

# TOWNSHIP OF NAIRN AND HYMAN

## Minor Variance Approval Authority Notice of Decision

### DECISION

#### MINOR VARIANCE

Under Section 45 of the *Planning Act*

**File No. :** A03-21

**Owner:** Darrin Paine  
**Agent:** Leo Chaloux, Nortec

**Legal Description:** PCL 21694 SEC SWS; LT 42 PL M36 NAIRN; TOWNSHIP OF NAIRN AND HYMAN  
**Property Address:** 26 McIntyre Street, Township of Nairn and Hyman

**Official Plan:** Residential District  
**Zoning:** General Residential (R1) Zone  
**By-law:** Zoning By-law No. 2013-5

### PURPOSE OF THE APPLICATION

The purpose of this minor variance application is to allow the applicants to build a dwelling 13.8m from the shoreline of a creek where normally a 30m setback is required and to reduce the eastern interior side yard setback from 1.2m to 0.9m. This variance would allow for the construction of a dwelling.

### MINOR VARIANCES ARE REQUIRED FOR THE FOLLOWING:

- Relief from Section 4.20(e) to reduce the minimum setback from the shoreline from 30m to 13.8m
- Relief from Section 5.4.2 to reduce the eastern interior side yard setback from 1.2m to 0.9m

### PUBLIC HEARING:

Written comments were received from Jerry Thibeault: "I am a concerned citizen who lives adjacent to the said property. I believe the current bylaws are in place with environmental and scientific feedback included into the reasoning for the set bylaw. This waterway/creek/wetland area runs into the Spanish river and is the source for the township's drinking water. I have visited this lot and area and feel that this is too close to build beside the wetland waterways. I feel a further professional analysis or third party audit should be required prior to deciding this further. What additional measures are proposed in absence of the compliance? I am not in favour of this request without further professional feedback/evaluation."

### DECISION AND REASONS OF THE APPROVAL AUTHORITY

Notice was given and the request was heard by the approval authority at a public hearing on **September 13<sup>th</sup>, 2021** as required by the *Planning Act*.

Proposed by: B. G. G. G., seconded by: [Signature] and adopted with unanimity.  
Application Number **A03-21** is hereby:

☐ Approved

☒ Approved On Condition

☐ Refused

## TOWNSHIP OF NAIRN AND HYMAN

### MINOR VARIANCE DECISION

The Approval Authority, having considered the evidence presented and reviewed the plan and in consideration of all written and oral submissions made relating to the subject application, and having had regard to the matters set out in Section 45(1) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, is satisfied that, a minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, is minor, is desirable for the appropriate development or use of the land, building or structure, and the general intent and purpose of the by-law and of the official plan are maintained.

In so doing, it is the decision of the Approval Authority that: the application for constructing a dwelling 13.8m from a creek to the east of the property where normally a 30m setback is required and 0.9m from the eastern interior side lot line where normally 1.2m is required to be **approved** with the following conditions:

1. That the proposed dwelling be permitted with the setback as noted above and be located as illustrated on the drawing as attached hereto and labelled Schedule 'A'.
2. That comments are received from the Public Health Sudbury & Districts as to the suitability of the lot for use with a Class 4 (septic) sewage disposal system and comply with any requirements of the Health Unit with respect to a proposed sewage disposal system
3. That the applicant provide a technical study to the satisfaction of the Township to ensure that the development is not subject to flood risk and that any recommendations of the study including floodproofing measures are incorporated, if required.

#### **NOTICE OF RIGHT TO APPEAL**

To appeal this Decision to the Ontario Land Tribunal (OLT), a letter, outlining the reasons for appeal, must be filed with the Township's Clerk.

**Date of Decision:** September 23, 2021

**Last Date of Appeal:** October 13, 2021

The notice of appeal must be accompanied by a cheque or money order for \$400.00 made payable to the Minister of Finance. If you have any questions about the appeal process, please contact the Township Clerk's office.

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for minor variance to OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.





**TOWNSHIP OF NAIRN AND HYMAN**

**MINOR VARIANCE DECISION**

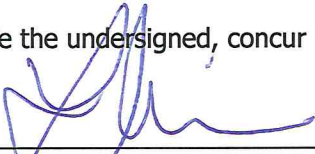
**DECISION SIGNATURE PAGE**

**=File No. :** A03-21

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**Agent:** Leo Chaloux, Nortec

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**Property Address:** 26 McIntyre Street, Township of Nairn and Hyman


We the undersigned, concur in the decision and reasons of the Approval Authority:

  
\_\_\_\_\_  
Mayor Laurier P. Falldien

  
\_\_\_\_\_  
Councillor Frederic Diebel


  
\_\_\_\_\_  
Councillor Rod MacDonald

  
\_\_\_\_\_  
Councillor Brigita Gingras

  
\_\_\_\_\_  
Councillor Katherine Bourrier

I, Belinda Ketchabaw, CAO, Clerk/Treasurer of the Township of Nairn and Hyman, certify that the attached is a true copy of the Decision of the Approval Authority with respect to the application recorded.

  
\_\_\_\_\_  
Date of Decision

  
\_\_\_\_\_  
Belinda Ketchabaw  
CAO, Clerk/Treasurer,  
Township of Nairn and Hyman