



**STAFF REPORT
ACTION REQUIRED**

**Application for Encroachment Agreement
371 Glenlake Avenue**

Date:	February 4, 2013
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 13 Parkdale – High Park
Reference Number:	Municipal Licensing and Standards, Folder Number 12-128258 RAW

SUMMARY

This report is in regard to an application submitted by the property owner of 371 Glenlake Avenue for an Encroachment Agreement to construct a 1.68 metres high aluminum open picket fence encroaching within the Quebec Street and Glenlake Avenue municipal boulevard and maintain a 1.8 metres high closed board wooden fence within the Quebec Street and Glenlake Avenue municipal boulevard. The total area of encroachments is approximately 122 square metres. This is a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that Etobicoke York Community Council approve the application submitted by the property owner of 371 Glenlake Avenue for an Encroachment Agreement to construct a 1.68 metres high aluminum open picket fence encroaching within the Quebec Street and Glenlake Avenue municipal boulevard, and maintain a 1.8 metres high closed board wooden fence within the Quebec Street and Glenlake Avenue municipal boulevard, subject to the following conditions:

1. The owner to enter into an encroachment agreement with the City of Toronto.
2. The owner to pay the City of Toronto all fees associated with the preparation of this agreement and, should it apply in future, an annual fee plus HST, for the use of the municipal boulevard. All fees are subject to change.

3. The owner to comply with the requirements as given by Transportation Services (Right of Way Management), namely:
 - (a) A minimum clearance of 0.50 metres set back is required from the edge of the sidewalk.
 - (b) Existing driveway shall not to exceed 3.05 metres in width.
 - (c) No spikes or pointed tops are permitted on the fence.
 - (d) All gates are required to swing inwards towards private property.
 - (e) All work is to be carried out in accordance with the revised drawings submitted by the owner on May 3, 2012.
4. The owner to obtain the required clearance from Bell Canada to resolve the conflict due to the proximity of the fence to its existing services.
5. The owner to obtain the required clearance from Urban Forestry as the proposed fence may have an impact on the existing City trees in the vicinity of the subject property.
6. The owner to obtain a Fence Exemption through an application to Municipal Licensing and Standards for the private portion of the closed board wooden fence at the flankage yard at the rear of the property alongside the driveway leading from the garage that is not in compliance with the open construction requirements within 2.4 metres of the driveway and 2.4 metres from the property line under the Fence By-law.
7. The owner to obtain the required clearances in writing from Bell Canada and Urban Forestry, and submit an application for Fence Exemption to the District Manager of Municipal Licensing and Standards, Etobicoke York District, on or before May 31, 2013, should this application be approved.
8. The owner to obtain the necessary street permit from Transportation Services (Right of Way Management) prior to commencement of the aluminum fence construction on the municipal boulevard.
9. The owner to comply at all times with the regulations set out in Chapter 743 of the City of Toronto Municipal Code, Streets and Sidewalks, and ensure that all installations on both the Glenlake Avenue and Quebec Street municipal boulevard in front of the subject property are clean, maintained in good condition and free of hazards.

Financial Impact

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

ISSUE BACKGROUND

The property is located on a corner lot at the southwest corner of Glenlake Avenue and Quebec Street (Attachment 1).

A 1.8 metres high close board wooden fence equipped with two gates has been installed to enclose the backyard at the rear along the Glenlake Avenue flankage, which encroaches approximately 2 metres into the municipal boulevard. The property owner proposed to enclose the rest of the garden area by erecting a 1.68 metres high aluminum open picket fence that will encroach approximately 4.27 metres on the Glenlake Avenue municipal boulevard and approximately 4.73 metres on the Quebec Street municipal boulevard (Attachments 2 and 3).

COMMENTS

This application and supporting documents were circulated to Transportation Services and various utility companies for review.

The submission has since been revised to accommodate the comments made by Transportation Services and staff accepted the drawings submitted on May 3, 2012, subject to the following conditions:

1. A minimum clearance of 0.50 metres set back is required from the edge of the sidewalk.
2. Existing driveway shall not to exceed 3.05 metres in width.
3. No spikes or pointed tops are permitted on the fence.
4. All gates are required to swing inwards towards private property.
5. All work is to be carried out in accordance with the revised drawings submitted by the owner on May 3, 2012.

A section of the existing close board wood fence at the flankage yard at the rear of the property alongside the driveway leading from the garage was found to be in violation of Toronto Municipal Code, Chapter 447, Fences, since the By-law requires the fence to be of open construction within 2.4 metres of the driveway and 2.4 metres from the property line, notwithstanding the minimum traffic sightline clearance being provided. Accordingly the owner is required to obtain a fence exemption through an application to Municipal Licensing and Standards (Attachment 2).

The applicant is also required to obtain the necessary clearance from Bell Canada in view of the proximity of the fence to its existing services, in addition to the required clearance from Urban Forestry due to the location of the existing City trees relative to the proposed fence construction.

CONTACT

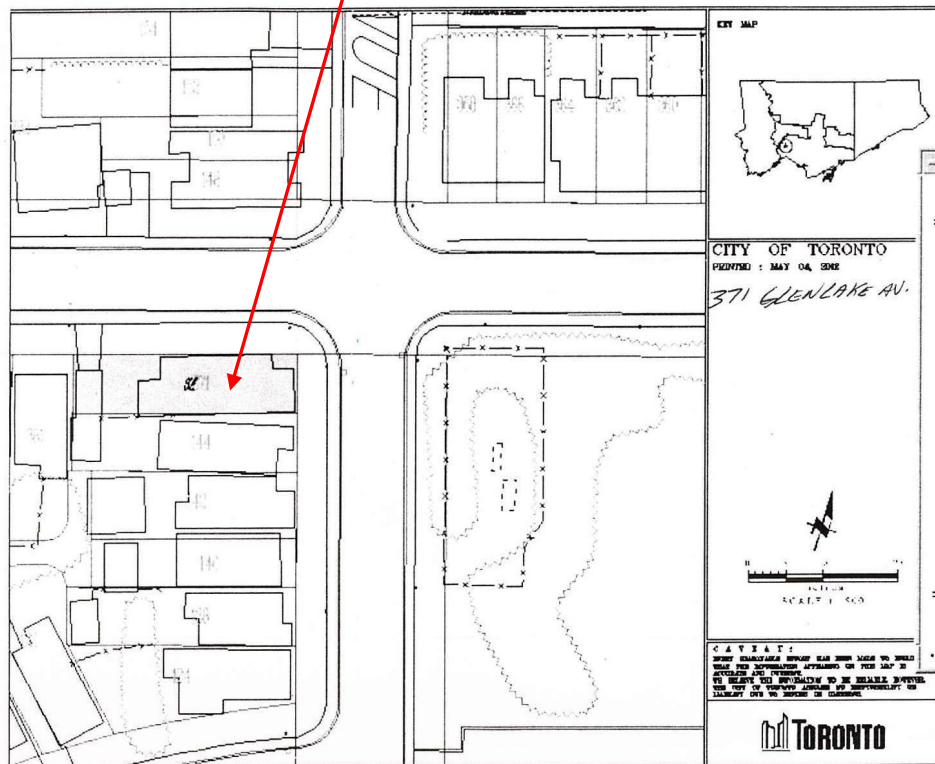
Chip Au, Supervisor
Municipal Licensing and Standards
Etobicoke York District
Tel: 416-394-2533 Fax: 416-394-2904
E-mail: cau2@toronto.ca

SIGNATURE

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

ATTACHMENTS

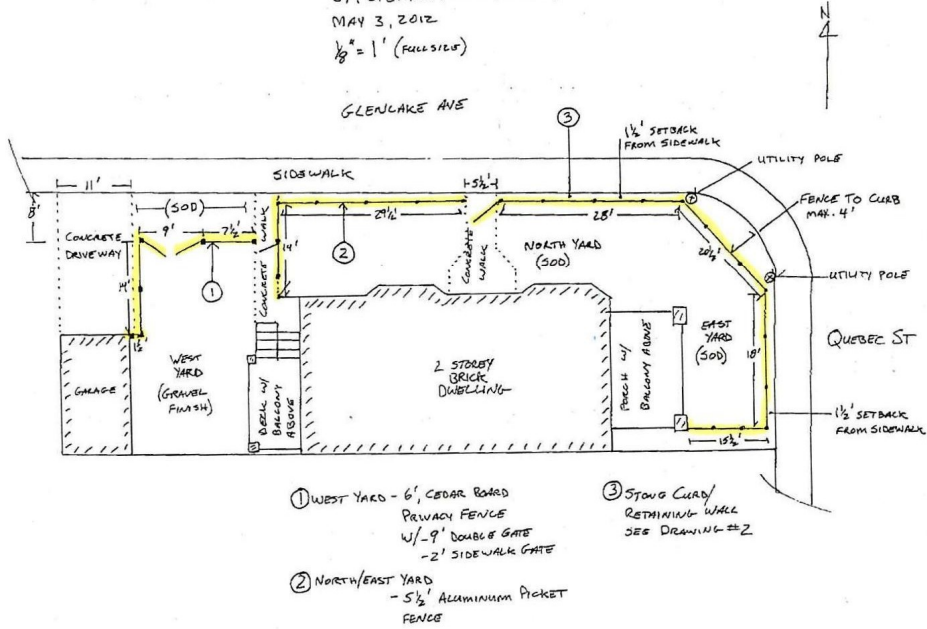
Attachment 1: Aerial Photo and Site Plan
Attachment 2: Existing and Proposed Fence Construction
Attachment 3: Section of the Proposed Aluminum Fence Construction
Attachment 4: Photos showing the Existing Site Conditions



Friday, May 04, 2012 09:13 AM

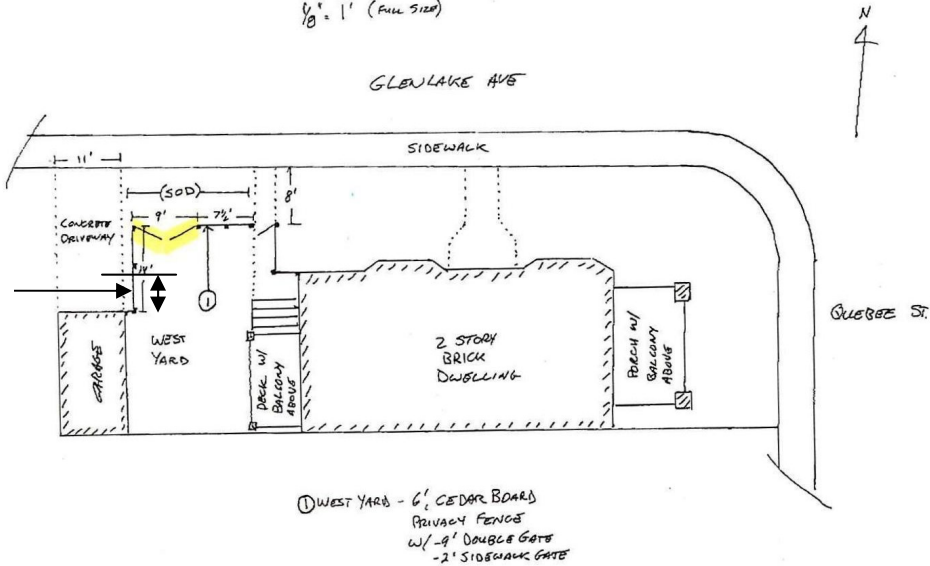
Attachment 1: Aerial Photo and Site Plan

DRAWING #1
 371 GLENLAKE AVE
 BY: STEPHEN MOLL (OWNER)
 MAY 3, 2012
 1/8" = 1' (FULL SIZE)



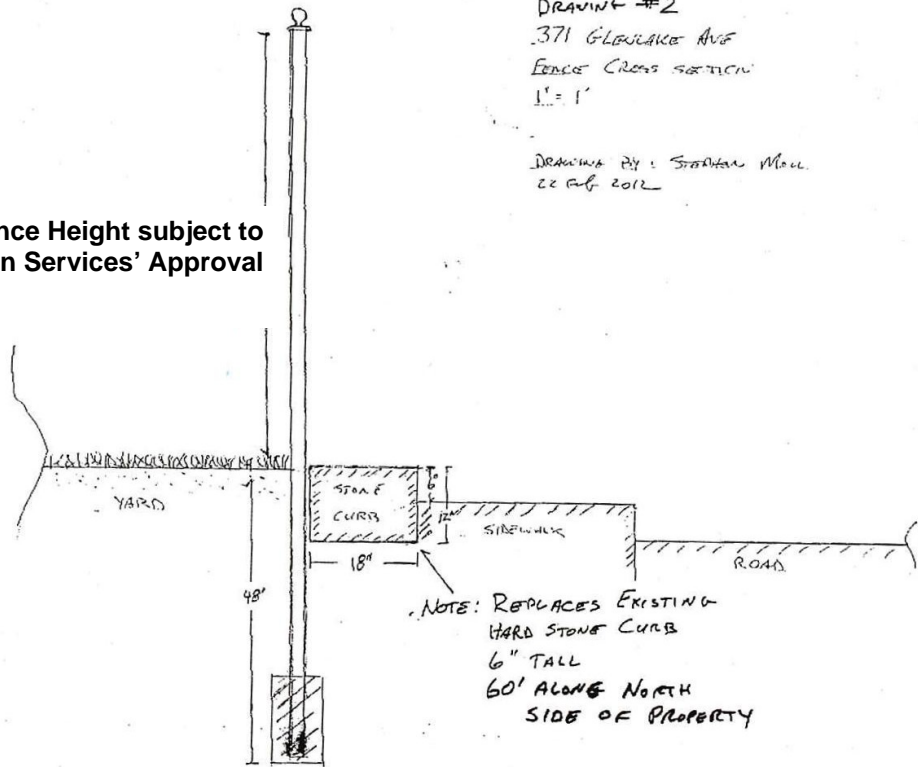
DRAWING #3
 371 GLENLAKE AVE
 BY: STEPHEN MOLL (OWNER)
 MAY 3, 2012
 1/8" = 1' (FULL SIZE)

Fence required to be of
 Open Construction
 under the Fence By-law



Attachment 2: Existing and Proposed Fence Construction

Fence Height subject to
Transportation Services' Approval



Attachment 3: Section of the Proposed Aluminium Fence Construction



Attachment 4: Photos showing the Existing Site Conditions