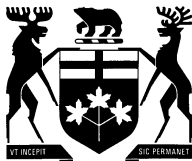


ISSUE DATE:

Jan. 09, 2013



Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

PL110836

IN THE MATTER OF subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Kate Chapman
Applicant:	R.N. Donnell
Subject:	Minor Variance
Variance from By-law No.:	6593
Property Address/Description:	547 King Street East
Municipality:	City of Hamilton
Municipal File No.:	A-50/11
OMB Case No.:	PL110836
OMB File No.:	PL110836

APPEARANCES:

Parties

R. N. Donnell

Kate Chapman

Brian Bonham

Participants

Gary Santucci

Marjorie Verhoeven

Doug Crowder

Patricia Witiw

Counsel

Y. Rozenszjn

DECISION DELIVERED BY R. G. M. MAKUCH AND ORDER OF THE BOARD

[1] This is an appeal by Kate Chapman (Appellant) against the decision of the Committee of Adjustment for the City of Hamilton, which authorized certain minor variances respecting the property known municipally as 547 King Street East in the City

of Hamilton owned by R. N. Donnell (Applicant). The variances as authorized would permit the construction of a three storey mixed use (live/work) building containing six office units within the ground floor and cellar and six residential units within the second and third floors.

[2] While the committee authorized these variances, the hearing before this Board is a hearing de novo and the onus remains on the Applicant to satisfy the Board that the application meets the four tests set out under s. 44(1) of the *Planning Act*. The four tests require any applicant to satisfy the Board that the variances:

- 1) maintain the general intent and purpose of the Official Plan;
- 2) maintain the general intent and purpose of the zoning by-law;
- 3) are desirable for the appropriate development and use of the lands for the development of the lands; and
- 4) are minor.

[3] The variances authorized by the committee are set out in Attachment 1 hereto (Exhibit 17). The Applicant proposed two sets of variances since no decision had been made on the legal tenure which would be either freehold with six lots or a condominium development on one lot. Different zoning requirements are triggered depending on the type of tenure chosen as the form of ownership. Variances 1 to 13 relate to a condominium development on one lot and variances 14 to 26 relate to a freehold tenure form of ownership with six lots.

[4] The evidence before the Board in this hearing consists of the viva voce evidence of R. N. Donnell, the Owner/Applicant, Kate Chapman the Appellant and Brian Bonham, a resident of the area who was added as a party at the commencement of the hearing. Gary Santucci, Marjorie Verhoeven, Doug Crowder and Patricia Witiw were given participant status and also gave evidence in support of the appeal.

[5] The Appellant and those who support the appeal argue that the proposed variances will result in a development that is much too tight and will be an overdevelopment of the subject parcel. A common theme emanating from their evidence was that lack of parking is a real issue in the neighbourhood. They also

maintain that the City owned lane at the rear of the property would provide the only access to the residential units on the second and third floors. They are concerned that the development will be hazardous to pedestrians who will cross it at the intersections with Steven and Tisdale Streets.

[6] The only witness to give evidence in support of the application was R. N. Donnell (Owner/ Applicant) who explained that subject parcel was a vacant parcel having an approximate dimension of 90' X 110' and that he has had a site plan application approved by the City for the proposed development subject to the approval of a number of variances. The subject lands have access to the rear from a municipally owned lane running in an east – west direction from Steven Street to Tisdale Street. Mr. Donnell maintains that the City wants to get this done because it would be a good addition to an area of the City in need of rejuvenation and would eliminate a vacant lot used by prostitutes to ply their trade.

[7] He explained the development and the need for the six units in order to make this project financially viable. He believes that the building has an excellent appearance and will fit in well on King Street and may even encourage new development in the area. He also believes that Ms. Chapman's appeal was motivated her desire to use the currently vacant lot for parking as she is not able to provide parking for customers in her bar business located immediately to the east of the subject lands.

[8] Mr. Donnell relies on the report prepared by the Planning Department for the Committee in response to his application. The report generally supported the variances applied for except for variances 4 and 20 respecting the permission to reduce to zero, the requirement for a 1.5 m planting strip along the westerly and easterly side yards. Planning staff took the position that there is space in each of those side yards for a planting strip.

[9] The Board has carefully considered all of the evidence and finds that the appeal should be dismissed for the reasons that follow.

[10] The only planning evidence before the Board on this appeal is the planning report prepared by the City's Planning Department for the Committee as well as the Committee decision. The report addresses the four tests under s. 45 (1) of the *Planning Act* relating to the variances sought. It addresses each of the variances specifically and

is un-contradicted by any evidence from the Appellant and others who are opposed to the application.

[11] The Board in making its decision on this appeal is bound by s. 2.1 of the *Planning Act*, which provides as follows:

When an approval authority or the Municipal Board makes a decision under this Act that relates to a planning matter, it shall have regard to,

- (a) Any decision that is made under this Act by a municipal council, or by an approval authority, and relates to the same planning matter and
- (b) Any supporting information and material that the municipal council or approval authority considered in making the decision described in clause (a).

[12] While this is a hearing de novo, the Board is nevertheless bound to have regard for the Committee's decision when it authorized these variances as it is bound to have regard for City Council's decision to approve the site plan associated with this application for the authorization of these variances.

[13] Furthermore, the planning report referred to above is information that the Committee as an approval authority considered when reaching its decision to authorize the subject variances and the Board is also bound to have regard to this report in making a decision on this matter.

[14] The said report states that the lands are designated "Commercial" in the City of Hamilton Official Plan and identified as "Commercial and Apartments" in the approved Lansdale Neighbourhood Plan. Commercial and residential is permitted and the Board is satisfied that the intent and purpose of the Official Plan is maintained to have a mix of commercial and residential development on lands situated within these designations.

[15] The Board also finds that the proposed development supports the goals of the Provincial Policy Statement 2005, which is to promote efficient utilization of existing infrastructure in areas where municipal services are already available rather than on lands which require the installation/construction of new infrastructure.

[16] The report also refers to the subject lands being zoned "H" (Community Shopping and Commercial District) under Zoning By-law 6593 and opines that each of the variances meets the intent and purpose of the zoning by-law with the exception of

variances 4 and 20 respecting the elimination of the requirement for plantings in the east and west side yards. Mr. Donnell argues that these should be authorized because that space is required for snow clearing storage and for access from King Street to the rear of the building. It is noted that City Council has given approval to the Site Plan which includes a landscaping strip in those side yards, which could be deleted by the authorization of a variance. The Board finds that it would be more appropriate to provide a walkway to the rear and access to the entrances to the residential units in these side yards than a landscaping strip. Buffering could be provided by having a solid fence along those property lines rather than a chain link fence. The Board is therefore satisfied that these variances meet the general intent and purpose of the official plan and zoning by-law, are desirable for the appropriate development and use of the lands and that they are minor as no undue adverse impacts have been demonstrated by those in support of the appeal.

[17] The Board will address the variances as follows:

Variance 1

[18] The general intent and purpose of this provision in the zoning by-law is to maintain the principal commercial thrust of the "H" zone. The reduction from 180.0 m² to 153 m² of lot area for each dwelling unit representing six dwelling units instead of the maximum permitted five dwelling units based on a total lot area of 918.6 m² will continue to maintain the intent and purpose of the zoning by-law in that the principal use of the ground floor will be commercial.

Variance 2

[19] The Board is satisfied that this variance meets the intent and purpose of the zoning by-law as the proposed height at three storeys is consistent with the surrounding streetscape of three storey buildings and will not have any adverse impacts on the surrounding neighbourhood. The photos of the surrounding area produced at the hearing show that the prevailing height of buildings along King Street is at two and one half, three storeys and more.

Variance 3

[20] The Applicant proposes to have the gross floor area of dwelling units exceed the gross floor area of commercial units, whereas the by-law states that the gross floor area of the dwelling units shall not exceed the gross floor area of commercial space. The Board is satisfied that the variance is minor since the proposed form of development is live/work units which was not a form of development contemplated when the provisions of the "H" zone were written. The development has been reviewed through the site plan control process and were found by Council to be generally consistent with the intent and purpose of the "H" zone.

Variances 5 and 21

[21] The general intent and purpose of the by-law is to provide adequate buffering. The applicant proposes no landscaped area along the entire northerly lot line abutting the Lane way instead of the minimum 1.0 m and averaged 2.0 m landscaped area. The Board is satisfied that the variance is minor as it will allow for driveway access to the rear laneway. These variances recognize the development approved in accordance with the site plan approval process.

Variance 6

[22] The general intent and purpose of the by-law is to ensure there is adequate on-site parking for the use. The applicant is proposing a reduction in parking spaces from the required 14 spaces to 12. The Board is satisfied that the reduction in parking is minor and that there will still be adequate parking for the proposed use, since there is metered parking located along King Street East. It is noted that the Appellant was successful in having a reduction in parking authorized by this Board in 2001 to establish her bar/restaurant business on the adjacent property to the east.

Variance 7

[23] The general intent and purpose of the by-law is to ensure there is adequate on-site parking for visitors. The applicant is proposing a reduction in parking spaces from the required two spaces to no parking spaces. The Board is satisfied that this variance is minor in that metered parking is available on King Street.

Variance 8

[24] The general intent and purpose of the by-law is to ensure adequate space and unobstructed access is provided for the purpose of loading and unloading of supply trucks for the proposed commercial uses. The applicant is proposing that no loading spaces be provided instead of the minimum required two loading spaces. The Board is satisfied on the evidence that loading spaces are not required given that these will be small businesses and that loading and unloading can occur along King Street or within the dedicated rear parking area for each live work unit.

Variances 9 and 22

[25] The general intent and purpose of the by-law is to ensure adequate maneuvering space on-site. The applicant proposes to not provide any maneuvering instead of the minimum 6.0 m space required. The Board is satisfied that the variance is minor since access is to the lane at the rear of the property and not from a public street.

Variances 10, 11, 12, 23 and 24

[26] The general intent and purpose of the by-law is to ensure that there is adequate maneuvering area on-site vehicles to pull in and out of the parking spaces and to prevent the encroachment vehicles beyond the designated parking areas. The applicant is proposing to have no on site maneuvering space for all spaces located in the driveway. The parking spaces are to be located halfway under the proposed carport and no bumper wheel barriers are to be provided. The Board is satisfied that these variances are appropriate and will allow for adequate on-site maneuvering. The Board notes that the cars will have access to a publicly unassumed alleyway and will be able to maneuver off-site as is done on adjacent properties in the surrounding area. The Board is satisfied that no wheel bumpers are required to ensure since the cars will be parked in tandem and it will not be possible to have wheel bumpers between the two spaces.

Variances 13 and 26

[27] The general intent and purpose of the by-law is to ensure permanent access to the parking areas on-site. The Applicant proposes that that access to parking and

maneuvering spaces shall be via a public unassumed alleyway. The Board finds that the variance is minor since, several properties along King Street East use the subject public assumed alleyway as their primary parking access.

Variations 14 to 19

[28] The general intent and purpose of the by-law is to ensure lot areas and widths are consistent with the surrounding neighborhood and to ensure adequate building envelopes with appropriate setbacks can be provided. The applicant is proposing lot area reductions from the minimum required 360.0 m² and a lot width reduction for the minimum required 12.0 m. The Board is satisfied that the variances are minor since the reductions required here are only triggered by the tenure of ownership.

Variance 25

[29] The general intent and purpose of the by-law is to ensure that side yards widths are adequate for access, privacy, drainage and maintenance purposes. The applicant proposes to erect an air-conditioner unit with a minimum of 0.2 m setback from the side lot line for each of the lots in the event freehold tenure instead of the minimum required 2.4 m separation distance. The Board is satisfied that the variance is minor since there is no demonstrated undue impact to be caused by this variance.

[30] The Board is satisfied based on the foregoing that the variances applied for meet the general intent and purpose of the official; plan and zoning by-law are desirable for the appropriate use of the lands and are minor

ORDER

[32] Accordingly, the appeal is dismissed and the application for the authorization of the subject variances is hereby authorized in accordance with Attachment 1 hereto.

“R. G. M. Makuch”

R. G. M. MAKUCH
MEMBER

ATTACHMENT 1

**COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-11:50
SUBMISSION NO. A-50/11**

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13 as amended and of the Zoning By-Law No. 6593, of the City of Hamilton, Sections 14 and 18A.

AND IN THE MATTER OF the Premises known as Municipal number 547 King Street East, in the City of Hamilton and in an "H" (Community Shopping and Commercial) district;

AND IN THE MATTER OF AN APPLICATION by the agent KW Designs on behalf of the owner R.N. Donnell, for relief from the provisions of the Zoning By-Law No. 6593, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the development for a three (3) storey mixed use (live/work units) building containing six (6) office units within the ground floor and cellar and six (6) residential units within the second and the third floors notwithstanding that:

For Development proposed as one lot as per Drawing A2

1. One dwelling unit shall be permitted for each 153.0m² of area of the lot being six (6) dwelling units instead of the maximum permitted one dwelling unit for each 180.0m² of area of the lot being five (5) dwelling units based on a total lot area of 918.6m²;
2. A maximum height of 3 storeys shall be permitted for the mixed use building instead of the maximum 2 storeys permitted;
3. The gross floor area of the dwelling units shall exceed the gross floor area of the commercial units whereas the By-law indicates that the gross floor area of the dwelling units shall not exceed the gross floor area used for commercial purposes;
4. No planting strip shall be provided along the westerly side lot line (abutting 537 King Street) and the easterly side lot line (abutting 555 King Street East) instead of the minimum 1.5m wide planting strip required;
5. No landscaped area shall be provided along the entire lot lines abutting the northerly laneway instead of the minimum 1.0m and average 2.0m landscaped area required;
6. A minimum of 12 parking spaces shall be permitted instead of the minimum required 14 parking spaces;
7. No visitor parking spaces shall be provided instead of the minimum required 2 visitor parking spaces;
8. No loading spaces shall be provided instead of the minimum two (2) loading spaces required;
9. A 9.0m wide manoeuvring aisle shall be permitted instead of the minimum 6.0m wide manoeuvring aisle required;
10. No on-site manoeuvring space shall be provided for the parking spaces in the driveway whereas the by-law requires manoeuvring to be located and maintained only on the lot which the principal building is located;
11. The parking spaces located in the carport shall be obstructed by the parking spaces located in the driveway whereas the by-law requires that every parking space be unobstructed and freely and readily accessible from within the lot;
12. No bumpers or wheel barriers shall be provided whereas the by-law requires bumpers or wheel barriers for a parking area where there are more than five (5) parking spaces;

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SECRETARY, TOWNSHIP

13. Access to the parking and manoeuvring spaces shall be via a public unassumed alley instead of by an access driveway located on the lot, located partially on the lot or by means of a right of way;

For development proposed as six (6) individual lots as per Drawing A1

14. A minimum lot area of 192.0m² and a minimum lot width of 5.4m shall be permitted for 543 King Street East instead of the minimum required lot area of 360.0m² lot area and a minimum required lot width of 12.0m;

15. A minimum lot area of 140.0m² and a minimum lot width of 4.0m shall be permitted for 545 King Street East instead of the minimum required lot area of 360.0m² lot area and a minimum required lot width of 12.0m;

16. A minimum lot area of 138.0m² and a minimum lot width of 4.0m shall be permitted for 547 King Street East instead of the minimum required lot area of 360.0m² lot area and a minimum required lot width of 12.0m;

17. A minimum lot area of 135.0m² and a minimum lot width of 4.0m shall be permitted for 549 King Street East instead of the minimum required lot area of 360.0m² lot area and a minimum required lot width of 12.0m;

18. A minimum lot area of 133.0m² and a minimum lot width of 4.0m shall be permitted for 551 King Street East instead of the minimum required lot area of 360.0m² lot area and a minimum required lot width of 12.0m;

19. A minimum lot area of 178.0m² and a minimum lot width of 5.7m shall be permitted for 553 King Street East instead of the minimum required lot area of 360.0m² lot area and a minimum required lot width of 12.0m;

20. No planting strips shall be provided along the westerly side lot line (abutting 537 King Street) and the easterly side lot line (abutting 555 King Street East) or along the intended lot lines of each of the lots (being 543, 545, 547, 549, 551, and 553 King Street East) instead of the minimum 1.5m wide planting strip required;

21. No landscaped area shall be provided along the entire lot lines abutting the northerly laneway for each of the lots (being 543, 545, 547, 549, 551, and 553 King Street East) instead of the minimum 1.0m and average 2.0m landscaped area required;

22. A 0.0m aisle width manoeuvring space shall be provided for the parking spaces in the driveway for each of the lots (being 543, 545, 547, 549, 551, and 553 King Street East) instead of the minimum required aisle width manoeuvring space of 6.0m;

23. No on-site manoeuvring space shall be provided for the parking spaces in the driveway for each of the lots (being 543, 545, 547, 549, 551, and 553 King Street East) whereas the by-law requires manoeuvring to be located and maintained only on the lot which the principal building is located;

24. The parking spaces located in the carport shall be obstructed by the parking spaces located in the driveway for each of the lots (being 543, 545, 547, 549, 551, and 553 King Street East) whereas the by-law requires that every parking space be unobstructed and freely and readily accessible from within the lot;

25. The air conditioner units shall be located a minimum 0.2m from the side lot lines for each of the lots (being 543, 545, 547, 549, 551, and 553 King Street East) instead of the minimum required 2.4m distance separation; and,

26. Access to the parking and manoeuvring spaces shall be via a public unassumed alley instead of by an access driveway located on the lot, located partially on the lot or by means of a right of way.

Notes:

- i) This application is necessary to facilitate site plan application DA-08-117.
- ii) The proposed development is subject to the issuance of building permits in the normal manner.
- iii) An Encroachment Agreement with the Roads Department is required for the manoeuvring shown to encroach on the Road Allowances.

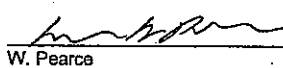
THE DECISION OF THE COMMITTEE IS:

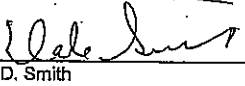
That the variances, as set out in paragraph three above, are GRANTED for the following reasons:

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.

DATED AT HAMILTON this 21st day of July, 2011


M. Dudzic (Chairman)


W. Pearce


D. Smith


I. Dunlop

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS August 10th, 2011.

This decision is not final and binding unless otherwise noted.

NOTE:

1. The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Testing and Stage 4 Mitigation may be required as determined by the Ontario Ministry of Tourism and Culture. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Tourism and Culture.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism and Culture (MTC) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTC and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

IMPORTANT NOTICE

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

Please note in the attached copy of Subsection (12) to (20) of Section 46 of The Planning Act.

- (a) That a right of appeal is given by Subsection 12; and,
 - (b) That if no appeal is filed within the TWENTY days allowed, the Committee's decision is then final and binding; and,
 - (c) That under Subsection 14, the applicant is to be given notice of the final disposition of the application.
- 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.**

EXTRACT FROM SECTION 46 OF THE PLANNING ACT AND COMMENTS

The applicant, the Minister or any other person or public body who has an interest in the matter within 20 days of the making of the decision appeal to the Municipal Board 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 prescribed by the Municipal Board under the Ontario Municipal Act as payable on an appeal from a Committee of Adjustment to the Board.

IMPORTANT NOTE: APPEALS MUST BE FILED AT THE OFFICE OF THE COMMITTEE OF ADJUSTMENT (Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton). DO NOT DELIVER 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.

The secretary-treasurer of a committee, upon receipt of a notice of appeal under Subsection (12) shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (12) to the Municipal Board by registered mail together with all papers and documents filed with the Committee of Adjustment relating to the matter appealed from and such other documents and papers as may be required by the Board.

Within such TWENTY 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 send the a certified copy of the decision with the clerk of the municipality.

When an appeal to the Municipal Board is withdrawn, the decision of the Committee is final and binding and the secretary of the Board shall notify the secretary-treasurer of the committee who in turn shall notify the applicant and file a certified copy of the decision with the clerk of the municipality.

On an appeal to the Municipal Board, the Board shall, except as provided in subsection (16) and (17), hold a hearing of which notice shall be given to the applicant, the applicant, the secretary-treasurer of the committee and to such other persons or public bodies and in such manner as the Board may determine.

- (17) Dismiss the Statutory Powers Proceeding Act and subsection (15), the Municipal Board may dismiss all or part of an appeal without holding a hearing on its motion or on the motion of any party if:
 - (a) It is of the opinion that
 - (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Board could allow all or part of the appeal;
 - (ii) the appeal is not made in good faith or is frivolous or vexatious; or,
 - (iii) the appeal is made only for the purpose of delay;
 - (b) the applicant has not provided written reasons for the appeal;
 - (c) the applicant has not paid the fee prescribed under the Ontario Municipal Board Act; or,
 - (d) the applicant has not responded to a request by the Municipal Board for further information within the time specified by the Board.
- (17.1) Before dismissing an appeal, the Municipal Board shall notify the applicant and give the applicant an opportunity to make representation in respect of the appeal and the Board may dismiss an appeal after holding a hearing or without holding a hearing on its motion, as it considers appropriate.
- (18) The Municipal Board may dismiss the appeal and may make any decision that the committee could have made on the original application.
- (18.1) On an appeal, the Municipal Board may make a decision on an application which has been submitted from the original application, if notice setting its order, written notice is given to the person and public bodies who received notice of the original application under subsection (5) and to other persons and agencies prescribed under that subsection.
- (18.2) Any person or public body who receives notice under subsection (18.1) may, not later than TWENTY days after the day that written notice is given, notify the Board of an intention to appear at the hearing or the resumption of the hearing, as the case may be.
- (18.3) If, after the expiry of the time period in subsection (18.2), no notice of intent has been received, the Board may issue its order.
- (18.4) If a notice of intent under subsection (18.2) is received, the Board may hold a hearing or resume the hearing on the amended application.
- (19) When the Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.
- (20) The secretary-treasurer shall file a copy of the order of the Municipal Board with the clerk of the Municipality.

IN ACCORDANCE WITH THE ABOVE-NOTED PROVISION OF THE PLANNING ACT, THE LAST DAY OF APPEAL FROM THIS DECISION IS:

AUG 10 2011

NOTE: This fee is \$125.00 to be paid by certified cheque or money order made out to THE MINISTER OF FINANCE and MUST accompany the Notice of Appeal.

Questions or Information Contact Scott Babbay (609) 246-2424 Ext. 4444

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Clarke
O.M.B.
without
hearing