



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 35 Wheeler Avenue

Date:	December 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 32
Reference Number:	Te09088te.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 35 Wheeler 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 35 Wheeler Avenue.

Financial Impact

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

ISSUE BACKGROUND

The property owner of 35 Wheeler Avenue, a single family detached home, 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. 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:

- prohibit front yard parking where permit parking is authorized on the same side of the street; and
- where the parking area cannot be constructed perpendicular to the sidewalk, the parking pad and entrance to the parking pad must be no closer than 2.0 m from the rear edge of the sidewalk.

Reasons for not approving

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

- permit parking is permitted on the same side of the street; and
- the required 2.0 m setback cannot be provided.

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 Wheeler Avenue from 4 to 60 on the even side and from 5 to 65 on the odd side. The deadline for receiving the ballots was November 5, 2009.

Total owners/tenants/residents polled	134	-----
Returned by post office	1	-----
Total eligible voters (total polled minus returned by post office)	133	100%
No reply	60	45%
Total ballots received (response rate)	73	55%
In favour of parking (of ballots received)	54	74%
Opposed to parking (of ballots received)	18	25%
Spoiled ballots	1	1%

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 meet the minimum response rate and therefore is valid. The result of the poll is in favour of this application as the majority of the ballots returned were in favour of this application.

Other factors

Permit parking on Wheeler Avenue is authorized on the odd side, within permit parking area 9C. There is one on-street parking permit registered to this address.

Total number of parking permits in area 9C	5,251	Total permits issued as of November 2, 2009	4,992
Permits available	259	% of permits allocated	95%

Total number of permit parking spaces on Wheeler Avenue, between Norway Avenue and Queen Street East	65	Total permits issued to residents as of November 2, 2009	56
Permits available	9	% of permits allocated	86%

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

On this portion of Wheeler Avenue, between Norway Avenue and Queen Street East, there are thirty-one properties licensed for front yard parking and fifteen properties licensed for driveway widening. Two of these properties are licensed for two vehicles.

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 at this property has been disconnected by the property owner and one downspout 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 35 Wheeler Avenue, it could recommend that:

1. the parking area not exceed 2.2 m by 5.3 m in dimension;
2. the applicant pay for the installation of the ramp to service the parking space;

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;
4. the applicant plant a tree in accordance with the requirements of the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards. The tree shall be a full shade canopy tree or approved equivalent, to the satisfaction of the General Manager of Parks, Forestry and Recreation. Where and if Urban Forestry has determined that the planting of a tree at this location is not feasible, the applicant shall pay for the planting of a tree, subject to the requirements of the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards; and
5. 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

Joe Colafranceschi, Supervisor, Right of Way Management

Telephone: 416-392-7564, Fax: 416-392-1058, E-mail: jcolafra@toronto.ca

SIGNATURE

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

P:\2010\Cluster B\TRA\Toronto and East York\row\te09088te.row - ms