



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 126 Balsam Avenue

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| Date: | September 16, 2008 |
| To: | Toronto and East York Community Council |
| From: | Manager, Right of Way Management, Transportation Services Toronto and East York District |
| Wards: | Beaches-East York - Ward 32 |
| Reference Number: | Te08084te.row |

SUMMARY

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 126 Balsam 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

Transportation Services recommends that Toronto and East York Community Council:

1. deny the request for front yard parking at 126 Balsam Avenue.

Financial Impact

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

ISSUE BACKGROUND

The property owner of 126 Balsam Avenue, a single family detached home under construction with a mutual driveway, 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 Chapter 918 do not permit front yard parking where permit parking is authorized on the opposite side of

the street and is less than 90% allocated. The applicant was advised accordingly and 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’, a digital photo of the property is shown on Appendix ‘C’ and the applicant’s landscape proposal is shown on Appendix ‘D’.

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:

- prohibit front yard parking where permit parking is less than 90% allocated, regardless of which side of the street the residential property is situated; 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:

- permit parking is permitted on the odd side of this portion of the street and is less than 90% allocated; and
- the poll did not meet the minimum 50% response rate of eligible voters.

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 Balsam Avenue from 107 to 127 on the odd side and from 108 to 130 on the even side. The deadline for receiving the ballots was July 29, 2008.

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|--|-----------|------------|
| Total owners/tenants/residents polled | 53 | ----- |
| Returned by post office | 0 | ----- |
| Total eligible voters (total polled minus returned by post office) | 53 | 100% |
| No reply | 30 | 57% |
| Total ballots received (response rate) | 23 | 43% |
| In favour of parking (of ballots received) | 17 | 74% |
| Opposed to parking (of ballots received) | 6 | 26% |
| Spoiled ballots | 0 | 0% |

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 Balsam Avenue is authorized on the odd side, within permit parking area 9C. There are no on-street parking permits registered to this address.

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| Total number of parking permits in area 9C | 5293 | Total permits issued as of September 15, 2008 | 4974 |
| Permits available | 319 | % of permits allocated | 94% |

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|--|----|--|-----|
| Total number of permit parking spaces on Balsam Avenue, between Pine Street and Sycamore Place | 22 | Total permits issued to residents as of September 15, 2008 | 8 |
| Permits available | 14 | % of permits allocated | 36% |

The property is currently serviced by an existing mutual driveway, therefore, a ramp installation is not required and this proposal will not affect the on street permit parking.

On this portion of Balsam Avenue, between Pine Street and Sycamore Place, there is one property licensed for front yard parking and three properties licensed for driveway widening.

There is no tree in the front yard at this location. A review of this application by Urban Forestry has determined that it would be feasible to plant a tree at this location.

At the time of the writing of the report, the eaves and downspouts had not yet been installed.

Alternate recommendations

While the property is not eligible for front yard parking because it does not meet the above-noted requirements of the Municipal Code, the property does meet the other physical requirements of the Code, (i.e., setback and landscaping).

Should Community Council decide to grant the appeal for front yard parking at 126 Balsam Avenue, it could recommend that:

1. the parking area not exceed 2.6 m by 5.9 m in dimension;
2. the applicant provide for the downspout disconnection, if applicable, in accordance with the requirements of Toronto Water;

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

Angie Antoniou
Manager, Right of Way Management

ATTACHMENTS

Appendix 'A' - sketch
Appendix 'B' - property data map
Appendix 'C' - photo
Appendix 'D' - applicant's landscape proposal

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