

## **Front Yard Parking Appeal - 41 Hoyle Avenue**

<b>Date:</b>	March 27, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services Toronto and East York District
<b>Wards:</b>	St. Paul's – Ward 22
<b>Reference Number:</b>	Te09046te.row

### **SUMMARY**

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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 41 Hoyle 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**

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**Transportation Services recommends that Toronto and East York Community Council:**

1. deny the request for front yard parking at 41 Hoyle Avenue.

#### **Financial Impact**

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

#### **ISSUE BACKGROUND**

The previous property owner of 41 Hoyle Avenue, a single family detached home with a mutual driveway, submitted an application for front yard parking at this location. The applicant was advised that the property did 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 property was sold as of September

10, 2008 and the new property owner 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', digital photos of the property are 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.

### Reason 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 Hoyle Avenue from 11 to 61 on the odd side, including 537 Eglinton Avenue East, and from 14 to 80 on the even side. The deadline for receiving the ballots was August 21, 2008.

Total owners/tenants/residents polled	85	-----
Returned by post office	1	-----
Total eligible voters (total polled minus returned by post office)	84	100%
No reply	52	62%
<b>Total ballots received (response rate)</b>	<b>32</b>	<b>38%</b>
In favour of parking (of ballots received)	30	94%
Opposed to parking (of ballots received)	0	0%
Spoiled ballots	2	6%

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 Hoyle Avenue, between Soudan Avenue and Eglinton Avenue East, there is one property licensed for front yard parking and fourteen properties licensed for driveway widening parking.

There is a tree in the front yard at this location. A review of this application by Urban Forestry was not available at the time of writing this report. If the parking pad is approved, Urban Forestry will be requested to provide advice regarding the feasibility of planting an additional tree at this location.

In accordance with the requirements, a review by Toronto Water has revealed that three 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 41 Hoyle Avenue, it could recommend that:

1. the parking area not exceed 2.5 m by 5.5 m in dimension;
2. 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
3. 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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Angie Antoniou  
Manager, Right of Way Management

## **ATTACHMENTS**

Appendix 'A' - sketch

Appendix 'B' - property data map

Appendix 'C' - photos

Appendix 'D' - applicant's landscape proposal

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