



STAFF REPORT ACTION REQUIRED

Application for Encroachment Agreement 2 Oakwood Avenue

Date:	January 25, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 17, Davenport
Reference Number:	ML&S Folder Number 07 278394 RAW 00 IR

SUMMARY

To report on an encroachment application, submitted by the owner's agent, Lucio Ramos to erect a closed board wood fence and to maintain an existing air-conditioning unit and a concrete retaining wall on the Oakwood Avenue road allowance. The area of encroachment is approximately 6.67 square metres.

The Etobicoke York Community Council has delegated authority from City Council to make a final decision for this matter.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke York Community Council approve the application for the existing and the proposed encroachments within the Oakwood Avenue road allowance, subject to the following conditions:

1. the City Solicitor to be authorized to prepare an Encroachment Agreement for the existing and proposed encroachments, Attachments 2, 3, 4, 5, 6 and 7;
2. the owner to pay the City of Toronto all fees associated with the preparation of this agreement, and, should there be a requirement in future for the City of Toronto to charge an annual fee for the use of the road allowance, be responsible for such payment;

3. the owner 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;
4. the owner 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;
5. the proposed closed board wood fence shall comply with the recommendations of Transportation Services:
 - a) to preserve the driver sight lines, the fence shall not exceed the height of 1.0 metre measured from the travelled portion of the Oakwood Avenue sidewalk,
 - b) a clearance setback of 0.46 of a metre from the back edge of the sidewalk shall be maintained,
 - c) the footings of the fence posts shall not exceed 0.61 of a metre from the grade of the sidewalk, and
 - d) the fence shall be allowed only for the section highlighted on the drawing as shown in Attachment 2 (see also Attachments 3, 5, 6, 7 and 8);
6. the encroachment shall not exceed 6.67 metres square, Attachments 2, 6, 7 and 8;
7. the fence and concrete retaining wall shall be maintain in good condition, at all times; and
8. to comply at all times with the regulations set out in the former Chapter 313 of the Former City of Toronto Municipal Code, Streets and Sidewalks, as amended.

Financial Impact

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

ISSUE BACKGROUND

The property is located at the northwest corner of Oakwood Avenue and Davenport Road, Attachment 1.

The applicant proposed to enclose an area approximately 6.67 metres square (approximately 71.80 square feet) on the Oakwood Avenue road allowance with a 1.0 metre high close board wood fence to provide privacy, Attachments 2, 3, 6, 7, and 8.

The proposed fence commences at the rear wall of the dwelling eastward toward the sidewalk 1.92 metres (approximately 6 feet 4 inches). The fence proceeds northward 5.06 metres (approximately 16 feet 7 inches) to the rear concrete retaining wall, Attachment 2, 6, 7, and 8.

There is an existing air-conditioning unit located at the side of the rear veranda that encroaches 0.13 of a metre (approximately 5 inches) onto the Oakwood Avenue road allowance, Attachment 2, 7 and 8. In addition, there is an existing concrete retaining wall located at the rear of the property that is also encroaching 0.51 of a metre (approximately 1 foot 8 inches) onto the Oakwood Avenue road allowance, Attachment 2, 4, 6, 7, and 8.

In order to maintain the existing and proposed encroachments, the owner submitted an application for an Encroachment Agreement.

COMMENTS

This application was circulated to Transportation Services, Urban Forestry Services, Toronto Fire Services and various utility companies for comments, with no negative responses being received.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1: Plot plan

Attachment 2: Site Plan Showing the Existing and Proposed Encroachments

Attachment 3: Detail of Fence Construction

Attachment 4: Detail of the Concrete Retaining Wall

Attachment 5: Photograph looking South on Oakwood Avenue

Showing the location of the Proposed Fence Encroachment

Attachment 6: Photograph looking West on Oakwood Avenue

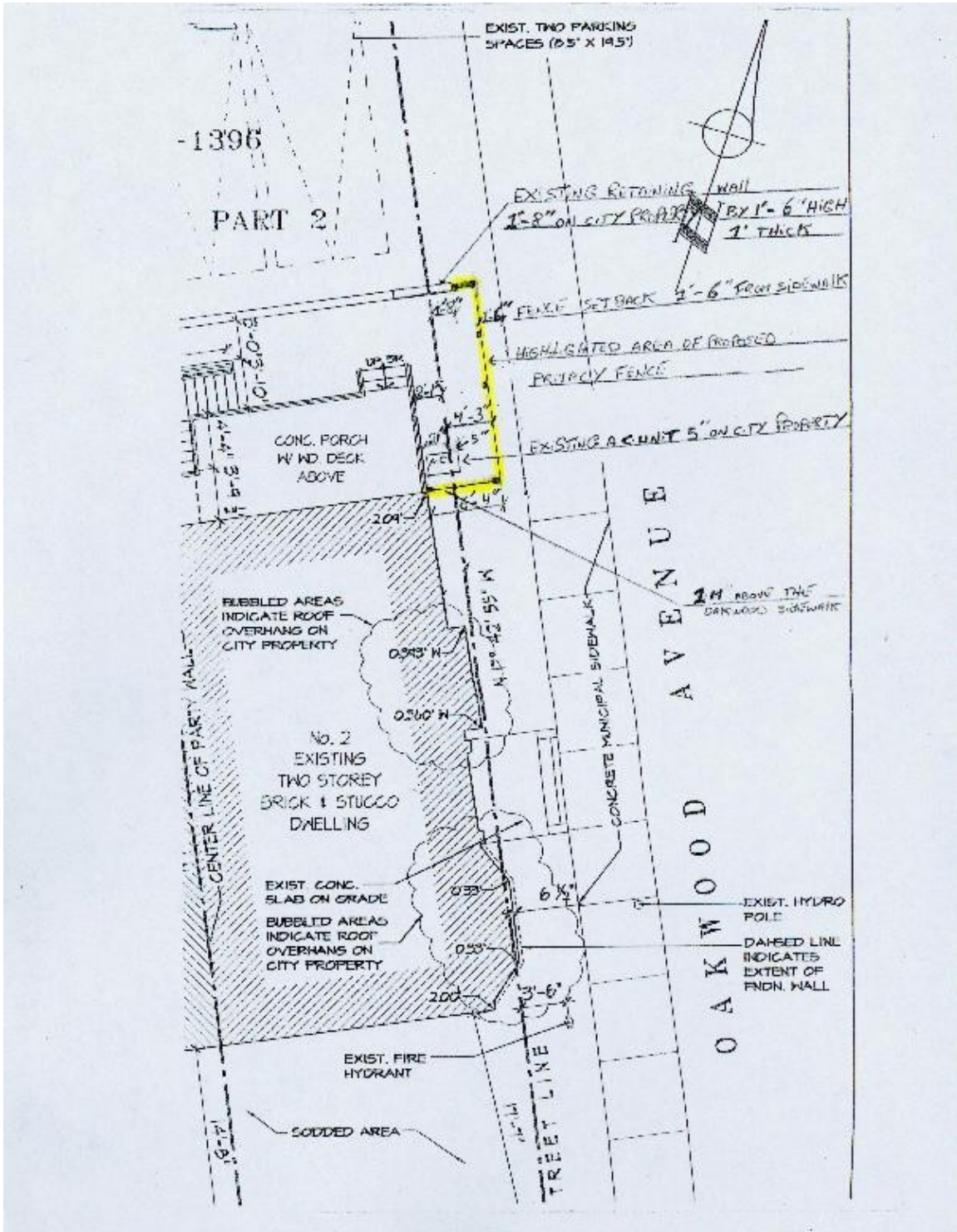
Showing the Proposed Fence Location, the Retaining Wall and the Air-conditioner Encroachments

Attachment 7: Photograph looking North on Oakwood Avenue

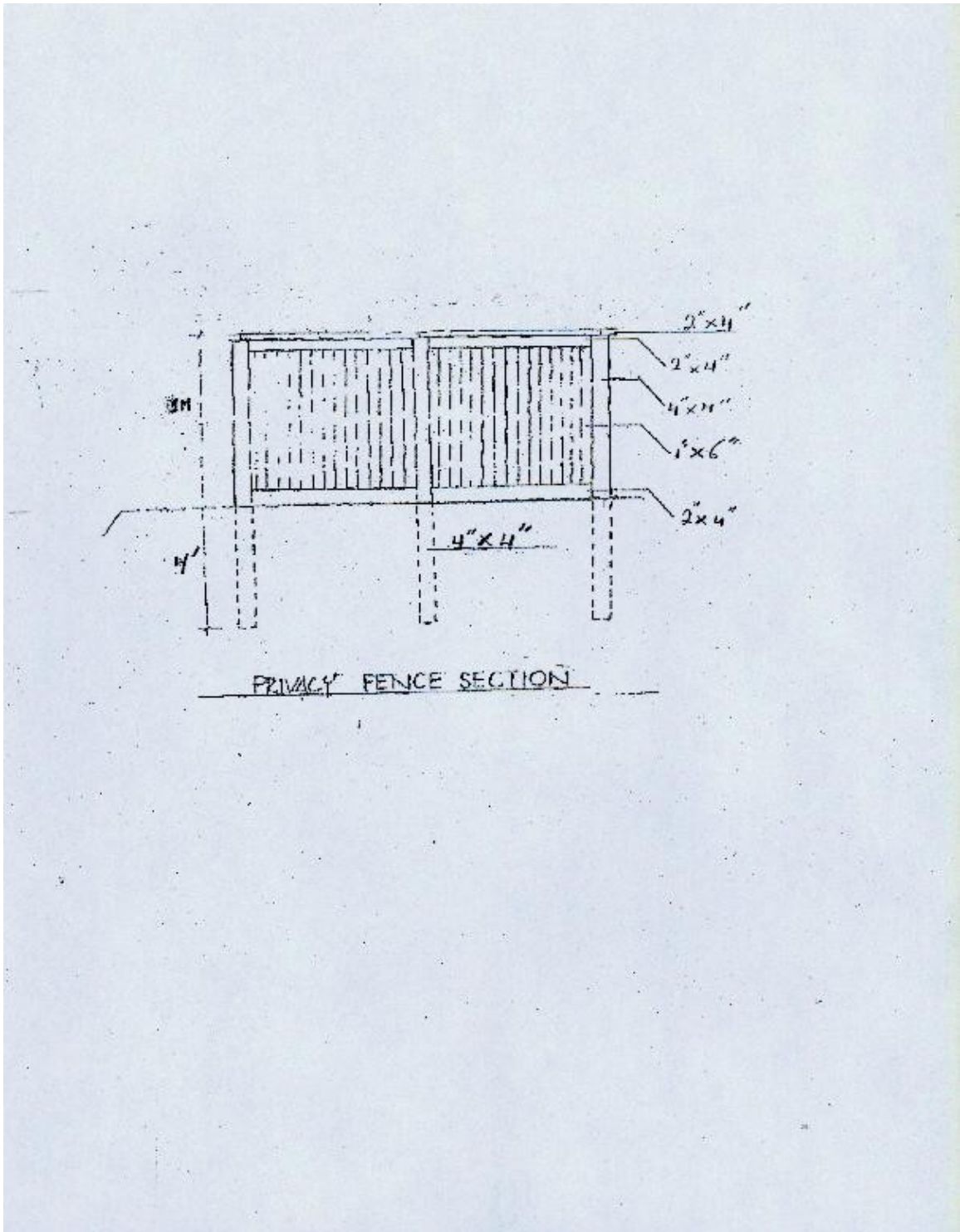
Showing the Proposed Fence Location, the Retaining Wall and the Air-conditioner Encroachments

Attachment 8: Photograph looking West on Oakwood Avenue

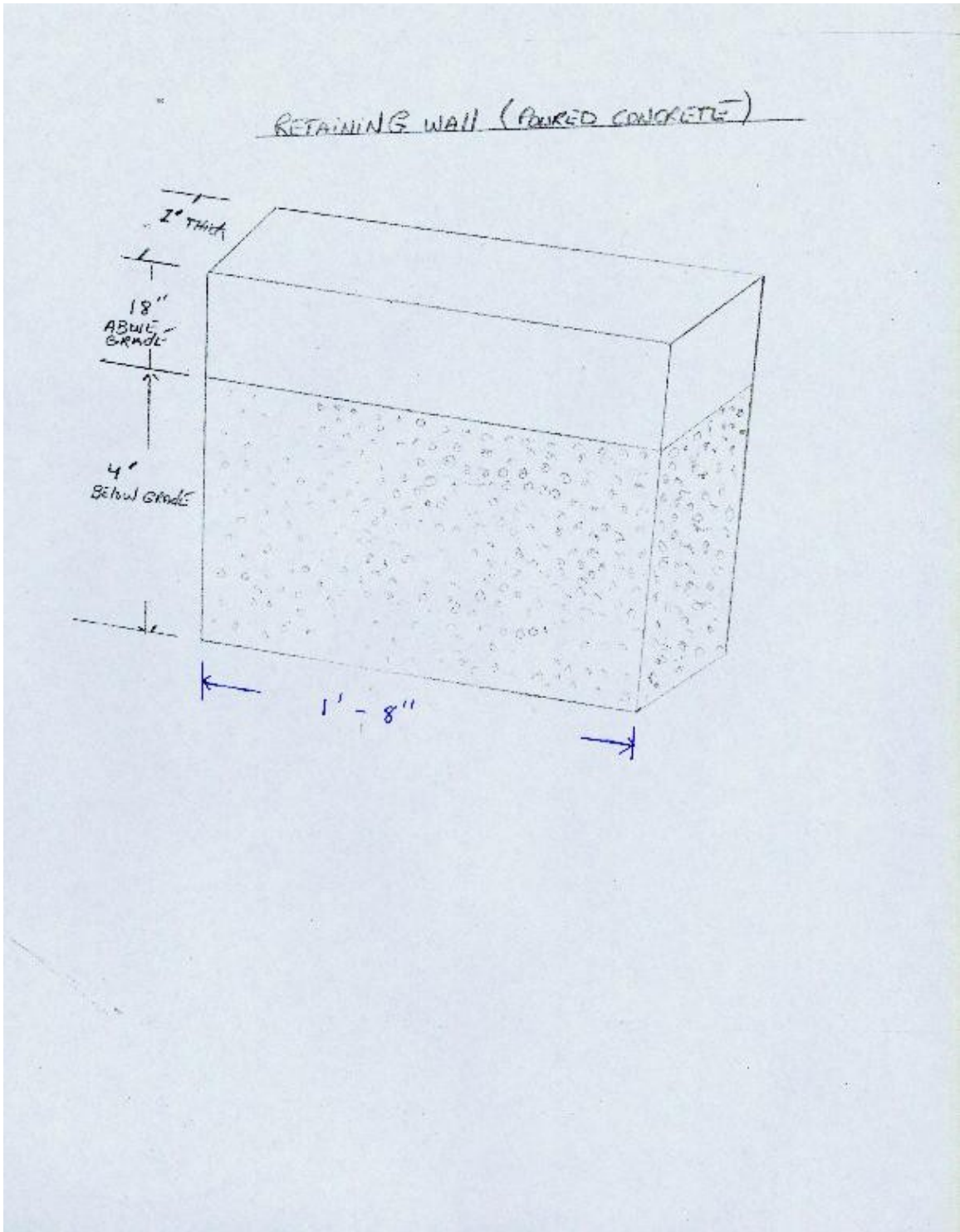
Showing the Proposed Fence Location, the Retaining Wall and the Air-conditioner Encroachments



Attachment 2: Site Plan showing the existing and proposed encroachments



Attachment 3: Detail of Fence Construction



Attachment 4: Detail of the Concrete Retaining Wall



Attachment 5: Photograph looking South on Oakwood Avenue
Showing the location of the Proposed Fence Encroachment



**Attachment 6: Photograph looking south on Oakwood Avenue
Showing the Proposed Fence Location, the Retaining Wall and the Air-conditioner
Encroachments**



**Attachment 7: Photograph looking North on Oakwood Avenue
Showing the Proposed Fence Location, the Retaining Wall and the Air-conditioner
Encroachments**



Attachment 8: Photograph looking West on Oakwood Avenue
Showing the Proposed Fence Location, the Retaining Wall and the Air-conditioner
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