



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 149 Westlake Avenue

Date:	March 27, 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:	Te09039te.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 149 Westlake 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 149 Westlake 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 149 Westlake Avenue, a single family detached home with a mutual driveway, 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.

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 Westlake Avenue from 141 to 155 on the odd side and from 134 to 148 on the even side. The deadline for receiving the ballots was August 28, 2008.

Total owners/tenants/residents polled	36	-----
Returned by post office	0	-----
Total eligible voters (total polled minus returned by post office)	36	100%
No reply	20	56%
Total ballots received (response rate)	16	44%
In favour of parking (of ballots received)	12	75%
Opposed to parking (of ballots received)	2	13%
Spoiled ballots	2	12%

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 Westlake Avenue, between Doncaster Avenue and Gatwick Avenue, there are three 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 it would be feasible to plant a tree at this location.

In accordance with the requirements, a review by Toronto Water has revealed that two downspouts have been disconnected by the property owner and three downspouts at this property are not feasible for disconnection due to no suitable drainage area.

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 149 Westlake Avenue, it could recommend that:

1. the parking area not exceed 2.6 m by 5.9 m in dimension;
2. the applicant pay the enforcement fee of \$568.64 (GST included) since the parking pad was constructed after the submission of the application and without authorization from the City;
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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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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