1. CALL TO ORDER AND DISCLOSURE OF PECUNIARY INTEREST

2. APPROVAL OF THE AGENDA

   1. RECOMMENDATION:
      THAT the content of the agenda be approved as presented.

3. ADOPTION OF MINUTES

   1. RE: Committee of Adjustment Meeting No. 15-02, August 10, 2015
      RECOMMENDATION:
      THAT Committee of Adjustment Meeting No. 15-02, August 10, 2015,
      minutes, be approved as printed.

4. DELEGATION

5. CONSIDERATION OF AGENDA ITEMS

   1. Bruce County Planning Department
      Re: Minor Variance Application
      File No. A-47-15.68
      Owner: Larry Stevens
      Part Lot 55 Concession 3 WBR; RP 3R714 PART 6 (St. Edmunds)
      Roll No. 41 09 680 004 01307
      67 Corey Crescent
      RECOMMENDATION:
      THAT the Planning Department recommends that application A-47-15.68
      satisfies the policies for a minor variance to required side yard, and front
      yard setbacks. The Department recommends that the Committee of
5. CONSIDERATION OF AGENDA ITEMS

Adjustment consider APPROVAL OF THE APPLICATION subject to the following conditions:

1. That the development of the property be carried out in accordance with the site plan shown as Schedule ‘A’, attached to and forming part of the decision.
2. That the variance granted by this decision applies only to the development as shown on Schedule ‘A’, attached to and forming part of this decision.
3. That the development approved by the variance be substantially completed within two years of the date of the decision.

6. OTHER BUSINESS

7. ADJOURNMENT

1. We are attempting to make every document in this Committee of Adjustment Package accessible but there may still be difficulty in recognizing all of the information. Please contact the Accessibility Coordinator if you require assistance and we will make every attempt to provide this information in an alternate format.
MUNICIPALITY OF NORTHERN BRUCE PENINSULA

COMMITTEE OF ADJUSTMENT

MINUTES

NO. 15-02

August 10, 2015 at 1:00 p.m.

A meeting of the Committee of Adjustment was held Monday, August 10, 2015 at 1:00 p.m. at the Municipality of Northern Bruce Peninsula Municipal Office.

MEMBERS PRESENT: Chair Tom Boyle
Patricia Greig
Rob Rouse
Griffin Salen

MEMBERS ABSENT: Milt McIver

STAFF PRESENT: Chief Administrative Officer, Bill Jones
Clerk, Mary Lynn Standen
Treasurer, Teresa Shearer
Public Works Manager, William Rydall
Assistant Public Works Manager, Troy Cameron
Chief Building Official, Wendy Elliott
Fire Chief, Wilf Barnes
Deputy Clerk, Cathy Addison
Secretary, Charlotte Martindale

OTHER STAFF PRESENT: Bruce County Senior Planner, Jakob Van Dorp
Bruce County Planner, Brian McHattie

DISCLOSURE OF PECUNIARY INTEREST

The Chairperson called the meeting to order at 1:00 p.m. and the Committee Members were reminded to disclose any pecuniary interest that may arise during the course of the meeting. No disclosures of pecuniary interest were expressed at this time.

APPROVAL OF THE AGENDA

Moved by R. Rouse Resolution #02-01-2015
Seconded by G. Salen

THAT the content of the Agenda be approved as presented.

Carried
ADOPTION OF MINUTES

Re: Committee of Adjustment Meeting No. 15-01
Minutes of March 23, 2015

Moved by P. Greig
Seconded by G. Salen

THAT Committee of Adjustment Meeting No. 15-01, March 23, 2015 minutes, be approved as presented.

Carried

CONSIDERATION OF AGENDA ITEM

   Re: Minor Variance
   John and Rose O'Handley
   12 Felsbourg Lane
   Concession 3 WBR Part Lot 35
   Northern Bruce Peninsula
   Roll No. 4109-620-005-04700

Mr. Brian McHattie, Bruce County Planner, explained the nature and intent of the application relating to the minor variance to demolish an existing dwelling and facilitate construction of a new dwelling plus a new septic system.

He advised that there had been no objections to the application from the agencies or public circulated. The Grey Sauble Conservation Authority (GSCA) noted that there is a small swale located along the south property line and culvert under the laneway, and that it should be maintained/enhanced for drainage purposes. The Municipality stated that the development shall comply with all applicable law, and that there should be a No Demand for Municipal Services Agreement.

Mr. McHattie proceeded to explain the four tests of a minor variance to be applied to the application noting that these tests must be satisfied in order to recommend approval. Firstly, the application conforms to the goals and objectives of the Bruce County Official Plan as this land is designated as 'Rural Recreation'. Secondly, the application maintains the general intent of the Municipality's Comprehensive Zoning By-law No. 2002-54, as amended. The property is undersized; however, the by-law permits undersized lots to be used. The variance is requesting reduced front and rear yard setbacks because the required setbacks eliminate any building envelope available on the lot. The variance is requesting reduction in habitable floor area; however, it was noted that, at 960 sq. ft., the new cottage is larger than the existing 800 sq. ft. cottage. The variance is requesting a reduced rear yard setback but it is
required for installation of a new septic system. Thirdly, the Planning Department feels the application is desirable for the appropriate development or use of the lands.

Fourthly, it is felt that the variance is minor in nature and should have no negative impact as a result of the variance to adjacent properties, the environment or the functions of the municipality. It was, therefore, recommended that the application be approved.

The Chairperson inquired whether any other person in attendance wished to speak to the minor variance application.

Committee Member Greig asked why the cottage does not meet the 1,000 sq. ft. requirement for a dwelling and was informed that the major rationale was the lot size and that in order to place a septic system and a dwelling on the property, the house would need to be 960 sq. ft. The owner commented that, if the dwelling unit must by 1,000 sq. ft., he will have to comply with the Committee of Adjustment’s decision.

There being no further discussion, the Chairperson thanked Mr. McHattie for his report.

Moved by G. Salen
Seconded by R. Rouse

THAT the Planning Department recommends that application A-26-15.62 satisfies the policies for a minor variance. The Department recommends that the Committee of Adjustment consider APPROVAL OF THE APPLICATION subject to the following conditions:

1. That the development of the property be carried out in accordance with the Site Plan shown as Schedule ‘A’, attached to and forming part of the decision.

2. That the variance granted by this decision applies only to the development as shown on Schedule ‘A’, attached to and forming part of this decision.

3. That the development approved by the variance be substantially completed within two years of the date of the decision.

4. That a by-law be passed placing the property under Site Plan Control and a Site Plan Agreement outlining Limited Services be established prior to issuance of a building permit.

Carried
Committee of Adjustment  
Meeting No. 15-02  
Minutes  

OTHER BUSINESS  

No "Other Business" for Committee of Adjustment Meeting No. 15-02, August 10, 2015.  

ADJOURNMENT  

Moved by R. Rouse  
Seconded by P. Greig  
Resolution # 02-04-2015  

THAT Committee of Adjustment does now adjourn at 1:13 p.m.  

Carried  

__________________________  
Chairperson – Tom Boyle  

__________________________  
Secretary-Treasurer - Mary Lynn Standen
Notice of Public Hearing
Proposed Minor Variance
(Section 45, Planning Act, 1990)

Take Notice that a Public Hearing will be held on November 23, 2015 at 1:00 PM, in the Municipality of Northern Bruce Peninsula Council Chambers, 56 Lindsay Rd 5, LIONS HEAD ON, in order to consider the Planning Application as outlined below.

The purpose of the minor variance is to permit a reduced front yard setback from 7.6 m (24.9 ft) to 1 m (3 ft) and a reduced side yard setback from 3 m (9.8 ft) to 1.5 m (5 ft) to permit construction of a detached garage in front of the dwelling.

Development Proposal

<table>
<thead>
<tr>
<th>Development Proposal</th>
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<tbody>
<tr>
<td>The purpose of the minor variance is to permit a reduced front yard setback from 7.6 m (24.9 ft) to 1 m (3 ft) and a reduced side yard setback from 3 m (9.8 ft) to 1.5 m (5 ft) to permit construction of a detached garage in front of the dwelling.</td>
</tr>
</tbody>
</table>

Related File(s)
None

Owner
Larry Stevens

Agent
N/A

Legal Description
Part Lot 55 Concession 3 WBR; RP 3R714 PART 6 (St Edmunds) Roll # 410968000401307

Municipal Address
67 Corey Crescent

Lot Dimensions
- Lot Frontage: +/- 30.5 m (100 ft)
- Lot Depth: +/- 61 m (200 ft)
- Lot Area: +/- 1,860.5 m² (0.46 ac)

Uses Existing
Residential

Uses Proposed
Residential

Structures Existing
Dwelling and shed

Structures Proposed
Dwelling, shed, and detached garage

Access
Corey Crescent

Servicing
Private water and individual septic system

County Official Plan
Rural Recreation

Zoning By-law
R2 Resort Residential

Surrounding Land Uses
Boat storage to north; Campground to south; Dwelling to east; Dwelling to west

Subject Lands

Any Person may attend the meeting and/or make written or verbal representation either in support or in opposition to the application. Written comments should be forwarded to the planner responsible for the file, Brian McHattie (by mail or fax at the above address);
or by e-mail at bcp.lwi@brucecounty.on.ca by November 4, 2015. If any person receiving this notice does not attend the meeting, the Committee of Adjustment may proceed in his/her absence and he/she may not be entitled to any further notice of the Committee’s proceedings.

Additional Information relating to the application may be obtained at the Wiarton Planning Office, at the above address, between the hours of 8:30 a.m. and 4:30 p.m. (Monday to Friday) or at the Municipal Clerk’s office 519-793-3522. This Public Notice can also be viewed on-line at http://www.brucecounty.on.ca (under ‘Quick Links’, ‘Planning Applications’ and search by municipality).

Any Person who has concerns or objections to the application is encouraged to contact the Bruce County Planning Department at the above address prior to the scheduled meeting.

Please note: Comments and opinions submitted on these matters, including the originator’s name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda.

Brian McHattie, Planner, Bruce County Planning & Development

Schedule ‘A’ A-47-15.68 Stevens Roll: 410968000401307
Municipality of Northern Bruce Peninsula
Planning Report

Application: Minor Variance
File: A-47-15.68
Date: November 23, 2015

To: Committee of Adjustment

From: Brian McHattie, Planner for the Municipality of Northern Bruce Peninsula
County of Bruce Planning & Development Department

Subject: Application for Minor Variance to Municipality of Northern Bruce Peninsula
Comprehensive Zoning By-law 2002.54

Reasons For and Nature of the Application:

The Peninsula has received an application from Larry Stevens for a variance to the Municipality of Northern Bruce Peninsula Zoning By-law 2002.54.

The purpose of the minor variance is to permit a reduced front yard setback from 7.6 m (24.9 ft) to 1 m (3 ft), and a reduced side yard setback from 3 m (9.8 ft) to 1.5 m (5 ft) to permit construction of a detached garage in front of the dwelling.

Summary of Application:

Reports and correspondence related to the file are available online at the County of Bruce Website or under Quick Links - Planning Applications and are in the application file at the meeting. The following documents are available online and referred to in this report:

- Municipality of Northern Bruce Peninsula Staff Comments
- Grey Sauble Conservation Authority Comments

Section 45(1) of the Planning Act provides for the granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Relief may only be granted if the Variance passes four tests ("Four Tests of a Minor Variance"). The Committee must be satisfied that the application has satisfied all four tests to approve the Minor Variance.

The following recommendation is made:

Preliminary Recommendation:

Subject to review of objections and submissions arising from the public hearing the following recommendation is made:

The Planning Department recommends that the application satisfies the policies for a minor variance to required side yard, and front yard setbacks. The Department recommends that the Committee of Adjustment consider APPROVAL OF THE APPLICATION subject to the following conditions:

1. That the development of the property be carried out in accordance with the site plan shown as Schedule 'A', attached to and forming part of the decision.
2. That the variance granted by this decision applies only to the development as shown on Schedule 'A', attached to and forming part of this decision.
3. That the development approved by the variance be substantially completed within two years of the date of the decision

I. CONTEXT

The property is adjacent to other single detached homes on Corey Crescent and is a generally level lot, with forested perimeter, and a low, vegetated rock ridge running along the property line adjacent to the road.

The site plan included in Schedule A to the Decision, and an air photo in Appendix 'A'.

II. PROPERTY INFO SUMMARY

<table>
<thead>
<tr>
<th>Related File(s)</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner</td>
<td>Larry Stevens</td>
</tr>
<tr>
<td>Applicant</td>
<td>Same</td>
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<tr>
<td>Agent</td>
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<td>Legal Description</td>
<td>Part Lot 55 Concession 3 WBR; RP 3R714 PART 6 (St Edmonds) Roll # 410968000401307</td>
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<td>Municipal Address</td>
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<td>Lot Dimensions</td>
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<td>Uses Proposed</td>
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<td>Structures Existing</td>
<td>Dwelling and shed</td>
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<td>Structures Proposed</td>
<td>Dwelling, shed, and detached garage</td>
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<td>Private water and individual septic system</td>
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<td>County Official Plan</td>
<td>Rural Recreation</td>
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<td>Zoning By-law</td>
<td>R2 Resort Residential</td>
</tr>
<tr>
<td>Surrounding Land Uses</td>
<td>Boat storage to north; Campground to south; Dwelling to east; Dwelling to west</td>
</tr>
</tbody>
</table>

III. MATTERS ARISING FROM AGENCY CIRCULATION

The application was circulated to the standard agencies for review.

Grey Sauble Conservation comments that they have no objection to the approval of the proposed minor variance application to permit the construction of a garage within the front yard.
and side yard setbacks, as no natural hazards or significant natural heritage features were identified on site.

Municipal staff comments were finalized following an October 21, 2015 site visit. They have no objection to the application.

IV. MATTERS ARISING FROM PUBLIC CIRCULATION

The application was circulated to property owners within 60m of the property and notice of the application was posted on the property on October 15, 2015. No comments had been received from the public at the time this report was written.

V. MATTERS ARISING FROM PROVINCIAL INTERESTS, POLICY STATEMENTS OR PLANS

Under Section 3(5) of the Planning Act, planning decisions “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statements (PPS). The PPS and relevant policies as identified in Appendix ‘B’ to this report have been reviewed and the proposed development is consistent with the PPS.

VI. FOUR TESTS OF A MINOR VARIANCE

The Planning Department presents the following analysis of the four tests in regard to the proposal. The first two tests of a minor variance are related to local planning documents, the second two to other matters.

1. Does the variance maintain the intent and purpose of the County of Bruce Official Plan?

The variance maintains the general intent and purpose of the Official Plan. The subject lands are designated Rural Recreation in the Bruce County Official Plan which permits seasonal and permanent residential uses. The variance would not change current or future uses or the function of the lot.

The variance conforms to the general intent of the Official Plan.

2. Does the variance maintain the intent and purpose of the Municipality of Northern Bruce Peninsula Comprehensive Zoning By-law 2002.54?

The variance maintains the general intent and purpose of the zoning by-law. The subject land is zoned R2 Resort Residential. From our site inspection, it appears that sufficient vegetation remains between the neighbour and the subject property to maintain privacy. There is a low, well-vegetated rock ridge between the property line and the road, resulting in the garage being hidden from view. The applicant notes that “Where the garage will be built will allow my aged father (89 years old) when backing out of the garage to turn around and exit the driveway going forward. If the variance is any longer, that wouldn't be possible. The front variance is 24 feet from a rock face and approximately 30 feet from the road. On top of the rock ledge are dense trees. Where we anticipate the garage going, it would be virtually invisible to the road.” Situating the garage further northwards on the property would result in the loss of mature birch trees.

The variance maintains the intent of the Municipality of Northern Bruce Peninsula Comprehensive Zoning By-law 2002.54.
3. **Is the variance requested desirable for the appropriate and orderly development and use of the lands and buildings?**

The variance allows the owners of the property to improve their property with a detached garage. Site constraints that influence the structure's location include the septic bed between the house and the garage, and the need to maintain a turning radius for the driveway (see above explanation from applicant). The forested buffer for the side yard, and the forested rock ridge feature buffer any view of the garage from the road.

**The variance represents an appropriate form of development for the use of the land.**

4. **Is the variance minor in nature?**

A variance may be considered minor where the impact will be minor or negligible. There should be no negative impact as a result of the variance to adjacent properties, the environment or the functions of the municipality and therefore the application is considered minor.

**The variance is minor.**

**VII. SUMMARY**

This application was assessed with regard to existing policy and the impact of the proposal on the surrounding land uses. The application maintains the intent and purpose of the Official Plan and Zoning By-law and is not expected to have an impact on surrounding property owners, the environment, or municipal functions. The application satisfies the four tests, constitutes good land use planning and is desirable for the appropriate development of the land.

Respectfully submitted,

Brian McHattie, Planner – Municipality of Northern Bruce Peninsula

County of Bruce, Planning & Development Department
## Appendix 'B' Due Diligence

### I. Provincial Policy Statement (PPS 2014)

<table>
<thead>
<tr>
<th>Applicable Policy</th>
<th>Section</th>
<th>Policy</th>
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<td>Building Strong Healthy Communities</td>
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<td>Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</td>
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<td>Settlement Areas</td>
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<td>Rural Areas in Municipalities</td>
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### II. Other Provincial Interests

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<tr>
<th>Applicable Ministry</th>
<th>Policy / Legislation</th>
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<td><strong>Criteria for Evaluating Archaeological Potential – a checklist for the non-specialist</strong></td>
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Committee of Adjustment
For the Corporation of the Municipality of Northern Bruce Peninsula

Application No.: A-47-15.68
Date of Hearing: November 23, 2015
Owner / Applicant: Larry Stevens
911 Address: 67 Corey Crescent
Roll No.: 410968000401307
Lot Description: Part Lot 55 Concession 3 WBR; RP 3R714 PART 6 (St Edmunds), Municipality of Northern Bruce Peninsula

Frontage +/- 30.5 m (100 ft)
Depth +/- 61 m (200 ft) irregular
Area +/- 1860.5 sq. m. (0.46 ac)

In the matter of Section 45 of The Planning Act and an application for (X) minor variance, () permission to vary provisions Section 13.3 R2 Rural Recreation Zone of the Municipality of Northern Bruce Peninsula Comprehensive Zoning By-Law 2002.54 to permit:
- a reduced front yard setback from 7.6 m (24.9 ft) to 1 m (3 ft), and;
- a reduced side yard setback from 3 m (9.8 ft) to 1.5 m (5 ft) to permit construction of a detached garage in front of the dwelling.

The request is hereby ( ) refused or (X) granted or ( ) deferred for the following reasons:
1. The variance meets the requirements of S.45 (1) of the Planning Act.

The request is hereby ( ) refused or (X) granted or ( ) deferred subject to the following conditions:
1. That the development of the property be carried out in accordance with the site plan, approved by Town staff, shown as Schedule 'A', which is attached to and forms part of the decision.
2. That the variance granted by this decision applies only to the development as shown on Schedule 'A', attached to and forming part of this decision.
3. That the development approved by the variance be substantially completed within two years of the date of the decision.
4. That the variance recognizes and permits the following:
   1. Notwithstanding Section 13.3 the minimum front yard setback for the proposed detached garage shall be 1 m (3 ft).
   2. Notwithstanding Section 13.3 the minimum side yard setback for the proposed detached garage shall be 1.5 m (5 ft).

We, the undersigned concur in the decision and reasons given for the decision of the Committee of Adjustment for the Municipality of Northern Bruce Peninsula made on November 23, 2015.

Milt Mclver
Patricia Greig
Tom Boyle
Griffin Salen
Rob Rouse

Certification of Committee's Decision
I, Mary Lynn Standen, being the Secretary-Treasurer of the Committee of Adjustment for the Corporation of the Municipality of Northern Bruce Peninsula, certify that this is a true copy of the Committee's decision of November 23, 2015.

______________________________
Mary Lynn Standen
Secretary – Treasurer

Notice of Last Day of Appeals
Notice is hereby given that the last date for appealing this decision to the Ontario Municipal Board is:
December 13, 2015

Mary Lynn Standen, being the Secretary-Treasurer, Committee of Adjustment for the Municipality of Northern Bruce Peninsula, 56 Lindsay Rd #5, RR 2, LION'S HEAD ON NOH 15O Ph: 519-793-3522.

Certification by Secretary Treasurer Where No Appeals Have Been Filed
This is to certify that no appeals have been received.

______________________________
Mary Lynn Standen
Secretary – Treasurer