

Homes on Weston Road Between Wilson Avenue and Bradstock Road

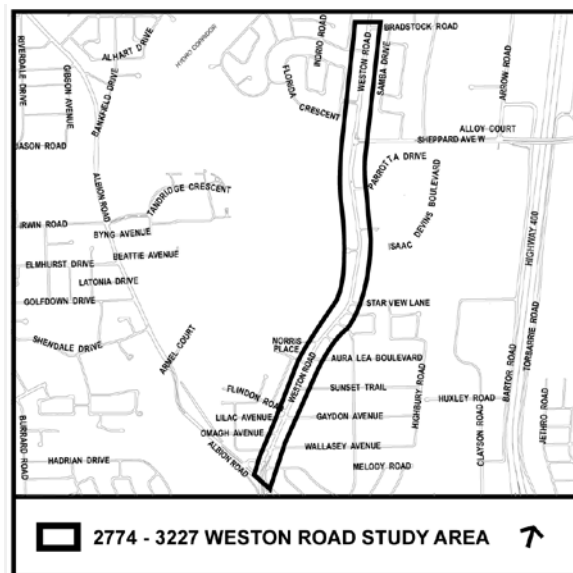
Date:	January 7, 2016
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 7 – York West
Reference Number:	15 195279 WPS 00 TM

SUMMARY

At its meeting on June 16, 2015, Etobicoke York Community Council requested that Municipal Licensing and Standards staff grant homeowners on Weston Road, between Wilson Avenue and Bradstock Road who had been issued Notices of Violation, an extension beyond 30 days to comply with the Zoning By-law. Etobicoke York Community Council also requested that City Planning and Municipal Licensing and Standards staff prepare a report for consideration at the September 8, 2015 meeting of the Etobicoke York Community Council, with a view of either exempting the homeowners or amending the Zoning By-law in order to bring the driveways into compliance.

At its meeting on October 6, 2015, Etobicoke York Community Council deferred consideration of this Item until its January 19, 2016 meeting.

This report describes the Zoning By-law performance standards related to driveways and front yard landscaping and provides information with respect to the Notices of Violation that have been issued for certain homeowners on Weston Road between Wilson Avenue and Bradstock Road.



RECOMMENDATIONS

Should City Council wish to permit the existing front yard conditions to remain on those properties with outstanding Notices of Violation, the City Planning Division recommends that:

1. City Council direct City Planning staff to bring forward the following Zoning By-law Amendments to a Public Meeting under the *Planning Act* to be held at the April 4, 2016 meeting of the Etobicoke York Community Council:
 - a. Amend former City of North York Zoning By-law No. 7625, Section 6 to permit increased driveway widths for all properties with outstanding Notices of Violation on Weston Road between Wilson Avenue and Bradstock Road;
 - b. Amend former City of North York Zoning By-law No. 7625, Sections 7 and 15 to permit decreased front yard landscaping for all properties with outstanding Notices of Violation on Weston Road between Wilson Avenue and Bradstock Road;
 - c. Amend City-wide Zoning By-law No. 569-2013, Chapter 10.5 to permit increased driveway widths for all properties with outstanding Notices of Violation on Weston Road between Wilson Avenue and Bradstock Road; and
 - d. Amend City-wide Zoning By-law No. 569-2013, Chapter 10.5 to permit decreased front yard landscaping for all properties with outstanding Notices of Violation on Weston Road between Wilson Avenue and Bradstock Road.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on June 16, 2015, Etobicoke York Community Council requested:

- Municipal Licensing and Standards staff to grant the homeowners on Weston Road, between Wilson Avenue and Bradstock Road, an extension beyond 30 days to comply with the By-law in order to allow for a staff report on this issue from City Planning, in consultation with Municipal Licensing and Standards, to be brought to the September 2015 meeting of the Etobicoke York Community Council, with a view of either exempting the homeowners or amending the Zoning By-law in order to bring the driveways into compliance.

Community Council's decision can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY7.52>

At its meeting on October 6, 2015, Etobicoke York Community Council deferred consideration of this Item until its meeting on January 19, 2016. This decision can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY9.32>

ISSUE BACKGROUND

Thirty-five homeowners on Weston Road, between Wilson Avenue and Bradstock Road, have been issued Notices of Violation by Municipal Licensing and Standards staff for driveways that were widened beyond what is permitted in the Zoning By-law without the necessary approvals. The properties where these driveways were widened are also deficient in front yard landscaping to varying degrees.

Only single and semi-detached dwellings with driveways accessed from Weston Road are affected by the Notices of Violation. The apartment buildings and mixed use sites along this part of Weston Road are not included. Since the Notices of Violation were issued, one homeowner has complied and there are now 34 outstanding Notices of Violation.

It is evident that some of the widened driveways have existed for a significant period of time, whereas other driveways appear to have been widened more recently.

COMMENTS

Zoning

The subject properties are subject to both former City of North York Zoning By-law No. 7625 and City-wide Zoning By-law No. 569-2013. Several residential categories apply under former City of North York Zoning By-law No. 7625, including: R2, R2(2), R3, R4, R4(24), R5 and RM2. Under City-wide Zoning By-law No. 569-2013 the subject properties are zoned: RD (f7.5; a205) (x661), RD (f9; a275) (x674), RD (f12; a460) (x664), RD (f15; a550) (x5), RD (f727; a1375), RD (a370) (x663), RD (x662), and RM (f18; a665; u2).

Under former City of North York Zoning By-law No. 7625, driveway width is regulated by Section 6 (General Provisions for All Zones) and the maximum width is based on lot frontage as follows:

- For lots with a frontage less than 6 metres, the driveway may have a maximum width of 2.6 metres.
- For lots with a frontage of 6 metres to 23 metres inclusive, the driveway may have a maximum width of 6 metres for its entire length, provided the front yard landscaping and front yard soft landscaping requirements of the By-law are met.

- For lots with a frontage greater than 23 metres, the driveway may have a maximum width of:
 - 9 metres where there are 3 or more side-by-side parking spaces behind the main front wall of the building; or
 - 6 metres where there are less than 3 side-by-side parking spaces; provided the front yard landscaping and front yard soft landscaping requirements of the By-law are met.

Front yard landscaping and front yard soft landscaping are regulated by Section 7 (General Provisions for One-Family Detached Dwelling Zones) and Section 15 (General Provisions for Multiple-Family Dwelling Zones). Both sections include the same regulations for one-family dwellings and multiple family dwellings:

- For lots with a frontage less than 6 metres, the front yard not covered by a permitted driveway must be maintained as landscaping.
- For lots with a frontage of 6 metres to less than 15 metres, a minimum of 50% of the front yard must be maintained as landscaping.
- For lots with a frontage of 15 metres and greater, a minimum of 60% of the front yard must be maintained as landscaping.

Landscaping is defined as "trees, shrubs, grass, flowers, vegetables, and other vegetation, decorative stonework, walkways, patios, screening, or other horticultural or landscape-architectural elements, or any combination of these. Landscaping does not include driveways or parking areas, and directly associated elements such as curbs or retaining walls".

With respect to soft landscaping, a minimum of 75% of the front yard not covered by a permitted driveway must be maintained as soft landscaping. Soft Landscaping is defined as "trees, shrubs, grass, flowers, vegetables, and other vegetation, but does not include hard surfaced areas such as but not limited to driveways, parking areas, decorative stonework, walkways, patios, screening, or other landscape-architectural elements".

Similarly, under City-wide Zoning By-law No. 569-2013, driveway width and front yard landscaping are regulated under Chapter 10.5 (Regulations Applying to the Residential Zone Category) and is based on lot width. Maximum driveway widths are as follows:

- For lots with a lot frontage less than 6.0 metres, or a townhouse dwelling unit less than 6.0 metres wide, the driveway may have a maximum width of 2.6 metres.
- For lots with a lot frontage of 6.0 metres to 23.0 metres inclusive, or a townhouse dwelling unit at least 6.0 metres wide, the driveway may have a maximum width

the lesser of:

- 6.0 metres;
 - the cumulative width of side-by-side parking spaces behind the front main wall, but not in the rear yard; or
 - the width of a single parking space behind the front main wall, but not in the rear yard; or
 - 2.6 metres if all parking spaces are in the rear yard.
- For lots with a lot frontage greater than 23.0 metres, the driveway may have a maximum width the lesser of:
- 9.0 metres;
 - the cumulative width of side-by-side parking spaces behind the front main wall if there is at least one parking space behind the front main wall but not in the rear yard; or
 - 2.6 metres if all parking spaces are in the rear yard.

With respect to front yard landscaping and front yard soft landscaping, in residential zones, the following regulations apply:

- For lots with a lot frontage less than 6.0 metres, or a townhouse dwelling unit less than 6.0 metres wide, the front yard, excluding a permitted driveway, must be landscaping.
- For lots with a lot frontage of 6.0 metres to less than 15.0 metres, or a townhouse dwelling unit at least 6.0 metres wide, a minimum of 50% of the front yard must be landscaping.
- For lots with a lot frontage of 15.0 metres or greater, a minimum of 60% of the front yard must be landscaping.
- A minimum of 75% of the above required front yard landscaping must be soft landscaping.

Combined, the Zoning By-law standards for driveway width, front yard landscaping and front yard soft landscaping are intended to provide front yard amenity space for residents, improve the appearance of the property from the public street and allow for stormwater infiltration on each lot to minimize the impacts of overland flow.

Notices of Violation

A Notice of Violation may be issued by Municipal Licensing and Standards staff if an inspection reveals that a municipal by-law is being contravened. For the subject properties, Notices of Violation were issued for contraventions to the former City of North York Zoning By-law No. 7625 with respect to driveway width and front yard landscaping. The Notices of Violation require that the owner of the property in question correct the violation(s) in order to bring the property into compliance. Homeowners have two options to correct the violation(s). Homeowners can either remove the widened portion of the driveway and reinstate required landscaping to bring the property into compliance with the existing Zoning By-law, or they can submit an application for Minor Variance to the Committee of Adjustment for relief from the Zoning By-law.

Community Consultation

City Planning staff attended a community consultation meeting arranged by the Ward Councillor on September 29, 2015 with the residents with outstanding Notices of Violation. Many of these residents indicated that their respective driveway configurations have not been modified since the houses were built. Others indicated that the driveways were in their present configuration when they purchased the home. None of the residents, however, could produce specific material documenting that the driveways have existed for some time.

Planning staff were provided with a building permit drawing (stamped as Application No. 81-2125) which shows that 14 of the houses with Notices of Violation were permitted to be constructed having a hammerhead on the driveway to turn vehicles around on the property (see Attachment 3). However, site visits conducted by both City Planning and Municipal Licensing and Standards staff indicate these driveways have been expanded beyond what is shown on this drawing.

Planning Issues

Zoning By-law performance standards regulating driveway width and front yard landscaping are intended to provide front yard amenity space for residents, improve the appearance of the property from the public street and allow for stormwater infiltration on each lot to minimize the impacts of overland flow.

Municipal Licensing and Standards staff conducted field analysis to determine the extent of the Zoning deficiencies for the 34 properties with outstanding Notices of Violation. Driveway widths vary from 9 metres to 17.9 metres, whereas widths of 6 to 9 metres are permitted, depending on lot frontage. Front yard landscaping varies from 0.2% to 55%, whereas 50% or 60% is required depending on lot frontage.

Planning staff have analyzed the Municipal Licensing and Standards staff work and while some of the variances associated with driveways that have been widened could be supported by staff, there are others that could not be supported by staff as they would not meet the intent of the Zoning By-law.

Conclusion

Should City Council wish to permit the existing front yard conditions to remain on these properties on Weston Road between Wilson Avenue and Bradstock Road with outstanding Notices of Violation, it is recommended that City Council direct Planning staff to bring forward the appropriate amendments to former City of North York Zoning By-law No. 7625 and City-Wide Zoning By-law No. 569-2013 to permit an increase in driveway width and a decrease in front yard landscaping for these properties.

CONTACT

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SIGNATURE

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Etobicoke York District

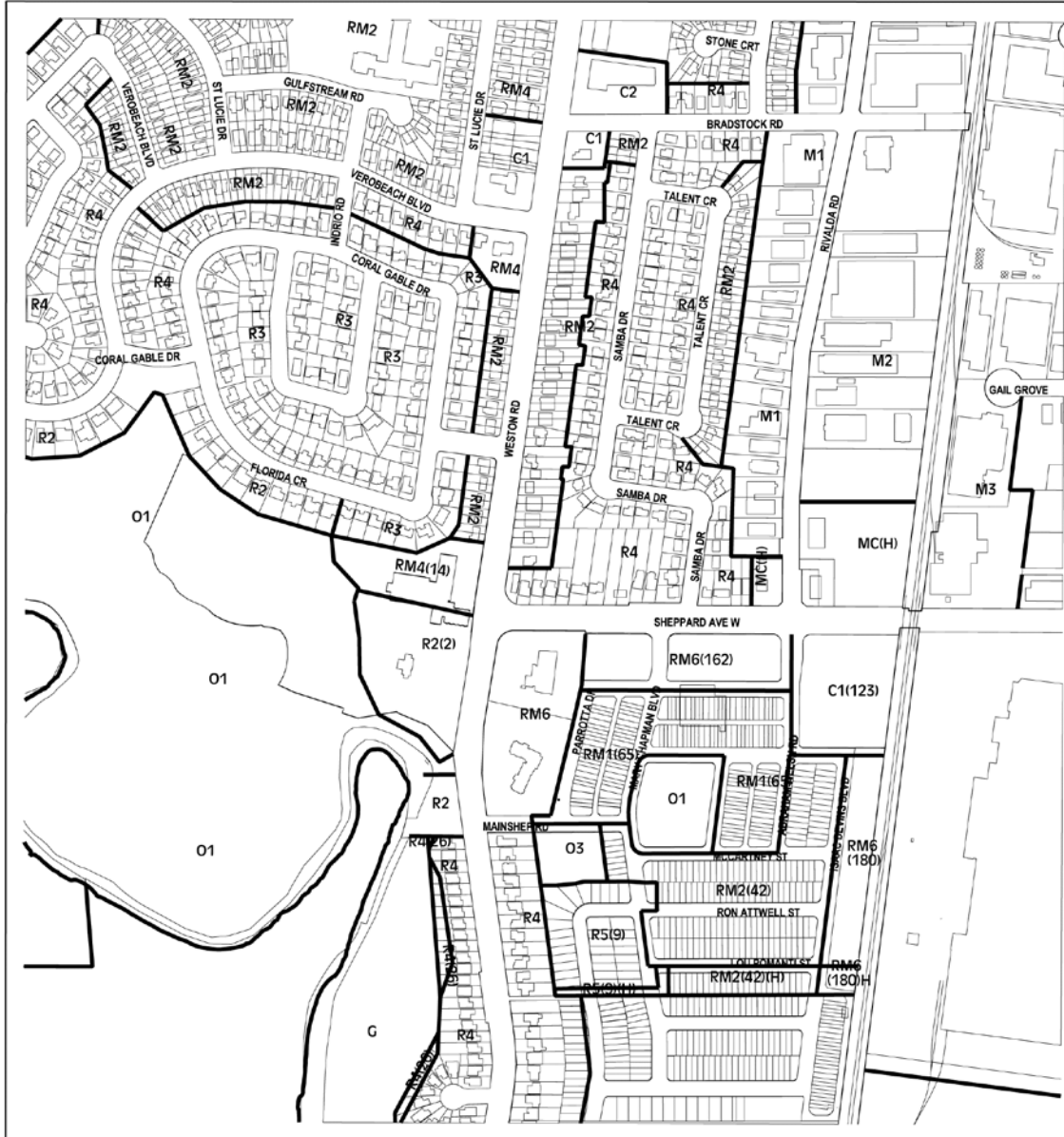
ATTACHMENTS

Attachment 1: Former City of North York Zoning By-law No. 7625

Attachment 2: City-Wide Zoning By-law No. 569-2013

Attachment 3: Building Permit Drawing Including Hammerhead Driveways

Attachment 1: Former City of North York Zoning By-law No. 7625



TORONTO City Planning
Zoning

2774 -3227 Weston Road Map 1

File # 15 195279 WPS 00 TM

- R1 One-Family Detached Dwelling First Density Zone
- R2 One-Family Detached Dwelling Second Density Zone
- R3 One-Family Detached Dwelling Third Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone
- R5 One-Family Detached Dwelling Fifth Density Zone

- R6 One-Family Detached Dwelling Sixth Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- G Greenbelt Zone

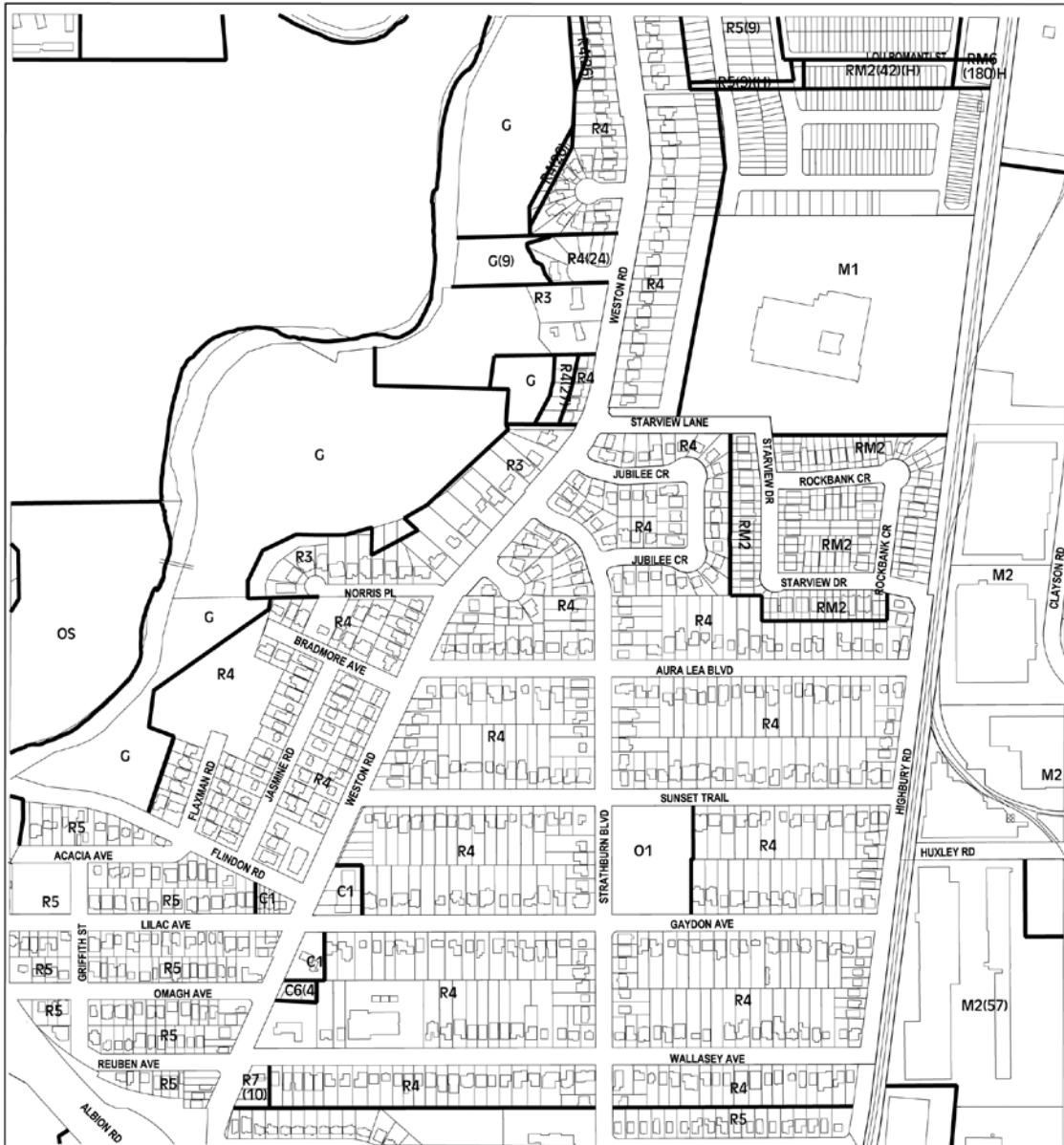
- M1 Industrial Zone One
- O1 Open Space Zone



Not to Scale

Zoning By-law 7625 as amended
Extracted 08/25/2015

Attachment 1: Former City of North York Zoning By-law No. 7625



2774 -3227 Weston Road Map 2

File # 15 195279 WPS 00 TM

- R1 One-Family Detached Dwelling First Density Zone
- R2 One-Family Detached Dwelling Second Density Zone
- R3 One-Family Detached Dwelling Third Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone
- R5 One-Family Detached Dwelling Fifth Density Zone

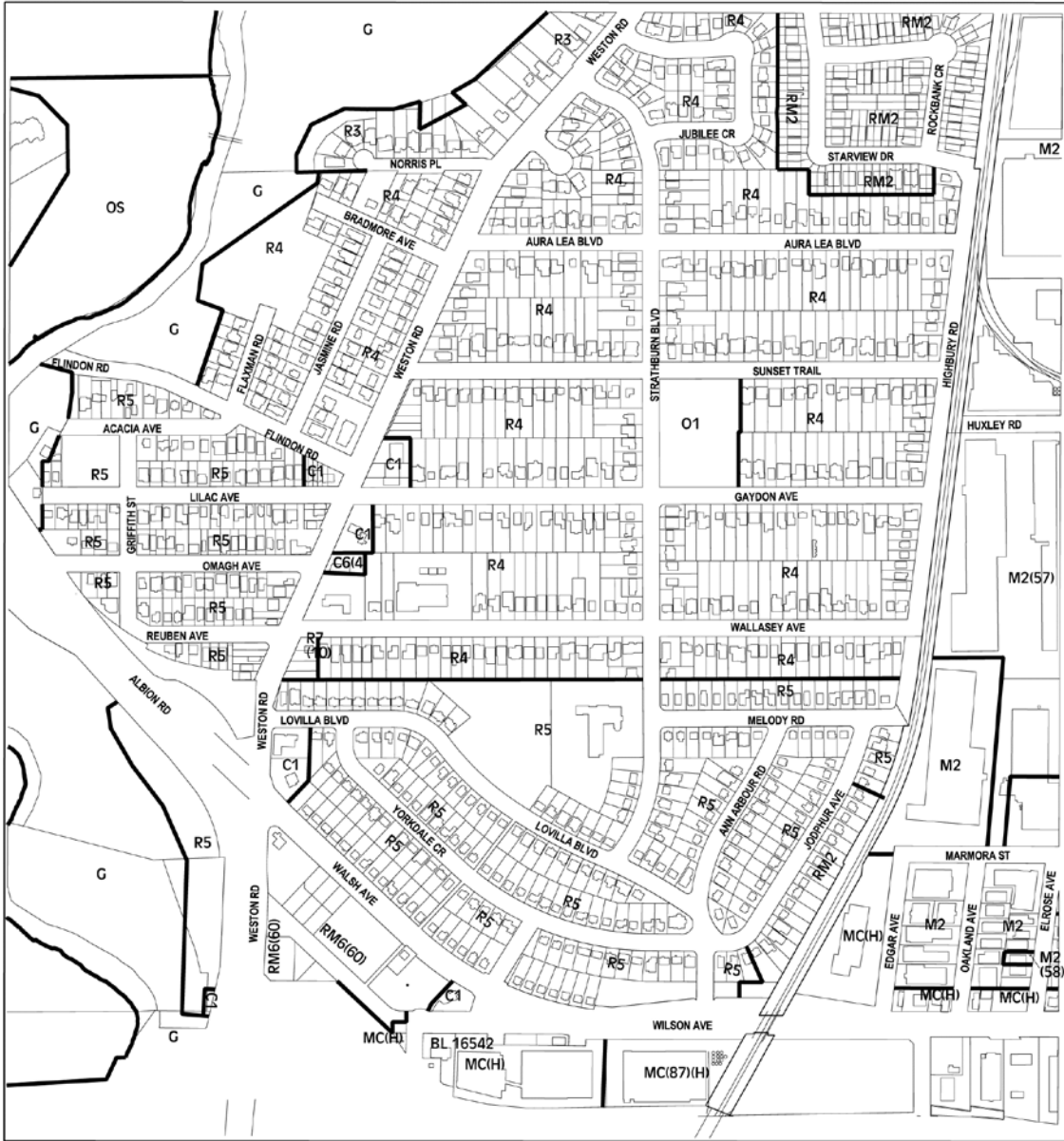
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- G Greenbelt Zone

- M1 Industrial Zone One
- O1 Open Space Zone



Not to Scale
Zoning By-law 7625 as amended
Extracted 08/25/2015

Attachment 1: Former City of North York Zoning By-law No. 7625



2774 -3227 Weston Road Map 3

File # 15 195279 WPS 00 TM

- R1 One-Family Detached Dwelling First Density Zone
- R2 One-Family Detached Dwelling Second Density Zone
- R3 One-Family Detached Dwelling Third Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone
- R5 One-Family Detached Dwelling Fifth Density Zone

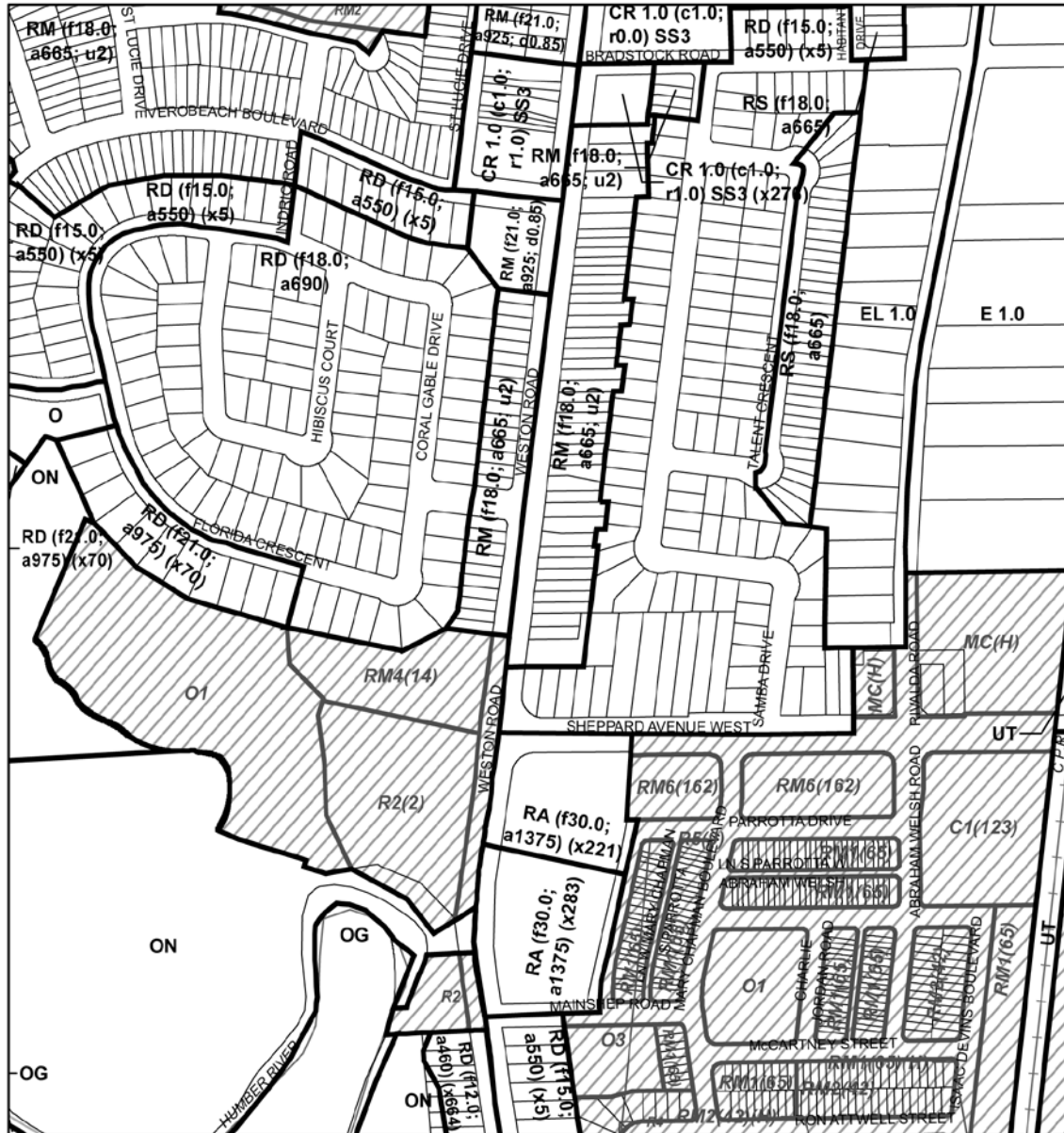
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- G Greenbelt Zone

- M1 Industrial Zone One
- O1 Open Space Zone



Not to Scale
Zoning By-law 7625 as amended
Extracted 08/25/2015

Attachment 2: City-Wide Zoning By-law No. 569-2013



Zoning By-Law No. 569-2013

2774 - 3227 Weston Road - Map 1

File # 15 195279 WPS 00 TM

RD Residential Detached
 RS Residential Semi-Detached
 RM Residential Multiple
 RA Residential Apartment
 CR Commercial Residential

EL Employment Light Industrial
 E Employment Industrial
 O Open Space
 ON Open Space Natural
 OG Open Space Golf Course
 UT Utility and Transportation



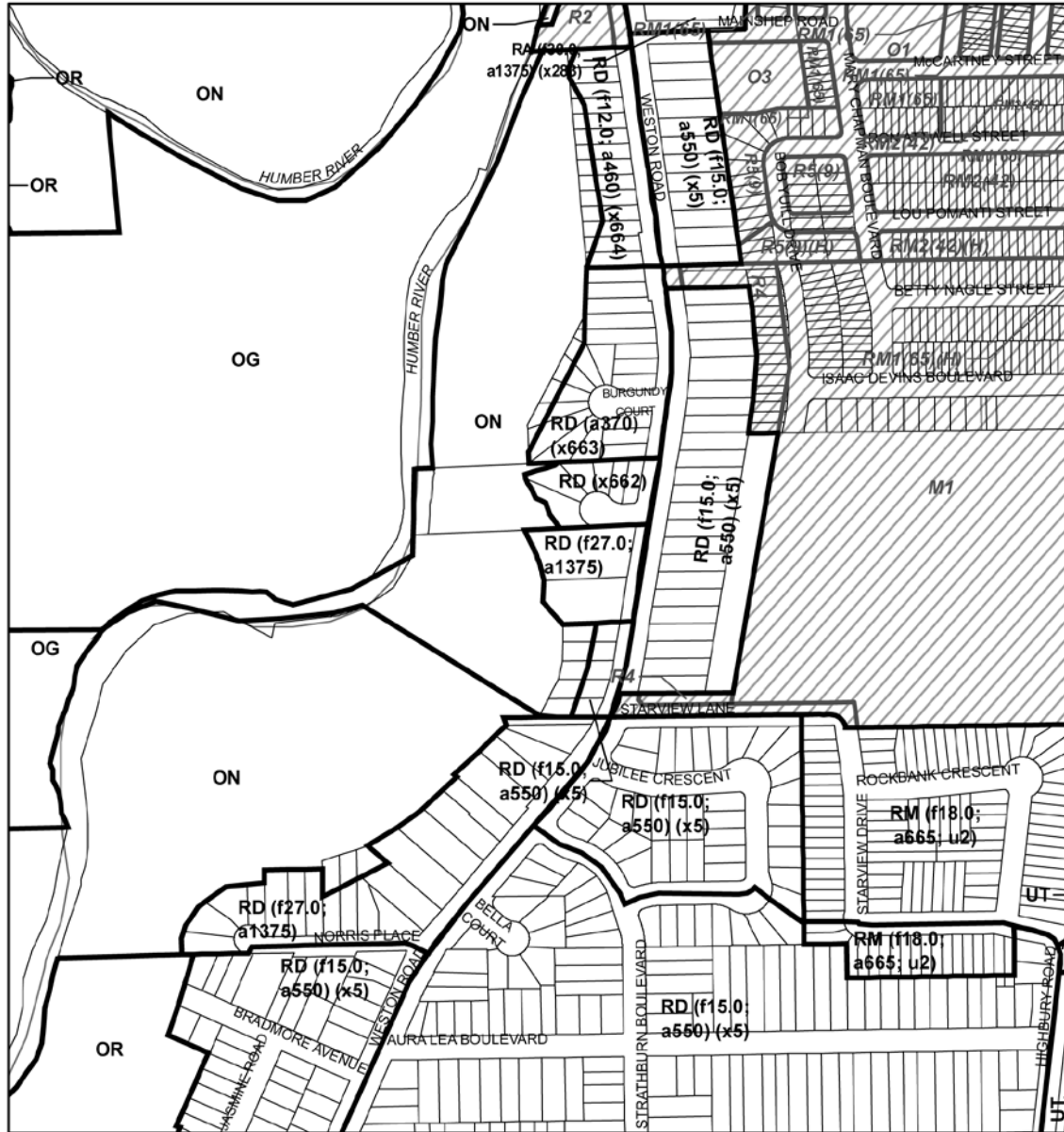
See Former City of North York By-Law No. 7625

R2 One-Family Detached Dwelling Second Density Zone
 R5 One-Family Detached Dwelling Fifth Density Zone
 RM1 Multiple-Family Dwellings First Density Zone
 RM2 Multiple-Family Dwellings Second Density Zone
 RM4 Multiple-Family Dwellings Fourth Density Zone
 RM6 Multiple-Family Dwellings Sixth Density Zone



Not to Scale
 Extracted: 08/04/2015

Attachment 2: City-Wide Zoning By-law No. 569-2013



Zoning By-Law No. 569-2013

2774 - 3227 Weston Road - Map 2

File # 15 195279 WPS 00 TM

RD Residential Detached	ON Open Space Natural
RM Residential Multiple	OR Open Space Recreation
RA Residential Apartment	OG Open Space Golf Course
	UT Utility and Transportation



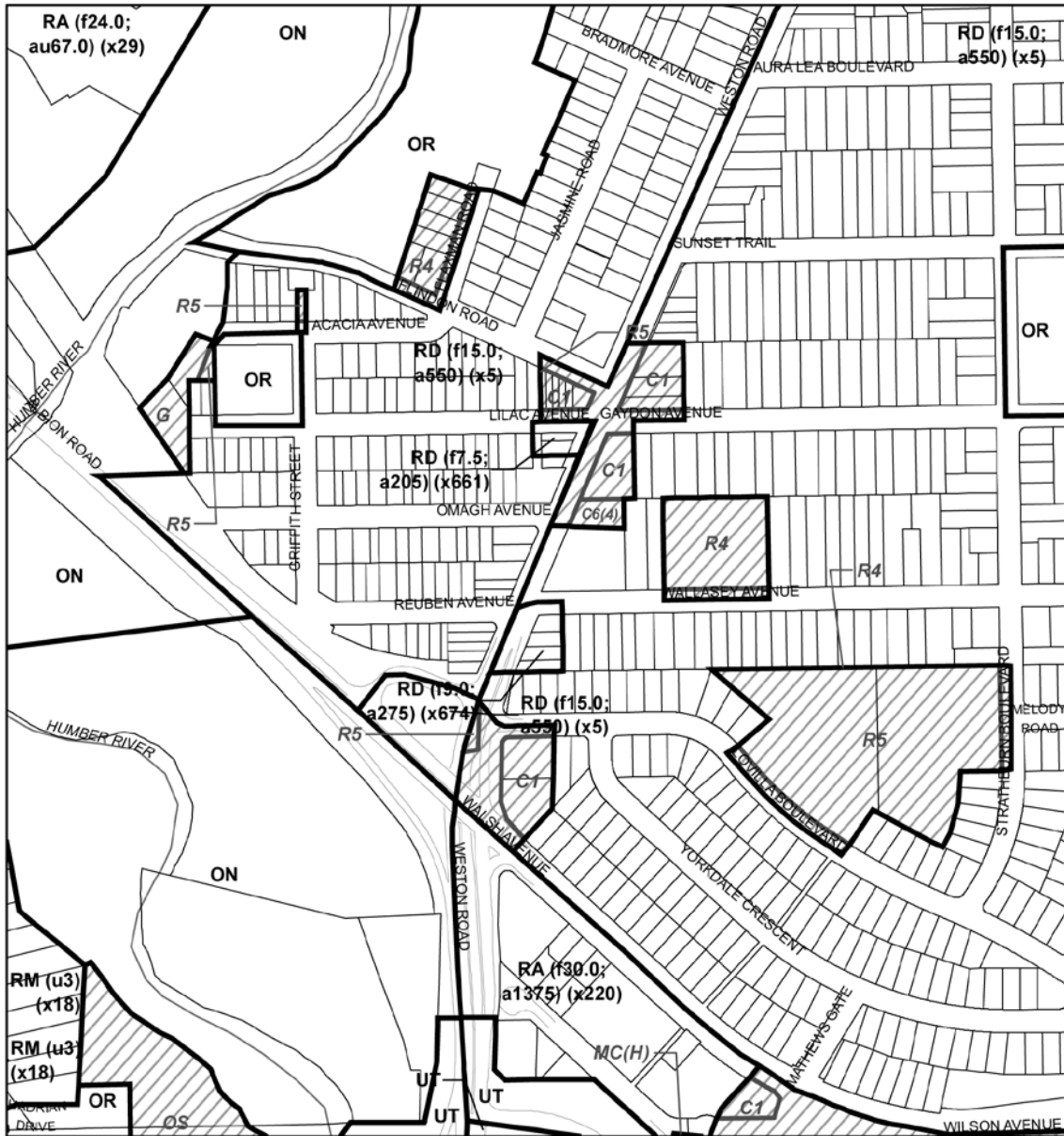
See Former City of North York By-Law No. 7625

R2	One-Family Detached Dwelling Second Density Zone
R4	One-Family Detached Dwelling Fourth Density Zone
R5	One-Family Detached Dwelling Fifth Density Zone
RM1	Multiple-Family Dwellings First Density Zone
RM2	Multiple-Family Dwellings Second Density Zone
M1	Industrial Zone One



Not to Scale
Extracted: 08/04/2015

Attachment 2: City-Wide Zoning By-law No. 569-2013



Zoning By-Law No. 569-2013

2774 - 3227 Weston Road - Map 3

File # 15 195279 WPS 00 TM

RD Residential Detached	ON Open Space Natural
RM Residential Multiple	OR Open Space Recreation
RA Residential Apartment	UT Utility and Transportation

See Former City of Etobicoke By-Law No. 11,737

OS Public Open Space
See Former City of North York By-Law No. 7625

R4 One-Family Detached Dwelling Fourth Density Zone

R5 One-Family Detached Dwelling Fifth Density Zone

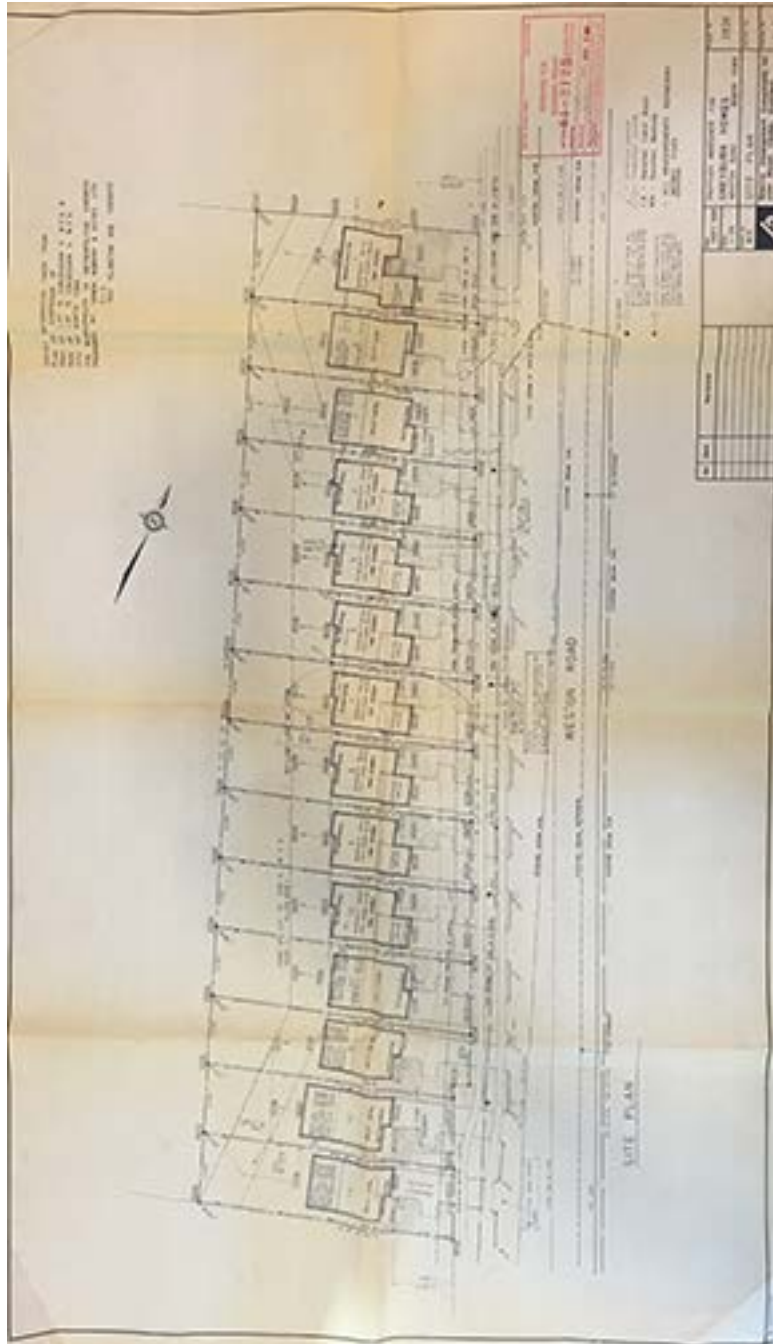
G Greenbelt Zone

C1 General Commercial Zone



Not to Scale
Extracted: 08/04/2015

Attachment 3: Building Permit Drawing Including Hammerhead Driveways



Attachment 3: Building Permit Drawing Including Hammerhead Driveways

