

TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT



MINUTES 16:03
APRIL 12, 2016

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Ken Gee (Storrington District)
Ron Sleeth (Storrington District-C)
Alan Revill (Bedford District-C)
Larry Redden (Portland District)
Mark Schjerning (Loughborough District-C)
David Hahn (Bedford District)

ABSENT WITH REGRETS: Bill Robinson (Portland District-C)
John Sherbino (Loughborough District)

STAFF: Lindsay Mills – Secretary-Treasurer/Planner
Jennie Kapusta – Deputy Secretary Treasurer

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Item # 1: Call to Order

RESOLUTION: C of A: 16:03:01

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the April 12, 2016 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Larry Redden in the Chair.

Carried

Item # 2: Adoption of Agenda

Approved as circulated

Item # 3: Declaration of Pecuniary Interest

None declared

Item # 4: Approval of Minutes**RESOLUTION: C of A: 16:03:02**

Moved by: D. Hahn

Seconded by: A. Revill

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the March 10, 2016 meeting of the Committee, as circulated.Carried**Item # 5: S-04-16-P, S-05-16-P, S-06-16-P (Promm)**

Speaking to the Application: Carina Promm

Discussion:

This application was originally brought to the Committee in February 2016. It was deferred until a report from public health had been received and the MDS calculations could be completed.

The subject lands front on Fellows Road and also on Murvale Road. The application is for the creation of three new residential lots. Lots one and two are proposed to be each 2.0 acres in size with 76m of frontage along Murvale Road. The proposal for lot three is a 2.0 acre parcel with 98m of frontage on Fellows Road and 95m of frontage on Murvale Road.

There are farming operations and barns on two abutting properties. As such the applicant has been requested to obtain detailed information regarding the sizes of these structures and the current livestock uses in order for a Minimum Distance Separation calculation to be done. This will determine the area of influence for each existing barn and determine whether any proposed lot lines need to be moved or adjusted.

An MDS calculation has been completed for the closest farm properties and their barns. Based on these calculations a revised lot layout has been submitted by the applicant. There are still three lots proposed to be severed and the public health site evaluations were completed based on these new lot locations. Public health has no objections to the applications.

Neither the CBO nor the roads department have any objections to the application. The roads department has stated that the entrance for the lot with frontage on both Fellows Road and Murvale Road must be from Fellows Road.

There have been two written public submissions expressing concerns over the availability of water in the area as it required the drilling/blasting of multiple wells on their own adjacent property before they had a stable source of water. These neighbours have requested the committee consider adding a draw down test as one of the approval conditions.

Lesley Moore voiced a concern over the lack of notification regarding the adjusted lot layouts. L. Mills stated that the public meeting had already been conducted and there was no obligation to notify the public of subsequent committee meetings.

RESOLUTION: C of A: 16:03:03

Moved by: A. Revill

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-04-16-P by Carina Promm, to create a new lot in Concession 2, Part Lot 1, Murvale Road, District of Portland, subject to conditions including draw down test.Carried**RESOLUTION: C of A: 16:03:04**

Moved by: A. Revill

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-05-16-P by Carina Promm, to create a new lot in Concession 2, Part Lot 1, Murvale Road, District of Portland, subject to conditions including draw down test.Carried**RESOLUTION: C of A: 16:03:05**

Moved by: A. Revill

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-06-16-P by Carina Promm, to create a new lot in Concession 2, Part Lot 1, Murvale Road, District of Portland, subject to conditions including draw down test.

Carried

Application No: S-04-16-P, S-05-16-P, S-06-15-P
Owner: Carina Promm
Location of Property: Concession 2, Part Lot 1, Murvale Road, District of Portland, Township of South Frontenac
Purpose of Application: Creation of three new lots
Date of Hearing: February 11, 2016
Date of Decision: April 14, 2016

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

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], 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 [*Planning Act*, s. 53(41)] after the "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-04-16-P shall be for a minimum 2.0 acre lot with a minimum of 76m of frontage on Murvale Road.
3. The land to be severed by Consent Application S-05-16-P shall be for a minimum 2.0 acre lot with a minimum of 76m of frontage on Fellows Road.
4. The land to be severed by Consent Application S-06-16-P shall be for a minimum 2.0 acre lot with 95m of frontage on Murvale Road and 98m of frontage on Fellows Road.
5. 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.)
6. 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.
7. The Township of South Frontenac shall receive 5% of the value of each of the parcels severed through consent applications S-04-16-P, S-05-16-P, S-06-16-P in lieu of parkland [*Planning Act*, s. 51(1)].
8. 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 lands 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, 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.
9. 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 for each of the parcels severed through consent applications S-04-16-P, S-05-16-P, S-06-16-P. Additionally a draw down test for all residential wells within a 500 foot radius of the new well shall be completed for each of the lots severed consent applications S-04-16-P, S-05-16-P, S-06-16-P.

Item # 6: S-11-16-S (Tripp)

Speaking to the Application: None

Discussion:

This application was originally brought to the committee in March 2016, but was deferred until a report was received from public health.

The subject lands consist of 2.73 +/-acres fronting on Loughborough Lake (west basin). The land is developed with two (2) detached dwellings and two (2) boathouses. The application is for the creation of one new 1.0 +/-acre lot with 45.7m of frontage on Loughborough Lake. The new lot will encompass the smaller of the two dwellings and one of the boathouses. There is currently a right-of-way across this property (Sandpiper Lane) which facilitates access to several properties. This right-of-way shall be surveyed and constructed to meet the Townships standard for private lanes along the length of the severed and retained parcels.

The by-law does not permit the creation of lots smaller than 2.5 acres in size for waterfront lots, and the west basin of Loughborough Lake is a highly sensitive trout lake. The applicant has provided an Environmental Impact Assessment completed by Mr. Reg Genge of Ontario Lake Assessments in support of this application given the fact there are currently two (2) dwellings on a single property; something which is also not permitted under the current by-law.

Conservation has no objections to the proposal as submitted. However they recommend placing a site specific zone onto the severed parcel to ensure there will be no further expansion of the living space (upward or outward) of the existing dwelling; this is in agreement with the recommendations is the EIA submitted.

Comments were not required from roads.

Public health has no objections to the proposal as submitted but indicated that should the current septic system, which is a holding tank underneath the cottage, fail a new holding tank must be installed rather than a full tank and tile bed system.

RESOLUTION: C of A: 16:03:06

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-11-16-S by Rosemarie Tripp, to create a new lot, in Concession 1, Part Lot 11, Sandpiper Lane, District of Storrington, subject to conditions.

Carried

Application No: S-11-16-S
Owner: Rosemarie Tripp
Location of Property: Concession 1, Pt. Lot 11, Sandpiper Lane, District of Storrington, Township of South Frontenac
Purpose of Application: Creation of one new lot together with a right-of-way
Date of Hearing: March 10, 2016
Date of Decision: April 14, 2016

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], 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 [*Planning Act*, s. 53(41)] after the "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-11-16-L shall be for a 1.0 +/- acre lot with 45.7m of frontage on Loughborough Lake.
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 [*Planning Act*, s. 51(1)].
6. The right-of-way shall be surveyed and constructed according to the Township's standards for private lanes. The lane access shall be recognized on the deeds of the lot to be accessed and the property over which it passes.
7. The applicant shall enter into a development agreement to be registered on title to the severed and retained parcels which deals with the Township's environmental policies, as well as the requirement for the owner to contact the Cataraqui Region Conservation Authority prior to any development on the property, to determine the need for a permit.
8. The applicant shall rezone the lot created through Consent Application S-11-16-S and the retained parcel to a Special Limited Service Residential Waterfront zone to reflect the small lot size and deficient waterfrontage. Please planner Lindsay Mills to begin this process.

Item # 7: MV-02-16-S (Campeau)

Speaking to the Application: None

Discussion:

This application was originally brought to the committee in March 2016 but was deferred until a report from public health had been received.

The subject land consists of a 5.2 +/--acre lot at the end of Beach Lane with frontage on Cranberry Lake. The land is currently developed with a four seasonal rental dwellings and accessory buildings. The proposal is for the demolition of one of the existing seasonal dwellings and an addition to another seasonal dwelling on the property. The structure to be added to is located 17.7m (58 ft.) from the high water mark of Cranberry Lake. The proposed addition is to be 30 ft. by 47 ft. and at a minimum distance of 22m (72ft.) will not encroach any further on the lake than the existing structure.

The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township.

The CBO has no objections to the application.

Comments were not required from Roads.

Public health has no objection to the application as submitted provided the applicant obtains a permit for a new septic system prior to the issuance of a building permit.

RESOLUTION: C of A: 16:03:07

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-02-16-S by Robert & Marlane Campeau, to permit construction within

the 30m setback from water, in Concession 10, Part Lot 30, Beach Lane, District of Storrington, subject to conditions.

Carried

Application No: MV-02-16-S
Owner: Robert & Marlaine Campeau
Location of Property: Concession 10, Part Lot 30, Beach Lane, 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 30 m of the HWM
Date of Hearing: March 10, 2016
Date of Decision: April 14, 2016

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

CONDITIONS

1. The variance is for the construction of a 30 ft. by 47 ft. addition, including deck and garage to be located a minimum of 22 metres from the high water mark of Cranberry Lake.
2. Minor variance MV-02-16-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.
4. The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township’s environmental and limited service policies, and which specifies that a permit may be required from the Cataraqui Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item # 8: MV-05-16-B (Kirk)

Speaking to the Application:

Discussion:

This application was originally brought to the committee in March 2016 but was deferred until a report from public health had been received.

The subject land consists of 0.36 +/-acres with frontage on Garter Lake. The lot is currently developed with a seasonal dwelling and an accessory building. The proposal is for the demolition of the existing seasonal dwelling and the construction of a new 32 ft. by 24 ft. seasonal dwelling a minimum of 15m (50 ft.) from the high water mark of Garter Lake. The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. The small size of the lot along with the locations of the existing accessory building and proposed location for the new septic system make it challenging for the applicant to meet all setbacks outlined in the by-law for the RLSW zone.

Comments were not required from Roads.

Conservation has no objections to the proposal as submitted and despite the highly sensitive designation of Garter Lake do not see the need for an additional Environmental Impact Assessment given the fact the proposed development will be farther from the lake than the existing structure and only modestly larger.

Public health has no objections.

RESOLUTION: **C of A: 16:03:08**

Moved by: D. Hahn

Seconded by: A. Revill

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-05-16-B by Matthew Kirk, to permit construction within the 30m setback from water, in Concession 6, Part Lot 13, Garter Lake Lane, District of Bedford, subject to conditions.

Carried

Application No: MV-05-16-B
Owner: Matthew Kirk
Location of Property: Concession 6, Part Lot 13, Garter Lake Lane, District of Bedford, Township of South Frontenac
Purpose of Application: To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30 m of the HWM
Date of Hearing: March 10, 2016
Date of Decision: April 14, 2016

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

CONDITIONS

1. The variance is for the demolition of the existing seasonal dwelling and the construction of a 32 ft. by 24 ft. seasonal dwelling to be located a minimum of 15m (50 ft.) from the high water mark of Garter Lake.
2. No other structures shall be permitted within the 30m setback from the high water mark of Garter Lake.
3. Minor variance MV-05-16-B 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 and limited service policies, and which specifies that a permit may be required from the Cataraqui Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item # 9: MV-06-16-L (7607093 Ontario Ltd.)

Speaking to the Application: Bob Pickering

Discussion:

This application was originally brought to the committee in March 2016. The application was deferred until reports from public health and conservation had been received.

The subject land consists of 0.41 +/- acres with frontage on Loughborough Lake (east basin). The lot is currently vacant. The proposal is for the construction of a 20 ft. by 44 ft. dwelling up to a minimum of 21m (70 ft.) from the high water mark of Loughborough Lake. The proposed construction will also vary the front yard setback from 20m (65.6 ft.) to as little as 2.7m (8.9 ft.). The location determined as appropriate for a septic system will greatly influence the final location and has not yet been determined due to current weather conditions.

The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. The small size of the lot along with the topography of the land and the potential location for the new septic system make it challenging for the applicant to meet all setbacks outlined in the by-law for the RW zone.

The Roads Department has specific requirements for the entrance location, but say an entrance would be possible.

Conservation has completed a full site evaluation including slope stability assessment and determined that based on the slope and rock profiles on the lot they are not in favour of any construction taking place on this lot, and they are concerned, given the extensive fracturing of the bedrock, about the installation of any septic system negatively affecting both the neighbouring property and Loughborough Lake.

Public Health has stated that there are no options for a traditional septic system to be installed on this lot, they would require the installation of a holding tank should development proceed. The current building code however specifically prohibits the installation of any new holding tanks, except in certain circumstances.

Some concerns from the neighbour abutting the subject property have been raised, including potential impact on his existing well and distance to a potential septic system; along with questions over permitted shorelines uses/alterations.

L. Mills visited site and said based on the size of the lot and the topography the lot is just too small to facilitate the location of the proposed structure.

M. Schjerning and A. Revill also visited the site and both feel the lot has too many challenges for construction and location of the proposed structure when taking into account the topography and concerns of the commenting agencies.

RESOLUTION: C of A: 16:03:09

Moved by: K. Gee

Seconded by: M. Schjerning

THAT the South Frontenac Township Committee of Adjustment hereby DENIES minor variance application MV-06-16-L by 7607093 Ontario Ltd., to permit construction within the 30m setback from water, in Concession 5, Part Lot 19, North Shore Crescent, District of Loughborough.

Carried

Item # 10: MV-07-16-B (Hambly)

Speaking to the Application: Ian Hambly

Discussion:

This application was originally brought to the committee in March 2016. It was deferred until a survey could be completed showing the location of the existing cottage on the applicant’s lot as there was some question as to the precise location of the structure.

The subject land consists of 1.22 +/- acres with frontage on Bobs Lake. The lot is currently developed with a seasonal dwelling. The proposal is for the demolition of the existing 6 ft. by 6 ft. pump house, and the construction of 10 ft. by 20 ft. screen porch, a 6 ft. by 10 ft. pump house and a 6 ft. by 65 ft. rear deck to be located a minimum of 26.8m (88 ft.) from the high water mark of Bobs Lake.

The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. The proposed construction will not encroach on the water any more than the existing structure does as it is to be located on the side and rear of the existing dwelling.

The applicant has provided an updated survey of the property clearly showing the location of the existing structure and demonstrated it is in fact on his own property.

Comments were not required from Roads or Public Health.

Conservation has no objections.

RESOLUTION: C of A: 16:03:10

Moved by: D. Hahn

Seconded by: A. Revill

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-07-16-B by Ian & Patricia Hambly, to permit construction within the 30m setback from water, in Concession 4, Part Lot 22, West Point Lane, District of Bedford, subject to conditions.

Carried

Application No:	MV-05-16-B
Owner:	Matthew Kirk
Location of Property:	Concession 6, Part Lot 13, Garter Lake Lane, District of Bedford, Township of South Frontenac
Purpose of Application:	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30 m of the HWM
Date of Hearing:	March 10, 2016
Date of Decision:	April 14, 2016

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. The variance is for the demolition of the existing seasonal dwelling and the construction of a 32 ft. by 24 ft. seasonal dwelling to be located a minimum of 15m (50 ft.) from the high water mark of Garter Lake.**

2. No other structures shall be permitted within the 30m setback from the high water mark of Garter Lake.
3. Minor variance MV-05-16-B 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 and limited service policies, and which specifies that a permit may be required from the Cataraqui Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item # 11: S-12-16-S (Dixon)

Speaking to the Application: Emily Watson

Discussion:

The subject lands consist of 78 +/-hectares with frontage on Sunbury Road and Washburn Road. The land is developed with a single detached dwelling and several agricultural accessory buildings. The application is for the creation of a 0.38 +/-acre lot addition to 2817 Sunbury Road. This lot addition will serve to enlarge an existing undersized lot.

The lot addition boundaries were not near any septic system and no new entrance was required, therefore comments were not required from Roads, Public Health or Conservation.

RESOLUTION: C of A: 16:03:11

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-12-16-S by Thomas Dixon, to create a lot addition, in Concession 7, Part Lot 6, Sunbury Road, District of Storrington, subject to conditions.

Carried

Application No: S-12-16-S
Owner: Thomas Dixon
Location of Property: Concession 7, Pt. Lot 6, Sunbury Road, District of Storrington, Township of South Frontenac
Purpose of Application: Creation of a lot addition
Date of Hearing: April 14, 2016
Date of Decision: April 14, 2016

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], 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 [*Planning Act*, s. 53(41)] after the "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-12-16-S shall be for a 0.38 +/- acre lot addition to 2817 Sunbury 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 [Planning Act, s. 51(1)].

Item # 12: S-13-16-B (Mihalicz)

Speaking to the Application: Dwight Mihalicz

Discussion:

The subject lands consist of 4.0 +/-hectares with frontage on Devil Lake Road and Devil Lake Creek. The land is developed with a single detached dwelling and multiple accessory buildings. The application is for the creation of a 1.0 +/-hectare lot with 190 m frontage on Devil Lake Road and 220m frontage on Devil Lake Creek. The severed lot will retain a single accessory building with the remainder of the existing structures located on the retained parcel. The applicant has provided a preliminary Environmental Impact Assessment from Ontario Lake Assessments which states there was no evidence of threatened species such as ratsnakes. The EIA raised no concerns with regards to environmental impact as a result of this severance.

Neither the Building nor Roads Departments have any objections.

Both public health and conservation have no objections to the application as submitted.

D. Hahn questioned whether the EIA indicated any conditions on the location of the building envelope. R. Genge who completed the EIA said the lot is well treed with many varieties, that there is sufficient space to locate the septic at a distance of 40m to 50m from the HWM allowing a dwelling to be located more than 30m from the HWM.

RESOLUTION: **C of A: 16:03:12**

Moved by: D. Hahn

Seconded by: A. Revill

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-13-16-B by Dwight Mihalicz, to create a new lot, in Concession 8, Part Lot 7, Devil Lake Road, District of Bedford, subject to conditions.

Carried

Application No:	S-13-16-B
Owner:	Dwight & Donna Mihalicz
Location of Property:	Concession 8, Pt. Lot 7, Devil Lake Road, District of Bedford, Township of South Frontenac
Purpose of Application:	Creation of a new lot
Date of Hearing:	April 14, 2016
Date of Decision:	April 14, 2016

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

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], 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 [*Planning Act*, s. 53(41)] after the "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-13-16-B shall be for a 1.0 +/- hectare lot with a minimum of 190m of frontage on Devil Lake Road and a minimum 220m of frontage along Devil Lake Creek.
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 [Planning Act, s. 51(1)].
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 lands 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, 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.

Item # 13: S-14-16-L (Compton)

Speaking to the Application: Mark Compton

Discussion:

The subject lands consist of 32.4 +/-hectares with frontage on Rutledge Road. The land is developed with an agricultural building. The application is for the creation of a 4.0 +/-hectare lot with 167 m frontage on Rutledge Road. The severed lot is proposed to be rezoned to Rural Industrial to facilitate a propane tank storage area along with a number of self-storage units. The roads department has indicated that a traffic impact study will be required as part of the associated rezoning application. Additionally, the new lot will require an entrance constructed to commercial standards and will need to include a right taper lane westbound. Comments were not required from public health or conservation.

RESOLUTION: C of A: 16:03:13

Moved by: M. Schjerning

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-14-16-L by Mark Compton, to create a new lot, in Concession 5, Part Lot 15/16, Rutledge Road, District of Loughborough, subject to conditions.

Carried

Application No: S-14-16-L
Owner: Mark Compton
Location of Property: Concession 5, Pt. Lot 15/16, Rutledge Road, District of Loughborough, Township of South Frontenac
Purpose of Application: Creation of a new industrial lot
Date of Hearing: April 14, 2016
Date of Decision: April 14, 2016

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], 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 [*Planning Act*, s. 53(41)] after the "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-14-16-L shall be for a 4.0 +/- hectare lot with a maximum of 167m of frontage along Rutledge 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 [*Planning Act*, s. 51(1)].
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 lands 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:
 - f. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - g. 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;
 - h. 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, Chapter 25, as amended.
 - i. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - j. 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 rezone the lot to be created from Consent Application S-14-16-L from Rural to Rural Industrial. Please contact Lindsay Mills, the Township Planner, to begin this process.

Item # 14: S-15-16-P (Kerr)

Speaking to the Application: Everett Kerr

Discussion:

The subject lands consist of 23.4 +/-hectares with frontage on Road 38 and Alton Road West. The land is currently vacant. The application is for the creation of a 4.0 +/-hectare lot with 62m frontage on Road 38 and 227m frontage on Alton Road West. The severed lot is proposed to be rezoned to Urban Commercial to facilitate the construction of a retail plaza.

Building department has no objections.

Public health has no objections.

Roads has indicated a traffic impact study will be required as part of the associated rezoning process.

Comments were not required from conservation.

L. Mills indicated there will be an easement along the easternmost edge through the new lot to facilitate access to the retained parcel. Additionally, site plan control will be required as part of the rezoning.

A. Revill wanted to know whether the access will be gained from Alton Road or Road 38. L. Mills said as per the Official Plan requirements, which limit new entrances from Road 38, the access will be from Alton Road.

RESOLUTION: **C of A: 16:03:14**

Moved by: D. Hahn

Seconded by: A. Revill

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-15-16-P by Everett Kerr, to create a new lot, in Concession 4, Part Lot 6, Road 38, District of Portland, subject to conditions.

Carried

Application No: S-15-16-P
Owner: Everett & Joan Kerr
Location of Property: Concession 5, Pt. Lot 6, Road 38, District of Portland, Township of South Frontenac
Purpose of Application: Creation of a new commercial lot
Date of Hearing: April 14, 2016
Date of Decision: April 14, 2016

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

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], 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 [*Planning Act*, s. 53(41)] after the "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-14-16-L shall be for a 4.0 +/- hectare lot with a minimum of 62m frontage on Road 38 and 227m frontage on Alton Road West.
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 [*Planning Act*, s. 51(1)].
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 lands 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, 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 rezone the lot to be created from Consent Application S-15-16-P from Rural to Urban Commercial. Please contact Lindsay Mills, the Township Planner, to begin this process.

Item # 15: S-16-16-P (Walton)

Speaking to the Application: Margret Walton

Discussion:

The subject lands consist of 71.8 +/-hectares with frontage on Miller Road. The land is currently vacant. The application is for the creation of a 1.9 +/-hectare lot addition with 76m frontage on Miller Road to be added to a 37 hectare parcel of land with no road frontage currently (Roll number 102908008018700). The lot addition is to provide legal access to the land locked parcel for the purposes of constructing a house.

Building department and roads have no objections.

Comments were not required from conservation or public health.

RESOLUTION: C of A: 16:03:14

Moved by: A. Revill

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-16-16-P by Margret Walton, to create a lot addition, in Concession 13, Part Lot 11, Miller Road, District of Portland, subject to conditions.

Carried

Application No:	S-16-16-P
Owner:	Margret Walton
Location of Property:	Concession 8, Pt. Lot 9, Road 38, District of Portland, Township of South Frontenac
Purpose of Application:	Creation of a lot addition
Date of Hearing:	April 14, 2016
Date of Decision:	April 14, 2016

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act, s.81, Land Titles Act, s. 150*], 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 [*Planning Act, s. 53(41)*] after the "Notice of Decision" is given [*Planning Act, ss. 53(17) and 53(24)*].
2. The land to be severed by Consent Application S-16-16-P shall be for a 1.9 +/- hectare lot addition with a minimum of 76m of frontage along Miller Road only to a 37 +/- hectare parcel of land with no road frontage currently (Roll number 102908008018700).
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 [Planning Act, s. 51(1)].

Item # 16: S-18-16-L (Southern Frontenac Community Services)

Speaking to the Application: David Townsend

Discussion:

The subject lands consist of 0.94 +/- acres with frontage on Stagecoach Road. The land is currently vacant and partially being used for parking. The application is for the creation of a 0.92 +/- acre lot addition with 62m frontage on Stagecoach Road to be added to 4295 Stagecoach Road. The lot addition is to facilitate a planned expansion the existing Southern Frontenac Community Services facility. The three (3) foot remainder will be added to 4265 Stagecoach Road.

Building department and roads have no objections.

Comments were not required from conservation or public health.

RESOLUTION: C of A: 16:03:16

Moved by: M. Schjerning

Seconded by: R. Sleeth

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-18-16-L by Southern Frontenac Community Services, to create a lot addition, in Concession 4, Part Lot 3, Stagecoach Road, District of Loughborough, subject to conditions.

Carried

Application No: S-18-16-L
Owner: Southern Frontenac Community Services
Location of Property: Concession 4, Pt. Lot 3, Stagecoach Road, District of Loughborough, Township of South Frontenac
Purpose of Application: Creation of a lot addition
Date of Hearing: April 14, 2016
Date of Decision: April 14, 2016

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands in duplicate [*Registry Act*, s.81, *Land Titles Act*, s. 150], 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 [*Planning Act*, s. 53(41)] after the "Notice of Decision" is given [*Planning Act*, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-18-16-L shall be for a 0.92 +/- hectare lot addition with frontage along Stagecoach Road. The three (3) foot remainder will be added to 4265 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 [Planning Act, s. 51(1)].

6. The applicant is required to rezone the lot addition parcel from Rural to Community Facility. Please planner Lindsay Mills to begin this process.

Item # 17: MV-09-16-S (Watson)

Speaking to the Application: Adam Watson

Discussion:

The subject land consists of a 1.18 +/- acres with frontage on Dog Lake. The lot is currently developed with a seasonal dwelling and a small accessory building. The proposal is for the reconstruction of the roofline of the existing cottage along with an increase in height of the structure by five (5) feet to permit the addition of a loft space. The existing cottage is located approximately 50 feet from the HWM of Dog Lake on each side of the structure.

The by-law does not permit the construction of any structures within 30 m of the HWM for the reasons of reducing adverse effects on the environment, maintaining a natural vegetative buffer and aiding in the preservation of the rural character of the Township. The location of the existing dwelling and the constraints of the property make it challenging for the applicant to meet the setbacks in the by-law. Neither public health nor conservation has any objections to the application as submitted.

RESOLUTION: C of A: 16:03:17

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-09-16-S by Michelle & Adam Watson, to permit construction within the 30m setback from water, in Concession 8, Part Lot 16, Hood Lane, District of Storrington, subject to conditions.

Carried

Application No: MV-09-16-S
Owner: Michelle & Peter Watson
Location of Property: Concession 8, Part Lot 16, Hood Lane, 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 30 m of the HWM
Date of Hearing: March 10, 2016
Date of Decision: April 14, 2016

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

1. The variance is for a five (5) foot increase in structure height to permit a loft addition to the existing seasonal dwelling, located a 15m from the high water mark of Dog Lake.
2. No other construction shall be permitted within the 30m setback from the high water mark of Bobs Lake.
3. Minor variance MV-09-16-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 and limited service policies, and which specifies that a permit may be required from the Rideau Valley Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item # 18: MV-10-16-S (Kauffman)

Speaking to the Application: Jason Kauffman

Discussion:

The subject land consists of a 7.6 +/- hectares with frontage on Bear Creek Road. The lot is currently developed with a single detached dwelling and a small accessory structure. The proposal is for the demolition of the existing accessory structure and the construction of a 30 ft. by 40 ft. one-story accessory building located five (5) feet from the side property line. The proposed structure will not encroach on the side yard setback any farther than the existing accessory structure. The proposed building is planned at a height of 21.8 feet.

The by-law does not permit the construction of any accessory structures in front of the primary dwelling, over a height of 19.7 feet, or closer than 3m from the interior side lot line.

Comments were not required from public health, roads or conservation.

RESOLUTION: C of A: 16:03:18

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-10-16-S by Jason & Sarah Kauffman, to permit construction in the front yard and an increase in height of accessory buildings, in Concession 7, Part Lot 4, Bear Creek Road, District of Storrington, subject to conditions.

Carried

Application No: MV-10-16-S
Owner: Jason Kauffman
Location of Property: Concession 7, Part Lot 4, Bear Creek 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 an accessory building in the front yard; Section 7.3.2 to permit a reduction in side-yard setback and increase in height of accessory buildings
Date of Hearing: April 14, 2016
Date of Decision: April 14, 2016

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

1. The variance is for the construction of a 30 ft. by 40 ft. single story accessory structure with a height of 21.8 ft. a minimum of 5 feet from the side lot line.
2. No other construction shall be permitted within the front yard.
3. Minor variance MV-10-16-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.

Item # 19: MV-11-16-S (Rolston)

Speaking to the Application: Ken Ralston

Discussion:

The subject land consists of a 1.9 +/- hectares with frontage on Loughborough Lake. The lot is currently developed with a single detached dwelling and a small accessory structure. The proposal is for the construction of a 46 ft. by 80 ft. one-story accessory building with a planned height of 29.2 feet. This increase in height is to permit an open mezzanine document storage area within the building, in addition to accommodating a large recreational vehicle (RV).

The by-law does not permit the construction of any accessory building over a height of 19.7 feet. This building will be located at the end of a private lane and situated in a depression between 2 rock outcroppings.

Comments were not required from public health, roads or conservation.

RESOLUTION: C of A: 16:03:19

Moved by: R. Sleeth

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-11-16-S by Ken & Lorraine Rolston, to permit an increase in height of accessory buildings, in Concession 11, Part Lot 5, Rock Cliff Lane, District of Storrington, subject to conditions.

Carried

Application No: MV-11-16-S
Owner: Ken & Lorraine Rolston
Location of Property: Concession 11, Part Lot 5, Rock Cliff Lane, District of Storrington, Township of South Frontenac
Purpose of Application: To vary Section 7.3.2 of the Comprehensive Zoning By-law to permit an increase in height of accessory buildings
Date of Hearing: April 14, 2016
Date of Decision: April 14, 2016

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

1. The variance is for the construction of a 46 ft. by 80 ft. single story accessory structure with a height of 29.2 ft. (storage lot permitted but no living space).
2. Minor variance MV-11-16-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.

Item # 17: Other Business

M. Schjerning again questioned whether we could transfer Committee of Adjustment agendas, reports, minutes etc. to the Civic Web platform similar to the way Council is set up.

K. Gee asked whether the planning department could possibly arrange an information session for the committee regarding dug versus drilled wells and how draw down test work. This way the committee would be more informed on water options.

Item # 18: Adjournment

RESOLUTION: C of A: 16:03:20

Moved by: D. Hahn

Seconded by: A. Revill

THAT the April 14, 2016 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:30 p.m. to reconvene at 7:00 p.m. on Thursday, May 12, 2016 or at the call of the Chair.

Carried

 Larry Redden
 Chair

 Lindsay Mills
 Secretary-Treasurer