

Clause embodied in Report No. 9 of the Humber York Community Council, as adopted by the Council of the City of Toronto at its meeting held on November 6, 7 and 8, 2001.

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**Request for an Exemption from Chapter 400 of the
(Former) City of Toronto Municipal Code to Permit
Front Yard Parking at 154 Nairn Avenue
(Davenport, Ward 17)**

(City Council on November 6, 7 and 8, 2001, adopted this Clause, without amendment.)

The Humber York Community Council recommends the adoption of Recommendation (1) in the following report (October 2, 2001) from the Manager, Right-of-Way Management, Transportation Services, District 1, viz:

“(1) City Council deny the application for front yard parking at 154 Nairn Avenue.”

Purpose:

To report on a request for an exemption from Municipal Code Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code, to permit front yard parking at 154 Nairn Avenue, which does not meet the requirements of the Code. As this is an appeal and request for an exemption from the by-law, it is scheduled as a deputation item.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendation:

It is recommended that:

(1) City Council deny the application for front yard parking at 154 Nairn Avenue;

OR

(2) City Council approve the application for front yard parking at 154 Nairn Avenue, notwithstanding that the property has access to other parking on site, subject to:

(a) the parking area not exceeding 2.6 m by 5.1 m in dimension;

- (b) the parking area be paved with semi-permeable paving materials, i.e., ecostone pavers or approved equivalent permeable paving treatment acceptable to the Commissioner of Works and Emergency Services;
- (c) a formal poll being conducted and that such poll have a favourable result; and
- (d) the applicant paying all applicable fees and complying with all other criteria set out in Municipal Code Chapter 400, Traffic and Parking, of the former City of Toronto Municipal Code.

Background:

Ms. Patricia Mundinger, owner of 154 Nairn Avenue, has requested an exemption from the requirements of the former City of Toronto Municipal Code to permit front yard parking at this location.

Comments:

Ms. Patricia Mundinger, owner of 154 Nairn Avenue, Toronto, Ontario M5R 2Z5, submitted an application for front yard parking at this location. The application was refused since the property has access to the rear yard via a public lane. Ms. Mundinger subsequently submitted an appeal requesting further consideration of this proposal.

Front yard parking is governed by the criteria set out in the former City of Toronto Municipal Code 400, Traffic and Parking. The current criteria of the Code:

- (a) prohibits front yard parking where the property has access to a parking facility on the lot, or where there is adequate space for parking on the lot accessible by means of a driveway having a minimum width of 2.6 m, a public street or lane;
- (b) requires that the parking area be paved using semi-permeable paving materials, such as ecostone pavers or approved equivalent permeable treatment acceptable to the Commissioner of Works and Emergency Services; and
- (c) requires that a formal poll be conducted to determine whether there is sufficient neighbourhood support for the application, and that such poll has a favourable result.

The property does not meet the above criteria of the current regulations, as there is access to the rear yard via a public lane flanking the property.

In addition, a public poll to determine whether there is sufficient neighbourhood support for this application has not been conducted. Should your Committee recommend granting the appeal, approval should be subject to the result of the poll being favourable.

The lot dimensions for this property are 9.24 m by 13.11 m. While the property is not eligible for front yard parking because it does not meet the requirements of the Code, the property could meet the other physical requirements of the Municipal Code (i.e., landscaping and setback

requirements). The proposal for front yard parking is shown on Appendix 'A'. The property data map is shown on Appendix 'B'.

Permit parking is authorized on an alternate side basis on this portion of Nairn Avenue, within permit parking area 3A, where, as of October 1, 2001, 627 permits have been issued against a total of 898 spaces available. There is one permit issued to P. Mundinger of this address. This proposal would not result in the loss of a permit parking space.

In addition, on this portion of Nairn Avenue between Hope Street and Ascot Avenue, there are two properties licensed for driveway widening.

A review of this application by Forestry staff has determined that it would not be feasible to plant a tree in the front yard at this location.

Conclusions:

The proposal for front yard parking at this location does not comply with the requirements of the Municipal Code, because there is access to the rear yard via a public lane. In addition, a formal poll to determine neighbourhood support has not been conducted.

Staff cannot issue a front yard parking permit, as the location does not meet the requirements of the Municipal Code.

On hearing of depositions, the Humber York Community Council must decide whether or not to recommend that City Council grant the appeal.

Contact:

Ms. Marilyn Sarrazin, Permits and Licensing Clerk, Off Street Parking
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(The Attachments referred to in the foregoing report were forwarded to all members of the Humber York Community Council with the Agenda for its meeting on October 23, 2001, and copies thereof are on file in the office of the City Clerk, York Civic Centre.)

The Humber York Community Council also had before it a letter (October 22, 2001) from Lorraine Janelle and Kurt Rostek, Toronto, expressing objection to the application.

The following persons appeared before the Humber York Community Council in connection with the foregoing matter:

- Mr. Wayne Higham, Toronto; and
- Mr. Robert McBride, Toronto.