Humberwood Community (Topbank Drive enclave) - Driveway Widenings

<table>
<thead>
<tr>
<th>Date:</th>
<th>January 04, 2013</th>
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<tbody>
<tr>
<td>To:</td>
<td>Etobicoke York Community Council</td>
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<tr>
<td>From:</td>
<td>Curtis Sealock, District Manager, Municipal Licensing and Standards</td>
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<tr>
<td>Wards:</td>
<td>Ward 2 – Etobicoke North</td>
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<td>Reference Number:</td>
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**SUMMARY**

At its meeting on October 10, 2012, the Etobicoke York Community Council requested the District Manager, Municipal Licensing and Standards, in consultation with other appropriate City staff, to report to the January 22, 2013 meeting of the Community Council, on the status of the properties cited for driveway widening-related infractions in the Humberwood Community of Ward 2, and report on the options to grandfather the affected properties.

Further, the Etobicoke York Community Council directed the District Manager, Municipal Licensing and Standards, Etobicoke York District, to grant a further extension of time to comply to all the affected property owners cited for zoning and/or property standards infractions related to driveway widenings in the Humberwood Community of Ward 2 until the January 22, 2013 meeting of the Etobicoke York Community Council.

**RECOMMENDATIONS**

Consistent with the Etobicoke York Community Council's direction, it is recommended that the appropriate City staff be directed to:
1. Prepare a draft By-law Amendment to address the driveway widening, associated landscape and other non compliance issues in the Humberwood Community so that these existing conditions can be made lawful.

2. Give Notice for a Public meeting under the Planning Act at Community Council in accordance with the regulations under the Planning Act, at the earliest possible date.

FINANCIAL IMPACT

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

DECISION HISTORY

At its meeting on October 10, 2012, the Etobicoke York Community Council gave consideration to item EY19.40 that resulted from a Notice of Motion introduced by Ward 2 Councillor, Doug Ford.

The Etobicoke York Community Council heard the matter and directed the District Manager, Municipal Licensing and Standards, Etobicoke York District, in consultation with other appropriate City staff, to report to the January 22, 2013 meeting of the Community Council, on the status of the properties cited for driveway widening-related infractions in the Humberwood Community of Ward 2, and report on the options to grandfather the affected properties.

Further, the Etobicoke York Community Council directed the District Manager, Municipal Licensing and Standards, Etobicoke York District, to grant a further extension of time to comply to all the affected property owners cited for zoning and/or property standards infractions related to driveway widenings in the Humberwood Community of Ward 2 until the January 22, 2013 meeting of the Etobicoke York Community Council.


ISSUE BACKGROUND

In the fall of 2011, all the residences on Topbank Drive in Ward 2 and additional residences on streets in the Topbank Drive enclave were the subject of complaints for suspected violations relating to the widening of driveways. The area in question is bounded by Highway 427 to the west, The Humberline Park and Ravine to the north, Humberwood Boulevard to the east and Morningstar Drive to the south. (Attachment 1)

Staff of Municipal Licensing and Standards conducted investigations of each of the addresses and issued Notices or Orders for infractions that included driveways exceeding maximum permitted widths, front yard soft and hard landscaping requirements and the lack of delineations between driveways and walkways (Attachment 3).
The investigations were commenced in the fall of 2011 and resulted in staff identifying 58 violations that required the issuance of Orders or Notices. The final tally of the investigations in the Topbank enclave was as follows:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>No. of Properties Investigated</th>
<th>Total</th>
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<tbody>
<tr>
<td></td>
<td>Order/NOV Issued</td>
<td>Order/NOV Not Issued</td>
</tr>
<tr>
<td>Topbank Dr.</td>
<td>45</td>
<td>10</td>
</tr>
<tr>
<td>Hullen Cres.</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Arborview Cres.</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Pinecone Drive</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Upper Humber Dr.</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>58</td>
<td>23</td>
</tr>
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As a result of the concerns raised from some property owners, community meetings were convened by the Mayor and the Ward 2 Councillor on September 30 and November 18, 2011. These meetings provided the opportunity for City staff to respond to concerns that were raised by the affected property owners. It also allowed City staff to provide clarification on the options that were available for compliance. Apart from making alterations to the driveways in order to comply voluntarily, the property owners were advised of the process to seek relief from the Zoning By-law by applying individually to the Committee of Adjustment.

In consideration of the challenges faced by several owners, to prepare and submit applications to the Committee of Adjustment and the time needed for any potential appeals to the Ontario Municipal Board, Municipal Licensing and Standards Division agreed to a one-time extension period from the date of issue of the Notices of Violation and/or Orders. This was communicated to the affected owners by way of written correspondence dated December 1, 2011 (Attachment 2).

During the period of the one-year extension granted to the property owners, ML&S staff confirmed there were no applications filed with the Committee of Adjustment regarding this matter. Follow up investigations confirmed that although some property owners complied voluntarily, the owners of 32 properties have not taken any action to resolve the issues for which violations were cited.

On October 17, 2012 a community meeting was convened by the Ward Councillor to meet with the property owners along with City Staff from Municipal Licensing and Standards, City Planning and Transportation Services Divisions.

Having heard all of the submissions from the community and staff, the Ward Councillor requested a status report on the Humberwood Community driveway widening issue(s), options to “grandfather” the affected properties and a further extension of the grace period for the remaining property owners to allow for the report to be filed for consideration at the Etobicoke York Community Council.
COMMENTS

Staff have reviewed the concerns raised by the residents of the community and the problems that would result from the approval of an amending by-law that would make the remaining by-law violations lawful. Staff have concluded that options presented to the property owners in each of the community meetings are still available in the circumstances. These options are as follows:

1. Undertake the physical changes to comply with all outstanding municipal regulations, or

2. Seek relief from the Zoning By-law infractions by applying to the Committee of Adjustment for a minor variance.

However, these options will not necessarily "grandfather" existing properties that are in non compliance. Given the direction to report on the driveway widening issue in the Humberwood Community, with a view to "grandfathering" the affected properties with respect to zoning issues as set out in the motion adopted by the Etobicoke York Community Council, a By-law amendment will be required. Accordingly, further direction to prepare a Zoning By-law amendment and to hold a public meeting on the amending By-law is needed.

With respect to the granting of a further time extension to comply, for all the affected property owners cited for zoning and property standards infractions related to driveway widenings in the Humberwood Community, until the January 22, 2013 meeting of the Etobicoke York Community Council, the Municipal Licensing and Standards Division has not taken any further action in this regard.

CONTACTS

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City Planning
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SIGNATURE

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Curtis Sealock, Etobicoke York District Manager
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: Ward 2 Site Map
Attachment 2: Letter to Topbank Drive Residents dated December 01, 2011
Attachment 3: Examples of Widened Driveways on Topbank Drive
Attachment 1 – Ward 2 Site Map
To:      Property Owners of Topbank Drive and Hullen Crescent, Ward 2

Date:    December 01, 2011

From:    Italo Joe Luzi, District Supervisor, Municipal Licensing and Standards Division

Re:      Municipal By-law infractions Involving the Widening of Driveways

Property owners in your community have recently received Notices of Violation and/or Orders to Comply in connection with municipal by-law infractions relating to the unauthorized widening of driveways. These Notices and Orders were issued in response to complaints received by our Division.

On September 30 and November 18, 2011, Mayor Rob Ford and Ward 2 Councillor Doug Ford convened community meetings with the home owners in your community to discuss the particulars of the violations and the options available for compliance.

As a result of those community meetings, the affected property owners were advised that they must either comply voluntarily or seek relief from the zoning by-law by filing an application with the Committee of Adjustment for a minor variance. The Committee of Adjustment process could take several months to complete and any property owner choosing this compliance option is advised to apply as soon as possible so that the hearing process can be completed in 2012. This will give property owners time to bring their properties into full compliance with the Etobicoke Zoning By-law.

In consideration of these challenges and the information exchanged at the above-captioned meetings, the Municipal Licensing and Standards Division has agreed to a one-time compliance time extension period of one year from the date of issue of your respective Notice of Violation and/or Order. This extension requires that your property be brought into total compliance no later than one year from the date of your Notice of Violation and/or Order. Failing to do so could result in re-inspection fees being levied and possible legal action commenced. It is anticipated that this extension period will give each property owner ample time to either seek relief from the zoning by-law and/or comply voluntarily by making the required landscaping changes to their front yards.

If you have any questions, please do not hesitate to contact me directly at 416 394-8575.

Respectfully,

Italo Joe Luzi, Etobicoke York District Supervisor
Municipal Licensing and Standards Division

c.c. Rob Ford, Mayor, City of Toronto
    Doug Ford, Councillor, Ward 2 - Etobicoke North
    Lance Cumberbatch, Director Investigation Services

Attachment 2 – Letter to Topbank Drive Residents dated December 01, 2011
Photo #1 – 10 Topbank Drive

Photo #2 – 16 Topbank Drive

Attachment 3 – Random Sampling of Widened Driveways on Topbank Drive