



MUNICIPALITY OF THAMES CENTRE
PLANNING & DEVELOPMENT SERVICES

REPORT NO: PDS-066-23

FILES: B19-23 & B20-23

TO: Mayor and Members of Council

FROM: Marc Bancroft, Director of Planning and Development Services

MEETING DATE: October 30, 2023

RE: APPLICATIONS FOR CONSENT

STEPHEN & JOANNA ANJEMA (APPLICANTS FOR B19-23)

DANNY & ANNE JEFFERY (APPLICANTS FOR B20-23)

CIVIC PLANNING SOLUTIONS INC. C/O DAVID ROE (AGENT)

1. PURPOSE

The purpose of the subject applications is to formally recognize an existing shared driveway by establishing right-of-way easements in favour of abutting properties.

2. BACKGROUND (see attached map)

Known municipally as 4386 Westchester Bourne, the property subject to Application for Consent B19-23 is a 1-hectare (2.5 ac) located on the east side of Westchester Bourne (County Road 74) just north of Dingman Drive. Privately serviced with a well and septic system, this property contains a single detached dwelling and a custom shop. These lands have access to Westchester Bourne (County Road 74) through a driveway shared with the property to the south. These lands are designated Agricultural under the Thames Centre Official Plan and zoned site-specific Agricultural (A-16) which permits the existing land uses.

Known municipally as 4404 Westchester Bourne, the property subject to Application for Consent B20-23 is a 0.6 hectare (1.5 ac) also located on the east side of Westchester Bourne (County Road 74) just north of Dingman Drive. Privately serviced with a well and septic system, this property contains a single detached dwelling and a repair shop. These lands have access to Westchester Bourne (County Road 74) through a driveway shared with the property to the north as well as a stand-alone second driveway providing access to the single detached dwelling. These lands are designated Agricultural under the Thames Centre Official Plan and zoned site-specific Agricultural (A-30) which permits the existing land uses.

Both property owners are seeking consent approvals to formally recognize the existing

shared driveway by establishing a right-of-way easement over one another's property:

- **Application for Consent B19-23** would apply to the property to the north known municipally as 4386 Westchester Bourne in that the proposed easement would have a width of approximately 5.6 metres (18.4 ft) along Westchester Bourne and an area of approximately 61.5 square metres, being in favour of the abutting property to the south (4404 Westchester Bourne).
- **Application for Consent B20-23** would apply to the property to the south known municipally as 4404 Westchester Bourne in that the proposed easement would have a width of approximately 5.5 metres (18 ft) along Westchester Bourne and an area of approximately 52.7 square metres, being in favour of the abutting property to the north (4386 Westchester Bourne).

Surrounding land uses include agricultural uses to the east and west in the form of field crop cultivation and rural residential uses to the north and south. Further south lies a cluster of industrial uses.

3. ANALYSIS

The Provincial Policy Statement and County of Middlesex Official Plan generally permit consents for legal or technical matters, including easements. Similarly, the Thames Centre Official Plan generally permits the establishment of right-of-way easements to facilitate access provided the consent would not result in the creation of a new building lot. The foregoing would not be compromised given that the proposed right-of-way easements are being sought to formally recognize a shared driveway between abutting properties.

Based on the foregoing, the subject applications are consistent with the Provincial Policy Statement and in conformity with the County and Thames Centre Official Plans.

3.1 Agency Comments

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

3.1.1 County Engineer:

The owners of each property will be required to dedicate lands up to 18 metres from the centreline of construction of County Road 74 (Westchester Bourne) across the lands to be conveyed and the lands to be retained to the County of Middlesex for the purposes of road widening if the right-of-way is not already to that width.

3.1.2 Drainage Superintendent: No comment.

3.1.3 Director of Public Works: No comment or concerns.

3.1.4 Chief Building Official: No comment.

3.2 Public Comments

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

4. RECOMMENDATIONS

THAT Application for Consent B19-23 requested by Civic Planning Solutions Inc. c/o David Roe on behalf of Stephen and Joanna Anjema to formally recognize an existing shared driveway by conveying a parcel of land to establish a right-of-way easement having a width of approximately 5.6 metres along Westchester Bourne (County Road 74) and an area of approximately 61.5 square metres in favour of the abutting property to the south known municipally as 4404 Westchester Bourne from a property legally described as Part of Lot 24, Concession 3, SRT (geographic Township of North Dorchester), Municipality of Thames Centre, designated as Part 1 on Plan 33R-3496 and known municipally as 4386 Westchester Bourne, 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 for each consent. 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 fee of \$250.
2. That the owner dedicate lands up to 18 metres from the centreline of construction of County Road 74 (Westchester Bourne) across the lands to be conveyed and the lands to be retained to the County of Middlesex for the purposes of road widening if the right-of-way is not already to that width.
3. That the necessary deeds, transfers and charges for certificates and /or instruments necessary for registration be submitted electronically prior to certification, all of which are to be fully executed.
4. 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 is consistent with the Provincial Policy Statement.
- Conformity with the County Official Plan and Municipal Official Plan would be maintained.

- The matters set out in Section 51(24) of the Planning Act would be satisfied.

THAT Application for Consent B20-23 requested by Civic Planning Solutions Inc. c/o David Roe on behalf of Danny and Anne Jeffery to formally recognize an existing shared driveway by conveying a parcel of land to establish a right-of-way easement having a width of approximately 5.5 metres along Westchester Bourne (County Road 74) and an area of approximately 52.7 square metres in favour of the abutting property to the north known municipally as 4386 Westchester Bourne from a property legally described as Part of Lot 24, Concession 3, SRT (geographic Township of North Dorchester), Municipality of Thames Centre and known municipally as 4404 Westchester Bourne, 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 for each consent. 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 fee of \$250.
2. That the owner dedicate lands up to 18 metres from the centreline of construction of County Road 74 (Westchester Bourne) across the lands to be conveyed and the lands to be retained to the County of Middlesex for the purposes of road widening if the right-of-way is not already to that width.
3. That the necessary deeds, transfers and charges for certificates and /or instruments necessary for registration be submitted electronically prior to certification, all of which are to be fully executed.
4. 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 is consistent with the Provincial Policy Statement.
- Conformity with the County Official Plan and Municipal Official Plan would be maintained.
- The matters set out in Section 51(24) of the Planning Act would be satisfied.

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Prepared by: Marc Bancroft, Director of Planning & Development Services

Reviewed by: David Barrick, Chief Administrative Officer