

Encroachment Appeal - 397 Glengrove Avenue

Date: November 14, 2016

To: North York Community Council

From: Director, Transportation Services, North York District

Wards: Ward 16 - Eglinton-Lawrence

SUMMARY

This staff report is about a matter for which Community Council has delegated authority from City Council to make a final decision provided it is in keeping with City policy or by-laws.

Transportation Services is requesting authority to enter into an encroachment agreement for an underground heating system for the 6 metre width driveway with a 0.5 metre setback from the uncurbed roadway fronting 397 Glengrove Avenue.

The heating system for the driveway on the public right of way will not meet the requirements of the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of. The owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

The Director, Transportation Services, North York District recommends that:

1. North York Community Council approve the request to install an underground glycol heating system for the driveway on the public right of way fronting 397 Glengrove Avenue, subject to the following conditions:

- a. The property owner will enter into an encroachment agreement with the City of Toronto, at the applicant's expense, and assume all liability and damages related to the encroachment.
- b. The property owner must retain, as long as the encroachment is maintained, valid property insurance in case there are any claims initiated due to the encroachment.

- c. The property owner accepts that the City and/or utility companies may remove the encroachment in order to install or maintain services within the affected public right of way.

FINANCIAL IMPACT

There is no financial impact to the City as a result of this report.

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

An encroachment application was received on July 20, 2016, from the property owner, requesting permission to install an underground heating system for the driveway on the public right of way and other permitted encroachments including low-rising hedges and a 0.6 metre-high decorative wall with 1.2 metre footings.

As the proposed 0.5 metre setback from the uncurbed roadway to the underground heating system does not comply with the required 3.0 metre setback, an appeal was subsequently received from the property owner on October 21, 2016, for which this report has been prepared.

A site plan showing the encroachment has been submitted which is attached as Attachment 1.

The proposed underground heating system for the driveway is not setback 3.0 metre from the uncurbed roadway but is acceptable provided that the property owner enters into an encroachment agreement with the City.

Our assessment of the proposed encroachment is that it should not have a negative impact on the public right of way.

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of. The relevant provision for the encroachment subject to this appeal is that no encroachments, other than soft landscaping, are permitted within three metres of the travelled portion of any road without curbs.

The Councillor has been advised that the encroachment is proposed fronting the subject premises on the public right of way.

CONTACT

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SIGNATURE

Jacqueline White, P.Eng.
Director

ATTACHMENTS

Attachment 1: Site Plan