

Appeal - Front Yard Parking - 137 Westminster Avenue (High Park)

(City Council on December 14, 15 and 16, 1999, deferred consideration of this Clause to the next regular meeting of City Council to be held on February 1, 2000.)

The Toronto Community Council recommends that the application for front yard parking at 137 Westminster Avenue be denied.

The Toronto Community Council submits the following report (November 12, 1999) from the Manager, Right of Way Management, Transportation Services, District 1:

Purpose:

To report on a request for an exemption from Municipal Code Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code, to permit front yard parking at 137 Westminster Avenue, which does not meet the requirements of the Code. As this is an appeal, it is scheduled as a deputation item.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that:

- (1) City Council deny the application for front yard parking at 137 Westminster Avenue;
- OR
- (2) City Council approve the application for front yard parking at 137 Westminster Avenue, subject to:
 - (a) the maximum area to be paved for parking not to exceed 2.6 m wide by 5.9 m long;
 - (b) the parking area being paved with semi-permeable paving materials, i.e. ecostone pavers or approved and equivalent permeable paving treatment acceptable to the Commissioner of Works and Emergency Services; and
 - (c) the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code.

Background:

Mr. Andrew Kopytynski, owner of 137 Westminster Avenue, has requested an appeal to staff's decision to refuse the application for front yard parking at this location.

Comments:

Front yard parking is governed by the criteria set out in the former City of Toronto Municipal Code Chapter 400, Traffic and Parking. The current criteria of the Code:

- (a) prohibits front yard parking where permit parking is authorized on the same side of the street;
- (b) limits the number of parking spaces to one; and
- (c) requires that a formal poll be conducted to determine whether there is sufficient neighbourhood support to the application, and such poll has a favourable result.

Mr. Andrew Kopytynski, owner of 137 Westminster Avenue, Toronto, Ontario M6R 1N6, attended the office to submit an application for front yard parking. The applicant was refused at the counter since permit parking is authorized on the odd side of this portion of Grenadier Road, and the installation of the ramp to service the proposed parking space would result in the loss of an on-street permit parking space. For the Committee's information, the property is within permit parking area 2-, where as of November 8, 1999, 5725 permits have been issued against a total of 5850 spaces. In addition, there are 3 permits registered to residents at 137 Westminster Avenue. Mr. Kopytynski subsequently submitted an appeal to staff's decision.

I note that the property meets all other physical criteria of the Municipal Code (i.e. landscaping requirements).

The polling was conducted in accordance with Municipal Code Chapter 90, Polling and Notification Procedures, of the former City of Toronto Municipal Code. The area polled was on both sides of Westminster Avenue, from Nos. 123 to 143 on the odd side and between Nos. 112 to 134 on the even side, including No. 270 Roncesvalles Avenue. The deadline for receiving the ballots was September 7, 1999. The results of the poll were as follows:

Polling Summary

Ballots cast		19
Opposed	13	
in favour	6	
No response		62
Returned by post office		13
Total ballots issued		94

The majority of the ballots cast were opposed to the parking proposal.

Conclusions:

The proposal for front yard parking at this property does not comply with the requirements of the Municipal Code as follows:

- (a) permit parking is authorized on the same side of the street as the proposed parking pad and the installation of a curb cut to service 137 Westminster would result in the loss of a permit parking space; and
- (b) the formal poll did not determine sufficient neighbourhood support to the application.

Staff cannot issue Mr. Kopytynski a front yard parking permit as the location does not meet the requirements of the Municipal Code.

On hearing of depositions, the Toronto Community Council must decide whether or not to recommend that City Council grant the appeal.

Contact:

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The Toronto Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, a communication (November 26, 1999) from Mr. Andrew Kopytynski, and a copy thereof is on file in the office of the City Clerk.

Mr. Andrew Kopytynski, appeared before the Toronto Community Council in connection with the foregoing matter.