

Request for an exemption from the former Borough of East York Municipal Code – To permit an encroaching landscape wall at 182 Hanna Road

Date:	April 23, 2009
To:	North York Community Council
From:	Director, Transportation Services Division, North York District
Wards:	Ward 26 Don Valley West
Reference Number:	<i>ny09030</i>

SUMMARY

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 fronting 182 Hanna Road which does not meet the required 0.3 metre setback from the municipal sidewalk. As this is an appeal and a request for an exemption from the by-law, it is scheduled as a deputation item.

RECOMMENDATIONS

Transportation Services Division, North York District recommends that:

1. the appeal to maintain the encroaching landscape wall fronting 182 Hanna 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

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

COMMENTS

Through site inspection, it was determined that a 0.42 m high landscape wall was installed without authorization, within the public right-of-way, fronting 182 Hanna Road.

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 agent submitted an appeal on behalf of the owner on October 26, 2008, in order to maintain the landscape wall.

Discussions with Forestry Division on January 22, 2009, indicate that providing the required setback would damage the existing mature City owned tree and that removal of the landscape wall would be in the best interest of the tree.

Staff cannot approve the encroaching landscape wall as it does not comply with the 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

Myles Currie, B.A.
Director

ATTACHMENTS

Attachment 1: Drawing of proposed encroachment (*ny09030_drawing*)