



Building Markham's Future Together
Journey to Excellence

Alteration of Municipal Boulevard 10 Eckardt Avenue, Unionville

General Committee

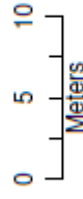
December 15, 2014

Background

- In May 2014, the Property Owner, repaved the existing driveway and initiated work for an unauthorized parking pad within the municipal road allowance.
- The Property Owner retroactively received a Heritage Permit for the reconstruction of the existing driveway only.
- The Property Owner was advised that the parking pad was not permitted, as per Road Occupancy By-law (2013-136).
- The City **actively enforces** By-law provisions against the creation of driveway expansions.

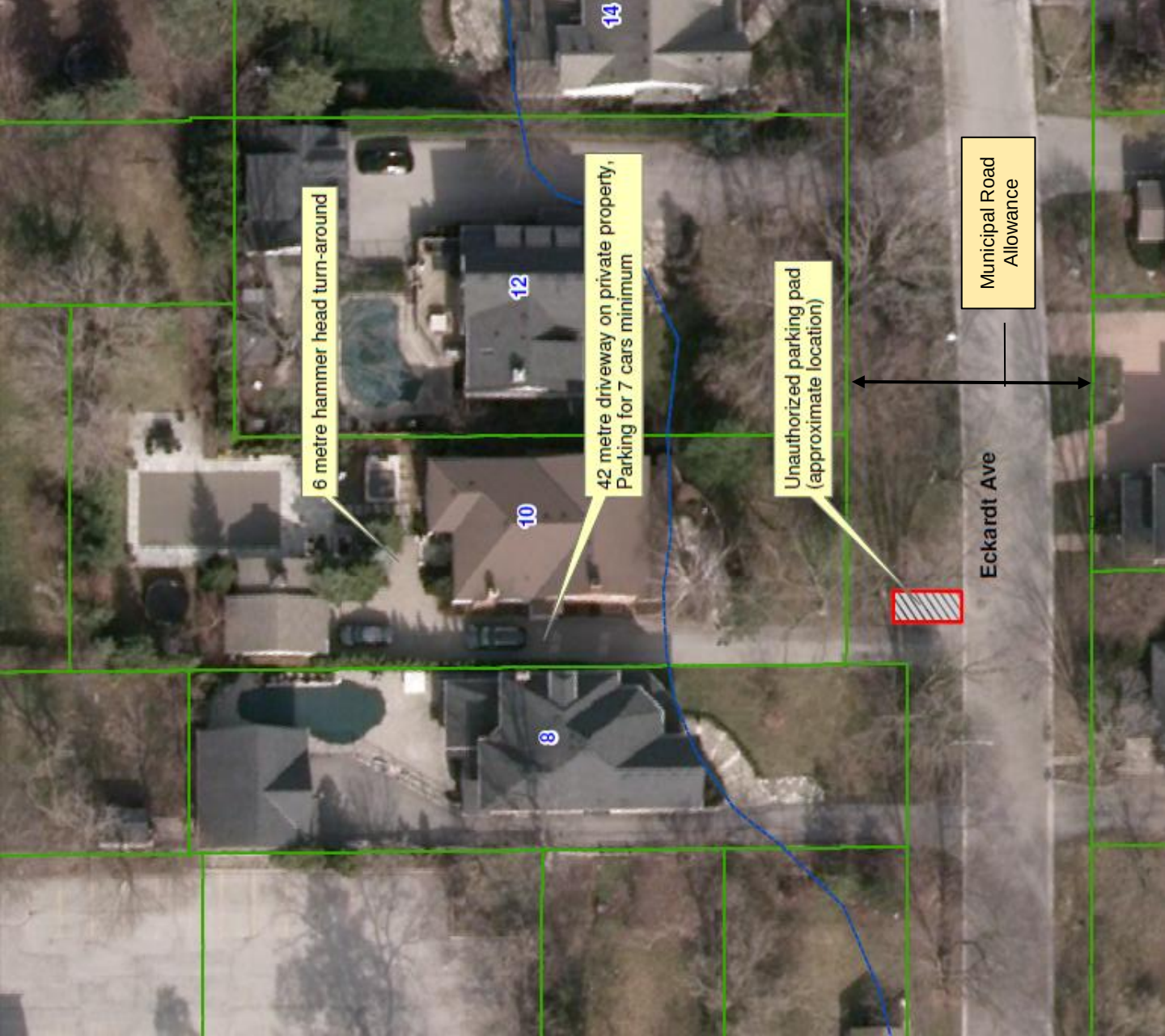


Key Map



Legend

- Property Line
- TRCA flood line



Eckardt Ave

Municipal Road Allowance







Discussion

- The parking pad is located within the municipal boulevard and subject to the City's Road Occupancy By-law.
- The municipal boulevard is intended for multiple uses, including urban design elements, utilities and stormwater management.
- The parking pad is subject to TRCA review and approval. No such approval has been obtained by the Property Owner.
- The Property Owner claims that his driveway creates an inconvenience to dealing with multiple cars and that the parking pad would help address this situation.

By-law Considerations

- Other driveways on the street have a range of as-constructed conditions that pre-date current municipal By-laws (2007).
 - Pre-existing conditions were allowed to continue provided no parking occurred outside the permitted area;
 - City enforcement practice is to pursue compliance where boulevard parking actually occurs contrary to the Parking Control and Extended Driveways By-laws;
 - City requires non-conforming driveways to be brought into compliance as part of major reconstruction/repair.
- Charges are laid against offending Property Owners, including the removal of the unlawful modifications by the City, at the Property Owner's expense.

By-law Considerations Cont'd

- On October 2, By-Law Enforcement staff issued a Notice of Obstruction to Property Owner for failing to seek a Road Occupancy Permit prior to the alteration of the municipal boulevard.
- The Property Owner was directed to remove all materials from the municipal boulevard and restore the affected area to its original state, no later than October 17.
- The Property Owner has not complied with the Notice of Obstruction and legal action is underway with the failure to comply.

Granting an Exemption - Requirements

- If Council allows the parking pad to remain, the following measures are necessary:
 - The Property Owner must submit an application and receive approval from the TRCA;
 - Amendment to the Road Occupancy By-law to include a fee schedule and permit, providing the City with enforcement options for misuse/non-repair;
 - Amendment to the Parking By-law to allow parking on the municipal boulevard and also to permit parking during the overnight period;
 - An Encroachment Agreement, including the requirement for the Property Owner to have liability insurance to mitigate risk to the City.



Granting an Exemption - Risks

- Council has established a community standard relative to boulevards being kept open for visual sight lines, landscaping & street trees, stormwater absorption and snow storage. The proposal is inconsistent with these objectives.
- The City **actively enforces** By-law provisions against the creation of driveway expansions; not enforcing in this case will negatively impact current enforcement activities and jeopardize future enforcement.
- Permitting an exemption would set a precedent whereby property owners throughout the City will request similar exemptions for their driveway modifications, contrary to community standards and expectations. If exemptions are granted, the City will have limited ability to deny future requests.

Granting an Exemption – Risks Cont'd

- There are risks arising from the parking pad on City property, parking of vehicles and obstruction of sight lines, possibly resulting in physical injury and related legal liability for the City.



Recommendations

- That the report and presentation entitled “Alteration of Municipal Boulevard - 10 Eckardt Avenue, Unionville” be received.
- That Council not support the request by the Property Owner of 10 Eckardt Avenue for a paved parking pad on the municipal boulevard.



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