



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 56 Barker Avenue

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| Date: | June 1, 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: | Te09061te.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 56 Barker 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 56 Barker Avenue.

Financial Impact

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

ISSUE BACKGROUND

The previous property owner of 56 Barker Avenue, a single family detached home, submitted an application for front yard parking at this location. The applicant was advised that 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 previous owner installed the asphalt paving.

The property was sold as of April 30, 2009. If parking is approved, the asphalt paving is to be changed to semi-permeable paving, as per the requirements of the Code. 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', 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

The application for front yard parking was submitted prior to the prohibition of parking in the front yard and boulevards in Ward 31. At the time of application, front yard parking was 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 included:

- 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 Barker Avenue from 44 to 64 on the even side and from 51 to 63 on the odd side, including 57 Binswood Avenue and 236 Glebemount Avenue. The deadline for receiving the ballots was April 29, 2009.

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| Total owners/tenants/residents polled | 52 | ----- |
| Returned by post office | 3 | ----- |
| Total eligible voters (total polled minus returned by post office) | 49 | 100% |
| No reply | 26 | 53% |
| Total ballots received (response rate) | 23 | 47% |
| In favour of parking (of ballots received) | 20 | 87% |
| Opposed to parking (of ballots received) | 2 | 9% |
| 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

This property is not located within a permit parking area.

On this portion of Barker Avenue, between Binswood Avenue and Glebemount Avenue, there is one property 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 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 56 Barker Avenue, it could recommend that:

1. the parking area be a minimum of 2.2 m in width and not exceed 2.6 m by 5.3 m in dimension;
2. the applicant remove the existing asphalt paving and re-pave the parking area with semi-permeable paving materials;
3. the applicant to sod the areas, as shown on Appendix 'A';
4. the applicant pay for the installation of the ramp to service the parking space;
5. 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
6. 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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