



## STAFF REPORT ACTION REQUIRED

### Front Yard Parking Appeal – 124 Kenilworth Avenue

<b>Date:</b>	February 17, 2010
<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>	Beaches-East York – Ward 32
<b>Reference Number:</b>	Te10010te.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 124 Kenilworth 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 124 Kenilworth Avenue; and
2. request that the owner pay for the removal of the obsolete ramp and reinstatement of the curb.

#### Financial Impact

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

#### ISSUE BACKGROUND

The property owner of 124 Kenilworth Avenue, a single family detached home, was granted a minor variance by the Committee of Adjustment on June 11, 2008 (Appendix

‘E’) to convert the integral below grade garage to habitable space. This decision was subject to the applicant applying for separate approval for a front yard parking pad from Right of Way Management. The applicant subsequently 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 it does not meet the regulations of the City of Toronto Municipal Code Chapter 918. 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 minimum of 50% of the City boulevard fronting the property must be landscaped open space, of which 75% must be maintained as soft landscaping;
- prohibit front yard parking where permit parking is less than 90% allocated, regardless of which side of the street the residential property is situated; and
- a formal poll be conducted to determine whether there is neighbourhood support for the application and that such poll has a favourable result.

### Reasons for not approving

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

- the soft landscaping cannot be provided on the City boulevard;
- permit parking is permitted on the odd side of this portion of the street and is less than 90% allocated; and
- 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 Kenilworth Avenue from 121 to 169, including 1960 Queen Street East on the odd side and from 112 to 152 including 1958 Queen Street East on the even side. The deadline for receiving the ballots was December 9, 2009.

Total owners/tenants/residents polled	103	-----
Returned by post office	10	-----
Total eligible voters (total polled minus returned by post office)	93	100%

No reply	49	53%
<b>Total ballots received (response rate)</b>	<b>44</b>	<b>47%</b>
In favour of parking (of ballots received)	41	93%
Opposed to parking (of ballots received)	3	7%
Spoiled ballots	0	0%

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

Permit parking on Kenilworth Avenue is authorized on the odd side, within permit parking area 9C. There are no on-street parking permits registered to this address.

Total number of parking permits in area 9C	4358	Total permits issued as of November 30, 2009	3695
Permits available	663	% of permits allocated	85%

Total number of permit parking spaces on Kenilworth Avenue, between Queen Street East and the N End of Kenilworth Avenue	24	Total permits issued to residents as of November 30, 2009	15
Permits available	9	% of permits allocated	63%

Ramping is not required as there is an existing ramp to service the proposed parking, therefore, on street permit parking is not affected.

On this portion of Kenilworth Avenue, between Norway Avenue and Queen Street East, there are fifteen properties licensed for front yard parking and five 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 there is no suitable planting site for a tree at this location.

In accordance with the requirements, a review by Toronto Water has revealed that one downspout is feasible for disconnection and three downspouts 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).

Should Community Council decide to grant the appeal for front yard parking at 124 Kenilworth 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 5.6 m in dimension;
2. the applicant disconnect the downspout in accordance with the requirements of Toronto Water;
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;
5. the applicant pay for the planting of a full shade canopy tree on City property in the general area of the property, preferably on the same street, as per the requirements of the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards; 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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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  
Appendix 'E' - Committee of Adjustment decision

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