



Residential Driveway Side Yard Drainage Easement Encroachment Policy

Driveway encroachments into a drainage easement will be considered provided there is sufficient justification for hardship on the lot. Encroachments will be evaluated on a case by case basis. Items under consideration for hardship will include, but not be limited to:

- Ability to build a smaller home on the lot.
- Ability to shift the structure to the rear setback line in order to construct a home with a front-load garage.
- Ability to flip the structure to construct the driveway on the other side of the lot.
- Ability to shift the structure to the side setback line on the non-driveway side, in order to eliminate or reduce the encroachment.

If sufficient justification is provided, a variance can be issued. Efforts will need to be made to reduce the encroachment. The variance would need to be recorded to run with the land. It will include language stating that the property owner will be solely responsible for repairing – and costs associated with repairing – any driveway damage as a result of repairs/maintenance on the existing storm sewer pipe located in the easement. As well, the owner will be responsible for repairs to the driveway should cracking occur due to differential compaction/settlement of the storm pipe/structure fill. Recording the variance will help ensure that current and future property owners will be made aware this.