

Board of Variance AGENDA

-BOARD OF VARIANCE-

Agenda for the Board of Variance Meeting of the Village of Pemberton to be held Thursday, January 23, 2025 at 5:00 PM via ZOOM Webinar ID: 837 3329 3432

Page 1

1. CALL TO ORDER

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

2. APPROVAL OF AGENDA

Recommendation: THAT the agenda be approved as presented.

3. MINUTES

a) Board of Variance Meeting, May 22, 2024

Recommendation: THAT the minutes of the Board of Variance meeting held May 22, 2024 be adopted as circulated.

4. 1778 Pinewood Dr. - Minimum Front Setback

Report to the Board of Variance: Mia Bojic, Planning Analyst

The agent on behalf of the property owner of 1778 Pinewood Dr. has applied to the Board of Variance requesting relief from the provisions for minimum Front Setback in *Village of Pemberton Zoning Bylaw No. 832, 2018* (Zoning Bylaw). A variance is required to lawfully permit a single-family dwelling with secondary suite.

5. NEW BUSINESS

There is no new business arising.

6. NEXT MEETING

The next meeting will be February 27, 2025 if required.

7. ADJOURNMENT



BoV MINUTES

BOARD OF VARIANCE MINUTES

Minutes for the Board of Variance Meeting of the Village of Pemberton held Wednesday, May 22, 2024 at 5:00 PM via ZOOM Webinar ID: 837 3329 3432

IN ATTENDANCE: Phill Read, Chair

Shawn Tiedeman

STAFF IN ATTENDENCE: Scott McRae, Manager of Development Services

Mia Bojic, Planning and Building Coordinator

Angus Kwan, Planning Assistant

Colin Brown, Planner II

APPLICANT: Tom Fitzgerald, Agent for Applicant

PUBLIC: 0

1. CALL TO ORDER

At 5:00 p.m. the meeting was called to order.

In honour of the Lil'wat7ul, the Village of Pemberton acknowledged that we are meeting within the unceded territory of the Lil'wat Nation.

2. APPROVAL OF AGENDA

Moved/Seconded

THAT the agenda be approved as circulated.

CARRIED

3. MINUTES

Moved/Seconded

THAT the minutes of the Board of Variance meeting held August 23, 2023, be adopted as circulated.

CARRIED

4. 1357 Elmwood Dr. - Minimum Exterior Side Setback

Village of Pemberton Board of Variance Meeting, May 22, 2024

Planning and Building Coordinator, Mia Bojic presented a report summarizing the request for relief from the provisions for Minimum Exterior Side Setback in Village of Pemberton Zoning Bylaw No. 832, 2018 (Zoning Bylaw). She presented the map of the property to show where the setback being requested is in relation to vary the setback from 3m to 1.5m.

The board asked multiple questions to the applicant if they had considered alternative options such as a reduction in the size of the garage or positioning closer to the house, which would not require a variance. The board also asked about the proposal's impact on existing vegetation.

The applicant is given the chance to talk, and he explains his justification for the placement of the garage and acknowledges that he has considered alternative options but has decided that this proposal is the best option. The applicant reassures the board that existing vegetation will be preserved.

The board asked another question regarding a previous application for the same garage. The applicant and staff members discussed the previous application briefly before arriving at the conclusion that it was insignificant.

Board members discussed purview of 'undue hardship' before motioning to approve the variance as presented.

No members of the public were in attendance, so no questions were received from the public.

The board proposed the motion to approve the Variance as presented.

Moved/Seconded

THAT the Board of Variance approve the variance as presented

CARRIED

5. NEW BUSINESS

There is no new business arising.

6. NEXT MEETING

The next meeting date will be June 26, 2024, as required.

7. ADJOURNMENT

Moved/Seconded

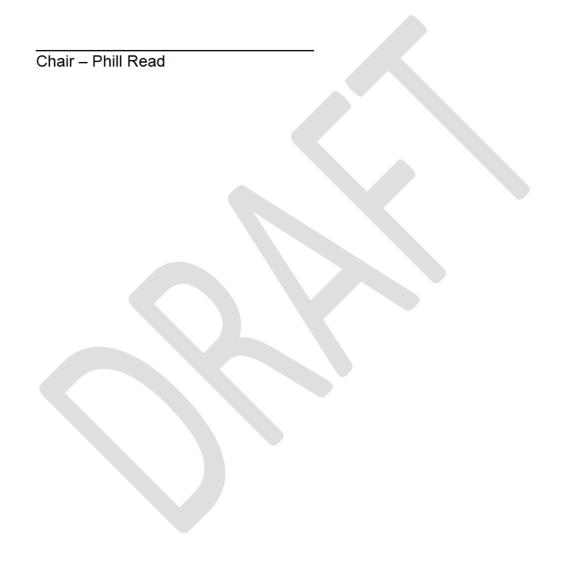
THAT the Board of Variance meeting be adjourned.

CARRIED

Village of Pemberton Board of Variance Meeting, May 22, 2024

At 5:23 p.m. the meeting was adjourned.

This is a true and correct copy of a meeting of the Board of Variance of the Village of Pemberton, held May 22, 2024.





MEMO BOARD OF VARIANCE

Date: January 23, 2025

From: Mia Bojic, Planning Analyst

Subject: 1778 Pinewood Dr – Minimum Front Setback

Applicant: Richard Roberts, Property Owner, 1778 Pinewood Dr.

PURPOSE

The purpose of this report is for the Board of Variance to consider an application to vary the Minimum Front Setback at 1778 Pinewood Drive.

BACKGROUND

The property owner of 1778 Pinewood Dr. has applied to the Board of Variance requesting relief from the provisions for a required *Front Setback* under the *Village of Pemberton Zoning Bylaw No. 832, 2018.* A variance is required to lawfully permit a proposed single-family dwelling with secondary suite to be constructed on the property located at STRATA LOT 59 DISTRICT LOT 211 LILLOOET DISTRICT STRATA PLAN KAS1994 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1, PID 025-706-136.

The property is located at the end of Pinewood Drive on the west side of the cul-de-sac at the end of the road. The property is in the R-1 Residential-1. A Location Map is provided as **Appendix A**.

DESCRIPTION OF THE REQUESTED VARIANCE

The application request is to vary the zoning regulations on the parcel to relax the minimum front setback from 6m to 4.8m to allow for construction of a single-family dwelling with secondary suite. The Zoning Bylaw section 4.14 limits the minimum setback from the front lot line where buildings and structures must be located outside the minimum setback. Relief is requested to allow for the house to be located on the lot as per the Architectural Drawings in **Appendix B**. The parcel has a unique topography on the hillside, limiting the construction location of the dwelling.

The claim of undue hardship is based on the steep drop of the lot's topography, thus pushing the dwelling to be situated closer to the road.

ZONING BYLAW NO. 832, 2018

In the Zoning Bylaw, R-1 Residential-1, section 11.1.4 establishes the *Building Regulations*, with 11.1.4 b) establishing a 6m *Front Setback*. *Front Setbacks* are measured from the front yard lot line abutting a road to the nearest point of the principal dwelling.

In the Site Plan in the Application Package, dated 09 December 2024, the extent of the proposed building footprint for the principal dwelling and garage is shown with the proposed 6m Front Setback.

THE LOCAL GOVERNMENT ACT, R.S.B.C. 2015

The following Section 540 of the *Local Government Act* is relevant to the decision making of the Board of Variance and the applicants hardship:

540 A person may apply to a board of variance for an order under section 542 [board powers on application] if the person alleges that compliance with any of the following would cause the person hardship:

(a) a bylaw respecting

- (i) the siting, size or dimensions of a building or other structure, or
- (ii) the siting of a manufactured home in a manufactured home park;
- (b) a subdivision servicing requirement under section 506 (1) (c) [provision of water, sewer and other systems] in an area zoned for agricultural or industrial use;
- (c) the prohibition of a structural alteration or addition under section 531 (1) [restrictions on alteration or addition while non-conforming use continued];
- (d) a bylaw under section 8 (3) (c) [fundamental powers trees] of the Community Charter, other than a bylaw that has an effect referred to in section 50 (2) [restrictions on authority preventing all uses] of that Act if the council has taken action under subsection (3) of that section to compensate or mitigate the hardship that is caused to the person.

The following Section 542(1) of the *Local Government Act* is relevant to the decision making of the Board of Variance and the decision under this subsection is final:

- **542** (1) On an application under section 540, the board of variance may order that a minor variance be permitted from the requirements of the applicable bylaw, or that the applicant be exempted from section 531 (1) [alteration or addition while non-conforming use continued], if the board of variance
 - a) has heard the applicant and any person notified under section 541,
 - b) finds that undue hardship would be caused to the applicant if the bylaw or section 531(1) is complied with, and
 - c) is of the opinion that the variance or exemption does not do any of the following:
 - i. result in inappropriate development of the site;
 - ii. adversely affect the natural environment;
 - iii. substantially affect the use and enjoyment of adjacent land;
 - iv. vary permitted uses and densities under the applicable bylaw;
 - v. defeat the intent of the bylaw;

Board of Variance 1778 Pinewood Dr. January 23, 2025 Page 3 of 3

vi. vary the application of an applicable bylaw in relation to residential rental tenure.

As per Section 542(3) of the *Local Government Act*, the default time frame is that construction must start within two years from the date of the order, this time frame can be altered longer or shorter by the Board of Variance in their decision.

COMMUNICATIONS

A notice regarding this application has been mailed to all properties within 100 metres of the subject lands, satisfying Section 541 of the *Local Government Act*. If any submissions are received, they will be shared with the Board of Variance the evening before the meeting.

OPTIONS

In their consideration of the application for 1778 Pinewood Dr., to vary Section 11.1.4(b). of Zoning Bylaw No. 832, 2018 to decrease the minimum Front Setback from 6m to 4.8m, the Board of Variance has the following options:

- (i) Approve the variance as presented;
- (ii) Approve the variance with conditions established by the Board;
- (iii) Reject the variance; The Applicant will have the option to redesign the project, or the applicant will have the option to seek a Development Variance Permit from Village of Pemberton Council.
- (iv) Deem the variance request to be outside the mandate of the Board of Variance, as the Board does not consider the request to be "minor".

NOTICE OF DECISION

The decision of the majority of the membership shall be the decision of the Board. Village Staff shall, within seven (7) days of a decision, send by mail or otherwise deliver the written decision of the Board to the applicant to all persons who made representation at the hearing and the Village of Pemberton Building Official. Village Staff shall, within seven (7) days of the decision, enter that decision in the record maintained at the local government office.

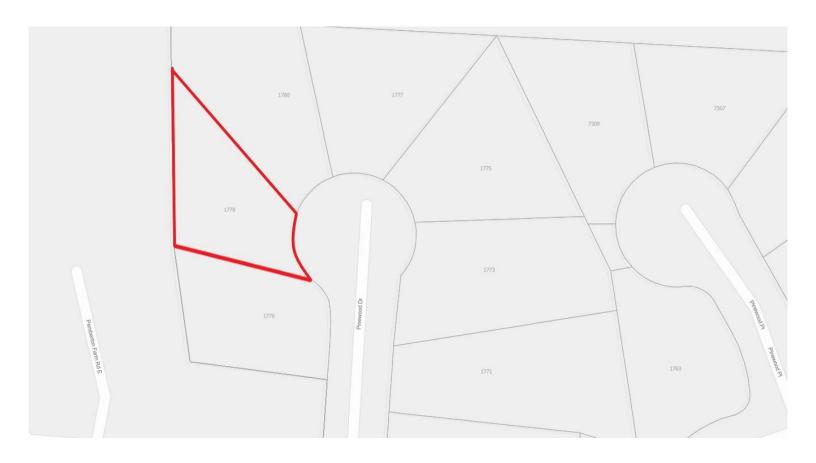
ATTACHMENTS:

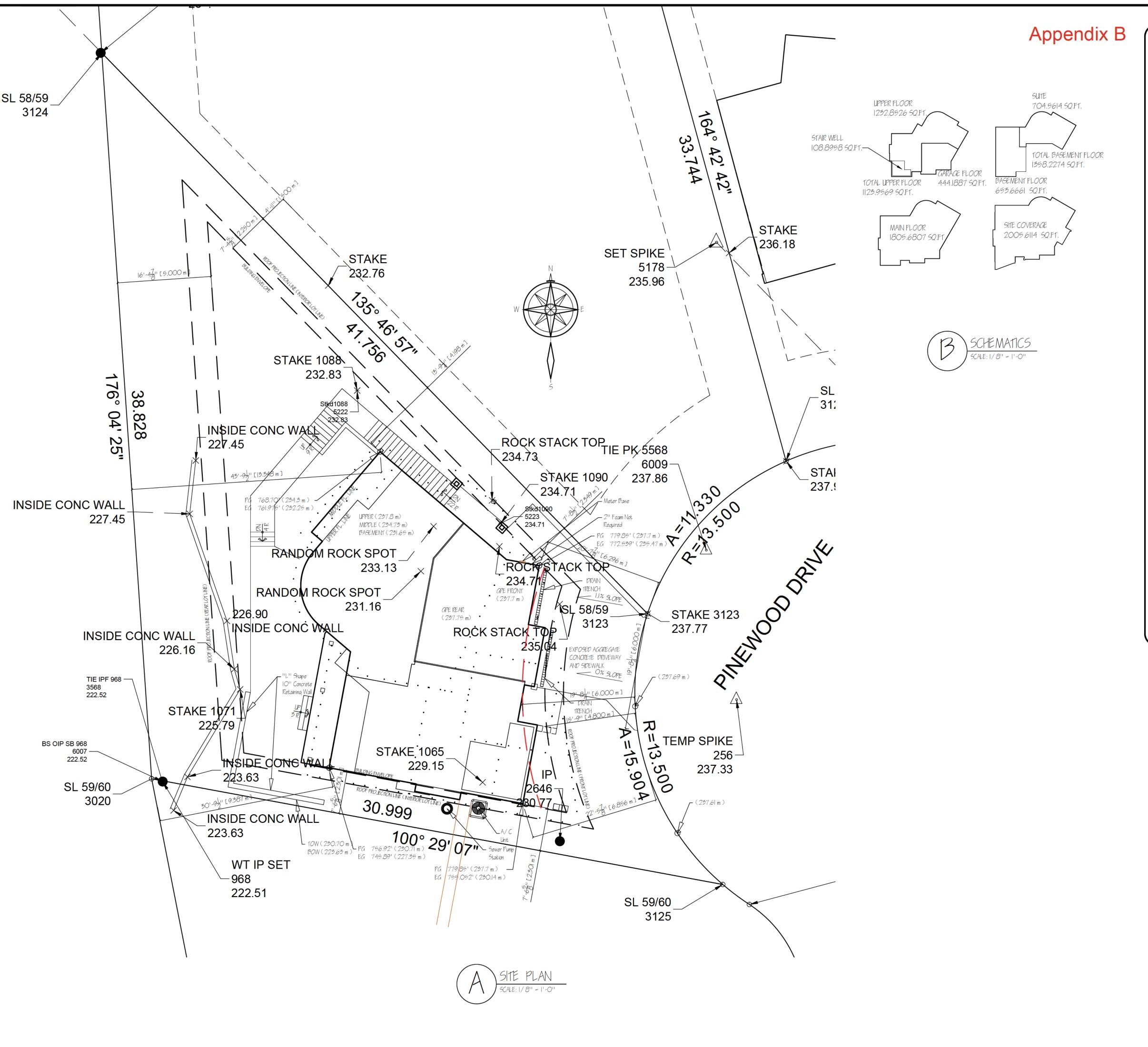
Appendix A: Location Map

Appendix B: Site Plan and Section Drawings

Appendix C: Application Package

Prepared and Submitted by:	Mia Bojic, Planning Analyst
Manager Approval:	Scott McRae, Manager of Development Services





PROJECT INFORMATION

LEGAL DESCRIPTION

STRATA LOT # 59

DISTRICT LOT #211

LILLOOET DISTRICT, STRATA PLAN KAS 1994

P.I.D. 025 - 516 - 159

SPECIFICATIONS

(710.00 sm) = 7642.00 SQ.FT. TOTAL LOT AREA:

3056.8 SQ.FT ALLOWABLE SITE COVERAGE: 40% =

PROPOSED SITE COVERAGES 2005.6114 SQFT. 1051.1886 SQ.FT. UNDERAGE:

ALLOWABLE FLOOR AREA: NOT LESS THAN 70sm (753,47 SQ.FT.)

2929.6376 SQ.FT. PROPOSED FLOOR AREA

ELEVATIONS:

757.61' (230.92 m) BASEMENT FLOOR MIDDLE FLOOR 767.71' (234.0 m) UPPER FLOOR 777.78' (237.07m) 792.38'(241.52 m) MEAN OF ROOF 792.55'(241.57 m) MAX. HEIGHT ALLOWABLE PEAK OF ROOF 798.45'(243.37 m) GPE (FRONT) 777.46' (236.97 m) GPE (BACK) 777 62' (237.02 m)

LIST OF DRAWINGS

- I. SITE PLAN
- 2. EAST AND NORTH ELEVATIONS
- 3. WEST AND SOUTH ELEVATIONS
- 4. UPPER FLOOR PLAN
- 5 MIDDLE FLOOR PLAN
- 6. FOUNDATION/BASEMENT
- 7. CROSS-SECTION AND ROOF PLAN
- 8. R.S.I. VALUE AND DETAILS

GENERAL NOTES:

- 1 Exterior dimensions to be measured from outside of sheathing.
- 2 All interior dimensions to be measured to the centre of stud, except where otherwise noted.
- 3 Joists, beams and posts to be Douglas fir #2 or better. 4 Chimneys to be 2" clear of all wood or other combustible material.
- 5 Joist in metal hanger in flush with beam. TJI's to be glues and nailed to hanger.
- 6 Joists to be doubled under parallel partitions.
- 7 Footing to be placed on undisturbed soil at a nin of 2'6" below grade
- 8 Concrete to have mechanical steel float finish.
- 9 5" of well compacted gravel fill under concrete slabs and driveways. 10 Concrete shall be 3000 PSI in 28 days. Foundation walls should not be backfilled until concrete has reached its specified strength and structural floor framing including subfloor to stabilize wall is complete and nailed and anchored
- 11 4" weeping drain tile around the entire perimeter of building footings.
- 12 Allowable soil pressure assumed at 2000 PSI fir strip footings. Footings in fill areas must be lowered to undisturbed clay upon a certified professional soils engineer.
- 13 All foundation walls 24" or higher should have one horizontal re-bar 3" from top corner, re-bar to be lapped 24" min.
- 14 All footings to have 10 mm re-bar. The re-bar should be situated such
- that one bar is 3" clear of the side and bottom of the footing on both sides. 15 All framing construction, mechanical and electrical work to conform to the City Bylaw.
- 16 'U.L.C. approved make alarms installed where required.
- 17 Interior stair treads 1" thick, all stringers supported at top and secured at bottom. Railings to be at 2'8" measured at tread nosing. 10" run to7.5" rise TYP.
- 18 All dimensions to be checked before commencement of construction.
- 19 Floors to be glued with construction adhesive.
- 20 These drawings conform to the 2024 building code and should be constructed to such.

DEC. 05, 201 DEC. 05, 201 DEC. 09, 2024

REVISIONS

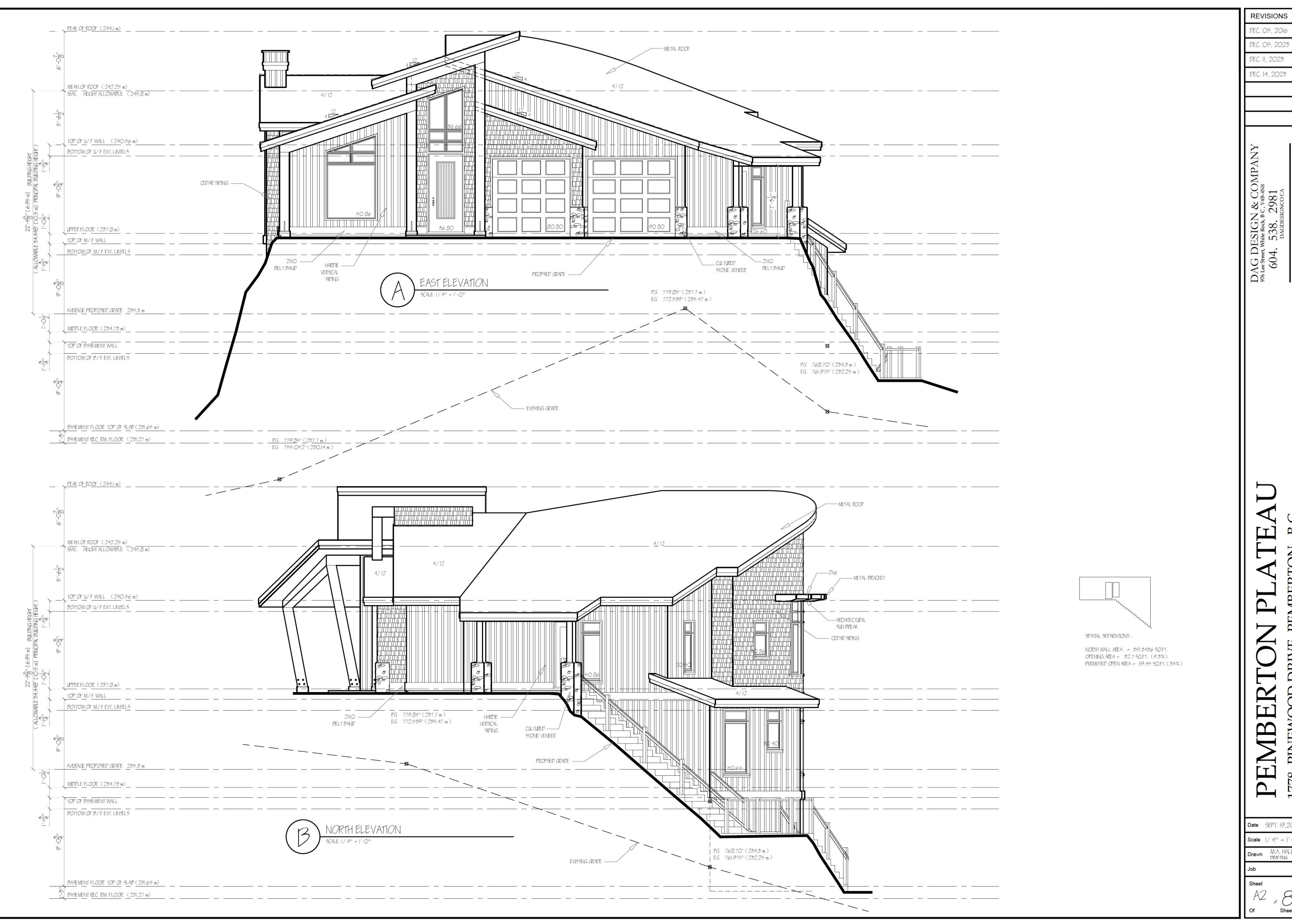
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Date SEPT. 19,2016

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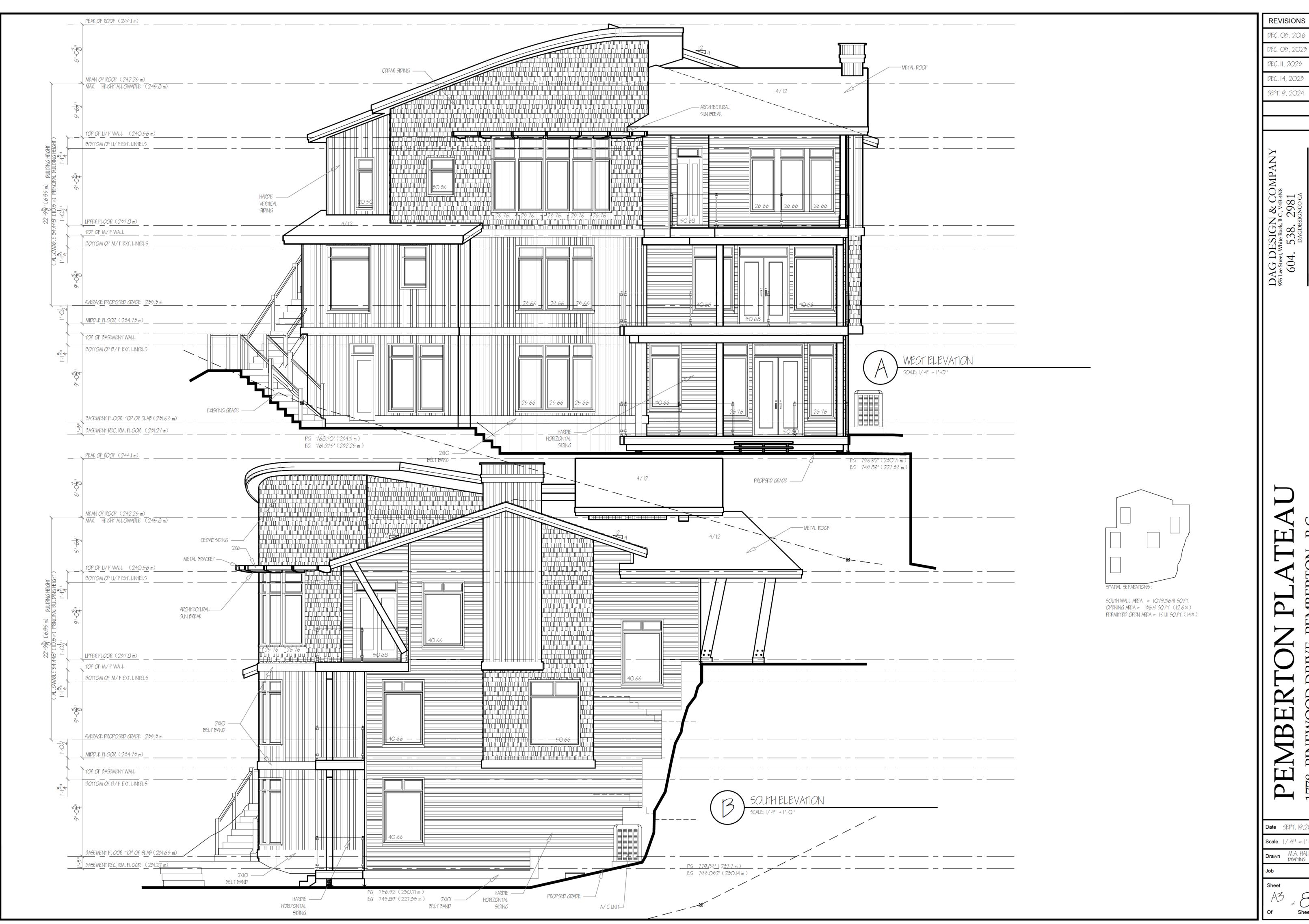
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Box 100 | 7400 Prospect Street Pemberton BC V0N 2L0 P: 604.894.6135 | F: 604.894.6136 Email: admin@pemberton.ca Website: www.pemberton.ca

35 25	OARD) () [F	VARI4	NCE APPLICAT	ON			
Date of Application:	DECE	MRER	10,20	VOP File Number:				
APPLICANT INFORMA	TION:							
Name: RICH	Name: RICH ROBERTS		Postal Address:					
Phone: 604-880-3806		11-7228 PROGRESS WAY						
Fax:			DATA BC., VAGIHZ					
Cel: 604-880-3806			Email: PROBERTS @WINDRIDGELIUING _ COM					
REGISTERED OWNER	INFORMA	TION:						
Name: 1/23307 BC. LTD.			Postal Address:					
Phone: 604-880-3806			11-7228 PROGRESS WAY					
Fax:		DELTA, BC, V46-142						
Cel: <u>604-880</u>	-380	6		Email: RROBERTS @ C	UNDRID	6EL(U)	NE-COM	
PROPERTY INFORMAT	TION:							
Civic Address:			Legal De	escription: Statt Lot 59, 1	1451994	Dezuh	1400ETLA	DIST
1778 PINEWSON DRIVE Zoning Designation: RES (DENTULL) (R-1)								
PEMBERTON, &	<u></u>			in Bylaw to be varied: PAC				
VON 213	21.10.00		DETACH	4ED (SECTION 11-1.4C)	MINIMU	MERON	TSTBA	tck
DESCRIPTION OF VAR								
KEOVEST TO REDU	ICE THE	FRONT	YEROS	EBACK FROM GO METE	RS 6 4	1.8 me	ETEAS	
DUE TO THE STEEP	DROP OF	- THE L	ST AWX	FROM THE ROXD THE	House	Fire	<u>s</u>	
HE LOT MUCH BEET	D IF SO	TULTE	CLOSE	TO THE ROAD BY APPROX	UNITELY	1 mE	TER	
APPLICATION CHECK	LIST:		Section 1					
Certificate of Title	☐ Yes	☐ No		Site Plan	✓ Yes	☐ No	□ N/A	
Application Fee	Yes	☐ No		Property Within Agricultural Land Reserve	☐ Yes	⊠ No	□ N/A	
Authorization Form	☐ Yes	☐ No	□ N/A	Property Subject to Riparian Area Regulations	Yes	⊠ No	□ N/A	
Rationale for Variance	Yes	□No	□ N/A	Property Adjacent to Residential Properties	✓ Yes	☐ No	□ N/A	
1, RICH ROS	BERTS		h				any	
member(s) of the Board of Variance to view the							t. 	
			For Offic	e Use Only				
Roll No.:				Prospero No.:				
Related Files:			Fee Submitted: \$	Receipt No.:				

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DEC. 05, 20 DEC. 05, 201 DEC. 09, 2024

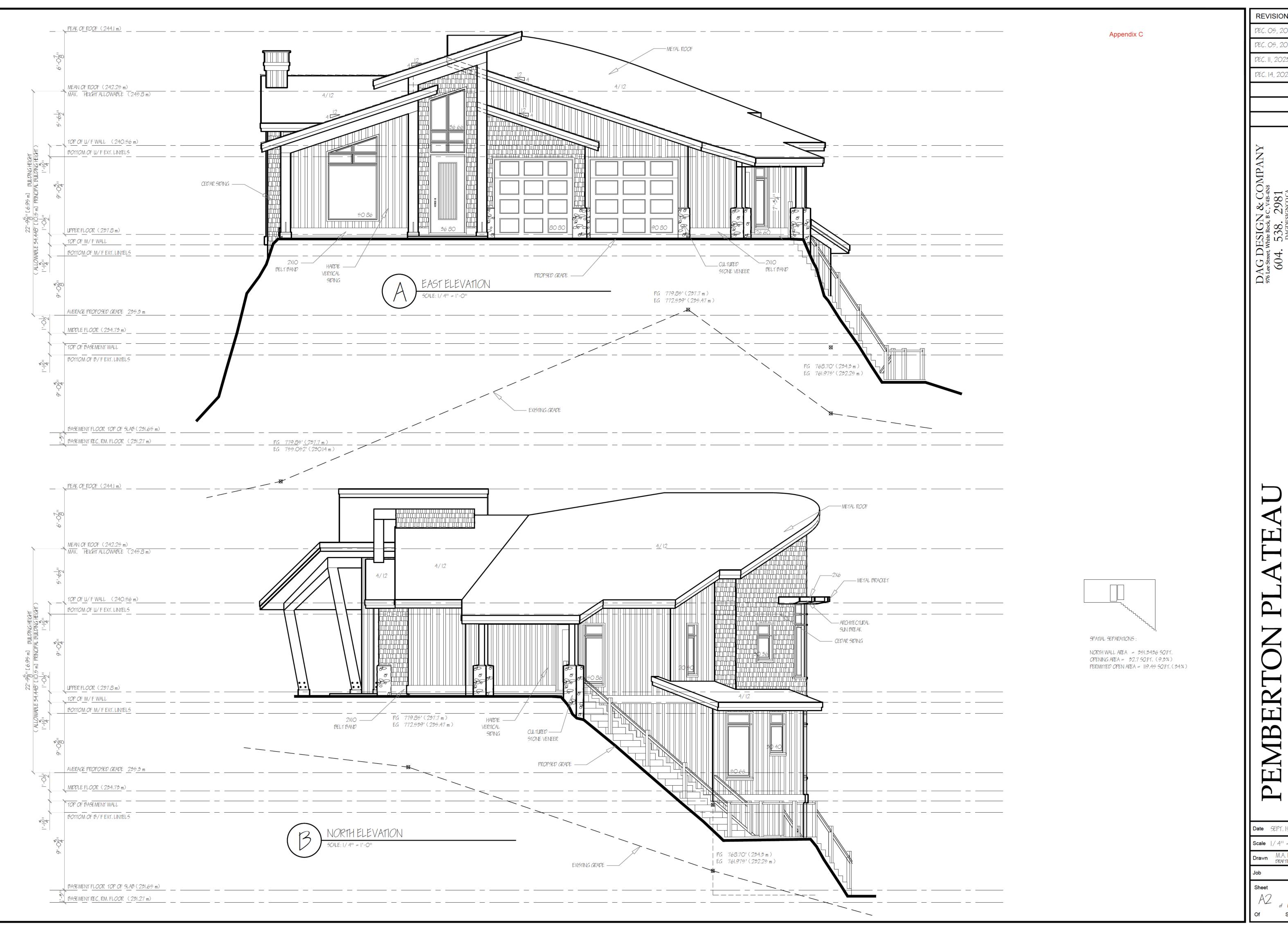
REVISIONS

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Date SEPT. 19,2016

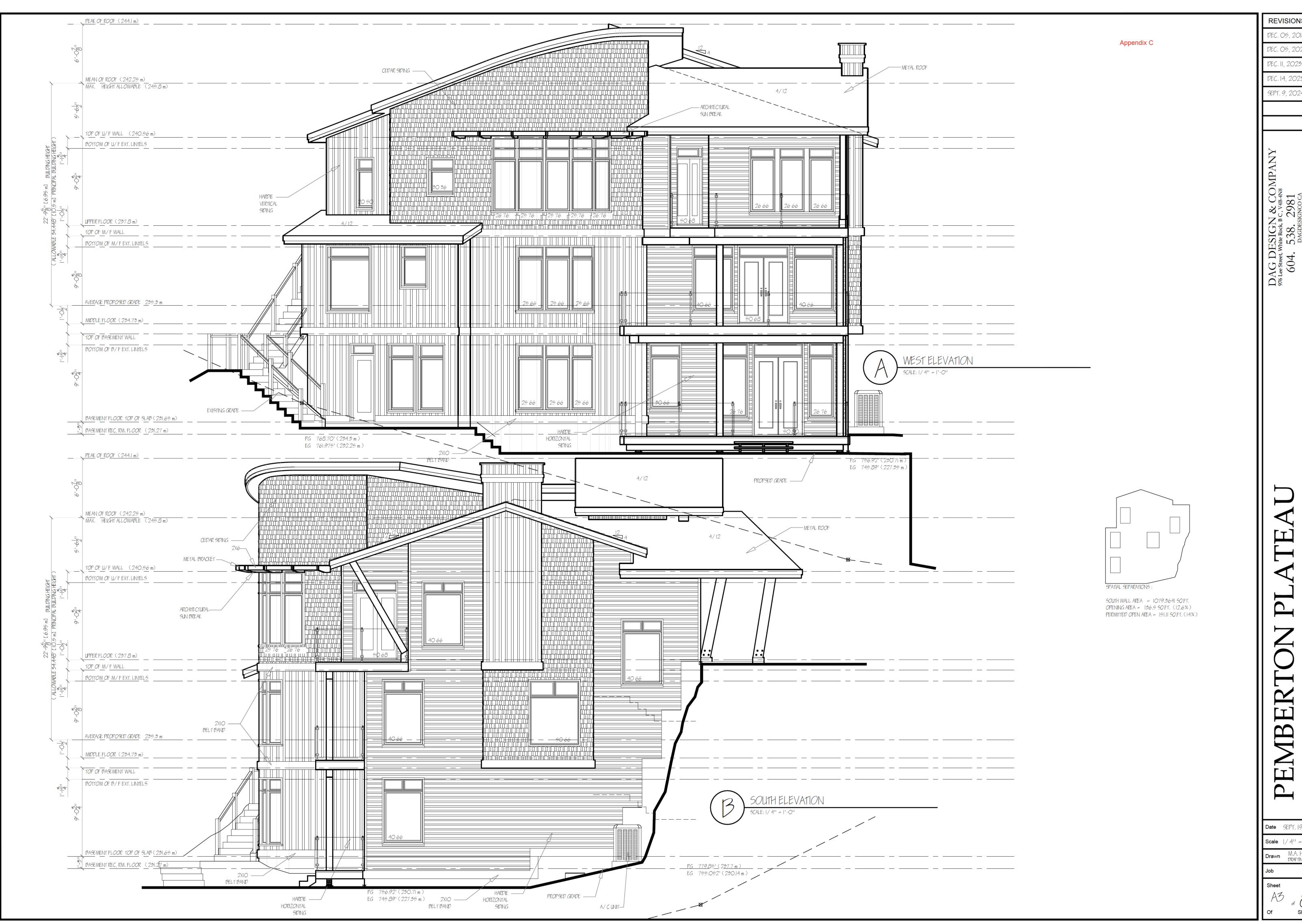
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Date SEPT. 19,2016

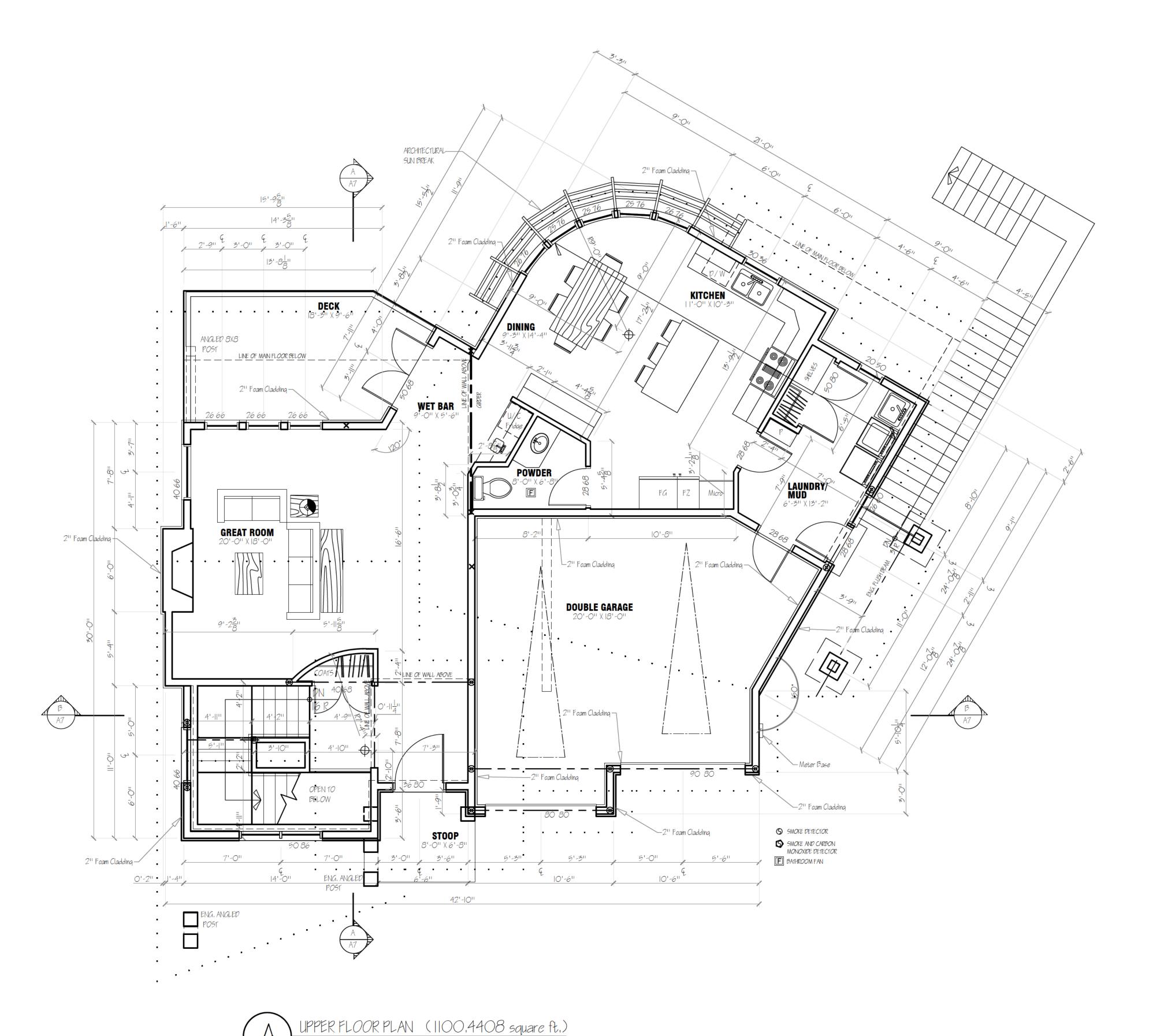
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REVISIONS DEC. 05, 2016 DEC. 05, 2023 DEC. 11, 2023 DEC. 14, 2023 SEPT. 9, 2024

Date 5EPT, 19,2016

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(GARAGE 437,222 square ft.)

SCALE: 1/4" = 1'-0"

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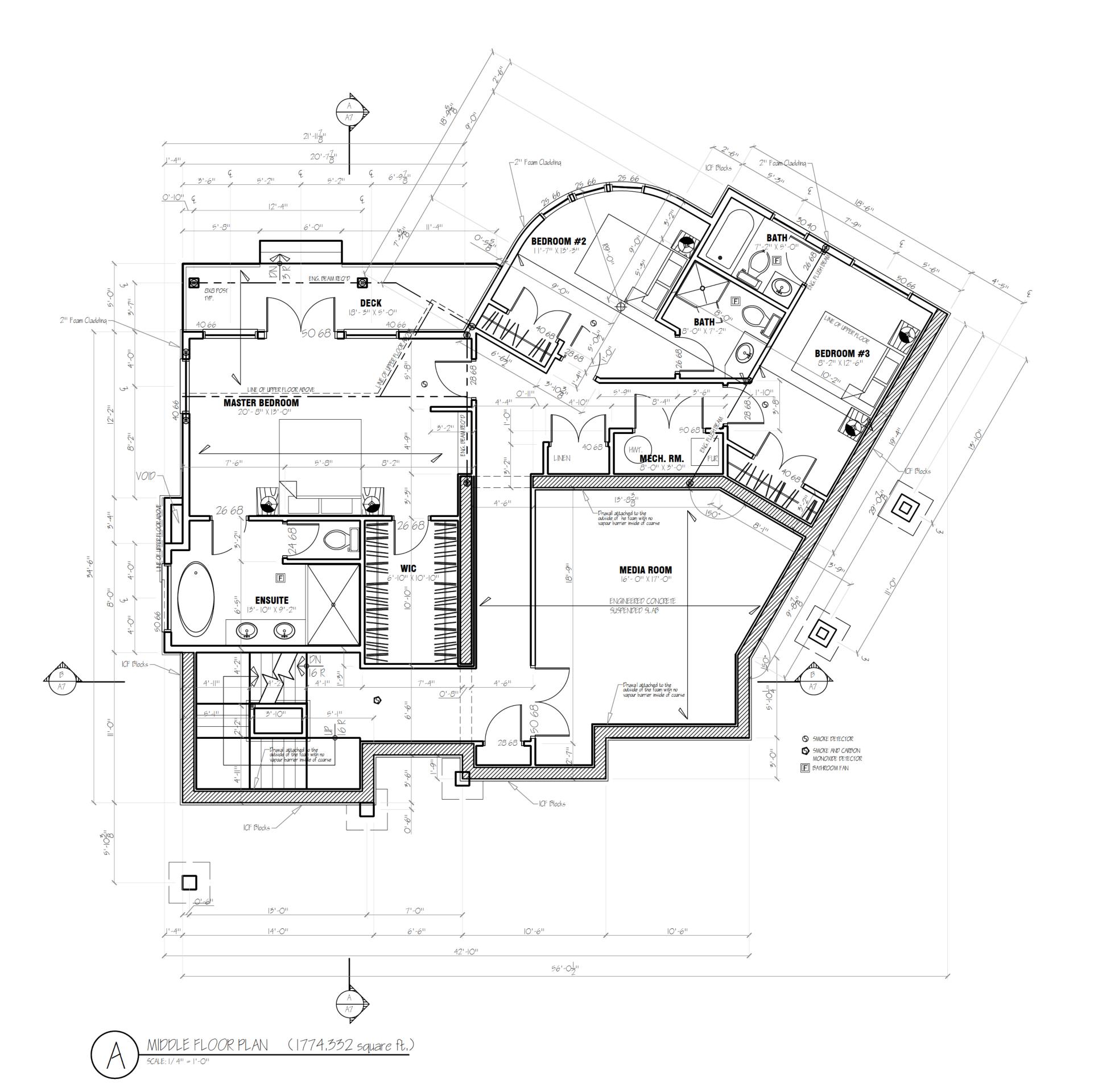
SEPT. 9, 2024

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Date SEPT. 19,2016

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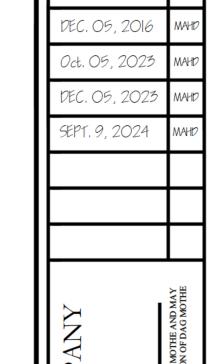
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DEC. 05, 2016 August 13, 2024 MAHD

REVISIONS

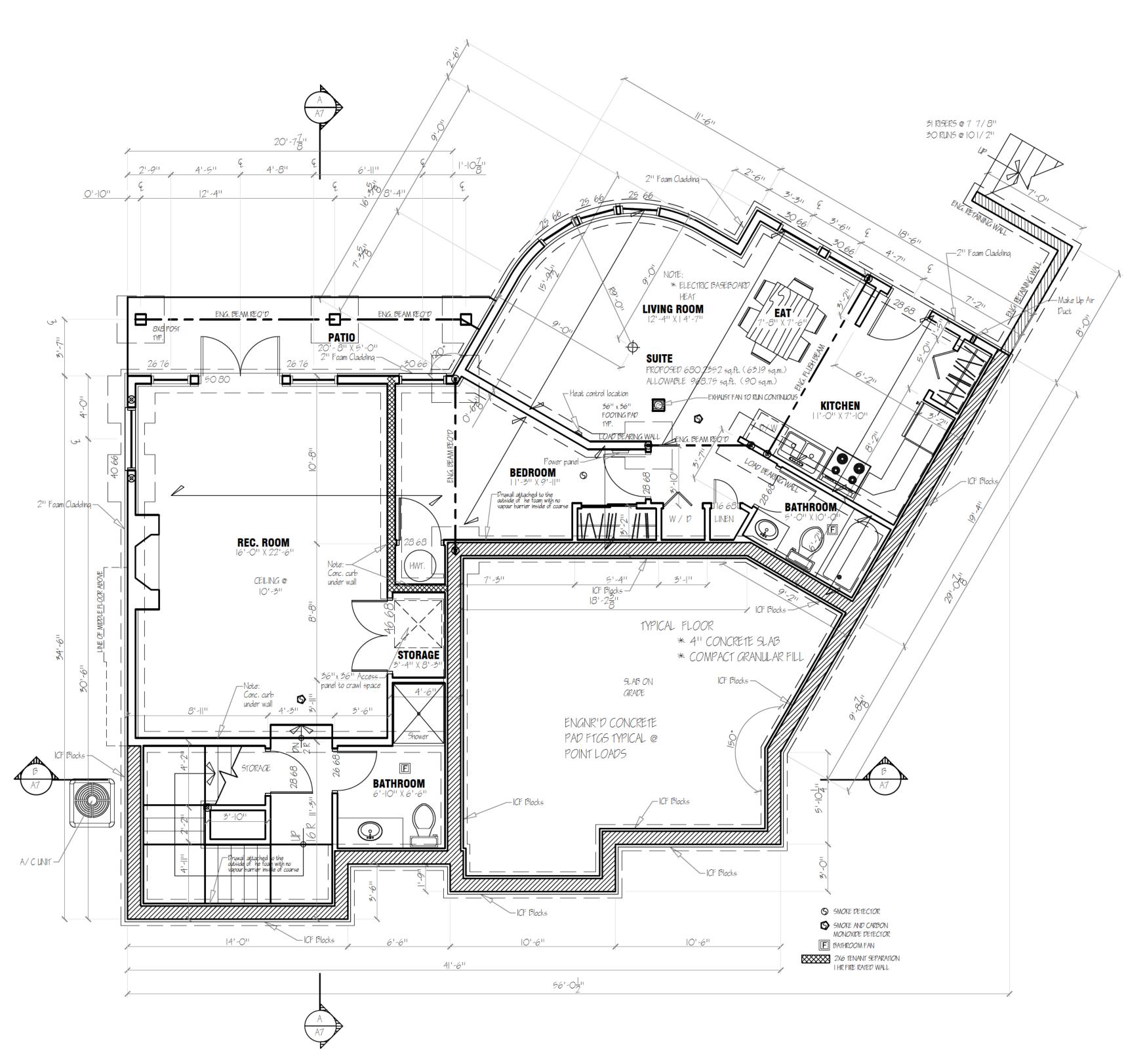
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REVISIONS

Date SEPT. 19,2016

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(SUITE 680.2352 square ft., BASEMENT 653,888 square ft.)

WALLS

WALL LEGEND:

SECION NOTES **ROOF** Metal roof, roofing felt, 3/8" ply clipped

Stone veneer

2x6 where req'd.

Engineered roof system, R40 blown insulation, poly vapour barrier,

Exterior wall - Hardie horizontal and vertical siding, Cedar shingle

building paper, 3/8" sheathing ply 2x4 studs @16" O.C., R20 batt insulation, vapour barrier, ½" G.W.B.

Interior wall - 2x4 stud @ 16" O.C.,1/2" G.W.B. both sides.

Interior walls - sound barrier batt insulation in 2x4 stud @ 16"

highlights and cultured stone veneer accents, ICF Blocks, rain screen, 2 layers of

ceilings to have 5/8" G.W.B.

O.C., ½" G.W.B. both sides.

EAVES Vinyl soffit, 2x10 facia and 1x6 and gable facia is also 2x10

Concrete wall - 8" reinforced where req'd..

and 1x6 over. Clear cedar soffits in feature areas.

Hardie horizontal and vertical siding, Cedar shingle highlights and cultured stone veneer accents, ICF Blocks, rain screen, 2 layers building paper, 3/8" sheathing ply, 2x4 stud @ 16" O.C. on exterior, 2x4 stud @

16" O.C. interior, 2x6, interior bearing wall @ 16" O.C.

Final flooring, 5/8" T&G plywood screwed and glued, 11 7/8" FLOORING TJI floor joists @16" O.C. unless where specified, bridging and

Blocking, 5/8" G.W.B., concrete floors to be slab on 6 mil poly, 6 mil granule fill on grade.

FOOTING New walls 2x4 treated sill plate on damp proof barrier, 1/2 diameter

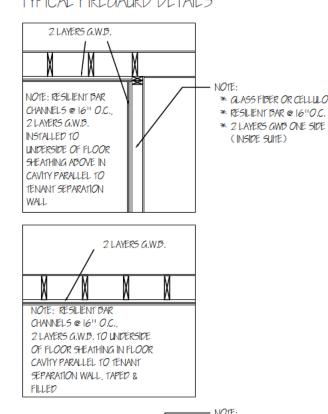
Anchor bolts @ 48" O.C. set in 8" or 10" concrete wall when soil conditions permitting, damp proof on footing exterior with soil conditions permitting on solid bearing unless otherwise specified,

4" weeping drain tile laid in rock bed. TYP. NOTE: All structural footing sizes, beam sizes, floor specs, and lintels

are to be reviewed by a certified professional certified engineer.

NOTE: THESE DRAWINGS COMPLY WITH THE 2024 BUILDING CODES AND SHOULD BE CONSTRUCTED TO SUCH

TYPICAL FIREGAURD DETAILS



* ALASS FIBER OR CELLULOSE * RESILIENT BAR @ 16"O.C. * 2 LAYERS GWB ONE SIDE (INSIDE SUITE)

* ROCK OR SLAG INSULATION
BETWEEN FLOOR JOISTS NOTE: RESILIENT BAR CHANNELS @ 16" O.C., 2 LAYERS G.W.B. 10 UNDERSIDE OF FLOOR SHEATHING IN FLOO CAVITY PARALLEL TO TENANT SEPARATION WALL, TAPED &

Basement suite specification notes

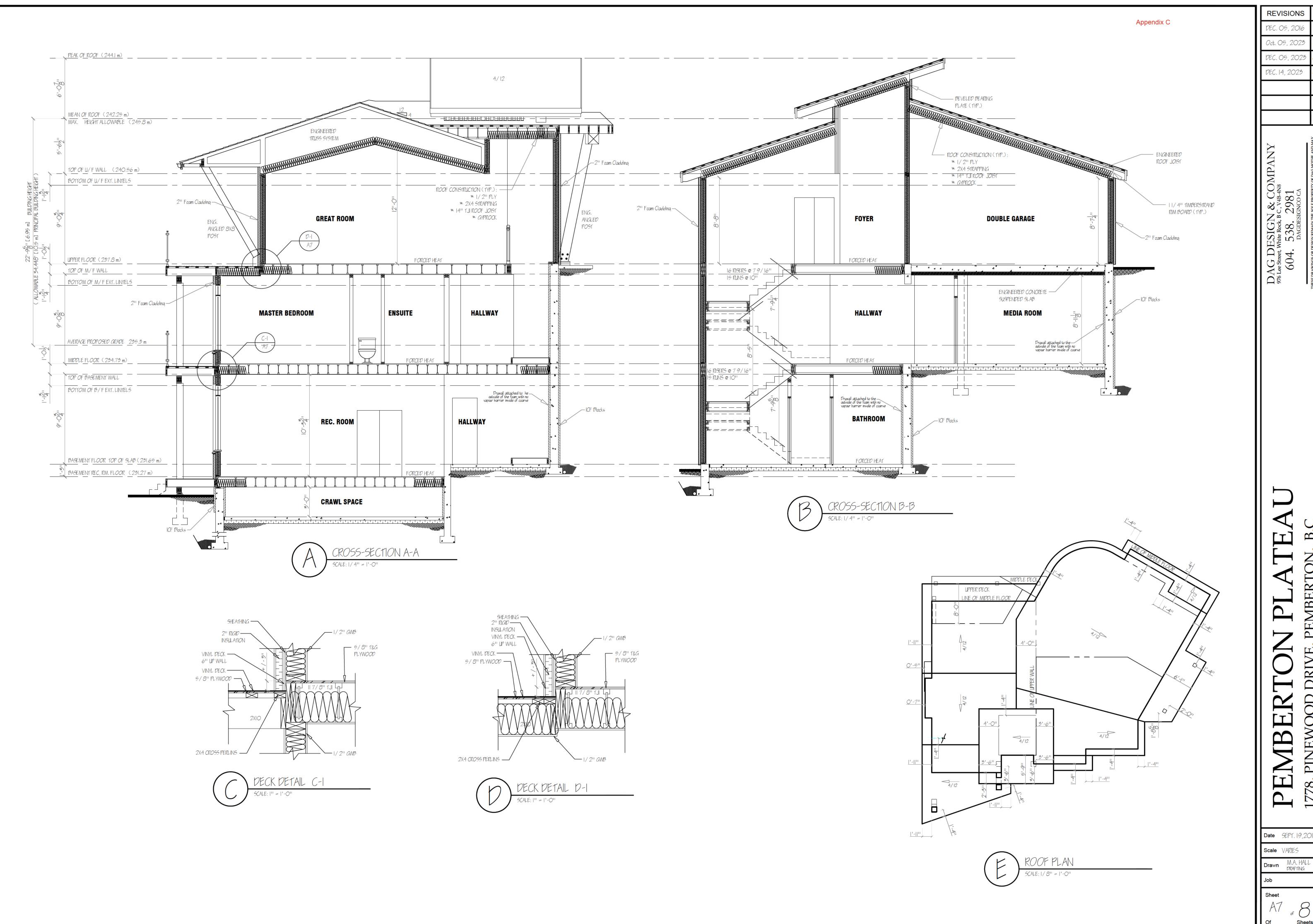
Dwelling exterior walls: 2x6 stud 16" O.C., batt insulation, 2 layers G.W.B. on interior.

W4A/STC51 (1hr wall) Dwelling (tenant separation) interior walls: 2 layers 5/8" G.W.B. on stair side; or regular wall, 2x4 studs @16" O.C., R14 glass fiber or cellulose insulation, 5/8" resilient channels on one side @ 16" O.C., 2 layers Type X G.W.B. one side of wall. Doors to be 20 min. rated c/w closure unit.

Ceiling of dwelling: F21F/STC43 (1hr) 30 min. 5/8" T&G ply, floor system, Rock or slag insulation, resilient channel @ 16" (or 24") O.C., 2 layers Type X G.W.B. on ceiling.

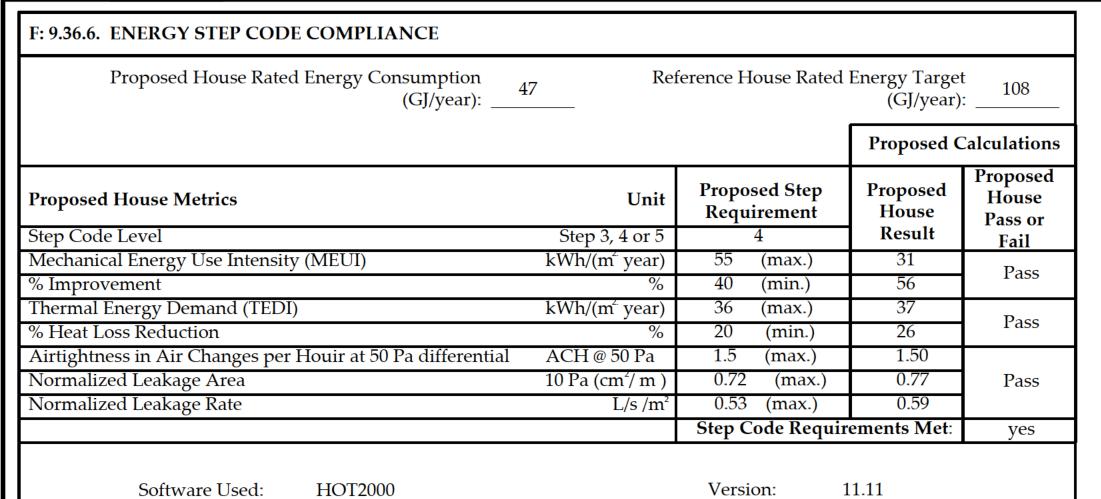
NOTE:

*Both dwellings are to have a hardwired separately and interconnected Photoelectric smoke alarm in each dwelling.



DEC. 05, 2016 Oct. 05, 2023 DEC. 05, 2023 DEC. 14, 2023

Date SEPT, 19,2016 Scale VARIES



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1175.20

826.20

19.3%

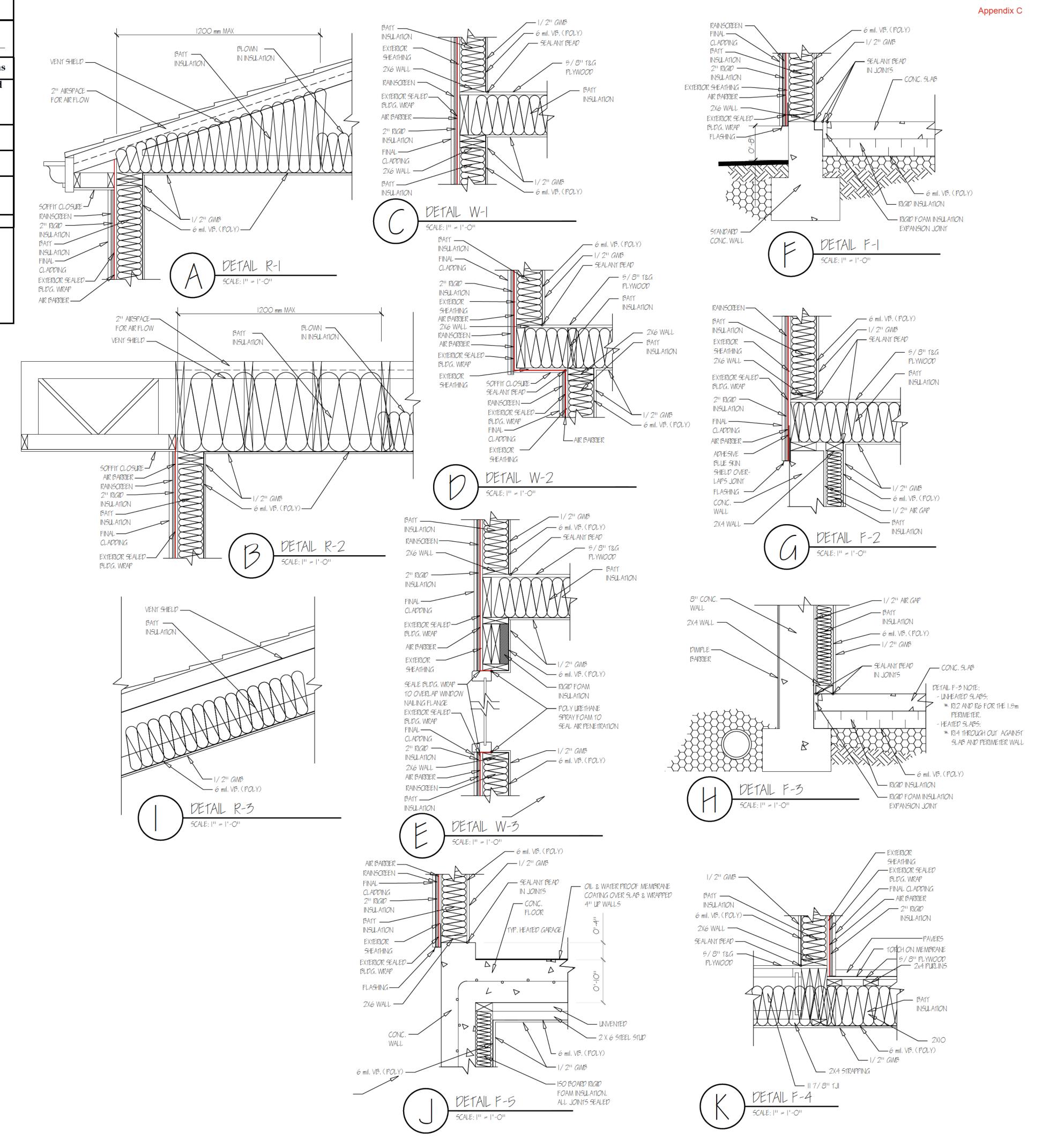
Heated Floor Area (m²)

Building Volume (m³)

FWDR:

Building Surface Area (m²)

Version:	11.11
Climate Data (Location): Degree Days Below18°C (HDD):	
% Of Space Cooled	More than 50%



REVISIONS

DEC. 05, 2016

Oct. 05, 2023

DAG DESIGN & COMPAN 976 Lee Street, White Rock, BC, V4B4N8 604. 538. 2981

Date SEPT. 19,2016

Scale |/4|| = |-0||

Drawn M.A. HALL DRAFTING