

## Report to Council

|                       |                                 |                     |            |
|-----------------------|---------------------------------|---------------------|------------|
| <b>Report Title:</b>  | Willi Street Deeming By-law     |                     |            |
| <b>Prepared By:</b>   | Fiona Hamilton, Clerk           |                     |            |
| <b>Department:</b>    | Clerk's                         |                     |            |
| <b>Date:</b>          | October 29, 2019                |                     |            |
| <b>Report Number:</b> | CLK2019-35                      | <b>File Number:</b> | C11CL, D25 |
| <b>Attachments:</b>   | Draft By-Law<br>Map of Property |                     |            |

### Recommendation:

That the Council of the Municipality of Brockton hereby accepts Report Number CLK2019-35 - Willi Street Deeming By-law, prepared by Fiona Hamilton, Clerk for information purposes and further approves a By-law coming forward deeming Lot 11 CON 7 PT LOT 6 PLAN 3M136 and Lot 12 CON 7 PT LOT 6 PLAN 3M136 not be whole lots on a registered plan of subdivision.

### Report:

#### Background:

Staff were recently contacted by property owners looking to build an attached garage on their property on Willi Street in Chepstow. The property owners submitted plans for the building that were reviewed by the Municipality of Brockton's planning staff. Unfortunately, staff were not able to issue a building permit because the proposed garage would offend the maximum lot coverage provision in the Comprehensive Zoning By-law 2013-26.

The lot owned by the property owners is a whole lot on a registered plan of subdivision. The property owners also own the adjoining parcel of land, which is also a whole lot on a registered plan of subdivision. As a possible solution to the maximum lot coverage issue, staff suggested that the property owners could request that Council pass a deeming by-law, which would deem both lots not to be whole lots on a registered plan of subdivision such that the lots would "merge". The effect of the "merger" would be that the two lots would be legally considered one larger lot. As a result, the plans for the proposed garage would no longer offend the maximum lot coverage provision and a building permit could be issued.

#### Analysis:

Proceeding with the deeming by-law would allow the owners to develop the property to their preferences while also complying with the applicable zoning by-laws. The owners have already secured a local contractor

to build the garage and passing the deeming by-law would allow the construction to proceed before the snowy season.

The request for the deeming by-law is also a positive signal of economic growth and development for Brockton, as it demonstrates that owners are willing to make sizeable investments in the properties located in some of the smaller communities.

**Sustainability Checklist:**

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

- Do the recommendations help move the Municipality closer to its Vision? Yes
- Do the recommendations contribute to achieving Cultural Vibrancy? N/A
- Do the recommendations contribute to achieving Economic Prosperity? Yes
- Do the recommendations contribute to Environmental Integrity? N/A
- Do the recommendations contribute to the Social Equity? N/A

**Financial Impacts/Source of Funding:**

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

There are no immediate impacts on the budget arising from this request. It is possible that the value of the property may be slightly impacted by the merger as one large lot may not be as valuable as two smaller building lots. However, the overall tax assessment for the property would likely increase when the next assessment was completed by MPAC as the property would be more valuable with the new garage addition.

All legal expenses related to this matter will be paid by the resident.

**Reviewed By:**



Trish Serratore, Chief Financial Officer

---

**Respectfully Submitted by:**



Fiona Hamilton, Clerk

**Reviewed By:**



Sonya Watson, Chief Administrative Officer