

Notice of Decision

Applications: Combined Application (File D-28 HA/32/24/C) for Consent (File B-87/24) and Zoning By-law Amendment (File D-14 HA/37/24/C)

CityView #: PL202400194

Property: 10639 Campbell Line
Part of Lot 16, Concession 8, Lake Erie Survey
Community of Harwich (South Kent)

Roll Number: 3650 140 005 00600

It is hereby certified that the Council of the Municipality of Chatham-Kent at its meeting on February 24, 2025:

Approved

1. Consent application File B-87/24, to sever a surplus dwelling (10639 Campbell Line) on a new 2.63 ha. (6.5 ac.) lot, shown as Part 1 on the applicant's sketch, in Part of Lot 16, Concession 8, Lake Erie Survey, in the Community of Harwich, be approved, subject to the following conditions:
 - a. that the Chatham-Kent Zoning By-law be amended to:
 - i. rezone the residential surplus dwelling lot to a site-specific Agricultural - 1746 (A1-1746) zone that permits a surplus dwelling on a lot greater than 0.8 ha (1.98 ac.), and implements a development setback from the woodlot on the abutting parcel; and,
 - ii. rezone the retained parcel to a site-specific Agricultural-1742 (A1-1742) zone to prohibit future dwellings and recognize the lot area of the resulting farm parcel;
 - b. that the applicant demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
 - c. that the severed and retained parcel be transferred to Derek & Carolyn Stepniak, as outlined in the Agreement of Purchase & Sale, dated May 14, 2024;
 - d. that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
 - e. that a hard copy and AutoCAD.dwg version of the final reference plan projected to the NAD 83/UTM Zone 17N coordinate system be submitted to the Municipality; and,
 - f. that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies). It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds)
2. Zoning By-law Amendment application File D-14 HA/37/24/C be approved and the implementing by-law be adopted

Council passed By-law No. 18-2025, which noted:

The reasons for the Decision are incorporated in the Planning Services report dated February 24, 2025, which was adopted by Council. There were no written or oral submissions received with respect to the application prior to the decision of Council.

The last day for appeal of this Decision is **March 17, 2025.**

All conditions relating to the consent must be completed within two years of the date of this Notice of Decision.

Date of Notice of Decision: February 25th, 2025

Notice of Right to Appeal

An appeal to the Ontario Land Tribunal (OLT) in respect of this matter, setting out the objection to the decision and the reasons in support of the objection, must be filed with the Municipal Clerk of the Municipality of Chatham-Kent via the OLT's e-file service at <https://olt.gov.on.ca/e-file-service/> by selecting Chatham-Kent as the Approval Authority. Please note, first-time users of the OLT's e-file service will need to register for a My Ontario Account. If the OLT's e-file service is not working, please file the appeal with the Municipal Clerk at ckclerk@chatham-kent.ca (or at 315 King Street West, Box 640, Chatham, Ontario, N7M 5K8), no later than 4:30 p.m. on or before the last date of appeal, noted below. Should this date fall on a holiday or weekend, you will have until 4:30 p.m. of the next business day to file your appeal. The appeal fee of \$400 can be paid online through OLT's e-file service or by certified cheque/money order to the Minister of Finance, Province of Ontario. For more information on appeal procedure and payment, please visit the OLT website at www.olt.gov.on.ca.

Only the applicant, the Minister, a specified person or any public body may appeal decisions in respect of application for consent to the Ontario Land Tribunal.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

Notice of Planning Act Approval

Take Notice, that on **February 24, 2025**, Council of the Corporation of the Municipality of Chatham-Kent approved Consent Application (File B-87/24) and Zoning By-law Amendment (File D-14 HA/37/24/C) submitted for property located at 10639 Campbell Line, in Part of Lot 16, Concession 8, Lake Erie Survey, in the Community of Harwich (South Kent).

The approvals given were to create a new surplus dwelling lot, approximately 2.63 ha. (6.5 ac.) in area, containing the existing single detached home (10639 Campbell Line), all outbuildings, and associated pastureland.

Zoning By-law No. 18-2025 was passed by Council to:

- rezone the residential surplus dwelling lot to a site-specific Agricultural-1746 (A1-1746) zone that:
 - permits a surplus dwelling on a lot greater than 0.8 ha (1.98 ac.); and,
 - requires a development setback of 20 m (65 ft.) from the easterly lot line, which takes into consideration the municipal drain (McPhail Drain) and natural heritage feature (woodlot) on the adjacent lands.
- rezone the retained parcel to a site-specific Agricultural-1742 (A1-1742) zone to prohibit future dwellings and recognize the resulting lot area of the retained farm.

Reasons for Approval

The reasons for the Decision are incorporated in the Planning Services report dated February 24, 2025 which was adopted by Council. There were no written or oral submissions received with respect to the application prior to the decision of Council.

When and How to File an Appeal

An appeal to the Ontario Land Tribunal (OLT) in respect to all or part of this Zoning By-law Amendment can be made by filing a notice of appeal with the Municipal Clerk via the OLT's e-file service at <https://olt.gov.on.ca/e-file-service/> by selecting Chatham-Kent as the Approval Authority. Please note, first-time users of the OLT's e-file service will need to register for a My Ontario Account. If the OLT's e-file service is not working, please file the appeal with the Municipal Clerk at ckclerk@chatham-kent.ca (or at 315 King Street West, Box 640, Chatham, Ontario, N7M 5K8), no later than 4:30 p.m. on or before the last date of appeal, as noted below. Should this date fall on a holiday or weekend, you will have until 4:30 p.m. of the next business day to file your appeal. The appeal fee of \$1,100 can be paid online through OLT's e-file service or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca.

Last Date of Appeal: March 17, 2025

Who Can File an Appeal

Only the applicant, the Minister, a specified person or any public body may appeal a by-law of the Municipality to the Ontario Land Tribunal. 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 the group on its behalf.

No specified person or public body shall be added as a party to the hearing of the appeal unless, before the by-law is passed, the specified person or public body made oral submissions at a public meeting or written submission to the Council of the Municipality of Chatham-Kent or, in the opinion of the Tribunal, there are reasonable grounds to add the specified person or public body as a party.



Municipality of Chatham-Kent
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CKplanning@chatham-kent.ca

When the Decision is Final

The decision of the Municipality of Chatham-Kent is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

Additional Information

Additional information about the application is available for public inspection during regular office hours at the Municipality of Chatham-Kent Planning Services office at the address, phone number and email address noted above.

Dated at the Municipality of Chatham-Kent this 25th Day of February, 2025.