

Clause embodied in Report No. 9 of the Toronto East York Community Council, as adopted by the Council of the City of Toronto at its Special Meeting held on July 30, 31 and August 1, 2002.

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**Construction of Wrought Iron Fence
Fronting 90 Stephenson Avenue
(Beaches-East York, Ward 32)**

(City Council at its Special Meeting held on July 30, 31 and August 1, 2002, adopted this Clause, without amendment.)

The Toronto East York Community Council recommends the adoption of the following report (June 14, 2002) from the Manager, Right of Way Management, Transportation Services, District 1.

Purpose:

To report on the owner's request to construct a 1.52 m high wrought iron fence within the public right of way fronting 90 Stephenson Avenue. As the fence height of 1.52 m exceeds the maximum height of 1.0 m for fences constructed in front of a property permitted under Chapter 313 of the former City of Toronto Municipal Code, this matter is scheduled as a deputation item.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that City Council approve the construction of the 1.52 m high wrought iron fence fronting Stephenson Avenue, subject to the property owner entering into an encroachment agreement with the City of Toronto, as prescribed under Chapter 313 of the former City of Toronto Municipal Code.

Comments:

An application was submitted by Mr. Joseph Mancuso and Ms. Louise Durand, owners of 90 Stephenson Avenue, Toronto, Ontario M4C 1G4, requesting permission to construct a 1.52 m high wrought iron fence within the public right of way fronting 90 Stephenson Avenue.

The proposed fence is compatible with the scale and architectural character of their home (a 3-storey century farmhouse) and many homes on Stephenson Avenue. The fence is a black wrought iron style, in keeping with the fencing around Stephenson Park (directly across the street). The owners intend to have the enclosure professionally landscaped.

The construction and maintenance of fences within the public right of way are governed under the criteria set out in 313-33 of the Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code, which provides for fences to be constructed to a maximum allowable height of 1.9 m on the flank of a property and up to 1.0 m in height in front of a property, and are considered to be neither hazardous nor unsightly in appearance. In addition, fences must be set back 0.46 m from the rear edge of the City sidewalk, or a minimum of 2.1 m from the curb where no sidewalk is present.

Staff have inspected the area in the immediate vicinity of the property and have determined that the proposed wrought iron fence will not negatively impact the public right of way.

On Appendix 'A', we have provided a property data map denoting the property.

Details of the proposal are retained on file with the Department.

Conclusions:

As the 1.52 m high wrought iron fence fronting 90 Stephenson Avenue will not negatively impact on public the right of way, permission should be granted to the owners to construct the fence.

Contact:

Ken McGuire, Supervisor, Construction Activities
Telephone: (416) 392-7894, Fax: (416) 392-7465, E-mail: kmcguire@city.toronto.on.ca

(Attachments referred to in the foregoing report were forwarded to all Members of the Toronto East York Community Council with the agenda for its meeting on July 17, 2002, and copies are on file in the office of the City Clerk.)