



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 204 Silver Birch Avenue

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:	Beaches-East York – Ward 32
Reference Number:	Te10013te.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 204 Silver Birch 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 204 Silver Birch Avenue.

Financial Impact

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

ISSUE BACKGROUND

The property owner of 204 Silver Birch 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 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:

- prohibit front yard parking where permit parking is authorized on the same side of the street; 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:

- permit parking is permitted on the same side of the street; 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 Silver Birch Avenue from 195 to 245 on the odd side and from 188 to 236 on the even side. The deadline for receiving the ballots was March 4, 2010.

Total owners/tenants/residents polled	94	-----
Returned by post office	4	-----
Total eligible voters (total polled minus returned by post office)	90	100%
No reply	50	56%
Total ballots received (response rate)	40	44%
In favour of parking (of ballots received)	25	63%
Opposed to parking (of ballots received)	14	35%
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

Permit parking on Silver Birch Avenue is authorized on the even side, within permit parking area 9C. There are two 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	3724
Permits available	634	% of permits allocated	85%

Total number of permit parking spaces on Silver Birch Avenue, between Pine Avenue and Kingston Road	48	Total permits issued to residents as of November 30, 2009	53
Permits available	0	% of permits allocated	110%

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

On this portion of Silver Birch Avenue, between Pine Avenue and Kingston Road, there are twenty-six properties licensed for front yard parking and ten properties licensed for driveway widening. Three 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 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 204 Silver Birch 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 5.9 m in dimension;
2. the applicant remove the excess paving and restore the area to soft landscaping as shown on Appendix 'A';
3. the applicant pay for the installation of the ramp to service the proposed parking space;

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 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; 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

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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