



STAFF REPORT ACTION REQUIRED

Request for an Encroachment Agreement 61 Rhydwen Avenue

Date:	December 10, 2007
To:	Chairman and Members of the Scarborough Community Council
From:	Peter J. Noehammer, Director, Transportation Services, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Number:	P:\2008\Cluster B\TRA\Scarborough\sc08006

SUMMARY

This staff report is about a matter for which the Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider a request by the owner(s) of 61 Rhydwen Avenue for an encroachment agreement. The proposed encroachment consists of a portion of a parking space in the City right-of-way.

RECOMMENDATIONS

Transportation Services, Scarborough District, recommends that Scarborough Community Council:

1. authorize an encroachment agreement with the owner(s) of 61 Rhydwen; and
2. authorize the City Solicitor to prepare and execute the encroachment agreement.

Financial Impact

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

DECISION HISTORY

At its meeting held on Wednesday August 10, 2005 Committee of Adjustment approved an application for a minor variance to permit a reduction in the length of the parking space at 61 Rhydwen Avenue. At that time, the owner was requesting relief from the Zoning By-law in order to permit a parking space measuring 2.26 metres in length, with the additional 3.44 metres in length as required for the parking stall, to be located within the municipal right-of-way. The Zoning By-law required a parking space with a minimum dimension of 5.7 metres in length by 2.7 metres in width, located entirely on the property, but not in the street yard.

Committee reviewed and approved the minor variance to permit the parking space measuring 2.26 metres in length on private property.

The decision by Committee of Adjustment to authorize the variance application was based on the fact that this situation existed before the parking requirements of the Zoning By-law were brought into effect and therefore is lawful non-conforming.

COMMENTS

The Committee of Adjustment decision to provide an additional length of 3.44 metres in the street yard was based on an application that was received prior to the enactment of the new residential front yard parking by-law Chapter 918. Transportation Services has reviewed the request of the owner to enter into an encroachment agreement with the City to the satisfaction of the Director, Transportation Services, Scarborough District.

The street was reviewed by staff, and it has been determined that this parking space, if approved, would be the only front yard parking pad, but would look similar to the other properties on the street.

Staff has reviewed this location and conclude that the majority of the homes on Rhydwen Ave. from # 23 to # 68, park their vehicle in the front or their garages or tandem park on the driveway entrance. This application would create the same appearance as those neighbouring properties which park within the City right-of-way. Staff recommends that a maximum width of 3 metres for the driveway entrance to the property line be approved as the Committee of Adjustment variance had no reference to the width of the parking stall. Staff have no objections to the owner entering into an encroachment agreement.

CONTACT

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SIGNATURE

Peter J. Noehammer, P.Eng.
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DT/BT:lab

ATTACHMENTS

1. Proposed Encroachment – 61 Rhydwen Avenue