



STAFF REPORT ACTION REQUIRED

Front Yard Fence Encroachment 8 Briarcroft Road

Date:	March 5, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager , Municipal Licensing and Standards
Wards:	Ward 13 – Parkdale-High Park
Reference Number:	ML&S Folder No. 07 275008 RAW

SUMMARY

To report on an application submitted by the owner of the property requesting an encroachment agreement to lease 15.34 square metres of the Briarcroft Road right-of-way and to maintain a closed board fence recently installed within the municipal road allowance fronting the subject property.

Etobicoke York Community Council has delegated authority from City Council to make a final decision on this matter.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that Etobicoke York Community Council refuse the application.

Financial Impact

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

ISSUE BACKGROUND

The applicant, being the owner of the property at 8 Briarcroft Road, requests permission to maintain a close board wood fence encroaching into the Briarcroft Road right-of-way. The fence was installed within municipal road allowance without obtaining prior approval from the municipality.

The height of the fence situated within the municipal road allowance varies at different locations, as follows:

- between 1.07 metres and 1.12 metres at the south elevation (Section A);
- 1.23 metres on the west elevation (Section B); and,
- 1.52 metres on the west elevation within the private portion of the front yard.

Attachments 1, 2 and 3 illustrate the location and construction of the fence.

Section 313-33 of Chapter 313 of the former City of Toronto Municipal Code, Streets and Sidewalks, restricts fences situated within the public right-of-way fronting a building to a height of 1.0 metres, provided that, in the opinion of the General Manager of Transportation Services, the fence height does not present a hazard to the public.

This application has been circulated to various utilities and Divisions for review. Transportation Services advises that the fence height, combined with the close board design and existing grade elevation, exceeds both the maximum permitted by the former Toronto Municipal Code as well as the height for an average driver's eye level of 1.05 metres. This creates a sight line restriction for motorists exiting the private driveway from the adjoining westerly property, 6 Briarcroft Road.

COMMENTS

It should be noted that the Municipal Licensing and Standards Division has received a number of complaints from area residents objecting to the design and location of the applicant's fence.

Transportation Services indicates that they will only support the encroachment request on condition that:

1. The applicant relocates three fence panels along the south elevation and one panel to the north, a setback of about 1.5 metres to 1.8 metres north of its current location;
2. The applicant contacts Urban Forestry Services to address any concerns that they may have;
3. The applicant enters into an encroachment agreement with the City pursuant to Section 313-33E of Chapter 313 of the former City of Toronto Municipal Code, Streets and Sidewalks and;
4. The applicant satisfies these conditions by September 30, 2008, and at no expense to the municipality.

The required relocation of the panels is necessary to create a clear sight triangle sufficient for motorists exiting the neighbouring driveway to perceive vehicles and pedestrians approaching from the east. In addition, this will further require a review by Urban Forestry Services because such alteration may affect an existing tree at the front yard of the subject property (Attachment 3).

It is understood that the applicant does not wish to make any alterations to the existing fence to conform to Transportation Services' requirements, and requested an appeal to Etobicoke York Community Council of the recommendation to refuse the application.

Should Etobicoke York Community Council find merits in allowing the applicant to maintain the fence at its current position, dimensions and design within the Briarcroft Road right-of-way, Municipal Licensing and Standards will only recommend approval on the following conditions:

1. The applicant obtains confirmation, in writing, from the owner of the adjoining property at 6 Briarcroft Road that they have no objection to the design or location of the existing fence;
2. The applicant enters into an encroachment agreement with the City pursuant to Section 313-33E of Chapter 313 of the former City of Toronto Municipal Code, Streets and Sidewalks, and;
3. The applicant satisfies these conditions by September 30, 2008, and at no expense to the municipality.

CONTACT

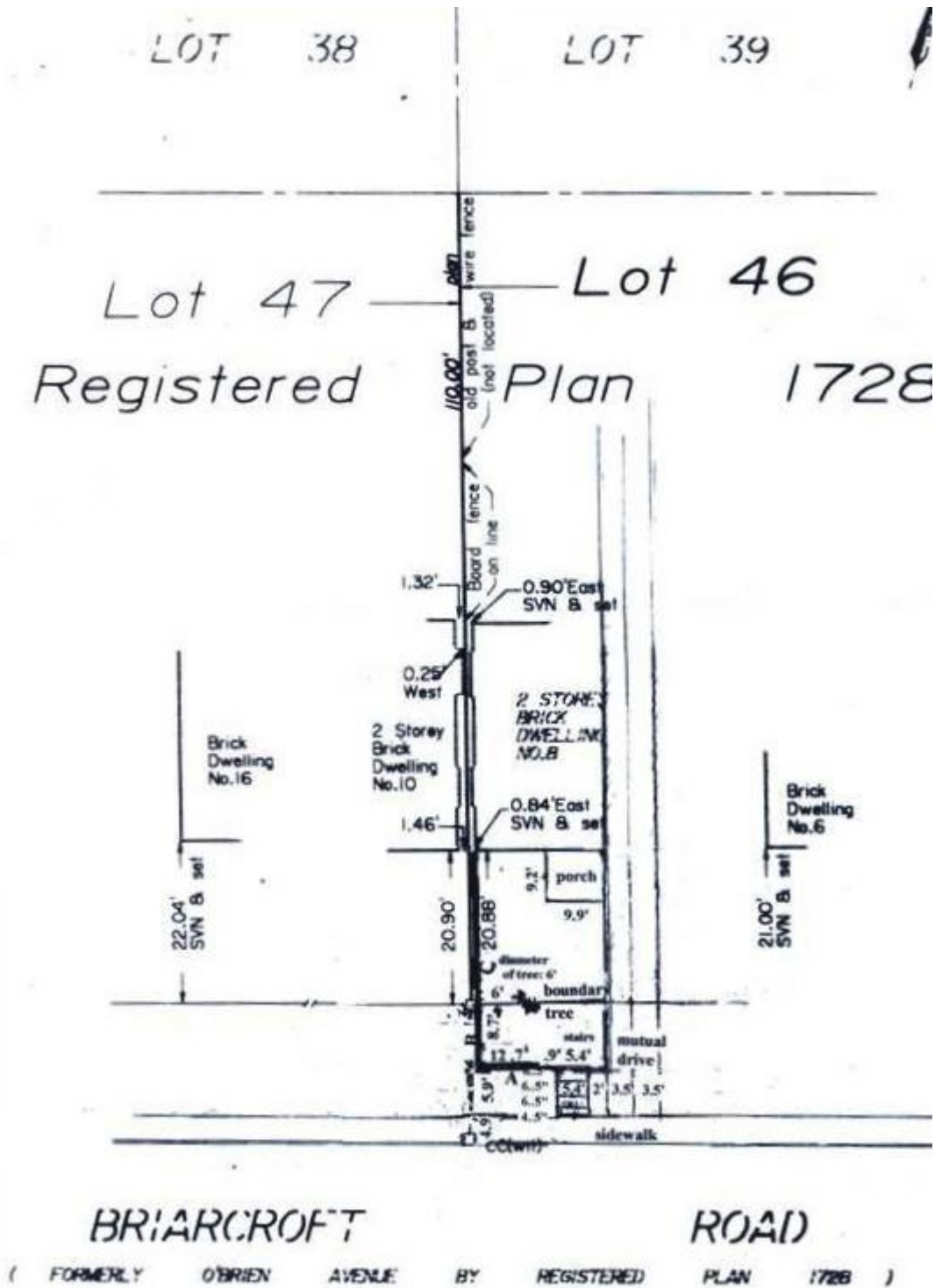
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SIGNATURE

Curtis Sealock, District Manager
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: Site Plan showing Fence Location
Attachment 2: Fence Detail
Attachment 3: Photograph showing the Front Elevation of the Fence



Attachment 1: Site Plan Indicating Fence Location

Fence Heights for Sections A and B within the Road Allowance

FENCE ON ROAD ALLOWANCE

All fence materials: PVC fencing made of vinyl from composite recycled materials that are maintenance free and having a 15 year warranty. Fence posts are steel pipes on the interior with pvc materials on the exterior.

A. Fence west-east

Height: 42" - 44"

open sections

closed sections

fence posts: 4' into ground



B. Fence north-south

Height: 42"

fence posts: 4' into ground



Fence Height on Private property

C. FENCE ON PRIVATE PROPERTY (north to south)

fence materials: PVC fencing made of vinyl from composite recycled materials that are maintenance free and having a 15 year warranty. The fence posts are steel pipes on the interior with pvc materials on the exterior.

Height: 72"

fence posts: 4' into ground



Attachment 2: Fence Detail



Attachment 3: Photo showing the front elevation of the Fence