STAFF REPORT
ACTION REQUIRED

Front Yard Parking Appeal – 40 Menin Road

<table>
<thead>
<tr>
<th>Date:</th>
<th>January 3, 2013</th>
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<tbody>
<tr>
<td>To:</td>
<td>Toronto and East York Community Council</td>
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<tr>
<td>From:</td>
<td>Manager, Right of Way Management, Transportation Services, Toronto and East York District</td>
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<tr>
<td>Wards:</td>
<td>St. Paul's – Ward 21</td>
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<tr>
<td>Reference Number:</td>
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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 40 Menin 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 40 Menin Road; and

2. request that the owner remove the existing gravel 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 property owner of 40 Menin Road, a single family detached home with lane access to a garage at the rear, 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 if the property has access to on-site parking by means of a lane. 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:

- limit the size of the parking area to 2.6 m by 5.9 m in dimension;
- prohibit front yard parking where the property has access to an existing parking facility or where adequate space for parking can be provided on the lot; 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:

- the area paved exceeds the area required to facilitate a vehicle;
- the property is serviced by a single car garage at the rear of the property by means of a public laneway; and
- negative poll results.

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 Menin Road from 15 to 39, including 1007 Eglinton Avenue West, on the odd side and from 20 to 40, on the even side. The deadline for receiving the ballots was November 29, 2012.

<table>
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<tr>
<th>Total owners/tenants/residents polled</th>
<th>45</th>
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<tr>
<td>Returned by post office</td>
<td>2</td>
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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 and at least 50% plus one in favour for a poll to be considered a positive result. This poll did meet the minimum response rate however it did not meet the 50% plus one in favour of the application and therefore the poll is deemed to be a negative poll.

**Other factors**
This property is not located within a permit parking area.

The installation of a ramp is not required because of a low curb due to speed bump.

On this portion of Menin Road, between Eglinton Avenue West and Dewbourne Avenue, there are no 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 will determine if it would be feasible to plant a tree at this location.

**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 40 Menin 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 repave the parking area with semi-permeable paving materials; as indicated in Appendix ‘A’, attached to the report dated January 3, 2013, from the Manager, Right of Way Management, Transportation Services, Toronto and East York District;

3. the applicant remove the excess paving and restore the area to soft landscaping, as indicated in Appendix 'A', attached to the report dated January 3, 2013, from the
Manager, Right of Way Management, Transportation Services, Toronto and East York District;

4. the applicant disconnect any downspouts, if feasible, or seek an exemption from Toronto Water in accordance with the requirements in Chapter 681-11(S);

5. the applicant pay the enforcement fee of $653.93 (HST included) since the parking pad was constructed without authorization from the City;

6. 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;

7. the applicant plant a tree or if Urban Forestry determines that there is no room for a tree, 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

8. 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
Appendix 'E' - sketch showing paving to be removed

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