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**Date:** August 2, 2018  
**To:** Mayor and Council  
**Author:** Shaun Martinho, Manager of Public Works  
**RE:** Driveway Approach at 24 Myrtle St  
**Report No.:** MS-2018- 32

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## **AIM**

To provide council with information regarding the installation of a driveway approach at 24 Myrtle St. that exceeds the maximum width specified by Zoning By-law 2014-1 section 5.7.

## **BACKGROUND**

As identified by section 5.7 of Zoning By-law 2014-1 and section 4.1.5 of the Development Manual:

A driveway for a residential unit shall have a minimum width of 3.0 meters (10 ft.) and a maximum width of 7.3 meters (24 ft.).

At the end of June, we received an anonymous complaint that a resident on Myrtle St. hired a curb cutting company and widened the driveway approach to 12.2 m (40 ft.). An investigation was completed and it was discovered that this was a new residential development and that Municipal Services had recently released the indemnity deposit. In addition, the Site Plan approved by the Planning Department in December of 2016 indicated that this home would have a driveway with a maximum width of 7 meters. (See attached drawing).

The owner was notified of the infraction and he was instructed to discontinue construction of the eastern portion of his driveway within the Municipal Right-of-Way. A site meeting was requested, which I attended on June 22, 2018.

## **DISCUSSION**

The purpose of an Indemnity Release Inspection is to ensure that no public property is damaged during development and that builders adhere to the specifications within the

Development Manual. As part of the inspection, driveways are checked to ensure that the curb cut does not exceed 7.3 meters. Mr. Klassen completed the portion of his driveway in the municipal Right-of-Way and his indemnity deposit was released on November 14<sup>th</sup>, 2017. In June of 2018, Mr. Klassen hired a contractor and extend the curb cut to 12.2 m.

Mr.Klassen was made aware of the infraction prior to the completion of the extended portion of his driveway. He was informed that he would need to return the curb to its previous condition and restore any damage done to turf within the Right-of-Way. As a compromise, Mr.Klassen requested that he be able to complete the Eastern portion of his driveway with the condition that he would remove a section on the west side. This request seemed reasonable as it would better suit the design and layout of the home. Municipal Services instructed Mr. Klassen to move forward with construction of his driveway with the understanding that he would still have to meet the standards as specified within the development manual.

If Mr. Klassen desired a driveway wider than the maximum allowable width, he should have consulted the Planning Department to apply for a minor variance. In addition, the existing location of a curb cut may be adjusted so long as the end product meets the standards approved through site plan. On occasion residential builds in developed areas may not align with the existing curb cut at the road. Builders can cut a new approach as long as they remove and replace the existing curb to meet standards (see attached picture).

## **LINK TO STRATEGIC PLAN**

Effectively manage corporate resources and maximize performance in day-to-day operations.

## **FINANCIAL CONSIDERATIONS**

All costs associated with removing the driveway and repairing damage to the Right-of-Way will be the responsibility of Mr. Klassen and will not impact operations.

## **CONSULTATIONS**

Municipal Services Department  
Building Department

## **RECOMMENDATION**

That Mr. Klassen be responsible to restore the Right-of-Way to meet the standards specified within the Development Manual, Zoning By-law 2014-1 section 5.7, and the Site Plan approved for 24 Myrtle St.

*Shaun Martinho*

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