



STAFF REPORT ACTION REQUIRED

2 Hillingdon Avenue – Privacy Fence

Date:	March 12, 2007
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Beaches-East York – Ward 32
Reference Number:	Te07017te.row

SUMMARY

This staff report is about a matter which the Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed an appeal from the owner of 2 Hillingdon Avenue for the maintenance of a 1.3 m high privacy fence within portions of the public right of way fronting 2 Hillingdon Avenue, and a 2.2 m to 2.7 m high fence on the Hanson Avenue flank.

Although the fence exceeds the allowable height under the Municipal Code, it does not impact negatively on the public right of way. Therefore, Transportation Services recommends approval of the maintenance of this fence, subject to the property owner modifying the fence adjacent to the driveway on the Hanson Avenue flank by providing a vision splay.

The owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the maintenance of the privacy fence within portions of the public right of way fronting 2 Hillingdon Avenue and on the Hanson Avenue flank, subject to the owner providing a vision splay adjacent to the driveway on the Hanson

Avenue flank and entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:

- a. maintain the privacy fence at his/her own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;
 - b. remove the privacy fence upon receiving 90 days written notice to do so; and
 - c. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City; and
2. direct Legal Services and/or the General Manager of Transportation Services to extend the Encroachment Agreement to the new owner, in the event of sale or transfer of the property abutting the encroachment, subject to the approval of the General Manager of Transportation Services.

Financial Impact

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

ISSUE BACKGROUND

The owner of 2 Hillingdon Avenue submitted an application requesting permission to maintain a 1.3 m high privacy fence within portions of the public right of way fronting 2 Hillingdon Avenue and a fence ranging in height from 2.2 m to 2.7 m on the Hanson Avenue flank. The fence fronting the property was constructed 0.4 m back of the City sidewalk rather than the required 0.46 m. In addition, the high fence on the flank of the property was constructed immediately adjacent to the driveway servicing the property. Even though the owner provided a vision splay at the driveway entrance, the fence as constructed does not provide adequate visibility for pedestrians using the adjacent sidewalk and vehicles using the driveway. To improve visibility, a portion of the fence must be modified to provide a vision splay by either:

- reducing the height of the fence to 1.0 m for a distance of 1.8 m on the portion running parallel and angled to the driveway;
- altering the fence at the corner to a 45-degree angle splay from a point 1.8 m parallel and perpendicular to the driveway;
- removing every alternate board to a point 1.8 m parallel and perpendicular to the driveway.

COMMENTS

Applicable regulation

The construction and maintenance of fences within the public right of way are governed under the criteria set out in Chapter 313-33, which provides for fences to be constructed to a maximum height of 1.9 m on the flank of a property and up to 1.0 m in height in front of a property if they are 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.

Reasons for approval

Transportation Services has reviewed the application and determined that the privacy fence, even though it is higher than the allowable height under the Municipal Code and notwithstanding the reduced setback of the fence fronting the property, the fence will not impact negatively on the public right of way, provided that the owner modifies the existing wooden fence to provide the required vision splay on the portion of the fence adjacent to the driveway servicing the property. Transportation Services staff have noted that there are similar fences within the immediate area.

Details of the encroachment are on file with Transportation Services.

Photos of the property are shown on Appendix 'A'.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' – photos

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