#### THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD



### AGENDA

#### Monday December 9, 2024

#### **COMMITTEE OF ADJUSTMENT**

7:00 p.m., Council Chambers, Fingal/Via Video Link

- 1. CALL TO ORDER
- 2. ADDENDUM TO AGENDA
- 3. <u>DISCLOSURE OF PECUNIARY INTEREST</u>
- 4. ADOPTION OF MINUTES
  - (a) Minutes of Committee of Adjustment meeting of October 15, 2024
  - (b) Minutes of Committee of Adjustment meeting of November 25, 2024
- 5. <u>NEW BUSINESS</u>
  - (a) Minor Variance Application MV 2024-07, J. DaSilva, 34 Talbot Grove Lane
- 6. ADJOURNMENT



Meeting of the Committee of Adjustment Tuesday October 15, 2024 Council Chambers, Fingal/Via Video Link

MEMBERS PRESENT: Chairperson: Mayor Grant Jones

Members: Deputy Mayor Justin Pennings

Councillor John Adzija Councillor Sarah Emons Councillor Scott Fellows

Township Administration Present: June McLarty, Deputy Secretary-Treasurer

Mike Szilagyi, Planner

MV 2024-05 R. Singh, M. Kaur Bajwa, 10868 Sunset Road

In attendance: R. Singh and M. Kaur Bajwa.

C of A 2024-11 Moved by: Member Fellows

**Seconded by: Member Pennings** 

**THAT** the regular Council meeting adjourn to sit as a Committee of Adjustment to hear minor variance applications MV 2024-05, R.

Singh and M. Kaur Bajwa, 10868 Sunset Road at 7:14 p.m.

**CARRIED** 

C of A 2024-12 Moved by: Member Adzija

Seconded by: Member Fellows

**THAT** the minutes from the Committee of Adjustment Meeting of

May 27, 2024 are hereby adopted.

**CARRIED** 

Chairperson Jones called the meeting to order and stated that this application is to seek relief from the provisions of Section 3.1 (Accessory Uses) and 3.14 (Home Industry) of Zoning By-law 2011-14 under Section 45(1) of the Planning Act. The proponents are seeking permission to use an existing accessory building for a Home Industry use (woodworking workshop) and further requesting relief from Section 3.1 (b) to increase the permitted lot coverage from 15% to 25% and 3.14 (c) to increase the maximum gross floor area devoted to the Home Industry from 200m² to approximately 325m² to facilitate future expansion of the accessory building.

Chairperson Jones asked if any member of the Committee had a disclosure of interest concerning the Minor Variance Application. No disclosures were made.

Chairperson Jones asked the Secretary-Treasurer what method and when was the notice given to the public for this hearing. The Secretary-Treasurer responded that a sign was posted on the property prior to the October 5<sup>th</sup>, 2024 2024 deadline and notices were mailed to property owners within 60 metres on September 26, 2024.

Planning Consultant Mike Szilagyi presented report PLA 2024-16.

Chairperson Jones asked if any Committee Members had any questions on the Planning Report. No questions were asked.

Chairperson Jones asked the Secretary-Treasurer if any comments were received from staff. The Secretary-Treasurer responded yes. Comments received from staff were included in report PLA 2024-16.

Chairperson Jones asked if any written submissions were received on these applications. The Secretary-Treasurer responded that no written submissions were received on either of these applications.

Chairperson Jones asked if the owners and/or applicants are in attendance and to please identify yourself so that the Township has a record of your attendance at this public hearing, with your name and civic address. We would like to give you an opportunity to address the application. Mr. Singh and Ms. Kaur Bajwa identified themselves. No questions were asked.

# C of A 2024-13 MOVED BY: Member Emons SECONDED BY: Member Adzija

**THAT** the Committee of Adjustment for the Township of Southwold receive Planning Report PLA 2024-16 regarding Application for Permission and Minor Variance MV 2024-05; and,

**THAT** the Committee of Adjustment for the Township of Southwold grant Permission under Section 45(2)(b) of the Planning Act to permit an accessory building to be used for a Home Industry; and,

**THAT** the Committee of Adjustment for the Township of Southwold grant the requested Minor Variance to obtain relief from the provisions of Section 3.1 (b) (Accessory Uses) to permit an increased lot coverage for accessory buildings and 3.14 (c) (Home Industry) to permit an increased maximum floor area devoted to a Home Industry as per the attached decision sheet



#### TOWNSHIP OF SOUTHWOLD

# NOTICE OF DECISION APPLICATION NO. MV 2024-05

ATTACHED is a certified copy of the decision of the Committee of Adjustment in the matter of an Application MV 2024-05 for a minor variance pursuant to Section 45 (10) of the Planning Act, R.S.O. 1990, as amended.

The applicant, the Minister or any other person or public body who has an interest in the matter may appeal the decision to the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) by filing with the Secretary-Treasurer of the Committee of Adjustment, not later than the **4**th **day of November**, **2024**, a Notice of Appeal, accompanied by the Tribunal fee, in the amount of \$400.00 for the first appeal and \$25.00 for each further appeal related to the same matter. Certified Cheque, Money Order or Credit Card payment are to be made payable to the Minister of Finance and in Canadian funds. If you wish to appeal, a copy of an appeal form is available from the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) website at: <a href="https://olt.gov.on.ca/tribunals/lpat/about-lpat/">https://olt.gov.on.ca/tribunals/lpat/about-lpat/</a>

**Additional Information** regarding this application for minor variance is available for review, at the Township of Southwold Municipal Office, or by contacting the Township via phone at 519–769–2010 or e-mail at <a href="mailto:deputyclerk@southwold.ca">deputyclerk@southwold.ca</a>, or available online at the Township's website at: <a href="mailto:www.southwold.ca">www.southwold.ca</a>/current-planning-applications

Dated this 16<sup>th</sup> day of October, 2024.

June McLarty, Deputy Clerk
Secretary-Treasurer of the Committee of Adjustment
Township of Southwold
35663 Fingal Line
Fingal, Ontario NOL 1KO
Phone: 519-769-2010

Fax: 519-769-2837

E-mail: deputyclerk@southwold.ca



# COMMITTEE OF ADJUSTMENT FOR THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

#### **DECISION SHEET**

\*

**Application No.** MV 2024-05 **Date of Hearing:** October 15, 2024

Owner/Applicant: Rasandeep Singh and Manjot Kaur Bajwa.

Agent:

**Description:** Part of Lot 42 Concession ENBTR

Municipal Address: 10868 Sunset Road

Lot Description:

Existing Lot Area	202 343 sq m (0.50 Ac)
<b>Existing Lot Frontage</b>	28.956 metres (95.00 feet)
<b>Existing Lot Depth</b>	70.4088 metres (231 feet)

In the matter of Section 45(1) of The Planning Act R.S.O 1990, the Township of Southwold Comprehensive Zoning By-law 2011-14, and an application for **Minor Variance**.

The owners are requesting a Minor Variance to seek relief provisions of Zoning By-law 2011-14, as amended to permit an accessory building to be used for a Home Industry. Specifically, the minor variance will consider the following:

- 1. Relief from the provision of Section 3.1 (b) (Accessory Uses) to permit an increased lot coverage for accessory buildings
- 2. Relief from 3.14 (c) (Home Industry) to permit an increased maximum floor area devoted to a Home Industry.

#### **Decision:**

The application is hereby **approved** to obtain relief from Section 3.1 (b) (Accessory Uses) to permit an increased lot coverage for accessory buildings and Section 3.14 (c) (Home Industry) to permit an increased maximum floor area devoted to a Home Industry.

Reasons for approval, in accordance with Report PLA 2024-16:

- 1. The variance does maintain the intent and purpose of the Official Plan.
- 2. The variance does maintain the intent and purpose of the Zoning By-law.
- 3. The variance requested is desirable for the appropriate and orderly development and use of the land.
- 4. The variance is minor in nature.

The effect of written and oral submissions on the Decision is contained within Report PLA 2024-16 and the minutes of the Committee of Adjustment Meeting of October 15, 2024.

We, the undersigned, concur in the decision and reasons given for the decision of the Committee of Adjustment for the Township of Southwold of this 15<sup>th</sup> day of October, 2024.

RECORDED VOTE	TO GRANT	TO REFUSE	Absent Present
Committee Member, John Adzija	$\checkmark$	) <del></del>	() (1)
Committee Member, Scott Fellows	<u>\</u>		() (S
Committee Member, Sarah Emons	<del></del>	-	() (S
Chairperson and Committee Member, Grant Jones	<u></u>	-	( ) (√)
Committee Member, Justin Pennings		-	() ()

#### \*\*\*\*\*\*\*\*\*\*CERTIFICATION OF COMMITTEE'S DECISION\*\*\*\*\*\*\*\*

I, June McLarty, being the Secretary-Treasurer of the Committee of Adjustment for the Township of Southwold, certify that this is a true copy of the Committee's decision on the 15<sup>th</sup> day of October, 2024.

\*\*\*\*\*\*NOTICE OF LAST DATE OF APPEAL\*\*\*\*\*

NOTICE IS HEREBY GIVEN THAT THE LAST DATE FOR APPEALING THIS DECISION TO THE ONTARIO LAND TRIBUNAL (OLT) IS THE **4<sup>th</sup> DAY OF NOVEMBER**, **2024**.

The decision of the Committee may be appealed to the Ontario Land Tribunal (OLT) by serving personally on or sending by registered mail to the Secretary-Treasurer of the Committee a Notice of Appeal and a copy of an appeal form which is available from the OLT website at <a href="https://www.olt.gov.on.ca">www.olt.gov.on.ca</a> 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 Tribunal as payable on an appeal from the Committee of Adjustment to the Tribunal.

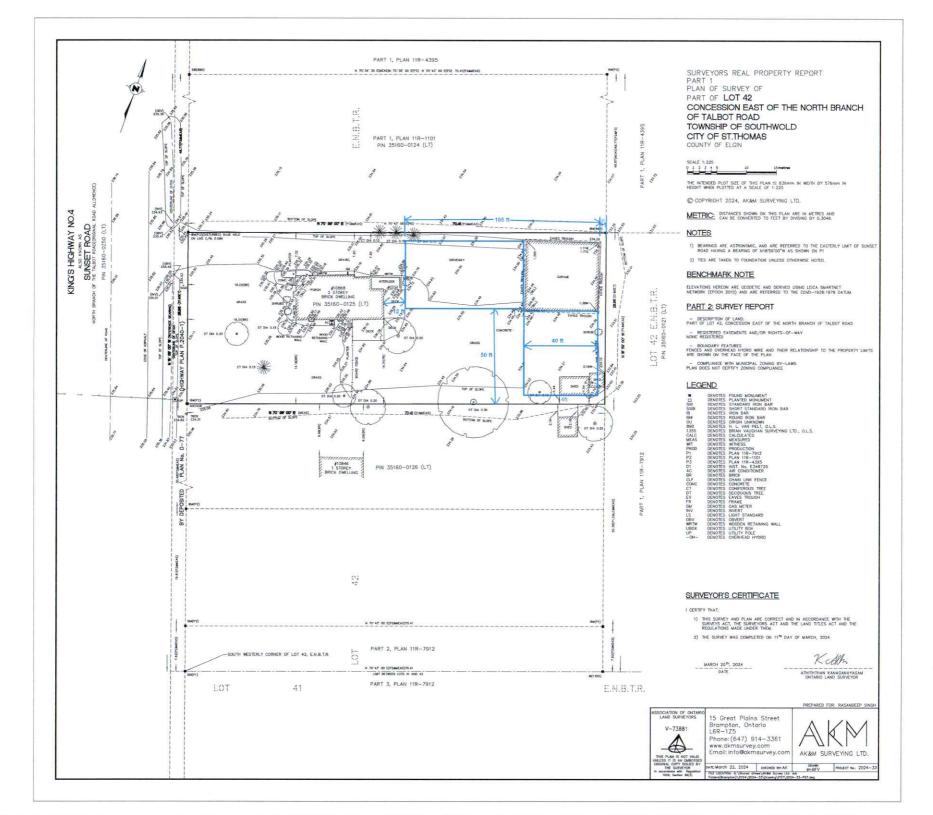
June McLarty, Deputy Clerk Township of Southwold 35663 Fingal Line Fingal, Ontario NOL 1KO Phone: 519-769-2010

Email: deputyclerk@southwold.ca

Schedule A: Subject Area Map 10868 Sunset Road - MV 2024-05



**Appendix 1: Site Plan** 



Chairperson Jones advised the public that the last day for appealing this decision is November 4, 2024. If you wish to be notified of the decision of the Committee in respect of this application, you must submit a written request to the Township of Southwold Committee of Adjustment. If you are not the applicant, you should request a copy of the decision since it may be appealed to the Ontario Land Tribunal by the applicant or another member of the public. This public meeting is now concluded.

C of A 2024-14 Moved by: Member Emons Seconded by: Member Adzija

**THAT** the meeting of the Committee of Adjustment to hear applications MV 2024-05, R. Singh and M. Kaur Bajwa, 10868 Sunset Road and the regular meeting of council reconvenes at **7:15p.m.** 

**CARRIED** 

Chairperson	Secretary-Treasurer



Meeting of the Committee of Adjustment Monday November 25, 2024 Council Chambers, Fingal/Via Video Link

MEMBERS PRESENT: Chairperson: Mayor Grant Jones

Members: Deputy Mayor Justin Pennings

Councillor John Adzija Councillor Sarah Emons Councillor Scott Fellows

Township Administration Present: Lisa Higgs, Secretary-Treasurer

C of A 2024-15 Moved by: Member Fellows

**Seconded by: Member Pennings** 

**THAT** the regular Council meeting adjourn to sit as a Committee of Adjustment at **7:01 p.m. CARRIED** 

Deferral of MV 2024-06, 6383 Coon Road

C of A 2024-16 Moved by: Member Fellows

Seconded by: Member Adzija

**THAT** the Committee of Adjustment defer application MV 2024-06, 6383 Coon Road, filed by S. Flanagan and G.E. Flanagan until such time that a slope stability report completed by a qualified geotechnology engineer is submitted. **CARRIED** 

#### **Adjournment of Committee of Adjustment**

C of A 2024-17 Moved by: Member Pennings
Seconded by: Member Emons

**THAT** the meeting of the Committee of Adjustment to hear applications MV 2024-06, S. Flanagan and G.E. Flanagan, 6383

Coon Road adjourns and the regular meeting of council

reconvenes at **7:06 p.m.** CARRIED

Chairperson	Secretary-Treasurer	



#### **TOWNSHIP OF SOUTHWOLD**

Report to Council

**MEETING DATE:** December 9, 2024

**PREPARED BY:** Mike Szilagyi, Planner

**REPORT NO:** PLA 2024-17

**SUBJECT MATTER:** Minor Variance Application MV 2024-07

34 Talbot Gore Lane, St. Thomas

**Owner: Jason DaSilva** 

#### **Recommendations:**

THAT the Committee of Adjustment for the Township of Southwold receive Planning Report PLA 2024-18 regarding Application for Minor Variance MV 2024-07; and

THAT the Committee of Adjustment for the Township of Southwold grant the requested Minor Variance to obtain relief from the provision of Section 3.1 (vi) (Accessory Uses) to permit the construction of an accessory structure for the purposes of establishing an Additional Dwelling Unit.

#### **Summary:**

- The variance would permit the construction of a 143 m<sup>2</sup> (1,535 ft<sup>2</sup>) accessory structure to be located in the rear yard for the purposes of establishing an Additional Dwelling Unit. The proposed structure has a maximum height greater than permitted by Zoning By-law 2011-14.
- The proposal complies with all other provisions of Zoning By-law 2011-14.

#### **Purpose:**

The purpose of this report is to provide the Committee of Adjustment with background information to support the recommendation to approve Application for Minor Variance following the Public Hearing scheduled for December 9, 2024.

The subject lands are located at 34 Talbot Gore Lane, St. Thomas and are legally described as Lot #7 and merged Part 1 of Lot 58, Plan 11M-245, Registered Plan 11R-11142. The subject lands are highlighted in Figure 1.

The subject lands are approximately 1,655 m<sup>2</sup> (17,814 ft<sup>2</sup>) in area with a frontage of 18 m (59.05 ft) along Talbot Gore Lane. The lands are located within the Talbotville

PLA 2024-17 Page 2 of 13

Settlement Area of the Township of Southwold, on lands designated Residential on Schedule 4A of the Township of Southwold Official Plan and zoned Residential 1 (R1) on Map 12 of the Township of Southwold Zoning By-law 2011-14. The lands are occupied by a single detached dwelling and was recently subject to Consent Application E42-23 - E44-23 in order to permit a lot addition. The lands are surrounded in all directions by residential dwellings.



Figure 1.0 Key Map of Subject Property

#### Consultation

### Statutory Notice Requirements

The Notice of the Public Hearing was provided in accordance with the provisions of the Planning Act. Property owners within 60m of the subject lands were provided notice through regular mail delivery. Applicable persons and public bodies were provided notice of the Public Hearing and a request for comments via email. Signage advising of the date of the Public Hearing, as well as the purpose and effect of the application, was placed on the subject property and details of the application and Public Hearing were also posted publicly on the Township's website.

### Public and Agency Comments

PLA 2024-17 Page 3 of 13

At the time of the writing of the report, no comments or concerns have been received from Public Agencies or surrounding property owners.

#### **Township Comments**

#### CAO

- No concerns with the proposed minor variance.
- ADU must comply with the provisions of By-Law 2024-40 with respect to civic addressing and signage for the ADU; must communicate to the Township so that the civic address can be added to GIS and formally assigned for emergency services purposes

#### **Overview and Analysis:**

This analysis is provided prior to the Public Hearing. Should new information arise regarding this proposal, the Committee of Adjustment is advised to take such information into account when considering the recommendation provided by Township Staff.

Application for Minor Variance was reviewed with consideration to the Provincial Planning Statement (2024), Elgin County Official Plan, Township of Southwold Official Plan, and the Township of Southwold Zoning Bylaw 2011-14. A summary of the applicable planning policies and regulations is provided.

	Section(s)	Relevant Policy Direction
Provincial Planning Statement, 2024	<ul><li>2.2 Housing Rural Areas in Municipalities</li><li>2.3 Settlement Areas and Settlement Area Boundary Expansions</li></ul>	<ul> <li>Permit and facilitate all types of residential intensification</li> <li>Support a range and mix of housing options</li> <li>Promote densities for new housing which effectively use land, resources and infrastructure</li> </ul>
Elgin County Official Plan	B1 Settlement Areas C1.1.1 Residential Areas	<ul> <li>Settlement areas shall be the focus of growth</li> <li>Maintain and enhance the character and the identity of the existing residential areas</li> <li>Promote the efficient use of existing infrastructure</li> </ul>

PLA 2024-17 Page 4 of 13

	Section(s)	Relevant Policy Direction
Township of Southwold Official Plan	2.1 Growth Management Principles 3.2.7 Housing Supply 3.4.2 Secondary Dwelling Units 5.2.2 Residential	<ul> <li>Direct the majority of population growth to settlement areas</li> <li>Provide for an appropriate range and mix of housing options</li> <li>Secondary dwelling units (or ADUs) are an important component to support affordable housing options</li> <li>Residential areas are intended to allow a variety of housing options, including a variety of dwelling types</li> </ul>
Township of Southwold Zoning By-law 2011-14	3.1 – Accessory Uses  3.48 – Additional Dwelling Units  8.0 – Residential 1 Zone	<ul> <li>Residential accessory structures are permitted</li> <li>In compliance with all provisions of S.3.1 except maximum permitted height.</li> <li>Zoning By-law permits a detached Additional Dwelling Unit on the lands.</li> <li>Compliant with provisions of S.3.48</li> <li>Residential use is permitted on the lands.</li> </ul>

#### Minor Variance

The Applicant is requesting relief from the following provision of the Zoning By-law:

#### Section 3.1(vi) Accessory Uses - Maximum permitted height

No accessory building, structure or use shall exceed 5.5 m (18 ft) in height, with the exception of buildings and structures for agricultural uses;

• The Applicant is requesting to construct an accessory structure with a total height of 6.2 m (20ft – 4in).

When presented with an Application for Minor Variance, the Committee of Adjustment must be satisfied the application meets the "Four Tests" of subsection 45(1) of the Planning Act:

PLA 2024-17 Page 5 of 13

#### Do the variances maintain the intent of the Official Plan? Yes

The subject lands are designated Residential where policy direction supports the development of a range of residential housing options within Settlement Areas. Furthermore, the Plan supports the development of additional dwelling units as-of-right within Settlement Areas and as a form of affordable housing.

The proposed detached additional dwelling unit is proposed within a Settlement Area where it is permitted and helps achieve the Plan's intent of providing both a range of housing options and more affordable housing options. The intent of the Official Plan is maintained.

#### Do the variances maintain the intent of the Zoning By-law? Yes

The subject lands are zoned Residential 1 (R1) Zone within the Township's Zoning Bylaw. This zoning permits the existing residential use where residential accessory structures are permitted and may contain Additional Dwelling Units.

The intent of restricting the height of any accessory structure is to ensure that the structure remains subordinate to the primary use on the lands. Furthermore, when an accessory structure is intended for human habitation, it is also to ensure that potential for overlook and visual intrusion onto neighbouring properties is limited or eliminated. In this instance, the use is permitted on the lands and within an accessory structure. Other than height, all applicable provisions are complied with and with respect to height, the proposed structure continues to be subordinate to the primary residence and any overlook is addressed by not providing windows on the elevation facing the nearest neighbour. Ultimately, the variance maintains the intent of the Zoning By-law.

#### Are the variances an appropriate use of the land? Yes

The subject property is a residential lot, which permits accessory structures and Additional Dwelling Units. The accessory structure will continue to achieve the intended purpose of the lands and help to intensify the Talbotville Settlement area and provide a more diverse range of housing options in the Township.

#### Are the variances minor in nature? Yes

The proposed accessory structure is designed with a slanted roof, which is in keeping with the character of the neighbourhood. As a result, the height, as measured through the by-law, exceeds the permitted maximum by 0.7 m (2.3 ft). As a result, only a portion of the roof exceeds the permitted maximum. In addition, as no windows are proposed on the western façade, the side facing the nearest neighbour, the potential for overlook has been eliminated. Due to these design considerations, the potential negative impact

PLA 2024-17 Page 6 of 13

resulting from the requested variance is addressed and as such, the variance can be considered minor.

#### **Conclusion:**

Subject to receiving further questions and comments from the Committee of Adjustment and members of the public, staff is in a position to state that the application, as proposed:

- i. Is in keeping with the general intent of the Official Plan.
- ii. Is in keeping with the general intent of Zoning By-law 2011-14, as amended, for the Township of Southwold.
- iii. Is desirable and will result in the appropriate development of the area
- iv. Is minor in nature not causing any adverse impact that may result from granting this application

Upon the Committee of Adjustment making a decision, the required Notice of Decision for the Minor Variance will be circulated within 15 days of the meeting. There is a 20-day appeal period during which objections to the decision can be submitted to the Ontario Land Tribunal.

The Committee of Adjustment should be able to demonstrate why the application does or does not meet the four tests for a minor variance under the Planning Act and state those reasons in making a decision.

#### **Financial Implications:**

There are no significant financial implications related to the consideration of Minor Variance Application MV 2024-07.

#### **Strategic Plan Goals:**

The above recommendation helps the Township meet the Strategic Plan Goal of:		
	Managed Growth	
	Welcoming and Supportive Neighbourhoods	
	Economic Opportunity	
	Fiscal Responsibility and Accountability	

PLA 2024-17 Page 7 of 13

Respectfully submitted by:
Mike Szilagyi
Planner
"Submitted Electronically"

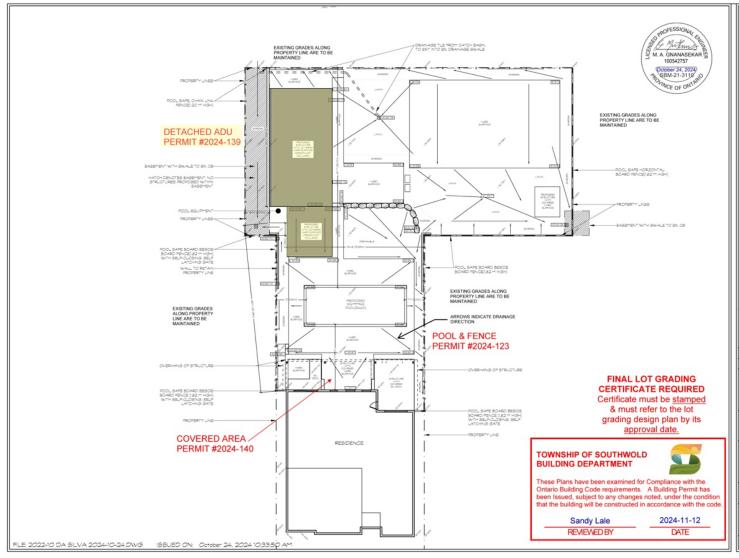
Approved by: Lisa Higgs CAO/Clerk "Approved Electronically"

#### **Attachments:**

Appendix 1 - Provided plans for 34 Talbot Gore Lane

PLA 2024-17 Page 8 of 13

Appendix 1 – Provided Plans for 34 Talbot Gore Lane



STRIK, BALDINELLI, MONIZ LTD. (SBM) NOTES:

- 1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE MINMUM STANDARDS & SPECIFICATIONS OF THE MOST RECENT EDITION OF THE ONTARIO BULDING CODE.
- SBM IS NOT RESPONSIBLE FOR THE NFORMATION (BNST. TOPOGRAPHY, BENCHMARKS, PROPERTY BOUNDARY, ETC.) PROVIDED BY OTHERS.
- 3. SBM PROJECT NUMBER SBM-21-3110
- SEALED FOR DRAINAGE DESIGN
  ONLY, STORMWATER MANAGEMENT
  DESIGN HAS NOT BEEN
  NCLUDED/REQUESTED.

#### GRADING CERTIFICA

IHERBBY CERTIFY THAT THE PROPOSED GRADING AND APPLITENANT DRAINAGE WORKS COFFLY WITH SOUTH THE PROPOSED SKADING SCHOOL THAT THE PROPOSED SKADING SCHOOL THAT THE PROPOSED SKADING SCHOOL THAT THE STATIS DRAINAGE PATTERNS ON AND ACROSS THESE LANCE AND THE ACCOMMIS LANCE OR APPLICABLE CITY BY-LANS.

#### GRADING NOTE

- EXISTING GRADES AND DRAINAGE OF ABUTTING LANDS IS NOT TO BE DISTURBED.
- 2. A MINIMUM OF 150MM (6) FROM THE TOP OF FOUNDATION TO THE FINSHED GRADE OUTSIDE THE BUILDING MUST BE PROVIDED, TYPICAL.
- 3. RETAINING WALLS, YOOMM OR GREATER & GUARD RALS ON TOP (IF RECURRED) ARE TO BE DESIGNED BY AND CONSTRUCTED TO THE SPECIFICATIONS OF A REGISTERIO PROFESSIONAL ENGINEER N. ACCORDANCE WITH THE ONTARIO BULDING CODE.
- 4. GUARDS AS PER OBC 98.6 SHALL BE NSTALLED WHERE THERE IS A DEPRESENCE IN BLEVATION OF MOSE THAN 600M BETWEEN THE WALLING SURFACE AND THE ADJACENT SURFACE WITHIN 12M FROM THE WALKENT SURFACE WITHIN 12M FROM THE WALKES SURFACE HAS A SLOPE OF MORE THAN 1 IN 2

TF BW TW TS BS		EXISTING GRADE TOP OF FOUNDATION BOTTOM OF WALL TOP OF STEP BOTTOM OF STEP TOP OF DECK	
1	Ott 24/24	leaved for drainage plan	
No.	Done	Revision note	

## COUNTRYSIDE LANDSCAPE & POOLS

JOHN: (519) 619-9593 VINCE: (519) 403-5699 mail: vince@countrysidelandscape.co

#### Da Silva Residence

34 Talbat Grove Lane Talbatville, Ontario

Drainage Plan

DRW: VL DATE: Morch 24, 2022 ID: 2022-10 SCALE: 1:250

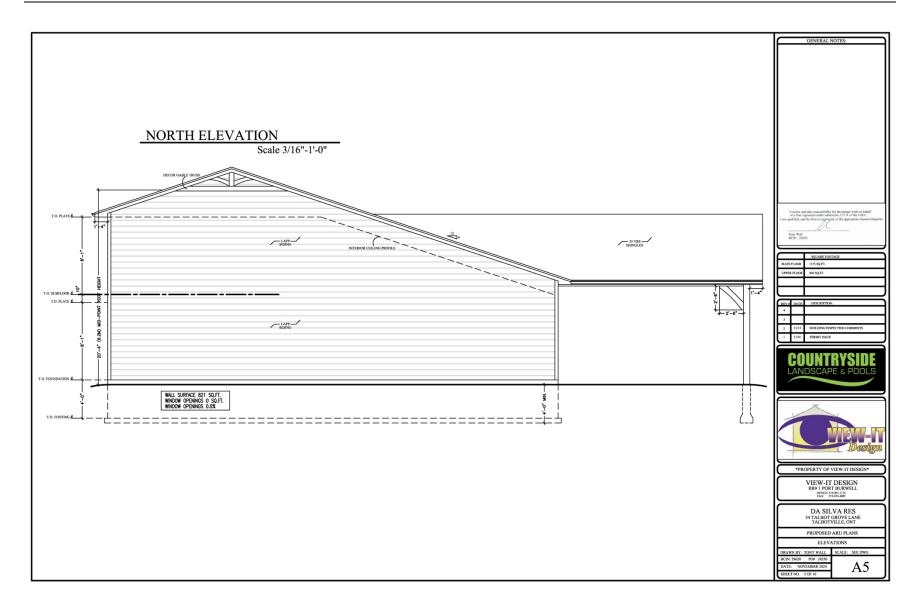


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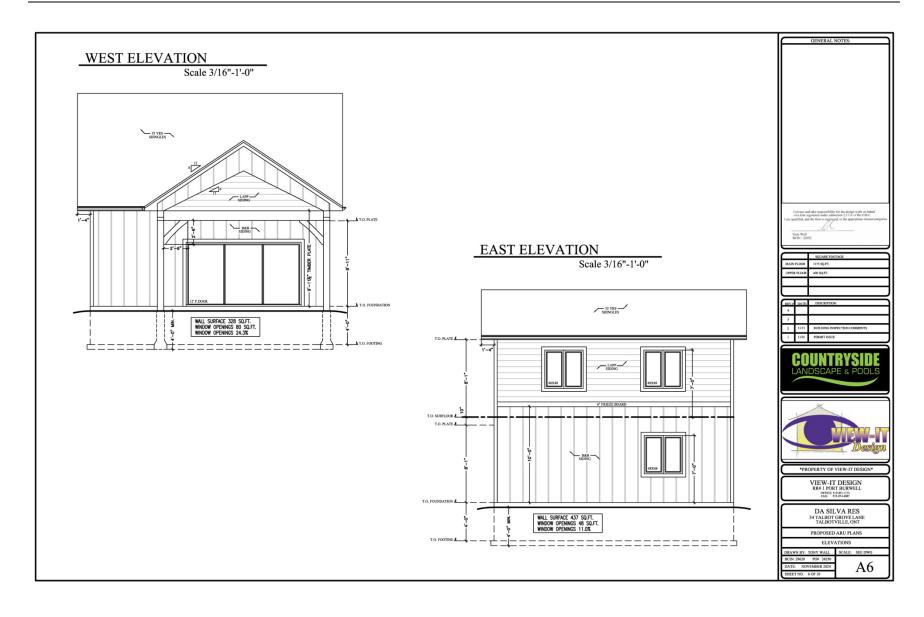
PLA 2024-17 Page 10 of 13



PLA 2024-17 Page 11 of 13



PLA 2024-17 Page 12 of 13



PLA 2024-17 Page 13 of 13

