

**42 Bellefair Avenue – Front Yard Parking Appeal**

<b>Date:</b>	January 23, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services Toronto and East York District
<b>Wards:</b>	Beaches-East York - Ward 32
<b>Reference Number:</b>	Te08016te.row

**SUMMARY**

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This staff report is about a matter which Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed an appeal from the owner of 42 Bellefair Avenue for front yard parking. We do not recommend approval for front yard parking at this location because it does not meet the requirements of the City of Toronto Municipal Code Chapter 918. The owner will be given an opportunity to make a deputation before Community Council.

**RECOMMENDATIONS**

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**Transportation Services recommends that Toronto and East York Community Council:**

1. deny the request for front yard parking at 42 Bellefair Avenue; and
2. install in-ground planting area, 0.6 m x 2.4 m, with planting material of sufficient height in order to preclude any unauthorized parking as shown in Appendix 'E'.

**Financial Impact**

There is no financial impact to the City as a result of this report.

**ISSUE BACKGROUND**

The property owner of 42 Bellefair Avenue, a single family detached home, submitted an application for front yard parking at this location. The applicant was advised that the

property was not eligible for front yard parking because the regulations of the City of Toronto Municipal Code 918 do not permit front yard parking where permit parking is authorized on the same side of the street. The applicant subsequently submitted an appeal requesting further consideration of this proposal.

The proposal for front yard parking is shown on Appendix 'A', the property data map is shown on Appendix 'B', digital photos of the property are shown on Appendix 'C', the applicant's landscape proposal is shown on Appendix 'D' and staff's recommendation is shown on Appendix 'E'.

## **COMMENTS**

### **Applicable regulations**

Front yard parking is governed by the criteria set out in the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards. The relevant provisions include:

- a minimum of 50% of the front yard on private property must be landscaped open space, of which 75% must be maintained as soft landscaping;
- a minimum of 50% of the City boulevard fronting the property must be landscaped open space, of which 75% must be maintained as soft landscaping;
- prohibit front yard parking where permit parking is authorized on the same side of the street;
- the requirements of the City of Toronto Municipal Code Chapter 813, Trees, are complied with, a minimum clearance of 2.4 metres from the base of the tree is required;
- a minimum parking space requirement of 2.2 m in width by 5.3 m in length; and
- a formal poll be conducted to determine whether there is neighbourhood support for the application and that such poll has a favourable result.

### **Reasons for not approving**

The property does not meet the above criteria for the following reasons:

- the soft landscaping cannot be provided on private property;
- the soft landscaping cannot be provided on the City boulevard;
- permit parking is permitted on the same side of the street;
- the minimum parking space requirement of 2.2 m in width by 5.3 m in length is not met; and
- the poll did not meet the minimum 50% response rate of eligible voters.

In addition, the paved area for the parking pad does not provide the required clearance from the tree. The owner submitted an arborist report which was reviewed by staff of Forestry. After review of the arborist report, Forestry staff confirmed that they have no objection to the reduced clearance from the tree.

## Poll results

A poll was conducted in accordance with the City of Toronto Municipal Code Chapter 918-14. The area polled comprised both sides of Bellefair Avenue from 19 to 75 on the odd side and from 16 to 70 on the even side. The deadline for receiving the ballots was December 20, 2007.

Total owners/tenants/residents polled	98	-----
Returned by post office	3	-----
Total eligible voters (total polled minus returned by post office)	95	100%
No. of returned ballots needed to proceed (must be at least 50%)	48	50%
<b>Total ballots received</b>	<b>46</b>	<b>48%</b>
In favour of parking	15	33%
Opposed to parking	31	67%
No reply	49	52%

The Code states that a poll will be considered valid when at least 50% of the ballots mailed out have been returned. This poll did not meet the minimum response rate and therefore the poll is deemed to be a negative poll.

## Other factors

Permit parking on Bellefair Avenue is authorized on the even side, on an area basis, within permit parking area 9C. There are two on-street parking permits registered to this address.

Total number of parking permits in area 9C	5293	Total permits issued as of January 21, 2008	4764
Permits available	529	% of permits allocated	90%

Total number of permit parking spaces on Bellefair Avenue, between Queen Street East and Norway Avenue	41	Total permits issued to residents as of January 8, 2008	59
Permits available	0	% of permits allocated	144%

The installation of a ramp at this location will result in the loss of one on-street permit parking space.

On this portion of Bellefair Avenue, between Queen Street East and Norway Avenue, there are twenty three properties licensed for front yard parking and three properties licensed for driveway widening.

There are two trees in the front yard at this location. A review of this application by Urban Forestry has determined that there is no suitable planting site for an additional tree at this location.

In accordance with the requirements of the Downspout Disconnection Program, a review by Toronto Water has revealed that five downspouts at this property have been disconnected.

### **Alternate recommendations**

Should Community Council decide to grant the appeal for front yard parking at 42 Bellefair Avenue, it could recommend that:

1. the parking area not exceed 2.6 m by 4.28 m in dimension;
2. the applicant pay for the installation of the ramp to service the parking space;
3. the applicant provide the landscape features substantially in accordance with the plan as shown on Appendix 'D', to the satisfaction of the General Manager of Transportation Services; and
4. the applicant pay all applicable fees and comply with all other criteria set out in the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards.

### **CONTACT**

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### **SIGNATURE**

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Angie Antoniou  
Manager, Right of Way Management

### **ATTACHMENTS**

Appendix 'A' - sketch  
Appendix 'B' - property data map  
Appendix 'C' - photos  
Appendix 'D' - applicant's landscape proposal  
Appendix 'E' - sketch showing proposed planter installation

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