



STAFF REPORT ACTION REQUIRED

Request for an exemption from Chapter 918 of the City of Toronto Municipal Code – To permit front yard parking at 73 Unsworth Avenue

Date:	September 4, 2009
To:	North York Community Council
From:	Director, Transportation Services, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	<i>ny09069</i>

SUMMARY

This staff report is about a matter over which North York Community Council has delegated authority to make a final decision provided that it is not amended so that it varies with City policy or by-laws.

To report on a request for an exemption from Chapter 918 of the City of Toronto Municipal Code, to permit front yard parking at 73 Unsworth Avenue which does not meet the requirements of this Chapter. As this is an appeal and a request for an exemption from the by-law, it is scheduled as a deputation item.

RECOMMENDATIONS

Transportation Services, North York District recommends that North York Community Council:

1. Deny appeal for exemption from Chapter 918 of the City of Toronto Municipal Code to permit front yard parking at 73 Unsworth Avenue as the proposal does not comply with the requirements of the Municipal Code.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

A front yard parking application was received from the former owner on November 3, 2008, in response to a notice of violation that was issued regarding an existing unauthorized parking pad. The new owner indicated that they wanted to obtain a front yard parking licence so another application was received on May 13, 2009.

The existing parking pad can be modified to meet the requirements of the Code when constructed with the dimensions of 2.2 m by 5.3 m with a 0.3 m setback from the rear edge of the sidewalk with 0.6 m width decorative paving adjacent to the parking pad, the latter restricted to private property. Eliminating the existing walkway from the sidewalk to the front entrance on the public right of way and constructing a maximum 1 m width landing at the base of the entranceway staircase ensures compliance with the soft landscaping requirements for the front yard area. This location is deemed to not have access to on-street parking permits as the roadway is subscribed at 94% which exceeds 90% as stated in related by-laws. Inspection of the site confirmed that the mutual driveway width is 2.15 m due to existing obstructions.

A poll was conducted as required to determine if there is neighbourhood support for the proposal. The minimum 50% poll response was not satisfied as 73 ballots were mailed requiring a return of 37 ballots but only 36 ballots were returned. In addition, of the 36 ballots that were returned, 17 ballots were opposed to the proposal, 17 in favour of the proposal, and 2 ballots were spoiled. The poll result was negative as it did not meet the minimum response rate and therefore is considered to be negative.

As the poll result was negative, the new owner was notified that they were disqualified for front yard parking but they chose to submit an appeal for Community Council's final decision.

There is no on-street parking available for this property as it is currently subscribed at 94%. There is no downspout being maintained that affects the public right of way.

COMMENTS

The proposal for front yard parking at 73 Unsworth Avenue does not comply with the requirements of the Municipal Code as the poll result was negative and, accordingly, staff cannot issue a front yard parking permit for this location.

Councillor Karen Stintz has been advised of the contents of this staff report.

CONTACT

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SIGNATURE

Myles Currie, B.A.
Director

ATTACHMENTS

Attachment 1: Site plan of the proposed front yard parking pad (*ny09069_drawing*)