

**Encroachment Agreement Request
2 Thwaite Avenue**

Date:	April 7, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 9 - York Centre
Reference Number:	IBMS No. 09-191351

SUMMARY

This staff report is about a matter that the 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. The subject matter is an application for an encroachment agreement.

RECOMMENDATIONS

Municipal Licensing and Standards, North York District, recommends that:

- 1. The North York Community Council not approve the encroachment agreement application for 2 Thwaite Avenue as the necessary clearances have not been received.**

FINANCIAL IMPACT

There is no financial impact anticipated resulting from the adoption of this report.

DECISION HISTORY

The application for existing encroachments was received from the property owners on November 25, 2009 and was circulated to Forestry, Transportation Services and the applicable utilities.

ISSUE BACKGROUND

This single-family semi-detached dwelling is in a multiple family second density (RM2) zone located in the former City of North York and located on a corner lot adjacent to the Anchor Drive cul-de-sac. (*Attachment 1*)

The existing encroachments being requested are as follows:

- (1) A 1.2m high concrete fence with a partially open lattice type design which also serves as a retaining wall for the lawn and located adjacent to the north and east sides of the property. (*Attachments 4, 5 and 6*)
- (2) Ten small fruit trees within the fenced area on the north side. (*Attachment 7*)
- (3) A 9.0m long concrete walkway adjacent to the north side of the property and running along the east side of the elevated vegetable garden. (*Attachment 7*)
- (4) An elevated vegetable garden adjacent to the northwest side of the property constructed with interlocking stone as a retaining wall with heights ranging from 0.20m to 0.71m. (*Attachments 8 and 9*)
- (5) A 6.0m long poured concrete retaining wall and chain link fence measuring 2.0m in height abutting the west property line. (*Attachment 10*)

COMMENTS

This encroachment issue first arose when the owners submitted a claim for damages to the north side 1.2m high concrete fence, allegedly resulting from city snow ploughing operations.

Transportation Services, Right-of-Way Management, North York District staff subsequently issued a Notice of Violation to the property owners on August 14, 2009.

Transportation Services, Road Operations, North York District staff, as part of their review have indicated that there is insufficient storage space for snow removed during street clearing operations for the Anchor Drive cul-de-sac.

The enclosed area of the city boulevard is approximately 310 square meters and City Forestry and all of the utilities have provided clearance letters indicating that they have no objections to the current location of the fence.

CONTACT

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SIGNATURE

Bryan Byng, District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. Zoning map
2. Plan of survey
3. Transportation photograph on April 14, 2009 – from Thwaite Avenue looking west.
4. Transportation photograph on April 14, 2009 - from Anchor Drive looking south.
5. Transportation photograph on April 14, 2009 - from Anchor Drive looking east.
6. Transportation photograph on April 14, 2009 - from Thwaite Avenue looking north.
7. ML&S photograph on April 7, 2010 – from 2 Thwaite Ave. driveway looking west.
8. ML&S photograph on April 7, 2010 – from fenced city boulevard looking southwest.
9. ML&S photograph on April 7, 2010 – from fenced city boulevard looking west.
10. ML&S photograph on April 7, 2010 – from Anchor Drive roadway looking south.