

Notice of Decision

Applications: Combined Application (File D-28 HA/06/24/O) for Consent (File B-12/24) and Zoning By-law Amendment (File D-14 HA/06/24/O)

CityView #: PL202400025

Applicant: 1158912 Ontario Limited
19060, 19120 and 19132 Lagoon Road
Part of Lots 5 & 6, Concession 3, West of Communication Road
Community of Harwich (South Kent)

Roll Number: 3650 140 008 56800 & 56700

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

Approved

1. Consent application File B-12/24 to sever a surplus dwelling (19060 Lagoon Road) and three (3) outbuildings, on a new 1.28 ha (3.17 ac.) lot, shown as Part 1 on the applicant's sketch, in Part of Lot 6, Concession 3, West of Communication Road, in the Community of Harwich, and to permit a partial discharge of the existing mortgage, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to rezone the residential surplus dwelling lot to a site-specific Agricultural-1710 (A1-1710) Zone to:
 - i) permit a surplus dwelling on a lot greater than 0.8 ha (1.98 ac.); and,
 - ii) reduce the required Minimum Distance Separation (MDS I) setback of the severed parcel from 592 m (1,942 ft.) to 320 m (1,051.7 ft.) from the existing livestock barn on the subject property (19120 Lagoon Road);
 - b) that all outstanding local improvement charges be paid in full to the satisfaction of the Municipality;
 - 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 the applicant demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
 - 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/06/24/O, and the implementing by-law adopted.

Council passed By-law No. 26-2024, which noted:

The reasons for the Decision are incorporated in the report dated February 23, 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 **April 8, 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: March 19, 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 **March 18, 2024**, Council of the Corporation of the Municipality of Chatham-Kent approved Consent Application (File B-12/24) & Zoning By-law Amendment (File D-14 HA/06/24/O) submitted by 1158912 Ontario Limited, for property located at 19060, 19120 and 19132 Lagoon Road, in Part of Lots 5 & 6, Concession 3, West of Communication Road, in the Community of Harwich (South Kent).

At the meeting, Council approved Consent Application File B-12/24 to sever a surplus dwelling on a new 1.28 ha (3.17 ac.).

Zoning By-law No. 26-2024 was passed by Council to:

- i) permit a surplus dwelling on a lot greater than 0.8 ha (1.98 ac.); and,
- ii) reduce the required Minimum Distance Separation (MDS I) setback of the severed parcel from 592 m (1,942 ft.) to 297 m (974 ft.) from the existing livestock barn on the subject property to the west (19120 Lagoon Road).

Reasons for Approval

The recommendation of Administration was to approve the application for the reasons outlined in the Planning Services Report, dated February 23, 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: April 8, 2024

Who Can File an Appeal

Only individuals, corporations and public bodies 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 person or public body shall be added as a party to the hearing of the appeal unless, before the by-law is passed, the 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 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 March, 2024.