**Municipality of Chatham-Kent**
*Community Development*
Planning Services
315 King St. West, P.O. Box 640
Chatham ON N7M 5K8
Tel: 519.360.1998 Fax: 519.436.3237
CKplanning@chatham-kent.ca

# Notice of Planning Act Approval

Take Notice, that on **March 20, 2023**, Council of the Corporation of the Municipality of Chatham-Kent approved Consent Applications (Files B-02/23 & B-30/23) & Zoning By-law Amendment (File D-14 WH/17/23/D), as revised, submitted by Joseph and Eva Durocher & John and Pamela Rougoor for properties located at 21198 & 21208 Erie Street South, in the Community of Wheatley

At the meeting, Council approved Consent Applications Files B-02/23 & B-30/23 to:

1. sever and convey a portion of vacant land approximately 1,027 sq. m (11,054 sq. ft) in area, as a lot addition to the abutting residential parcel (21208 Erie St S); and,

2. sever and convey a new vacant residential lot, approximately 809 sq. m (8,712 sq. ft.) in area.

**Zoning By-law No. 51-2023** was passed by Council, as revised, to rezone the severed residential lot to the Residential Low Density First-1653 (RL1-1653) Zone to establish a minimum lot frontage.

It should be noted that Consent Applications Files B-03/23, B-17/23, & B-18/23 have been postponed, at the request of the applicant, to allow for further consultation with surrounding neighbours. It is expected that a revised proposal will be scheduled to a future public meeting in which public notice will be given.

## Reasons for Approval

The recommendation of Administration was to approve the applications for the reasons outlined in the Planning Services Report, dated February 22, 2023. There was one (1) written submission received from the public expressing opposition to this application. Overall, the submission raised concerns regarding the proposed location of the future road allowance and the overall size of the proposed lots.

These concerns were taken into consideration by Council in their deliberation on the matter, and in the opinion of Council, the recommendations, as revised, are consistent with the Provincial Policy Statement and conform to the Chatham-Kent Official Plan.

## 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 10, 2023**

## 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.

Application No. D-28 WH/02/23/D
CityView No. PL202300002
21198 & 21208 Erie Street South, Community of Wheatley

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**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 21st Day of March, 2023.**

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# Notice of Decision

**Applications:** **Combined Application (File D-28 WH/02/23/D) for Consent (Files B-02/23, B-03/23, B-17/23, B-18/23 & B-30/23) and Zoning By-law Amendment (File D-14 WH/17/23/D)**

**CityView #:** **PL202300002**

**Applicant:** **Joseph and Eva Durocher & John and Pamela Rougoor**
**21198 & 21208 Erie Street South**
**Part of 4, Concession 1 & Part of Block B, Plan 442**
**Community of Wheatley**

**Roll Number:** **3650 010 001 45100 & 45300**

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It is hereby certified that the Council of the Municipality of Chatham-Kent at its meeting on March 20, 2023:

**Approved**

1. Consent application File B-02/23, to sever and convey a portion of vacant land, approximately 1,027 sq. m (11,054 sq. ft.) in area, from 21198 Erie Street South/PIN No. 0084-60363, shown as Parts 6, 7 & 8 on the applicant's sketch, in Part of Block B, Plan 442, in the Community of Wheatley, as a lot addition, subject to the following conditions:

   a) that the lot addition lands, shown as Parts 6, 7 & 8 on the applicant's sketch, be conveyed to the owner of the abutting residential parcel (21208 Erie Street South/PIN No. 00846-0048), 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;

   b) that the applicants convey a 3.0 m (9.84 ft.) road widening, across the entire Erie Street South frontage of the subject parcel (21198 Erie Street South/PIN No. 0084-60363), to the Municipality, free of charge and clear of all encumbrances;

   c) that the location of existing municipal water and sanitary sewer connections to the retained parcel (21198 Erie Street South) be confirmed, and if absent, that new water and/or sanitary sewer connections be installed, at the applicant's expense and to the satisfaction of the Municipality; and that the applicant provide documentation confirming permit issuance and payment of fees for all required connections;

   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), prior to certification. 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. Consent application File B-30/23 to sever and convey a new residential lot, approximately 809 sq. m (8,712 sq. ft.) in area, shown as Part 1 on the applicant's sketch, in Part of Lot 4, Concession 1, in the Community of Wheatley, subject to the following conditions:

   a) that the Chatham-Kent Zoning By-law be amended to rezone the severed parcel to a site-specific Residential Low Density First-1653 (RL1-1653) Zone, to establish a minimum lot frontage of 17.6 m (58 ft.);

   b) that the location of existing municipal water and sanitary sewer connections to both the severed and retained parcels be confirmed, and where absent, new connections be installed at the applicant's expense and to the satisfaction of the Municipality; and that

the applicant provide documentation confirming permit issuance and payment of fees for all connections;

c) that the parcel be assigned civic address 21212 Erie Street South;

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), prior to certification. 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).

3. Zoning By-law Amendment application File D-14 WH/17/23/D, and the implementing by-law be adopted.

**Zoning By-law No. 51-2023** was passed by Council, as revised, to rezone the severed residential lot to the Residential Low Density First-1653 (RL1-1653) Zone to establish a minimum lot frontage.

It should be noted that Consent Applications Files B-03/23, B-17/23, & B-18/23 have been postponed, at the request of the applicant, to allow for further consultation with surrounding neighbours. It is expected that a revised proposal will be scheduled to a future public meeting in which public notice will be given.

Reasons for Approval

The recommendation of Administration was to approve the applications for the reasons outlined in the Planning Services Report, dated February 22, 2023. There was one (1) written submission received from the public expressing opposition to this application. Overall, the submission raised concerns regarding the proposed location of the future road allowance and the overall size of the proposed lots.

These concerns were taken into consideration by Council in their deliberation on the matter, and in the opinion of Council, the recommendations, as revised, are consistent with the Provincial Policy Statement and conform to the Chatham-Kent Official Plan.

The last day for appeal of this Decision is **April 10, 2023.**

**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 21, 2023**

## 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.