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**Town of Aurora
Planning and Development
Services**

COMMITTEE OF ADJUSTMENT STAFF REPORT

DATE: May 4, 2018
FROM: Marty Rokos, Planner/Acting Secretary-Treasurer, Committee of Adjustment
RE: Minor Variance Application
O'Brien
44 Mosley Street
Plan 68 Part Lot 7
File NO: MV-2018-06 A-D

The Applicant is seeking relief from the provisions of Zoning By-law No. 6000-17, as amended, to allow construction of a new two-storey detached dwelling with an attached 3 car garage facing the western property line. The applicant proposes to demolish the existing dwelling. The property is zoned "Special Mixed Density Residential (R7)."

PURPOSE OF APPLICATION MV-2018-06A

Section 7.2 of the Zoning By-law requires a minimum interior side yard setback of 1.5 metres. The Applicant is proposing to construct a two-storey detached dwelling which is 0.6 metres to the interior side property line; thus requiring a Variance of 0.9 metres.

PURPOSE OF APPLICATION MV-2018-06B

Section 4.20 of the Zoning By-law allows eaves to project 0.7 metres into any required yard. The Applicant is proposing to construct a two-storey detached dwelling with eaves projecting 1.5 metres into the interior side yard; thus requiring a Variance of 0.8 metres.

PURPOSE OF APPLICATION MV-2018-06C

Section 5.6.1(a)(ii) of the Zoning By-law allows a maximum driveway width of 6.0 metres if the lot frontage is greater than or equal to 9.0 metres and less than 19.0 metres. The applicant is proposing a driveway width of 9.6 metres; thus requiring a Variance of 3.6 metres.

PURPOSE OF APPLICATION MV-2018-06D

Section 5.3 of the Zoning By-law requires a minimum manoeuvring space of 7.0 metres for 90 degree parking spaces. The applicant is proposing a 90 degree maneuvering space of 6.0 metres; thus requiring a Variance of 1.0 metre.

DEPARTMENTS AND AGENCIES CIRCULATED	COMMENTS RECEIVED
Planning Division:	No objections

Building Division:	No comments received
Engineering Division:	No objections
Heritage Planning:	No objections
Operational Services:	No objections subject to conditions
Central York Fire Services:	No comments received
Alectra Utilities:	No objections
York Region:	No objections

BASIC DATA PERTAINING TO THE MATTER

There appear to be no objections to the Application; however there are conditions suggested in relation to approval of this Application.

LEGISLATIVE FRAMEWORK FOR MINOR VARIANCE

In considering this Application, the Committee must have regard for the following criteria and determine whether:

- The general intent and purpose of the Town's Official Plan will be maintained;
- The general intent and purpose of the Town's Zoning By-law will be maintained;
- The Variance is desirable for the appropriate development or use of the land, building or structure; and,
- The proposed Variance is minor in nature.

RECOMMENDATIONS

THAT the Committee determine its position with respect to the merits of the APPLICATION in the context of the legislative framework and the comments contained herein.

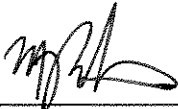
1. SUBMISSION to the Secretary-Treasurer of written confirmation from the Director of Operational Services, or their designate, that the Applicant has satisfied all concerns below and as noted in the February 27, 2018 memo by Sara Tienkamp, Manager of Parks:
 - That the owner is required to provide an Evaluation Report prepared by a Certified Arborist or Professional Registered Forester outlining all aspects of the impacts that this proposal will have on existing and remaining vegetation, The report shall include a site plan showing the location of all trees and vegetation that will be impacted and or preserved both on or adjacent to the site. The report shall also include recommendations and an action plan on the mitigation of negative effects to preserved vegetation,

during and post construction periods as well as measures aimed at tree health care and protection for trees effected by the project and any remaining trees in the vicinity of the project that require applicable maintenance.

- Should it be determined by the Arborist /Forester that trees and vegetation warrants preservation and protection then the report shall include a schedule of monitoring the ongoing site work through a series of scheduled site visits by the Arborist / Forester during and post construction to ensure the vegetation preservation measures remain in compliance throughout the project, each site Visit to be documented and any resulting action items required by the Arborist /Forester shall be implemented and confirmed on site forthwith by the Arborist /Forester following each visit. The owner shall agree to provide copies of the Arborist / Foresters site visit reports to the Town following each visit
- The owner shall agree to provide financial securities based on the total value of the Tree Compensation evaluation and all Arboriculture works as defined by the Town and the Owners Arborist/ Forester. To the satisfaction of the Director of Parks and Recreation.
- The owner will be required to provide vegetation compensation and a replanting plan in accordance with the Town of Aurora TREE REMOVAL/PRUNING AND COMPENSATION POLICY to the satisfaction of the Direction of Parks and Recreation as compensation for trees removed to facilitate construction. Compensation planting shall be completed prior to release of the financial securities.
- The owner shall agree to comply with the Aurora Tree Permit By-law # 5850-16-prior to the removal of any trees on the property.

2. THAT the above noted conditions be satisfied within one year from the Notice of Decision, or the Variance may lapse requiring reapplication.

Prepared by: Marty Rokos, Acting Secretary-Treasurer, COA Ext. 4350



Marty Rokos, MCIP, RPP
Planner
Acting Secretary-Treasurer, Committee of Adjustment



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**Town of Aurora
Planning and Development
Services**

INTERNAL MEMORANDUM

DATE: May 3, 2018

TO: Marty Rokos, Acting Secretary Treasurer

FROM: Lawrence Kuk, Senior Planner, Planning and Development Services

RE: Application for Minor Variance
Brendan O'Brien
44 Mosley Street
Plan 68 Part Lot 7
File Number: MV-2018-06A-D

The applicant is requesting relief from the requirements of the Town of Aurora Zoning By-law 6000-17. The applicant proposes to demolish the existing dwelling and construct a new two storey detached dwelling with an attached 3 car garage facing the westerly property line. The original application was deferred at the April 12, 2018 Committee of Adjustment meeting. The purpose of the deferral was to allow the applicant to consider a larger side yard setback. The applicant has submitted a revised plan and Preliminary Zoning Review. The applicant has applied for the following variances:

Application MV-2018-06A: To permit a reduced minimum easterly interior side yard setback for the proposed two storey dwelling with an attached garage to 0.6 m, whereas the Zoning By-law requires a setback of 1.5 m, thereby requiring a variance of 0.9 m.

Application MV-2018-06B: To permit the proposed two-storey detached dwelling to have an eaves projection of 1.5 m into the required easterly interior side yard, whereas the Zoning By-law allows a maximum eaves projection of 0.7 m, thereby requiring a variance of 0.8 m.

Application MV-2018-06C: To permit an increased driveway width of 9.6 m, whereas the Zoning By-law requires a maximum driveway width of 6.0 m for frontages between 9.0 m to 18.0 m, thereby requiring a variance of 3.6 m.

Application MV-2018-06D: To permit a reduced minimum manoeuvring space to 6.0 m for 90 degree spaces, whereas the Zoning by-law requires a minimum manoeuvring space of 7.0 m, thereby requiring a variance of 1.0 m.

Planning staff have evaluated the minor variance application pursuant to the prescribed tests set out in Section 45.1 of the Planning Act.

1) **General Intent of the Official Plan**

The subject property is designated as "Stable Neighbourhoods" by the Town of Aurora Official Plan. The intent of the "Stable Neighbourhoods" designation is to ensure that existing areas are protected from incompatible forms of development and, at the same time, are permitted to evolve and be enhanced over time. The variances sought will maintain the character of this portion of Mosley Street and will be compatible with development on adjacent properties.

Planning Staff are of the opinion that the proposed variances maintain the general intent and purpose of the Official Plan.

2) **General Intent of the Zoning By-law**

The subject lands are zoned "Special Mixed Density Residential R6 Zone" within the Town of Aurora Zoning By-law 6000-17. The current zoning permits detached dwellings, semi-detached or duplex dwellings, second suite dwellings, home occupations, double duplex or triplex dwellings, and converted dwellings.

The intent of the minimum side yard setback and maximum eave projection is to ensure that adequate spatial separation to the property line is maintained, minimize potential impacts on adjacent properties, ensure an adequate amount of outdoor amenity area, provide a means of accessing the rear yard, and that the development is compatible with the surrounding area. The surrounding neighbourhood has a variety of lot sizes with varying building setbacks. Interior side yards that do not meet the minimum setbacks are common, including the lots that abut the subject property to the east (0.17 m setback) and west (0.62 m setback). The proposed variances for the side yard and eave encroachment are limited to the attached garage, while the primary section of the building complies with the zoning requirements. It is the opinion of Planning staff that there is adequate spatial separation to the property line and that there are no impacts on adjacent properties.

The intent of the maximum driveway width and minimum manoeuvring space is to ensure that there is satisfactory space for anticipated vehicular access and movements, adequate space for landscaping and the placement of utilities, no adverse impact on sidewalks or roadways, adequate space for on-street parking, and that the development is compatible with the surrounding area. The proposed dwelling was designed to maintain the heritage character of the neighbourhood, with a front porch and parking at the rear of the house. The depth of the lot allows for a three car garage and driveway at the rear of the property, as well as landscaped lawn behind the garage with approximately 15 metres in depth. It is Planning staff's opinion that there is adequate landscaped area, no adverse impacts on Mosley Street, and that the development is compatible with the area. It is noted that the Town's engineering staff have reviewed the application and have no objections to the variance to reduce vehicle manoeuvring space.

Planning staff are of the opinion that the proposed variances maintain the general intent and purpose of the Zoning By-law.

3) **Are the variances desirable for the appropriate development or use of the land**

The subject lands are part of the oldest neighbourhood in Aurora, which has a variety of building sizes, ages, yard sizes, and uses. The subject neighbourhood has historic, pedestrian oriented streetscapes that will not be impacted by the proposed variances. The driveway widening will be at the rear of the lot; the portion of the driveway that is visible from the street will comply with the zoning requirements.

Given the above, the proposed variances are considered desirable, compatible, and appropriate development and use of the land.

4) **Are the variances minor in nature**

There is minimal impact as a result of the proposed variances. Planning Staff are of the opinion that the requested variances will not have a negative impact on surrounding properties and are of the opinion that the variances are minor in nature.

Planning Staff are of the opinion that the Minor Variance Application meets the four (4) prescribed tests set out in Section 45.1 of the *Planning Act* and therefore staff have no objection to the approval of Minor Variance Application File: MV-2018-06A-D (O'Brien).

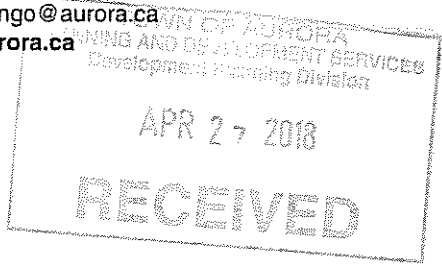


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**Town of Aurora
Infrastructure & Environmental
Services**

MEMO

File: MV-2018- (06 A-D)
D13-DEV- 006 (2018)




DATE: April 26, 2018

TO: Marty Rokos, Acting Secretary-Treasurer Committee of Adjustment

FROM: Patrick Ngo, Planning and Development Services

RE: Application for Minor Variance
Brendan O'Brien & Lori Mackenzie
44 Mosley Street
Plan 68 Pt Lot 7

Engineering and Capital Delivery Division has no objection to these minor variance applications.



Patrick Ngo
Municipal Engineer
Ext. 4375



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**Town of Aurora
Planning and Development Services**

INTERNAL MEMORANDUM

DATE: March 8, 2017

TO: Justin Leung, Secretary-Treasurer/Planning Technician, Committee of Adjustment

FROM: Jeff Healey, Planning and Development Services

RE: Application for Minor Variance
O'Brien-Mackenzie
44 Mosley Street
Plan 68, Pt Lot 7
File No. MV-2018-06(A-D)

In regards to the Application for Minor Variance for the property located at 44 Mosley Street, I have the following built heritage comments.

The subject property is included in the Heritage Resources Area as per Schedule 'D' of the Official Plan. Section 13.2 s) notes this area as having primary significance to the Town's heritage. Mosley Street has a significant number of properties identified as having cultural heritage value or interest and as such, these properties are included in the Register of Properties of Cultural Heritage Value or Interest.

The subject property is a non-listed and non-designated property, however as the building lies on Mosley Street, consideration of the surrounding heritage context is important in the design of the structure. According to Town databases, the property located at 44 Mosley Street was constructed in 1945.

Heritage Staff received preliminary drawings from the owner in January 2018 for preliminary heritage review. The proposed building is a 2 storey wood structure, finished with board and batten siding. The proposed attached garage is located in the rear yard, this is supported by staff as the garage is hidden from the street. Variances C and D are required in order to allow for a driveway in the rear yard, to allow for sufficient maneuvering from the proposed garage.

Overall, the proposed design is sympathetic with the heritage character of the neighbourhood. Therefore, Heritage Staff have no concerns with the subject variance application.



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**Town of Aurora
Parks, Recreation and Cultural
Services**

INTERNAL MEMORANDUM

DATE: February 27, 2018
TO: Justin Leung, Acting Committee of Adjustment Secretary
FROM: Sara Tienkamp, Manager of Parks
RE: MV 2018 – 06 A-D

We have reviewed the documentation for the property associated with the above noted application and provide the following recommended conditions in the event the application is approved.

The proposed house construction and driveway works may have significant impact on several trees on or adjacent to the subject property.

There are trees that may require removal due to the proposed works. As well, some trees are situated on or adjacent to the subject property line and as such any excavation or disturbance in this location may result in irreparable damage to the root systems and canopy, to one or more of these trees.

In view of the above staff recommend that the Committee impose the following conditions in the event that this application is approved.

- *That the owner is required to provide an Evaluation Report prepared by a Certified Arborist or Professional Registered Forester outlining all aspects of the impacts that this proposal will have on existing and remaining vegetation, The report shall include a site plan showing the location of all trees and vegetation that will be impacted and or preserved both on or adjacent to the site. The report shall also include recommendations and an action plan on the mitigation of negative effects to preserved vegetation ,during and post construction periods as well as measures aimed at tree health care and protection for trees effected by the project and any remaining trees in the vicinity of the project that require applicable maintenance.*
- *Should it be determined by the Arborist /Forester that trees and vegetation warrants preservation and protection then the report shall include a schedule of monitoring the ongoing site work through a series of scheduled site visits by the Arborist / Forester during and post construction to ensure the vegetation preservation measures remain in compliance throughout the project, each site*

Visit to be documented and any resulting action items required by the Arborist /Forester shall be implemented and confirmed on site forthwith by the Arborist /Forester following each visit. The owner shall agree to provide copies of the Arborist / Foresters site visit reports to the Town following each visit

- *The owner shall agree to provide financial securities based on the total value of the Tree Compensation evaluation and all Arboriculture works as defined by the Town and the Owners Arborist/ Forester. To the satisfaction of the Director of Parks and Recreation.*
- *The owner will be required to provide vegetation compensation and a replanting plan in accordance with the Town of Aurora TREE REMOVAL/PRUNING AND COMPENSATION POLICY to the satisfaction of the Direction of Parks and Recreation as compensation for trees removed to facilitate construction. Compensation planting shall be completed prior to release of the financial securities.*
- *The owner shall agree to comply with the Aurora Tree Permit By-law # 5850-16- prior to the removal of any trees on the property.*

All of the above shall be included as terms and conditions in a Letter of Undertaking with the Town of Aurora to guarantee compliance with the Conditions of Approval and all related site works.

Sara Tienkamp, Manager of Parks



Date: February 27th , 2017
Attention: Justin Leung
RE: Request for Comments
File No.: MV-2018-06A-D
Related Files:
Applicant: Brendan O'Brien & Lori Mackenzie
Location 44 Mosley Street

COMMENTS:

We have reviewed the proposed Variance Application and have no comments or objections to its approval

We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).

We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

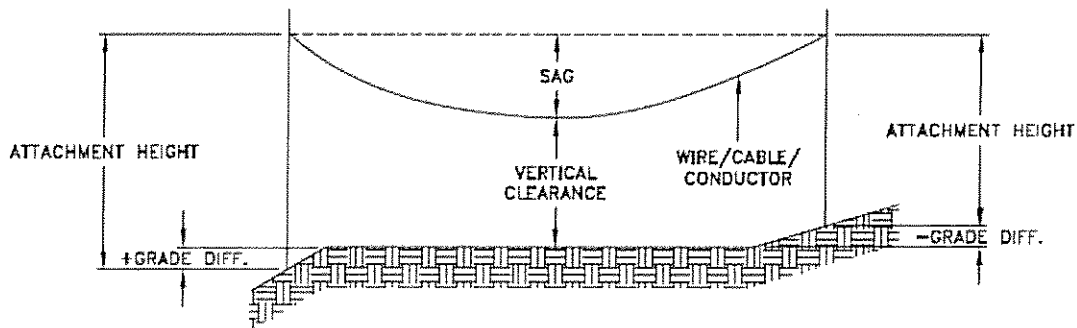
References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact:

Mr. Stephen Cranley
Supervisor, Subdivisions & New Services
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alecrautilities.com

LOCATION OF WIRES, CABLES OR CONDUCTORS	SYSTEM VOLTAGE			
	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV TO 27.6/16kV (SEE NOTE 1)	44kV
	MINIMUM VERTICAL CLEARANCES (SEE NOTE 2)			
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO VEHICLES	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO PEDESTRIANS AND BICYCLES ONLY	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT RAILWAY CROSSINGS	730cm	730cm	760cm	810cm



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG
 + MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)
 ± GRADE DIFFERENCE
 + 0.3m (VEHICLE OR RAILWAY LOCATION)
 + SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

NOTES:

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

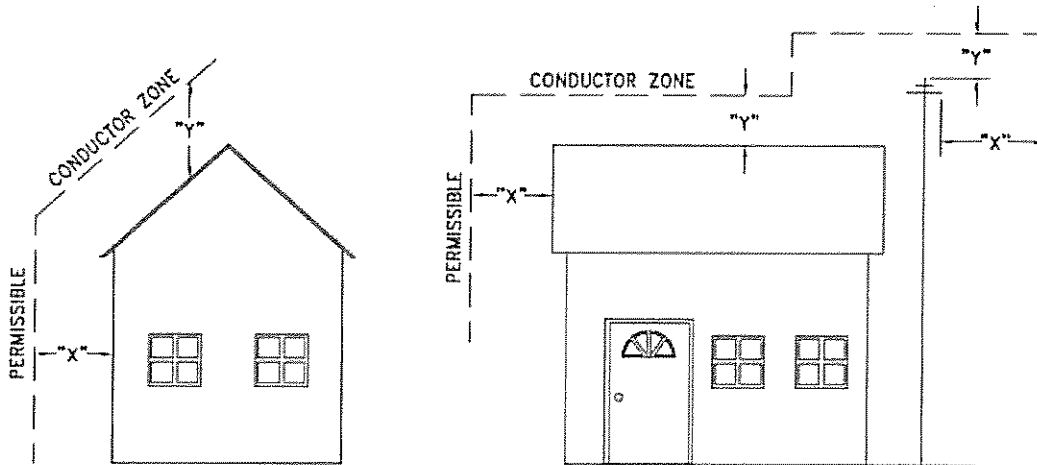
METRIC	IMPERIAL (APPROX)
810cm	27'-0"
760cm	25'-4"
730cm	24'-4"
520cm	17'-4"
480cm	16'-0"
442cm	15'-5"
370cm	12'-4"
340cm	11'-4"
310cm	10'-4"
250cm	8'-4"

SAGS AND TENSIONS SECTION 02

MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS

ORIGINAL ISSUE DATE: 2010-DEC-24 REVISION NO: R1 REVISION DATE: 2012-JAN-09

This construction Standard meets the safety requirements of Section 4 of Regulation 22.04	
Joe Crozier, P.Eng.	2012-JAN-09
Name	Date
P.Eng. Approval By:	Joe Crozier



VOLTAGE	MINIMUM HORIZONTAL CLEARANCE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0-600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

NOTES

1. UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
2. THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
3. THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
4. BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
5. IN SITUATIONS SUCH AS MULTI-LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03-1 SHALL APPLY.
6. DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUNCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
7. ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1-05 (TABLE-9).

METRIC	IMPERIAL (APPROX)
480cm	16'-0"
300cm	10'-0"
250cm	8'-4"
100cm	3'-4"

MINIMUM VERTICAL & HORIZONTAL CLEARANCES OF CONDUCTORS FROM BUILDINGS OR OTHER PERMANENT STRUCTURES (CONDUCTORS NOT ATTACHED TO BUILDINGS)

Certificate of Approval	
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04	
Debbie Dalwani, P.Eng	2010-MAY-05
Name	Date
P.Eng. Approval By: <i>D. Dalwani</i>	

ORIGINAL ISSUE DATE: 2010-MAY-05 REVISION NO: REVISION DATE:
© System Planning and Standards/Standard Design/PowerStream Standards/PowerStream Standards according to Regulation 22-04 RC May 5, 2010, rev. 01/10/10 #11222 AP, Adobe PDF

Leung, Justin

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: Monday, February 26, 2018 2:48 PM
To: Leung, Justin
Subject: FW: March 8 COA Application - MV-2018-06 - 44 Mosley Street, Minor Variance, Aurora
Attachments: MV-2018-06 application package.pdf

Good afternoon Justin,
The Regional Municipality of York has completed its review of the above Minor Variance application and has no objection.
Regards,

Gabrielle Hurst, MCIP.RPP. C.Tech

Programs and Process Improvement | Planning and Economic Development Branch | Corporate Services

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From: JLeung@aurora.ca [<mailto:JLeung@aurora.ca>]
Sent: Friday, February 16, 2018 1:21 PM
To: jmcdonald@cyfs.ca; Development Services; MRamunno@aurora.ca; LKuk@aurora.ca; STienkamp@aurora.ca; ABazar@aurora.ca; KSethi@aurora.ca; PDeSario@aurora.ca; AMihail@aurora.ca
Cc: CGraup@aurora.ca; MRokos@aurora.ca
Subject: March 8 COA Application packages

In accordance with Planning and Building Services electronic circulation procedures, attached are the following Committee of Adjustment (COA) Application packages to be heard at the March 8 COA meeting:

MV-2018-03 - Chieduch - 62 Tyler Street
MV-2018-04 - Meehan-Scholes - 80 Victoria Street
MV-2018-05 - BG Properties (Aurora) Inc - 14314 Yonge Street
MV-2018-06 - Mackenzie-O'Brien- 44 Mosley Street

Justin Leung
Secretary-Treasurer
Committee of Adjustment/Planning Technician

Planning and Development Services
Development Planning Division
Committee of Adjustment Section
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