



# Corporate Report

**NO: R206**

**COUNCIL DATE: October 16, 2006**

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## REGULAR COUNCIL

**TO: Mayor & Council**

**DATE: October 12, 2006**

**FROM: General Manager, Engineering**

**FILE: 3900-20 (13007)**

**XC: 5400-19**

**5830-00**

**SUBJECT: Unauthorized Driveways and Paved Boulevards**

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## RECOMMENDATION

The Engineering Department recommends that Council receive this report as information.

## INTENT

The purpose of this report is to advise Council regarding actions that are taken to enforce City by-laws related to unauthorized driveways and paved boulevards that are encountered when road construction projects are undertaken by the City.

## BACKGROUND

As part of the construction of new or upgraded City infrastructure, primarily roads, the City must from time to time address circumstances where driveways and boulevard areas are not in compliance with current City by-laws. The by-laws establish how private properties interface with city infrastructure. The majority of the issues relate to the width and number of driveways serving a single lot and unauthorized pavement in street boulevards. From time to time the City must also address the number of utility connections serving an individual lot.

An example is the lot at 15873 – 108 Avenue. The owner has requested that a second driveway serving the lot be permitted to remain through a construction project on the fronting street. Staff has researched the City's records and has found no record of a permit for this second driveway nor has the property owner been able to produce such a permit. Staff's position is that if multiple driveways are allowed to remain for this lot, a precedent would be set that would undermine the objectives of the City's by-laws in relation to driveways.

When the City undertakes capital construction projects, the work is constructed in compliance with current City by-laws.

### **Driveways and City Capital Construction Projects**

As previously outlined when curbs and sidewalks are constructed on streets, driveway letdowns and crossings are provided to each existing fronting lot. When this is done, the driveway width within the City's road allowance is constructed to current by-law standards; namely to a maximum width of 6m for single family residential lots and a maximum width of 11m for commercial/ industrial lots. Additionally, single family residential lots less than a half-acre in area are limited to only one driveway.

Where driveways or paved boulevards are encountered that are non-compliant with the City's by-law requirements, the non-compliant features are removed and reinstated in compliance with the by-laws and/or previous approvals by the City.

This action is undertaken in consideration of the fact that having wider and/or more driveways than allowed in the City's by-laws increases the potential conflicts with pedestrians, decreases on street parking opportunities, and detracts from the aesthetics of the community. In addition, excess pavement on a lot results in a reduced area for landscaping, greater storm run-off and reduced streetscape quality.

### **Paved Boulevards**

Staff encounters paved boulevards on a regular basis throughout the City. Typically, a resident or owner paves an area of the boulevard at the back of curb or sidewalk or simply widens out a section of the road pavement where no curbs exist. This is usually done to provide extra private parking area; however, this paving is not typically permitted under City by-laws. The City also receives complaints from time to time from local neighbours and resident associations requesting that the City enforce its by-laws by requesting that the offending property owner remove the unauthorized driveway and/or pavement in the boulevard.

Where the pavement or driveway is considered to create a public safety concern, the resident is given notice to remove the pavement, with City crews completing the work at the resident's expense if the owner has not completed the work within a given period of time after having been given proper notice.

Pavement in boulevard areas not considered to be a safety problem is only addressed by staff if the owner of a neighbouring property has submitted a complaint. Again, in these circumstances, a notice is served on the owner to remove the pavement within a given period of time and if appropriate action is not taken by the owner, the City undertakes the removal at the owner's expense. The natural reaction to the City's notice is for the affected property owner to point out other areas of non-compliance in their neighbourhood, typically resulting in other non-complying properties being identified.

## **City Capital Construction Projects**

In relation to road capital works construction projects, staff currently enforce the by-law provisions related to boulevard pavement and driveways where:

1. the road cross-section has been completed to the full standard for that classification of road along the frontage of the lot with the unauthorized pavement or driveway, namely the road is constructed with curbs and sidewalks, where appropriate; or
2. where a complaint regarding the unauthorized pavement or driveway has been received from an owner of a neighbouring property; or
3. where the unauthorized pavement or driveway is considered to create a hazardous situation for the public or interferes with the proper functioning of other public works.

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