

ITEM #: 6.24

**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A137/22
34 Silker St, Maple**

COA REPORT SUMMARY

**THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING
DEPARTMENTS & AGENCIES:**

*Please see **Schedule B** of this report for a copy of Staff and Agency correspondence.

Additional comments from departments and agencies may be received after the publication of the Staff Report. These comments will be processed as an addendum and posted on the City's Website.

DEPARTMENTS	Circulated	Comments Received	Conditions	Nature of Comments
Committee of Adjustment	X	X		General Comments
Building Standards -Zoning Review *Schedule B	X	X		General Comments
Building Inspection (Septic)	X			No Comments Recieved to Date
Development Planning *Schedule B	X	X		Recommend Approval/No Conditions
Development Engineering	X	X		Recommend Approval/No Conditions
Parks, Forestry and Horticulture Operations	X	X		No Comments Recieved to Date
By-law & Compliance, Licensing & Permits	X			No Comments Recieved to Date
Development Finance	X	X		No Comments or Concerns
Real Estate				
Fire Department	X			No Comments Recieved to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X	X		General Comments
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			No Comments Recieved to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				

PUBLIC & APPLICANT CORRESPONDENCE

*Please see **Schedule C** of this report for a copy of the public & applicant correspondence listed below.

The deadline to submit public comments is **noon on the last business day prior to the scheduled hearing date.**

Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City's Website.

All personal information collected because of this public meeting (including both written and oral submissions) is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
None				

PREVIOUS COA DECISIONS ON THE SUBJECT LAND

*Please see **Schedule D** for a copy of the Decisions listed below

File Number	Date of Decision MM/DD/YYYY	Decision Outcome
None		

ADJOURNMENT HISTORY

* Previous hearing dates where this application was adjourned by the Committee and public notice issued.

None



**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A137/22
34 Silker St, Maple**

FILE MANAGER: Adriana MacPherson, Administrative Coordinator - Committee of Adjustment

ITEM NUMBER: 6.24	CITY WARD #: 4
APPLICANT:	Kamil Bagirov
AGENT:	Paul Hung
PROPERTY:	34 Silker St, Maple
ZONING DESIGNATION:	See Below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Oak Ridges Moraine Settlement Area" by Schedule 4 – Oak Ridges Moraine Conservation Plan & Greenbelt Plan Areas and "Low-Rise Residential" by Schedule 13 – Land Use.
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the installation of a proposed pool.

The following variances have been requested from the City's Zoning By-law:

The subject lands are zoned R3 (EN) Third Density Residential Zone (Established Neighbourhood), and subject to the provisions of Exception 14.877 under Zoning By-law 001-2021.

#	Zoning By-law 01-2021	Variance requested
1	The minimum setback of an outdoor swimming pool to any lot line shall be 1.5 metres. [4.21.3]	To permit an outdoor swimming pool to be setback a minimum of 1.0 metres from the rear lot line.
2	The minimum setback of an outdoor swimming pool to any lot line shall be 1.5 metres. [4.21.3]	To permit an outdoor swimming pool to be setback a minimum of 1.33 metres from the northerly interior side lot line.
3	The minimum setback of an outdoor swimming pool to any lot line shall be 1.5 metres. [4.21.3]	To permit an outdoor swimming pool to be setback a minimum of 1.22 metres from the southerly interior side lot line.
4	Hard landscape shall be setback 0.6 metres from any lot line. [4.13]	To permit hard landscape to be setback 0.0 metres from the southerly interior lot line.

The subject lands are zoned RD3, Residential Detached Zone Three, subject to the provisions of Exception 9(1234) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
5	A minimum rear yard setback of 1.5 metres is required to a private swimming pool. [4.1.1 i]	To permit a minimum rear yard setback of 1.0 metres to a private swimming pool.
6	A minimum interior side yard setback of 1.5 metres is required to a private swimming pool. [4.1.1 i]	To permit a minimum northerly interior side yard setback of 1.33 metres to a private swimming pool.
7	A minimum interior side yard setback of 1.5 metres is required to a private swimming pool. [4.1.1 i]	To permit a minimum southerly interior side yard setback of 1.22 metres to a private swimming pool.

HEARING INFORMATION

DATE OF MEETING: Thursday, June 16, 2022

TIME: 6:00 p.m.

MEETING LOCATION: Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan

LIVE STREAM LINK: Vaughan.ca/LiveCouncil

PUBLIC PARTICIPATION

If you would like to speak to the Committee of Adjustment at the meeting, either remotely or in person, please complete the [Request to Speak Form](#) and submit to cofa@vaughan.ca

If you would like to submit written comments, please quote file number above and submit by mail or email to:

Email: cofa@vaughan.ca

Mail: City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1

THE DEADLINE TO REGISTER TO SPEAK OR SUBMIT WRITTEN COMMENTS ON THE ABOVE NOTED FILE(S) IS NOON ON THE LAST BUSINESS DAY BEFORE THE MEETING.

INTRODUCTION

Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.

Section 45(1) of the Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application may consider the following:

That the general intent and purpose of the by-law will be maintained.

That the general intent and purpose of the official plan will be maintained.

That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.

That the requested variance(s) is/are minor in nature.

Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

COMMITTEE OF ADJUSTMENT COMMENTS

Date Public Notice Mailed:	June 3, 2022	
Date Applicant Confirmed Posting of Sign:	June 7, 2022	
Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small>	With the By-law required minimum of 1.5m. This won't work for the owner to fit the pool and functional patio space. It is also due to small backyard space.	
Adjournment Requests (from staff): <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	None	
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: <small>*ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice. *A revised submission may be required to address staff / agency comments received as part of the application review process. *Where a zoning review has not been completed on a revised submission, an opportunity is provided to the applicant to adjourn the proposal prior to the issuance of public notice.</small>	No	
Adjournment Fees: In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice. An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the Committee or staff after the issuance of public notice.		
Committee of Adjustment Comments:	None	
Committee of Adjustment Recommended Conditions of Approval:	None	

BUILDING STANDARDS (ZONING) COMMENTS

****See Schedule B for Building Standards (Zoning) Comments**

Building Standards Recommended Conditions of Approval:	None
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DEVELOPMENT PLANNING COMMENTS

**See Schedule B for Development Planning Comments.

Development Planning Recommended Conditions of Approval:	None
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DEVELOPMENT ENGINEERING COMMENTS

[Link to Grading Permit](#) [Link to Pool Permit](#) [Link to Curb Curt Permit](#) [Link Culvert Installation](#)

The Owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit the pool permit link provided above to learn how to apply for the pool permit.

Development Engineering Recommended Conditions of Approval:	None
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PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Parks: No response

Forestry: Forestry is satisfied with the current plans. No additional information is required at this time.

Horticulture: No response

PFH Recommended Conditions of Approval:	Parks: None Forestry: None Horticulture: None
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DEVELOPMENT FINANCE COMMENTS

No comment no concerns

Development Finance Recommended Conditions of Approval:	None
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BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

No response

BCLPS Recommended Conditions of Approval:	None
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BUILDING INSPECTION (SEPTIC) COMMENTS

No response

Building Inspection Recommended Conditions of Approval:	None
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FIRE DEPARTMENT COMMENTS

No response

Fire Department Recommended Conditions of Approval:	None
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SCHEDULES TO STAFF REPORT

*See Schedule for list of correspondence

Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Staff & Agency Comments
Schedule C (if required)	Correspondence (Received from Public & Applicant)
Schedule D (if required)	Previous COA Decisions on the Subject Land

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application, as required by Ontario Regulation 200/96, the following conditions have been recommended:

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL

All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.

#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
	None	

IMPORTANT INFORMATION – PLEASE READ

CONDITIONS: It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (**see condition chart above for contact**). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee's decision.

An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.

A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City's Zoning By-law.

Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City's Zoning By-law) shown on the elevation plans submitted with the application.

Architectural design features that are not regulated by the City's Zoning By-law are not to be considered part of an approval unless specified in the Committee's decision.

DEVELOPMENT CHARGES: That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

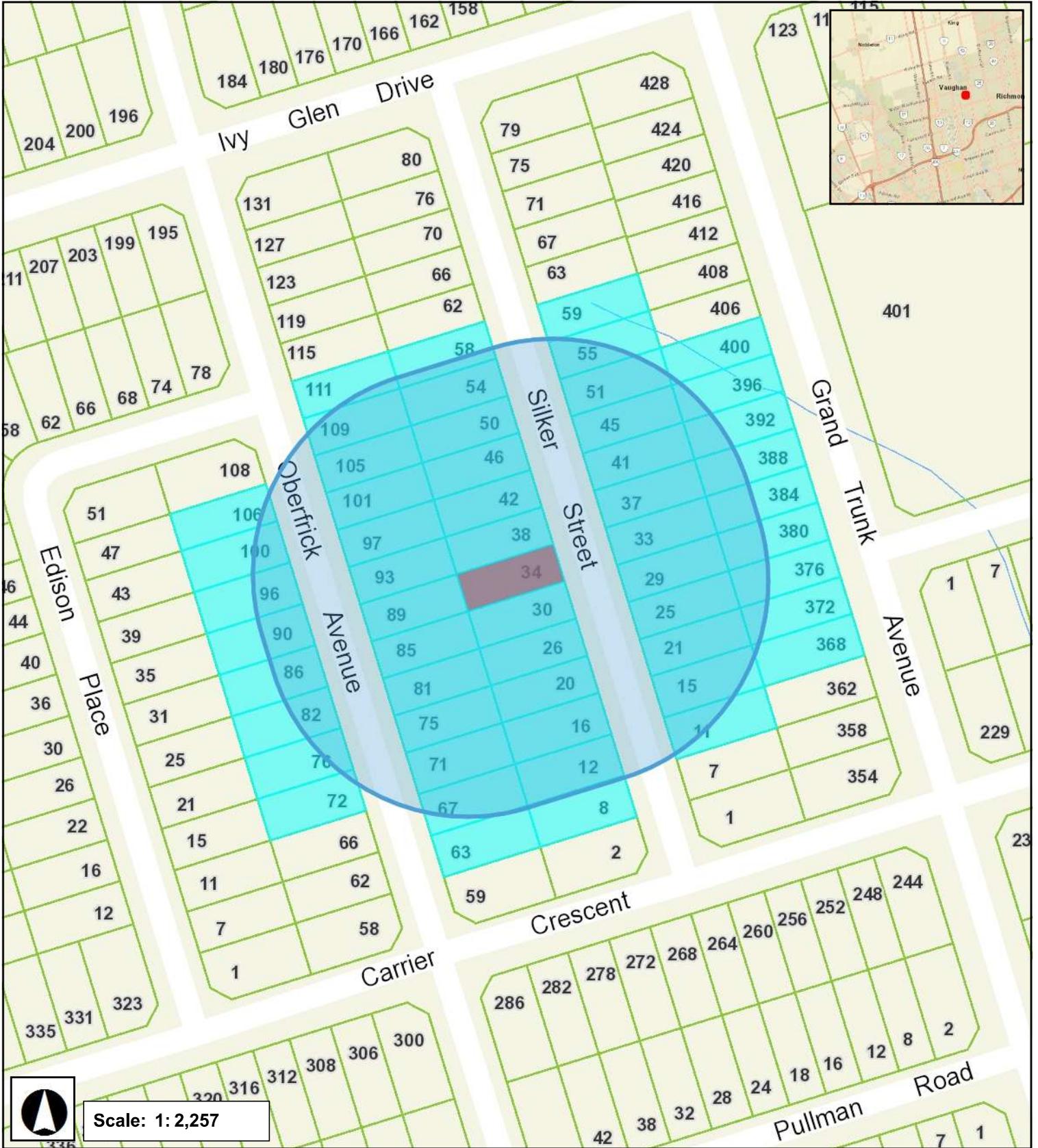
SCHEDULE A: DRAWINGS & PLANS



LOCATION MAP - A137/22

34 SILKER STREET, VAUGHAN

Major Mackenzie Drive



SCHEDULE B: STAFF & AGENCY COMMENTS

DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X	X		General Comments
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			No Comments Recieved to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				
Development Planning	X	X		Recommend Approval/no conditions
Building Standards (Zoning)	X	X		General Comments

To: Committee of Adjustment
From: Catherine Saluri, Building Standards Department
Date: May 27, 2022
Applicant: Kamal Bagirov & Abramov Yaffa
Location: 34 Silker Street
 Plan 65M4253 Lot 61
File No.(s): A137/22

Zoning Classification:

The subject lands are zoned R3 (EN) Third Density Residential Zone (Established Neighbourhood), and subject to the provisions of Exception 14.877 under Zoning By-law 001-2021.

#	Zoning By-law 01-2021	Variance requested
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The subject lands are zoned RD3, Residential Detached Zone Three, subject to the provisions of Exception 9(1234) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
5	A minimum rear yard setback of 1.5 metres is required to a private swimming pool. [4.1.1 i]	To permit a minimum rear yard setback of 1.0 metres to a private swimming pool.
6	A minimum interior side yard setback of 1.5 metres is required to a private swimming pool. [4.1.1 i]	To permit a minimum northerly interior side yard setback of 1.33 metres to a private swimming pool.
7	A minimum interior side yard setback of 1.5 metres is required to a private swimming pool. [4.1.1 i]	To permit a minimum southerly interior side yard setback of 1.22 metres to a private swimming pool.

Staff Comments:

Stop Work Order(s) and Order(s) to Comply:

There are no outstanding Orders on file.

Building Permit(s) Issued:

Permit Application No. 2021 111182 has been submitted to the Engineering Department for a proposed swimming pool.

Other Comments:

General Comments	
1	The applicant shall be advised that additional variances may be required upon review of detailed drawing for permit.
2	The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001.

Conditions of Approval:

If the committee finds merit in the application, the following conditions of approval are recommended.

None

* Comments are based on the review of documentation supplied with this application.

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: May 31, 2022
Name of Owner: Kamal Bagirov & Abramov Yaffa
Location: 34 Silker Street
File No.(s): A137/22

Proposed Variance(s) (By-law 001-2021):

1. To permit an outdoor swimming pool to be setback a minimum of 1.0 metres from the rear lot line.
2. To permit an outdoor swimming pool to be setback a minimum of 1.33 metres from the northerly interior side lot line.
3. To permit an outdoor swimming pool to be setback a minimum of 1.22 metres from the southerly interior side lot line.
4. To permit hard landscape to be setback 0.0 metres from the southerly interior lot line.

By-Law Requirement(s) (By-law 001-2021):

1. The minimum setback of an outdoor swimming pool to any lot line shall be 1.5 metres.
2. The minimum setback of an outdoor swimming pool to any lot line shall be 1.5 metres.
3. The minimum setback of an outdoor swimming pool to any lot line shall be 1.5 metres.
4. Hard landscape shall be setback 0.6 metres from any lot line.

Proposed Variance(s) (By-law 1-88):

5. To permit a minimum rear yard setback of 1.0 metres to a private swimming pool.
6. To permit a minimum northerly interior side yard setback of 1.33 metres to a private swimming pool.
7. To permit a minimum southerly interior side yard setback of 1.22 metres to a private swimming pool.

By-Law Requirement(s) (By-law 1-88):

5. A minimum rear yard setback of 1.5 metres is required to a private swimming pool.
6. A minimum interior side yard setback of 1.5 metres is required to a private swimming pool.
7. A minimum interior side yard setback of 1.5 metres is required to a private swimming pool.

Official Plan:

City of Vaughan Official Plan 2010 ('VOP 2010'): "Oak Ridges Moraine Settlement Area" by Schedule 4 – Oak Ridges Moraine Conservation Plan & Greenbelt Plan Areas and "Low-Rise Residential" by Schedule 13 – Land Use.

Comments:

The Owner is requesting permission to construct an inground pool with the above noted variances.

The Development Planning Department has no objection to Variances 1, 2, 3, 5, 6 and 7, as the reduction to the rear and interior side yard setbacks will not pose a significant visual impact to nor impact the function of the abutting uses. The proposed rear and side yard setback of 1.0 m along with the interior side year setbacks of 1.33 m and 1.22 m from the northerly and southerly side lot lines respectively also maintains an appropriate area for access and drainage and will not impact the abutting properties.

The Development Planning Department has no objection to Variance 4. The relief for the proposed hard landscape walkway is confined to the south interior side yard. The

walkway facilitates access between the front and rear yards. The walkway will consist of permeable pavers, which the Development Engineering Department has reviewed and is satisfied that drainage along the side yard will be maintained.

Accordingly, the Development Planning Department can support the required variances and is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-laws, and is desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends approval of the application.

Conditions of Approval:

If the Committee finds merit in the application, the following conditions of approval are recommended:

None

Comments Prepared by:

Michelle Perrone, Planner 1
David Harding, Senior Planner

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, 03-9), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Stephen Cranley, C.E.T

Mitchell Penner

Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

Supervisor, Distribution Design-Subdivisions
Phone: 416-302-6215

E-mail: stephen.cranley@alecrautilities.com

Email: Mitchell.Penner@alecrautilities.com

Adriana MacPherson

Subject: FW: [External] RE: A137/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (34 Silker Street)

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

Sent: May-25-22 11:31 AM

To: Adriana MacPherson <Adriana.MacPherson@vaughan.ca>

Cc: Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A137/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (34 Silker Street)

Good morning Adriana,

The Regional Municipality of York has completed its review of the above minor variance and has no comment.

Gabrielle

Gabrielle Hurst MCIP, RPP | Programs and Process Improvement | Planning and Economic Development | The Regional Municipality of York | 1-877 464 9675 ext 71538 | gabrielle.hurst@york.ca | www.york.ca

Adriana MacPherson

Subject: FW: [External] RE: A137/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (34 Silker Street)

From: Hamedeh Razavi <Hamedeh.Razavi@trca.ca>
Sent: May-31-22 12:29 PM
To: Adriana MacPherson <Adriana.MacPherson@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A137/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (34 Silker Street)

Hi Adriana,

The subject property is not located within TRCA's Regulated Area. As such, any site alteration or development on the property would not require a permit and TRCA's Planning and Regulatory policy interests are not impacted.

TRCA has no comments and no objection to the application.

Regards,

Hamedeh Razavi MURP
Planner I
Development Planning and Permits | Development and Engineering Services

T: [\(416\) 661-6600](tel:4166616600) ext. 5256
E: Hamedeh.Razavi@trca.ca
A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca/101-Exchange-Avenue-Vaughan-ON-L4K-5R6) | [trca.ca](https://www.trca.ca)



TRCA's Offices are closed to visitors. The plan input and review function continues during the Coronavirus pandemic. In order to reduce the potential of transmission, TRCA requests that all development planning and permit applications and materials be submitted digitally in PDF format only. Paper submissions are discouraged and may result in extended timeframes for review. All documents should be submitted via an on-line file sharing service (e.g. OneDrive, Dropbox or corporate file sharing services) or via email in PDF format. Documents can be submitted directly to me at Hamedeh.Razavi@trca.ca We thank you for your cooperation as we respond to the current situation.

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
None				