

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 11:03
APRIL 14, 2011**

LOCATION: South Frontenac Municipal Offices,
Sydenham

IN ATTENDANCE: Larry York, (Storrington District)
Ken Gee (Storrington District)
David Hahn (Bedford District)
Mark Tinlin (Bedford District)
Ron Vandewal (Loughborough District)
Len McCullough (Loughborough District)
Larry Redden (Portland District)
Bill Robinson (Portland District)

STAFF & CONSULTANTS: Lindsay Mills – Secretary-
Treasurer/Planning Coordinator

RESOLUTIONS & BUSINESS:

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Item #1: Call to Order

RESOLUTION: C of A: 11:03:01

Moved by: K. Gee

Seconded by: L. Redden

THAT the April 14, 2011 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Ron Vandewal in the Chair.

Carried

Item #2: Adoption of Agenda

Adopted as circulated

Item #3: Declaration of Pecuniary Interest

None

Item #4: Minutes of March 10, 2011 meeting

RESOLUTION: C of A: 11:03:02

Moved by: K. Gee

Seconded by: L. York

THAT the minutes of the March 10, 2011 meeting of the South Frontenac Township Committee of Adjustment are hereby approved as circulated

Carried

Item #5: S-90-10-S (Freeman)Discussion

The subject lands consist of 24+/- acres with frontage on Battersea Road and Cedar Lake. The applicants are seeking approval for the creation of an 8+/- acre residential lot, fronting on both the road and the lake. Although the property is zoned Urban Residential – First Density, agricultural activities which have been continuously carried on (in this case mink/fox farming) are permitted to continue, but if this operation ceases, agricultural uses would not be permitted. There would appear to be suitable building locations on this large parcel to keep a residential use an appropriate distance from the farming operation. A condition of consent will require that the parcel be rezoned to ensure maximum setback from farm facilities.

RESOLUTION: C of A: 11:03:03

Moved by: K. Gee

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-90-10-S by Walt Freeman to create an 8+/- acre lot from property in concession 9, lot 7/8, Battersea Road and Cedar Lake, District of Storrington, subject to conditions.

Carried

Application No:	S-90-10-S
Owner:	Walt Freeman
Location of Property:	Concession IX, Lot 7/8, Battersea Road, District of Storrington, Township of South Frontenac
Purpose of Application:	Creation of 8+/- acre residential lot
Date of Hearing:	February 10, 2011
Date of Decision:	April 14, 2010

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

- 1. An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.**
- 2. The land to be severed by Consent Application S-90-10-S shall be for an 8+/- acre lot with a minimum of 250 ft. frontage on Battersea Road.**
- 3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
- 4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
- 5. The Township of South Frontenac shall receive 5% of the value of the severed parcel (as though it were vacant land) in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
- 6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and retained lands in the following manner:**

- a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
- b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
- c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.

- d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall obtain an amendment to the Township Zoning by-law to amend the zone on the severed parcel from UR-1 to a special UR-1 to require a maximization of the setback of any dwelling from the farming facilities on the adjacent property.

Item #6: S-08-11-P (Robinson)

Discussion

The subject lands consist of 43.5+/- acres with frontage on Desert Lake Road. The proposed lot would be for residential purposes. The application was deferred at the March meeting because a report had not been received from Public Health. A satisfactory report is now available.

RESOLUTION: C of A: 11:03:04

Moved by: L. Redden
Robinson

Seconded by: W.

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-08-11-P by Greg Robinson to create a residential lot from property in concession 14, lot 2, Desert Lake Road, District of Portland, subject to conditions.

Carried

Application No:	S-08-11-P
Owner:	Greg Robinson
Location of Property:	Concession XIV, Lot 2, Desert Lake Road, District of Portland, Township of South Frontenac
Purpose of Application:	Residential lot with existing dwelling
Date of Hearing:	March 10, 2011
Date of Decision:	April 14, 2011
DECISION:	PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. **An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.**
2. **The land to be severed by Consent Application S- 08-11-P shall be for a residential lot with a minimum of 250 ft. frontage on Desert Lake, and a minimum of 2 acres in size.**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:**
 - a) **The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;**
 - b) **The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;**
 - c) **The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:**

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) **The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;**
 - e) **The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.**
7. **The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.**

Speaking to the applications: Joan McGowan

Discussion

The subject lands consist of 35+/- acres with frontage on James Wilson Road and Thirty Island Lake. The applications are for a consent to create a 25+/- acre parcel with existing dwelling and accessory buildings, and an 11.5+/- acre lot addition to an existing residential lot. The initial proposal was just for a lot addition to a residential lot which currently fronts on James Wilson Road, to give that lot frontage on the lake. However, in doing this, the original property would be split in two, thus creating another new lot "by default". Therefore, the applicant agreed to sever off the house and then to create the lot addition. There were no objections regarding either consent; however, no report had been received from Public Health, thus requiring a deferral of the Committee's decisions on the applications. Before these applications could be finalized, the enlarged lot would need to be rezoned from Rural to Residential Waterfront, and the retained parcel would need to be rezoned from Rural to RLSW.

RESOLUTION: C of A: 11:03:05

Moved by: M. Tinlin

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-09-11-B by Joan McGowan to create a lot with existing dwelling from property in concession 3, lot 5, James Wilson Road, District of Bedford, pending receipt of report from KFL&^A Public Health.

Carried

RESOLUTION: C of A: 11:03:06

Moved by: M. Tinlin

Seconded by: L. McCullough

THAT the South Frontenac Township Committee of Adjustment hereby defers consent application S-10-1-B by Joan McGowan to create a lot addition to a lot in concession 3, lot 5, District of Bedford, pending receipt of report from KFL&A Public Health.

Carried

Item #8: S-11-11-L (Pedersen/Milk Crate Farm)

Speaking to the application: Bill Pedersen

Discussion

The subject lands consist of 7.5+/- acres with frontage on Holleford Road, District of Loughborough. The proposed lot would be for residential purposes. The new lane which was developed as an entrance to 4 new waterfront lots created on Desert Lake will be part of the proposed new lot, and will provide the access to the new lot.

RESOLUTION: C of A: 11:03:07

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-11-1-L by William & Marni Pedersen to create a residential lot in concession 13, lot 4, District of Loughborough, subject to conditions.

Carried

Application No:	S-11-11-P
Owner:	William & Marni Pedersen/Milk Crate Farm
Location of Property:	Concession XIV, Lot 4, Holleford Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of residential lot
Date of Hearing:	April 14, 2011
Date of Decision:	April 14, 2011
DECISION:	PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The land to be severed by Consent Application S- 11-11-L shall be for a residential lot with a minimum of 250 ft. frontage on Holleford Road, and a minimum of 2 acres in size. The new lot will incorporate a portion of the right-of-way from the north side of the Milk Crate Farm property, and the owners of the severed lot shall take their access from this lane.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 5% of the value of the severed parcel in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed and retained land measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a) The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b) The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c) The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
 - d) The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e) The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
7. The applicant shall submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test.
8. The zoning on the severed parcel shall be Rural.

Item #9: MV-22-10-S (Benoit)

Speaking to the application: Patrick Benoit

Discussion

The applicant's property consists of approximately .96 acres, with 182 ft. frontage on Dog Lake, and is accessed by a private lane. The applicant has had survey sketches prepared which indicate the location of the 30 m setback from the high water mark. Even if it were physically possible to locate a dwelling outside all required setbacks, a dwelling located outside the 30m setback would be very close to the dwelling on the neighbouring property to the east. Therefore, the applicants are seeking a variance to permit the construction of the dwelling within the 30m setback.

A second variance was required because the proposed structure exceeded the maximum lot coverage of 5% permitted in the zoning by-law.

The application was deferred at the February meeting because a report from Public Health was not available. Public Health has now determined that the most appropriate location for the septic is in the area where the attached garage had been proposed. Detaching the garage would eliminate the need for a lot coverage variance. The site plan agreement related to this application will require that the applicant contact CRCA to determine if a permit is needed.

Committee members discussed the issue of requiring the garage to be outside the 30m setback. One suggestion was that because a difficult lot had been allowed to be created, the Committee should consider reducing the minimum setback. On the other hand, the argument was made that a different design might make the structures fit better on the lot.

The Committee decided to permit the dwelling at 75 ft. from the HWM but not to allow the garage to encroach.

RESOLUTION: C of A: 11:03:08

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves application MV-22-10-S by Patrick & Diane Benoit, concession 9, lot 16, Dog Lake, District of Storrington, to permit construction of a new dwelling within 30m of the high water mark, subject to conditions, as amended.

Carried

Application No:	MV-22-10-S
Owner:	Patrick & Diane Benoit
Location of Property:	Pt. Lot 16, Concession 9, Dog Lake, District of Storrington, Township of South Frontenac
Purpose of Application:	To vary section 5.8.2 and 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of high water mark
Date of Hearing:	February 10, 2011
Date of Decision:	April 14, 2011
DECISION:	VARIANCE APPROVED, as amended, subject to conditions

CONDITIONS

1. **The variance is limited to construction of an 1846 sq. ft. single storey dwelling to be located a minimum of 75 ft. from the high water mark of Dog Lake.**
2. **No accessory structure, including a garage, shall be located within the 30m setback from the high water mark.**
3. **Minor variance MV-22-10-S is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
4. **A building permit is required for all demolition and construction on the property. There shall be no additional development, or**

demolition of existing structures, on the property without approval from the Township of South Frontenac.

5. **The applicant shall enter into a site plan agreement with the Township to be registered on title, which includes the municipality's environmental and limited service policies, and which specifies that a permit will be required from Cataraqui Region Conservation Authority prior to development on the property within 30m of the high water mark, and the a permit will be required from Parks Canada - Rideau Canal Office, for all shoreline or in-water works, including docks, or shoreline or in-water works.**

Item #10: MV-25-10-P (Day)

Speaking to the application: Louise Day

Discussion

The applicant's property consists of approximately .41 acres, with 98 ft. frontage on Verona Lake, and is accessed by a public road. The applicant is seeking approval for a variance to permit the addition of a 210 sq. ft. solarium within the 30m setback from the high water mark. There was some confusion at the February meeting regarding the actual lay-out of the proposed addition. An additional sketch has been submitted by the applicant, and it indicates that the solarium would encroach 7 ft. further into the 30 m setback than the existing deck, which the CBO has measured as being 32 ft. from the water. The structure would now be a completely enclosed structure rather than an open deck. Public Health has no objection but Quinte Conservation recommended denial of the application because the proposed addition is within the typical 15 metre setback from the 1:100 year flood plain of Verona Lake. If the application were to be approved, the applicant would need to apply to the Conservation Authority for a permit, and it is possible that such a permit would not be granted. The Chief Building Official has also expressed concern about the application because of the proximity of the proposed development to the water and the fact that piers for the new construction would be located on a steep slope.

Staff had spoken to a representative of Quinte Conservation prior to the meeting, and he indicated that the only way a permit could be provided to the applicant would be if she were to seek special approval from the Conservation Authority Board.

It was agreed that the applicant reconsider the possibility of incorporating the solarium entirely within the existing deck.

RESOLUTION: 11:03:09

Moved by: L. Redden

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-25-10-P by Louise Day, concession 11, lot 8, Verona Lake, District of Portland, to permit construction of an addition to an existing dwelling within 30m of the high water mark, to provide an opportunity for the applicant to pursue another option to build on the existing deck.

Carried

Item #11: MV-02-11-P (McMullen)

Speaking to the application: Bob McMullen

Discussion

The applicant's property consists of approximately 1.07 acres, with 443 ft. frontage on Hambly Lake and is accessed by a private lane. The applicant is seeking approval for a variance to permit a 16 ft. one-storey addition to the back of the existing dwelling. The applicant contacted both Public Health and Quinte Conservation prior to making the application and neither agency objected to the proposal.

RESOLUTION: C of A: 11:03:10

Moved by: W. Robinson

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-02-11-P by Robert & Diane McMullen, concession 11, lot 7, Hambly Lake, District of Portland, to permit construction of an addition to an existing dwelling within 30 m of the high water mark, subject to conditions.

Application No:	MV-02-11-P
Owner:	Robert & Diane McMullen
Location of Property:	Pt. Lot 7, Concession 11, Hambly Lake, District of Portland, Township of South Frontenac
Purpose of Application:	To vary section 5.8.2 and 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of high water mark
Date of Hearing:	April 14, 2011
Date of Decision:	April 14, 2011
DECISION:	VARIANCE APPROVED, subject to conditions

CONDITIONS

1. **The variance is limited to construction of a 640 max. sq. ft. one storey addition to be added to the rear (away from the lake) of an existing dwelling.**
2. **Minor variance MV-02-11-P is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
3. **A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.**
4. **The applicant shall enter into a site plan agreement with the Township to be registered on title, which includes the municipality's environmental and limited service policies, and which specifies that the applicant should contact Quinte Conservation prior to commencement of any development on the lot to determine the need for a permit.**

REASON FOR DECISION: The variance has been approved by staff and agencies, and the proposal is considered minor.

Item #12: MV-03-11-L (Verner)

Speaking to the application: Jane Verner, Terry Shepard (agents)

Discussion

The applicant's property consists of approximately .55 acres, with frontage on Buck Lake. The applicant's dwelling and boat house were recently destroyed by fire, and the owner is seeking permission to rebuild and to add more living space. The new dwelling would be approximately 350 sq. ft. larger than the existing dwelling, and would be constructed 37 ft. from the high water mark. There was some uncertainty about the dimensions of the new structure, but the current request is for a 38 ft. x 30 ft. dwelling. The CBO had indicated that if a new septic system is required, the entire structure could be moved further from the lake. The Township by-law would allow reconstruction of the cottage on the same footprint as the previous cottage; however, a larger structure requires a variance.

Committee members felt that the new structure should be moved back as far as possible from the lake (a minimum of 50 ft.)

and that the boathouse, also damaged by fire, should not be rebuilt. D. Hahn explained that, once a variance is applied for which would result in a larger footprint, the Committee looks at the impact of all buildings on the lot and sometimes asks for buildings to be removed.

The applicant’s agent agreed that the Committee vote on the variance, as amended, rather than on the original application.

RESOLUTION: C of A: 11:03:11

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-03-11-L by Catriona Verner, concession 11, lot 22, Buck Lake, District of Loughborough, to permit construction of a new dwelling within 30 m of the high water mark, subject to conditions, as amended.

Carried

Application No:	MV-03-11-L
Owner:	Catriona Verner
Location of Property:	Pt. Lot 22, Concession 11, Buck Lake, District of Loughborough, Township of South Frontenac
Purpose of Application:	To vary section 5.8.2 and 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of high water mark
Date of Hearing:	April 14, 2011
Date of Decision:	April 14, 2011

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

1. **The variance is limited to construction of an 1140 sq. ft. one storey dwelling to be located a minimum of 50 ft. from the high water mark of Buck Lake.**
2. **Minor variance MV-03-11-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
3. **A building permit is required for all demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.**
4. **The boat house on the property must be removed prior to issuance of a building permit for the dwelling.**
5. **The applicant shall enter into a site plan agreement with the Township to be registered on title, which includes the municipality’s environmental and limited service policies, and which specifies that the applicant should contact the Cataraqui Region Conservation Authority prior to commencement of any development on the lot to determine the need for a permit.**

REASON FOR DECISION: The variance, as amended, has been approved by staff and agencies, and the proposal is considered minor.

Item #13: Adjournment

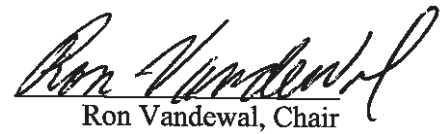
RESOLUTION: C of A: 11:03:12

Moved by: L. McCullough


Seconded by: K. Gee

THAT the April 14, 2011 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:52 p.m. to reconvene on Thursday, May 12, 2011 at 7:00 p.m. or at the call of the Chair.

Carried



Ron Vandewal, Chair



Lindsay Mills, Secretary-
Treasurer