



## STAFF REPORT ACTION REQUIRED

### Fence Exemption Request – 96 Hyde Avenue

<b>Date:</b>	March 5, 2008
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 12 - York South-Weston
<b>Reference Number:</b>	ML&S Folder Number 07-101489 FEN

#### **SUMMARY**

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This Staff Report is about a matter for which the community council has delegated authority from City Council to make a final decision. The subject matter is an application for an exemption to the Fence By-law, Chapter 447 of the Toronto Municipal Code to allow the installation of fencing in the rear yard, ranging from 6.1 metres (20 feet) to 7.62 metres (25 feet) in height, made of corrugated metal panels which are in violation of the by-law.

#### **RECOMMENDATIONS**

The Municipal Licensing and Standards Division recommends that the Etobicoke York Community Council deny the request for the exemption for the private property fences based on non-compliance with the requirements set out in Chapter 447, Fences of the Toronto Municipal Code.

#### **FINANCIAL IMPACT**

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

#### **DECISION HISTORY**

The Etobicoke York Community Council, at its meeting of March 27, 2007:

“deferred consideration of this report subject to further consultation and the applicant submitting a noise study indicating the performance and impact of the proposed fence, and an engineering study identifying the ability of the fence to withstand fire, and such other studies as may be deemed to be advisable.”

## **ISSUE BACKGROUND**

The property owner operates a second hand salvage shop know as “GB Scrap Metal Limited” at this location under City of Toronto Business License B75-3356413, which is in good standing and valid to February 2009. The property owner/applicant is proposing to erect an engineered fence/barrier with corrugated metal panels along the entire north elevation and approximately one half the length of the east elevation (from the northeast corner of the property in a southerly direction) measuring approximately 7.62 metres (25 feet) and 6.1 metres (20 feet), respectively in height (Attachment 1).

The proposed fence structure will have a concrete foundation approximately 3.5 metres in depth supporting large steel beams with corrugated metal siding attached (Attachment 2). The proposed height of the fence along the north elevation is approximately 7.62 metres (25 feet) similar to the structure found at 75 Hyde Avenue (Attachment 3). The owner/applicant proposes to install a similar fence along the entire north elevation which measures approximately 92 lineal metres (300 feet) at 7.62 metres (25 feet) in height while along the east elevation to a point approximately 35 lineal metres (115 feet) from the northeast corner of the property, in a southerly direction, the owner is proposing to erect a similar fence at approximately 6.1 metres (20 feet) in height.

## **COMMENTS**

The owner/applicant seeks the exemption from the by-law requirements for a number of reasons that include the following: provide some privacy from the neighbour to the east; and to provide a barrier to the transfer of light and noise to the residential properties on Valley Crescent and Westbury Crescent situated a number of metres in elevation above the subject property (Attachment 4).

The Municipal Standards and Licensing Division have ongoing investigations for noise and lighting issues and the owner/applicant feels the installation of this fence/barrier will go a long way to shielding the community above from all of the salvage yard operation(s), including noise, lighting and the visual sight of the day to day business operations.

The Fence By-law does not permit corrugated metal panels to be used in any fencing and permits fencing on non-residential properties to a maximum height of 2.5 metres pursuant to Section 447-2.A.(3) and Section 447-3.B.(1), respectively. The owner has requested a fence exemption voluntarily upon being advised of the by-law limitations.

The owner/applicant retained the services of Jade Acoustics to provide an acoustical review of the proposed fences and the documents resulting from this review are attached (Attachment 5). The owner/applicant has not submitted any additional information and/or studies in connection with the proposed fencing.

Should this exemption request be granted, it should be conditional on the fence structure being erected under the supervision and final sign-off of a Professional Engineer and all the pertinent site review and final sign-off documents to be provided to the Municipal Licensing and Standards Division for reference purposes.

## **CONTACT**

Italo Joe Luzi, Supervisor  
Municipal Licensing and Standards  
Etobicoke York District  
Tel: 416-394-8575  
E-mail: [jluzi@toronto.ca](mailto:jluzi@toronto.ca)

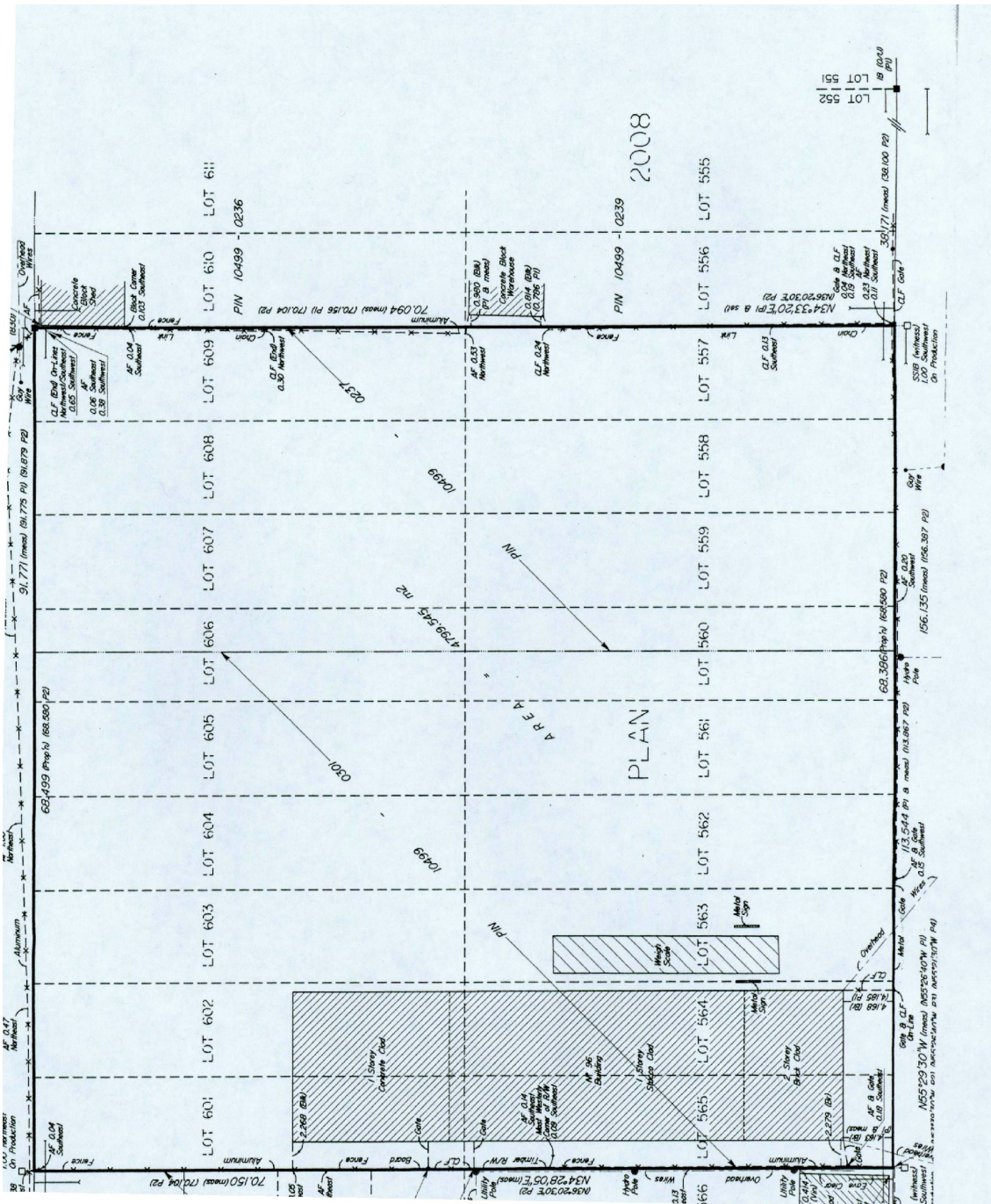
## **SIGNATURE**

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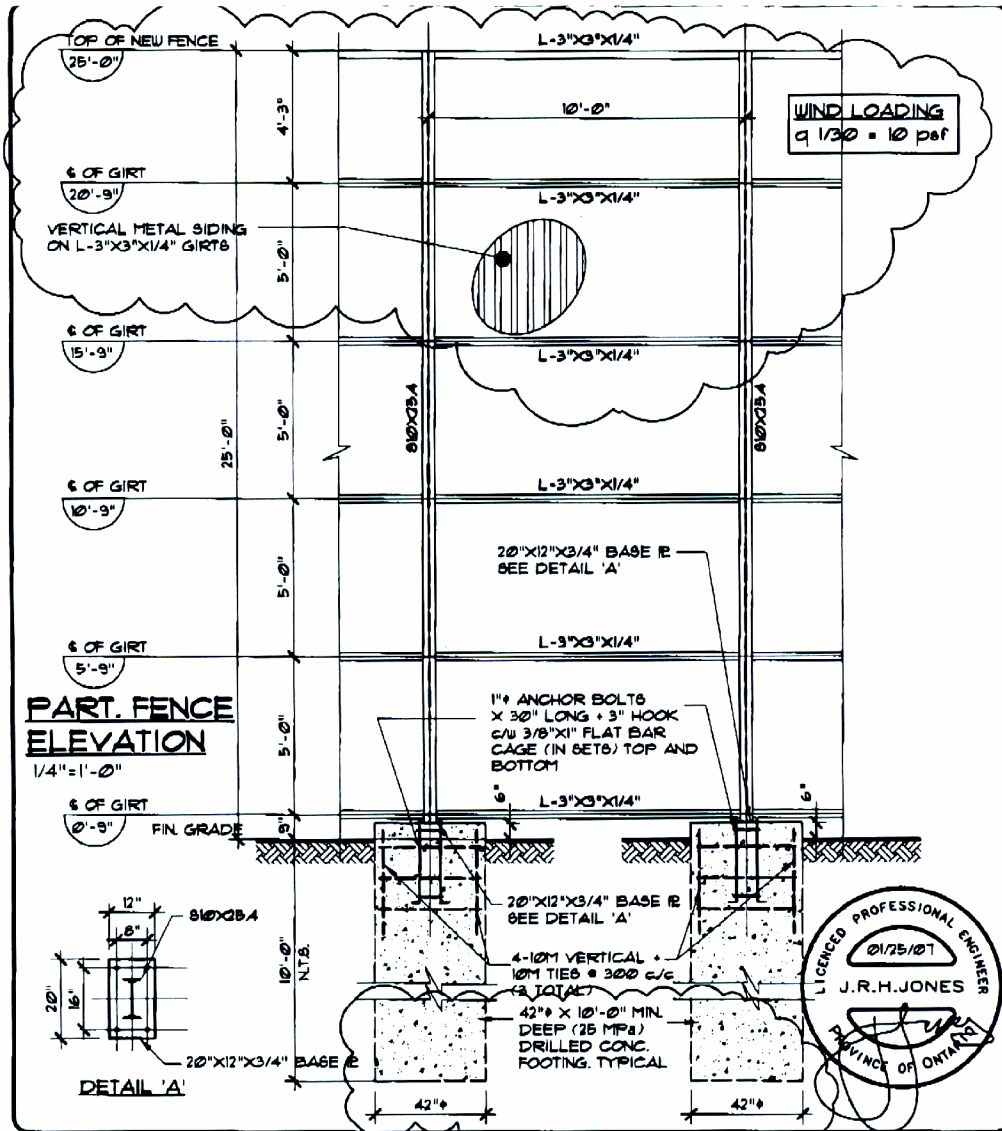
Curtis Sealock, District Manager  
Municipal Licensing and Standards  
Etobicoke York District

### **Attachments:**

Attachment 1: Partial Survey – 96 Hyde Avenue  
Attachment 2: Fence Detail - Engineer's Design Drawing  
Attachment 3: Photographs 1 and 2 - Showing 96 and 75 Hyde Avenue  
Attachment 4: Photographs 3 and 4 - Showing Northeast view from 96 Hyde  
Attachment 5: Report from Jade Acoustics



Attachment 1: Partial Survey – 96 Hyde Avenue



	PROJECT NAME:	NEW FENCING FOR G.B. SCRAP METAL LTD.	DATE:	01/25/07	PROJECT NO.:	06195
		96 HYDE AVE. TORONTO, ONTARIO	SCALE:	1/4" = 1'-0"	DWG. No.:	
			DRAWN BY:	B.F.		SK-2

Attachment 2: Fence Detail - Engineer's Design Drawing





Photograph 1 – Front Elevation of 96 Hyde Avenue



Photograph 2 – Front View of 75 Hyde Avenue showing proposed fence for 96 Hyde Avenue

**Attachment 3:           Photos showing 96 and 75 Hyde Avenue**



Photograph 3 – Northeast view from 96 Hyde Avenue showing residential properties to the north.



Photograph 4 – Northeast view from 96 Hyde Avenue showing residential properties to the north.

**Attachment 4: Photos of Northeast view and residential properties behind 96 Hyde Avenue**



January 29, 2008

GB Scrap Metal Ltd.  
96 Hyde Avenue  
Toronto, Ontario  
M6M 1J4

Attention: Mr. Dino Boia

VIA FAX  
(416) 746-7584



Gentlemen:

Re: Acoustic Review of Proposed Fence  
Existing Scrap Metal Operation  
96 Hyde Avenue  
City of Toronto  
Our File: 07-045

GB Scrap Metal Ltd., located at 96 Hyde Avenue, has proposed a fence to provide security and to shield the nearby residential houses from light and noise. Jade Acoustics Inc. was retained to conduct an acoustic review of the proposed fence at 96 Hyde Avenue adjacent to the conservation lands. The receptors of concern are located north of the site on Westbury Crescent on ground which is elevated approximately 11 m above 96 Hyde Avenue. Figure 1 shows a Key Plan.

The proposed fence is to be constructed of corrugated metal panels. The portion of the fence on the property line adjacent to the conservation lands is proposed to be 7.62 m in height. To avoid increasing the sound levels at the nearby residential receptors due to reflections, the portion of the fence along the east side of the site should be limited to 6.1 m in height (see attached Figure 1). A fence along the west side of the site was investigated and provided no acoustic benefit. If a fence is constructed along the west side of the site its height should be limited to 6.1 m to ensure that the sound levels at the receptors are not increased.

A site visit and sound measurements were conducted at 96 Hyde Avenue on August 23, 2007. A calibrated Larson Davis 2800 Real Time Analyzer was used for the measurements. The operations measured and later analyzed include car crushing, gas cut-off saws being used, and unloading/re-piling of scrap metal. Figure 2 shows the location of the analyzed operations. Measurements were conducted close to each source and sound power levels were then calculated for inclusion in the analysis. The analysis was conducted in accordance with the MOE accepted procedure International Standard Analytical Code ISO 9613-2 using the CadnaA computer model.

For operations within 35 m of the fence, the sound level at the receptors is predicted to be attenuated by 4 dB to 10 dB depending on the location of the noise source. This level of attenuation is generally noticeable and sound barriers are considered to be acoustically effective. Increasing the height of the fence was investigated and very little added benefit

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**Attachment 5: Report from Jade Acoustics**



was obtained if the fence was doubled in height. The attenuation of any sound barrier is limited due to the elevated receptors. The gas cut-off saws and car crushing generally occur within 35 m of the fence. For operations further than 35 m from the fence, very little attenuation is expected as the proposed fence will not break the line of sight between the source and receptor. The majority of the unloading/re-piling of scrap metal occurs further than 35 m from the fence.

Constructing the fence as detailed above is predicted to noticeably reduce the sound levels at the residential houses for some of the operations at GB Scrap Metal. The sound levels produced by the remainder of the operations are predicted to remain unchanged. In no case are the sound levels at the receptors predicted to be higher after construction of the fence.



If you have any questions, please do not hesitate to call.

Yours truly,

JADE ACOUSTICS INC.

Per:

  
Jamie Paterson, B.Eng.

Per:

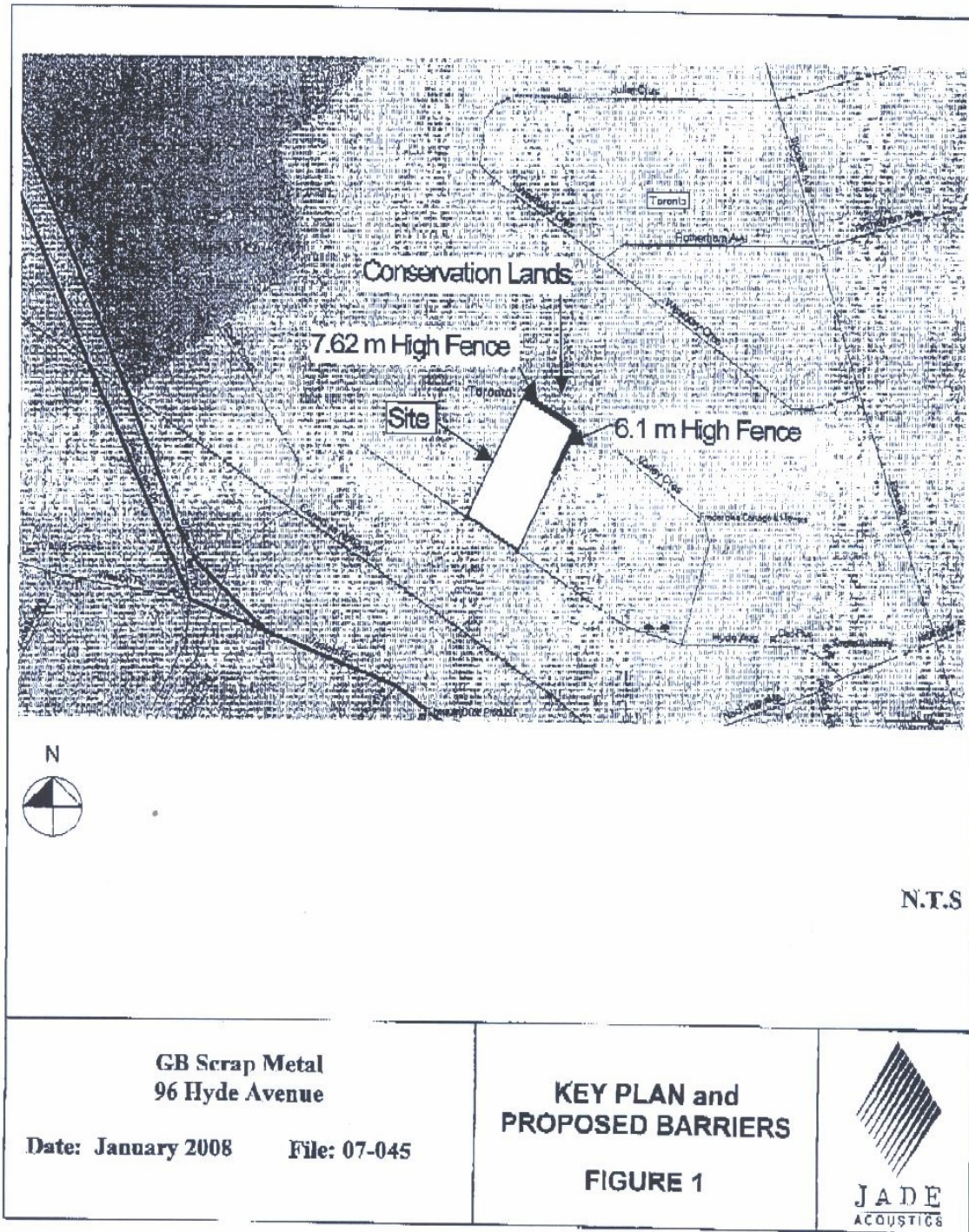
  
Dalila C. Giusti, P.Eng.



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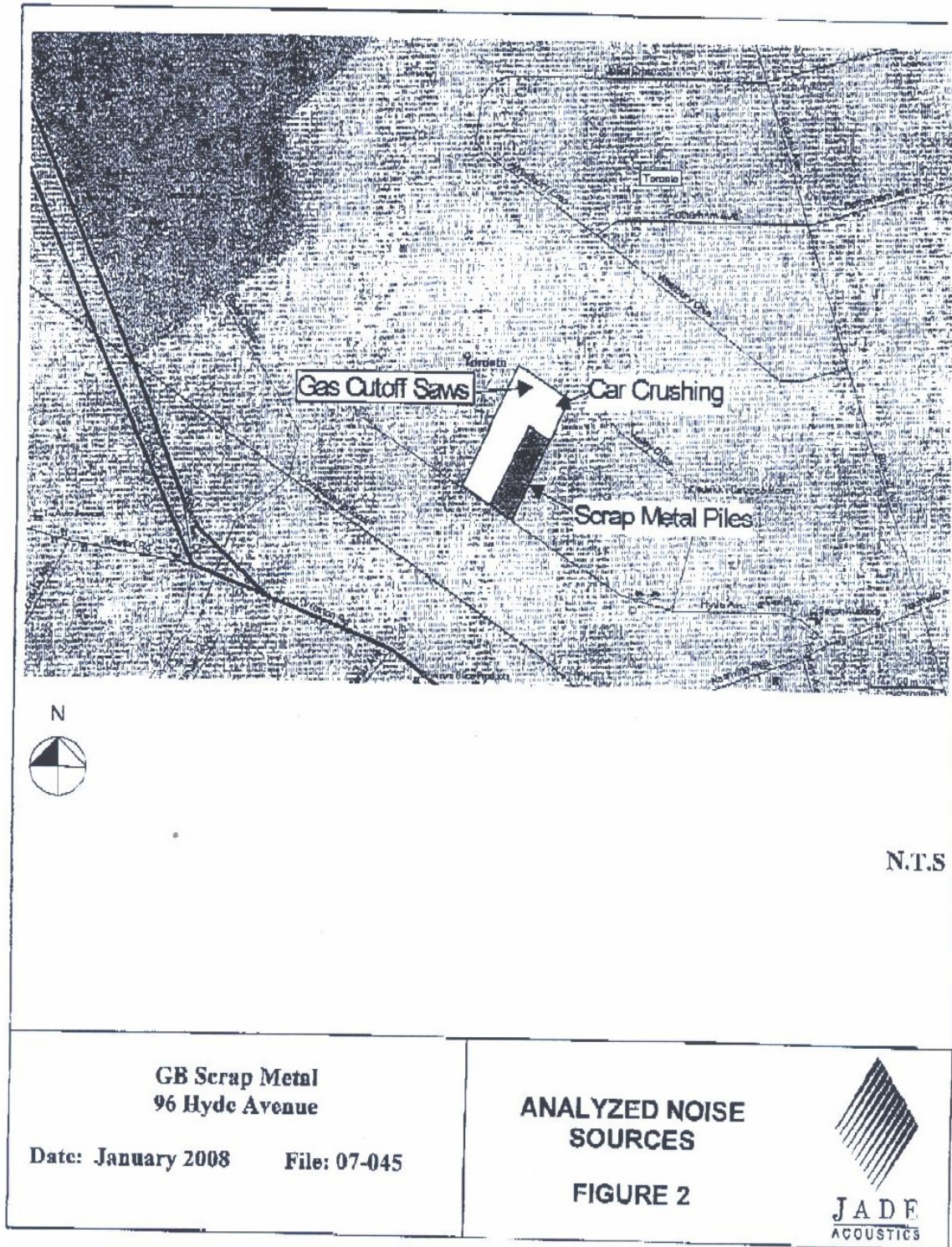
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**Attachment 5: Report from Jade Acoustics**



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