

Front Yard Parking Appeal – 33 Tilson Road

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:	Te11002te.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 33 Tilson Road 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 33 Tilson Road; and
2. request the applicant to remove the existing paving adjacent to the mutual drive, with the exception of a walkway of 1.06 meters, 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 33 Tilson Road, a single family detached home 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’, a digital photo of the property is shown on Appendix ‘C’, 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; 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 Tilson Road from 5 to 41 on the odd side and from 6 to 34 on the even side, including 174 Forman Avenue. The deadline for receiving the ballots was June 16, 2010.

Total owners/tenants/residents polled	74	-----
Returned by post office	1	-----
Total eligible voters (total polled minus returned by post office)	73	100%
No reply	37	51%
Total ballots received (response rate)	36	49%
In favour of parking (of ballots received)	28	78%
Opposed to parking (of ballots received)	8	22%

Spoiled ballots	0	0%
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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 is authorized on both sides of Tilson Road on a street name basis. There are no on-street parking permits registered to this address.

Total number of permit parking spaces on Tilson Road, between Harwood Road and Forman Avenue	34	Total permits issued to residents as of November 30, 2010	17
Permits available	17	% of permits allocated	50%

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 Tilson Road, between Harwood Road and Forman Avenue, there are eight properties licensed for front yard parking.

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 due to the existing tree at 31 Tilson Road in which the crown of the existing tree overlaps the front yard of 33 Tilson Road.

In accordance with the requirements, a review by Toronto Water has revealed that two 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 33 Tilson Road, 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 pay the inspection fee of \$611.96 (HST included) since the retaining walls and parking pad were constructed without authorization from the City of Toronto;

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 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
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

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SIGNATURE

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ATTACHMENTS

Appendix 'A' - sketch
Appendix 'B' - property data map
Appendix 'C' - photo
Appendix 'D' - applicant's landscape proposal
Appendix 'E' - sketch

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