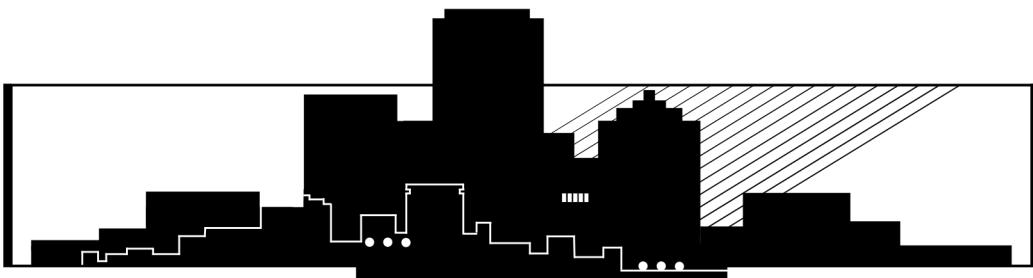


**Addendum No. 1
Hearing No. 5.2 –
2013 Amherst Heights Drive
File No. A-041/2025**

**Committee of Adjustment
Hybrid Meeting
October 8, 2025
5:30 pm**

AGENDA



Site Planning:

Planning staff have prepared this addendum in support of a reduced variance to permit a driveway widening at 2013 Amherst Heights Drive to enable the application to proceed at the October 8 Committee of Adjustment hearing without the need for a deferral. The applicant has revised their site plan to increase the amount of soft landscaping in the front yard after holding discussions with staff. Burlington Hydro has also submitted updated information, which addresses a concern in the report. The proposed revised variance is as follows:

1. To permit the combined width of all hard surfaces to be **6.9 m** instead of the maximum permitted 4.5 m to expand an existing driveway and walkway.

Note: the variance formerly requested a combined width of all hard surfaces of 7.2m.

Reduced Driveway Widening and Discussions with staff:

On September 29, 2025 planning staff met with the property owners, who provided the following background information:

- An existing drainpipe designed to divert stormwater from the head of the reverse slope driveway to the storm sewer has collapsed, and would cost over \$70,000 to repair
- Regrading the driveway is significantly less costly than rebuilding the drainpipe (\$14,000 vs \$70,000) and is a more cost-effective permanent solution
- During every rain event, the driveway floods and the owners must place a temporary sump pump at the low point of the driveway to discharge water across the sidewalk and onto the road
- The variance to permit a driveway widening is urgently needed to resolve the existing parking deficiency, to enable the applicant to move ahead with building permits to facilitate regrading and a permanent solution to the flooding

During the meeting, planning staff shared concerns about the magnitude of the requested variance and the elimination of almost all soft landscaping from the front yard, and discussed the applicant's options, including deferral to revise the variance to request permission for a parking shortfall, or a revision to the front yard plan to eliminate a portion of the walkway to increase the amount of landscaping in the front yard. For a variety of reasons, including the urgency of the flooding issue, the applicant preferred not to request a variance to reduce on-site parking.

The owners are now proposing to reduce the width of the driveway to 5.5 metres at the property line, or only the width of two parking spaces by eliminating the portion of the proposed walkway between the walkway landing and the property line. The revised plan reduces the hard surface width to 72% of the lot for most of the driveway depth whereas

60% (4.5m) is permitted. Landscaped open space area beside the driveway has been expanded to over 2 metres. This is a significant increase in landscaping from the 5% front yard landscaping originally proposed to 28%. Although most of the driveway has been reduced in width to 5.5 metres, the walkway landing is being counted as part of the driveway width, which technically increases the requested variance to 6.9 metres.

In planning staff's opinion, the reduction in driveway width at the property line and preservation of landscaping in the front yard balances the applicant's need to re-grade their driveway and their desire for more parking with Official Plan policies cited in the report, including the following:

- the preservation and enhancement of on-site trees and vegetation will be encouraged in order to assist in maintaining the character of the surrounding neighbourhood." (OP, 2020, 8.3.2 (d));
- ensure that the design of the built environment preserves, enhances and connects natural features and landscapes" (OP, 1997, Part II Section 6.2)
- the location, amount, position and design of parking areas shall be reviewed to minimize the potential to erode the qualities of the public streetscape, and to lessen their visual impact." (OP, 1997, Part II, Section 6.5 g)

In evaluating the impact of the driveway on the prevailing "qualities of the public streetscape" consistent with policy 6.5(g) above, it was significant to staff that the proposed two-car driveway will be consistent with the front yards of many other properties on the street:

- Eight of the 12 properties on the west side of Amherst Heights Drive between 2001 and 2023 Amherst Heights Drive have driveways wide enough to accommodate two parking spaces side-by-side;
- Six of the 11 properties on the east side of Amherst Heights Drive between 2000 and 2020 Amherst Heights Drive have two-car driveways; and
- The house at 2011 Amherst Heights Drive is identical in design to the subject property and features a driveway that occupies 98-100% of the lot width. While there is no record of approval for this driveway, the curb cut corresponds to the width of the driveway and the neighbour reports that the widening occurred approximately 30 years ago, before there were zoning regulations limiting driveway widths. The applicant's proposed revised driveway width will enable the owners to provide 28% more landscaping than this direct neighbour.

In addition to the above, staff note that the narrower driveway is only 1-metre in excess of the Zoning By-law standard for most of its length, and that a variance of 6.9 metres is only needed to permit the proposed walkway landing.

Burlington Hydro Concern:

On page 7 of the staff report (page 132/152 of the agenda package), under the test #2- "Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Zoning By-law?" staff noted the following:

"...a below-grade distribution vault is currently encroaching into the side of the existing driveway on the public side. If the additional surface parking was

approved, it may restrict any future replacement of the submersible vault with a padmounted transformer. Consideration should be given to potential vehicular maneuverability and any required clearances to the transformer. Planning staff did reach out to Burlington Hydro directly via email on September 3rd but at the time of this report, did not receive confirmation.”

On September 29, 2025 Burlington Hydro staff confirmed via a letter that the proposed widening “does not conflict with the existing submersible transformer or the underground primary cable in front of the property line, if no construction occurs on the existing sidewalk or around (3m setback) the existing submersible transformer in the boulevard”. Based on the letter, planning staff are no longer concerned about a possible conflict between the driveway widening and the transformer.

Revised Recommendation with Condition

Staff have reviewed the proposed variance in accordance with the policies of the Official Plan and the requirements of the Zoning By-law and support the revised variance, conditional on the following:

- That the applicant update the site plan to show a 5.5-metre-wide driveway at the property line and an adjacent walkway landing at the base of the porch stairs measuring a maximum of 1.4 metres wide by 1.5 metres in depth, to the satisfaction of the Director of Planning

Date: October 6, 2025

Prepared By: Magda Rusin-Hynek