



# STAFF REPORT ACTION REQUIRED

## Front Yard Parking Appeal – 72 Balmoral Avenue

<b>Date:</b>	December 5, 2011
<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>	St. Paul’s – Ward 22
<b>Reference Number:</b>	Te2012001te.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 72 Balmoral 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 72 Balmoral Avenue.

#### **Financial Impact**

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

#### **ISSUE BACKGROUND**

The property owner of 72 Balmoral Avenue, a single family semi-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 the regulations of the City of Toronto Municipal Code Chapter 918 do not permit front yard parking when on

street permit parking is authorized on the same side of the street. 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.

### Reasons for not approving

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

- permit parking is permitted on the same side of the street.

### 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 Balmoral Avenue from 53 to 111 on the odd side and from 36 to 108 on the even side. The deadline for receiving the ballots was June 3, 2010.

Total owners/tenants/residents polled	146	-----
Returned by post office	2	-----
Total eligible voters (total polled minus returned by post office)	144	100%
No reply	61	42%
<b>Total ballots received (response rate)</b>	<b>83</b>	<b>58%</b>
In favour of parking (of ballots received)	47	57%
Opposed to parking (of ballots received)	35	42%
Spoiled ballots	1	1%

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

Permit parking on Balmoral Avenue is authorized on the even side, within permit parking area 5F. There is one on street parking permit registered to this address.

Total number of parking permits in area 5F	148	Total permits issued as of November 30, 2011	106
Permits available	42	% of permits allocated	72%

Total number of permit parking spaces on Balmoral Avenue, between Yonge Street and Avenue Road	46	Total permits issued to residents as of November 30, 2011	49
Permits available	0	% of permits allocated	107%

A ramp installation does not affect the on street permit parking.

On this portion of Balmoral Avenue, between Yonge Street and Avenue Road, there are seventy-nine properties licensed for front yard parking. Eleven 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. There is a tree fronting 74 Balmoral Avenue that would be involved and a Tree Security Deposit is required.

In accordance with the requirements, a review by Toronto Water has revealed that one downspout at this property is not feasible for disconnection due to no suitable drainage area.

As the work required to construct the proposed parking area will result in a significant grade alteration within the City boulevard, the proposed work has been reviewed by various Public Utility Companies and they advise there is no adverse impact on any underground facilities.

## Alternate recommendations

While the property is not eligible for front yard parking because it does not meet the above noted requirement 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 72 Balmoral Avenue, it could recommend that:

1. the parking area be a minimum of 2.2 m in width and not exceed 2.3 m by 5.4 m in dimension;

2. the applicant pay for the installation of the ramp to service the parking space;
3. the applicant hand dig any excavation that falls within 1.0 m as measured horizontally from the field markings and locate the gas service. Enbridge is to be contacted to ensure that the proper clearances are maintained and to determine if the service will require relocation;
4. the applicant contact Urban Forestry and make arrangements to pay the Tree Security Deposit in the amount of \$3,214.00;
5. the applicant provide the landscape features substantially in accordance with the plan as indicated in Appendix 'D', attached to the report dated December 5, 2011 from the Manager, Right of Way Management, Transportation Services, Toronto and East York District, to the satisfaction of the General Manager of Transportation Services;
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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Kyp Perikleous  
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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