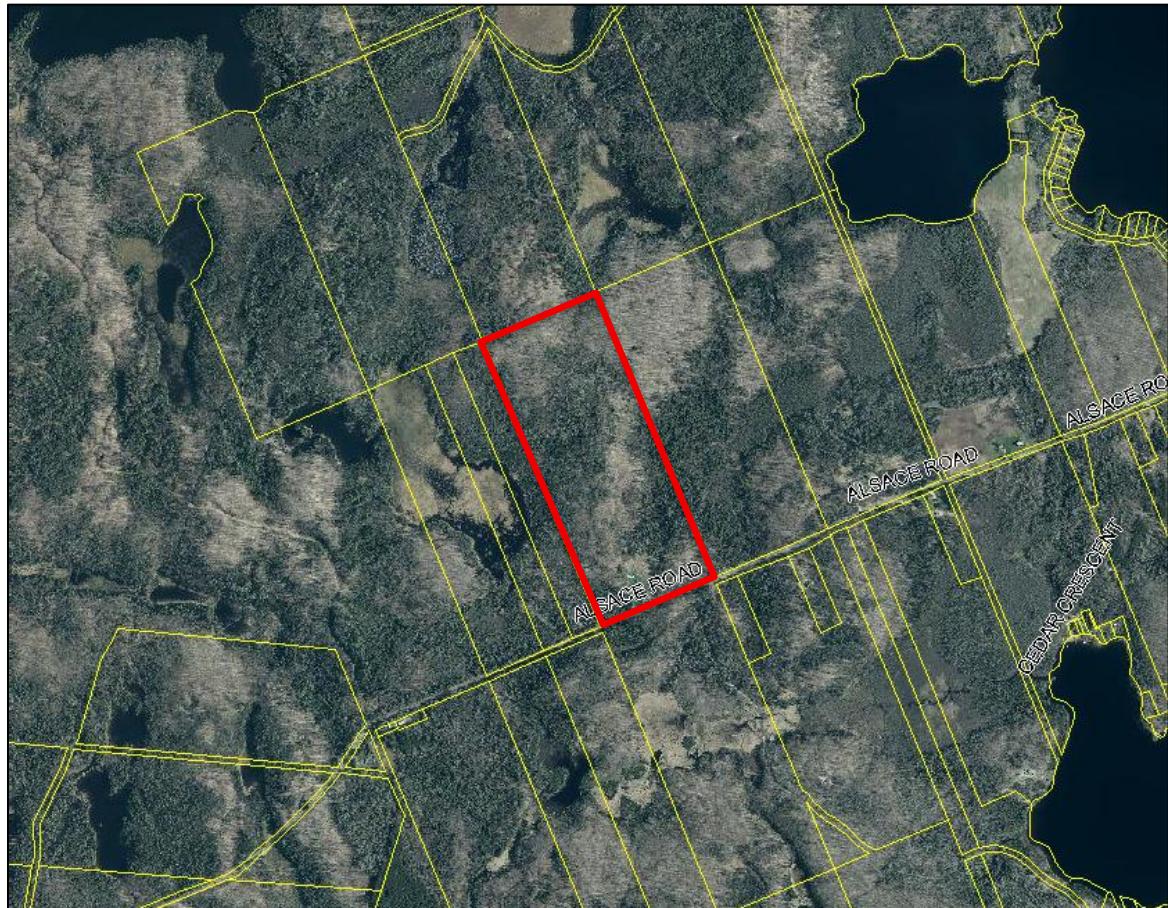


| TOWNSHIP OF NIPISSING |                                                                  |                     |                          |
|-----------------------|------------------------------------------------------------------|---------------------|--------------------------|
| Report Prepared For:  | John-Paul Negrinotti, Land Planning and Technology Administrator | Application Number: | C2026-01                 |
| Report Prepared By:   | Jamie Robinson MCIP, RPP and Patrick Townes, BA, BEd             | Applicant:          | Ron and Elizabeth Warman |
| Location:             | 2804 Alsace Road, Part Lot 28, Concession 3                      | Owner:              | Same as Owner            |
| Application Type:     | Consent                                                          | Report Date:        | February 3, 2026         |

#### A. PROPOSAL/BACKGROUND

An application for Consent has been submitted for the subject lands located at 2804 Alsace Road and legally described as Part Lot 28, Concession 3. The Consent application has been submitted by Ron and Elizabeth Warman who are the owners of the subject lands. The subject lands are outlined in red on Figure 1.

*Figure 1: Subject Lands*



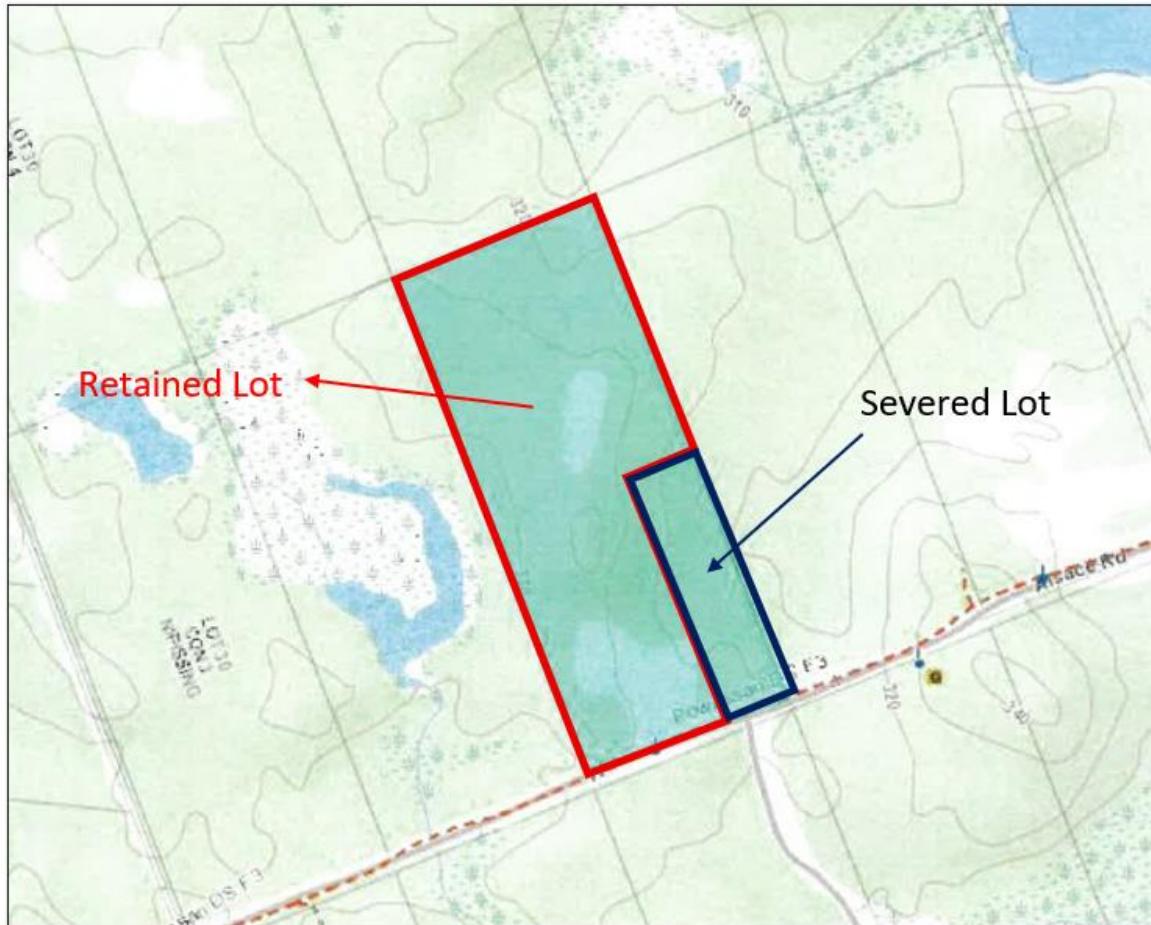
The subject lands are currently developed with an existing dwelling and accessory buildings/structures. The surrounding lands uses generally include rural and rural residential land uses. The majority of the subject lands are forested.

The purpose of the Consent application is to create one (1) new lot on the subject lands for a total of two (2) lots on the subject lands. A description of the proposed lots is included below:

- The proposed Retained Lot is to have a lot area of approximately 36 hectares (90 acres) and a lot frontage of approximately 310 metres on Alsace Road.
- The proposed Severed Lot is to have a lot area of approximately 4 hectares (10 acres) and a lot frontage of approximately 90 metres on Alsace Road.
- The existing dwelling and accessory buildings/structures are located on the proposed Retained Lot.

A copy of the sketch submitted with the Consent application is included in Figure 2, including an outline of the proposed boundaries for the Retained Lot and the Severed Lot on the subject lands.

*Figure 2: Proposed Lot Configuration*



The subject lands are designated as Rural on Schedule A of the Official Plan. There is an unclassified wetland located to the west of the subject lands that is identified on Schedule B of the Official Plan. Alsace Road is identified as a Municipal Road (Year Round) on Schedule A of the Official Plan. The subject lands are located within the Rural (RU) Zone in the Zoning By-law.

## **B. POLICY & REGULATORY REVIEW**

### **B1. Provincial Planning Statement**

All applications made under the *Planning Act*, must be consistent with the Provincial Planning Statement (PPS). The subject lands are considered Rural Lands in the context of the PPS. Section 2.6.1 c) identifies residential development, including lot creation that is suitable for the provision of appropriate sewage and water systems, as a permitted use within Rural Lands. The creation of the new lots and the existing and proposed uses on the lots are permitted in the context of the PPS.

Section 4.1 of the PPS includes policies regarding the long-term protection of Ontario's natural heritage features and areas. There is an unclassified wetland feature identified to the west of the subject lands and the proposed Retained Lot which is developed with a dwelling and accessory buildings/structures. The adjacent unclassified wetland is located approximately 330 metres from the proposed Severed Lot and therefore is located beyond what is considered to be adjacent lands (120 metres) in the Township's Official Plan. As a result, there is no requirement for the owners to submit an Environmental Impact Study to support the proposed Consent application.

Section 3 of the PPS contains policies that address natural and human-made hazards. There are no natural or human-made hazards identified on the subject lands.

The proposed Consent application is consistent with the PPS.

### **B2. Township of Nipissing Official Plan**

The subject lands are designated as Rural on Schedule A of the Official Plan. There is an unclassified wetland located to the west of the subject lands that is identified on Schedule B of the Official Plan. Alsace Road is identified as a Municipal Road (Year Round) on Schedule A of the Official Plan.

Section 2.2.2 of the Official Plan permits residential uses in the Rural designation. The owners are proposing to create a new lot to accommodate future rural residential development in the future which is considered as a permitted use in the context of the Official Plan.

Section 6.7.4.1 of the Official Plan identifies criteria that must be met in considering an application for Consent. 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;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The proposed lots have frontage and access on Alsace, which 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 navigable portion of South River between Lake Nipissing and Chapman's Chute provided that: <ul style="list-style-type: none"> <li data-bbox="306 741 829 804">(i) the proposed use is accessed by only water;</li> <li data-bbox="306 815 829 1136">(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</li> </ul> | Not applicable.                                                                                                                                                                       |
| (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;                                                                                                                                                                                                                                                                                                                                                                                                                                                     | The sizes of the proposed lots are suitable for the proposed uses and would conform to the policies of the Official Plan as well as the provisions of the implementing Zoning By-law. |
| (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.                                                                                                                                                                    | The proposed lots exceed 4,000 square metres in lot area and the proposed lots have more than 60 metres of lot frontage.                                                              |
| (e) for waterfront lots, consents should be granted only if it has been established by the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Not Applicable.                                                                                                                                                                       |

| Criteria                                                                                                                                                                                                                                                                                                                                   | Comments                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MOECC that the water quality of the waterbody is capable of accepting further development;                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                       |
| (f) consents should not be granted when access to the site creates a traffic hazard because of limited sight lines, curves, or grades of existing development as set out in accepted traffic engineering standards;                                                                                                                        | <p>The existing and new accesses are not anticipated to create a traffic hazard.</p> <p>It is our understanding that Township staff have reviewed the existing and proposed driveway locations and there are no concerns. A condition of provisional Consent is recommended requiring the owner to obtain an entrance permit for the Severed Lot.</p> |
| (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; | Comments have been received from the North Bay-Mattawa Conservation Authority confirming that there are suitable locations for a septic system on the proposed lots.                                                                                                                                                                                  |
| (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 the provisional Consent.                                                                                                                                                                                                                                                                    |
| (i) the lots should not adversely affect areas of mineral aggregate or forestry production, recreational uses or environmentally sensitive areas;                                                                                                                                                                                          | The proposed lots 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 does not affect existing access to any 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 were in existence prior to October 11, 1996. The subject lands are therefore eligible for the creation of two (2) new lots. One (1) new lot is proposed.                                                                                                                                                                            |
| (m) New lot creation must provide confirmation that sufficient capacity exists for treatment capacity for hauled sewage.                                                                                                                                                                                                                   | The owners have provided confirmation that there is sufficient capacity for hauled sewage as a result of the new lot.                                                                                                                                                                                                                                 |

| Criteria                                                                                                                                                                                                                                                                                                                                                                                                             | Comments                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| (n) New development in the vicinity of a provincial highway that does not have lot 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. | Not applicable.                                         |
| (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.           | Less than 10 lots have been created this calendar year. |

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. There is an unclassified wetland feature identified to the west of the subject lands and the proposed Retained Lot which is developed with a dwelling and accessory buildings/structures. The adjacent unclassified wetland is located approximately 330 metres from the proposed Severed Lot and therefore is located beyond what is considered to be adjacent lands (120 metres) in the Township's Official Plan. As a result, there is no requirement for the owners to submit an Environmental Impact Study to support the proposed Consent application.

The proposed Consent application conforms to the Official Plan.

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

The subject lands are located within the Rural (RU) Zone in the Zoning By-law. Future uses, including buildings and structures on the proposed lots would need to comply with the permitted uses of the RU Zone in the Zoning By-law.

A description of the proposed lots is included below:

- The proposed Retained Lot is to have a lot area of approximately 36 hectares (90 acres) and a lot frontage of approximately 310 metres on Alsace Road.
- The proposed Severed Lot is to have a lot area of approximately 4 hectares (10 acres) and a lot frontage of approximately 90 metres on Alsace Road.
- The existing dwelling and accessory buildings/structures are located on the proposed Retained Lot.

The minimum lot area for the RU Zone is 0.8 hectares (2 acres) and the minimum lot frontage is 60 metres. Each of the proposed lots are to exceed the minimum requirements outlined in the Zoning By-law for the RU Zone. The existing development on the proposed Retained Lot complies to the provisions and regulations of the RU Zone.

The proposed lots comply to the Zoning By-law.

## **C. RECOMMENDATION**

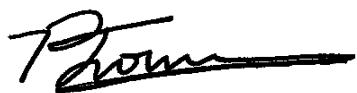
The proposed Consent has been reviewed with consideration of the provisions of the *Planning Act*, the PPS, applicable Official Plan policies, and the relevant Zoning By-law regulations. The proposed Consent application to one (1) new rural residential lot, for a total of two (2) lots, is consistent with the PPS and conforms to the Official Plan.

On the basis of the review and analysis contained herein, it is recommended that the Committee of Adjustment provisionally approve Consent application C2026-01, subject to the following conditions, to be completed to the satisfaction of the Township:

- 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 Lots and naming the applicable grantor and grantee attached to the transfers for approval purposes;
- d) Any travelled road situated on the proposed lots shall be transferred to the Township for road purposes (if applicable);
- e) Entrance permit from the Township (if applicable); and,
- 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



Patrick Townes, BA, BEd  
Associate



Jamie Robinson, BES, MCIP, RPP  
Partner