

TOWNSHIP OF NIPISSING			
Report Prepared For:	John-Paul Negrinotti, Land Planning and Technology Administrator	Application Number:	C2026-06
Report Prepared By:	Jamie Robinson MCIP, RPP and Patrick Townes, BA, BEd	Applicant:	Tulloch Engineering c/o Steve McArthur and Ava Cesarano
Location:	266 Schlosser Line, Part Lot 4, Concession 1	Owners:	Deborah Adella Brenner and Ronald Rudolf Brenner
Application:	Consent	Report Date:	September 1, 2026

A. PROPOSAL/BACKGROUND

An application for Consent has been submitted for the subject lands located at 266 Schlosser Line, and legally described as PIN 52217-0503, Part Lot 4 Concession 1 on Plan 42R-20492 in the Township of Nipissing. The owners of the subject lands are Deborah Adella Brenner and Ronald Rudolf Brenner, and the application has been submitted by their agents Steve McArthur and Ava Cesarano of Tulloch Engineering. The boundary of the subject lands is outlined in red on Figure 1.

Figure 1: Subject Lands

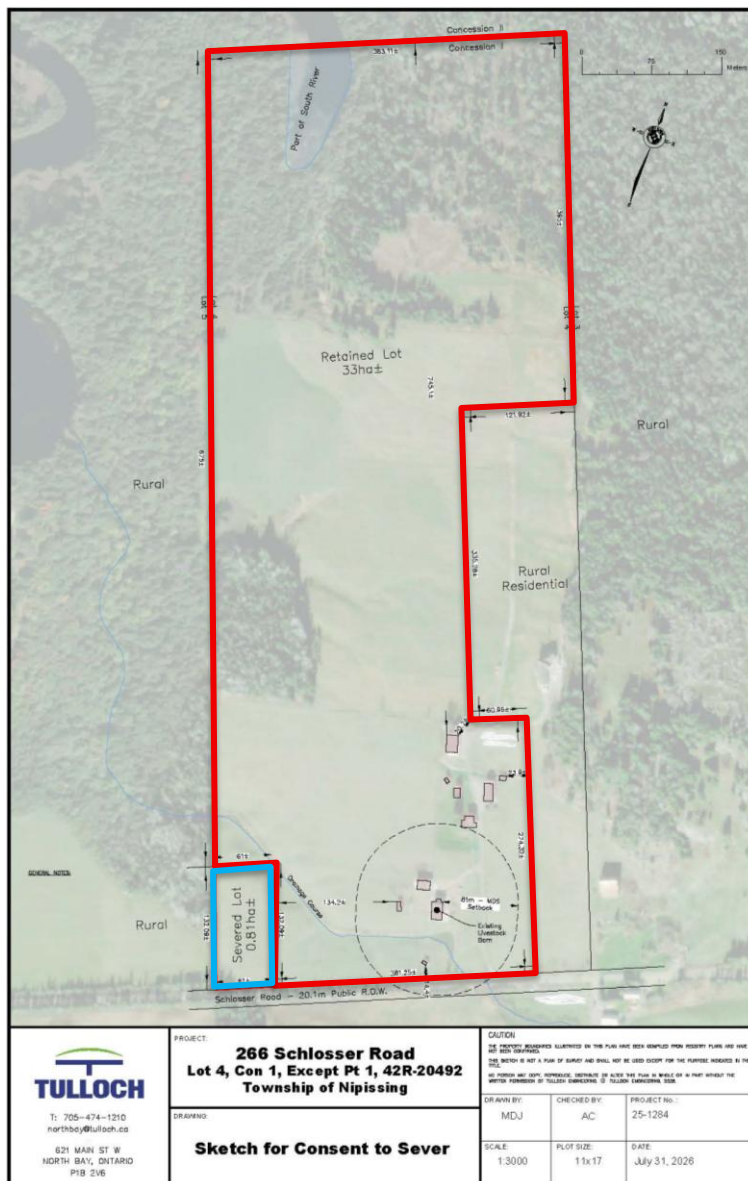


The purpose of the application is to create one new lot on the subject lands for a total of two lots, including the following:

- The proposed Retained Lot is to have a lot area of approximately 33 hectares (81.5 acres) and a lot frontage of approximately 281 metres on Schlosser Line.
- The proposed Severed Lot is to have a lot area of approximately 0.8 hectares (2 acres) and a lot frontage of approximately 61 metres on Schlosser Line.
- There is an existing dwelling and accessory building/structures, including a livestock barn located on the proposed Retained Lot. The proposed Severed Lot is to be vacant.

A copy of the sketch submitted with the Consent application is included in Figure 2. The proposed Retained Lot is outlined in red, and the proposed Severed Lot is outlined in blue.

Figure 2: Proposed Lot Configuration



The proposed Severed Lot is located on the south-west portion of the subject lands. The general surrounding land uses include agricultural, rural residential and rural land uses.

The subject lands are primarily designated as Rural in the Official Plan and is primarily located within the Rural (RU) Zone. There is a small portion of the subject lands that are designated as Environmental Protection, which is associated with an unclassified wetland located on the northern portion of the subject lands. This area is located within the Environmental Protection (EP) Zone. There is also a small drainage swale identified on Figure 2.

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. Based on the proposed lot sizes, the creation of the new lot and the future uses on the lots are permitted in the context of the PPS.

Section 2.6.5 of the PPS identifies that new land uses, including the creation of lots, shall comply with the minimum distance separation formulae. There is an existing agricultural use and associated barn on the subject lands. The existing use and barn are to be located on the proposed Retained Lot. The owner/applicant submitted a Minimum Distance Separation I (MDS I) to confirm the applicable minimum setbacks for future residential uses from the existing barn. The MDS I calculation that was submitted confirmed that the minimum setback from the existing barn shall be a minimum of 81 metres for residential uses. The proposed Severed Lot is located beyond this minimum setback and therefore the creation of the new lot is permitted in the context of the PPS, related to the minimum distance formulae.

Section 4.1 of the PPS includes policies regarding the long-term protection of Ontario's natural heritage features and areas. There is an identified unclassified (Other) wetland located on the northern portion of the subject lands which is to be located on the Retained Lot. As a result of the size and location of the unclassified (Other) wetland, negative impacts are not anticipated to this feature.

Section 5 of the PPS contains policies that address natural and human-made hazards. Hazardous lands mean lands, including that covered by water, along stream systems to the furthest landward limit of the flooding hazard or erosion limits. There is an identified cold-water stream on the subject lands located adjacent to the proposed Severed Lot. The required minimum setback for future development in the Zoning By-law requires development to be located at least 30 metres from the stream in the future.

The proposed Consent application is consistent with the PPS.

B2. Township of Nipissing Official Plan

The subject lands are primarily designated as Rural with a small portion designated Environmental Protection on Schedule A of the Official Plan. The area that is designated as Environmental Protection corresponds with an identified unclassified (Other) wetland on the northern portion of the subject lands. There is also a cold-water stream on the subject lands.

Section 2.2.2 of the Official Plan permits residential uses in the Rural designation. It is understood that the proposed Severed Lot is to be used for residential purposes in the future which are considered a permitted use in 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 Severed Lot and Retained Lot have lot frontage on Schlosser Road 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 navigable portion of South River between Lake Nipissing and Chapman's Chute provided that: (i) The proposed use is accessed by only water; (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	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 size of the proposed Severed Lot and Retained Lot comply with the applicable regulations of the Zoning By-law.
(d) The minimum lot area and frontage shall generally be 4,000 square metres and 60	The proposed Severed Lot and Retained Lot have a lot area greater than 4,000 square

Criteria	Comments
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.	metres and a lot frontage greater than 60 metres, as well as frontage on a Municipal Road.
(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;	Not applicable.
(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;	Based on the frontages of the proposed lots, there appears to be adequate locations for entrances that are not expected to cause a traffic hazard.
(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;	Based on the proposed lot areas, there appears to be adequate space for a septic system. Future approvals are required from the North Bay-Mattawa Conservation Authority.
(h) Recommendations shall be requested from all relevant agencies prior to a decision being made;	Any agency comments may be reflected in 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 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 lot 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	Based on this policy, the creation of a new lot is permitted.

Criteria	Comments
the parcel) from any parcel in existence on or before October 11, 1996. This policy shall not apply to development in Settlement Area.	
(m) New lot creation must provide confirmation that sufficient capacity exists for treatment capacity for hauled sewage.	This requirement has been included as a recommended condition of provisional Consent.
(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.	The proposed Severed Lot and Retained Lot do not have lot frontage on a Provincial highway.
(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. The proposed Severed Lot and Retained Lot have a lot area of 0.8 hectares or greater.
(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. 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;

There is an identified unclassified (Other) wetland on the subject lands located on the northern portion of the subject lands. This identified feature does not meet the minimum size

requirement of 2 hectares in order for the adjacent lands policies to be considered. Further the wetland is located on the Retained Lot which is already developed. No Environmental Impact Study or Zoning By-law Amendment application is required as a result of this proposal.

Section 4.6.1.1 of the Official Plan identifies hazard lands associated with watercourses shall extend 15 metres of the edge of a watercourse. There is an identified cold-water stream on the subject lands located adjacent to the proposed Severed Lot. The required minimum setback for future development in the Zoning By-law requires development to be located at least 30 metres from the stream.

Section 4.12 of the Official Plan speaks to Provincial Minimum Distance Separation (MDS) Formulae and Implementation Guidelines to determine an appropriate separation distance between new land uses and existing agricultural uses. The owner/applicant submitted a Minimum Distance Separation I (MDS I) to confirm the applicable minimum setbacks for future residential uses from the existing barn. The MDS I calculation that was submitted confirmed that the minimum setback from the existing barn shall be a minimum of 81 metres for residential uses. The proposed Severed Lot is located beyond this minimum setback and therefore the creation of the new lot is permitted in the context of the PPS, related to the minimum distance formulae.

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 and Environmental Protection (EP) Zone. The subject lands currently contain a dwelling, livestock barn and accessory building/structures which are located on the proposed Retained Lot. Future uses on the proposed Severed Lot would need to comply with the permitted uses and the provisions of the Rural (RU) Zone.

In accordance with the proposed lot statistics shown in Table 2, the proposed lots meet and/or exceed the minimum requirements for the Rural (RU) Zone in regard to minimum lot size and lot frontage.

Table 2: Zoning Review

Provision	RU Zone Minimum	Retained Lot	Severed Lot
Minimum Lot Frontage	60 metres	281 metres	61 metres
Minimum Lot Area	0.8 hectares	33 hectares	0.8 hectares

RECOMMENDATION

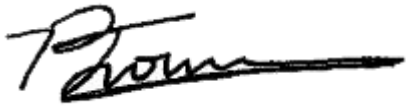
The proposed Consent has been reviewed with consideration of the provisions of the *Planning Act*, the PPS, applicable Official Plan policies, and the relevant Zoning By-law regulations. The proposed Consent application to create one new rural residential lot is consistent with the PPS and conforms to 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 C2026-06 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 Lot and naming the applicable grantor and grantee attached to the transfers for approval purposes;
- d) Any travelled road situated on the Retained or Severed Lot shall be transferred to the Township for road purposes (if applicable);
- e) Written confirmation from the North Bay Mattawa Conservation Authority to demonstrate that there is the ability to install an adequate means of sewage disposal on the Severed Lot;
- f) Entrance permit from the Township (if applicable);
- g) Written confirmation that sufficient capacity exists for treatment capacity for hauled sewage to the satisfaction of the Township; and,
- h) 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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