



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 106 Enderby Road

Date:	October 27, 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:	Te08091te.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 106 Enderby Road 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 106 Enderby Road.

Financial Impact

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

ISSUE BACKGROUND

The property owner of 106 Enderby Road, a newly constructed 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 Chapter 918 do not permit front yard parking where permit parking is authorized on the same side of the street. The applicant was

advised accordingly. The applicant subsequently submitted an appeal requesting further consideration of this proposal.

This property was severed and the lot where the newly constructed property is situated served as a driveway for 108 Enderby Road.

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 authorized on the same side of the street;
- 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 same side of the street;
- permit parking is permitted on the even side of this portion of the street and is less than 90% allocated on that block; 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 Enderby Road from 83 to 109 on the odd side and from 80 to 108 on the even side and including 2190 to 2192 Gerrard Street East. The deadline for receiving the ballots was August 7, 2008.

Total owners/tenants/residents polled	109	-----
Returned by post office	19	-----
Total eligible voters (total polled minus returned by post office)	90	100%
No reply	58	64%
Total ballots received (response rate)	32	36%

In favour of parking (of ballots received)	17	53%
Opposed to parking (of ballots received)	15	47%
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 Enderby Road is authorized on the even side, within permit parking area 9C. There are no on-street parking permits registered to this address.

Total number of parking permits in area 9C	5293	Total permits issued as of October 21, 2008	5069
Permits available	224	% of permits allocated	96%

Total number of permit parking spaces on Enderby Road, between Gerrard Street East and Norwood Terrace	12	Total permits issued to residents as of October 21, 2008	9
Permits available	3	% of permits allocated	75%

A ramp installation is not required as there is already an existing ramp that served the adjacent property.

On this portion of Enderby Road, between Gerrard Street East and Norwood Terrace, there are no properties licensed for front yard parking.

There is a 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 an additional tree at this location.

In accordance with the requirements, a review by Toronto Water has revealed that two downspouts at this property have been disconnected by the property owner.

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 106 Enderby Road, it could recommend that:

1. the parking area not exceed 2.6 m by 5.9 m in dimension;

2. 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
3. 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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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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