

**Request for an exemption from the former Borough of East York Municipal Code – To permit an encroaching landscape wall and walkway at 146 Airdrie Road**

<b>Date:</b>	April 7, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Transportation Services Division, North York District
<b>Wards:</b>	<b>Ward 26 Don Valley West</b>
<b>Reference Number:</b>	<i>ny09029</i>

**SUMMARY**

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This staff report is about a matter that Community Council has delegated authority to make a final decision.

To report on a request for an exemption from the former Borough of East York Municipal Code to permit the maintenance of an encroaching landscape wall and walkway, fronting 146 Airdrie Road which do not meet the provisions set out in By-law No. 111-92. As this is an appeal and a request for an exemption from the by-law, it is scheduled as a deputation item.

**RECOMMENDATIONS**

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Transportation Services Division, North York District recommends that:

1. the appeal to maintain the encroaching landscape wall and walkway fronting 146 Airdrie Road be denied as the required 0.3 metre setback from the municipal sidewalk cannot be provided as it would result in damage to the existing mature City owned tree.

**FINANCIAL IMPACT**

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

## COMMENTS

Through site inspection, it was determined that a 0.27 metre high landscape wall and walkway were installed without authorization, within the public right-of-way, fronting 146 Airdrie Road. The walkway was constructed directly above the root system of a mature City owned tree.

The former Borough of East York, By-law No. 111-92, Section 2(c) requires that landscape walls are to be setback 0.3 metres from the rear edge of the municipal sidewalk. The landscape wall, in its present position, abuts the rear edge of the municipal sidewalk, creating an obstruction to winter maintenance operations and a trip hazard to pedestrians. The owner submitted an appeal on April 6, 2009, in order to maintain the landscape wall and walkway.

Discussions with Forestry Division on March 30, 2009, indicate that providing the required setback would damage the mature City owned tree and that removal of the landscape wall and walkway would be in the best interest of the tree.

Staff cannot approve the encroachments as they do not comply with provisions set out in By-law 111-92, Section 2(c).

Councillor John Parker has been advised of the contents of this staff report.

## CONTACT

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## SIGNATURE

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Myles Currie, B.A.  
Director

## ATTACHMENTS

Attachment 1: Drawing of proposed encroachment (*ny09029\_drawing*)