

TOWNSHIP OF NIPISSING			
Report Prepared For:	John-Paul Negrinotti	Application Number:	C2025-10
Report Prepared By:	Jamie Robinson, MCIP, RPP and Patrick Townes, BA, BEd	Applicant:	Callon Dietz c/o Mike Simpson
Location:	4121 Highway 654	Owners:	Cynthia Giesler
Application Type:	Consent	Report Date:	September 2, 2025

A. Overview

An application for Consent has been submitted for the subject lands located at 4121 Highway 654, which are legally described as Part Lot 11, Concession 10, in the Township of Nipissing. The owner of the subject lands is Cynthia Giesler and the application has been submitted by Callon Dietz c/o Mike Simpson. The subject lands are shown in Figure 1.

Figure 1: Subject Lands



The purpose of the application is to create one (1) new lot on the subject lands for a total of two (2) lots, including the following:

- The proposed Retained Lot has a lot area of approximately 15.4 hectares (38.1 acres) and a large lot frontage on the South River; and also has approximately 256 metres of frontage on Highway 654.
- The proposed Severed Lot has a lot area of approximately 4 hectares (10 acres) and a lot frontage of approximately 150 metres on Highway 654.

The subject lands are forested with open areas, and the surrounding land uses include rural and rural residential. The South River borders the subject lands along the southern lot line. There is an existing dwelling and accessory buildings/structures located on the proposed Retained Lot. The proposed Retained Lot and Severed Lot are shown on Figure 2.

Figure 2: Sketch Submitted by Applicant



B. POLICY AND REGULATORY REVIEW

B1. Provincial Policy Statement

All applications made under the *Planning Act*, must be consistent with the Provincial Planning Statement, 2024 (PPS). The subject lands are located within a Settlement Area in the context of the PPS. Settlement Areas are to be the focus of growth and development. The Consent application proposes to create one (1) new lot on the subject lands which are proposed to be used for future residential uses.

There is an unclassified wetland feature located to the south of the subject lands on the other side of the South River, however the wetland is more than 120 metres from the proposed lot which is considered adjacent lands in the context of the Township's Official Plan. Due to the location of the proposed Severed Lot and considering that the Retained Lot is already developed, there is no requirement for an Environmental Impact Study to be completed. Further, the new proposed Severed Lot is well setback from the South River and there are no concerns related to the natural hazard policies contained within the PPS.

The proposed Consent application is consistent with the policies of the PPS.

B2. Township of Nipissing Official Plan

The subject lands are designated Settlement Area in accordance with Schedule A of the Official Plan. The Official Plan states that the bulk of the permanent population growth is directed to the three Settlement Areas. Low density residential uses are permitted in the Settlement Area designation. New residential lots are appropriate uses for the Settlement Area.

The Settlement Area policies require residential development be located on a lot with frontage on a public road which is maintained on a year round basis by a public authority. The proposed Retained and Severed Lots have frontage on and are accessed by Highway 654 and therefore this policy is satisfied.

Consent applications to create new lots within the Township must conform to the policies contained within Section 6.7.4 of the Official Plan. These are the operative policies when evaluating the creation of a new lot from a local policy context. The criteria and comments regarding conformity with the criteria are provided in Table 1.

Table 1: Official Plan Consent Criteria (Section 6.7.4.1)

Criteria	Comments
(a) consents may be granted only when the proposed severed and retained land fronts on a public road which is maintained on a year round basis by a public authority;	Both the Retained and Severed Lots are proposed to have frontage and access on Highway 654 which is a public road that is maintained on a year round basis.
(b) notwithstanding item (a) above, consents for residential uses may be considered for lands with frontage on Lake Nipissing or the	Staff have no concerns with the creation of the new lot based on the proposed frontage and access on Highway 654.

Criteria	Comments
<p>navigable portion of South River between Lake Nipissing and Chapman's Chute provided that:</p> <ul style="list-style-type: none"> <li data-bbox="306 340 820 413">(i) the proposed use is accessed by only water; <li data-bbox="306 445 820 756">(ii) suitable provision has been made on the mainland for public docking and public automobile and boat trailer parking or it has been confirmed that suitable docking and automobile and boat trailer parking will be provided by a private commercial marina establishment; and 	
<p>(c) the size of any parcel of land created by consent should be appropriate for the use and no parcel shall be created which does not conform to the policies of this plan or the requirements of the implementing Zoning By-Law;</p>	<p>The proposed size of the Retained and Severed Lot is suitable for the proposed use (residential) and would conform to the policies of the Official Plan, as well as the provisions of the implementing Zoning By-law.</p>
<p>(d) the minimum lot area and frontage shall generally be 4,000 square metres and 60 metres respectively. Lots with water frontage (except water access only lots) shall also abut a public road which is maintained on a year round basis by a public road authority for a minimum continuous distance of 20 metres; except, in a Stratum 1 Deer Yard as outlined in Section 5.7.3 and Schedule 'B' of the Official Plan, the minimum lot frontage shall be 90 metres and the minimum lot size shall be 1 hectare.</p>	<p>The Retained and Severed Lot exceed 4,000 square metres in lot area and meet the minimum lot frontage requirement of 60 metres.</p>
<p>(e) for waterfront lots, consents should be granted only if it has been established by the MOECC that the water quality of the waterbody is capable of accepting further development;</p>	<p>Not applicable.</p>
<p>(f) consents should not be granted when access to the site creates a traffic hazard because of limited sight lines, curves, or</p>	<p>The new access is not anticipated to create a traffic hazard. An entrance permit will be required from the Township for any new</p>

Criteria	Comments
grades of existing development as set out in accepted traffic engineering standards;	entrances. The Ministry of Transportation has no objections to the application.
(g) consents should be granted only when it has been established by the Building Inspector or delegate that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain a sufficient and potable water supply and, where applicable, to permit the installation of an adequate means of sewage disposal;	The North Bay Mattawa Conservation Authority confirmed there are suitable locations for a septic system on the proposed Severed Lot.
(h) recommendations shall be requested from all relevant agencies prior to a decision being made;	Any agency comments may be reflected in the conditions of provisional Consent.
(i) the lots should not adversely affect areas of mineral aggregate or forestry production, recreational uses or environmentally sensitive areas;	The proposed Consent is within the Settlement Area and would not adversely affect areas of mineral aggregate or forestry production, recreational uses or environmentally sensitive areas.
(j) the lots should be reasonably well proportioned and of regular shape and dimension;	The configuration of the proposed lots is appropriate.
(k) the creation of the severed and retained lot(s) will not have the effect of preventing access to or land locking any other parcel of land; and	The proposed Consent will not affect existing access to any other lands.
(l) it shall be the policy of this plan to permit a maximum of two consents (i.e. the creation of two new lots plus the retained remainder of the parcel) from any parcel in existence on or before October 11, 1996. This policy shall not apply to development in Settlement Area.	The subject lands are within the Settlement Area and accordingly this policy does not apply.
(m) New lot creation must provide confirmation that sufficient capacity exists for treatment capacity for hauled sewage.	The owner has submitted a letter demonstrating that there is sufficient capacity for treatment capacity for hauled sewage.
(n) New development in the vicinity of a provincial highway that does not have lot	Not applicable.

Criteria	Comments
frontage on the highway may only gain access using a new or existing municipal road in a manner that is satisfactory to the MTO. A maximum of one entrance per lot shall be permitted. Back lots that do not have frontage on a provincial highway will be restricted from using the highway entrance(s) on an adjacent property.	
(o) New lots (severed and retained) having a lot area less than 0.8-hectare shall only be permitted if supported by a hydrogeological study demonstrating that a smaller lot area is appropriate.	Not applicable.
(p) Among the Township's goals is to make the Settlement Areas of Nipissing, Commanda, and Sunset Cove the focus of development. The total number of new lots permitted to be created by consent within the combined Rural and Shoreline designations within any calendar year shall be limited to a maximum of 10, provided that the consent(s) conform(s) to all other applicable sections of this Plan.	The subject lands are within a Settlement Area and therefore are not subject to this policy.

Section 5.2 of the Official Plan applies to lands adjacent to natural heritage features. Section 5.2.1 of the Official Plan provides that adjacent lands are the lands relevant to which impacts of a development must be considered. Development and site alteration on adjacent lands is not permitted unless it has been demonstrated through the completion of an Environmental Impact Study that there will be no negative impacts on the natural features and their ecological functions. The effect of a development proposal on features must be considered when the proposed development is within:

- 120 metres of the boundary of a Provincially Significant Wetland or unclassified wetland in excess of 2 hectares;
- 50 metres from the boundary of a provincially or regionally significant earth Area of Natural and Scientific Interest;
- 120 metres from the boundary of a provincially or regionally significant life science Area of Natural and Scientific Interest;
- 120 metres from the boundary of a fish habitat area.

There is an unclassified wetland feature located to the south of the subject lands on the other side of the South River, however the wetland is more than 120 metres from the proposed lot

which is considered adjacent lands in the context of the Township's Official Plan. Due to the location of the proposed Severed Lot and considering that the Retained Lot is already developed, there is no requirement for an Environmental Impact Study to be completed.

The proposed Consent conforms to the Official Plan.

B3. Township of Nipissing Zoning By-law 2020-20

The subject lands are zoned Rural (RU) in the Township of Nipissing Zoning By-law 2020-20. Permitted uses in the RU Zone include residential, rural and special uses. Single unit dwellings are identified as a permitted use and it is understood these uses are proposed in the future.

The Retained and Severed Lot are proposed to have a lot area and lot frontage which comply with the minimum provisions of the RU Zone. The minimum lot area for the RU Zone is 0.8 hectares and the minimum lot frontage is 60 metres. The proposal includes the following:

- The proposed Retained Lot has a lot area of approximately 15.4 hectares (38.1 acres) and a large lot frontage on the South River; and also has approximately 256 metres of frontage on Highway 654.
- The proposed Severed Lot has a lot area of approximately 4 hectares (10 acres) and a lot frontage of approximately 150 metres on Highway 654.

C. RECOMMENDATION

The proposed Consent has been reviewed with consideration of the provisions of the *Planning Act*, the Provincial Planning Statement, applicable Official Plan policies, and the Zoning By-law regulations.

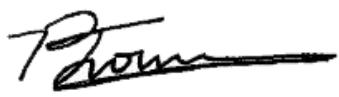
On the basis of the review and analysis contained herein, it is recommended that the Committee of Adjustment provisionally approve Consent application C2025-10, subject to the following conditions, to be completed to the satisfaction of the Township:

That the applicant provides the Township with:

- a) A copy of the Reference Plan(s) to be deposited in the Land Registry office that is substantially in compliance with the application sketch;
- b) The original executed transfers (deeds), both duplicate originals and one photocopy per Consent;
- c) A schedule describing both the Retained and Severed Lot and naming the applicable grantor and grantee attached to the transfers for approval purposes;
- d) Entrance permit from the Township (if applicable);
- e) Any travelled road situated on the Retained or Severed Lots shall be transferred to the Township for road purposes (if applicable);
- f) A Certificate in the appropriate Form prescribed in O.Reg. 197/96, Schedule 1, for signature of the Township of Nipissing Committee of Adjustment Official (Secretary-Treasurer or Chairperson).

Respectfully submitted,

MHBC PLANNING



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Associate



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Partner