

## Staff Report

---

**Report To:** City Council  
**Report From:** Kristen Van Alphen, Manager of Legislative Services  
**Meeting Date:** May 29, 2023  
**Report Code:** CR-23-051  
**Subject:** Encroachment Application – 1000 6th Street East

---

### Recommendations:

THAT in consideration of Staff Report CR-23-051 respecting an Encroachment Application for 1000 6<sup>th</sup> Street East, City Council directs staff to bring forward a by-law to execute a Limited Encroachment Agreement with the owners of the subject property for gate control and a chain link fence.

### Highlights:

- Application for existing gate control and chain link fence at 1000 6<sup>th</sup> Street East.
- The application stems from a road widening provided to the City as part of Site Plan Approval ST2018-007.
- A Limited Encroachment Agreement (which gives 6 months' notice of removal) is recommended.
- Staff have no objections and support the application.

### Strategic Plan Alignment:

This report supports the delivery of Core Service.

### Climate and Environmental Implications:

There are no anticipated climate or environmental impacts.

## **Previous Report/Authority:**

[Encroachment By-law](#)

## **Background:**

The City has received an encroachment application respecting a chain link fence and gate control at 1000 6<sup>th</sup> Street East. The application stems from a road widening required under Site Plan Approval ST2018-007. The road widening has resulted in the fence and gate control being located on City lands.

The subject property is located with frontage on 6<sup>th</sup> Street East, which is a County Road to 9<sup>th</sup> Avenue East and then becomes a Collector Road. The minimum width for a Collector Road as outlined in the Official Plan is 30 m.

Through the site plan approval process, it was noted that a 3 m road widening would be required and that an encroachment agreement would be necessary. Therefore, the application for encroachment of the existing features implements a condition required at the time of site plan approval.

The encroachment would not affect the integrity of the main building on the property and therefore, would be suitable for a Limited Encroachment Agreement. A Limited Encroachment Agreement, if approved, would allow the encroachments to remain indefinitely unless the City requests the removal at a future date. If the City does request removal, it would be on six (6) months' notice to the owner.

## **Analysis:**

Staff in Building, By-law Enforcement, Engineering, Fire, Parks and Open Space and Planning have provided comments on the application. Staff unanimously support the application; no divisions have concerns with respect to the encroachments.

## **Financial Implications:**

The applicant has paid an application fee and will be required to pay an agreement fee if the application is approved. The agreement fee will cover all costs to have the agreement registered on title to the property.

## **Communication Strategy:**

The applicant will be notified of the City's decision and, if approved, the agreement will be registered on title to the property.

## **Consultation:**

By-law Enforcement Officers; Chief Building Official; Fire Chief; Manager of Engineering Services; Manager of Parks & Open Space; and Manager of Planning & Heritage.

## **Attachments:**

1. Survey of property showing encroachment in yellow
2. Photos of gate control and chain link fence

## **Recommended by:**

Kristen Van Alphen, Manager of Legislative Services

Briana Bloomfield, City Clerk

Kate Allan, Director of Corporate Services

## **Submission approved by:**

Tim Simmonds, City Manager

For more information on this report, please contact Kristen Van Alphen, Manager of Legislative Services at [kvanalphen@owensound.ca](mailto:kvanalphen@owensound.ca) or 519-376-4440 ext. 1228.