



STAFF REPORT ACTION REQUIRED

Application for Encroachment Agreement 10 Yule Avenue

Date:	August 23, 2007
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 13, Parkdale – High Park
Reference Number:	ML&L Folder No. 07-160946 RAW

SUMMARY

This report is in response to an application for Encroachment Agreement for an existing garage and retaining walls, and installation of a wrought iron fence within the Yule Avenue road allowance, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision. The total area of encroachments is approximately 34.69 square metres.

RECOMMENDATIONS

Municipal Licensing and Standards recommends the Etobicoke York Community Council approve the application and the City Solicitor be authorized to prepare an Encroachment Agreement for the existing garage and retaining walls, and installation of a wrought iron fence on Yule Avenue road allowance, subject to the following conditions, for which the property owner is responsible:

1. to pay the City of Toronto all fees associated with the preparation of this agreement, and, an annual fee for the use of the road allowance, should that be imposed in future;
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 on an annual basis for the life of the encroachments;
4. to carry out all construction work and obtain the necessary building permits, including installation of the required guardrails and handrails on both private property and Yule Avenue road allowance in front of the property, in accordance with the Ontario Building Code (the guardrails and fence shall comply with the requirements of Transportation Services and be of open construction not to create any sight line obstruction to pedestrian or vehicular traffic);
5. to rebuild and/or repair and maintain in good condition at all times the retaining walls, garage, fence, guardrails and handrails on Yule Avenue road allowance;
6. to comply with the conditions under the Ravine Permit issued on June 22, 2007 and the all requirements of Urban Forestry Services for the funding, protection, removal and replacement of private trees on the property as well as City trees in front of the property; and
7. to obtain streets permit and comply with regulations set out in Chapter 313 of the former City of Toronto Municipal Code, Streets and Sidewalks.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

The property is flanking a ravine on the west side, where the slope is supported by a series of concrete block retaining walls. Portion of these walls at the front of the property are encroaching on the Yule Avenue road allowance (Attachment 1). As part of the encroachment request, the applicant proposed to install a 1.8 metres high open wrought iron fence on top of the outer retaining wall within the road allowance to replace the existing broken chain link fence (Attachment 4). Also, the existing garage is protruding 0.86 of a metre into the Yule Avenue road allowance, which occupies approximately 3.19 square metres in area. On the front east side of the property, the applicant is prepared to rebuild the retaining wall beside the garage, and have it moved approximately 0.30 of a metre eastward from the existing location. This wall is retaining a raised front yard and approximately 21.50 square metres of which is located on the municipal road allowance (Attachments 2, 3 and 5). A summary of the encroachments is given in the following:

Encroachments on Yule Avenue road allowance	Approximate Area
Area enclosed by the wrought iron fence and retaining walls	10.00 square metres
Garage	3.19 square metres
Raised front yard and retaining wall	21.50 square metres
Total	34.69 square metres

COMMENTS

The encroachment request has been forwarded to various City Divisions and utility companies for comments.

The house on the property is currently undergoing major renovation under Building Permit #07-156652. In addition, there is landscaping and site formation work which will involve grade alteration and removal of trees both on the private property in the ravine and road allowance. The proposal has been submitted to Urban Forestry Services for a Ravine Permit and Tree Protection and Plan Review, and is subject to the Trees By-law and Ravine Protection By-law. A Ravine Permit for tree removal and grade alteration was issued on June 22, 2007, subject to 10 conditions as listed in the Permit. Removal of the City trees was also approved with replacement and compensation provisions.

Transportation Services does not have any objection to the proposal on the condition that it complies with their regulations and by-laws. The other City Divisions and utility companies also do not have any objection to the application.

CONTACT

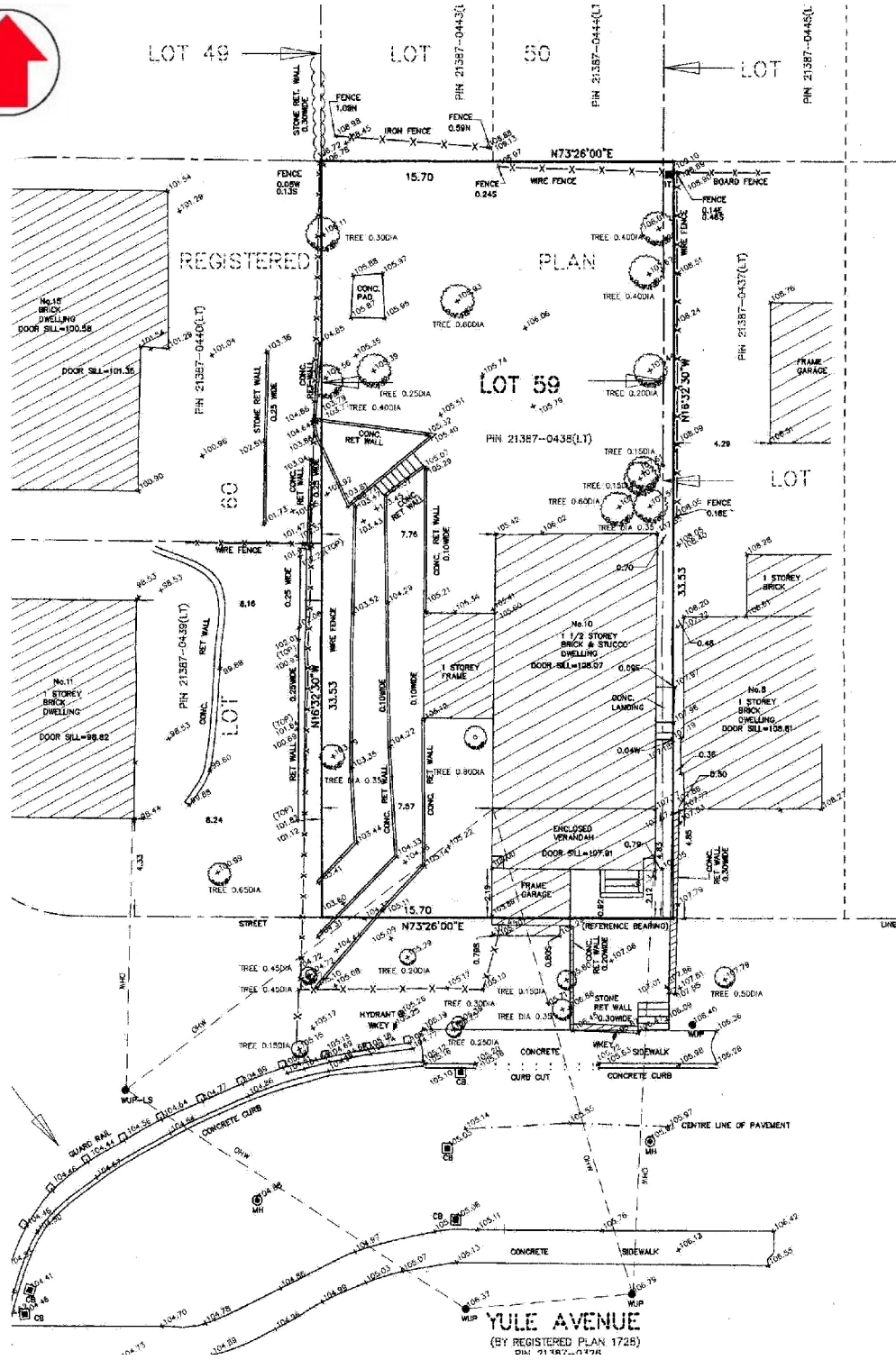
Chip Au, Supervisor
Etobicoke York District
Municipal Licensing and Standards
Tel: 416-394-2533 Fax: 416-394-2904
E-mail: cau2@toronto.ca

SIGNATURE

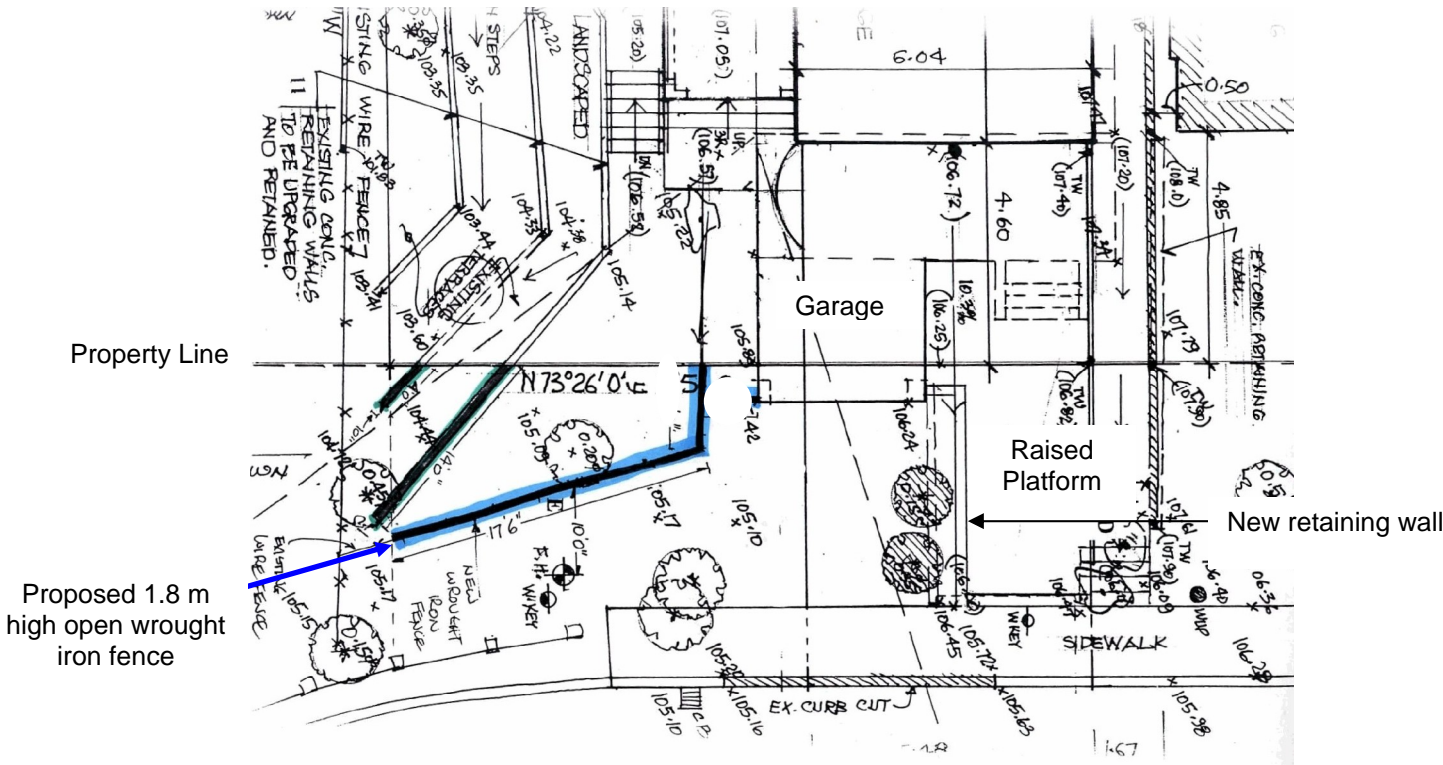
Curtis Sealock, District Manager
Etobicoke York District
Municipal Licensing and Standards

ATTACHMENTS

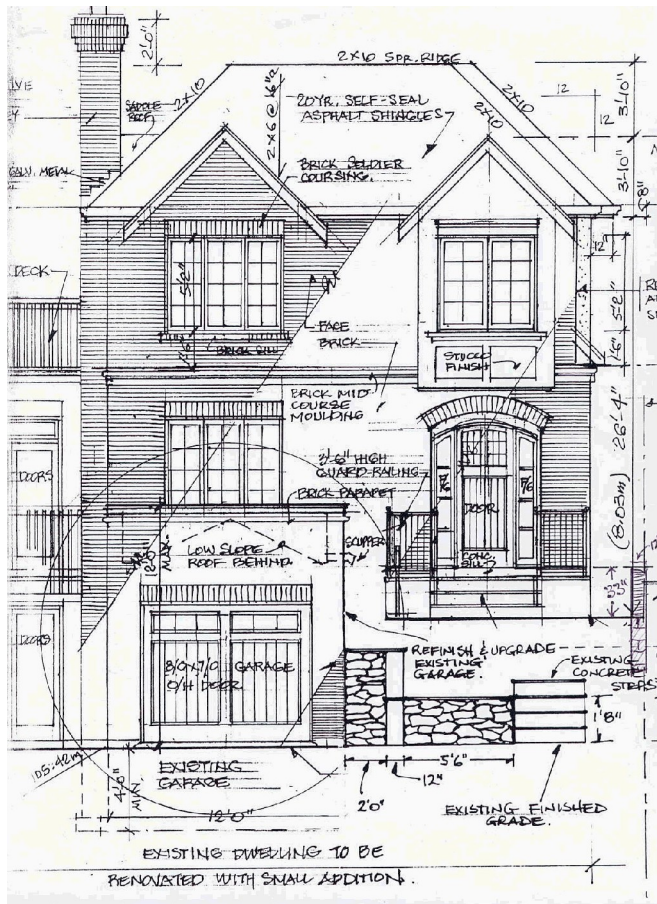
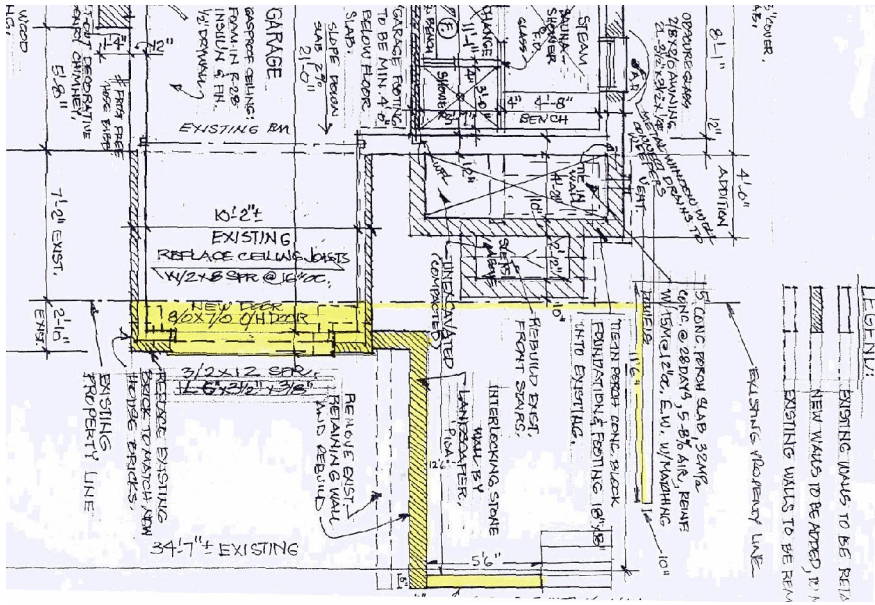
Attachment 1: Site Plan
Attachment 2: Plan showing and encroachments and photo taken at the front
Attachment 3: Plan and Elevation of Garage and elevated platform
Attachment 4: Existing chain link fence to be replaced by open wrought iron fence
Attachment 5: Existing retaining walls to be repaired/replaced by new walls



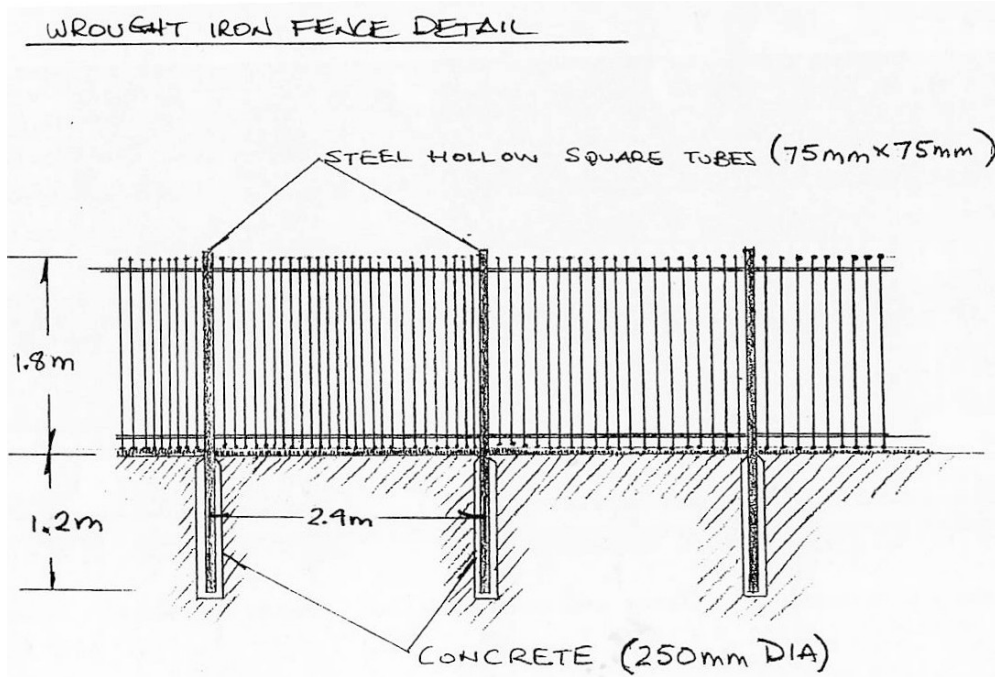
Appendix 1: Site Plan



Attachment 2: Plan showing and encroachments and photo taken at the front



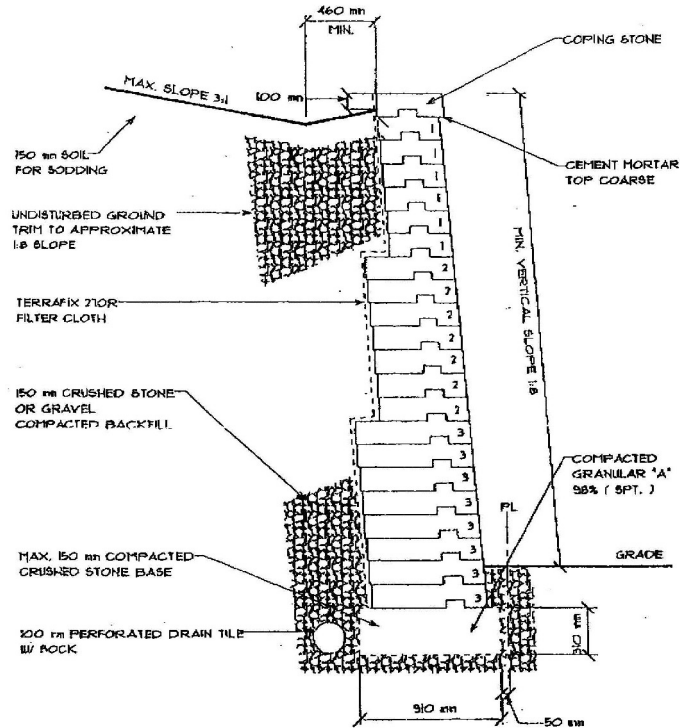
Attachment 3: Plan and Elevation of Garage and elevated platform



Attachment 4: Existing chain link fence to be replaced by open wrought iron fence



PRECAST INTERLOCKING RETAINING WALL



Attachment 5: Existing retaining walls to be repaired/replaced by new walls