Fence Appeal: 2 McGillivray Avenue

Date: June 17, 2014
To: North York Community Council
From: Director, Transportation Services Division, North York District
Wards: Ward 16 – Eglinton-Lawrence
Reference Number: p:\2014\TRA\NorthYorkDistrict\ny14068

SUMMARY

This staff report is about a matter for which Community Council has delegated authority to make a final decision provided that it is not amended so that it varies with City policy or by-laws.

Transportation Services has assessed an appeal from the owner of 2 McGillivray Avenue to install a 1.8 metre high wooden fence on the flankage of the residence which faces Kelso Avenue. The provisions of Chapter 743, Streets and Sidewalks, Use of, permits a maximum height of 1 metre measured from the roadway grade for a fence installed within 70 metres of an intersection of two or more roadways.

A site inspection determined that the location of the fence will not have a negative impact on the public right of way as it will not impede traffic sightlines at the intersection or adversely affect driveways in the vicinity.

RECOMMENDATIONS

Transportation Services, North York District, recommends that North York Community Council:

1. Approve the installation of the 1.8 metre high fence within the public right of way at 2 McGillivray Avenue on the flanking roadway, Kelso Avenue, subject to the following:
a. The property owner enter into an encroachment agreement with the City of Toronto assuming all costs, liability and damages related to the maintenance of the encroachment;

b. The property owner to maintain valid property insurance in case there are any claims initiated due to the encroachment maintenance; and

c. The property owner accepting that the City and/or utility companies may remove the encroachment in order to install or maintain services within the affected public right of way.

Financial Impact

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

ISSUE BACKGROUND

When the new house was constructed at 2 McGillivray Avenue in 2012, an existing fence was removed. On March 31, 2014, an application was received from the property owner to install a 1.8 metre high wooden fence on the Kelso Avenue flankage of the residence which will be setback 4.2 metre from the roadway curb.

A site inspection determined that the proposed location of the fence will not impede traffic sightlines at the intersection or affect driveways in the vicinity.

On May 2, 2014, the property owner submitted an appeal for the installation of a fence in compliance with the provisions of Chapter 743, Streets and Sidewalks, Use of.

COMMENTS

Applicable Regulation

Encroachments are governed by the criteria set out in the City of Toronto Municipal Code, Chapter 743, Streets and Sidewalks, Use of:

- The maximum permitted height for fencing within 70 metre of an intersection of two or more roadways is a height of 1 metre measured from the roadway grade.
Reasons for Approval

As the proposed fence will not negatively impact the public right of way, Transportation Services recommends approval of the proposed fence.

The Ward Councillor has been advised of the recommendations contained within this report.

Details of the application are on file with Transportation Services.

CONTACT

Ann S. Khan, P. Eng.
Manager, Traffic Planning & Right of Way Management
Transportation Services Division, North York District
Tel:   (416) 395-7463
Fax:   (416) 395-7544
Email: akhan5@toronto.ca

SIGNATURE

________________________________________
Kyp Perikleous
Director

ATTACHMENTS

Attachment 1: site plan
Attachment 2: location map
Attachment 3: site picture