



## STAFF REPORT ACTION REQUIRED

### Front Yard Parking Appeal – 255 Linsmore Crescent

<b>Date:</b>	September 21, 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>	Toronto-Danforth – Ward 29
<b>Reference Number:</b>	Te09076te.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 255 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

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

1. deny the request for front yard parking at 255 Linsmore Crescent.

#### Financial Impact

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

#### ISSUE BACKGROUND

A poll was previously conducted within the last three years for a location on Linsmore Crescent, with negative results. The response rate was less than 50%. The subject property, a single family dwelling semi-detached home, falls within the polling range, therefore, an application could not be accepted from the property owner due to the

negative polling results. 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:

- not accept an application unless a minimum of 3 years have passed since the completion of a previous poll which resulted in a negative response;
- a formal poll be conducted to determine whether there is neighbourhood support for the application and that such poll has a favourable result; and
- the results of a poll are valid for a period of 3 years and shall apply to other applications within the polling area.

### Reasons for not approving

The property does not meet the above criteria for the following reasons:

- a previous poll conducted in June 2008 did not meet the minimum 50% response rate of eligible voters and is deemed to be a negative poll for this application;
- this property falls within the polling limits of the previous negative poll; and
- 3 years have not passed since the previous poll which resulted in a negative response.

### 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%
<b>Total ballots received (response rate)</b>	<b>53</b>	<b>46%</b>
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 Memorial Park Avenue and Cosburn Avenue, there are nine 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 one downspout has been disconnected by the property owner and one downspout at this property is 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 255 Linsmore Crescent, it could recommend that:

1. the parking area be a minimum of 2.2 m in width and not exceed 2.4 m by 5.4 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 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
5. the applicant pay all applicable fees, which includes the planting of a tree, 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' - photo

Appendix 'D' - applicant's landscape proposal

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