

Front Yard Parking Appeal – 121 Bingham Avenue

Date:	April 20, 2012
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Beaches-East York – Ward 32
Reference Number:	Te2012011te.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 121 Bingham 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 front yard parking at 121 Bingham Avenue; and
2. request that the owner remove the existing brick paving and restore the area to soft landscaping, as indicated in Appendix 'E', attached to the report dated April 20, 2012, from the Manager, Right of Way Management, Transportation Services, Toronto and East York District.

Financial Impact

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

ISSUE BACKGROUND

The property owner of 121 Bingham Avenue, 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 the regulations of the City of Toronto Municipal Code Chapter 918 do not permit front yard parking where 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', the applicant's landscape proposal is shown on Appendix 'D' and a sketch showing 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.

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 on an alternating basis.

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 Bingham Avenue from 114 to 162, on the even side, including 1016 Kingston Road and from 111 to 159, on the odd side, including 1020 and 1024 Kingston Road. The deadline for receiving the ballots was March 30, 2012.

Total owners/tenants/residents polled	95	-----
Returned by post office	0	-----
Total eligible voters (total polled minus returned by post office)	95	100%
No reply	46	48%
Total ballots received (response rate)	49	52%
In favour of parking (of ballots received)	36	73%
Opposed to parking (of ballots received)	13	27%

Spoiled ballots	0	0%
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The Code states that a poll will be considered valid when at least 25% 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 Bingham Avenue is authorized on an alternate side basis, within permit parking area 9C. There is one on street parking permit registered to this address.

Total number of parking permits in area 9C	4292	Total permits issued as of November 30, 2011	3799
Permits available	493	% of permits allocated	89%

Total number of permit parking spaces on Bingham Avenue, between Kingston Road and Woodale Avenue	15	Total permits issued to residents as of November 30, 2011	30
Permits available	0	% of permits allocated	200%

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 Bingham Avenue, between Kingston Road and Woodale Avenue, there are four 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.

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 121 Bingham Avenue, it could recommend that:

1. the parking area be 2.2 m by 5.3 m in dimension;
2. the applicant disconnect any downspouts, if feasible, or seek an exemption from Toronto Water in accordance with the requirements in Chapter 681-11(S);

3. the applicant pay the enforcement fee of \$637.99 (HST included) since the parking pad was constructed without authorization from the City;
4. the applicant provide the landscape features substantially in accordance with the plan as indicated in Appendix 'D', attached to the report dated April 20, 2012, from the Manager, Right of Way Management, Transportation Services, Toronto and East York District, to the satisfaction of the General Manager of Transportation Services;
5. 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
6. 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

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
Appendix 'E' - sketch showing paving to be removed

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