



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 10 Belle Ayre Boulevard

Date:	April 1, 2010
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	St. Paul's – Ward 22
Reference Number:	Te10026te.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 10 Belle Ayre Boulevard 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 10 Belle Ayre Boulevard.

Financial Impact

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

ISSUE BACKGROUND

The property owner of 10 Belle Ayre Boulevard, a single family detached home with a mutual driveway, submitted an application for front yard parking at this location. Upon initial review of the application, a clerical error caused the applicant to believe that the property met the requirements of the Code. The situation was rectified and 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.

There is insufficient setback from the back of the sidewalk to the front steps to accommodate the minimum parking space when parking perpendicular to the sidewalk, therefore, the applicant proposed the angled parking space.

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:

- 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; 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 reason:

- 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 Belle Ayre Boulevard from 1 to 27, including 441 Millwood Road on the odd side and from 2 to 26, including 423 Millwood Road on the even side. The deadline for receiving the ballots was March 18, 2010.

Total owners/tenants/residents polled	74	-----
Returned by post office	5	-----
Total eligible voters (total polled minus returned by post office)	69	100%
No reply	27	39%
Total ballots received (response rate)	42	61%
In favour of parking (of ballots received)	34	81%
Opposed to parking (of ballots received)	6	14%

Spoiled ballots	2	5%
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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

This property is not located within a permit parking area.

Ramping is not required as there is an existing ramp to service the proposed parking.

On this portion of Belle Ayre Boulevard, between Davisville Avenue and Millwood Road, there are three properties licensed for driveway widening.

A tree was planted in the front yard at this location last year. A review of this application by Urban Forestry has determined that there is no suitable planting site for an additional tree at this location. Urban Forestry has requested that if retaining walls are to be installed within the tree protection zone, that a tree security deposit be made.

In accordance with the requirements, a review by Toronto Water has revealed that four 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. landscaping).

Should Community Council decide to grant the appeal for front yard parking at 10 Belle Ayre Boulevard, it could recommend that:

1. the parking area be 2.2 m in width by 5.3 m in dimension;
2. the applicant pave the parking area with semi-permeable paving materials;
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 Tree Security Deposit of \$583.00, should a retaining wall be constructed within the tree protection zone;

6. 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
7. 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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