

Notice of Decision

Applications: Combined Application (File D-28 RA/31/24/D) for Consent (File B-69/24) and Zoning By-law Amendment (File D-14 RA/31/24/D)

CityView #: PL202400137

Property: 22142 & 22146 Charing Cross Road
Part of Lot 24, Concession 4, Eastern Boundary
Community of Raleigh (South Kent)

Roll Number: 3650 110 011 50500

It is hereby certified that the Council of the Municipality of Chatham-Kent at its meeting on November 18, 2024:

Approved

1. Consent application File B-69/24, to sever and convey a portion of land, approximately 1,391.2 sq. m (14,974.8 sq. ft.) in area, shown as Part 1 on the applicant's sketch, in Part of Lot 24, Concession 4, Eastern Boundary, in the Community of Raleigh, as a lot addition, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to:
 - i) rezone the severed lands to a site-specific Holding-Rural Residential-1734 (H-RR-1734) zone to prohibit any residential use until such time as requirements from the Environmental Protection Act for a Change of Use are confirmed; and,
 - ii) rezone the retained lands to a site-specific Rural Residential-1735 (RR- 1735) zone to recognize the primary use of the lands being residential and to recognize the resulting lot frontage being 29.15 m (95.64 ft.);
 - b) that the lot addition lands, shown as Part 1 on the applicant's sketch, be conveyed to the owner of the abutting parcel (22152 Charing Cross Road / PIN: 00878-0244) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent;
 - c) that the hydro line servicing the accessory building on the lot addition lands be disconnected from the single detached dwelling located on the retained lands, to the satisfaction of the Municipality;
 - d) that a legible hard copy of the final reference plan be submitted to the Municipality; and,
 - e) 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 RA/31/24/D, and the implementing by-law was adopted.

Council passed By-law No. 146-2024, which noted:

The reasons for the Decision are incorporated in the report dated November 18, 2024 which was adopted by Council. There were no written or oral comments received from the public on this application. The last day for appeal of this Decision is **December 10, 2024**.

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: November 20th, 2024

Notice of Right to Appeal

Written appeals to the Ontario Land Tribunal 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, not later than twenty (20) days of the date of this Notice of Decision. For further information, please contact the Planning Department at (519) 360-1998.

Each appeal is to be accompanied by payment of the Tribunal fees in the amount of \$400.00 for each individual application pertaining to that particular file. Cheque or money order should be made payable to the "Minister of Finance".

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 **November 18, 2024**, Council of the Corporation of the Municipality of Chatham-Kent approved Consent Application (File B-69/24) & Zoning By-law Amendment (File D-14 RA/31/24/D) submitted for property located at 22142 & 22146 Charing Cross Road, in the Community of Raleigh (South Kent).

At the meeting, Council approved Consent Application File B-69/24 to sever and convey a portion of land, approximately 1,391.2 sq. m (14,974.8 sq. ft.) in area, shown as Part 1 on the applicant's sketch, in Part of Lot 24, Concession 4, Eastern Boundary, in the Community of Raleigh, as a lot addition to the abutting parcel at 22152 Charing Cross Road.

Zoning By-law No. 146-2024 was passed by Council to rezone the lot addition lands from Rural Highway Commercial (RHC) to Holding-Rural Residential-1734 (H-RR-1734), which recognizes the primarily residential nature of the receiving parcel, while preventing residential uses over these lands. The by-law also rezoned the retained lands to a site-specific Rural Residential-1735 (RR-1735) zone to recognize the residential use and a reduction in lot frontage.

Reasons for Approval

The recommendation of Administration was to approve the application for the reasons outlined in the Planning Services Report, dated November 18, 2024. 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

Your appeal, together with the reasons for the appeal and the \$1,100.00 fee as required by the Tribunal, are to be made payable to the Minister of Finance in the form of a certified cheque or money order. An A1 Appeal Form provided by the Tribunal is on its website at <https://olt.gov.on.ca/appeals-process/forms/> and must be filed with the Municipal Clerk 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.

Last Date of Appeal: December 10, 2024

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.

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 20th Day of November, 2024.