

TOWNSHIP OF NIPISSING			
Report Prepared For:	John-Paul Negrinotti, Land Planning and Technology Administrator	Application Number:	C2026-03
Report Prepared By:	Jamie Robinson MCIP, RPP and Patrick Townes, BA, BEd	Applicant:	Tulloch Engineering (c/o Steve McArthur)
Location:	79 Hinchberger Bay Road and 95 Hinchberger Bay Road	Owners:	Tim Morgan  Samuel Bagyan and Cheryl Butler
Application Type:	Consent (Lot Addition)	Report Date:	June 16, 2026

**A. PROPOSAL/BACKGROUND**

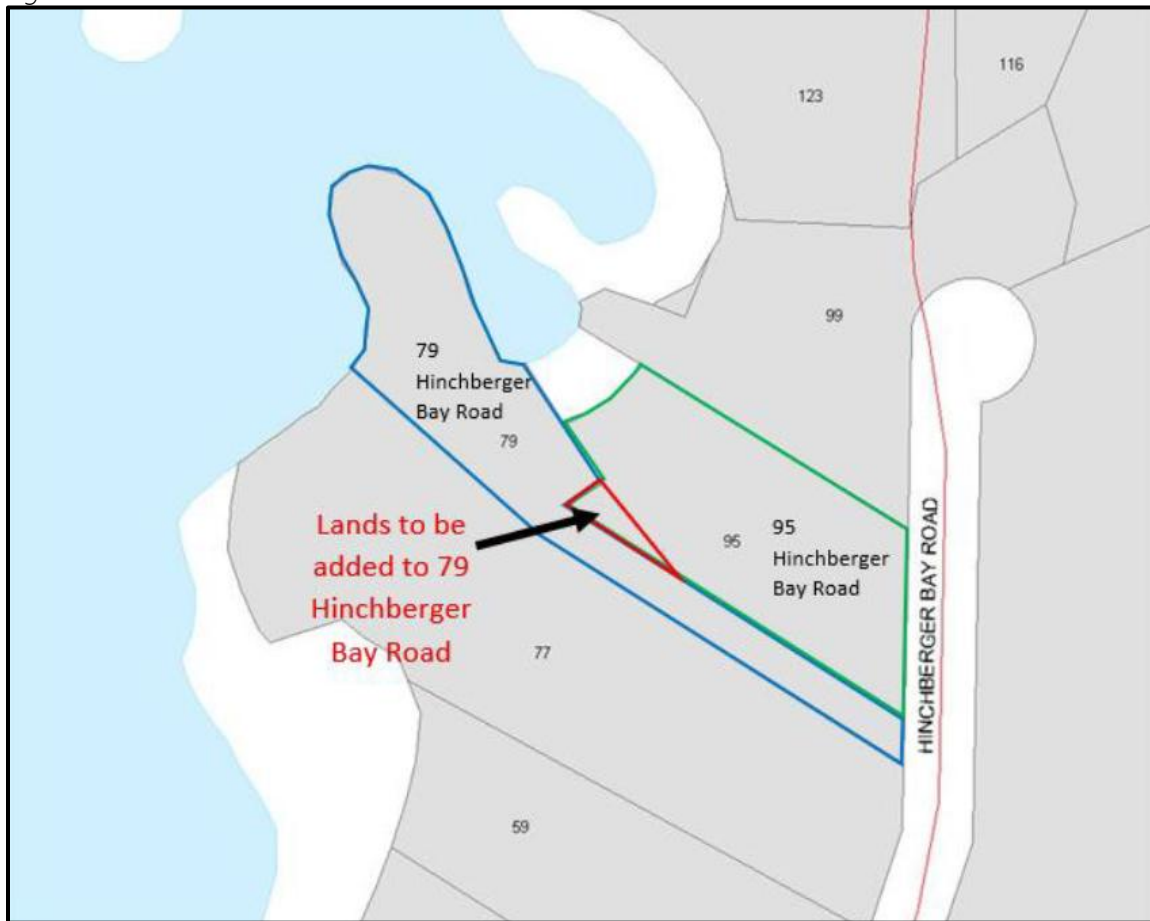
An application for Consent has been submitted for the subject properties located at 79 Hinchberger Bay Road and 95 Hinchberger Bay Road. The Consent application has been submitted by Tulloch Engineering (c/o Steve McArthur) on behalf of the owners: Tim Morgan who owns the property located at 79 Hinchberger Bay Road, and Samuel Bagyan and Cheryl Butler who own the property located at 95 Hinchberger Bay Road. An aerial image showing the boundaries of the subject properties is included in Figure 1.

*Figure 1: Subject Lands*



The purpose of the Consent application is to complete a lot addition between the two adjacent properties located at 79 Hinchberger Bay Road and 95 Hinchberger Bay Road. A small triangular parcel of land is proposed to be added to the property at 79 Hinchberger Bay Road that includes a part of the existing driveway that provides access to the dwelling on 79 Hinchberger, that is currently located on the property located at 95 Hinchberger Bay Road. The property located at 79 Hinchberger Bay Road is getting larger and the property located at 95 Hinchberger Bay Road is getting smaller. The lands to be added are shown on Figure 2.

Figure 2: Lands to be Added



The lands to be added include a portion of an existing driveway that provides access to the dwelling located at 79 Hinchberger Bay Road. The proposed lot addition between the two properties will ensure that the existing driveway is solely on the property at 79 Hinchberger Bay Road.

Following the proposed lot addition, the property located at 95 Hinchberger Bay Road is getting smaller and is proposed to have a lot area of approximately 0.48 hectares or 4,800 square metres. The lands to be added have an area of approximately 0.04 hectares or 400 square metres. The lot area for the property located at 79 Hinchberger Bay Road is getting larger as a result of the application.

Both properties are currently developed with dwellings and accessory buildings/structures and are used for shoreline residential purposes. Surrounding land uses include other residential uses and shoreline residential uses. The subject properties appear to be well vegetated. There is no new development proposed as a result of this application.

The subject properties are designated as Shoreline on Schedule A of the Official Plan. The property located at 79 Hinchberger Bay Road is located within the Open Space (OS) Zone and the property located at 95 Hinchberger Bay Road is located within the Shoreline Residential (SR) 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 proposed application involves a lot addition between two existing properties and there is no new lot being created.

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 properties.

Section 4 of the PPS includes policies regarding the long-term protection of Ontario's natural heritage features and areas. There are no natural heritage features and areas located on the subject properties that would have an impact on the proposed lot addition.

The proposed Consent application (lot addition) is consistent with the PPS.

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

The subject properties are designated as Shoreline on Schedule A of the Official Plan. Section 2.4.2 of the Official Plan permits residential uses in the Shoreline designation. The proposed lot addition does not result in any changes to the existing shoreline residential uses on the subject properties.

Section 6.7.5 of the Official Plan includes exceptions to the Consent policies. Consents may be approved under certain conditions and one of those is to convey additional lands to an adjacent lot provided that the conveyance does not lead to the creation of an additional building lot and/or create an undersize or irregular shaped lot. The proposed lot addition does not result in a new building lot and the lands to be added incorporate an existing driveway that provides access to 79 Hinchberger Bay Road.

There are no natural heritage features and areas located on the subject properties that would have an impact on the proposed lot addition.

The proposed Consent application (lot addition) conforms to the Official Plan.

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

The property located at 79 Hinchberger Bay Road is located within the Open Space (OS) Zone and the property located at 95 Hinchberger Bay Road is located within the Shoreline Residential (SR) Zone in the Zoning By-law.

Separate to this Consent application, it is recommended that the zoning on the property located at 79 Hinchberger Bay Road be corrected to reflect the existing use of a dwelling, and that this property be rezoned to the Shoreline Residential (SR) Zone. This is being processed under a concurrent Zoning By-law Amendment application.

Following the proposed lot addition, the lot area of the property located at 95 Hinchberger Bay Road is decreasing by approximately 4,000 square metres due to the lands to be added to the property located at 79 Hinchberger Bay Road. The proposed lot area of the property at 95 Hinchberger Bay Road is approximately 4,800 square metres and the minimum lot area for the SR Zone is 0.8 hectares or 8,000 square metres. The owners have submitted a Zoning By-law Amendment to recognize the resulting lot area of 95 Hinchberger Bay Road because this existing lot is getting smaller. The owners have submitted a concurrent Zoning By-law Amendment application to address this.

Despite the lot areas that do not meet the minimum requirement of the Zoning By-law, both subject properties contain existing development, including a dwelling and appropriate private services. There are no concerns with the slight adjustment to the lot areas between the properties as a result of the lot addition.

### **C. RECOMMENDATION**

The proposed Consent (lot addition) 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 lot addition is consistent with the PPS and conforms to the relevant policies of the Official Plan. The application does not result in the creation of a new building lot and the lot addition will result in a correction of a boundary to ensure that the existing driveway used for access to 79 Hinchberger Bay Road is solely on the property.

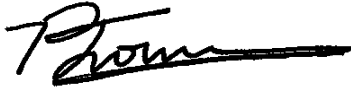
On the basis of the review and analysis contained herein, it is recommended that the Committee of Adjustment provisionally approve Consent application C2026-03, subject to the following conditions, to be completed to the satisfaction of the Township:

- 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 the lands to be added and naming the applicable grantor and grantee attached to the transfers for approval purposes;
- d) 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).
- e) A Zoning By-law Amendment to recognize the reduction to the lot area for the property located at 95 Hinchberger Bay Road.

Respectfully submitted,

MHBC PLANNING



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Associate



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