Front Yard Parking Appeal – 57 Oriole Gardens

Date: January 3, 2013
To: Toronto and East York Community Council
From: Manager, Right of Way Management, Transportation Services
Wards: St. Paul's – Ward 22
Reference Number: Te2013004te.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 57 Oriole Gardens 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 57 Oriole Gardens; and
2. request that the owner remove the existing Turfstone paving and restore the area to soft landscaping, as indicated in Appendix 'E', attached to the report dated January 3, 2013, 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 previous property owner of 57 Oriole Gardens, a single family 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 it does not meet the regulations of the City of Toronto Municipal Code Chapter 918. The new owner 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;
- minimum parking space requirement of 5.3 m in length;
- 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
- the requirements of the City of Toronto Municipal Code Chapter 813, Trees, are complied with; a minimum clearance of 6.0 meters from the base of the tree is required.

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 minimum parking space requirement of 5.3 m in length is not met;
- the soft landscaping requirement cannot be provided on private property;
- the soft landscaping requirement cannot be provided on the City boulevard; and
- the paved area for the parking pad does not provide the required clearance from the existing tree.

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 Oriole Gardens from 39 to 73, including 12 Bryce Avenue and 75 Oriole road on the odd side and from 32 to 62 on the even side. The deadline for receiving the ballots was October 29, 2012.
Total owners/tenants/residents polled |
76
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Returned by post office |
2
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Total eligible voters (total polled minus returned by post office) |
74 |
100%

No reply |
26 |
35%

**Total ballots received (response rate)** |
48 |
65%

In favour of parking (of ballots received) |
43 |
90%

Opposed to parking (of ballots received) |
4 |
8%

Spoiled ballots |
1 |
2%

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 Oriole Gardens is authorized on the odd side, within permit parking area 11A. There is one on street parking permit registered to this address.

<table>
<thead>
<tr>
<th>Total number of parking permits in area 11A</th>
<th>45</th>
<th>Total permits issued as of November 30, 2012</th>
<th>40</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>5</td>
<td>% of permits allocated</td>
<td>90%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total number of permit parking spaces on Oriole Gardens, between Bryce Avenue and Oriole Road</th>
<th>12</th>
<th>Total permits issued to residents as of November 30, 2012</th>
<th>26</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>0</td>
<td>% of permits allocated</td>
<td>217%</td>
</tr>
</tbody>
</table>

The installation of a ramp at this location will result in the loss of one on street permit parking space.

On this portion of Oriole Gardens between Bryce Avenue and Oriole Road, there are nine 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 there is no suitable planting site for an additional tree at this location.

**Alternate recommendations**

Should Community Council decide to grant the appeal for front yard parking at Oriole Gardens, it could recommend that:
1. the parking area be a minimum of 2.5 m in width by 4.8 m in dimension;
2. the applicant pay for the installation of the ramp to service the parking space;
3. the applicant disconnect any downspouts, if feasible, or seek an exemption from Toronto Water in accordance with the requirements in Chapter 681-11(S);
4. the applicant pay the enforcement fee of $653.93 (HST included) since the parking pad was constructed without authorization from the City;
5. the applicant provide the landscape features substantially in accordance with the plan as indicated in Appendix 'D', attached to the report dated January 3, 2013, 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

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