

MOTION

506 St. Clair Ave. East, Ward 27 – To Permit One Front Yard Parking Space

Moved by: Councillor Rae _____

SUMMARY:

The property owner at 506 St. Clair Ave. East received approvals from the Committee of Adjustment to construct a new dwelling in July 2007. The drawings submitted included a parking spot on a pre-existing driveway. The driveway was a legal circular driveway with two curb cuts providing access. Due to the new construction it now does not lead to a parking space on private, but rather remains in front of the main front wall. Due to the location of the proposed parking, this application should have been flagged and the applicant should have been directed to request the appropriate approvals from Transportation Services, Right of Way Management, for a front yard parking license. The applicant was not made aware of this requirement and has therefore completed construction of the dwelling with the expectation that a car could be parked on a portion of the pre-existing driveway.

The City of Toronto Municipal Code, Chapter 918, Parking on Residential Front Yards and Boulevards, states that applications for front yard parking cannot be accepted for properties in Ward 27. It further stipulates that appeals may not be submitted unless the property has no other parking alternatives and the property meets all the physical requirements of the code as set out in the chapter. This property does meet all the requirements for the appeal. Specifically, it meets the landscape open space requirements, soft landscaping requirements, setback requirements and there is no alternative for parking as it is not available on private property and there is no on street permit parking in the area. The parking would be accessed via the pre-existing curb cut that serviced the driveway.

Transportation Services staff have advised that any report for the appeal would be a positive one, i.e. staff would recommend approval of the appeal based upon the criteria having been met, subject to a positive poll.

The requirement for a poll at this time does not serve the interests of the property owner in that through no fault of the applicant, he has already constructed the home with a parking space in front of the main front wall, without being aware that permission to do so was required and had not yet been applied for or granted. As well, he was not aware that such permissions might not be granted automatically. The property owner now wishes to complete the remaining construction and move his family into the home.

Under the circumstances, the appeal should be evaluated on its merits alone and be expedited as much as possible so as not to cause any further delays and/or cause any further hardships upon the applicant or his family. As stated previously, staff inspected the site and have advised that the property does meet the physical requirements of the code.

RECOMMENDATIONS:

1. Toronto and East York Community Council waive the requirement to conduct a poll and approve the appeal for one front yard parking space at 506 St. Clair Ave. E., subject to the licensing requirements of the City of Toronto Municipal Code Chapter 918, including all fees and construction criteria.

Dated: November 18, 2008