

**Application for Encroachment Agreement
267½ Glenholme Avenue**

Date:	December 27, 2006
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 17 - Davenport
Reference Number:	ML&S Folder No. 06-139427 RAW

SUMMARY

To report on an application for Encroachment Agreement submitted by the owner to maintain an existing chain link fence, part of which is sitting on a retaining wall, and the area enclosed therein (including an installed air conditioning unit and a hose reel) within the Earlsdale Avenue and Glenholme Avenue road allowance (for an area of approximately 101.14 square metres or 1,088.7 square feet), as well as part of an existing garage that is encroaching on the Earlsdale Avenue road allowance (for an area of approximately 3.74 square metres or 40.25 sq. feet) – see Attachments 2, 6 and 7.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that the application for an Encroachment Agreement be approved and the City Solicitor authorized to prepare an Encroachment Agreement for the proposed encroachments subject to the following conditions:

1. the applicant to enter into an Encroachment Agreement with the City of Toronto;
2. the applicant to pay all fees associated with the preparation of this agreement, and an annual fee to the City of Toronto for use of the road allowance in the amount of \$25.00 plus \$5.50 per square metre, plus GST. All fees are subject to change;

3. the subject chain link fence to be kept in a state of good repair and maintenance, and realigned as necessary to allow a clearance of 800 mm – 1000 mm from the existing hydro pole on the Earlsdale Avenue road allowance, in compliance with the requirements and to the satisfaction of Toronto Hydro – Attachments 5 and 8;
4. the signed agreement to be returned to the City along with the required Certificate of Insurance, evidencing a third party bodily injury and property damage insurance in the amount of \$2,000,000.00 or such other coverage and greater amount as the City may require, and naming the City of Toronto as an additional insured party under the policy;
5. the said Certificate of insurance to be renewed and a copy thereof submitted to Municipal Licensing and Standards on an annual basis for the life of the encroachments;
6. the owner to obtain a construction/streets occupation permit prior to the commencement of any construction;
7. the dilapidated garage to be repaired with submission of drawings for approval to Toronto Building for a Building Permit – Attachments 4 and 6;
8. the hedges behind the chain link fence to be constantly trimmed to maintain a height of no more than 1 metre – Attachments 6, 7 and 8;
9. the tree/shrubs adjacent to the hydro pole to be constantly trimmed and maintained to avoid overgrowth and sight line obstruction to the traffic signs erected thereon – Attachment 8;
10. the area enclosed by the chain link fence to be kept free of debris and litter, and the grass constantly cut and maintained, in line with the requirements of Chapter 489 of Toronto Municipal Code, Grass and Weeds – Attachment 7;
11. the space in between the garage and the rear of the house not to be used for parking – Attachment 2;
12. any debris or refuse including the bricks stored on the exterior of the property, being in violation of Chapter 548 of Toronto Municipal Code, Littering and Dumping of Refuse, and the Former City of York Zoning By-law #1-83, to be removed;
13. the broken driveway to the east side of the driveway to be properly paved – Attachment 6; and
14. the owner to maintain the subject property in good repair and comply at all times with the regulations set out in the former Municipality of Metropolitan Toronto By-law 41-93, as amended, including the retaining wall on which the chain link fence is sitting – Attachment 7.

FINANCIAL IMPACT

There are not financial implications resulting from adoption of this report.

ISSUE BACKGROUND

The property is located at the south east corner of Glenholme Avenue and Earlsdale Avenue – Attachments 2 and 6. The existing chain link fence and part of the garage have been encroaching on the Earlsdale Avenue and Glenholme Avenue road allowance for many years and this application will allow the owner to maintain the existing encroachments and facilitate the repair of the dilapidated garage – Attachments 4 and 6, subject to an Encroachment Agreement being entered with the City of Toronto.

COMMENTS

This application has been circulated for comment to Transportation Services, Urban Forestry Services, Toronto Fire Services and various utility companies, with no negative responses being received, other than the special requirement of Toronto Hydro to maintain the specified clearance of the chain link fence behind the existing hydro pole – Attachments 5 and 8.

A notice of the application was sent to all landowners within a radius of 60 metres of the subject property requesting for a reply for any comments or objections. Among the 54 ballots issued, any response was received.

CONTACT

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SIGNATURE

Curtis Sealock, District Manager
Etobicoke York District
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1 – Survey Plan

Attachment 2 – Site Plan

Attachment 3 – Elevation Drawings

Attachment 4 – Garage Detail

Attachment 5 – Clearance around the existing hydro pole as required by Toronto Hydro

Attachment 6 – Photographs showing the general view of property

Attachment 7 – Photographs showing the close-up of property

Attachment 8 – Photograph showing the hydro pole and clearance

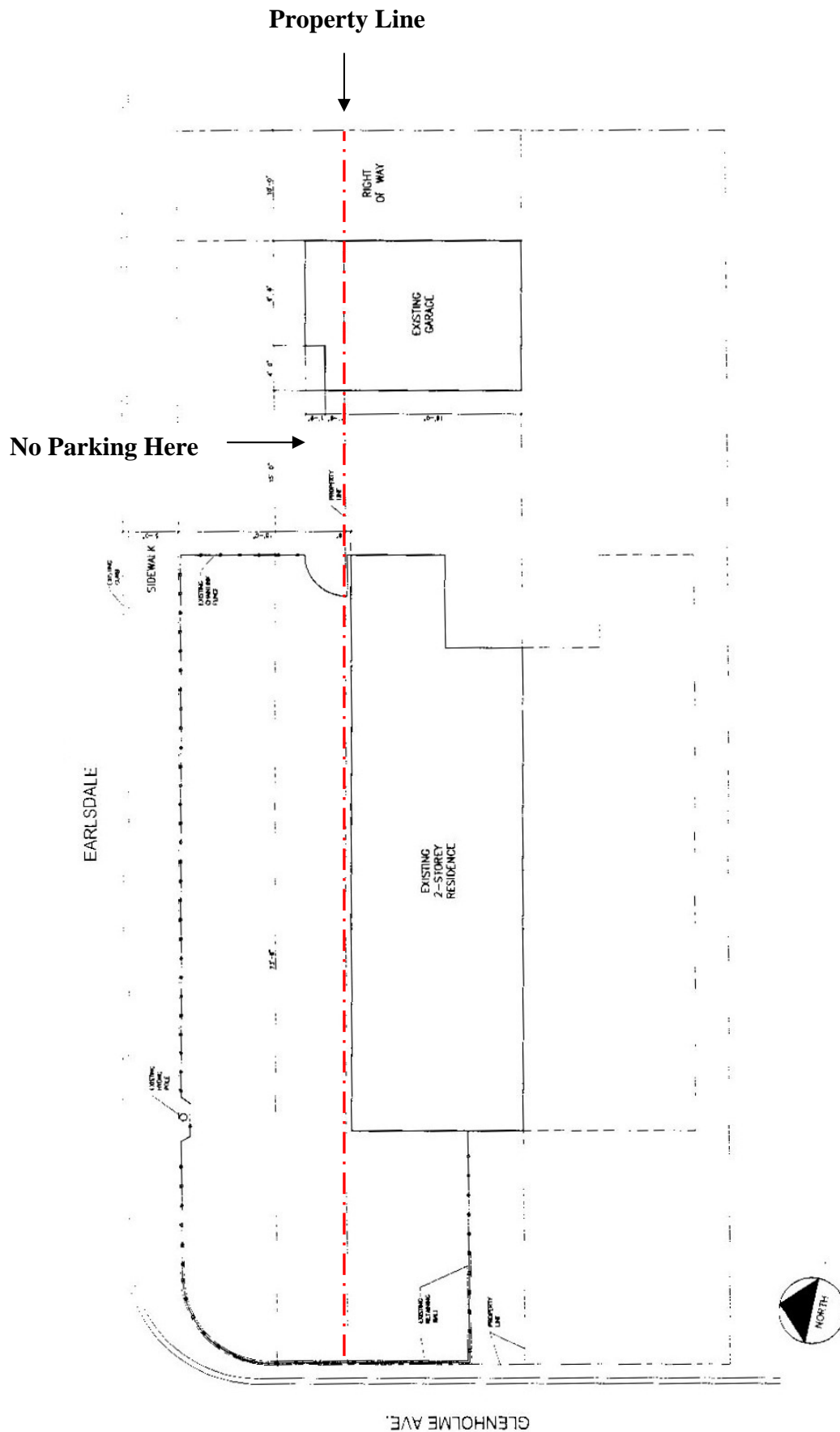
1. Unidentified. C. B. Brown.

Franklin D. Roosevelt

W. L. Curvey.

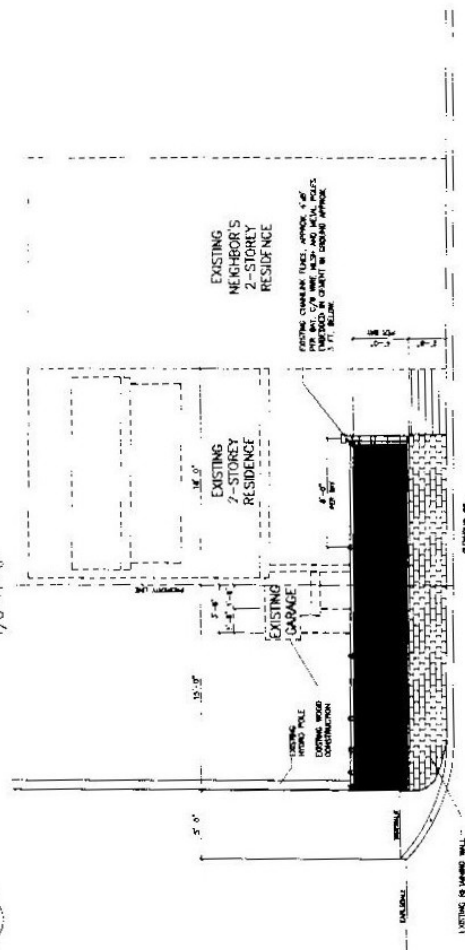
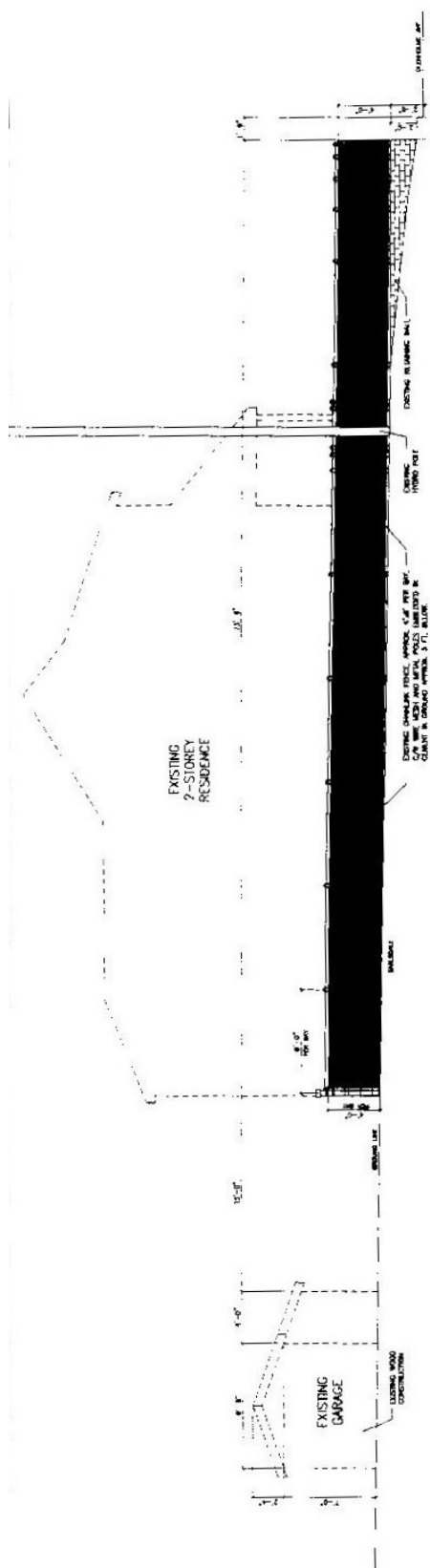
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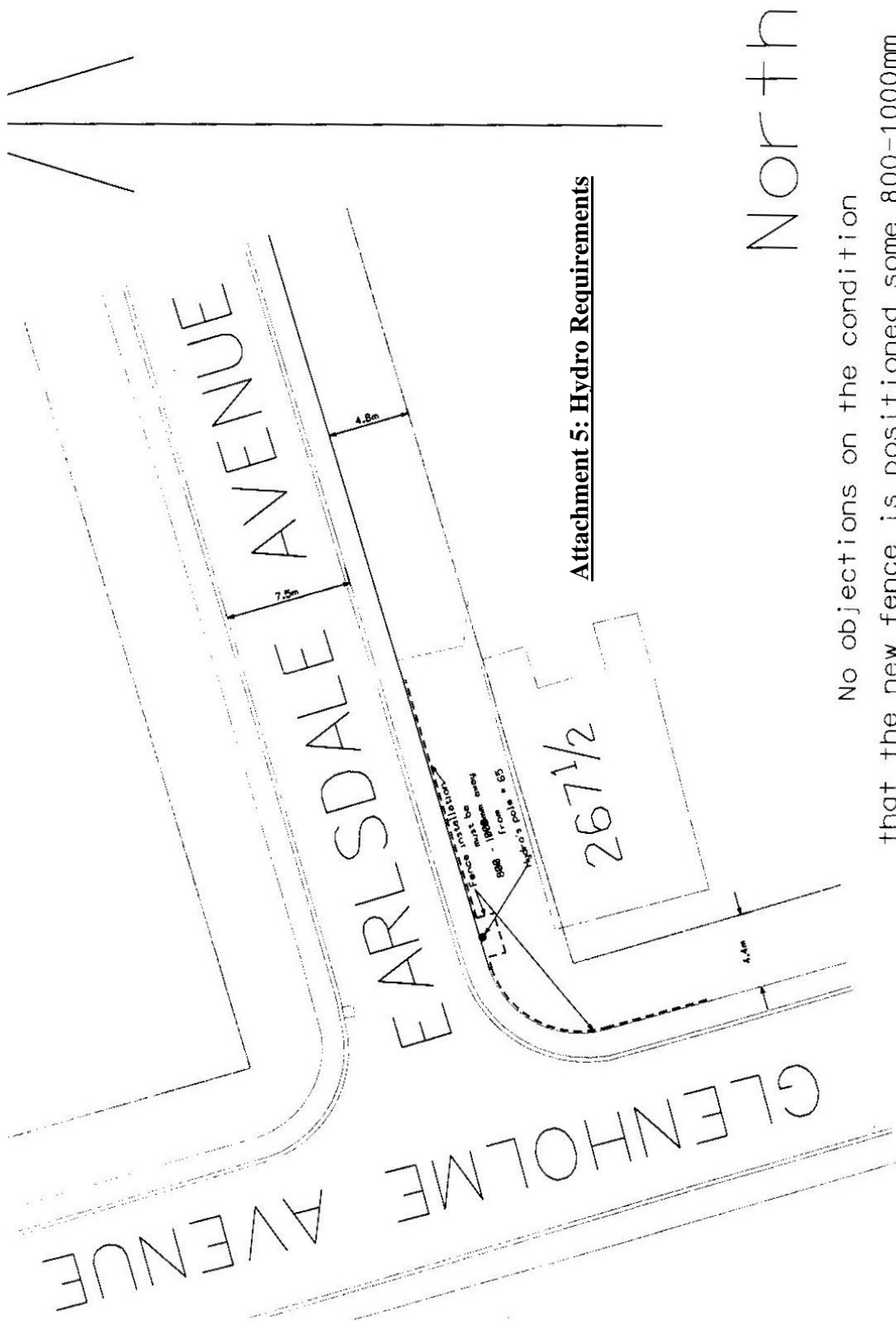
OWNER MICHELLE WOLF 287 1/2 GLENHOLME AVE. TORONTO, ONTARIO TEL No. (416) 652-5527		PROJECT NAME WOLF RESIDENCE		DRAWING NO. A-1
SCALE 1" = 10'	DRAWN BY HJ	CHECKED BY MW	DATE JULY 5 th , 2006	PROJECT NO. 000406
DRAWING TITLE EXISTING SITE PLAN			REF. DRAWING NO.	

Attachment 2 – Site Plan



Attachment 3 – Elevation Drawings

OWNER	PROJECT NAME: WOLF RESIDENCE		DRAWING NO.	
MICHELLE WOLF 262 1/2 GLENHOLM AVE. TORONTO, ONTARIO Tel No (416) 652 5257	DRAWING TITLE: EXISTING NORTH AND WEST ELEVATIONS		PROJECT NO. 000406	
SCALE:	DRAWN BY: [initials]	CHECKED: M/W	DATE: JULY 31, 2006	



Attachment 5: Hydro Requirements

North

No objections on the condition that the new fence is positioned some 800-1000mm away from the perimeter of our Hydro pole# 65 !



Garage at Earlsdale Flankage

Chain Link Fence



Attachment 6



Attachment 7



Attachment 8: Existing Hydro Pole and Fence Clearance Required