

Staff Report to Council

Title: 4 Kuehner Drive –
Encroachment Agreement

Report Number: Development Services-2025-
11

Director: Infrastructure &
Development

Manager: Development Services

Meeting Date:
Wednesday, May 28, 2025

Date to be considered by Council:
Wednesday, May 28, 2025

Recommendation:

That the Council of the Municipality of Kincardine direct staff to proceed with preparing the Encroachment Agreement for 4 Kuehner Street and that the Agreement be considered at a future meeting of Council.

Executive Summary:

There is an existing framed cottage and concrete pad located at 4 Kuehner Drive that encroaches onto the shore road allowance by approximately 6.5m. The owners have an expiring Encroachment Agreement for the cottage and concrete pad, which was entered into in 2020. The Municipal Encroachment Policy requires encroachments that meet the definition of “major” to be brought forward to Council for consideration to enter into an Encroachment Agreement.

Strategic Priorities:

N/A

Financial Considerations:

Administration Fee: \$250; Agreement Deposit Fee: \$500; Annual Fee: \$100; Legal and OLS Fees: to be funded by the applicant.

Policy:

Municipality of Kincardine Encroachment Policy PD.1.12

Context and Background Information:

The property owners currently have an Encroachment Agreement for a framed cottage and concrete pad which encroaches on to the shore road allowance by approximately 6.5 meters as is shown on the land survey attached.

Previous owners had been under a License of Occupation Agreement and when the current property owners purchased the property an Encroachment Agreement was entered into in 2020. The existing Agreement expires in May of 2025 and therefore the property owners have requested a renewal agreement.

In 2022 the Municipality updated our encroachment agreement policy. The property owners have submitted an application as required in the 2022 policy and staff have reviewed.

It has been determined that the encroachment is “major” as defined in the policy, therefore an encroachment agreement is required.

Consultation Overview:

Development Services staff consulted with Community Services and there were no concerns with this request.

Origin:

Owner request, their existing encroachment agreement expires May 2025.

Implementation Considerations:

If approved by Council, an Encroachment Agreement would be prepared and brought back to a future Council meeting for consideration.

Risk Analysis:

The liability risk associated with private structures being located on municipal property will be mitigated by adding the Municipality as an additional insured on the private property owner’s policy for liability insurance, which is a requirement of the encroachment agreement.

Attachments:	Encroachment Agreement Schedule A - Survey
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