



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 253 Linsmore Crescent

Date:	March 9, 2009
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Toronto-Danforth – Ward 29
Reference Number:	Te09025te.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 253 Linsmore Crescent 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 253 Linsmore Crescent.

Financial Impact

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

ISSUE BACKGROUND

The property owner of 253 Linsmore Crescent, a semi-detached single family home, submitted an application for front yard parking at this location. The property does meet the physical requirements of the City of Toronto Municipal Code, however the application was refused due to the negative poll result, i.e. the response rate was less than

50%. The applicant 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:

- 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 reason:

- 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 Linsmore Crescent from 223 to 269 on the odd side, including 467 Cosburn Avenue, and from 224 to 270 on the even side. The deadline for receiving the ballots was June 16, 2008.

Total owners/tenants/residents polled	115	-----
Returned by post office	0	-----
Total eligible voters (total polled minus returned by post office)	115	100%
No reply	62	54%
Total ballots received (response rate)	53	46%
In favour of parking (of ballots received)	50	94%
Opposed to parking (of ballots received)	2	4%
Spoiled ballots	1	2%

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

This property is not located within a permit parking area.

On this portion of Linsmore Crescent, between Cosburn Avenue and Memorial Park Avenue, there are four properties licensed for front yard parking.

There is no tree in the front yard at this location. A review of this application by Urban Forestry has determined that there is no suitable planting site for a 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 253 Linsmore Crescent, it could recommend that:

1. the parking area not exceed 2.2 m by 5.3 m in dimension;
2. the applicant pay for the installation of the ramp to service the parking space;
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

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ATTACHMENTS

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

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