

Staff Report to Council

Title: Encroachment Agreement – 95
C John Street

Report Number: Development Services-2025-
13

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 95C John Street for the existing cottage and that the agreement be considered at a future meeting of Council.

Executive Summary:

There is an existing cottage that encroaches onto the road allowance known as Lake Street by approximately 2.5m and an existing septic system located entirely on the road allowance. The owners have obtained a building permit to install a new septic system on their property and will be removing the existing system from the road allowance. 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 owners of 95 C John Street purchased the property in 1994 with the existing cottage and septic system. The cottage encroaches on to the road allowance known as Lake Street. The septic system is currently located entirely on the road allowance.

The owners have obtained a building permit to install a new septic system on their property and will be required to remove the existing system from the road allowance when the new system is installed. That is anticipated to take place this Spring.

Through this process it came to our attention that there is no existing encroachment agreement for the property. The owners are also looking to obtain a building permit for renovations to the existing cottage. Before a permit can be issued the municipality requires the owners enter an encroachment agreement.

The property owners have submitted an application as required by the Encroachment Policy, including a survey and paid the applicable fees.

It has been determined that the encroachment is major as defined in the policy. Therefore, staff have brought forward the request to enter an encroachment agreement for Council's consideration.

Consultation Overview:

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

Origin:

Owner request, they have requested a building permit for the existing cottage and require an encroachment agreement before a permit can be issued.

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: None

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Submitted by: Dwayne McNab, Manager of Development Services/CBO