

**Municipality Of Chatham-Kent**  
**Community Development**  
**Planning Services**

**To:** Mayor and Members of Council

**From:** Ryan Jacques, MCIP, RPP  
Director, Planning Services

**Date:** June 1, 2021

**Subject:** Application for Consent  
PL202100065 - John & Patricia Sarapnickas  
MacEwan Line, Community of Zone (East Kent)

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**Recommendation**

It is recommended that:

1. Consent application File B-45/21 to sever and convey an existing agricultural parcel, approximately 22.4 ha (55.3 ac.) in area, shown as Parts 3 & 4 on the applicant's sketch, in Part of Lots 1 & 2, Concession North of Longwoods Road, in the Community of Zone, be approved, subject to the following conditions:
  - a) 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,
  - b) 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).

**Background**

The subject property is located on the south side of MacEwan Line, west of Clachan Road, in the Community of Zone (Roll No. 3650 310 003 22500). The lands are approximately 22.4 ha (55.3 ac.) in area and are comprised of agricultural land with no outbuildings or structures, as well as a significant woodland over the majority of the property. The lands are designated Agricultural Area in the Chatham-Kent Official Plan and zoned Agricultural (A1). A Key Map showing the location of the subject property is attached as Appendix A. Pictures showing the subject property and surrounding area are attached as Appendix B.

The application proposes to sever and convey an existing agricultural parcel, approximately 22.4 ha (55.3 ac.) in area, shown as Parts 3 & 4 on the applicant's sketch, attached as Appendix C.

The applicant owns an abutting Part Lot under common ownership (30196 Clachan Road/ PIN: 00645-0001). In this scenario, the Planning Act restricts the dealing of any one lot independent of the other. This is pursuant to section 50(5), Part-Lot Control, of the Planning Act.

The applicant intends on conveying the subject lands. To accomplish this, consent must be granted. Once consent is given under Section 53 of the Planning Act, any subsequent conveyance of, or other transaction involving, the identical parcel of land is permitted, despite ownership.

### **Comments**

#### **Provincial Policy Statement (PPS)**

The proposal does not raise any issue of provincial interest.

#### **Official Plan**

The proposed consent has been reviewed under the policies of the Official Plan. It has specifically been reviewed under Section 3.10, Agricultural Area Polices and Section 6.3.3 (Consent) and generally meets these policies. The Official Plan permits consents for technical or legal purposes, where the severed and retained lands comply with the Zoning By-law. The proposed severance is technical in nature and allows the applicant to deal with the subject lands in a manner that is not in contravention of the *Planning Act*.

#### **Zoning By-law**

All applicable provisions of the Zoning By-law are being met by this proposal.

#### **Conclusion**

The proposal has been reviewed in the context of the Provincial Policy Statement, the Chatham-Kent Official Plan and Zoning By-law, and complies with these documents. Therefore, the application is being recommended for approval subject to the condition noted as part of the Recommendation of this report.

#### **Areas of Strategic Focus and Critical Success Factors**

The recommendation in this report supports the following areas of strategic focus:

Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendation in this report supports the following critical success factors:

Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

Has the potential to support all areas of strategic focus & critical success factors

Neutral issues (does not support negatively or positively)

### **Consultation**

There was no consultation required as part of this application.

### **Financial Implications**

There are no financial implications resulting from the recommendation.

Prepared by:



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Greg Houston, CPT  
Planner II, Planning Services

Reviewed by:



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Ryan Jacques, MCIP, RPP  
Director, Planning Services

Reviewed by:

A handwritten signature in black ink, appearing to read "Bruce McAllister", written over a horizontal line.

Bruce McAllister, MCIP, RPP  
General Manager, Community Development

Attachments: Appendix A – Key Map  
Appendix B – Site Photos  
Appendix C – Applicant's Sketch

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Report.docx

Appendix A – Key Map



Appendix B – Site Photos



Looking south at the subject property from MacEwan Line.



Looking west towards the existing dwelling and outbuildings on the abutting parcel under common ownership from Clachan Line.

Appendix C – Applicant's Sketch

