

## **Appeal - Driveway Widening - 22 Elmsthorpe Avenue (North Toronto)**

*(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)*

**The Toronto Community Council recommends that the request for driveway widening for two vehicles at 22 Elmsthorpe Avenue, within the limits of the private driveway, and one vehicle parking adjacent to the driveway, be approved subject to:**

- (a) the applicant modifying the existing paving area to provide the 2.4 m clearance from the City owned tree;**
- (b) the parking area being paved with semi-permeable paving materials, i.e., ecostone pavers or approved and equivalent permeable paving treatment acceptable to the Commissioner of Works and Emergency Services;**
- (c) the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code Chapter 248, Parking Licences, of the former City of Toronto Municipal Code;**
- (d) the applicant planting a tree on the property to the satisfaction of the Commissioner of Economic Development, Culture and Tourism.**

**The Toronto Community Council submits the following report (November 16, 1999) from the Right of Way Management, Transportation Services, District 1:**

Purpose:

To report on a request for an exemption from Municipal Code Chapter 248, Parking Licences, of the former City of Toronto Municipal Code, to permit driveway widening for two vehicles at 22 Elmsthorpe Avenue, which does not meet the requirements of the Code. As this is an appeal, it is scheduled as a deputation item.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendation:

It is recommended that:

- (1) City Council deny the request for an exemption from the by-law to permit driveway widening for two vehicles at 22 Elmsthorpe Avenue, as such a request does not comply with Chapter 248 of the former City of Toronto Municipal Code;**

**OR**

- (2) City Council approve the request for driveway widening for one vehicle at 22 Elmsthorpe Avenue, within the limits of the private driveway, subject to:
- (a) the applicant removing all existing paving adjacent to the private driveway and restoring the area to soft landscaping, i.e., planting area or sod;
  - (b) the maximum area to be paved not to exceed 2.6 m wide by 5.9 m long;
  - (c) the parking area being paved with semi-permeable paving materials, i.e. ecostone pavers or approved and equivalent permeable paving treatment acceptable to the Commissioner of Works and Emergency Services; and
  - (d) the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code Chapter 248, Parking Licences, of the former City of Toronto Municipal Code.

OR

- (3) City Council approve the request for driveway widening for two vehicles at 22 Elmsthorpe Avenue, within the limits of the private driveway, and one vehicle parking adjacent to the driveway, subject to:
- (a) the applicant modifying the existing paving area to provide the 2.4 m clearance from the City owned tree;
  - (b) the parking area being paved with semi-permeable paving materials, i.e., ecostone pavers or approved and equivalent permeable paving treatment acceptable to the Commissioner of Works and Emergency Services; and
  - (c) the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code Chapter 248, Parking Licences, of the former City of Toronto Municipal Code.

Background:

Councillor Anne Johnston, in her communication of September 27, 1999, together with a communication dated August 31, 1999 from Ms. Heidi Brooks, owner of 22 Elmsthorpe Avenue, Toronto, Ontario M5P 2L6, requested me to report on an exemption from the by-law, to permit driveway widening for two vehicles.

Comments:

The property owners began work on the front of the property to repave the existing private driveway and install a parking space adjacent to the driveway. A stop work order was issued, as the work was being carried out without prior approval from the Department.

The property has a 2.4 m wide private driveway, which leads to the rear of the property. The driveway is approximately 13 m long from the curb to the front wall and can accommodate parking for 2 vehicles within the limits of the driveway fronting the house, as well as an additional vehicle in the rear. I note, however, that the former City of Toronto Zoning By-law No. 438-86, does not permit parking in front of houses other than for casual use, i.e., loading/unloading or as authorized by the Driveway Widening and Front Yard Parking By-laws.

Driveway widening is currently governed by the criteria set out in Chapter 248 of the former City of Toronto Municipal Code. The current criteria of the Code:

- (a) permits the widening of the private driveway to a maximum width of 2.6 m, as measured from the property line;
- (b) limits the number of licensed parking space in the front yard to one;
- (c) requires that the new requirements of the former City of Toronto Municipal Code Chapter 331, Trees, are complied with; and
- (d) requires that the parking area be paved using semi-permeable materials, i.e. ecostone pavers or approved and equivalent permeable paving treatment acceptable to the Commissioner of Works and Emergency Services.

As the driveway is less than 2.6 m in width, it can be widened to a maximum width of 2.6 m to accommodate one vehicle within the confines of the private driveway.

The owners are requesting a parking space adjacent to the private driveway, in order to accommodate the three vehicles in the household. In effect they are requesting parking for two vehicles fronting the property.

The proposal does not comply with the requirements of the Municipal Code because:

- (1) the proposal is for two vehicles; and
- (2) the excavated area is within 1.5 m of a 70 cm diameter City owned tree (Code requires no paving within 2.4 m of the base of the tree).

However, the property does meet the other physical requirements of the Municipal Code, (i.e., landscaping requirements). An application has not yet been submitted to this Department for the licensing of the boulevard.

Conclusions:

The proposal meets the criteria of the Code for the widening of the driveway to 2.6 m and the parking of one vehicle within the limits of the driveway. The Code, however, does not permit the parking of two vehicles and excavation within 2.4 m of the base of a mature tree, and it is recommended that this request be denied.

Contact:

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