

Front Yard Parking Appeal – 145 Manor Road East

Date:	October 22, 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:	Te11005te.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 145 Manor Road East 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 145 Manor Road East; and
2. request the applicant to remove the existing paving adjacent to the mutual drive and restore the area to soft landscaping, as shown on Appendix 'E'.

Financial Impact

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

ISSUE BACKGROUND

The property owner of 145 Manor Road East, a duplex with a mutual driveway, 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', digital photos of the property are shown on Appendix 'C' and the applicant's landscape proposal is shown on Appendix 'D' and the area of paving to be removed is shown on appendix 'E'.

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;
- a minimum of 50% of the front yard on private property must be landscaped open space, of which 75% must be maintained as soft landscaping;
- 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; 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;
- the soft landscaping cannot be provided on both private and the City boulevard; and
- the poll did not meet the 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 Manor Road East from 135 to 155 on the odd side and from 162 to 170 on the even side. The deadline for receiving the ballots was July 20, 2010.

Total owners/tenants/residents polled	27	-----
Returned by post office	0	-----
Total eligible voters (total polled minus returned by post office)	27	100%
No reply	15	56%

Total ballots received (response rate)	12	44%
In favour of parking (of ballots received)	12	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 not meet the minimum response rate and therefore the poll is deemed to be a negative poll.

Other factors

Permit parking on Manor Road East is authorized on the odd side on a street name basis. There is one on-street parking permit registered to this address.

Total number of parking permits on the street	122	Total permits issued as of November 30, 2010	48
Permits available	74	% of permits allocated	65%

Total number of permit parking spaces on Manor Road East, between De-Savery Cresnet and Mount Pleasant Road	5	Total permits issued to residents as of November 30, 2010	9
Permits available	0	% of permits allocated	180%

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 Manor Road East, between Servington Cresnet and Mount Pleasant Road, there are eighteen properties licensed for driveway widening.

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 have been disconnected by the property owner and one downspout at this property 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).

Should Community Council decide to grant the appeal for front yard parking at 145 Manor Road East, it could recommend that:

1. the parking area be 2.2 m by 5.3 m in dimension;
2. the applicant pay the enforcement fee of \$611.96 (HST included) since the parking pad was constructed without authorization from the City;
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; 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' - photos
Appendix 'D' - applicant's landscape proposal
Appendix 'E' - sketch

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