

# THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

## STAFF REPORT

**DATE:** November 1, 2022

**TO:** Committee of the Whole

**FROM:** Jeffrey Ren, Planner

**SUBJECT:** **Encroachment Request - 97 Glass Street  
Plan 6262, Lot 29 Almonte Ward, Municipality of Mississippi Mills  
Municipally Known as 97 Glass Street**

**OWNER:** Mark Ury and Kathleen Sicard-Ury

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### **RECOMMENDATION:**

**THAT Committee of the Whole recommend that Council approve the encroachment request for the subject lands which are legally described as Plan 6262, Lot 29, Almonte Ward, Municipality of Mississippi Mills, municipally known as 97 Glass Street and direct Staff to prepare the encroachment agreement.**

### **PURPOSE AND EFFECT:**

The Owners are requesting permission for a 0.82 m (2 ft 8 ¼ in) porch encroachment within the municipal right of way on Glass Street.

### **DESCRIPTION OF PROPERTY & SURROUNDING LAND USES:**

The subject property is an irregularly shaped lot located along the north side of Glass Street, north of the intersection between Glass Street and Hope Street. Surrounding land uses consist of low-rise residential uses and the Mississippi River immediately to the rear of the property.

The subject property measures approximately 749.76 sqm in size and features approximately 60 m of frontage along Glass Street. The subject property is currently occupied by a detached dwelling with an existing encroaching front porch. According to records from the Municipal Property Assessment Corporation (MPAC), the existing house was constructed in 1920. The existing house features a legal non-complying front yard setback, and the existing porch encroaches upon the municipal right-of-way by 0.27 m (10 ¾ in). A significant amount of landscaping exists on the municipal right-of-way in front of the existing house as the distance between the property line and the

edge of the existing sidewalk along Glass Street is approximately 6.6 m (21 ft 8 ¼ in).

**Figure 1: Subject Lands**



 97 Glass Street (Subject Property)

**PROPOSED DEVELOPMENT:**

The Owners are seeking to replace the existing porch and awning with a covered porch in order to improve the overall safety of the structure. The new covered porch will generally maintain a similar footprint compared to the existing porch; however, a modest further encroachment of 0.55 m (1 ft 9 ⅔ in) is proposed.

A building permit will be required for the proposed covered porch.

**SERVICING & INFRASTRUCTURE:**

The subject properties are currently serviced by municipal water and sewer. No servicing changes have been proposed. Public Works staff evaluated the encroachment request and noted that the curb stop (water shutoff) would need to be located prior to construction. The Public Works department requested that the following condition be included in the encroachment agreement:

The owner is to locate the curb stop (water shutoff) and ensure it is a minimum of 1 metre from the extension of the porch. If the curb stop is found to be less than 1 metre

from the extension of the porch, the owner shall move the curb stop to comply at their own cost.

Staff are of the opinion that all servicing or infrastructure concerns resulting from the subject encroachment request have been adequately addressed.

### **COMMUNITY OFFICIAL PLAN (COP):**

The subject property is split designated as “Residential” and “Flood Plain”; the porch is located within the area designated as “Residential”. Policy 4 of Section 3.1.6.1.4 of the COP stipulate that repairs, alterations and minor increases to accesses are permitted in order to meet safe access standards, subject to the applicable Mississippi Valley Conservation Authority (MVCA) policies and approvals. Staff have confirmed that the MVCA has no objections to the subject proposal.

Staff are of the opinion that the subject request is generally consistent with the applicable COP policies.

### **ZONING BY-LAW #11-83:**

The subject property is split zoned as Residential First Density (R1) and Environmental Hazard (EH); the porch is within the area zoned as R1. Section 6.14 of Zoning By-law #11-83 permits the rebuilding, repairing and renovating of existing non-complying uses.

Staff are of the opinion that the subject request is consistent with the applicable provisions of the Zoning By-law.

### **TECHNICAL CIRCULATION COMMENTS RECEIVED:**

Staff circulated this request to the Public Works Department, the Building Department, and the Mississippi Valley Conservation Authority (MVCA). The Public Works Department provided a comment regarding the location of the curb stop which was noted in the Servicing and Infrastructure section above.

Staff note that the subject porch is located within the Regulation Limit of the MVCA. Staff obtained written confirmation from the MVCA that the proposed porch replacement does not trigger the requirement of an MVCA permit.

### **EVALUATION:**

Staff evaluated the characteristics of the subject property and the existing encroaching porch, the applicable COP policies, the applicable Zoning By-law provisions, the environmental impacts, and the right-of-way impacts of the proposed porch encroachment. Staff are of the opinion that the replacement of the porch an acceptable request with minimal environmental impacts and minimal impacts to the municipal right-of-way. The relatively large distance between the existing sidewalk on Glass Street and the property line minimizes any potential impacts. The subject request represents an

opportunity for the Municipality to formally register an encroachment agreement. The encroachment agreement will also cover any private landscaping that currently exists within the municipal right-of-way and include maintenance and liability clauses which reduces the risks borne by the Municipality associated with the private use of lands affected by the encroachment.

Staff are of the opinion that the approval of the encroachment request is desirable, and that the approval of the request is consistent with previous Council approvals for similar encroachment requests.

**SUMMARY:**

Having reviewed and assessed the proposed encroachment request, Staff are satisfied that the proposal conforms to the intent of the Community Official Plan, conforms to the intent of Zoning Bylaw #11-83 and poses minimal impacts to the environment and the municipal right-of-way. As the proposed covered porch encroachment complies and conforms to all applicable policies based on the analysis included herein, staff have no concerns regarding the subject encroachment request.

It is the professional opinion of the Planning Department that the subject encroachment request is appropriate, desirable and represents good planning.

All of which is respectfully submitted by,      Approved by,



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Jeffrey Ren  
Planner



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Melanie Knight, MCIP, RPP  
Senior Planner

**ATTACHMENTS:**

1. Attachment A – Submitted Drawings