



ADDENDUM
AGENDA ITEM
18
COMMITTEE OF ADJUSTMENT

memorandum

RECEIVED
May 14, 2014
Committee of Adjustment

DATE: May 14, 2014
TO: Committee of Adjustment
FROM: Todd Coles,
Manager of Development Services and
Secretary Treasurer to Committee of Adjustment
RE: **Encroachment Permit**
Minor Variance Application A059/14
Madan Mohan and Rekha Babbar
197 Morning Star Drive, Woodbridge

Background:

At the Committee of Adjustment meeting of May 1st, 2014, questions were raised by the Committee about the Encroachment Permit issued by the City relating to the driveway (the subject of the minor variance application). The purpose of this memo is to provide you with an explanation of the Encroachment Permit process.

Encroachment Permit:

Encroachment Permits are required for any encroachment on public property. The City's definition of encroachment includes any type of landscaping, vegetation, natural or man made objects or items which are located wholly or partially on public land, including any aerial surface or subsurface.

By-law 244-205 regulates encroachments on public lands and provides the rules around Encroachment Permits. The By-law also provides a list of situations where an Encroachment Permit is not required. The By-law states, in part:

- "c) Notwithstanding subsection 3(a) or 3(b), the provisions of this by-law do not apply to the following classes of Encroachments:
 - viii) Encroachment arising as a result of a Committee of Adjustment decision permitting the owner of residential premises to widen his or her driveway, provided a Curb Cut Application/ Permit from the City is also issued to the owner;"

Given this section of the by-law it has been determined that an Encroachment Permit is not required. The Development Planning Department has revised their comments to delete their condition that had requested the applicant apply for an Encroachment Permit. The applicant will also receive a refund of the Encroachment Permit Application Fee.