



## MUNICIPALITY OF THAMES CENTRE

**REPORT NO.** PDS-052-24

**FILE NO.** B12-24

**TO:** Mayor and Members of Council

**FROM:** A. Kertesz, Planner

**MEETING DATE:** October 21, 2024

**SUBJECT:** **Application for Consent (B12-24); Sherry Lynn Pye and Lawrence Pye (Applicants); Michael Pye (Agent); 2770 Rath Street**

### RECOMMENDATION:

**THAT** Application for Consent B12-24 filed by Michael Pye on behalf of Sherry Lynn Pye and Lawrence Pye to establish a right-of-way access easement having a width of approximately 11.54 metres and a length of approximately 14.6 metres in favour of the owner at 2757 Rath Street over the subject lands to ensure legal access from a property legally described as Part of Lot 4, Concession B, SRT (geographic Township of North Dorchester), Municipality of Thames Centre, and known municipally as 2770 Rath Street be **APPROVED**, subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* be given within two years of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of consent has been fulfilled and the required fee.
2. That the necessary deeds, transfers and charges for certificates and /or instruments necessary for registration be submitted electronically to the Municipality, all of which are to be fully executed.
3. That the Owner's solicitor provide an undertaking for the registration of the maintenance and access agreement on title of the lands to the satisfaction of the Municipality.
4. That all applicable property taxes, municipal fees and charges be paid to the Municipality.
5. That an electronic version of a deposited reference plan be submitted to legally describe the lands affected and in general conformity with this decision, all to the satisfaction of the Municipality.

### REASONS

- The application would be consistent with the Provincial Policy Statement.
- Conformity with the County Official Plan and Municipal Official Plan would be maintained.

## **PURPOSE:**

The purpose and effect of Consent Application B12-24 is to establish an access easement in favour of 2757 Rath Street over a portion of the retain lands from Consent Applications B2-24, B3-24, B4-24 and B5-24 to recognize the existing use of a shared driveway.

## **BACKGROUND:**

The subject property is 3.8 hectare (9.5 ac) parcel situated on the south side of Hamilton Road (County Road 29), on the west side of Putnam Road (County Road 30) and at the south end of Rath Street in the hamlet of Putnam. The lands contain a single detached dwelling serviced by a private well and septic system and the lands also contain a garden shed. Access to the subject lands is available off Rath Street.

The lands are subject to Consent Applications B2-24, B3-24, B4-24 and B5-24 which was conditionally approved by Thames Centre Council on May 27<sup>th</sup>, 2024. The applications sought to create four (4) lots for residential purposes.

As a condition of consent for the above applications, the applicants were required to establish a right-of-way easement in favour of the owner at 2757 Rath Street through a consent for easement purposes to ensure 2757 Rath Street has legal access to and from Rath Street. Therefore, this consent request is being sought. Currently the owner at 2757 Rath Street utilizes the driveway at 2770 Rath Street to access their property. The requested easement would be approximately 11.54 metres (37.86 ft) in width along the frontage of 2770 Rath Street and would be approximately 14.6 metres (47.90 ft) in length.

The lands are designated 'Hamlet' according to the Thames Centre Official Plan are zoned a Hamlet Residential (HR) Zone and Environmental Protection (EP) Zone according to the Thames Centre Comprehensive Zoning By-law. Surrounding land uses include residential uses to the north, south, industrial uses to the east on the opposite side of Putnam Road (County Road 30) and agricultural uses to the west.

## **ANALYSIS:**

The Provincial Policy Statement (PPS), and County Official Plan generally permit consents for legal or technical matters, including easements. The Thames Centre Official Plan also generally permits the establishment of easements to facilitate legal access provided that the consent will not result in the creation of a new building lot. The foregoing would not be compromised given that the proposed easement is being sought ensure legal access to and from Rath Street in favour of the neighbouring property at 2757 Rath Street.

Based on the foregoing, the subject application is consistent with the Provincial Policy Statement and in conformity with the County of Middlesex and Thames Centre Official Plans.

## CONSULTATION

In the circulation of the notice of public hearing to prescribed agencies, the following comments were received:

County Engineer:

The owner will be required to provide land dedication measured to 18 m from the centreline of construction of County Road 29 (Hamilton Road) and 15 m from the centreline of construction of County Road 30 (Putnam Road) to the County of Middlesex for the purposes of road widening if those right of ways are not already to that width.

Director of Public Works: No comments or concerns.

Drainage Superintendent: No comment.

Upper Thames River Conservation Authority: No objections.

Chief Building Official: No comments.

In the circulation of the notice of public hearing to surrounding property owners, no responses have been received from the public as of the date of this report.

## FINANCIAL IMPLICATIONS:

None.

## STRATEGIC PLAN LINK

**Pillar:** *Smart Planning*

**Goal:** *Make smart planning decisions to grow the community , while maintaining a "hometown feel"*

## ATTACHMENTS:

Location Map

Prepared by: A. Kertesz, Planner

Reviewed by: A. Storrey, Interim Director of Planning and Development Services

Reviewed by: D. Barrick, Chief Administrative Officer