



TOWNSHIP OF NAIRN AND HYMAN

Minor Variance Approval Authority Notice of Decision

DECISION

MINOR VARIANCE

Under Section 45 of the *Planning Act*

File No. : A01-22

Owner/Applicant: Dean Lapierre

Legal Description: PCL 30559 SEC SWS; LT 23 PL M934 HYMAN; NAIRN AND HYMAN
Property Address: 36 Belle Bay Crescent, Township of Nairn and Hyman

Official Plan: Rural District
Zoning: Rural Residential 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 rebuild a dwelling 7m from the shoreline of Agnew Lake where normally a 30m setback is required. This variance would allow for the construction of a new dwelling.

MINOR VARIANCES ARE REQUIRED FOR THE FOLLOWING:

- Relief from Section 4.20(e) to reduce the minimum setback from the shoreline for the dwelling from 30m to 2.5 m, from 30 m to 19 m for the septic tank, and from 30 m to 18 m for the detached garage
- Relief from Section 5.6.2 to reduce the minimum front yard setback for the primary dwelling from 30 m to 2.5 m and to increase the maximum lot coverage from 15% to 18.3%
- Recognize the existing undersized nature of the lot to permit development on a lot with an area of 1,198 m² and frontage of 37 m whereas normally a minimum lot size of 6,000 m² and frontage of 46 m is required

PUBLIC HEARING

COMMENTS RECEIVED:

No Comments Received

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DECISION AND REASONS OF THE APPROVAL AUTHORITY

Notice was given and the request was heard by the approval authority at a public hearing on April 11, 2022 as required by the *Planning Act*.

Proposed by : Garry Despatie seconded by : Rod MacDonald and adopted with unanimity.

Application Number **A01-22** is hereby:

☐ Approved

☒ Approved On Condition

☐ Refused

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 2.5 m from the shoreline of Agnew lake, a septic tank 19 m from the shoreline of Agnew Lake, and a detached garage 18 m from the shoreline of Agnew Lake be permitted where normally a 30m setback is required, and that the lot with an reduced lot area and lot frontage of 1,198 m² and 37 m be permitted where normally 6,000 m² and 46 m is required respectively, and that the lot with an increased lot coverage of 18.3% be permitted where normally 15% is required to be **approved** with the following conditions:

- That the existing dwelling, and existing storage building be removed to the satisfaction of the Chief Building Official prior of the construction of the proposed new dwelling
- 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.
- 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'.
- That approval of this variance expires 2 years from the date of decision if building permits have not been issued for the approval structure

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: April 11, 2022

Last Date of Appeal: May 1, 2022

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.

TOWNSHIP OF NAIRN AND HYMAN

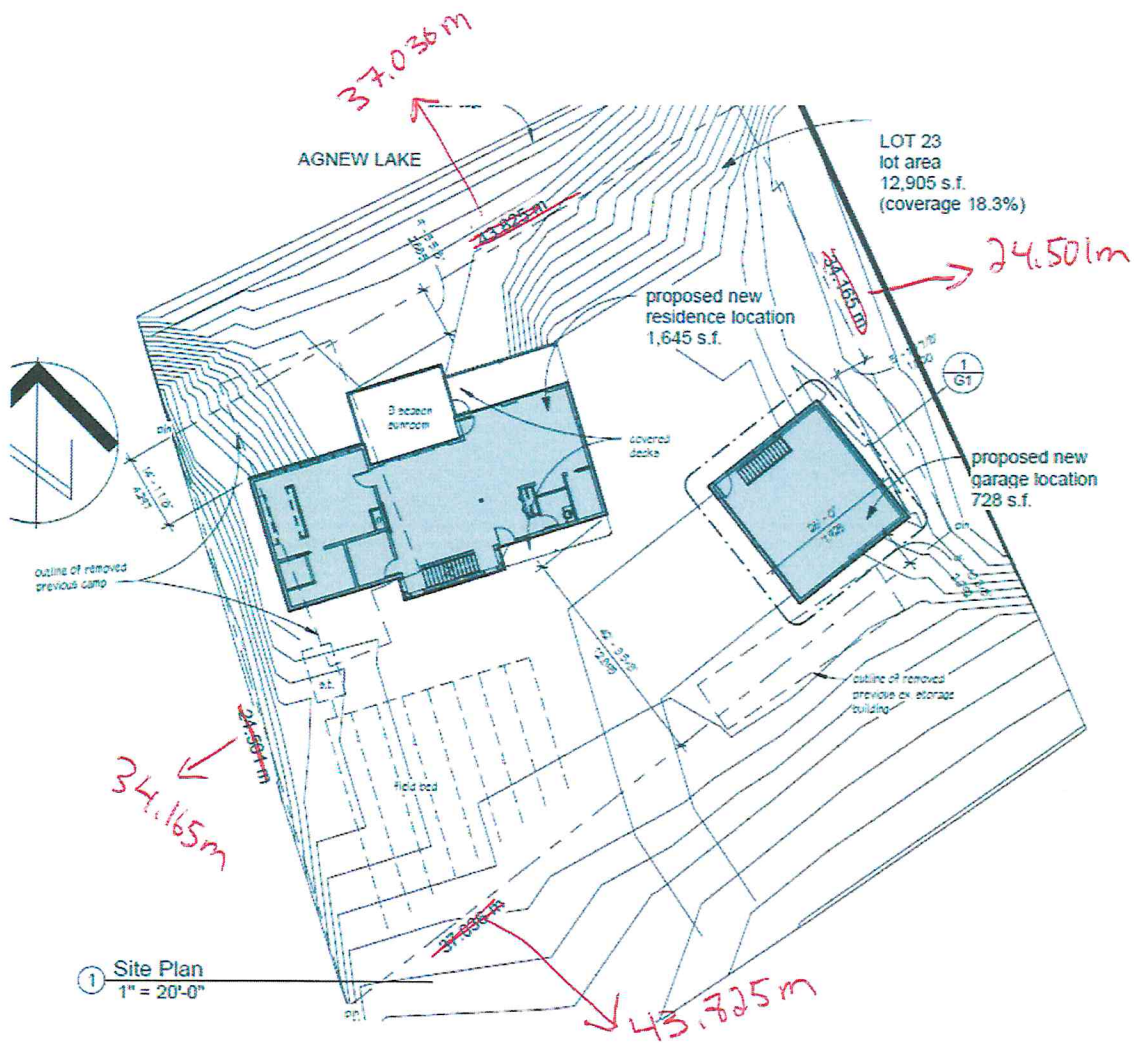
MINOR VARIANCE DECISION

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.

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MINOR VARIANCE DECISION

SCHEDULE 'A'



TOWNSHIP OF NAIRN AND HYMAN

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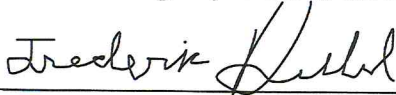
DECISION SIGNATURE PAGE

File No. : A01-22

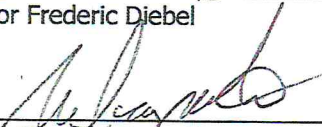
Owner/Applicant: Dean Lapierre
Agent:

Legal Description: PCL 30559 SEC SWS; LT 23 PL M934 HYMAN; NAIRN AND HYMAN
Property Address: 36 Belle Bay Crescent, Township of Nairn and Hyman

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



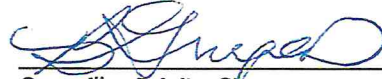
Mayor Frederic Diebel



Councillor Guy Despatie



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