

# IMPORTANT INFORMATION FOR MINOR VARIANCES

THE LAST DATE OF APPEAL IS:

**October 7, 2020**

THIS DECISION IS NOT FINAL AND BINDING AND MUST NOT BE ACTED UPON UNTIL THE PERIOD OF APPEAL HAS EXPIRED

THE DECISION DOES NOT RELEASE ANY PERSONS FROM THE NECESSITY OF OBSERVING THE REQUIREMENTS OF BUILDING REGULATIONS, THE LICENSE BY-LAW, OR ANY OTHER BY-LAW OF THE CITY OF HAMILTON.

Appeal to L.P.A.T.

45(12) The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the *Local Planning Appeal Tribunal Act, 2017* as payable on an appeal from a committee of adjustment to the Tribunal. *Planning Act, R.S.O. 1990*

Where no appeal

45(14) If within such 20 days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality. *Planning Act, R.S.O. 1990*

APPEALS MAY BE FILED:

1. BY MAIL/COURIER ONLY

- 1.1 Appeal package delivered to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
  - MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
- 1.2 Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.
- 1.3 Appeal package must include all of the following:
  - Notice of appeal, setting out the objection to the decision and the reasons in support of the objection;
  - LPAT appeal form, this can be found by contacting Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or at the LPAT website <https://elto.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>;
  - Filing fee, the fee is currently \$400 (subject to change) and must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance;
  - All other information as required by the Appeal Form.

2. BY EMAIL AND MAIL/COURIER

- 2.1 Electronic appeal package must be delivered by email to [cofa@hamilton.ca](mailto:cofa@hamilton.ca).
  - MUST BE RECEIVED BY THE END OF BUSINESS ON THE LAST DAY OF APPEAL AS NOTED ABOVE
- 2.2 Physical appeal package must be delivered by mail to City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5.
- 2.3 Electronic appeal package must contain:
  - a copy of the notice of appeal;
  - a copy of the LPAT appeal form;
  - a copy of the certified cheque or money order.
- 2.4 Physical appeal package must contain all information as noted in Section 1.3

Questions or Information:  
Contact Committee of Adjustment Staff ([cofa@hamilton.ca](mailto:cofa@hamilton.ca))



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
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ext. 4221, 3935  
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT**  
**DECISION OF THE COMMITTEE**

**APPLICATION NO. DN/A-20:162**  
**SUBMISSION NO. A-162/20**

**APPLICATION NO.:** DN/A-20:162

**APPLICANTS:** Owner: Marie Maganinho

**SUBJECT PROPERTY:** Municipal address **7 Wilmar Crt., Dundas**

**ZONING BY-LAW:** Zoning By-law 3581-86, as Amended

**ZONING:** R2 (Single-Detached Residential zone) district

**PROPOSAL:** To permit the construction of an accessory building (private garage) for the existing single detached dwelling, notwithstanding that;

1. A minimum 0.7m setback shall be permitted from the rear lot line instead of the minimum 2.0m setback required from the rear lot line.
2. A minimum 0.7m setback shall be permitted from the southerly side lot line instead of the minimum 2.0m setback required from the side lot line.

Note: No elevation plans were provided to confirm compliance; as such, further variances may be required.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**DATED AT HAMILTON** this 17th day of September, 2020.

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M. Dudzic (Chairman)

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D. Serwatak

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L. Gaddy

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D. Smith

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mieczko

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **October 7, 2020**.

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**COMMITTEE OF ADJUSTMENT**  
**DECISION OF THE COMMITTEE**

**APPLICATION NO. FL/A-20:164**  
**SUBMISSION NO. A-164/20**

**APPLICATION NO.:** FL/A-20:164

**APPLICANTS:** Owner: Michelle Sala  
Agent: Bousfields Inc. c/o David Falletta

**SUBJECT PROPERTY:** Municipal address **298 Dundas St. E., Flamborough**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended

**ZONING:** C5a (Mixed Use Medium Density) district

**PROPOSAL:** To establish the use of a Medical Clinic in the existing building notwithstanding that:

1. Two (2) parking spaces shall be provided whereas the by-law requires parking to be provided at a rate of at least one (1) space for each 16.0m<sup>2</sup> of gross floor area for a Medical Clinic use.
2. No barrier free parking spaces shall be provided instead of the one (1) required barrier free parking space.
3. Tandem parking spaces shall be provided whereas the by-law requires each parking spaces to have adequate and unobstructed access from the street.

**NOTES:**

- i. The total gross floor area of the proposed Medical Clinic has not been provided. As such, the minimum number of parking spaces that would be required under the current provision cannot be determined.
- ii. The proposed parking spaces have not been illustrated on the submitted site plan. As such, variances have been written as requested by the applicant.
- iii. Please be advised that a variance to permit a gravel parking area instead of a hard-surface such as asphalt or concrete was requested. However, pursuant to Subsection 5.2(e)(i)&(ii) and Section 2 (Definition – Parking Lot); a parking area containing less than four (4) parking spaces is permitted to be comprised of gravel. Therefore, this variance has not been included.
- iv. Please be advised that no parking spaces are permitted within 3.0m of a street line pursuant to Subsection 5.1(a)(v). Insufficient information has been provided to confirm the exact location of each parking space within the parking area. As such, further variances may be required. Furthermore, each parking space is required to be at least 3.0m wide and 5.8m in length.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application with conditions.

**That the said application IS GRANTED subject to the following condition(s):**

1. That the Medical Clinic shall be for a sole practice in the field of psychology.

**DATED AT HAMILTON** this 17th day of September, 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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D. Smith

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M. Switzer

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N. Mleczko

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L. Gaddy

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B. Charters

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T. Lofchik

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **October 7, 2020.**

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**COMMITTEE OF ADJUSTMENT**  
**DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-19:462**  
**SUBMISSION NO. A-462/19**

**APPLICATION NO.:** HM/A-19:462

**APPLICANTS:** Owner: LJM Developments Inc. c/o Liaquat Mian  
Agent: A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer

**SUBJECT PROPERTY:** Municipal address **2782 Barton St. E., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** E-3/S-306c district (High Density Multiple Dwelling)

**PROPOSAL:** To permit the construction of a 15-storey mixed use building containing commercial uses on the ground floor and 244 dwelling units above notwithstanding that:

1. A building height of 50.0m and fifteen storeys shall be provided instead of the maximum permitted building height of 41.5m and 13 storeys.
2. A maximum floor area ratio of 3.3 shall be permitted instead of the maximum 3.15 floor area ratio permitted.
3. No visual barrier shall be provided along the southerly and westerly property lines whereas the by-law requires a visual barrier to be provided along the boundary of the lot abutting the residential district.
4. One (1) loading space shall be provided instead of the minimum required two (2) loading spaces.
5. A loading space size of 13.0m x 4.0m shall be provided instead of the minimum required loading space size of 13.0m x 6.0m.

**NOTES:**

- i. These variances are necessary to facilitate Site Plan Control Application DA-20-026.
- ii. A variance was requested to permit a reduced westerly side yard however it does not appear that this variance is required. The westerly side yard setback conforms as shown on the submitted site plan.
- iii. This property abuts a residential district to the west and south. Be advised that a landscaped area with planting strip are required to be provided between the parking area and the abutting residential district. Insufficient information has been provided to determine zoning compliance.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**That the said application IS GRANTED subject to the following condition(s):**

1. That all the requested variances be tied to the permitted maximum density of 411 units per hectare (244 units). An Official Plan Amendment application and Zoning By-law Amendment will therefore be required for any further increase in density.

**DATED AT HAMILTON** this 17th day of September, 2020.

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M. Dudzic (Chairman)

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D. Serwatuk

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D. Smith

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M. Switzer

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N. Mleczko

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L. Gaddy

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B. Charters

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T. Lofchik

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M. Smith

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**COMMITTEE OF ADJUSTMENT**  
**DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:116**  
**SUBMISSION NO. A-116/20**

**APPLICATION NO.:** HM/A-20:116

**APPLICANTS:** Owner: Alan and Laurie Hurman

**SUBJECT PROPERTY:** Municipal address **988 Concession St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** B (Suburban Agriculture and Residential) district

**PROPOSAL:** To permit the construction of an accessory building in the rear yard notwithstanding that the accessory building shall be permitted a height of 5.4 metres whereas the by-law requires no accessory building to exceed 4.0 metres.

**NOTES:**

Variations have been written exactly as requested by the applicant. A scaled and dimensioned site plan with grading details, elevation drawings, and details of the parking area has not been provided. Therefore, a full zoning review could not be conducted. The applicant shall ensure that the height of the accessory building has been measured from grade as defined in Section 2, and parking is in compliance with Section 18A. Otherwise additional variations may be required.

That the variations, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter did not affect the decision.

**DATED AT HAMILTON** this 17 day of September, 2020.

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M. Dudzic (Chairman)

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D. Serwatak

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L. Gaddy



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D. Smith

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B. Charters

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M. Switzer

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T. Lofchik

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N. Mleczko

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M. Smith

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**COMMITTEE OF ADJUSTMENT**  
**DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:163**  
**SUBMISSION NO. A-163/20**

**APPLICATION NO.:** **HM/A-20:163**

**APPLICANTS:** Owner: Sathajenderaa Sathyathevan  
Agent: Zoltan Engineering c/o Gerrit Vander Meulen

**SUBJECT PROPERTY:** Municipal address **970 Barton St. E., Hamilton**

**ZONING BY-LAW:** Zoning By-law 05-200 & 6593, as Amended

**ZONING:** C5, E300, H80 (05-200) & K (6593) (Mixed Use Medium Density (05-200) & Heavy Industry Etc. (6593))district

**PROPOSAL:** To permit the construction of a motor vehicle gas bar, notwithstanding that:

**VARIANCES TO HAMILTON ZONING BY-LAW 6593**

Six (6) parking spaces shall be provided instead of the minimum required thirteen (13) parking spaces [as per Section 18A(Table 1)(4)(i) of Hamilton Zoning By-law 6593].

**VARIANCES TO HAMILTON ZONING BY-LAW 05-200**

Six (6) parking spaces shall be provided instead of the minimum required eight (8) parking spaces [as per Section 5.6(a) of Hamilton Zoning By-law 05-200].

**NOTE:**

1. Be advised that Amending By-law No. 17-240 was passed on November 8, 2017 which changed the zoning of this property from "K" (Heavy Industry Etc.) under Hamilton Zoning By-law No. 6593 to C5, E300, H80 (Mixed Use Medium Density) under Hamilton Zoning By-law No. 05-200. However, there are portions of Amending By-law No. 17-240 which are still under appeal to the Local Appeal Planning Tribunal (LPAT); therefore, it is not yet final. As such, the proposed development is reviewed under the regulations contained within Hamilton Zoning By-law 05-200, except where portions of these regulations are still under appeal by By-law No. 17-240 both the existing and proposed Zoning By-law regulations will be examined with the more restrictive zoning regulation being applied. An exception to this policy is for Building Permits, which are reviewed under the former existing Zoning By-law regulation until such time that Amending By-law No. 17-240 comes fully into force. Once By-law No. 17-240 is approved in its entirety by the Local Appeal Planning Tribunal (LPAT), the zoning and regulations under this By-law will be applicable.
2. Please be advised that a 'H80' holding provision is currently assigned to this property. The Holding contains specific conditions required to be satisfied prior to any development on this site.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**DATED AT HAMILTON** this 17th day of September, 2020.

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M. Dudzic (Chairman)

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D. Serwatak

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D. Smith

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M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **October 7, 2020**.

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NOTE:

**“Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”



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**COMMITTEE OF ADJUSTMENT**  
**DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:165**  
**SUBMISSION NO. A-165/20**

**APPLICATION NO.:** **HM/A-20:165**

**APPLICANTS:** Owner: Mike & Heather Mileski  
Agent: Mark Deboer

**SUBJECT PROPERTY:** Municipal address **31 Hilda Ave., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** D (Urban Protected Residential - One and Two Family Dwelling etc.) district

**PROPOSAL:** To permit the construction of a two (2) storey addition at the rear of the existing single family dwelling, notwithstanding,

1. A minimum northerly side yard width of 0.6 metres shall be permitted instead of the minimum required side yard width of 1.2 metres;
2. The eave and gutter shall be permitted to encroach the entire width of the required northerly side yard instead of the maximum permitted encroachment of one-half the width of the required side yard; and,
3. No on-site parking spaces shall be required instead of providing a minimum of three (3) parking spaces.

**NOTES:**

Parking at a rate of 2 spaces, plus an additional 0.5 spaces for each habitable room in excess of eight (8) habitable rooms is required to be provided for a single family dwelling. Based on the submitted floor plans, nine (9) habitable rooms, including "foundation" level, are proposed for the single family dwelling.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**DATED AT HAMILTON** this 17th day of September, 2020.

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M. Dudzic (Chairman)

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D. Serwatak

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L. Gaddy

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D. Smith

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M. Smith

**NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS October 7, 2020.**

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**“Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416.212.8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.212.7499).”



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**COMMITTEE OF ADJUSTMENT**  
**DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-20:166**  
**SUBMISSION NO. A-166/20**

**APPLICATION NO.:** HM/A-20:166

**APPLICANTS:** Owner: Nanan Mangroo  
Agent: Ken Bekendam

**SUBJECT PROPERTY:** Municipal address **56 Stirton St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** D (Urban Protected Residential - One and Two Family Dwellings Etc.) district

**PROPOSAL:** To permit the conversion of a single family dwelling to contain two (2) dwelling units notwithstanding that a minimum lot area of 205m<sup>2</sup> shall be provided instead of the minimum required lot area of 270m<sup>2</sup> for a residential conversion.

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**DATED AT HAMILTON** this 17th day of September, 2020.

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M. Dudzic (Chairman)

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D. Serwatak

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D. Smith

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