

Request for an exemption from the former Borough of East York Municipal Code – To permit encroaching landscape features at 45 Parklea Drive

Date:	August 6, 2009
To:	North York Community Council
From:	Director, Transportation Services Division, North York District
Wards:	Ward 26 Don Valley West
Reference Number:	<i>ny09051</i>

SUMMARY

This staff report is about a matter that 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 the former Borough of East York Municipal Code to permit the maintenance of an encroaching landscape wall, sprinkler system and light post with outlet, fronting 45 Parklea Drive, 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

Transportation Services Division, North York District recommends that:

1. The appeal to maintain the encroaching 0.15 metre high landscape wall at 45 Parklea Drive be approved as removal may damage the existing mature City owned tree in the vicinity; and
2. The appeal to maintain the encroaching sprinkler system and light post with outlet at 45 Parklea Drive be denied as they are not permitted encroachments.

FINANCIAL IMPACT

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

COMMENTS

Through site inspection, it was determined that a 0.15 metre high landscape wall, 0.34 metre high hedge, 0.29 metre high sprinkler head and 1.5 metre high light post with outlet were installed without authorization, within the public right-of-way, fronting 45 Parklea Drive.

Provisions of the former Borough of East York, By-law No. 111-92, require that landscape walls and hedges are to be setback a minimum of 0.3 metres from the rear edge of the municipal sidewalk. While the landscape wall does not satisfy the setback requirement at its current position of 0.18 metres from the rear edge of the sidewalk, Forestry Division, on June 10, 2009, indicated that removal/setback may damage the existing mature City owned tree.

Sprinkler systems and light posts with outlets are not encroachments for which By-law No. 111-92 makes provision for. Discussions with Toronto Hydro on January 30, 2009 indicate that although they have no objection to the placement of the light post with outlet, it would be incumbent upon the homeowner to alert the utilities and the City on the precise location of such an underground electrical connection within the public right-of-way. Such placement poses a potential hazard to utility and City employees should excavation be required.

The owner submitted an appeal on June 12, 2008, in order to maintain the encroaching landscape features.

Staff cannot approve the encroaching sprinkler system or light post with outlet as they do not comply with provisions set out in By-law No. 111-92.

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 encroaching landscape features (*ny09051_drawing*)