



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 110B Holborne Avenue

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:	Beaches-East York – Ward 31
Reference Number:	Te09027te.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 110B Holborne Avenue 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 110B Holborne Avenue; and
2. request the owner to remove all paving, other than the walkway, and restore the area to soft landscaping.

Financial Impact

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

ISSUE BACKGROUND

The property owner of 110B Holborne Avenue, a single family attached home, previously submitted an application to the Committee of Adjustment requesting relief

from provisions of Zoning By-Law No. 6752, as amended, which includes a parking pad partially on private property and the City street allowance, in front of the main front wall of the house. The decision of the Committee of Adjustment was that the minor variance application be approved on condition that the general intent and purpose of the Zoning By-Law was maintained. Subsequently, the property owner 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 or on an alternating basis. The applicant subsequently submitted an appeal requesting further consideration of this proposal.

The Committee of Adjustment also approved the severance of the property, previously known as 110 Holborne Avenue, into two (2) parcels of land for the construction of two detached homes. One lot consists of 110A Holborne Avenue having vehicular access by means of a mutual driveway to a proposed detached garage located at the rear of the property. The second lot, 110B Holborne Avenue, would be landlocked and parking cannot be accommodated past the main front wall and therefore, the parking would be provided at the front of the property.

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 or on an alternating basis; 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 on an alternating basis; 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 Holborne Avenue from 79 to 123 on the

odd side, including 273 Glebemount Avenue and from 90 to 126 on the even side, including 275 Glebemount Avenue. The deadline for receiving the ballots was December 12, 2008.

Total owners/tenants/residents polled	75	-----
Returned by post office	2	-----
Total eligible voters (total polled minus returned by post office)	73	100%
No reply	45	62%
Total ballots received (response rate)	28	38%
In favour of parking (of ballots received)	9	32%
Opposed to parking (of ballots received)	18	64%
Spoiled ballots	1	4%

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 Holborne Avenue is authorized on an alternate side basis, within permit parking area 9F. There are two on-street parking permit registered to this address.

Total number of parking permits in area 9F	233	Total permits issued as of February 5, 2009	212
Permits available	21	% of permits allocated	91%

Total number of permit parking spaces on Holborne Avenue, between Glebemount Avenue and Woodmount Avenue	16	Total permits issued to residents as of February 5, 2009	6
Permits available	10	% of permits allocated	38%

The installation of a ramp at this location will result in the loss of two on street permit parking spaces.

On this portion of Holborne Avenue, between Glebemount Avenue and Woodmount Avenue, there are five properties licensed for front yard parking and one property licensed for driveway widening.

There is a tree in the front yard of the adjacent property to the east. A review of this application by Urban Forestry has determined that there is no suitable planting site for a tree at this location. Urban Forestry has requested that the stone wall be removed or relocated adjacent to the parking pad, if approved, as well as the removal of the excessive

paving and restore the area to soft landscaping. The area to be de-compacted and Urban Forestry is to be notified when this is done. Urban Forestry has also requested a \$2,000.00 Tree Security Deposit.

In accordance with the requirements, a review by Toronto Water has revealed that one downspout at this property has 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 110B Holborne Avenue, it could recommend that:

1. the parking area not to exceed 2.3 m by 5.9 m in dimension;
2. the applicant pay for the installation of the ramp to service the parking space;
3. the applicant remove the excess paving and restore the area to soft landscaping as shown on Appendix 'A';
4. the applicant remove or relocate the stone wall, adjacent to the parking pad, and restore the area to soft landscaping and de-compact the area and notify Urban Forestry when this is done;
5. the applicant provide Urban Forestry with a \$2,000.00 Tree Security Deposit;
6. 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;
7. the applicant pay the enforcement fee of \$568.64 (GST included) since the parking pad was constructed without authorization from the City; and
8. 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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