

Encroachment Appeal - 255 St. Germain Avenue

Date: October 2, 2017

To: North York Community Council

From: Acting Director, Transportation Services, North York District

Wards: Ward 16 - Eglinton-Lawrence

SUMMARY

This staff report is about a matter for which Community Council has delegated authority from City Council to make a final decision provided it is in keeping with City policy or by-laws.

Transportation Services is requesting authority to enter into an encroachment agreement with the owners of 255 St. Germain Avenue for a 2.3 metres high wooden fence setback 0.6 metres from the City sidewalk and 2.3 metres from the adjacent driveway, as well as 2 metres high cedar hedges located behind this fence.

The fence and hedges on the public right of way do not meet the requirements of the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of. The owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

The Acting Director, Transportation Services, North York District, recommends that:

1. North York Community Council approve the request to maintain a 2.3 metres high wooden fence and 2 metres high cedar hedges on the Greer Road flankage of the subject premises on the public right of way at 255 St. Germain Avenue, subject to the following conditions:

- a) The property owners enter into an encroachment agreement with the City of Toronto at the applicant's expense and assume all liability and damages related to the encroachments.

- b) The property owners must retain valid property insurance for the duration of the encroachments in case there are any claims initiated due to the encroachments.

c) The property owners agree that the City and/or utility companies may remove the fence and hedges in order to install or maintain services within the affected public right of way with no obligation to replace these encroachments.

d) The property owners reduce the height of the hedges fronting the residence on St. Germain Avenue at the intersection to a maximum 0.9 metre height measured from the roadway grade to mitigate a traffic sight line impediment.

FINANCIAL IMPACT

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

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

An encroachment application was received on July 20, 2017, from the owners of 255 St. Germain Avenue requesting permission to maintain a 2.3 metres high wooden fence and cedar hedges behind the fence on the Greer Road flankage on the public right of way.

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of. The relevant provisions for the encroachments subject to this appeal are that a fence within 70 metres of an intersection of two or more roadways cannot exceed 1.0 metre height measured from the roadway grade and that hedges cannot exceed 0.9 metre height measured from the roadway grade so staff denied the application. An appeal was subsequently received from the property owners on September 25, 2017, for which this report has been prepared.

The owners were authorized by an encroachment agreement dated August 10, 2010, to install and maintain a former picket fence on the Greer Road flankage with a maximum 1.0 metre height, which the property owners have since removed and replaced with the 2.3 metres high fence which is the subject of this report.

A site plan showing the encroachment has been submitted which is attached as Attachment 1.

Even though the proposed fence and cedar hedges behind the fence on the Greer Road flankage exceed the permitted height, staff are of the opinion that they will not be a traffic sight line impediment affecting traffic or pedestrians, and that these proposed encroachments will not have a negative impact on the public right of way.

The owners have been advised that the overgrown hedges on St. Germain Avenue at the intersection must be reduced to a maximum 0.9 metre height measured from the roadway grade to mitigate the traffic sight line impediment at the intersection.

The Councillor has been advised that the applicants are requesting permission to maintain the existing fence and hedges on the Greer Road flankage on the public right of way.

CONTACT

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SIGNATURE

Peter K. Hillier
Acting Director

ATTACHMENTS

Attachment 1: Site Plan