proposed parking area.
- This report provides information and makes recommendations regarding the subject application's compliance with *The City of Winnipeg Charter.*
- Variance applications require a public hearing as per *The Development Procedures By-law* No. 160/2011 and *The City of Winnipeg Charter*, section 249.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the proposal can proceed.

FILE/APPLICANT DETAILS

FILE:	**DAV 19-211752\C**
RELATED FILES:	**DCU19-211772/C**
COMMUNITY:	Lord Selkirk - West Kildonan Committee
NEIGHBOURHOOD #:	3.302 (William Whyte)
SUBJECT:	To vary the "R2" dimensional standards of Zoning By-Law No. 200/2006 for the establishment of accessory parking to permit as follows: a) no buffering of parking located within 20 feet (6.1 metres) of a rear lot line adjacent to a residential district; b) parking spaces located within 10 feet (3.05 metres) of a window to a habitable room where the sill is located 5 feet (1.52 metres) or less from grade;
LOCATION:	349 Alfred AVE
LEGAL DESCRIPTION:	EXC N 8 LOT 1187/1188 PLAN 28 39W ST J
APPLICANT:	ITHAN BULLARD 150 NORDSTROM DR Winnipeg , Manitoba R3X 0A7
OWNER:	Same as applicant

DISCUSSION

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of *The City of Winnipeg Charter*, an application for a variance with respect to a property may be approved if the variance:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) is compatible with the area in which the property to be affected is situated.

SITE DESCRIPTION

The subject site is located at the north east corner of Alfred Avenue and Aikins Street, in the William Whyte neighbourhood and the Mynarski ward.

The site is designated “Areas of Stability – Mature Community” policy area under the *Complete Communities Direction Strategy* of *OurWinnipeg*, and zoned “R2” Residential Two-Family District under the City of Winnipeg Zoning By-Law.

Currently on the land is a single-family dwelling constructed in 1893, with motor vehicle access from a public lane.

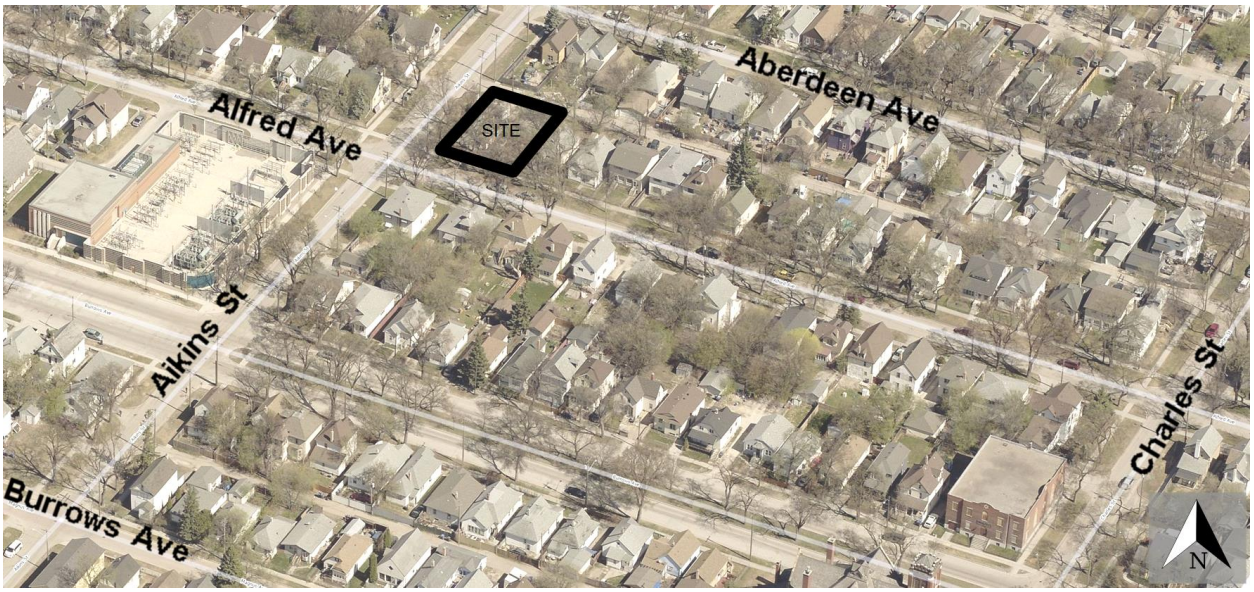


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Public lane; then a mix of single and two- family dwellings zoned “R2” Residential Two-Family district

South: Alfred Avenue; then a mix of single, two- and multi- family dwellings zoned “R2” Residential Two-Family district.

East: A mix of single and two-family dwellings zoned “R2” Residential Two-Family district.

West: Aikins Street; then a mix of single and two - family dwellings zoned “R2” Residential Two-Family district.

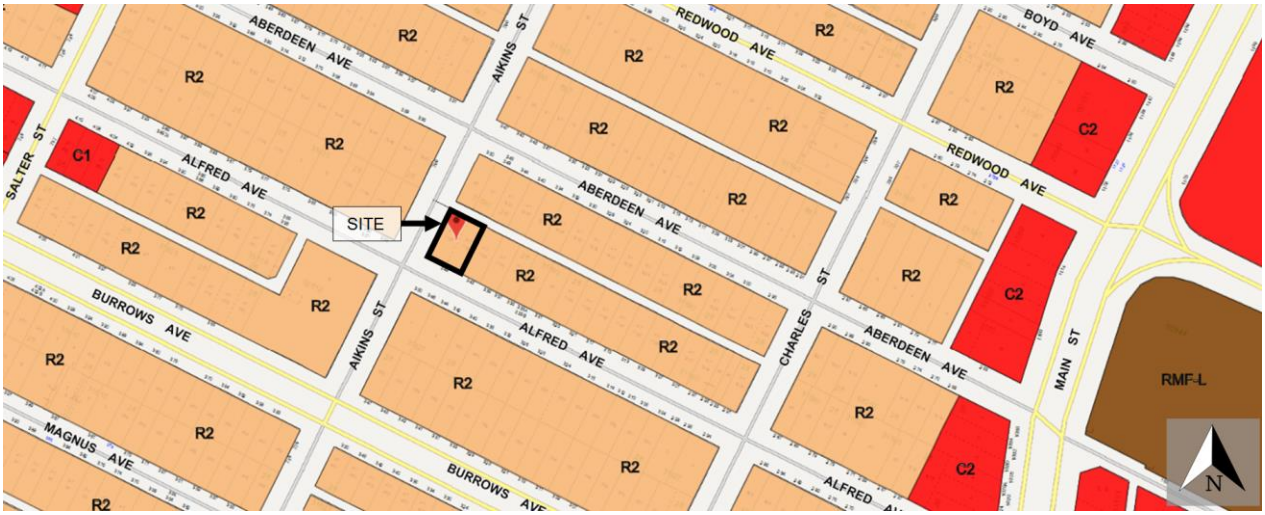


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves demolition an existing single-family dwelling, and construction of a multi-family dwelling with six units and accessory parking area with seven parking stalls. Motor-vehicle access would be from the public lane.

Variances are required to accommodate aspects of the parking area.

Multi-family dwellings are a conditional use in the "R2" Residential Two-Family district and the applicant has submitted an application under related file DCU 19-211772\C. A report on the matter has been submitted to the Board of Adjustment for consideration.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

The subject property is designated "Areas of Stability – Mature Community" policy area under the *Complete Communities Direction Strategy* of *OurWinnipeg*. Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.

With regards to this proposal, the key relevant policies guiding the development of Areas of Stability include:

> *In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.*
>
> *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*
>
> *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form.*

City of Winnipeg Zoning By-law

The applicant is requesting the following variances to the *City of Winnipeg Zoning By-law*:

Parking Area Buffering

- The bylaw requires that, parking areas accessory to new multi-family developments and located within 20 feet of a residential zoning district must buffer the parking area.
- The purpose of buffering is to mitigate potential negative impacts resulting from higher density developments where parking areas are likely to take access from a dedicated drive-aisle.
- In this case, the applicant is proposing direct vehicular access from the public lane and requires a variance to the bylaw.

Parking Stalls within 10 feet of a window to a habitable room

- The bylaw requires that, where a new multi-family development contains a window to a habitable room located 5 feet or less from grade, any accessory parking stalls must be set back at least 10 feet from said window.
- In this case, the applicant is proposing to locate parking stalls within 5 feet of the rear building wall, which contains a window to a habitable room and requires a variance to the bylaw

Variance Review

The proposed development would add to the variety of housing types in the neighbourhood. Subject to conditions of approval, the proposed development would be compatible with and complimentary to surrounding properties in terms of building massing, scale and built form.

Thus, the proposal would be generally consistent with the *Complete Communities Direction Strategy*.

The subject block also contains a mix of residential uses. These include single-, two- and multi-family dwellings. For example, 324 and 340 Alfred Avenue contain three dwelling units on mid-block lots. Properties located directly across the street are both two-family dwellings.

The property is also located on a corner and in a walkable neighbourhood. Commercial amenities and transit are available nearby on Salter Street (one block west) and Main Street (two blocks east). William Whyte School is located four blocks south west of the site.

The above noted characteristics suggest that the site is an appropriate location for multi-family development and the variances would be compatible with the area.

The variance for parking area buffering is recommended for approval because, in cases where new infill is proposed on blocks with rear lane access, the Urban Planning Division recommends that access be taken directly from the public lane because it is impossible for such sites to be designed in a manner that complies with the bylaw.

The variance for parking located within 10 feet of a window to a habitable room is recommended for approval because the applicant has agreed to include a 4 foot tall light-proof fence to shield headlight glare from impacting future residents.

Conditions of approval are included under related file DCU 19-211772/C to ensure future development is complimentary to the character of the neighbourhood and does not create an adverse impact on adjacent properties.

OURWINNIPEG POLICY ALIGNMENT

The property is located within an Area of Stability policy area of *OurWinnipeg* and *Complete Communities*. The proposed development accommodates infill in an area with existing infrastructure.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed development facilitates an increase in density by adding additional dwelling units to the subject block, thereby capitalizing on existing infrastructure.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division recommends **approval** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

> ***In that**, the proposed development represents a low to moderate increase in density and adds to the housing types in the community for new and existing residents.*

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

> ***In that**, the proposed development would include appropriate setbacks, screening, landscaping, and building massing that would not create an adverse effect on adjoining properties and adjacent areas.*

(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

> ***In that,** to the extent that the proposal complies with OurWinnipeg, Complete Communities, and is compatible with the area suggests that the Winnipeg Zoning By-law has an injurious effect on the property and variances are required to relieve that effect.*

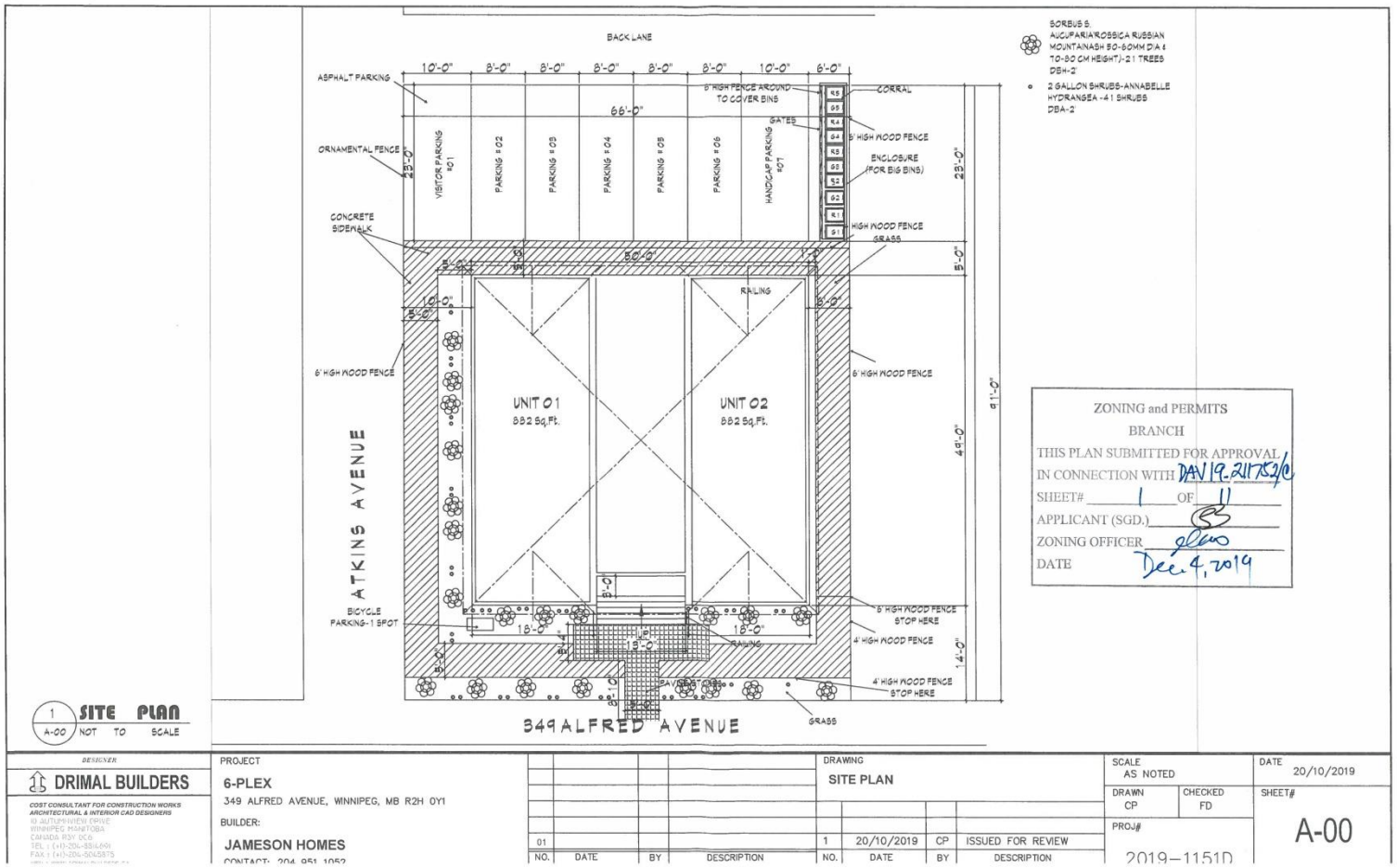
(d) is compatible with the area in which the property to be affected is situated.

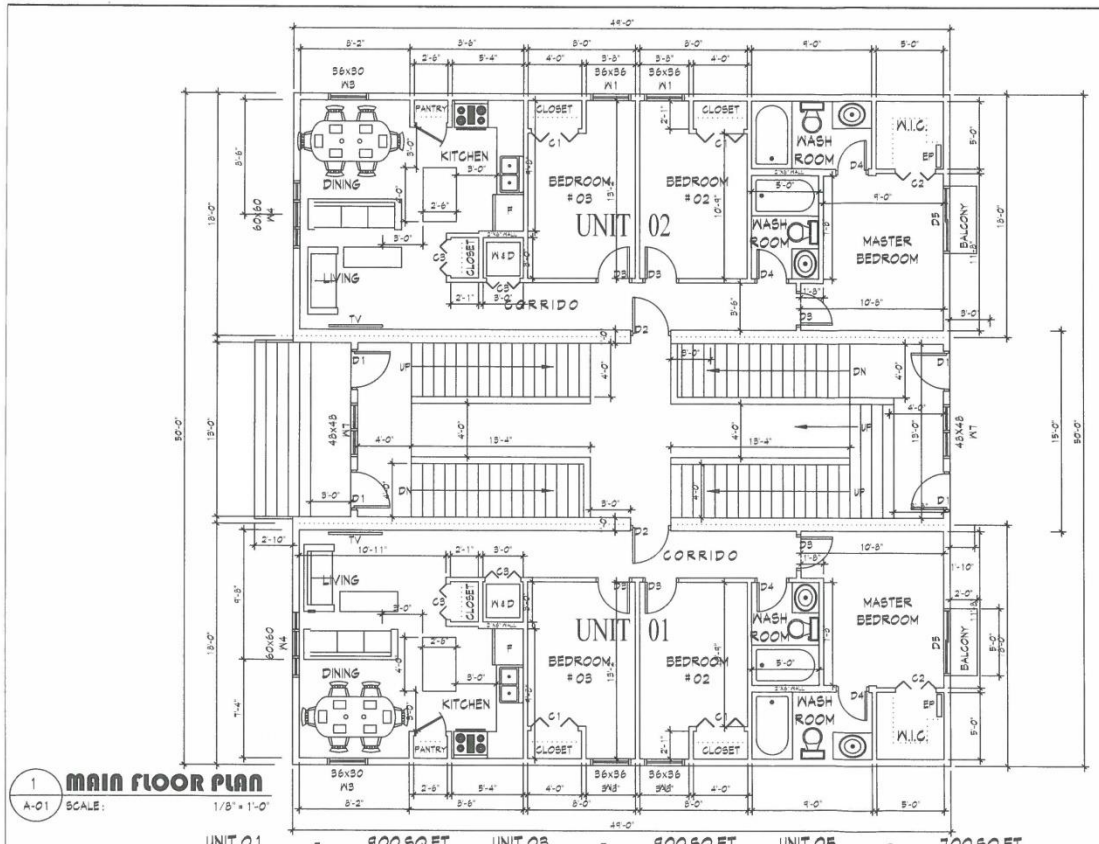
> ***In that**, the proposed development would be located on a block that has an existing mix of building typologies and densities.*

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	R. Hayer, MCP
Date:	Tuesday, December 17, 2019
File No.	DAV 19-211752\C

Exhibit “6” referred to in File DAV 211752/2019C





1 A-01 **MAIN FLOOR PLAN**
SCALE: 1/8" = 1'-0"

WINDOW SCHEDULE			
NO.	TYPE		NOMINAL SIZE
W-1	AWNING WINDOW	M.F. & S.F.	36 X 36
W-2	AWNING WINDOW	M.F. & S.F.	48 X 36
W-3	AWNING WINDOW	M.F. & S.F.	36 X 30
W-4	CASEMENT / PICTURE	M.F. & S.F.	60 X 60
W-5	SLIDING WINDOW (EGRESS)	B.F.	56 X 20
W-6	SLIDING WINDOW (EGRESS)	B.F.	40 X 22
W-7	CASEMENT / PICTURE	M.F. & S.F.	48 X 48
W-8	SLIDING WINDOW (EGRESS)	B.F.	60 X 22

DOOR SCHEDULE			
NO.	TYPE		NOMINAL SIZE
D-1	PANELED WOODEN GLASS DOOR	M.F.	36 X 80
D-2	PANELED WOODEN DOOR	M.F. / S.F. & BASEMENT	36 X 80
D-3	PANELED WOODEN DOOR	M.F. / S.F. & BASEMENT	32 X 80
D-4	PANELED WOODEN DOOR	M.F. / S.F. & BASEMENT	30 X 80
D-5	PATIO DOOR	M.F. & S.F.	60 X 80
C-1	BI-FOLD DOOR	M.F. / S.F. & BASEMENT	42 X 80
C-2	BI-FOLD DOOR	M.F. & S.F.	36 X 80
C-3	BI-FOLD DOOR	M.F. / S.F. & BASEMENT	30 X 80

UNIT 01 - 900 SQ.FT. UNIT 03 - 900 SQ.FT. UNIT 05 - 700 SQ.FT.

UNIT 02 - 900 SQ.FT. UNIT 04 - 900 SQ.FT. UNIT 06 - 700 SQ.FT.

ZONING and PERMITS
BRANCH
THIS PLAN SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAVIG-211524
SHEET# 2 OF 11
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec. 4, 2019

DESIGNER
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PROJECT
6-PLEX
349 ALFRED AVENUE WINNIPEG, MB R2H 0Y1
BUILDER:
JAMESON HOMES
CONTACT: 204 951 1052

NO.	DATE	BY	DESCRIPTION
01			
1	20/10/2019	CP	ISSUED FOR REVIEW

DRAWING
MAIN FLOOR PLAN

SCALE
AS NOTED

DATE
20/10/2019

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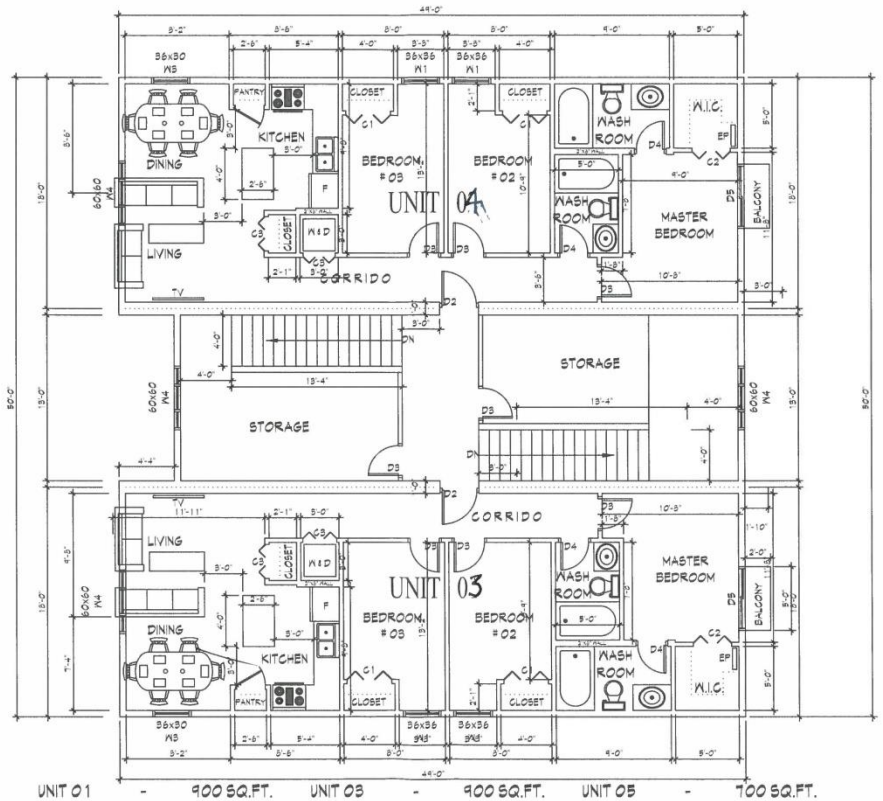
PROJ#
2019-1151D

SHEET#
A-01



1 A-02 **SECOND FLOOR PLAN**
SCALE: 1/8" = 1'-0"

UNIT 01 - 900 SQ.FT. UNIT 03 - 900 SQ.FT. UNIT 05 - 700 SQ.FT.

UNIT 02 - 900 SQ.FT. UNIT 04 - 900 SQ.FT. UNIT 06 - 700 SQ.FT.

ZONING and PERMITS
BRANCH
THIS PLAN SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV19-211752/C
SHEET# 3 OF 11
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec. 4, 2019

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NO.	DATE	BY	DESCRIPTION
01			
1	20/10/2019	CP	ISSUED FOR REVIEW

DRAWING
SECOND FLOOR PLAN

SCALE
AS NOTED

DATE
20/10/2019

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2019-1151D

SHEET#
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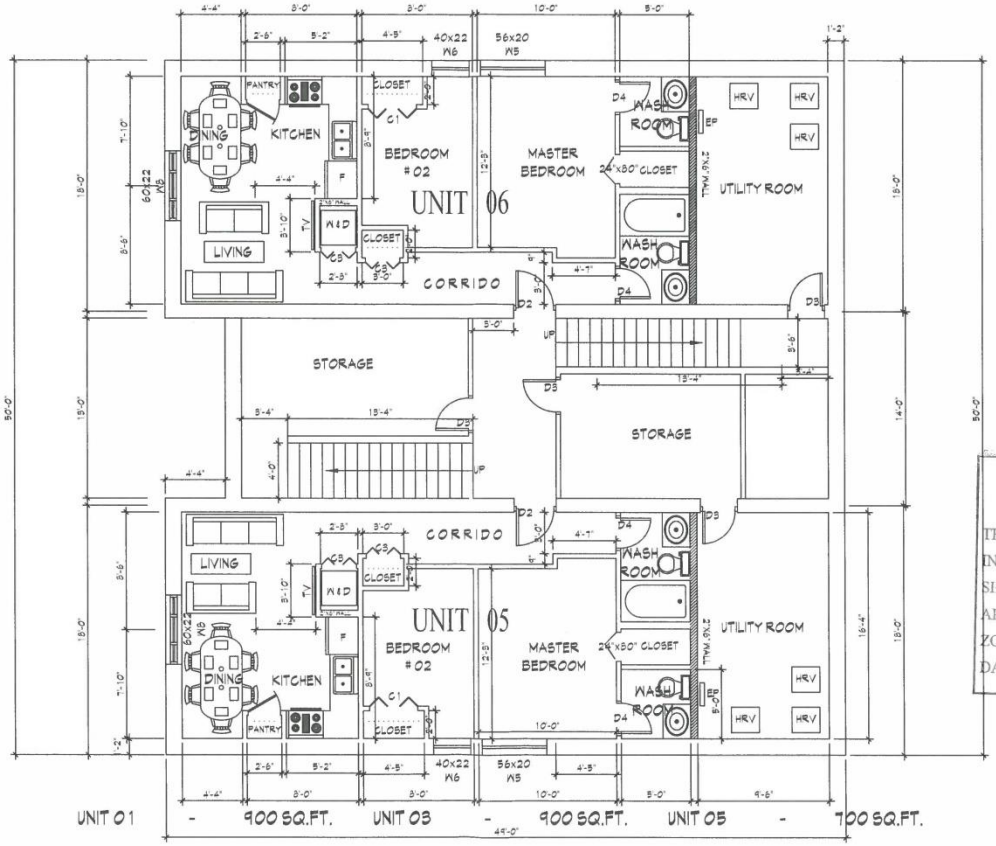

1 / A-03.1 **BASEMENT PLAN**
SCALE: 1/8" = 1'-0"

ZONING and PERMITS BRANCH
THIS PLAN SUBMITTED FOR APPROVAL IN CONNECTION WITH DAV19-211524
SHEET# 4 OF 11
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec. 4, 2019

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349 ALFRED AVENUE WINNIPEG, MB R2H 0Y1
BUILDER:
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CONTACT: 204-951-1952

NO.	DATE	BY	DESCRIPTION
01			
1	20/10/2019	CP	ISSUED FOR REVIEW

DRAWING: BASEMENT PLAN
SCALE: AS NOTED
DATE: 20/10/2019
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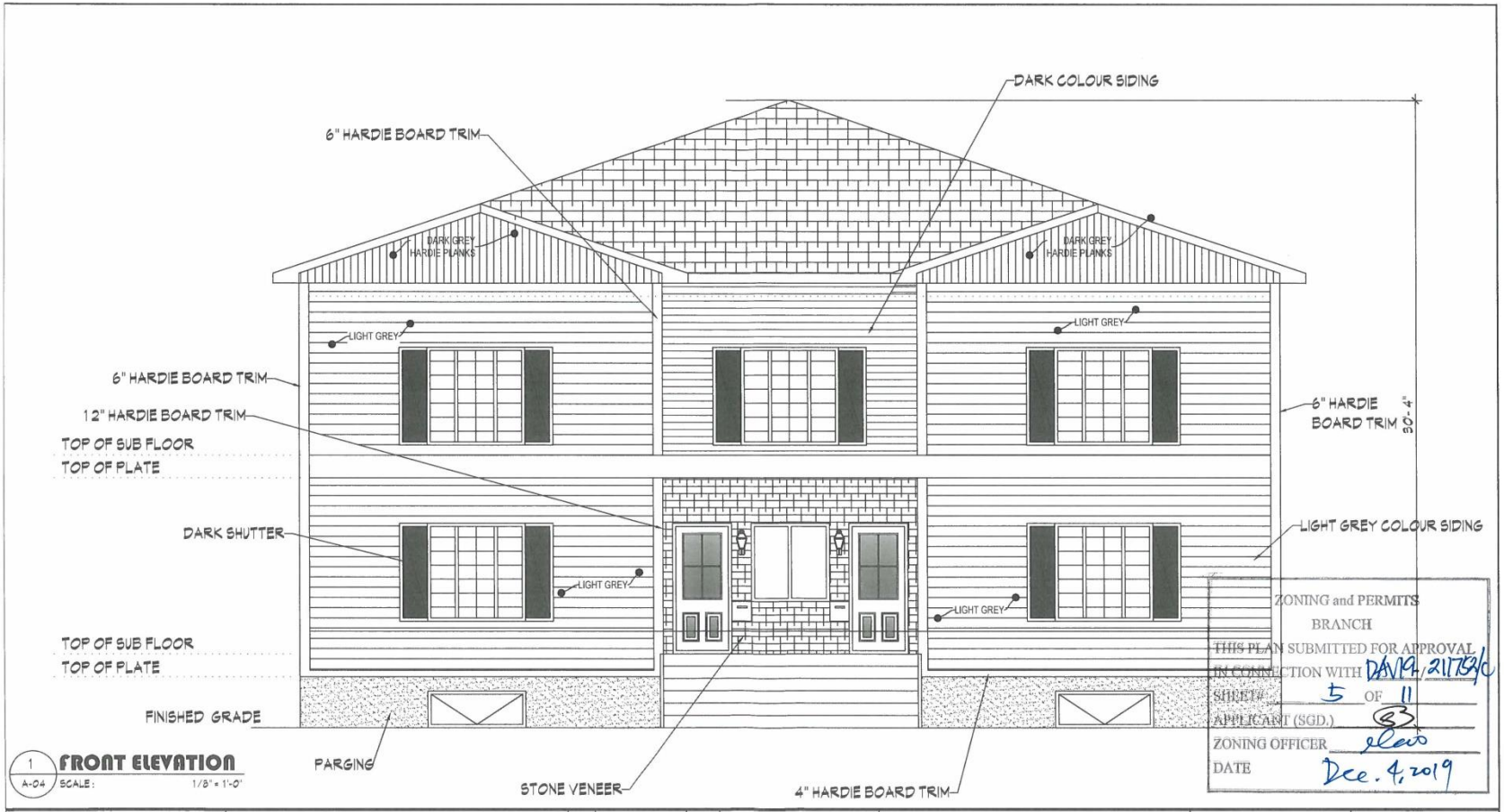
PROJ#: 2019-11510
SHEET#: A-03



1 / A-04 **FRONT ELEVATION**
SCALE: 1/8" = 1'-0"

DESIGNER
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BUILDER:
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CONTACT: 204-951-1052

NO.	DATE	BY	DESCRIPTION
01			
1	20/10/2019	CP	ISSUED FOR REVIEW

DRAWING: FRONT ELEVATION
SCALE: AS NOTED
DRAWN: CP
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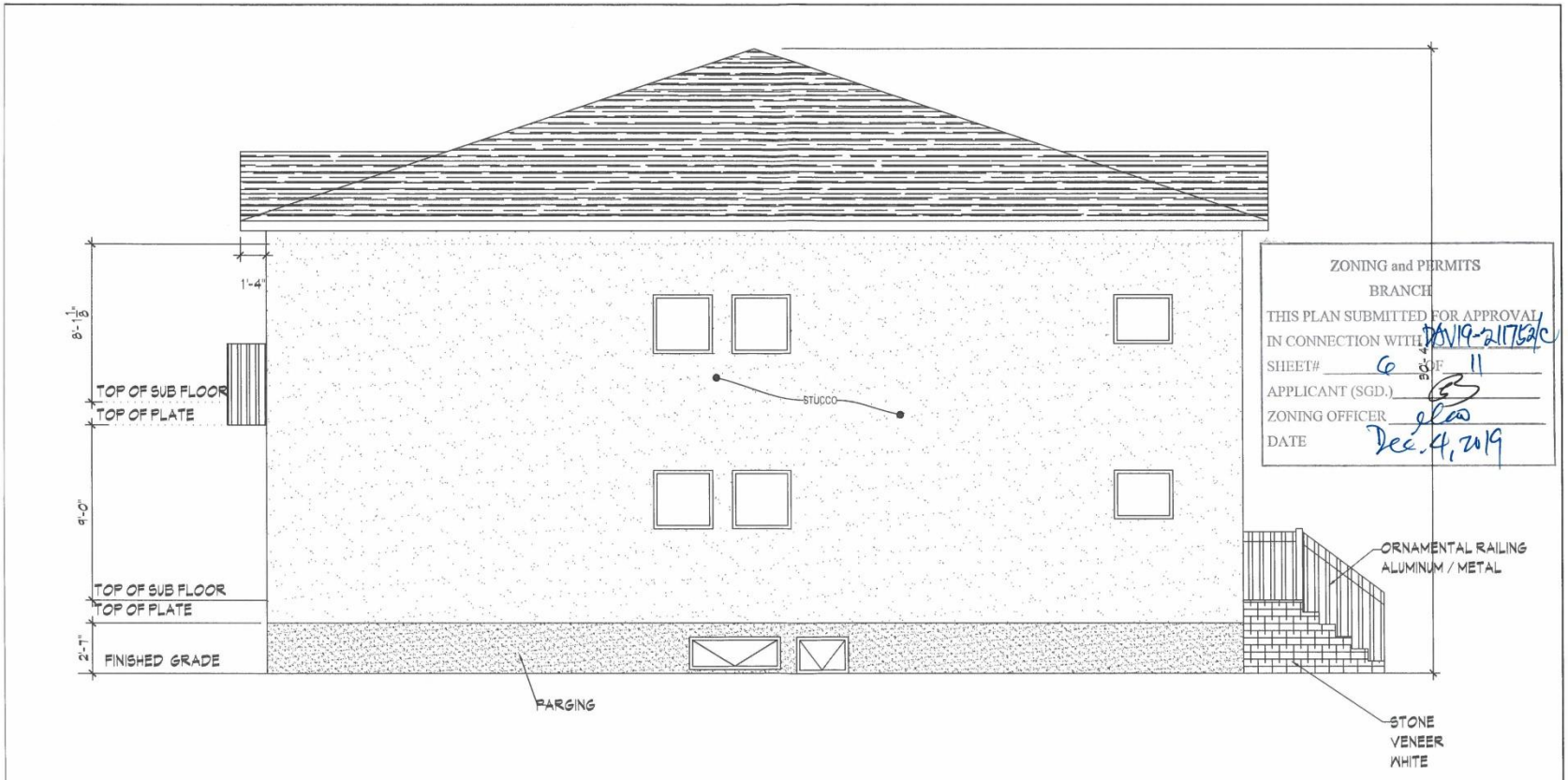
PROJ#: 2019-1151D
DATE: 20/10/2019
SHEET#: A-04



ZONING and PERMITS
BRANCH
THIS PLAN SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV19-211753/C
SHEET# 6 OF 11
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec. 4, 2019

1 / A-05 **LEFT SIDE ELEVATION**
SCALE: 1/8" = 1'-0"

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349 ALFRED AVENUE WINNIPEG, MB R2H 0Y1
BUILDER:
JAMESON HOMES
CONTACT: 204-951-1952

NO.	DATE	BY	DESCRIPTION
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DRAWING
LEFT SIDE ELEVATION

NO.	DATE	BY	DESCRIPTION
1	20/10/2019	CP	ISSUED FOR REVIEW

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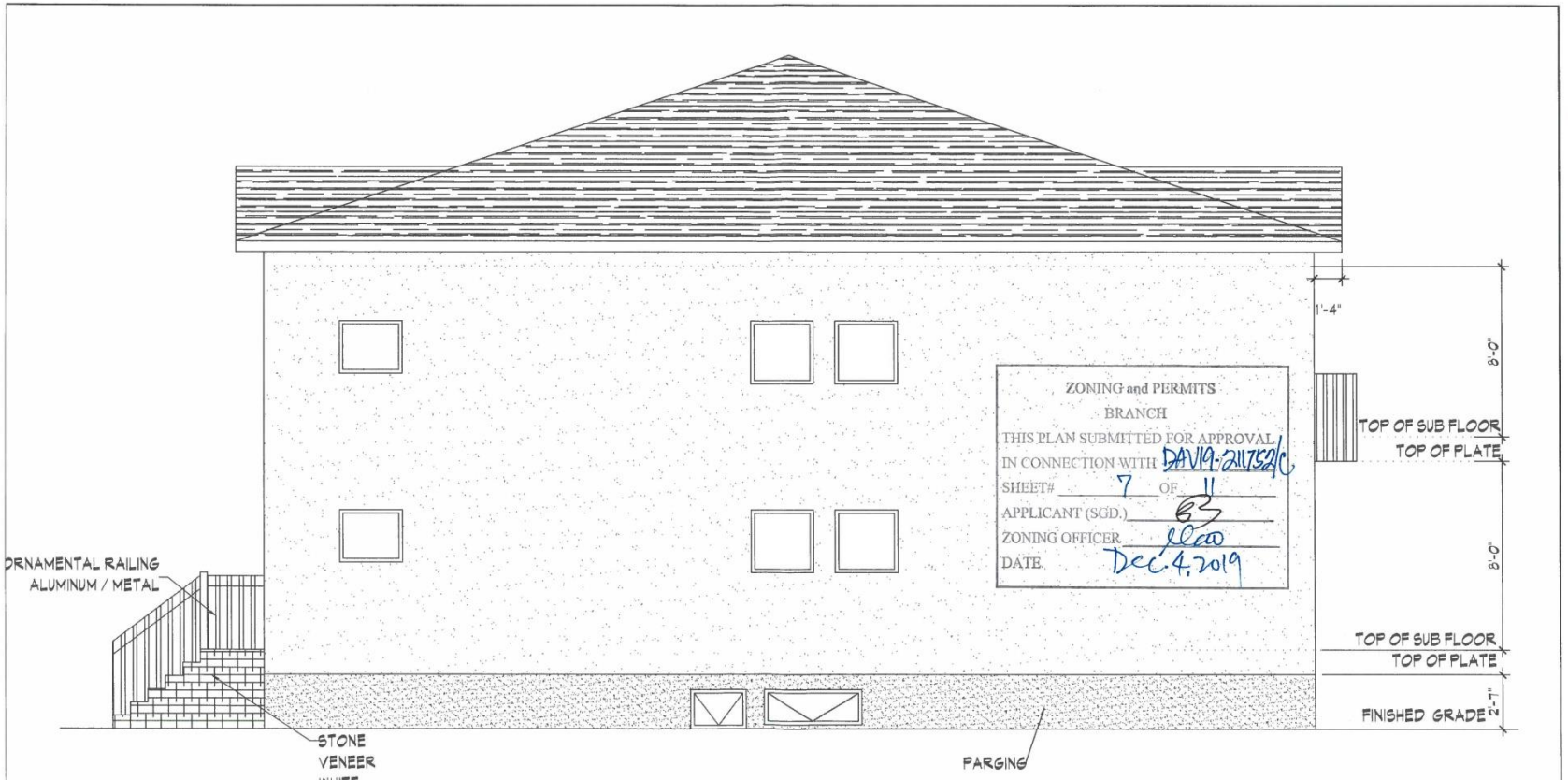

1 / A-07 **RTGHT SIDE ELEVATION**
SCALE: 1/8" = 1'-0"

DESIGNER
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PROJECT
6-PLEX
349 ALFRED AVENUE WINNIPEG, MB R2H 0Y1
BUILDER:
JAMESON HOMES

NO.	DATE	BY	DESCRIPTION
01			
1	20/10/2019	CP	ISSUED FOR REVIEW

DRAWING
RIGHT SIDE ELEVATION

SCALE
AS NOTED

DATE
20/10/2019

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2019-11510

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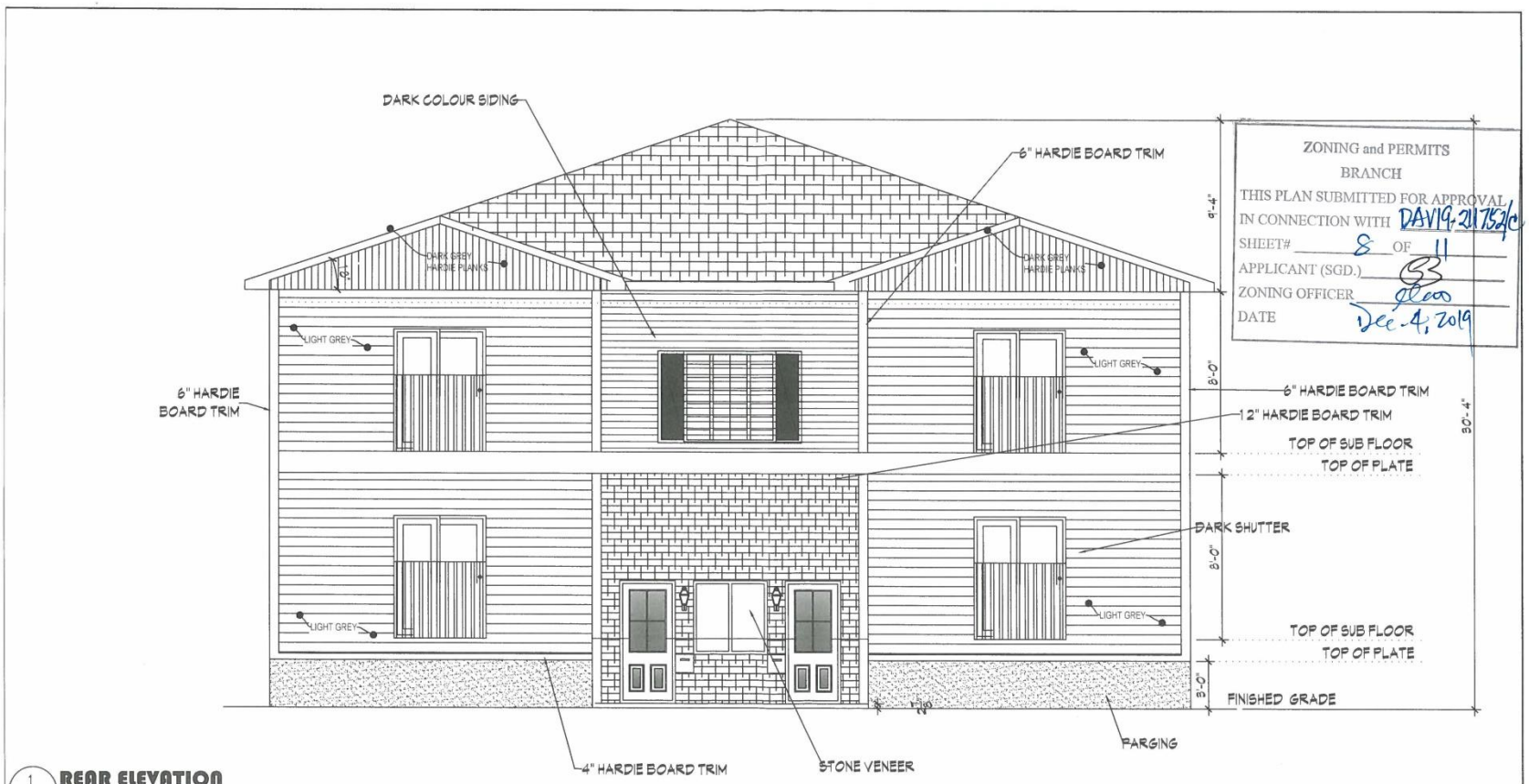

ZONING and PERMITS BRANCH
THIS PLAN SUBMITTED FOR APPROVAL IN CONNECTION WITH DAV19-217524
SHEET# 8 OF 11
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec. 4, 2019

1 A-07 **REAR ELEVATION**
SCALE: 1/8" = 1'-0"

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PROJECT
6-PLEX
349 ALFRED AVENUE WINNIPEG, MB R2H 0Y1
BUILDER:
JAMESON HOMES
CONTACT: 204 951 1052

NO.	DATE	BY	DESCRIPTION
01			

DRAWING: REAR ELEVATION

NO.	DATE	BY	DESCRIPTION
1	20/10/2019	CP	ISSUED FOR REVIEW

SCALE: AS NOTED
DATE: 20/10/2019
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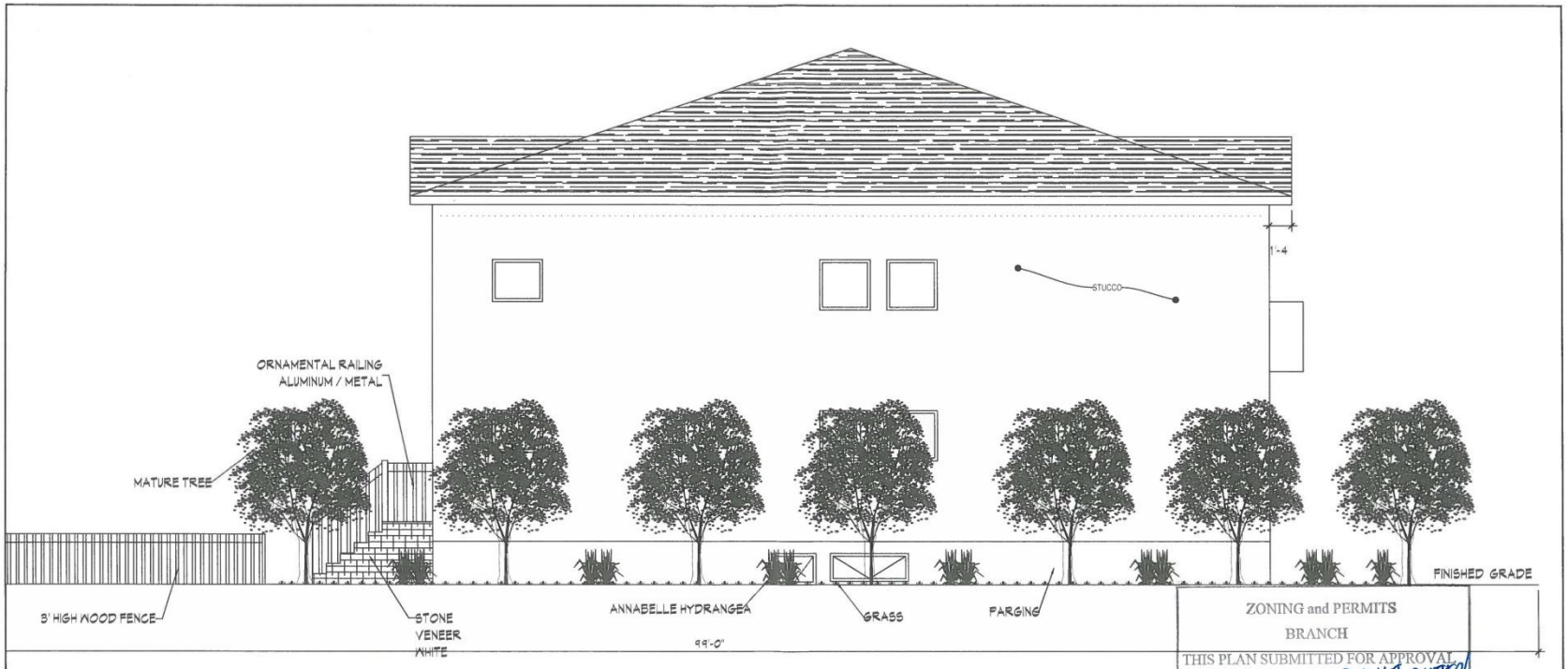
PROJ#: 2019-11510
SHEET#: A-07



1 A-08 **WEST ELEVATION**
SCALE: 1/8" = 1'-0"

ZONING and PERMITS
BRANCH
THIS PLAN SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV19-211BDK
SHEET# 9 OF 11
APPLICANT (SGD.)
ZONING OFFICER glas
DATE Dec.4.2019

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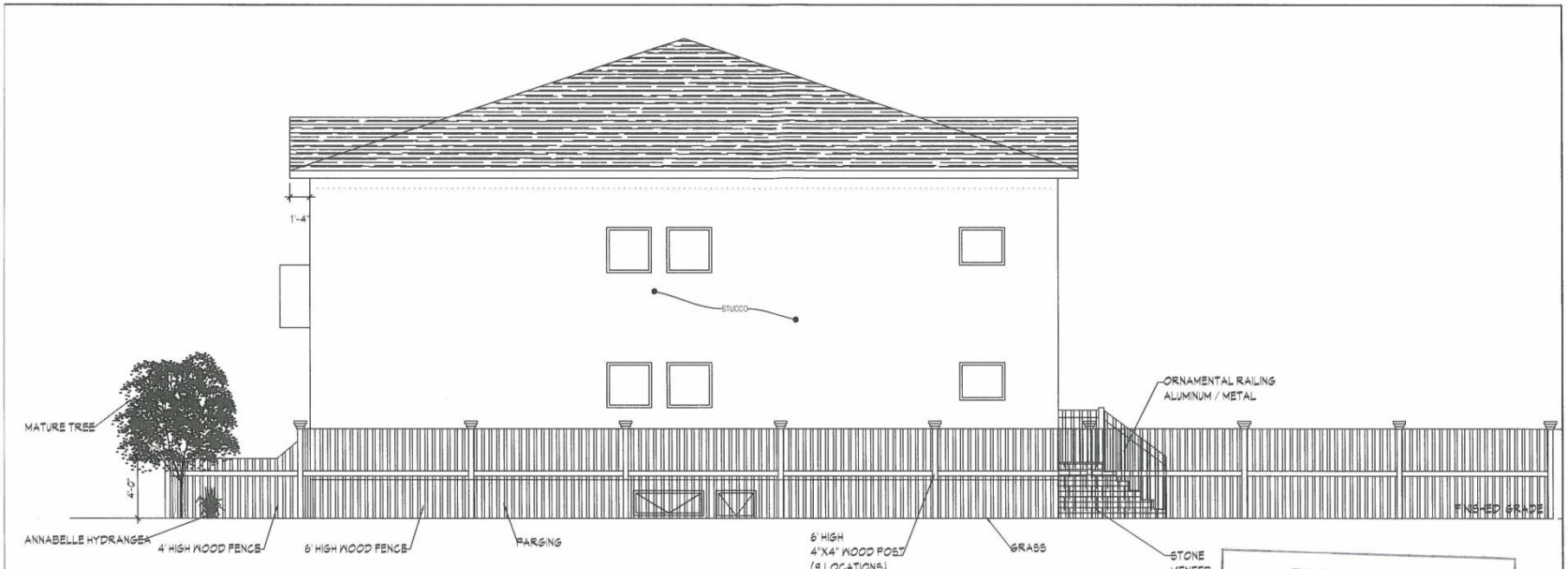
PROJECT
6-PLEX
349 ALFRED AVENUE WINNIPEG, MB R2H 0Y1
BUILDER:
JAMESON HOMES
CONTACT: 204-951-1052

NO.	DATE	BY	DESCRIPTION
01			
1	20/10/2019	CP	ISSUED FOR REVIEW

DRAWING: WEST ELEVATION
SCALE: AS NOTED
DRAWN: CP
CHECKED: FD
PROJ#: 2019-1151D
DATE: 20/10/2019
SHEET#: A-08



1 A-09 **EAST ELEVATION**
SCALE: 1/8" = 1'-0"

ZONING and PERMITS
BRANCH
THIS PLAN SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV19-217526
SHEET# 10 OF 11
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec. 4, 2019

DESIGNER
DRIMAL BUILDERS
COST CONSULTANT FOR CONSTRUCTION WORKS
ARCHITECTURAL & INTERIOR CAD DESIGNERS
10 AUTUMNVIEW DRIVE
WINNIPEG MANITOBA
CANADA R3Y 0C6
TEL : (+1)-204-8516091
FAX : (+1)-204-5045875

PROJECT
6-PLEX
349 ALFRED AVENUE WINNIPEG, MB R2H 0Y1
BUILDER:
JAMESON HOMES
CONTACT: 204-951-1052

NO.	DATE	BY	DESCRIPTION
01			
1	20/10/2019	CP	ISSUED FOR REVIEW

DRAWING
EAST ELEVATION

SCALE
AS NOTED

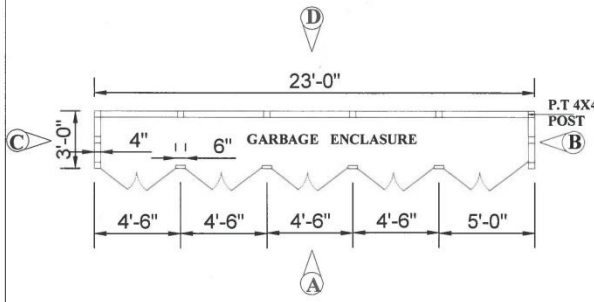
DATE
20/10/2019

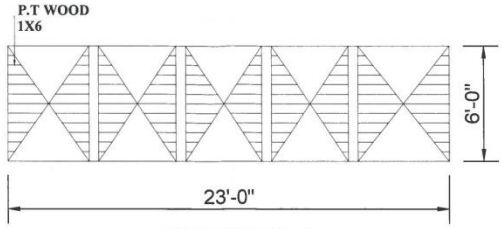
DRAWN
CP

CHECKED
FD

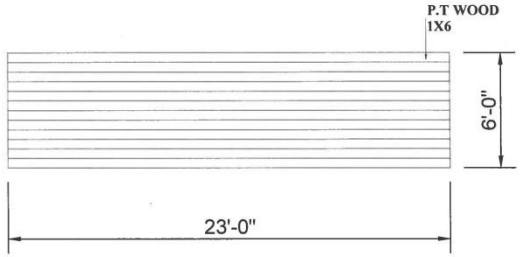
PROJ#
2019-11510

SHEET#
A-09





ELEVATION -A



ELEVATION -D

JOB NO	2019-1156D
DRG NO	A-01
DESIGNED BY	DRIMAL FERNANDOPULLE B.Sc. in Quantity Surveying, CEC Diploma. in Draftsmanship
REG. NO	80901 6710 MC 0001
DRAWING	ELEVATION FOUNDATION SECTION
DRAWN BY	DRIMAL FERNANDOPULLE
DATE	03-DEC-2019
SCALES	0'-1/32" : 1'-0"
REMARKS	All Designs Are The Property Of Drimal Builders
E-MAIL	fairly@drimalbuilders.ca

USING AUTO CAD SOFTWARE

d=b DRIMAL BUILDERS
COST CONSULTANT FOR CONSTRUCTION WORKS
ARCHITECTURAL & INTERIOR CAD DESIGNERS
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WINNIPEG MANITOBA
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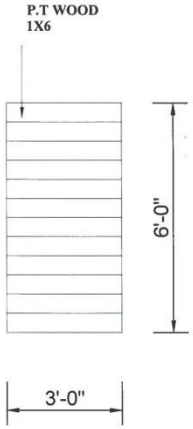
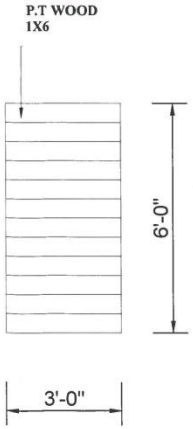
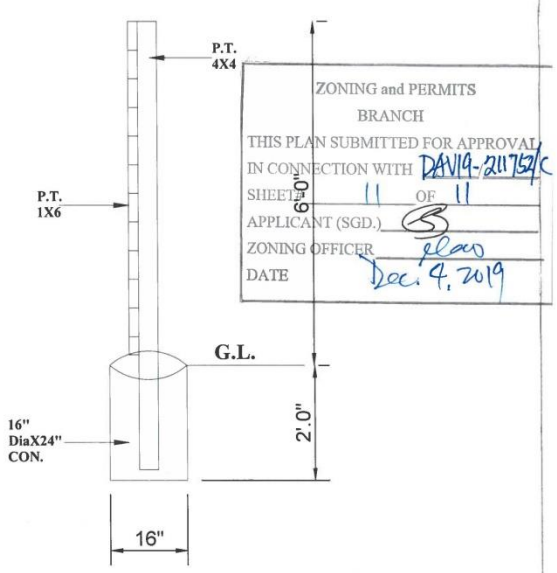
FAX : (+1)-204-5045875



ELEVATION -B



ELEVATION -E



SECTION

ZONING and PERMITS
BRANCH
THIS PLAN SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAVIA-211752/C
SHEET 11 OF 11
APPLICANT (SGD.)
ZONING OFFICER
DATE Dec. 4, 2019