

Encroachment Appeal for a Fence at 14 Atherton Crescent

Date: October 18, 2019
To: Etobicoke York Community Council
From: Director, Permits and Enforcement - Transportation Services
Wards: Ward 3 – Etobicoke/Lakeshore

SUMMARY

This staff report is regarding a matter that the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

This report requests that the Etobicoke-York Community Council makes a decision on whether the City of Toronto enter into an encroachment agreement for a proposed fence located at 14 Atherton Crescent, which will be located on the Public Right of Way.

The proposed fence encroachment exceeds the maximum height of 1.2 metres for the portion of the fence fronting the property and under Chapter 743 of The City of Toronto Municipal Code staff do not have delegated authority to approve the encroachment.

This property is unique as the property abuts a crescent, which by the definition of the zoning by law, causes the property to have no flankage. If the frontage of the property was considered to be the flankage of the property, the initial request of 1.512 metres would have been approved and therefore would not require approval from the Etobicoke York Community Council.

The proponent is now seeking approval and requesting a height of 1.83 metres from Community Council.

RECOMMENDATIONS

The Director of Permits and Enforcement, Transportation Services recommends that the Etobicoke-York Community Council:

1. Enter into an Encroachment Agreement and allow for the fence to be built at a requested height of 1.83 metres, in accordance with the proposal as depicted in "Attachment 1" and "Attachment #2", subject to the following conditions:

- a) The property owner will enter into an encroachment agreement with the City of Toronto, at their expense and assume all liability and damages related to the encroachments.
- b) The property owner must retain, as long as the encroachments are maintained, a valid property insurance in case of any claims initiated due to the encroachments.
- c) The property owner accepts that the City and/or utility companies may remove the encroachments in order to install or maintain services within the affected public right of way.
- d) Any fence gates will swing inward towards private property.
- e) The fence footings will not exceed a depth of 1.2 metres below the existing surface.
- g) Any other conditions deemed necessary by the General Manager, Transportation Services.

FINANCIAL IMPACT

There is no financial impact.

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

There are currently no sightline issues and the drawings and specifications (other than the height of the fence) meet all other aspects of Chapter 743 of the Municipal Code and according to "Attachment 1" and "Attachment 2".

CONTACT

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SIGNATURE

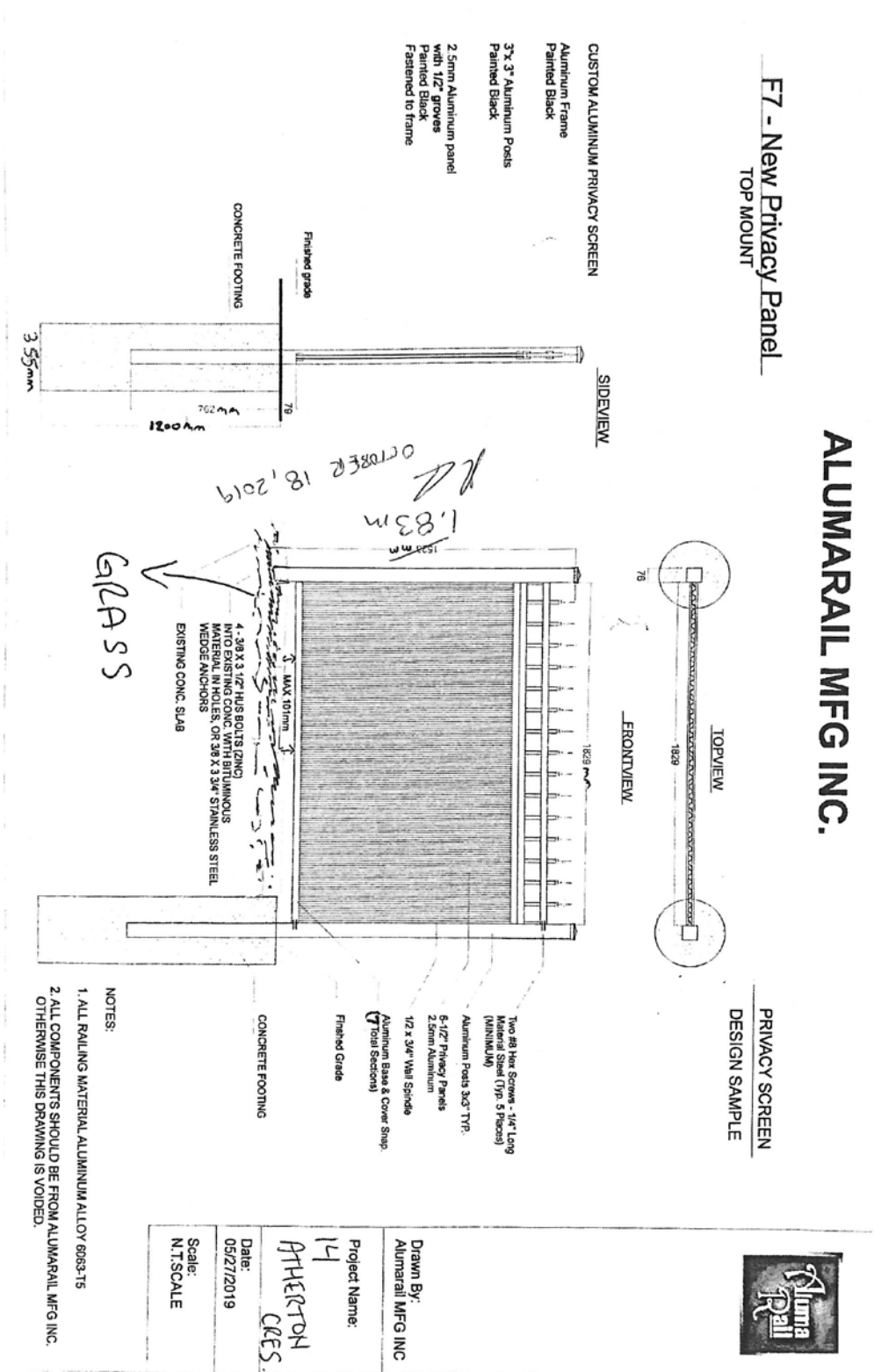
David J. Twaddle, CET
Director, Permits and Enforcement
Transportation Services

ATTACHMENTS

Attachment 1 - Side profile view of fence with measurements and materials.

Attachment 2 - Site plan of property and fence with encroachments.

Attachment 1: Side profile view of fence with measurements and materials.



Attachment 2: Site plan of property and fence with encroachments

