

Notice of Decision

Applications: Combined Application (File D-28 CH/37/24/P) for Consent (File B-70/24) and Zoning By-law Amendment (File D-14 CH/32/24/P)

CityView #: PL202400138

Property: 10793 Brook Line
Part of Lot 18, Concession 7
Community of Chatham (Township) (North Kent)

Roll Number: 3650 410 004 21700

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-70/24, to sever a surplus dwelling (10793 Brook Line) on a new 0.89 ha. (2.20 ac.) lot, shown as Part 1 on the applicant's sketch, in Part of Lot 18, Concession 7, in the Community of Chatham (Township), 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 - 1173 (A1-1173) zone that permits a surplus dwelling on a lot greater than 0.8 ha (1.98 ac.); and,
 - ii) rezone the retained parcel to a site-specific Agricultural-1 (A1-1) zone to prohibit future dwellings;
 - b) that the applicant demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
 - c) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
 - d) 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,
 - 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 CH/32/24/P, and the implementing by-law was adopted.

Council passed By-law No. 145-2024, which noted:

The reasons for the Decision are incorporated in the Planning Services report dated November 18, 2024 which was adopted by Council. There was one (1) written submission received in opposition to the proposal. The submission stated concerns with conformity to legislative requirements. This submission was not considered by Council prior to their hearing of the application as the email was not formally recognized by the Clerk's Office until the following business day. Regardless, this letter forms part of the application file.

The last day for appeal of this Decision is **December 9, 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 19th, 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-70/24) & Zoning By-law Amendment (File D-14 CH/32/24/P) submitted for property located at 10793 Brook Line, in the Community of Chatham (Township) (North Kent).

At the meeting, Council approved Consent Application File B-70/24 to sever and convey a portion of land, being approximately 0.89 ha (2.20 ac.) in area, shown as Part 1 on the applicant's sketch, in Part of Lot 18, Concession 7, in the Community of Chatham (Township).

Zoning By-law No. 145-2024 was passed by Council to rezone the severed lands from Agricultural (A1) to a site-specific Agricultural-1173 (A1-1173) to permit a surplus dwelling on a parcel greater than 0.8 ha (1.98 ac.), and to rezone the retained parcel to a site-specific Agricultural-1 (A1-1) zone to prohibit future dwellings.

Reasons for Approval

The reasons for the Decision are incorporated in the Planning Services report dated November 18, 2024 which was adopted by Council. There was one (1) written submission received in opposition to the proposal. The submission stated concerns with conformity to legislative requirements. This submission was not considered by Council prior to their hearing of the application as the email was not formally recognized by the Clerk's Office until the following business day. Regardless, this letter forms part of the application file.

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 9, 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 19th Day of November, 2024.