

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: November 3, 2020

TO: Committee of the Whole

FROM: Maggie Yet, Planner 1

SUBJECT: 136 Brougham Street Encroachment
Lot 9, Plan 6262
Almonte Ward, Municipality of Mississippi Mills
Municipally known as 136 Brougham Street

OWNER: Barry Sweetman & Nyssa Schmidt

RECOMMENDATION

THAT Council approve the encroachment request for the lands legally described as Part Lot 97, Plan 6262, Almonte Ward, Municipality of Mississippi Mills, municipally known as 136 Brougham Street and direct staff to prepare the encroachment agreement.

APPLICATION SUMMARY

The Owners are requesting permission for a 3.8m (14.5ft) encroachment of a porch and set of steps within the municipal right of way on Brougham Street.

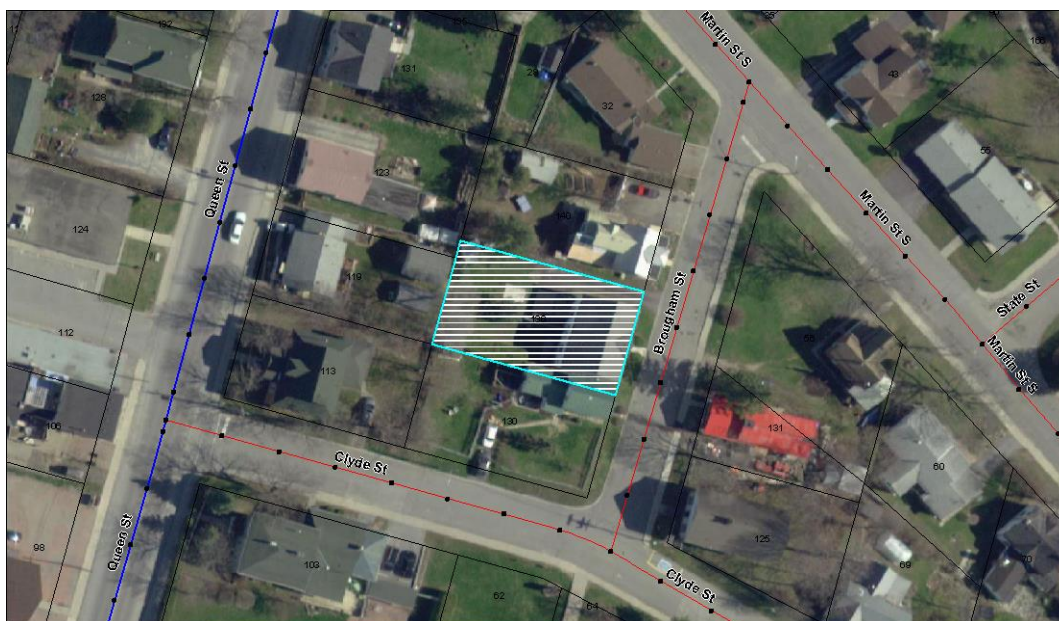
BACKGROUND

The subject property is located on Brougham Street, located north-west of the intersection of Brougham Street and Clyde Street. The lands are 597.9m² (6,435.7ft²) in size with a frontage of 18.29m (60ft) along Brougham Street. The property is generally surrounded by low density residential uses. The abutting property to the north contains a low-rise apartment dwelling.

The subject property is occupied by a semi-detached dwelling. The estimated date of construction is 1900 according to records from the Municipal Property Assessment Corporation (MPAC). The front entrance into the dwelling consists of a porch and set of stairs, shared by the two units of the semi-detached dwelling. A portion of the porch (0.7m) and the entirety of the steps (3.1m) projects into the municipal right of way. A survey of the property is attached in Attachment 2.

The location of the subject lands within the municipality is depicted in the following aerial image:

Figure 1 – Aerial Photo (2017)



The subject property has been subject to a consent application and minor variance application. The owners/applicant have been granted provisional consent to sever the existing semi-detached dwelling into two legally conveyable lots. The minor variance application for the property requested relief from the minimum lot area and frontage provisions of the Residential Second Density (R2) zone for each dwelling which otherwise would have been deficient. The relief was granted subject to the following conditions:

1. *That the Minor Variances are approved based on the plans submitted;*
2. *The variance is conditional upon Consent approval from the County of Lanark;*
3. *That separate water and sanitary connections are installed in each unit with standposts and water meters;*
4. ***That an agreement is registered on title of the two properties specifying sharing arrangements for the shared driveway, wooden ramp, portico and patio;***
5. *That the Owners install fire separation to meet existing standards for semi-detached dwellings held in separate ownership; and*
6. *That the Owners obtain all required building permits.*

During review of the joint use agreement pertaining to sharing arrangements for common elements, Staff became aware that the wooden ramp and patio (steps and porch) were located on the municipal right of way. As such, the Owners are required to enter into an encroachment agreement with the Municipality or will be required to remove the offending structures. No changes to the existing porch and steps are proposed.

COMMENTS FROM CIRCULATION OF THE APPLICATION

Comments received based on the circulation of this application have been summarized below:

CAO: No comments received.

Clerk: No comments received.

Fire Chief: No comments.

Chief Building Official: The Building Department has no objections to this encroachment.

Acting Director of Roads and Public Works: This is acceptable to Public works.

Recreation Coordinator: No concerns.

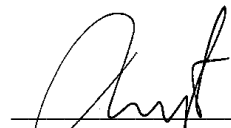
DISCUSSION

The location of the existing dwelling is presently setback from the front lot line by 1.13m and 1.25m. Review of the property revealed that if the owners were to remove the existing porch and steps, they would be required to install a set of steps as per the Ontario Building Code (OBC). The set of steps would encroach into the required 1.0m distance from a lot line as per Section 6.19(5) of the Comprehensive Zoning By-law #11-83 and would require relief from the Committee of Adjustment through a Minor Variance request.

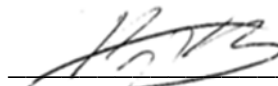
No comments or concerns were received in the circulation of the application regarding impeding sight lines or maintenance of the municipal right of way from the Public Works Department. As such, given that the proposed repair will not increase the footprint of the porch or further encroach onto the municipal right of way, the request does not result in any foreseeable impacts to the ongoing maintenance of Brougham Street.

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Maggie Yet, MPLAN BA
Planner 1



Ken Kelly
Chief Administrative Officer

ATTACHMENTS:

Attachment 1 – Request Letter re: Encroachment Agreement for 136/134 Brougham Street, Almonte, ON

Attachment 2 – Plan 27R11512

Attachment 3 – Site Photos