

Encroachment Appeal - 33 Laird Drive

Date: April 26, 2019

To: North York Community Council

From: Director, Transportation Services, Permits and Enforcement

Wards: Ward 15 - Don Valley West

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 with the owner of 33 Laird Drive to install and maintain a 19.2 metre long and 1.0 metre high canopy with signage at a height of 2.6 metres above ground level. A portion of the canopy that is 6.8 metres in length has no setback from the rear edge of the sidewalk on the south-east corner of Canvarco Road and Laird Drive within the boulevard area.

The portion of the 6.8 metre long canopy with signage on the public right of way does not meet the setback requirements of the City of Toronto Municipal Code, Chapter 743-14 (C), Streets and Sidewalks, Use of, for delegated approval as an encroachment by the General Manager, Transportation Services. The owners will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

The Director, Transportation Services, Permits and Enforcement, recommends that:

1. North York Community Council approve the request to install and maintain a 19.2 metre long and 1.0 metre high canopy with signage at a height of 2.6 metres above ground level. A portion of the canopy that is 6.8 metres in length has no setback from the rear edge of the sidewalk on the south-east corner of Canvarco Road and Laird Drive within the boulevard area at 33 Laird Drive, as generally shown in the enclosed attachments, subject to the following conditions:

- a) The property owner enters into an encroachment agreement with the City of Toronto at the applicant's expense and assumes all liability and damages related to the encroachment.
- b) The property owner must retain valid property insurance for the duration of the encroachment in case there are any claims initiated due to the encroachment.
- c) The property owner agrees that the City and/or utility companies may remove the canopy with signage in order to install or maintain services within the affected public right of way with no obligation to replace the encroachment.
- d) The property owner agrees that any discharge of water from the canopy shall be oriented to direct water away from the road or sidewalk.

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 December 21, 2018, from the owner of 33 Laird Drive requesting permission to install and maintain a 19.2 metre long and 1.0 metre high canopy with signage at a height of 2.6 metres above ground level. A portion of the canopy that is 6.8 metres in length has no setback from the rear edge of the sidewalk on the south-east corner of Canvarco Road and Laird Drive within the boulevard area at 33 Laird Drive on the public right of way.

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code, Chapter 743-14 (C), Streets and Sidewalks, Use of. The relevant provision for the encroachment subject to this appeal is that a canopy provides a setback of 0.50 metres from the edge of the sidewalk closest to the property line and parallel with the sidewalk.

As the proposed setback of the canopy to the sidewalk does not comply with the minimum 0.50 metres permitted, an appeal was requested from the property owners, for which this report has been prepared.

A site plan, elevations and cross section drawings showing the encroachment have been submitted and are included as attachments to this report.

Even though the proposed portion of the 6.8 metre long canopy with signage does not comply with the setback requirements stipulated in the by-law, staff is of the opinion that this does not constitute a traffic sightline impediment affecting traffic or pedestrians, and that the proposed encroachment will not have a negative impact on the public right of way. Thus, staff is of the opinion that the encroachment is acceptable, provided that the property owners enter into an encroachment agreement with the City.

CONTACT

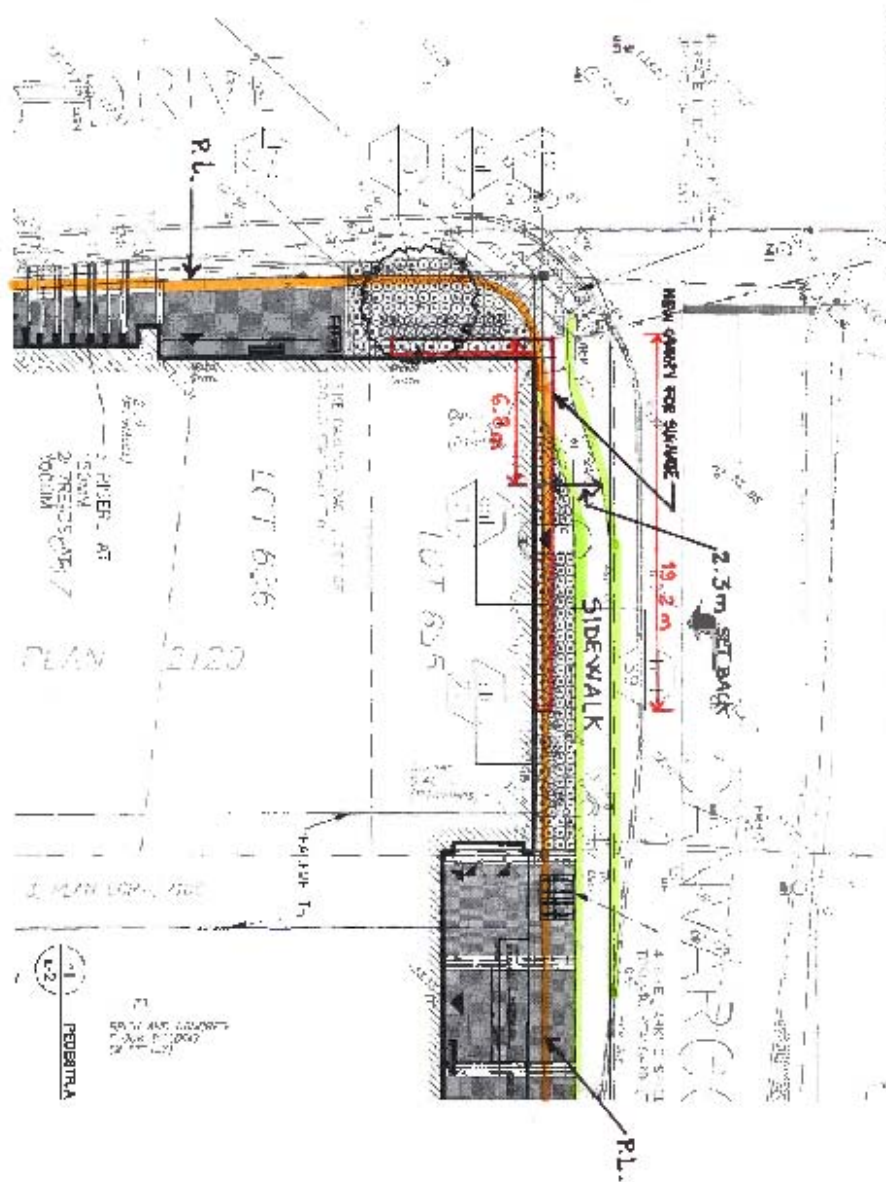
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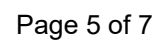
SIGNATURE

David J. Twaddle
Director, Permits and Enforcement
Transportation Services

ATTACHMENTS

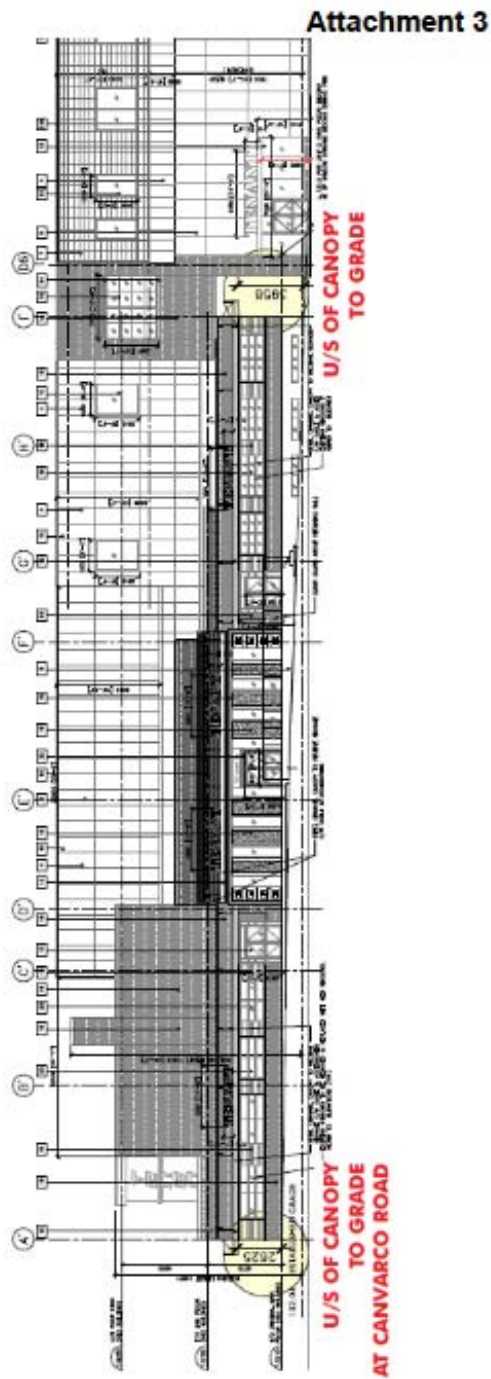
Attachment 1: Landscape Plan
Attachment 2: Survey
Attachment 3: Elevations - Canopy
Attachment 4: Cross Section - Canopy detail section





Attachment 3 Elevations Canopy

Laird Drive (West) Elevation
33 LAIRD DRIVE Toronto Ontario



Attachment 4

