



# **Municipality of West Elgin**

## **Agenda**

### **Committee of Adjustment**

**May 13, 2021, 1:00 p.m.**

**Electronic Participation Meeting via Zoom**

Due to the COVID-19 Pandemic and social distancing requirements this meeting will be held at an alternate location. Please contact the Clerk's Department if you require an alternate format or accessible communication support or wish to receive the link to the meeting, at 519-785-0560 or by email at [clerk@westelgin.net](mailto:clerk@westelgin.net).

**Pages**

#### **1. Call to Order**

Recommendation:

That West Elgin Committee of Adjustment convenes at \_\_\_\_ p.m. to consider application for a minor variance for lands owned by Stefan Dezi and Crystal Forth, municipally known as 166 Graham Road, West Lorne.

#### **2. Purpose of Meeting**

The purpose of this Public Meeting of the West Elgin Committee of Adjustment is to allow the presentation of applications for Minor Variance and to allow interested members of the public an opportunity to ask questions or offer comments with regards to these applications.

Written comments must be submitted to the Secretary-Treasurer of the Committee.

If any member of the public would like to be notified in writing of the Committee of Adjustment's decision on a particular application they are to provide their name and mailing address to the Committee Secretary Treasurer at [clerk@westelgin.net](mailto:clerk@westelgin.net). This will also entitle you to be advised of possible Local Planning Appeals Tribunal hearings in the event the decision on an application is appealed.

Notice was sent via regular mail on April 29, 2021 to property owners within 60 m (200 ft) of the subject properties and to agencies requiring notice.

3. Disclosure of Pecuniary Interest

4. Minor Variance

4.1. Report

4.2. Written Comments Received

4.2.1. Staff

4.2.2. Public Agencies

4.3. Committee Comments

5. Decision

6. Adjournment

Recommendation:

That West Elgin Committee of Adjustment hereby closes this Public Meeting held pursuant to section 45 of the *Planning Act* at \_\_\_\_\_



## Staff Report

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**Report To: Committee of Adjustment**

**From: Bryan Pearce, Planner**

**Date: 2021-05-13**

**Subject: Minor Variance Application D13 01-2021 – Recommendation Report  
(Planning Report 2021-17)**

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### **Recommendation:**

That West Elgin Committee of Adjustment hereby receives the report from Bryan Pearce, Planner, regarding the minor variance application for File D13 01-2021 (Planning Report 2021-17);

And That West Elgin Committee of Adjustment grant Minor Variance D13 01-2021, by obtaining relief from the Municipality of West Elgin Zoning By-law 2015-36, for the following:

- Section 8, Table 8-1, Item 5(a)
  - Southerly side yard width from the minimum required 2 metres for a 2 storey dwelling to the proposed 0.97 metres, recognizing the existing side wall setback of the existing dwelling.
  - Northerly side yard width from the minimum required 2 metres for a 2 storey dwelling, to the proposed 0.58 metres, recognizing the existing side wall setback of the existing dwelling.
- Section 4.29.1(b)
  - Northerly side yard encroachment from the minimum required 0.6 metre setback to the lot line, to the proposed 0.27 metres, recognizing the existing eaves of the existing dwelling.

to permit the construction of the second storey addition to the existing dwelling subject to the following conditions:

1. That the proposed development is substantially in accordance with the Minor Variance D13 01-2021 drawings, as appended to Planning Report, 2017-17.

### **Purpose:**

The purpose of this application is to permit the construction of a second storey addition to the existing single unit dwelling.

The effect of the variance is to seek relief to the Municipality of West Elgin Comprehensive Zoning By-law 2015-36 from the following:

- Section 8, Table 8-1, Item 5(a)
  - Southerly side yard width from the minimum required 2 metres for a 2 storey dwelling to the proposed 0.97 metres, recognizing the existing side wall setback of the existing dwelling.

- Northerly side yard width from the minimum required 2 metres for a 2 storey dwelling, to the proposed 0.58 metres, recognizing the existing side wall setback of the existing dwelling.
- Section 4.29.1(b)
  - Northerly side yard encroachment from the minimum required 0.6 metre setback to the lot line, to the proposed 0.27 metres, recognizing the existing eaves of the existing dwelling.

The Owner of the subject lands is Stefan Deszi and Crystal Forth, who has authorized the Applicant, Stefan Deszi on the minor variance application.

The subject lands are situated on the west side of Graham Road within the community of West Lorne being East Part Lot 78, Plan 199 and known municipally as 166 Graham Road, as shown in Figure One.



### **Background:**

The subject lands have an area of 809.43 square metres (9035.55 square feet) in area, with 20.12 metres (66 feet) of frontage along Graham Road and a depth of 40.23 metres (132 feet), with an existing single unit dwelling with municipal water and municipal sewer services. The subject lands meet all other provisions of the Zoning By-law.

### **Financial Implications:**

The proponent has submitted the minor variance application fee in accordance with the Municipality's Fees and Charges By-law, pursuant to Section 69 of the *Planning Act*. Therefore, there is no financial implications with this application, as the fee is to take in account staff's time, based on the Fees set by West Elgin Council.

### **Policies/Legislation:**

#### **Planning Policy Review:**

#### **Provincial Policy Statement**

Under Section 3(5) of the *Planning Act*, the Township "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS).

Section 1.1.3 of the PPS states that settlement areas shall be the focus of growth and development.

This proposed Minor Variance is consistent with the PPS.

### **County of Elgin Official Plan**

The subject lands are designated Tier 1 Settlement Area as shown on Schedule 'A' Land Use in the County of Elgin Official Plan (CEOP). In the Tier 1 Settlement Area designation, residential use such as a single detached dwelling use is permitted.

Therefore, this proposed Minor Variance conforms to the CEOP.

### **Four Tests of the Minor Variance:**

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

**1. *Does the variance maintain the intent and purpose of the Municipality of West Elgin Official Plan?***

Yes. The subject lands are designated Residential on Schedule 'D' of the Municipality of West Elgin Official Plan. A single detached dwelling is permitted in the 'Residential' designation. The proposed reduced minimum side yards and encroachment does not contravene the Official Plan policies.

**2. *Does the variance maintain the intent and purpose of the Municipality of West Elgin Zoning By-law?***

Yes. The subject lands are zoned Residential First Density (R1) Zone in the Municipality of West Elgin Zoning By-law 2015-36, Schedule C, Map 6. A single unit dwelling is a permitted use in the First Density (R1) Zone. With the exception of the proposed reduced minimum side yards and encroachment, the application complies with all remaining zoning provisions. The proposed second storey addition of the existing dwelling would be at the same setback as the existing dwelling, with 30 centimetre (12 inch) eaves, creating a portion of the dwelling to be non-compliant with the Zoning By-law.

**3. *Is the variance requested desirable for the appropriate and orderly development and use of the lands and buildings?***

Yes. The variance will enable the owner to construct a second storey addition to the existing single unit dwelling with the same setbacks, allowing for a second storey to be added to the dwelling. Due to the existing location of the dwelling, the proposed addition is unable to meet the southerly side yard setback, northerly side yard setback and northerly side yard encroachment setback from the lot line. The variance will not impede the function of the lot and still provides for side yard access to the rear yard and is fully contained within the lot.

#### **4. Is the variance minor in nature?**

Yes. The meaning of 'minor' is not based on a specific number, where a difference of a number of feet determines whether or not the development is acceptable. It is more appropriate to base this test on the degree of potential impact on neighbouring property owners; the environment; and the municipal, County, or provincial functions.

The impact from the proposed variance is negligible with respect to the environment, Township functions and surrounding property owners.

#### **Circulation of the Application:**

The application was circulated to the applicable Municipal Departments, Commenting Agencies and neighboring property owners within 60 metres of the subject lands on April 29, 2021, 14 days prior to the public hearing (minimum 10 days required).

#### **Municipal Department Comments**

All comments received from Municipal Department's indicated they had no concerns on the application.

#### **Agency Comments**

Lower Thames Valley Conservation Authority, in their May 3, 2021 letter, noted the following:

- After reviewing our files and mapping, staff determined that the property in question is not subject to the Authority's regulations.
- The lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended.

No further comments were received from applicable commenting agencies at time of writing of this report.

#### **Public Comments**

At the time of submission of this report, no comments from the public have been received related to the Minor Variance.

#### **Summary/Conclusion:**

The application has been assessed for appropriateness with regard to existing policy and the impact of the proposal on the surrounding land uses. The application maintains the intent and purpose of the Official Plan and Zoning By-law, desirable for the appropriate and orderly development and use of the lands and buildings and is minor in nature; and therefore the minor variance application satisfies the four tests pursuant to Section 45(1) of the *Planning Act*, and constitutes good land use planning.

Planning Staff recommends that the request for Minor Variance be conditionally approved, subject to no concerns being raised through any oral and written submissions being received since the writing of this report and at the public hearing.

Once a Committee of Adjustment decision is made, Notice will be sent to those who have requested a copy and/or attended the public hearing.

There will be a 20 day appeal period from the Decision in which the Notice will be sent out within 10 days of the Decision. Any appeals received by the Municipality of West Elgin will be forwarded to the Local Planning Appeal Tribunal for a hearing, in accordance with the *Planning Act*.

Respectfully Submitted,

Bryan Pearce, HBA, CPT, MCIP, RPP  
Planner  
Municipality of West Elgin

### Report Approval Details

Document Title:	Minor Variance Application D13 01-2021 - Recommendation Report - 2021-17-Planning.docx
Attachments:	- Appendix One - Planning Report 2021-17 - Minor Variance Application Drawings - D13 01-2021.pdf
Final Approval Date:	May 11, 2021

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott



## NOTES:

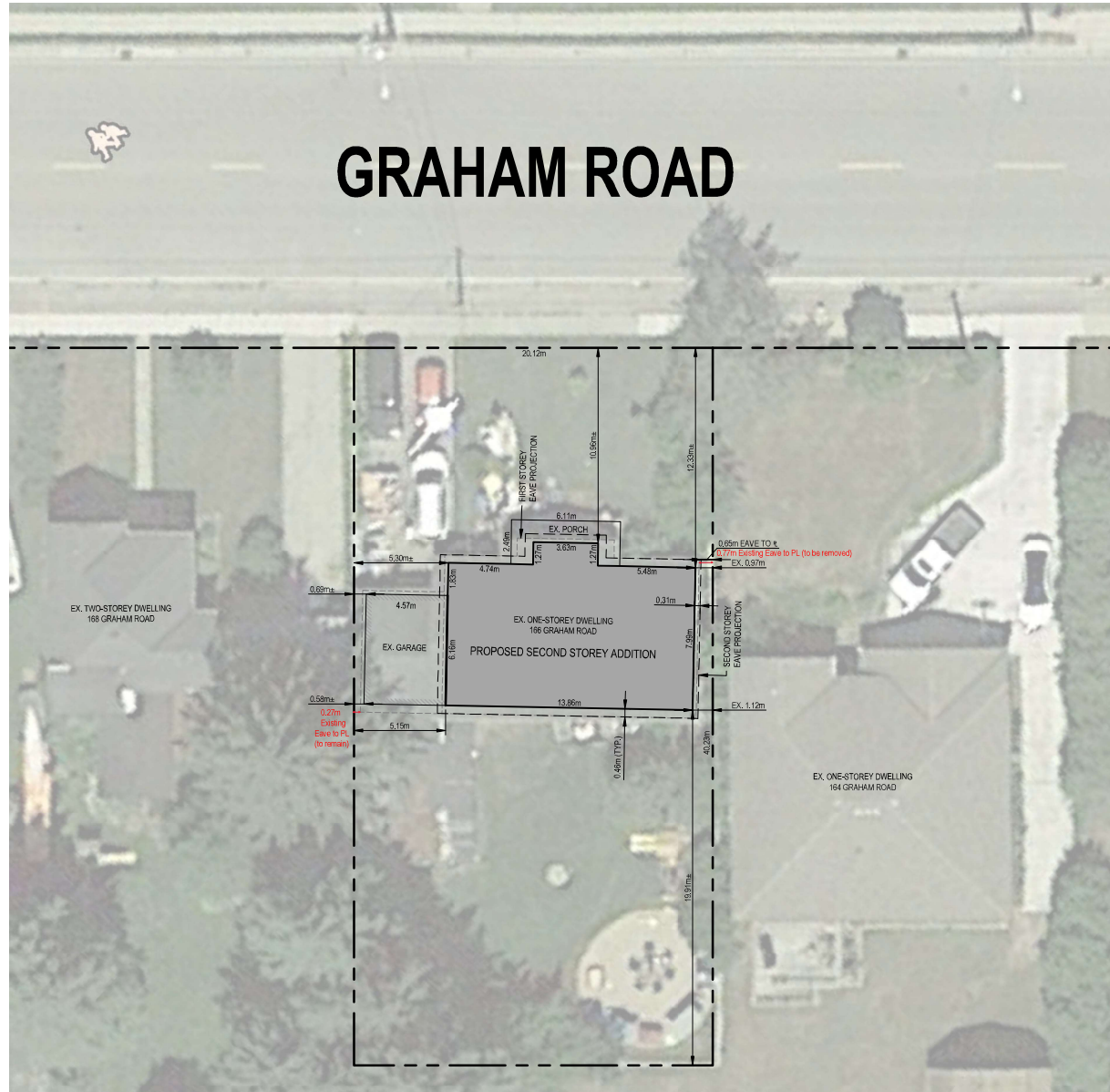
1. MAP IMAGE TAKEN FROM GOOGLE EARTH.
2. ALL WORK SHALL MEET THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY OF WEST ELGIN.
3. ALL MEASUREMENTS AND DIMENSIONS TO BE CHECKED AND VERIFIED PRIOR TO START OF CONSTRUCTION.
4. ALL MATERIAL AND WORKMANSHIP SHALL CONFORM WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE NATIONAL BUILDING CODE OF CANADA 2015 & OBC 2012.
5. DRAWINGS ARE IN PART DIAGRAMMATIC AND NOT INTENDED TO CONVEY THE EXACT SCOPE OF WORK OF ALL CONDITIONS, THE CONTRACTOR AND ALL SUBTRADES TO VISIT SITE AND CHECK THEMSELVES ALL CONDITIONS, MATERIALS, CLEARANCES AND DIMENSIONS.

6. The lot is 66 feet wide x 132 feet deep from records that Owners provided from house sale in 2013. Stephen Self Engineering determined the lot lines with the use of a metal detector and tape measure and found the bars to be 66 feet apart in the front. Then measured 132 to the back SW corner where there is a chain link fence post right on the SW corner of the lot. At the front there is curb on each side indicating the property lines. The outside of the 6 inch wide concrete curbs on each side that go to the back of the house and garage on both sides. these curb were measure and they are exactly 66 feet apart from outside to outside of the curbs.

ZONING:	R1	
	REQUIRED	PROVIDED
LOT SIZE:	600m <sup>2</sup>	809.4m <sup>2</sup>
LOT FRONTAGE (MIN.):	15.0m	20.12m
LOT DEPTH (MIN.):	30.0m	40.23m
MAIN FLOOR AREA (MIN.):	100m <sup>2</sup>	115m <sup>2</sup>
LOT COVERAGE (MAX.):	30%	18%
MAIN BUILDING HEIGHT (MAX):	10.5m	7.1m
SETBACKS:		
FRONT YARD (EXISTING):	7.5m	10.96m±
REAR YARD (EXISTING):	7.5m	19.91m±
SIDE YARD (SECOND STOREY):	2.0m	EX. 0.97m
SIDE YARD (GARAGE):	2.0m	EX. 0.58m

Yard Encroachment for eaves

- to property line (min) north side yard	0.6m	ex. 0.27m
- max yard projection north side yard	0.5m	ex. 0.31m
- to property line (min) south side yard	0.6m	0.65m
- max yard projection south side yard	0.5m	0.31m



## STEPHEN SELF ENGINEERING

Structural Engineers  
10147 IONA ROAD  
IONA STATION, ON N0L 1P0  
519-317-6884

CLIENT:

STEFAN DESI

LOCATION:

166 GRAHAM ROAD  
WEST LORNE, ON

DRAWN BY:

B. REMPEL

DATE:

24 APRIL 2021

SCALE:

1:250

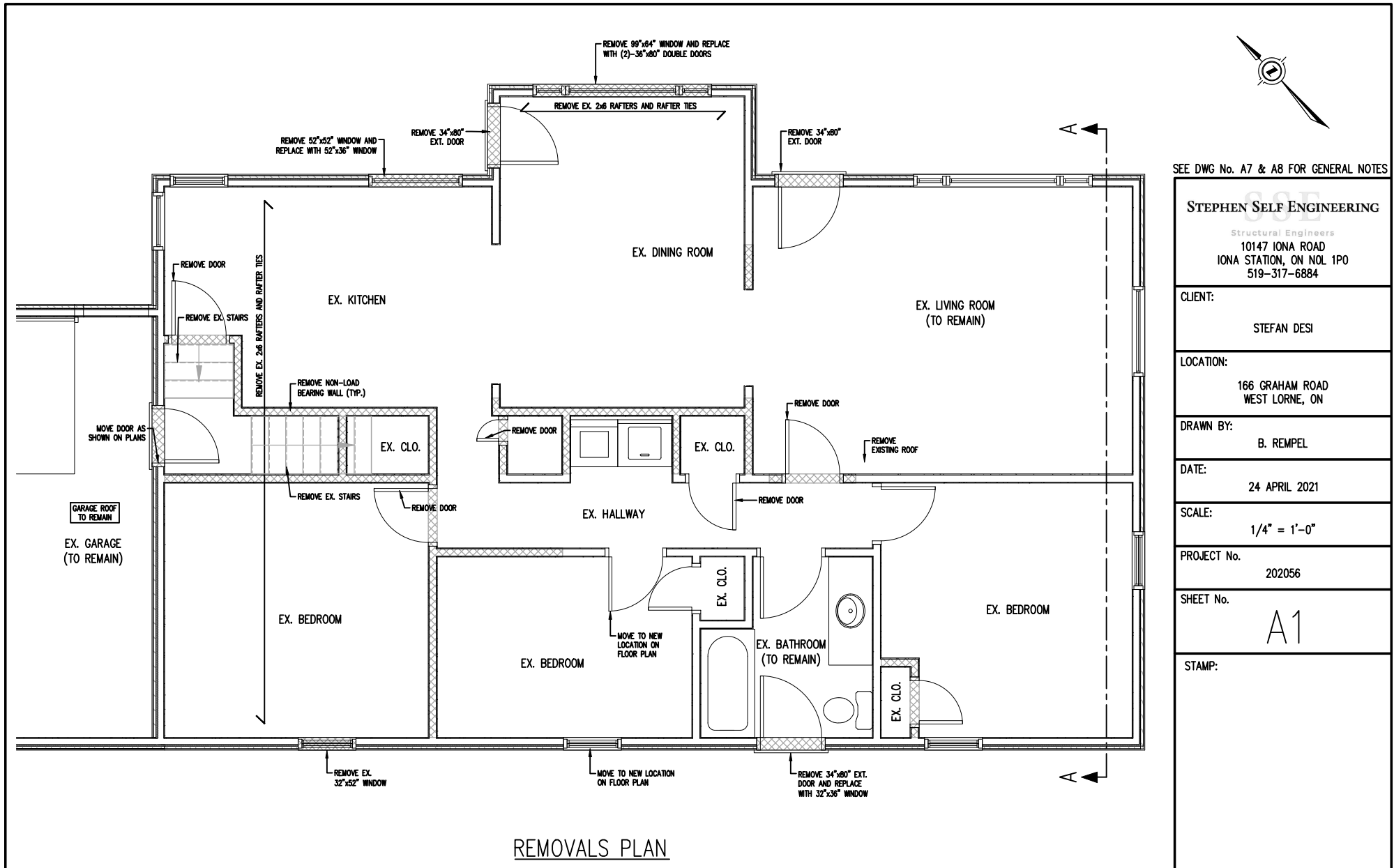
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202056

SHEET No.

**SITEPLAN**

STAMP:



**STEPHEN SELF ENGINEERING**  
Structural Engineers  
10147 IONA ROAD  
IONA STATION, ON NOL 1P0  
519-317-6884

STEFAN DESI

166 GRAHAM ROAD  
WEST LORNE, ON

B. REMPEL

24 APRIL 2021

$$1/4'' = 1'-0''$$

202056

A2

STAMP:



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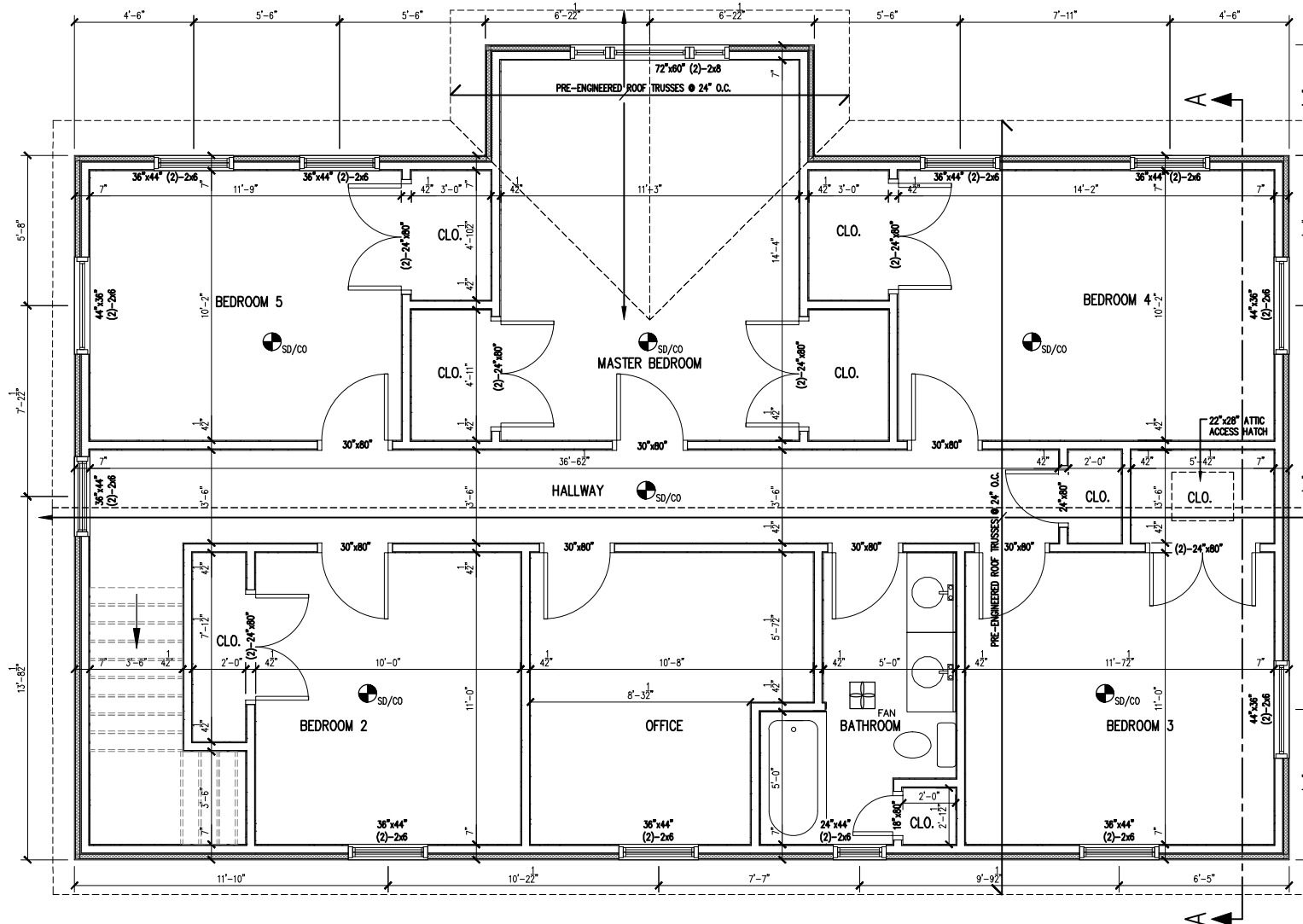
24 APRIL 2021

$$1/4'' = 1'-0''$$

202056

A3

### GROUND FLOOR FRAMING PLAN



SECOND FLOOR FRAMING PLAN



SEE DWG No. A7 & A8 FOR GENERAL NOTES

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B. REMPEL

DATE:

24 APRIL 2021

SCALE:

1/4" = 1'-0"

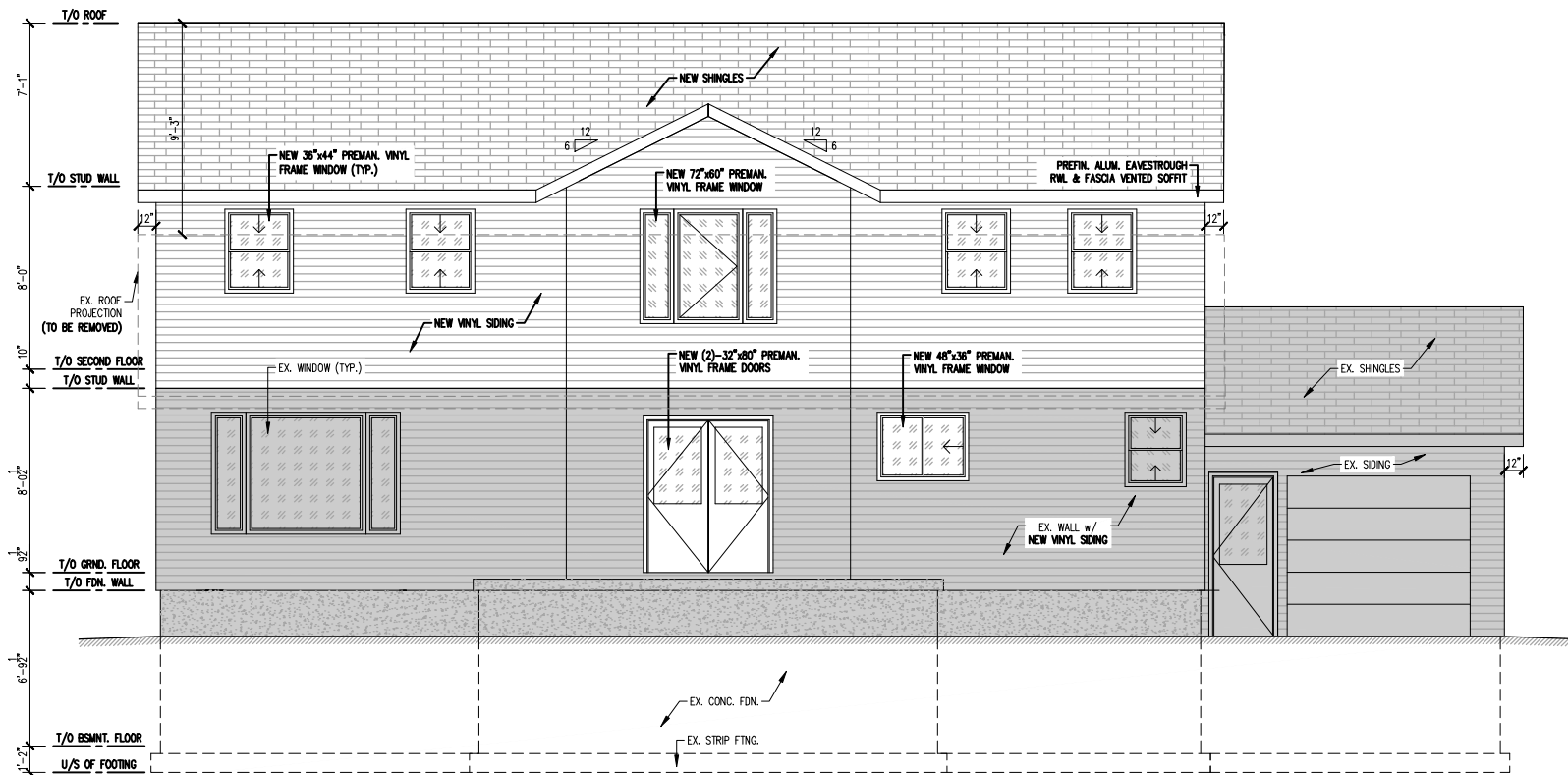
PROJECT No.

202056

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A4

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FRONT ELEVATION

SEE DWG No. A7 & A8 FOR GENERAL NOTES

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24 APRIL 2021

SCALE:

3/16" = 1'-0"

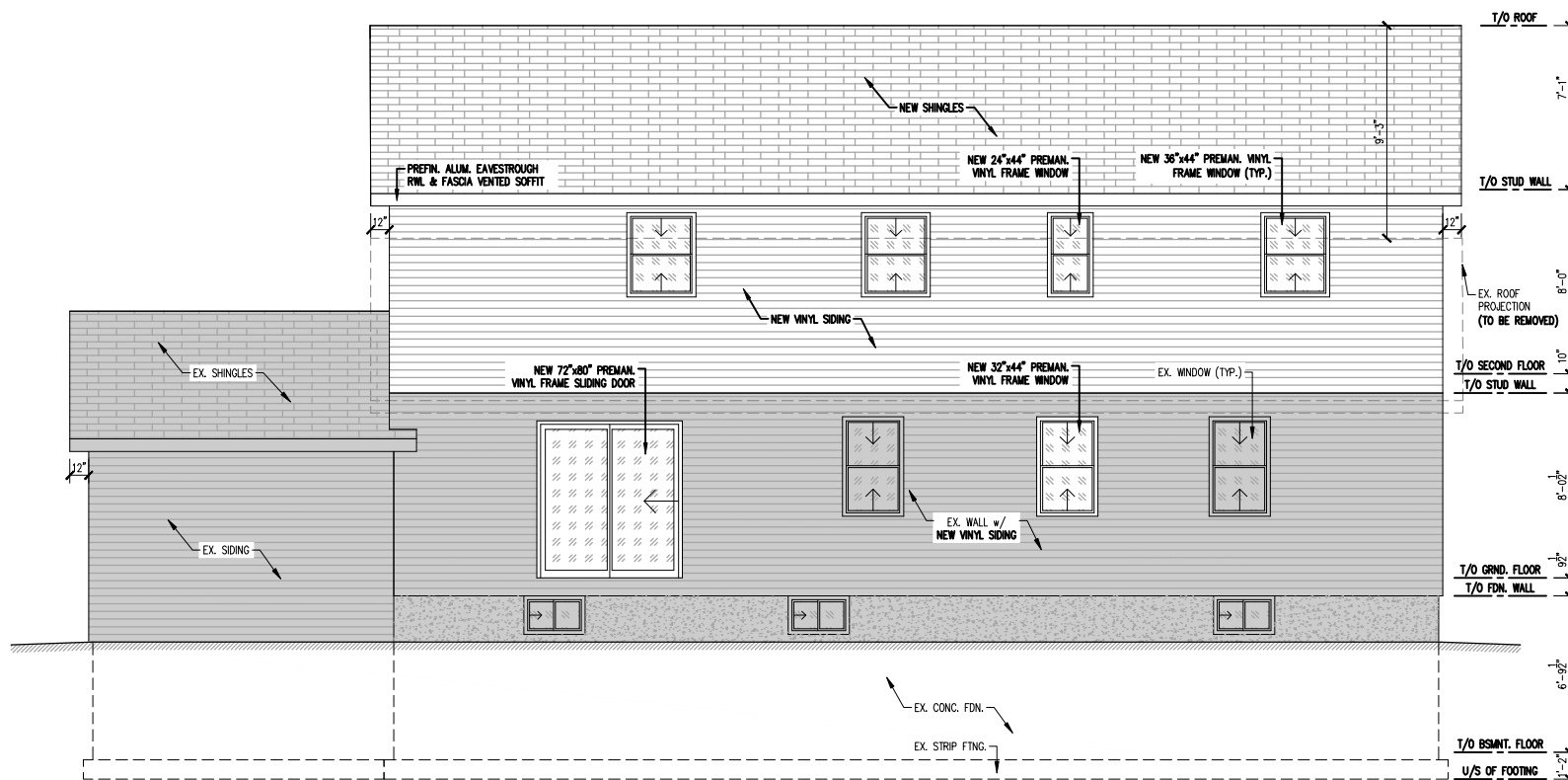
PROJECT No.

202056

SHEET No.

A5

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REAR ELEVATION

SEE DWG No. A7 & A8 FOR GENERAL NOTES

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WEST LORNE, ON

DRAWN BY:

B. REMPEL

DATE:

24 APRIL 2021

SCALE:

3/16" = 1'-0"

PROJECT No.

202056

SHEET No.

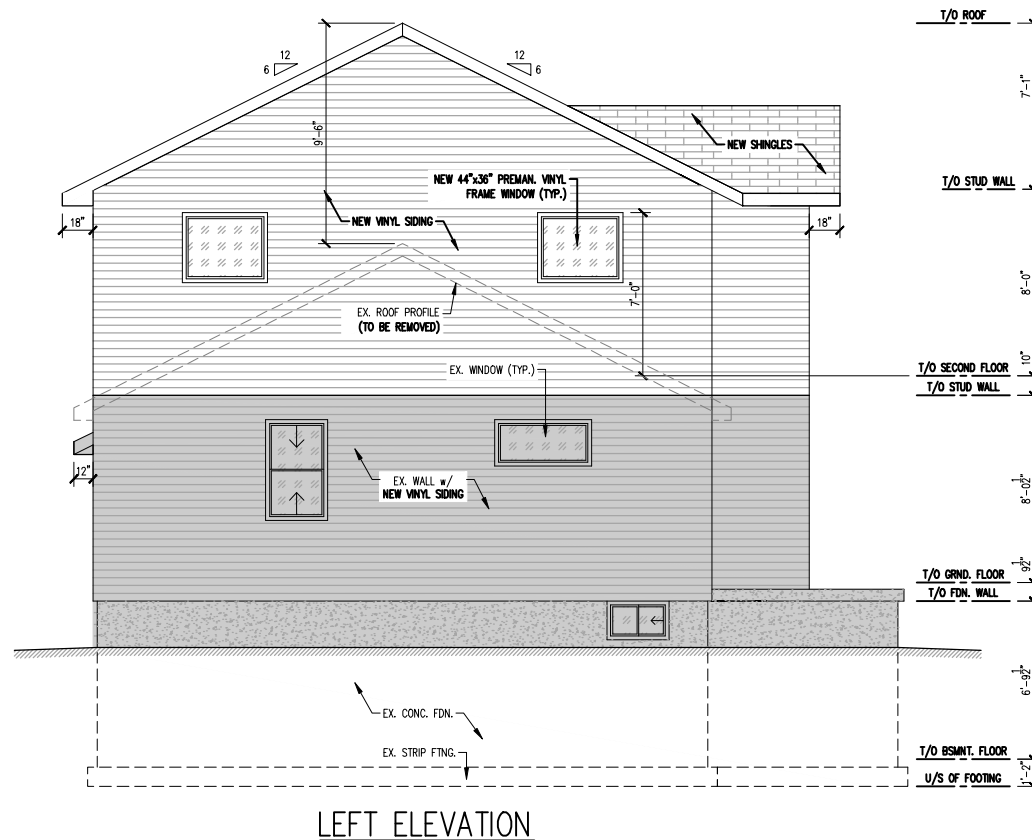
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#### GENERAL NOTES

1. ALL MEASUREMENTS AND DIMENSIONS TO BE CHECKED AND VERIFIED PRIOR TO START OF CONSTRUCTION.
2. ALL MATERIAL AND WORKMANSHIP SHALL CONFORM WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE NATIONAL BUILDING CODE OF CANADA 2010 & OBC 2012.
3. DRAWINGS ARE IN PART DIAGRAMMATIC AND NOT INTENDED TO CONVEY THE EXACT SCOPE OF WORK OF ALL CONDITIONS. THE CONTRACTOR AND ALL SUBTRADES TO VISIT SITE AND CHECK THEMSELVES ALL CONDITIONS, MATERIALS, CLEARANCES AND DIMENSIONS.



#### CONSTRUCTION NOTES:

- ALL FOOTINGS TO BE BEAR ON UNDISTURBED SOIL, ROCK, OR COMPACTED GRANULAR FILL.
- ALL CONCRETE SHALL CONFORM TO O.B.C. 9.3.1.
- ALL CONCRETE FOUNDATION WALLS AND FOOTINGS TO BE OF A MIN. 28 DAY STRENGTH OF 20MPa.
- PROVIDE MIN. 6MIL POLY UNDER ALL WOOD IN CONTACT WITH CONCRETE.
- ALL WOOD TO BE S-P-F GRADE No.1/No.2 UNLESS OTHERWISE NOTED.
- ALL BEAMS AND GIRDERS TO BE SUPPORTED FULL WIDTH OF FOUNDATION.
- THE CONTRACTOR SHALL INSTALL SUBDRAIN TO ENSURE SUFFICIENT DRAINAGE AROUND FOUNDATION.
- AIR BARRIER SYSTEM BETWEEN GARAGE & HOUSE AS PER O.B.C 9.25.3.
- DOOR BETWEEN GARAGE & HOUSE SHALL BE FITTED WITH SELF CLOSERS AS PER O.B.C 9.10.13.15.
- PROVIDE 2 LAYERS OF ASPHALT DAMPROOFING TO ALL BELOW GRADE FOUNDATION WALLS AS PER O.B.C 9.13.3.5.
- PROVIDE FOAM GASKET OR CAULKING UNDER ALL SILL PLATES AS PER O.B.C 9.23.7.
- FOR ALL SHOWERS PROVIDE 2"x6" HORIZONTAL FLAT GIRT IN WALL 5'-0" OFF FLOOR WHERE CERAMIC TILE OCCURS.
- FOR ALL HOUSES WITH 2"x6" EXTERIOR WALL CONSTRUCTION, EXTEND WINDOW & DOOR JAMBS TO SUIT.
- DOORS & WINDOWS TO COMPLY TO FORCED ENTRY REQUIREMENTS. (O.B.C 9.7.5.2. & 9.7.5.3.)
- PROVIDE SOLID BLOCKING ON BOTH SIDES AT THE LOCK HEIGHT BETWEEN THE JAMBS & FRAME FOR ALL EXTERIOR DOORS. (O.B.C 9.7.5.2.(9))
- FLOOR LEVELS CONTAINING BEDROOMS TO HAVE ONE OPENING WINDOW WITH AN UNOBSTRUCTED AREA OF 3.8 SQ.FT (MIN.) WITH NO DIMENSION LESS THAN 15" AND 3'-3" (MAX.) FROM FLOOR LEVEL (O.B.C 9.9.10)

SEE DWG No. A7 & A8 FOR GENERAL NOTES

STEPHEN SELF ENGINEERING

Structural Engineers  
10147 IONA ROAD  
IONA STATION, ON NOL 1P0  
519-317-6884

CLIENT:

STEFAN DESI

LOCATION:

166 GRAHAM ROAD  
WEST LORNE, ON

DRAWN BY:

B. REMPEL

DATE:

24 APRIL 2021

SCALE:

3/16" = 1'-0"

PROJECT No.

202056

SHEET No.

A7

STAMP:



#### DESIGN LOADS

IMPORTANCE CATEGORY: NORMAL  
LOCATION: WEST LORNE, ONTARIO

#### LATERAL LOADS:

IMPORTANCE WIND (ULS): 1.0  
IMPORTANCE WIND (SLS): 0.75  
EXPOSURE: OPEN

INTERNAL PRESSURE CATEGORY: 1

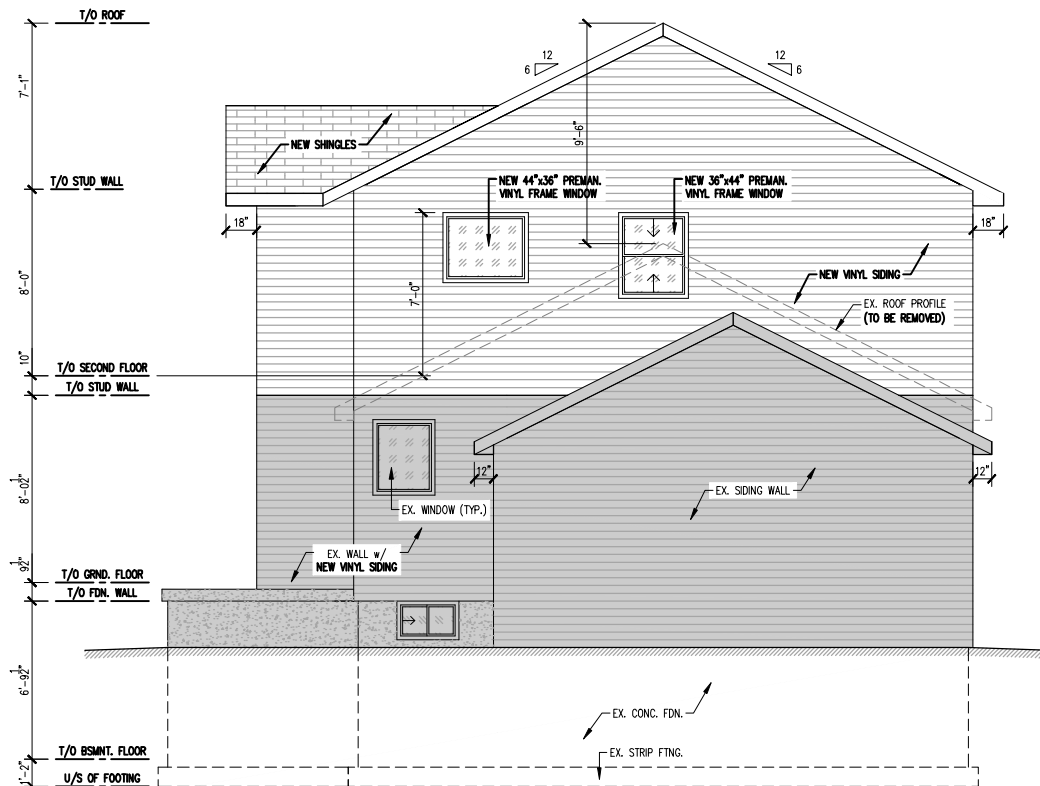
WIND LOAD ( $q_{50}$ ): 0.47 kPa (9.82 psf)  
WIND LOAD ( $q_{10}$ ): 0.36 kPa (7.52 psf)

#### DEAD LOADS:

ROOF DEAD LOAD: 0.72 kPa (15 psf)  
FLOOR DEAD LOAD: 0.48 kPa (10 psf)  
COLLATERAL LOAD: 0.24 kPa (5 psf)  
PARTITION LOAD: 0.48 kPa (10 psf)

#### LIVE LOADS:

FLOOR LIVE LOAD: 1.90 kPa (40 psf)  
GROUND SNOW LOAD,  $S_g$ : 1.30 kPa (27.15 psf)  
RAIN LOAD,  $S_R$ : 0.40 kPa (8.35 psf)  
IMPORTANCE SNOW (ULS): 1.0  
IMPORTANCE SNOW (SLS): 0.9  
BASIC FACTOR,  $C_b$ : 0.8  
EXPOSURE FACTOR,  $C_w$ : 1.0  
SLOPE FACTOR,  $C_s$ : 1.0  
ACCUMULATION FACTOR,  $C_a$ : 1.0  
SPECIFIED SNOW LOAD (ULS),  $S$ : 1.44 kPa (30.08 psf)  
SPECIFIED SNOW LOAD (SLS),  $S$ : 1.30 kPa (27.10 psf)



RIGHT ELEVATION

#### CONSTRUCTION NOTES CONT'D:

- STAIRS AS PER O.B.C 9.8.3:
- UNIFORM RISE/RUN (3/16"(5mm) RISE TOLERANCE & 3/16"(5mm) RUN TOLERANCE BETWEEN ADJACENT STEPS AS PER O.B.C 9.8.4.4.)
  - RISE = 7.875" MAX.
  - RUN = 8.25" MIN.
  - TREAD = 9.25" MIN.
  - NOSING = 1" MAX.
  - HEADROOM = 6'-5" MIN.
  - WIDTH = 2'-10" MIN.
  - HANDRAILS = 34" MIN. TO 38" MAX.
  - HANDRAILS = 2" MIN. TO SURFACE BEHIND
- GUARDS TO BE AS SPECIFIED IN O.B.C 9.8.8:
- INTERIOR - MIN. 36" HEIGHT - 4" MAX. OPENINGS - NON CLIMBABLE (9.8.8.6)
- EXTERIOR GUARDS TO BE 36" (MIN.) WERE THE WALKING SURFACE OF PORCHES, DECKS, LANDING & BALCONIES ARE LESS THAN 5'-11" ABOVE FINISHED GROUND LEVEL & 42" (MIN.) FOR ANYTHING EXCEEDING 5'-11" BUT LESS THAN 32'-10" ABOVE FINISHED GRADE. (O.B.C 9.8.8.3)
- HANDRAILS TO BE ATTACHED AT POINTS NOT MORE THAN 3'-11" APART, WITH THE FIRST ATTACHMENT POINT NOT MORE THAN 12" FROM THE END OF THE HANDRAIL, WITH MIN. 2 WOOD SCREWS AT EACH POINT PENETRATING MIN. 1 1/4" INTO SOLID WOOD. (O.B.C 9.8.7.7.)
- STAIRS TO FINISHED AND UNFINISHED BASEMENT TO BE ENCLOSED BY WALLS OR GUARDS. (O.B.C 9.8.8.1)
- PROVIDE 20"x28" ATTIC ACCESS IN GARAGE CEILING & UPPER FLOOR CEILING. (O.B.C 9.19.2)
- ALL CHIMNEYS & FIREPLACES TO CONFORM TO SECTIONS 9.21 & 9.22 OF O.B.C.
- SUPPORT OF NON-LOADBEARING PARTITIONS TO COMPLY WITH SUBSECTION (O.B.C 9.23.9.8)
- ALL STUD WALLS BETWEEN GARAGE & LIVING AREAS TO BE 2"x6" STUDS AT 16" O.C. C/W R-24 INSULATION & 1/2" DRYWALL. (O.B.C SB-12)
- ALL AIR BARRIERS TO BE CONTINUOUS & SEALED AS PER O.B.C 9.25.3.
- ALL ATTIC ACCESS PANELS TO BE INSULATED & WEATHERSTRIPPED. (O.B.C SB-12)
- ALL VAPOUR BARRIERS TO BE 6-MIL POLYETHYLENE (CGSB 51.34-M) AND BE INSTALLED AS PER O.B.C 9.25.4.
- PROVIDE ELECTRICAL & LIGHTING FACILITIES AS PER O.B.C 9.34.

SEE DWG No. A7 & A8 FOR GENERAL NOTES

STEPHEN SELF ENGINEERING

Structural Engineers

10147 IONA ROAD  
IONA STATION, ON NOL 1P0  
519-317-6884

CLIENT:

STEFAN DESI

LOCATION:

166 GRAHAM ROAD  
WEST LORNE, ON

DRAWN BY:

B. REMPEL

DATE:

24 APRIL 2021

SCALE:

3/16" = 1'-0"

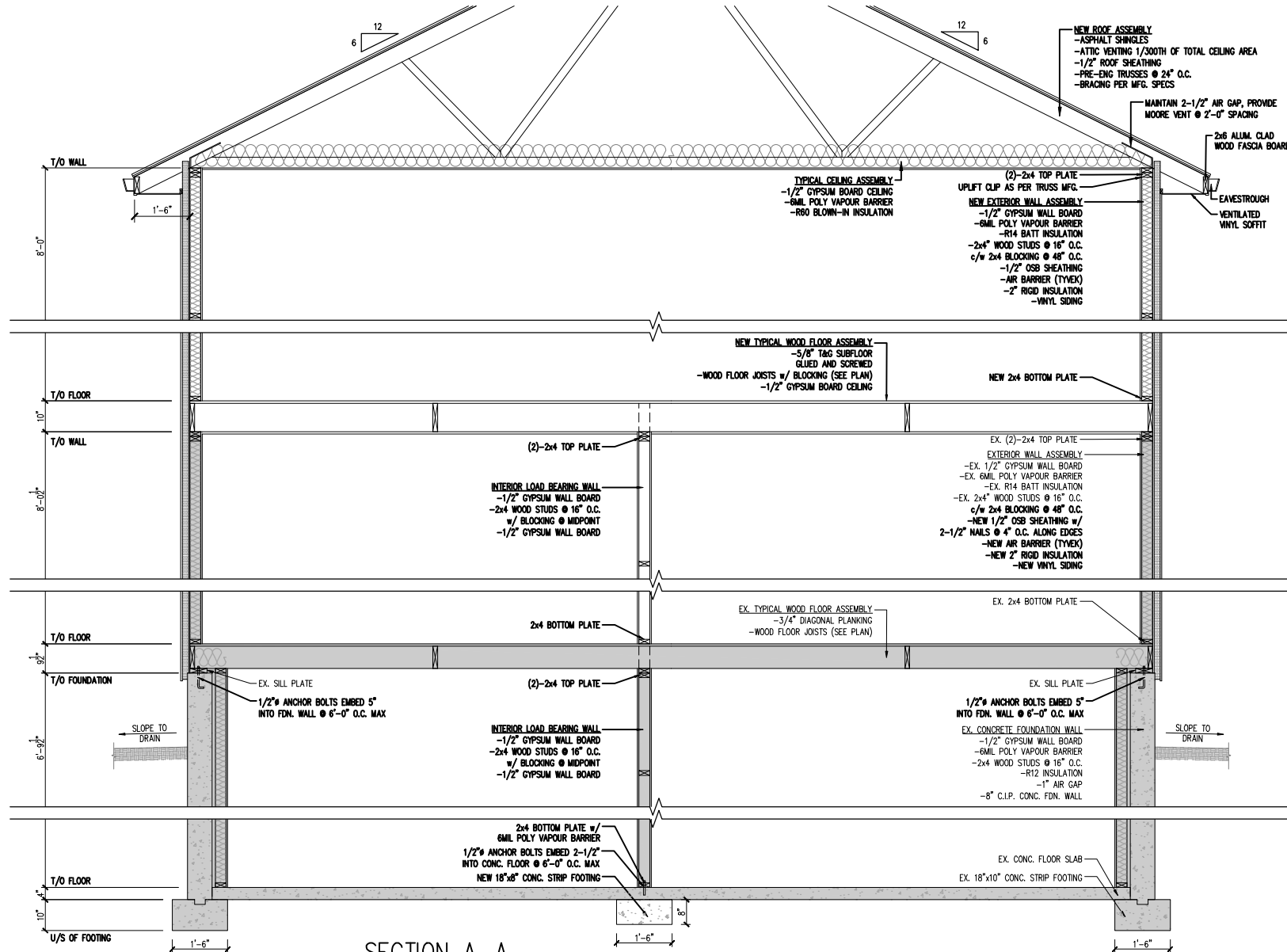
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A8

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SECTION A-A

SEE DWG No. A7 & A8 FOR GENERAL NOTES

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SCALE:

3/8" = 1'-0"

PROJECT No.

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SHEET No.

A9

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SEE DWG No. A7 & A8 FOR GENERAL NOTES

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DATE:

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SCALE:

1/4" = 1'-0"

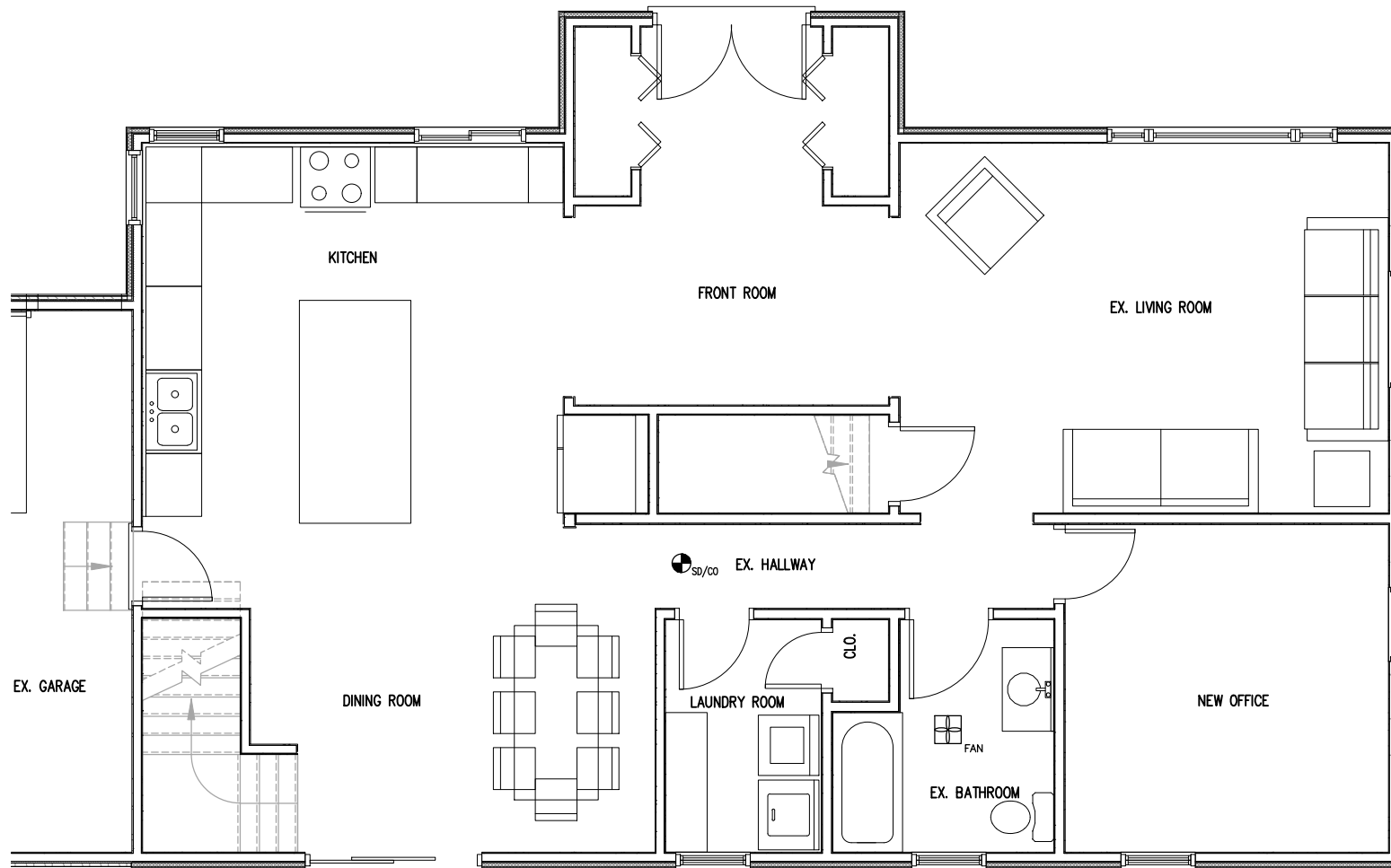
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202056

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F1

STAMP:



GROUND FLOOR FURNITURE PLAN



SEE DWG No. A7 & A8 FOR GENERAL NOTES

**STEPHEN SELF ENGINEERING**  
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SCALE:

1/4" = 1'-0"

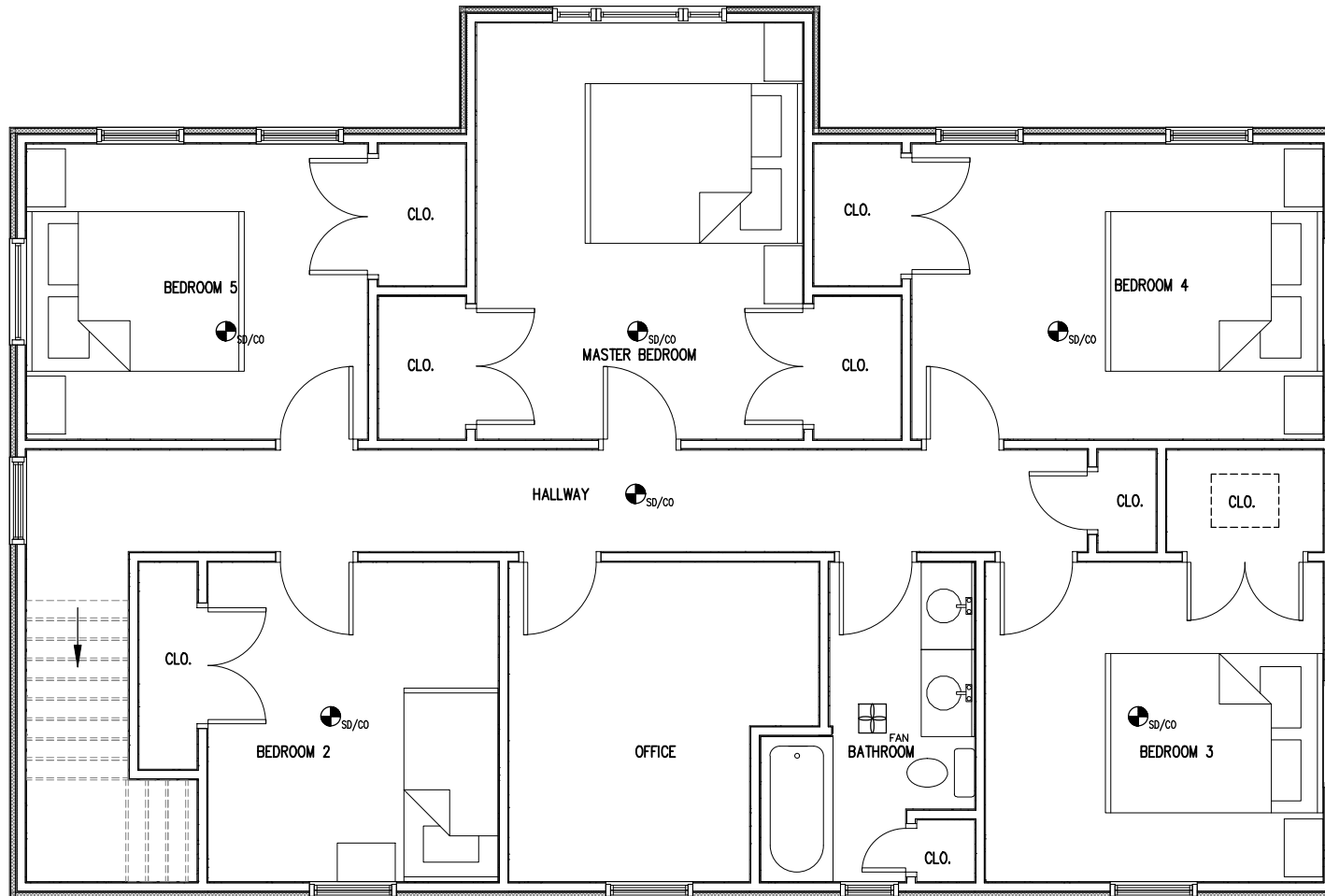
PROJECT No.

202056

SHEET No.

F2

STAMP:



SECOND FLOOR FURNITURE PLAN