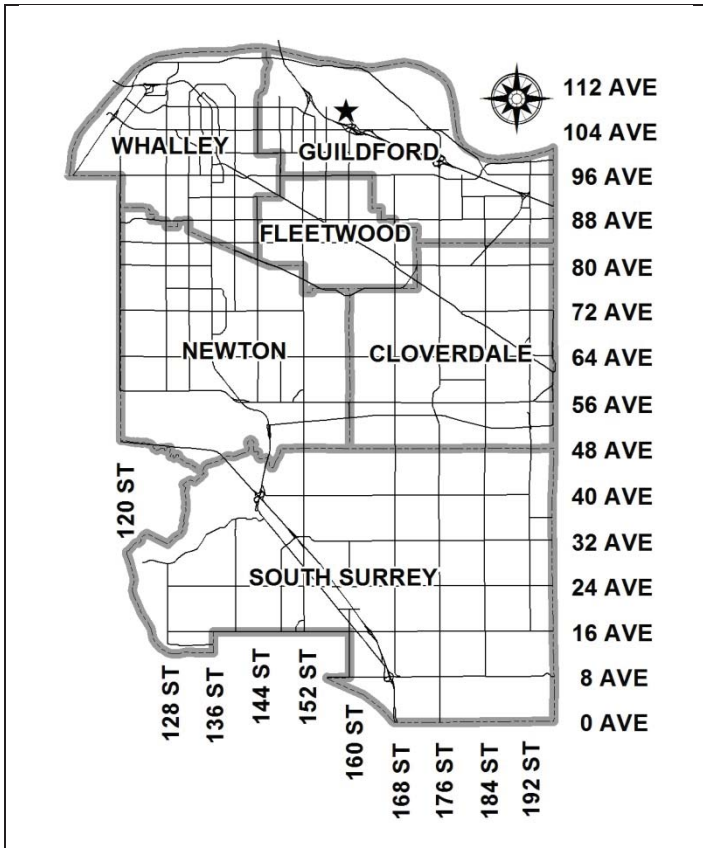


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0686-00

Planning Report Date: December 5, 2016



PROPOSAL:

- **Development Variance Permit**

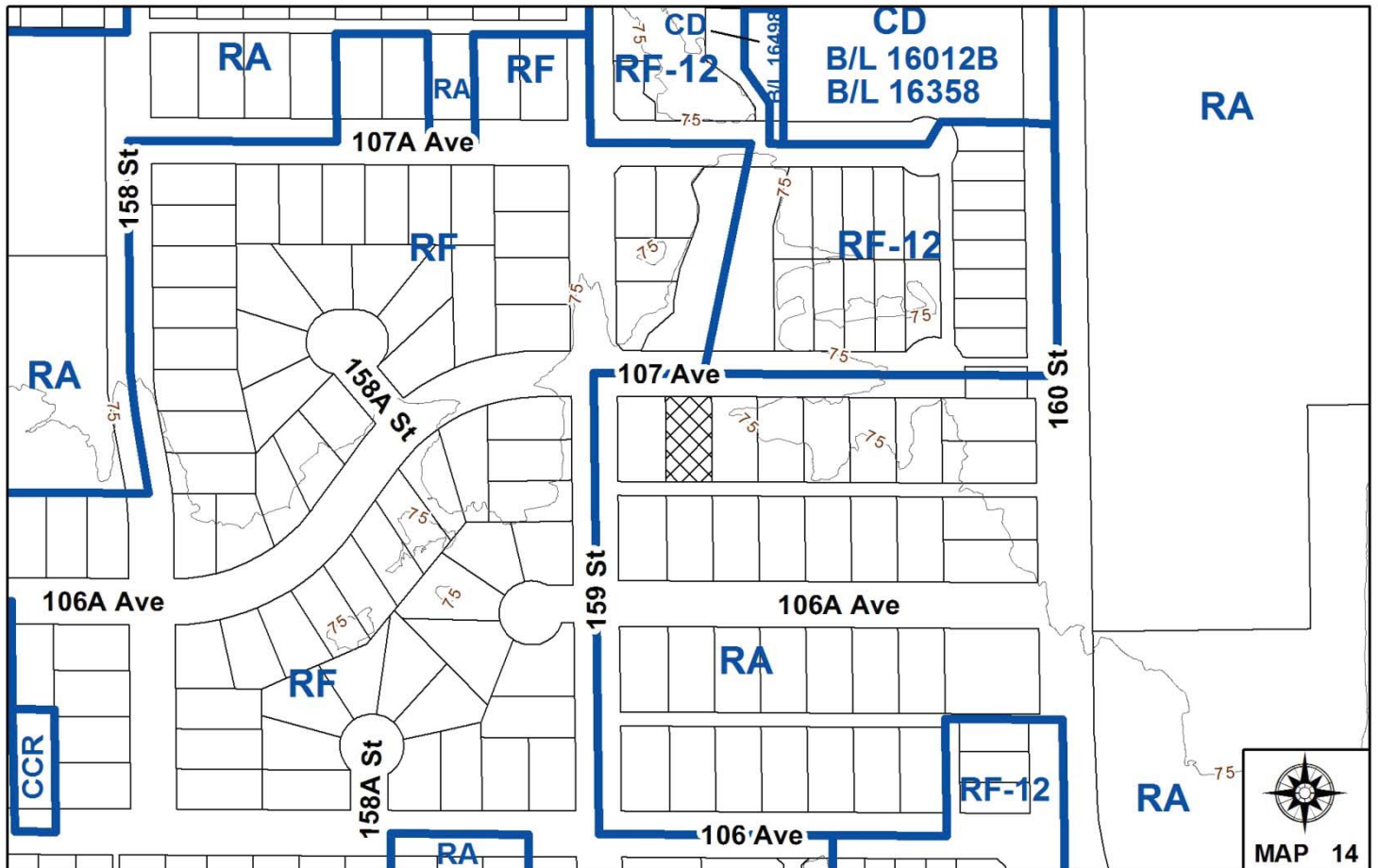
to vary the minimum required streamside protection setback to allow for the construction of a new house and retaining wall on the lot.

LOCATION: 15926 - 107 Avenue

OWNER: Sukhpreet S Kang

ZONING: RA

OCP DESIGNATION: Urban



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to reduce the streamside setback area for a 'Natural Class B (yellow-coded) Stream', as measured from the top-of-bank, from 15 metres (50 ft.) to a minimum of 0 metre.

RATIONALE OF RECOMMENDATION

- Serpentine Creek runs north-south along the eastern half of the subject lot.
- The existing drainage right-of-way (ROW) is approximately 385 square metres (4,145 sq.ft.) in area and encumbers over 51% of the lot and was registered in 2009 for creek protection and maintenance purposes. The ROW will ensure the retention of a significant number of mature trees as well as the riparian area adjacent to that portion of the Serpentine Creek on the subject property.
- The proposal to vary the riparian area setback was previously supported by the Environmental Review Committee (ERC) and the City's Environmental Coordinator, provided that the proposed single family dwelling is located outside of the drainage ROW and a chain link fence be installed along the western edge of the drainage ROW in order to protect the adjacent creek and riparian area.
- On March 7, 2016 Council approved Development Variance Permit (DVP) No. 7915-0431-00 to vary the rear yard setback to permit a new single family dwelling on the subject lot.
- On September 12, 2016 Council granted Final Adoption to Text Amendment By-law No. 18809, which incorporates streamside protection regulations as Part 7A of the Zoning By-law.
- The building permit applications, for both the single family dwelling and the corresponding retaining wall/fence, were in process prior to the adoption of Part 7A Streamside Protection of the Zoning By-law.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7916-0686-00 (Appendix III), to reduce the minimum setback distance from the top-of-bank of a 'Natural Class B Stream' in Part 7A of Surrey Zoning By-law, 1993, No. 12000 from 15 metres (50 ft.) to a minimum of 0 metre (0 ft.), to proceed to Public Notification.

REFERRALS

Engineering: The Engineering Department has no objection.

Parks, Recreation & Culture: Parks, Recreation & Culture has no objection.

SITE CHARACTERISTICS

Existing Land Use: Undersized, vacant RA-zoned lot. Serpentine Creek runs north/south along the eastern portion of the site.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 107 Avenue):	City-owned parkland containing Serpentine Creek	Urban	RF
East (Across the drainage ROW):	Single family dwelling	Urban	RA
South (Across unopened east-west lane):	Single family dwelling	Urban	RA
West:	Single family dwelling	Urban	RA

DEVELOPMENT CONSIDERATIONSBackground

- The 752-square metre (8,090-square foot) subject property is located at 15926 – 107 Avenue in Fraser Heights.
- The subject lot is designated "Urban" in the Official Community Plan (OCP) and is zoned "One-Acre Residential Zone (RA)" in Surrey Zoning By-law, 1993, No. 12000, as amended.

- The subject site is encumbered by a Class 'B' (yellow-coded) watercourse (Serpentine Creek) that runs north-south along the eastern portion of the lot.
- A drainage right-of-way (ROW), approximately 385 square metres (4,145 sq.ft.) in area, encumbers the eastern half of the property and was registered on the subject property in 2009 for creek (Serpentine Creek) protection and maintenance purposes. At that time the proposed creek setback was reviewed by the City's Environmental Review Committee (ERC), which included a representative of the Department of Fisheries and Oceans (DFO).
- The ROW encumbers more than 51% of the subject property. The western half of the subject property, outside of the drainage ROW, is approximately 367 square metres (3,050 sq.ft.) in area.
- On March 7, 2016 Council approved Development Variance Permit (DVP) No. 7915-0431-00 to reduce the minimum rear yard (south) setback from 7.5 metres (25 ft.) to 4.0 metres (13 ft.) in order to construct a new single family dwelling on the subject property.
- For RA-zoned lots that are 1,858 square metres (0.5 acre) or less in area, the regulations in the RF Zone apply. Due to the size of the property and encumbrance of the existing drainage right-of-way (ROW), without the rear setback variance the maximum house size on the subject lot would be approximately 218 square metres (2,350 sq.ft.), significantly smaller than the maximum permitted house size of 465 square metres (5,000 sq.ft.) in the RF Zone.
- The City's Environmental Coordinator had no concerns with the proposed variance to the rear yard (south) setback, provided the proposed single family dwelling was located outside of the drainage right-of-way (ROW) and a chain link fence was installed along the western edge of the drainage ROW in order to protect the creek, prior to Building Permit issuance.

Current Proposal

- The property owners submitted a building permit to permit the construction of a 362-square metre (3,900-square foot) house on the western half of the subject property currently on hold pending Council approval of the subject Development Variance Permit (DVP).
- A concurrent building permit to construct a 1.8-metre (6 ft.) high retaining wall/fence, comprised of a 0.9-metre (3-foot) of reinforced concrete wall at grade topped by a 0.9-metre (3 foot) high black chain link fence along the edge of the drainage ROW was also submitted and currently under review by City staff.
- The building permits have not been issued and now the streamside setback regulations apply.

Streamside Protection

- In July 2014, Council endorsed the Biodiversity Conservation Strategy (BCS). The BCS included implementation measures to protect Surrey's streamside areas, natural habitats and sensitive ecosystems. This document identifies the use of a Development Permit Area (DPA) as an effective means to protect Surrey's natural environmental assets.

- On September 12, 2016, Council approved amendments to the Official Community Plan (OCP) and Zoning By-law No. 12000 to implement a Sensitive Ecosystem DPA and Streamside Protection Measures, collectively known as Surrey's Ecosystem Protection Measures, for the protection of the natural environment, including riparian areas. These changes were detailed in Corporate Report No. R188, which was approved by Council on July 25, 2016.
- The OCP is used to identify the specific types of ecosystems that are intended to be protected including Class A, A/O or B streams, and the Zoning By-law (Part 7A Streamside Protection) is used to identify the specific protection areas that are required to be established for Streamside Setback Areas.
- During the drafting of the Streamside Protection Measures, staff were aware that its implementation would result in a number of non-conforming sites through the City of Surrey. As such, it was anticipated that Development Variance Permit (DVP) applications could be considered in specific extenuating circumstances.
- Section B.2 of Part 7A Streamside Protection of the Zoning By-law states that for lots that existed prior to September 12, 2016 and where zoning allows for single family dwelling and duplex uses, the minimum required setback from the top-of-bank of a Class 'B' (yellow-coded) watercourse is 15 metres (50 ft.). Serpentine Creek, which runs north-south along the eastern half of the subject property, is a Class 'B' (yellow-coded) Natural Stream.
- The applicant is seeking a variance to reduce the minimum required streamside setback from 15 metres (50 ft.) to a minimum of 0 metre (0 ft.).

TREES

- No trees are proposed for retention on the western half of the subject site, however, all trees located within the drainage right-of-way (ROW) including those located between the top-of-bank and the western edge of the ROW are to be retained.
- Prior to the issuance of a the building permit to construct a single family dwelling on the lot, the applicant is required to obtain a valid building permit to construct the proposed 1.8-metre (6 ft.) high combined retaining wall and chain link fence along the western edge of the drainage ROW to protect the riparian area.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary Part 7A Streamside Protection of the Zoning By-law to reduce the minimum required streamside setback area, measured from the top-of-bank, of a 'Natural Class B (yellow-coded) Stream' from 15 metres (50 ft.) to a minimum of 0 metre (0 ft.).

Applicant's Reasons:

- The proposed variance will allow for the construction of an adequately sized house to be constructed on the lot, similar to the house sizes in the neighbourhood.

Staff Comments:

- Serpentine Creek, a 'Natural Class B (yellow-coded) Stream', flows through the eastern half of the site in a north-south direction. In accordance with the newly approved streamside setback areas, the minimum required setback measured from the top-of-bank for an existing lot of record is 15 metres (50 ft.).
- Where a development is proposing to reduce the streamside setback area, a Development Variance Permit (DVP) is required and is to include an Impact Mitigation Plan. This is intended to ensure that the proposed setback reduction does not create a negative impact on the sensitive ecosystem.
- It was determined that an Impact Mitigation Plan is not required, and the requested variance has merit for the following reasons:
 - The proposed riparian area setbacks from top-of-bank of Serpentine Creek, as previously supported by the City's Environmental Review Committee (ERC), range from approximately 0 metre (0 ft.) where the proposed retaining wall will intersect with the top-of-bank to 5.18 metres (17 ft.) adjacent to the south property line;
 - The existing 385-square metre (4,145-square foot) drainage right-of-way (ROW), registered in 2009, is to remain on the eastern half of the subject property with the purpose of protecting the mature trees and riparian area of Serpentine Creek. 'No Build' restrictions included in the ROW document protect that portion of the subject property encumbered by the ROW and any damage caused to riparian area must be repaired to the satisfaction of the City's Engineering Department;
 - Prior to the issuance of a building permit to construct a house on the site the applicant is required to install a 1.8-metre (6 ft.) high combined concrete retaining wall and chain link fence to further protect the riparian area; and
 - The building permit applications were in-stream prior to the adoption of the Streamside Protection requirements in the Zoning By-law.
- A corresponding Sensitive Ecosystem Development Permit and accompanying Ecosystem Development Plan is not being required as the riparian area is protected by measures outlined in the drainage ROW document, will ultimately be fenced and because the subject building permit was in-stream prior to the introduction of these requirements.
- Staff support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owner and Action Summary
- Appendix II. Site Plan
- Appendix III. Development Variance Permit No. 7916-0686-00

Original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

CRL/da

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Sukhdev Sandu
 Arrive Home Corporation
 Address: 5228 – 157 Street
 Surrey, BC V3S 0L2

2. Properties involved in the Application
 - (a) Civic Address: 15926 - 107 Avenue

 - (b) Civic Address: 15926 - 107 Avenue
 Owner: Sukhpreet S Kang
 PID: 012-386-049
 Lot 2 Block 12 Section 22 Block 5 North Range 1 West New Westminster District Plan 1832

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7915-0431-01 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

ZONING CALCULATIONS:
15926 107 Avenue, Surrey - RA

Lot Area = 6036.54 SQFT
Allowed Lot Coverage = 2732.82 SQFT
Actual F.A.C. = 4333.72 SQFT (71.8%)
Proposed F.A.C. = 2703.23 SQFT

MAIN FLOOR AREA: 1096.80 SQFT
TOTAL: 514.00 SQFT

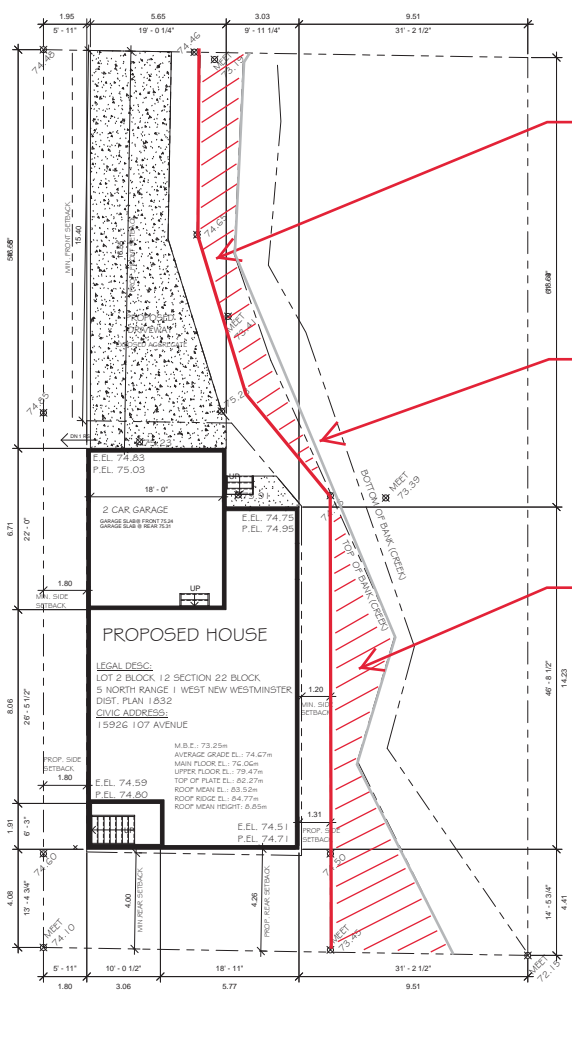
UPPER FLOOR AREA: 1289.93 SQFT
TOTAL: 514.00 SQFT

UPPER FLOOR: 1180.43 SQFT
TOTAL: 2703.23 SQFT

PORCH: 84.44 SQFT

MAIN FLOOR: 1151.40 SQFT (INCL GARAGE SQFT)
TOTAL: 2703.23 SQFT

RESIDENT AREA: 1113.05 SQFT



Western edge of existing drainage right-of-way (ROW) and proposed retaining wall/fence location

Top-of-bank (Serpentine Creek)

Riparian setback area (shaded)

PO SOLAR HOT WATER HEATING REGULATIONS:

1. PROVIDE 2.50kW/UNIT ELECTRICAL CONDUITS WHICH ARE ABLE TO ACCOMMODATE THE INSTALLATION OF INSULATED PIPING SERVICES FOR A SOLAR DOMESTIC HOT WATER SYSTEM IN COMPLIANCE WITH THE REGULATIONS OF THE BC SOLAR HOT WATER ACT AND THE REGULATIONS OF THE BC SOLAR HOT WATER ACT. THE SOLAR COLLECTOR SHALL BE INSTALLED IN A LOCATION THAT IS ACCESSIBLE TO THE SOLAR COLLECTOR. THE SOLAR COLLECTOR SHALL BE INSTALLED IN A LOCATION THAT IS ACCESSIBLE TO THE SOLAR COLLECTOR. THE SOLAR COLLECTOR SHALL BE INSTALLED IN A LOCATION THAT IS ACCESSIBLE TO THE SOLAR COLLECTOR.

GENERAL NOTES:

1. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED CONSTRUCTION. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED CONSTRUCTION.

CONTRACTOR NOTES:

1. THE CONTRACTOR SHALL VERIFY THE EXISTING CONDITIONS OF THE SITE AND SHALL REPORT ANY DISCREPANCIES TO THE DESIGNER. THE CONTRACTOR SHALL VERIFY THE EXISTING CONDITIONS OF THE SITE AND SHALL REPORT ANY DISCREPANCIES TO THE DESIGNER.

DESIGNER NOTES:

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No.	Description	Date

15926 107AVE
Surrey, B.C.

SUKHPREET KANG

Villa Designs

Pravika Dhillon
4212, 8027 130 Street
Surrey, B.C. V3W 4J9
Ph: 604-525-5647
info@villadesigns.ca
www.villadesigns.ca

CONSTRUCTION SHALL FOLLOW LOCAL BUILDING BY-LAWS AND WITH THESE PLANS. CONTRACTOR MUST CONFIRM ALL CONSTRUCTION TO 5% TYPICAL OF THIS DRAWING IS THE EXCLUSIVE PROPERTY OF VILLA DESIGNS LTD. WITH P.D.'S WRITTEN PERMISSION. PLEASE NOTE THAT THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT INTENDED TO BE ISSUED FOR CONSTRUCTION UNTIL APPROVED BY CITY.

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CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0686-00

Issued To: SUKHPREET SINGH KANG

("the Owner")

Address of Owner: 5228 - 157 Street
Surrey, BC V3Z 1G2

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.

2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 012-386-049

012-386-049

Lot 2 Block 12 Section 22 Block 5 North Range 1 West New Westminster District Plan 1832

15926 - 107 Avenue

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

(a) In Section B.2 of Part 7A "Streamside Protection", the minimum required distance from top-of-bank of a 'Natural Class B (yellow-coded) Stream' is reduced from 15 metres (50 ft.) to a minimum of 0 metre (0 ft.).

4. This development variance permit applies to only that portion of the buildings and structures on the Land shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached Schedule A, which is attached hereto and forms part of this development variance permit.

5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan

ZONING CALCULATIONS:
15926 107 Avenue, Surrey - RA

Lot Area = 6036.54 SQFT
Allowed Lot Coverage = 2732.82 SQFT
Proposed F.A. = 4333.72 SQFT (93.3%)
Proposed P.A. = 2703.23 SQFT

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TOTAL: 1514.00 SQFT

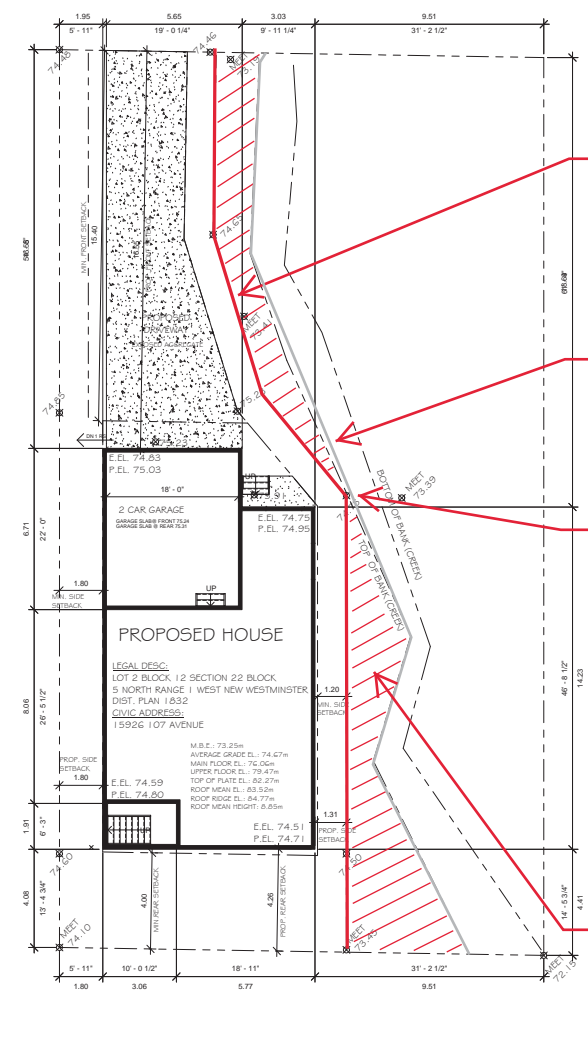
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UPPER FLOOR: 1160.43 SQFT
TOTAL: 2703.23 SQFT

PORCH: 84.44 SQFT

MAIN FLOOR: 1151.40 SQFT (INCL GARAGE SQFT)
TOTAL: 2703.23 SQFT

RESIDENT AREA: 1113.05 SQFT



POSSIBLE HOT WATER ENERGY REGULATION NOTES:

- PROVIDE 250MM DIAMETER ELECTRICAL CONDUITS WHICH ARE ABLE TO ACCOMMODATE THE INSTALLATION OF INSULATED PUMPING SERVICES FOR A SOLAR DOMESTIC HOT WATER SYSTEM IN COMPLIANCE WITH THE ENERGY REGULATION ACT.
- AREA DESIGNATED FOR A HOT WATER SOLAR COLLECTOR WITH A MINIMUM DIMENSION OF 2.107 METRES MUST BE ACCESSIBLE FROM BOTH ENDS AND CAPPED OR SEALED AT BOTH ENDS TO PREVENT WATER INGRESS AND AIR EXHAUST.
- SOLAR COLLECTOR MANUFACTURER AND INSTALLER MUST PROVIDE CLEAR INSTALLATION AND MAINTENANCE INSTRUCTIONS AND PING TO ACCOUNT FOR AN ADDITIONAL 0.25 MPa OF LOAD OR GREATER FUTURE SOLAR COLLECTOR.

GENERAL NOTES:

1. THE DRAWING IS TO BE USED TO OBTAIN PERMITS AND TO CONSTRUCT THE PROJECT.
2. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND SHALL BE RESPONSIBLE FOR THE COST OF SUCH PERMITS AND APPROVALS.
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4. ALL CONCRETE SHALL BE CONCRETE WITH A MINIMUM STRENGTH OF 25 MPa.
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10. ALL CONCRETE SHALL BE CONCRETE WITH A MINIMUM STRENGTH OF 25 MPa.

15926 107Ave
Surrey, B.C.

SITE PLAN, NOTES & CALCULATIONS

No.	Description	Date
1	Issue for Permit	13 OCT 2015
2	Issue for Permit	13 OCT 2015
3	Issue for Permit	13 OCT 2015
4	Issue for Permit	13 OCT 2015
5	Issue for Permit	13 OCT 2015
6	Issue for Permit	13 OCT 2015
7	Issue for Permit	13 OCT 2015
8	Issue for Permit	13 OCT 2015
9	Issue for Permit	13 OCT 2015
10	Issue for Permit	13 OCT 2015

A1

SUKHPREET KANG

15926 107Ave
Surrey, B.C.

SITE PLAN, NOTES & CALCULATIONS

Villa Designs

2175, 8227 130 Street
Surrey, B.C. V4A 4J9
Ph: 604-525-5247
Info@villadesigns.ca
www.villadesigns.ca

THESE PLANS CONFORM TO BCRC 2012

CONSTRUCTION SHALL FOLLOW LOCAL BUILDING BY-LAWS AND WITH THESE PLANS, CONTRACTOR MUST CONFORM ALL REGULATIONS AND BY-LAWS.

THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS AND OMISSIONS IN THESE PLANS. THE DESIGNER'S RESPONSIBILITY IS LIMITED TO THE WORK SHOWN ON THESE PLANS AND DOES NOT INCLUDE ANY ADVISORIES PRIOR TO CONSTRUCTION.

DO NOT SCALE DRAWINGS.

COPYRIGHT RESERVED. ANY VARIATIONS AND MODIFICATIONS TO THESE DRAWINGS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. PERMISSION FROM PRO VILLA DESIGNS LTD. IS REQUIRED FOR ANY REVISIONS TO THESE DRAWINGS. THIS DRAWING IS THE EXCLUSIVE PROPERTY OF VILLA DESIGNS LTD. ANY REVISIONS TO THESE DRAWINGS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. PERMISSION FROM PRO VILLA DESIGNS LTD. IS REQUIRED FOR ANY REVISIONS TO THESE DRAWINGS. THIS DRAWING IS THE EXCLUSIVE PROPERTY OF VILLA DESIGNS LTD. ANY REVISIONS TO THESE DRAWINGS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.