

Residential Access Appeal - 257 St. Germain Avenue

Date: February 1, 2019

To: North York Community Council

From: Director, Permits and Enforcement, North York District

Wards: Ward 8 - Eglinton-Lawrence

SUMMARY

This staff report is about a matter for which Community Council has delegated authority from City Council to make a final decision provided it is in keeping with City policy or by-laws.

Transportation Services is objecting to a proposed second residential access for 257 St. Germain Avenue at the rear of the premises off of Greer Road to access a new parking pad on private property that will be located between the residences and property lines of 255 St. Germain Avenue and 214 Greer Road.

The proposed second access does not comply with the City of Toronto Driveway Entrance Policy that was approved by City Council. This policy stipulates that a residence having a frontage that is less than 15.2 metres in width does not qualify for more than one driveway entrance. The frontage of 257 St. Germain Avenue is 7.6 metres wide and there is an existing access leading to the integral garage off of St. Germain Avenue.

In addition, the proposed 2.6 metre wide access between the extended property lines of the owners of 255 St. Germain Avenue and 214 Greer Road is narrow and would be difficult to navigate given the existing retaining wall at the City sidewalk which is adjacent to the proposed access, and the proposed 0.4 metre wide landscape strip.

Furthermore, 257 St. Germain Avenue is not a corner property, and therefore, a second residential access off of Greer Road should be denied for this residence.

The proposed second access does not comply with the City's Driveway Entrance Policy or the provisions of Chapter 743-42, Streets and Sidewalks, Use of, Article VII Clauses A and E. The owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

The Director, Permits and Enforcement, North York District, recommends that North York Community Council:

1. Refuse the request for a second access off of Greer Road at 257 St. Germain Avenue.

OR

2. Approve the request for a second access off of Greer Road at 257 St. Germain Avenue, subject to the following conditions:

- a) The property owner shall submit written confirmation from the affected property owners at 255 St. Germain Avenue and at 214 Greer Road indicating that they will not install a fence/retaining wall or other obstruction on private property adjacent to the parking pad as to do so will invalidate the parking pad requiring its removal and ramp removal from the public right of way at the owner's expense.
- b) The property owner shall assume responsibility and maintain adequate insurance acceptable to the City for any claims or damages related to the access being constructed within a restricted space adversely impacting on the turning radius particularly with regard to the existing retaining wall and proposed 0.4 metre wide landscape strip adjacent to the access fronting Greer Road.
- c) The property owner must agree to enter into an agreement registered on title to ensure that future property owners of 257 St. Germain Avenue will be advised and aware of the specific conditions of approval of the maintenance of the second access to the parking pad between the properties of 255 St. Germain Avenue and 214 Greer Road.
- d) The property owner must agree to any other conditions arising from the construction of the second access on the public right of way including payment for the traffic sign relocation to 255 St. Germain Avenue, payment for the ramp installation and ramp removal should the parking pad become obsolete or require removal for any other valid reason at a later date.

FINANCIAL IMPACT

As the proposed access is narrow and restricted due to its location between the property lines of the adjacent properties, a retaining wall back of the City sidewalk on the public right of way, and a proposed 0.4m wide landscape strip, the potential exists for claims regarding this access if approved.

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

A residential access application was received on December 29, 2016, from the agent of the property owners of 257 St. Germain Avenue, requesting permission to construct a second access off of Greer Road leading to a parking pad on private property that was approved by Toronto Building Division subject to the mandated minimum width for the parking pad being maintained.

The residential access application was processed and involved extensive communication with the client, Toronto Building Division and Urban Forestry. The requirements for continued processing of this application were identified for the client in a letter dated May 16, 2017.

Urban Forestry granted their approval of the proposed access on August 24, 2017, conditional upon no modification being undertaken concerning the retaining wall fronting 214 Greer Road due to City tree protection requirements.

The client was reminded about the outstanding Transportation Services requirements as stipulated in a letter to their attention dated May 16, 2017, but they disputed and objected to some of the requirements. These requirements have been incorporated in the recommended conditions of approval should it be the decision of North York Community Council to approve the proposed access off of Greer Road.

The residential access application was refused on May 9, 2018, when the client was advised that the proposal did not comply with the Driveway Entrance Policy. At that time, the client requested confirmation about their option to appeal this matter and were subsequently advised they could appeal under provisions of Chapter 743-48, Streets and Sidewalks, Use of, Article IX Clause A., for which this report has been prepared.

Site plans showing the proposed residential access have been submitted and are included as attachments in this report.

Although the proposed second access is not recommended by Transportation Services, should it be the decision of North York Community Council to grant approval, the recommended conditions have been outlined in this report.

The Ward Councillor has been advised that the applicant is requesting permission to construct a second access off of Greer Road between the properties of 255 St. Germain Avenue and 214 Greer Road leading to a parking pad on private property at the rear of the subject premises.

CONTACT

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SIGNATURE

David J. Twaddle
Director

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Site Plan