



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal for a Second Vehicle – 2 Windley Avenue

Date:	April 29, 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 21
Reference Number:	Te10018te.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 2 Windley 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 a second front yard parking space at 2 Windley Avenue;
2. request that the owner remove the existing brick paving and restore the area to soft landscaping, as shown on Appendix 'A'; and
3. request that the owner pay for the removal of the 2.6 m section of obsolete ramp and reinstatement of the curb fronting the area to be restored.

Financial Impact

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

ISSUE BACKGROUND

The previous property owner of 2 Windley Avenue, a single family detached home with a private driveway, was granted a minor variance by the Committee of Adjustment on March 11, 2004 (Appendix 'E') to convert the two car garage into habitable space. As per the Committee of Adjustment decision, Transportation Services approved and licensed one space, subject to the conversion of the garage.

The new property owner as of September 2007, inquired about the feasibility of licensing a second front yard parking space 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 for a second vehicle is shown on Appendix 'A', the property data map is shown on Appendix 'B', digital photos of the property are 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 Code does not permit the General Manager to accept an application for a second front yard parking space. The relevant provisions include:

- limit the number of vehicles that can be licensed to one; and
- limit the size of the parking area to 2.6 m by 5.9 m in dimension.

Reasons for not approving

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

- the application is for a second vehicle; and
- the area paved exceeds the area required to facilitate a vehicle.

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 Windley Avenue from 2 to 16 on the even side and 3 to 17 on the odd side, including 186 Humewood Drive. The deadline for receiving the ballots was April 22, 2010.

Total owners/tenants/residents polled	36	-----
Returned by post office	0	-----

Total eligible voters (total polled minus returned by post office)	36	100%
No reply	3	8%
Total ballots received (response rate)	33	92%
In favour of parking (of ballots received)	33	100%
Opposed to parking (of ballots received)	0	0%
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 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 Windley Avenue, between Rushton Road and Humewood Drive, there are no properties licensed for front yard parking.

There is a 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 an additional tree at this location.

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., setback and landscaping).

Should Community Council decide to grant the appeal for front yard parking at 2 Windley Avenue, it could recommend that:

1. the parking area for the second parking space be a minimum of 2.2 m in width and not exceed 2.6 m by 5.9 m in dimension, as shown on Appendix 'F';
2. 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;

3. 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
4. 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' - photos
Appendix 'D' - applicant's landscape proposal
Appendix 'E' - Committee of Adjustment Decision
Appendix 'F' - sketch - alternate parking configuration

P:\2010\Cluster B\TRA\Toronto and East York\row\te10018te.row - ms