



STAFF REPORT ACTION REQUIRED

Application for Encroachment Agreement 21 Rochdale Avenue

Date:	July 20, 2007
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 17, Davenport
Reference Number:	ML & S Folder Number 05 186682 RAW 00 IR

SUMMARY

This Staff Report is in response to an application submitted by Marco Vieira acting on behalf of the property owner, to permit the existing concrete stairs and proposed alterations in the front-yard, including a walkway and retaining walls, both on the municipal road allowance, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

The Municipal Licensing and Standards recommends that the Etobicoke York Community Council approves the application, and the City Solicitor be authorized to prepare an Encroachment Agreement for the proposed encroachments, including the interlocking stone walkway and retaining walls within the Rochdale Avenue road allowance, subject to the following conditions, for which the property owner is held responsible:

1. to pay the City of Toronto all fees associated with the preparation of this agreement;
2. to return the signed agreement to the City along with the required Certificate of Insurance, evidencing a third party bodily 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;

3. to renew the said Certificate of Insurance and submit a copy thereof to Municipal Licensing and Standards on an annual basis for the life of the encroachments;
4. to maintain the encroaching walkways and retaining walls in a state of good repair to avoid damage and injury arising from the use thereof;
5. to comply with all regulations set out in Chapter 1004, of the Former City of York Municipal Code, Streets;
6. the owner to obtain all necessary construction/streets occupation permit(s) for any work on the road allowance; and
7. the owner to pay 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).

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

The property at 21 Rochdale Avenue is a two-storey semi-detached house with an elevated concrete deck at the front, approximately 1.0 metres above street level. The entrance to the house is accessible from the street via a flight of concrete stairs approximately 1.0 metres wide, which is encroaching on the municipal road allowance over a distance of approximately 5.20 metres.

The owner intends to lay permeable interlocking pavers from the front concrete deck to the sidewalk, plant a tree and other landscaping enhancements on the municipal road allowance at the front elevation. (See Attachments 1, 2) The approximate area of the encroachment is 5.96 metres parallel to the concrete sidewalk and 4.72 metres from the concrete sidewalk back to the street line where private property begins.

COMMENTS

This application has been forwarded to Transportation Services, Forestry and various utility companies for comments. No adverse comments were received. Urban Forestry has confirmed that funds had been received to remove an existing tree in the front yard and a replacement tree has been scheduled for planting, likely in the spring of 2008.

CONTACT

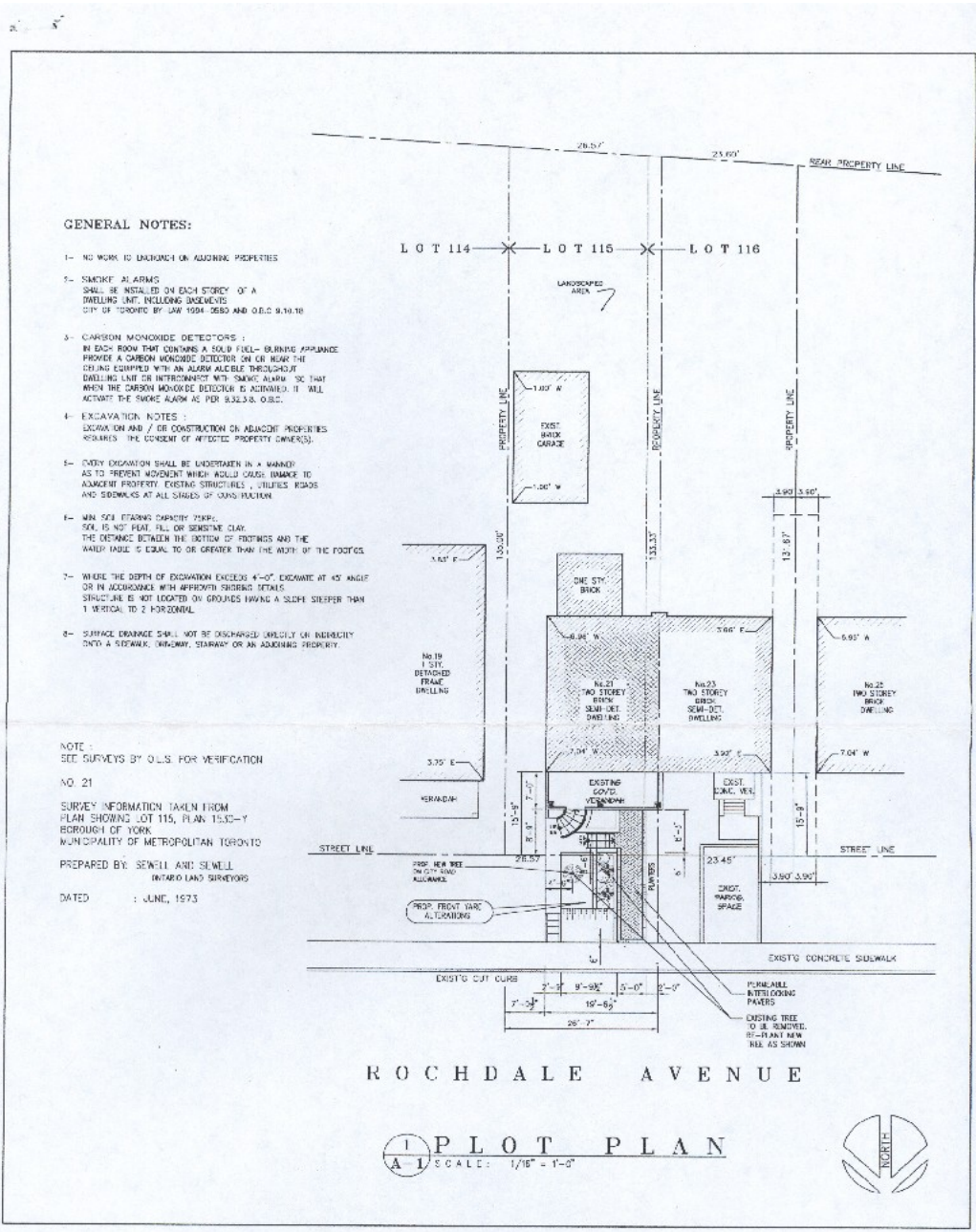
Italo Joe Luzi, Supervisor
Etobicoke York District
Municipal Licensing and Standards
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E-mail: jluzi@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Plot Plan
Attachment 2: Photograph of the property



GENERAL NOTES:

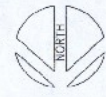
- 1- NO WORK TO EXISTING OR ADJACENT PROPERTIES
- 2- SMOKE ALARMS SHALL BE INSTALLED ON EACH STOREY OF A DWELLING UNIT, INCLUDING BASEMENTS CITY OF TORONTO BY LAW 1004-2000 AND O.C. 9.10.10
- 3- CARBON MONOXIDE DETECTORS: IN EACH ROOM THAT CONTAINS A SOLID FUEL-BURNING APPLIANCE PROVIDE A CARBON MONOXIDE DETECTOR ON OR NEAR THE CEILING EQUIPPED WITH AN ALARM ALLEGIBLE THROUGHOUT DWELLING UNIT OR INTERCONNECT WITH SMOKE ALARMS SO THAT WHEN THE CARBON MONOXIDE DETECTOR IS ACTIVATED, IT WILL ACTIVATE THE SMOKE ALARMS AS PER 9.3.2.3.8. O.C.
- 4- EXCAVATION NOTES: EXCAVATION AND / OR CONSTRUCTION ON ADJACENT PROPERTIES REQUIRES THE CONSENT OF AFFECTED PROPERTY OWNERS.
- 5- EVERY EXCAVATION SHALL BE UNDERTAKEN IN A MANNER AS TO PREVENT MOVEMENT WHICH WOULD CAUSE DAMAGE TO ADJACENT PROPERTY, EXISTING STRUCTURES, UTILITIES, ROADS AND SIDEWALKS AT ALL STAGES OF CONSTRUCTION.
- 6- MIN. SOIL STRENGTH CAPACITY 2500 LB. SOIL IS NOT HEAVY FILL OR SENSITIVE CLAY. THE DISTANCE BETWEEN THE BOTTOM OF FOOTINGS AND THE HARDY TABLE IS EQUAL TO OR GREATER THAN THE WIDTH OF THE FOOTING.
- 7- WHERE THE DEPTH OF EXCAVATION EXCEEDS 4'-0", EXCAVATE AT 45° ANGLE OR IN ACCORDANCE WITH APPROVED SHIELDING DETAILS. STRUCTURE IS NOT LOCATED ON GROUNDS HAVING A SLOPE STEEPER THAN 1 VERTICAL TO 2 HORIZONTAL.
- 8- SURFACE DRAINAGE SHALL NOT BE DISCHARGED UNLAWFULLY OR INDEBITORILY ONTO A SIDEWALK, DRIVEWAY, STAIRWAY OR AN ADJACENT PROPERTY.

NOTE: SEE SURVEYS BY O.L.S. FOR VERIFICATION

NO. 21
 SURVEY INFORMATION TAKEN FROM PLAN SHOWING LOT 115, PLAN 1530-Y BOROUGHS OF YORK, MUNICIPALITY OF METROPOLITAN TORONTO
 PREPARED BY: SEWELL AND SEWELL ONTARIO LAND SURVEYORS
 DATED: JUNE, 1973

ROCHDALE AVENUE

1 PLOT PLAN
 A-1 SCALE: 1/16" = 1'-0"



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Project: PROPOSED FRONT YARD ALTERATIONS WITHIN THE ROAD ALLOWANCE AT 21 ROCHDALE AVENUE CITY OF TORONTO

Drawing Title: PLOT PLAN
 Drawn by: WVDRA Checked by: AE
 Date: MAR. 03, 2005 Scale: AS SHOWN
 Project No. 2304 58 Drawing No. A-1

Attachment 1 – Plot Plan for 21 Rochdale Avenue



Photograph showing the proposed location of the encroachment(s) @ front elevation/yard

Attachment 2 – Photo of 21 Rochdale Avenue