

Request for an exemption from Chapter 313 of the former City of Toronto Municipal Code - To permit an encroaching retaining wall at 32 Wanless Avenue

Date:	August 5, 2009
To:	North York Community Council
From:	Director, Transportation Services, North York District
Wards:	Ward 25 – Don Valley West
Reference Number:	ny09050

SUMMARY

This staff report is about a matter over which community council has delegated authority to make a final decision provided that it is not amended so that it varies with City policy or by-laws.

To report on a request for an exemption from Chapter 313 of the former City of Toronto Municipal Code to permit the maintenance of an encroaching retaining wall fronting 32 Wanless Avenue for which Transportation Services setback requirements have not been met. 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, North York District recommends that:

1. The appeal to maintain the encroaching retaining wall fronting 32 Wanless Avenue be denied, as the required 0.46 metre setback from the rear edge of the municipal sidewalk has not been met.

FINANCIAL IMPACT

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

DECISION HISTORY

Through site inspection, it has been determined that a 0.3 metre high retaining wall was constructed within the public right-of-way fronting the subject premises. The retaining wall abuts the municipal sidewalk, providing no setback. The owner was subsequently notified that encroachment could be authorized by Transportation Services provided it was setback a minimum distance of 0.46 metres from the rear edge of the municipal sidewalk as the encroachment could otherwise interfere with roadway and utility work within the public right-of-way.

The retaining wall, in its current location, will not interfere with Winter Maintenance Operations as the City does not provide mechanical snow clearing of the sidewalks on Wanless Avenue.

Rather than modify the encroachment to provide the required setback, the owner chose to submit an appeal on May 25, 2009, to maintain the existing encroaching retaining wall.

COMMENTS

The appeal to maintain the encroaching retaining wall fronting at 32 Wanless Avenue should be denied as it has not been setback 0.46 metre from the rear edge of the municipal sidewalk as required by the Municipal Code.

Staff cannot approve the encroachment as it does not meet the requirements of the Municipal Code.

Councillor Cliff Jenkins has been advised of the contents of this staff report.

CONTACT

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SIGNATURE

Myles Currie, B.A.
Director

ATTACHMENTS

Attachment 1: Site plan showing the existing encroachment (*ny09050_drawing*)