

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 12:11
NOVEMBER 8, 2012**

LOCATION: South Frontenac Municipal Offices, Sydenham

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

ABSENT WITH REGRETS: Mark Tinlin (Bedford District)

STAFF: Lindsay Mills – Secretary-Treasurer/Planning Coordinator
Anne Levac – Assistant Secretary-Treasurer/Committee Clerk

RESOLUTIONS & BUSINESS:

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Item #1: Call to Order

RESOLUTION: C of A: 12:11:01

Moved by: L. McCullough

Seconded by: L. York

THAT the November 8, 2012 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: Approval of Minutes

RESOLUTION: C of A: 12:11:02

Moved by: K. Gee

Seconded by: L. York

THAT the minutes of the October 11, 2012 meeting of the South Frontenac Township Committee of Adjustment are approved as circulated.

Carried

Item #5: S-25-12-B, S-26-12-B (Deneault/Bennett)**Discussion**

The subject lands consist of 84+ acres with a residential dwelling. After a number of site visits by staff and agencies, and review of the proposal by the applicants, the applicants are seeking approval for the creation of two waterfront lots; one fronting on a private lane off of Lee Road, and on Wolfe Lake, and the other fronting on Lee Road and on Wolfe Lake. The retained parcel would also have frontage on Wolfe Lake and Lee Road.

Minimum setbacks beyond the usual 30m will be required and will be specified in the zoning amendment, including 120m from the provincially significant wetland, and 30m from the inland wetland.

RESOLUTION: C of A: 12:11:03

Moved by: D. Hahn

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-25-12-B, as amended, by Jacques Deneault and Susan Bennett, to create a lot in concession 10, lot 23/24, Wolfe Lake and Lee Road, District of Bedford, subject to conditions.

Carried

Application No:	S-25-12-B
Owner:	Jacques Deneault/Susan Bennett
Location of Property:	Concession X, Lots 23/24, Lee Road/Wolfe Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of waterfront lot
Date of Hearing:	May 10, 2012
Date of Decision:	November 8, 2012

DECISION: **PROVISIONAL CONSENT GRANTED, subject to conditions**

CONDITIONS

1. **An acceptable reference plan or legal description of the severed lands, 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-25-12-B shall be for a lot with frontage on Wolfe Lake and a minimum of 250 ft. frontage on Lee Road. The lot shall be accessed directly off of Lee 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 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's Comprehensive Zoning By-law to rezone the lot from Rural to Residential Waterfront, and to recognize any deficiency in the water frontage. The zoning amendment will also deal with minimum setbacks on the new lot, including a 120 m setback from the provincially wetland, and 30m from the inland wetland. This building location will be identified by a surveyor prior to the stamping of the deed.
8. The applicant shall enter into a development agreement with the municipality to be registered on title to recognize the municipality's environmental policies, and to require that a permit be obtained from the Rideau Valley Authority prior to any shoreline or in water works (including docks).

RESOLUTION: C of A: 12:11:04

Moved by: D. Hahn

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-26-12-B, as amended, by Jacques Deneault and Susan Bennett, to create a lot in concession 10, lot 23/24, Wolfe Lake, District of Bedford, subject to conditions.

Carried

Application No :	S-26-12-B
Owner:	Jacques Deneault/Susan Bennett
Location of Property:	Concession X, Lots 23/24, Lee Road/Wolfe Lake, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of waterfront lot
Date of Hearing:	May 10, 2012
Date of Decision:	November 8, 2012

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands, 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-26-12-B shall be for a lot with frontage on Wolfe Lake and on a private lane off of Lee Road. The lane shall be surveyed and constructed according to the Township's standards for new private lanes.
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 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's Comprehensive Zoning By-law to rezone the lot from Rural to Limited Service Residential Waterfront, and to recognize any deficiency in the water frontage. The zoning amendment will also deal with minimum setbacks on the new lot, including a 120 m setback from the provincially wetland, and 30m from the inland wetland. This building location will be identified by a surveyor prior to the stamping of the deed.
8. The applicant shall enter into a development agreement with the municipality to be registered on title to recognize the municipality's environmental policies, and to require that a permit be obtained from the Rideau Valley Authority prior to any shoreline or in water works (including docks).

Item #6: MV-06-12-S (Palmer, Gaffney)
Speaking to the Application: Chris Gaffney

Discussion

The applicants' property was .43 acres in size at the time of the original application. The applicant proposed removal of an existing cottage and construction of a new dwelling 66 ft. from the high water mark. The application was supported by the CRCA and Public Health. The CBO felt that it would be possible to move further from the lake, since the required setback from the rear lot line is just 3m (9.85 ft) and the applicant was proposing a 30 ft. setback from the rear lot line.

When the application first came to the Committee, the issue of right-of-way access to the lot was raised. It does not appear that such access was ever officially created to this property. Therefore, the application was deferred to provide an opportunity for the applicants to verify access. Since that meeting, the applicants reached an agreement with the owner of property to

the rear of their lot, which would provide them with direct frontage onto Billy Green Road. This lot addition was approved at the October 11th meeting of the Committee. Meanwhile, the applicants are still pursuing the right-of-way access which the owners of this lot have been using for many years.

As a result of the lot addition, it was suggested at the October meeting that the applicant would be able to more closely meet the 30 metre setback. L. Mills recommended a setback of 90 ft.

RESOLUTION: C of A: 12:11:05

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-06-12-S by Jodie Palmer Gaffney, as amended, concession 14, lot 3, Buck Lake, District of Storrington, to permit construction of a new dwelling within 30m of high water mark, subject to conditions.

Carried

Application No:	MV-06-12-S
Owner:	Jodie Palmer Gaffney
Location of Property:	Pt. Lot 3, Concession 14, Buck Lake, District of Storrington, Township of South Frontenac
Purpose of Application:	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of the high water mark
Date of Hearing:	August 9, 2012
Date of Decision:	November 8, 2012

DECISION: **VARIANCE APPROVED, as amended, subject to conditions**

CONDITIONS:

- 1. The variance is limited to construction of a 24 ft. x 28 ft. two-storey dwelling and attached deck, to be located a minimum of 90 ft. from the high water mark.**
- 2. No other structures shall be permitted within the 30m setback from the high water mark.**
- 3. Minor variance MV-06-12-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 sets out the Township's environmental policies, and which specifies that the Cataraqui Region Conservation Authority must be contacted prior to any construction on site, including docks, and shoreline or in-water works, to determine the need for a permit.**
- 6. No building permit will be issued until legal access to the property is verified.**

REASON FOR DECISION: The proposal is considered to be in keeping with the purpose and intent of the official plan and zoning by-law, and the proposed structure will be located on the most suitable site on the lot.

Item #7: MV-15-12-S (Fullerton)

Discussion

The applicants' property is a 2.4 acre island in Loughborough Lake, and is developed with a single family dwelling, boat house and storage building. The original proposal was for a 10+ ft. wide deck to be constructed along the water side of the dwelling. The CRCA and the Building Department are of the opinion that the deck could be constructed on a different side of the dwelling where the setback would be greater. At the October meeting of the Committee, the applicants' agent indicated that there were no other doors from the cottage which could be accessed from a deck. One suggestion that was made at that meeting was that the deck be allowed in front of the cottage only as far as is necessary to access the door, but not as wide as requested, and not all the way across the front.

Subsequent to the October meeting, a revised application sketch was submitted which shows a deck that is 8 ft. wide at its narrowest point, but which extends approximately 8 ft. beyond either end of the cottage. L. Mills is not supportive of the revised application.

L. York indicated that the application does not appear acceptable as presented, and suggested that it be set aside until spring and that further discussions take place with the property owner in the interim.

RESOLUTION: C of A: 12:11:06

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-15-12-S by Susan & James Fullerton, concession 10, lot 8, Garden Island, Loughborough Lake, District of Storrington, to provide an opportunity to consider further options.

Carried

Item #8: S-61-12-B (Hamilton Harding)

Discussion

The subject lands are approximately 60 acres in size and front on Harding Lane and Wolfe Lake. The property is developed with a single family dwelling. The proposal is to add 56+/- acres to a 1.23 acre waterfront lot which has a small cottage and accessory buildings. One of the dwellings on the enlarged lot will need to be removed. The retained parcel would be 4.2+/- acres in size, with 500+/- ft. of water frontage. This retained parcel would take its access from an extension of Stoneridge Lane. Public Health and the Rideau Valley Conservation Authority were asked to comment on the suitability of the retained parcel for development purposes. They have no objections provided the usual environmental restrictions are put in place.

The small existing cottage lot will need to be zoned Rural to correspond with the larger 50+ acre being added to it, and the 4.2 acre retained parcel will need to be rezoned to Limited Service-Residential Waterfront.

RESOLUTION: C of A: 12:11:07

Moved by: D. Hahn

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-61-12-B by Robin Hamilton Harding, concession 11, lot 24, Wolfe Lake, District of Bedford, to create a 56+/- acre lot addition to a waterfront lot.

Carried

Application No: S-61-12-B
Owner: Robin Hamilton Harding
Location of Property: Concession 11, Lot 24, District of Bedford, Township of South Frontenac
Purpose of Application: Creation of lot addition
Date of Hearing: November 8, 2012
Date of Decision: November 8, 2012

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. **Consent Application S-61-12-B is for a 56+/- acre lot addition only to part 1, Plan 13R-11714. The dwelling on the waterfront lot being enlarged must be removed prior to the stamping of the deed. A building permit is required for this demolition.**
3. **The laneway providing access to the retained parcel shall be upgraded to the Township standards for existing private lanes – i.e. made emergency vehicle accessible according to Township standards.**
4. **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.)**
5. **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.**
6. **The Township of South Frontenac shall receive \$100 in lieu of parkland for the lot addition pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
7. **The applicant shall obtain an amendment to the Township's Comprehensive Zoning By-law to change the zoning on the parcel being enlarged from Limited Service- Residential Waterfront to Rural, and to change the zoning on the retained parcel from Rural to Limited Service-Residential Waterfront.**
8. **The applicant shall enter into an agreement with the Township, to be registered on title to the enlarged lot and the retained parcel which includes the municipality's limited service and environmental policies, and which stipulates that a permit will be required from the Rideau Valley Conservation Authority prior to any shoreline or in-water works, including docks.**

Item #9: S-62-12-L (Brown)

Speaking to the Application: D. Roy, owner of lot being enlarged

Discussion

The subject lands are a 42+/- acre parcel fronting on Railton Road, and are developed with a single family dwelling and an accessory building. The proposal is to add 1.4+/- acres from this parcel to be added to a 2.77 acre residential lot at #3727 Stagecoach Road. No objections were received to this proposal.

RESOLUTION: C of A: 12:11:08

Moved by: L. McCullough

Seconded by: L. York

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-62-12-L by Penny Brown, concession 2, lot 3, District of Loughborough, to create a lot addition to a residential lot on Stage Coach Road, subject to conditions.

Carried

Application No:	S-62-12-L
Owner:	Penny Brown
Location of Property:	Concession 2, Lot 3, District of Loughborough, Township of South Frontenac
Purpose of Application:	Creation of lot addition
Date of Hearing:	November 8, 2012
Date of Decision:	November 8, 2012

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. Consent Application S-62-12-L creates a 1.4+/- acre lot addition to property at #3727 Stagecoach 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 \$100 in lieu of parkland for the lot addition pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**

Item #10: MV-17-12-B (Turcotte)

Speaking to the Application: Adam Turcotte

Discussion

The applicants' property is 8+/- acres in size and is developed with a single family dwelling. The proposal is for the construction of a 720 sq. ft. single storey garage to be located closer to the front lot line than the principal building, and 4 ft. (vs 9.8 ft.) from the side lot line. Although this is a large property, the applicant has noted that the terrain, and the location of his septic system and well, do not provide a suitable location that meets setback requirements. The building department's position is that the request is reasonable. It was the opinion of L. Mills that the building could be further from the road, and that the proposed location would result in an accessory building sticking out in front, unlike most other properties in the area. D. Hahn noted that some lots in this area were inappropriately created and then the dwelling in this particular case was constructed close to a side lot line, thus limiting the possibility for meeting setback requirements for an accessory building. Mr. Turcotte pointed out that a ravine on the property is the main limiting factor, and that the garage would be most practical in the proposed location.

RESOLUTION: C of A: 12:11:09

Moved by: D. Hahn

Seconded by: W. Robinson

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-17-12-B by Adam Turcotte to permit construction of an accessory building in front yard, concession 7, lot 9, Canoe Lake Road, subject to conditions.

Carried

Application No:	MV-17-12-B
Owner:	Adam Turcotte
Location of Property:	Pt. Lot 9 Concession 7, Canoe Lake Road, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 5.24.2 of the Comprehensive Zoning By-law to permit construction of accessory building in front yard, and section 7.3.2 to permit encroachment within 3m setback from side lot line
Date of Hearing:	November 8, 2012
Date of Decision:	November 8, 2012

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. The variance is limited to construction of a 720 sq. ft.. single storey accessory building to be located 26 ft. from front lot line, and 4 ft. from the side lot line, on the south side of the property.**
- 2. Minor variance MV-17-12-B 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.**

REASON FOR DECISION: The proposal is considered to be in keeping with the purpose and intent of the official plan and zoning by-law, and the proposed structure will be located on the most suitable site on the lot.

Item #11: MV-18-12-S (Westfall, Winfield)

Speaking to the Application: Julie Westfall, Barry Winfield

Discussion

The applicants' property is just under ½ acre in size and is developed with a single family dwelling and a shed. The proposal is for the construction of a 24' x 24' sq. ft. single storey garage to be located closer to the front lot line than the principal building. It is proposed to be located 8 ft. (vs 9.8 ft.) from the side lot line. The building department's position is that this is the best option for the building. L. Mills noted that several other properties in the area have accessory buildings in front of the principal building; however, the proposed location is too close to the front lot line. If the building was moved further from the road, it would still need a variance but would be more in line with neighbouring accessory buildings.

Mr. Winfield noted that it would be necessary to remove 2-4 large trees (one of them a butternut which is a protected species) if they need to go too much further from the road. However, they did agree that they could be 50 ft. from the front lot line.

RESOLUTION: C of A: 12:11:10

Moved by: L. York

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves application MV-18-12-S by Julie Westfall and Barry Winfield, to permit construction of an accessory building in front yard, concession 9, lot 19, Ormsbee Road, subject to conditions.

Carried

Application No: MV-18-12-S
Owner: Julia Westfall, Barry Winfield
Location of Property: Pt. Lot 19 Concession 9, Ormsbee Road, District of Storrington, Township of South Frontenac
Purpose of Application: To vary section 5.24.2 of the Comprehensive Zoning By-law to permit construction of accessory building in front yard, and section 7.3.2 to permit construction of accessory building within 3m of side lot line
Date of Hearing: November 8, 2012
Date of Decision: November 8, 2012
DECISION: **VARIANCE APPROVED, as amended, subject to conditions**

CONDITIONS

1. **The variance is limited to construction of a 576 sq. ft. single storey accessory building to be located 50 ft. from front lot line, and 8 ft. from the side lot line, on the west side of the property.**
2. **Minor variance MV-18-12-S 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.**

REASON FOR DECISION: The variance has been approved by staff and agencies, and the proposal is considered to be in keeping with the purpose and intent of the official plan and zoning by-law.

Item #12: Adjournment

RESOLUTION: C of A: 12:11:11

Moved by: L. Redden

Seconded by: W. Robinson

THAT the November 8, 2012 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:50 p.m. to reconvene at 7:00 p.m. on Thursday, December 13, 2012 or at the call of the Chair.

Carried


 Ron Vandewal, Chair


 Lindsay Mills, Secretary-Treasurer

