



**STAFF REPORT  
ACTION REQUIRED**

**599 Windermere Avenue - Front Yard Parking**

<b>Date:</b>	January 12, 2009
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Transportation Services - Etobicoke York District
<b>Wards:</b>	Ward 13 - Parkdale-High Park
<b>Reference Number:</b>	p:\2009\Cluster B\TRA\EtobicokeYork\eycc090027-tp

**SUMMARY**

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

The purpose of this report is to inform Etobicoke York Community Council on an application for front yard parking at 599 Windermere Avenue. This application is an appeal and is scheduled as a deputation item.

The owner of 599 Windermere Avenue submitted an application for front yard parking, but was advised that the property is not eligible for front yard parking since the property is located on the same side of the street as on-street permit parking.

The applicant submitted an appeal requesting an exemption from the City of Toronto Municipal Code, Chapter 918 “Parking on Residential Front Yards and Boulevards” to permit front yard parking at this location.

Staff cannot recommend a front yard parking pad at this location since it does not meet the requirements of Chapter 918 of the Toronto Municipal Code. In addition, creating a curb cut to access a front yard parking pad at this location will eliminate one on-street parking permit stall.

However, if Community Council finds merit in this proposal, it could be approved subject to the conditions described in the “Comments” section of this report.

## **RECOMMENDATIONS**

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Transportation Services recommends that Etobicoke York Community Council refuse this application.

### **Financial Impact**

There are no financial implications resulting from adopting this report.

### **COMMENTS**

The owner of 599 Windermere Avenue submitted an application for a front yard parking pad, and was advised that the property is not eligible for front yard parking since the property is located on the same side of the street as on-street permit parking.

The property currently has a 2.1 metre wide shared driveway leading to a rear yard garage. According to Chapter 918, properties with joint use driveways less than 2.2 metres wide are eligible for front yard parking, but only on condition that the applicant complies with all the other requirements that Chapter 918 specifies.

The owner of 599 Windermere Avenue submitted an application for a front yard parking pad. The applicant was advised that the property is not eligible for front yard parking since the property is located on the same side of the street as on-street parking permits.

While the property is not eligible for front yard parking because it does not meet the requirements of the City of Toronto Municipal Code, it can meet the other physical requirements of the Municipal Code; for example, landscaping and setbacks.

The property's lot dimensions measure 7.60 metres wide by 37.18 metres in length. The proposed parking stall measures 2.50 metres wide by 5.50 metres in length.

The applicant submitted an appeal requesting an exemption from the City of Toronto Municipal Code, Chapter 918 "Parking on Residential Front Yards and Boulevards" to permit front yard parking at this location.

A review of the City of Toronto's Inventory of Heritage Properties has revealed that this property is not a designated historical property under the Ontario Heritage Act.

Attachment No.1 shows the site location. Attachment No. 2 illustrates the proposed front yard parking pad. Attachment No.3 is a photograph of the site.

Permit parking is authorised on the east side of Windermere Avenue between Colbeck Street and Ardagh Street, within permit parking area 1E. As of January 9, 2009, there were 879 permits issued from a total of 1009 available on-street parking stalls. There is one on-street parking permit currently registered to this address.

Presently, there are 13 properties on Windermere Avenue, between Colbeck Street and Ardagh Avenue, that are licensed for front yard parking.

To determine if the community supports this application, City Clerks' conducted a poll of all residents listed in the City's assessment information system who either own property or reside on both sides of Windermere Avenue, from Nos. 568 to 632, and 116 Colbeck Street. The poll was conducted according to the requirements of Chapters 190 and 918 of the Toronto Municipal Code.

At the Ward Councillor's request, the poll was conducted in English, Polish and Ukrainian. The poll was conducted by the Clerks' office between July 17, 2008 and August 15, 2008.

The results of the poll are presented in the following table:

Total Ballots Mailed	122
Ballots Needed to Proceed (must be at least 50%)	61
Valid Ballots Returned	48
Respondents in Favour	42 (88%)
Respondents Opposed	6 (12%)

Thirty-nine (39%) per cent of all eligible voters responded to the poll. Eighty-eight (83%) per cent of respondents indicate that they do not oppose the applicant's proposal for front yard parking at 599 Windermere Avenue.

The applicant's proposal does not satisfy the requirements of Chapter 918 of the Toronto Municipal Code which states that a poll can only be considered valid when at least 50% of the ballots mailed out have been returned. The formal poll conducted by the Clerks' office does not satisfy the minimum 50% response rate.

In the event that Etobicoke York Community Council sees merit in this proposal, it could be approved subject to the following conditions:

1. The front yard parking pad shall maintain a width of 2.5 metres and a length of 5.5 metres;
2. The applicant shall surface the front yard parking area with semi-permeable materials such as ecostone pavers, interlocking pavers, or an equivalent paving treatment that is acceptable to the General Manager, Transportation Services;
3. The applicant shall pay all applicable fees and comply with all other criteria described in the City of Toronto Municipal Code;

4. The applicant shall plant a tree in their front yard, or fund the planting of a tree in the neighbourhood, to the satisfaction of the Parks, Forestry and Recreation Services Division;
5. The applicant is responsible for obtaining an encroachment agreement, including the payment of all associate fees, for the existing retaining wall and steps situated within the Windermere Avenue road allowance, to the satisfaction of the Municipal Licensing and Standards Division, Etobicoke York District; and,
6. The applicant satisfies these conditions at no expense to the municipality by February 28, 2010.

## **CONTACT**

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## **SIGNATURE**

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John Niedra, P.Eng.  
Director, Transportation Services - Etobicoke York District

## **ATTACHMENTS**

Attachment No. 1: Map  
Attachment No. 2: Proposed Plan  
Attachment No. 3: Photograph