

Encroachment Appeal - 207 Armour Boulevard

Date: April 26, 2019

To: North York Community Council

From: Director, Transportation Services, Permits and Enforcement

Wards: Ward 06 - York Centre

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 207 Armour Boulevard for a 2.1 metre high board fence and a 1.4 metre high chain-link fence, with a 1.5 metre setback from the roadway curb and a 2.2 metre high hedge, with a 0.5 metre setback from the roadway curb on Sandringham Drive at the subject premises. Note that all vertical measurements are measured from roadway grade.

The proposed fence on the public right of way does 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 Director, Transportation Services, Permits and Enforcement, recommends that:

1. North York Community Council approve the request to maintain a 2.1 metre high board fence, 1.4 metre high chain-link fence and a 2.2 metre high hedge (all measured from the roadway grade) on the flankage of the subject premises within the public right of way at 207 Armour Boulevard, 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 encroachment.
- 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 encroachment.

c) The property owners agree 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 with no obligation to replace the encroachments.

d) The property owner shall remove the encroachments if required by the General Manager, Transportation Services, at any time and restore the street to the satisfaction of the General Manager, Transportation Services.

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 from the owners of 207 Armour Boulevard requesting permission to maintain a 2.1 metre high board fence, 1.4 metre high chain-link fence and a 2.2 metre high hedge on the flanking street (Sandringham Drive) within the public right of way. All vertical measurements are measured from the roadway grade.

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.

As the existing height of the fence and hedge do not comply with the maximum 1.0 metre height permitted encroachment under Chapter 743, Streets and Sidewalks, Use of, the General Manager is not authorized to issue a permit or enter into an agreement for the encroachment. An appeal was subsequently received from the property owners for which this report has been prepared.

The survey and picture showing the encroachments have been submitted and are included as attachments in this report.

Although the existing fence and hedge exceed the permitted height of 1.0 metre for encroachments within 70 metres of an intersection of two or more roadways, staff is of the opinion that they do not cause a sight line impediment affecting traffic or pedestrians, and that these proposed encroachments will not have a negative impact on the public right of way. Thus, staff believe the encroachments are acceptable provided that the property owner enters into an encroachment agreement with the City.

The Ward Councillor has been advised that the encroachments are proposed along the flankage of the subject premises within the public right of way at 207 Armour Boulevard.

CONTACT

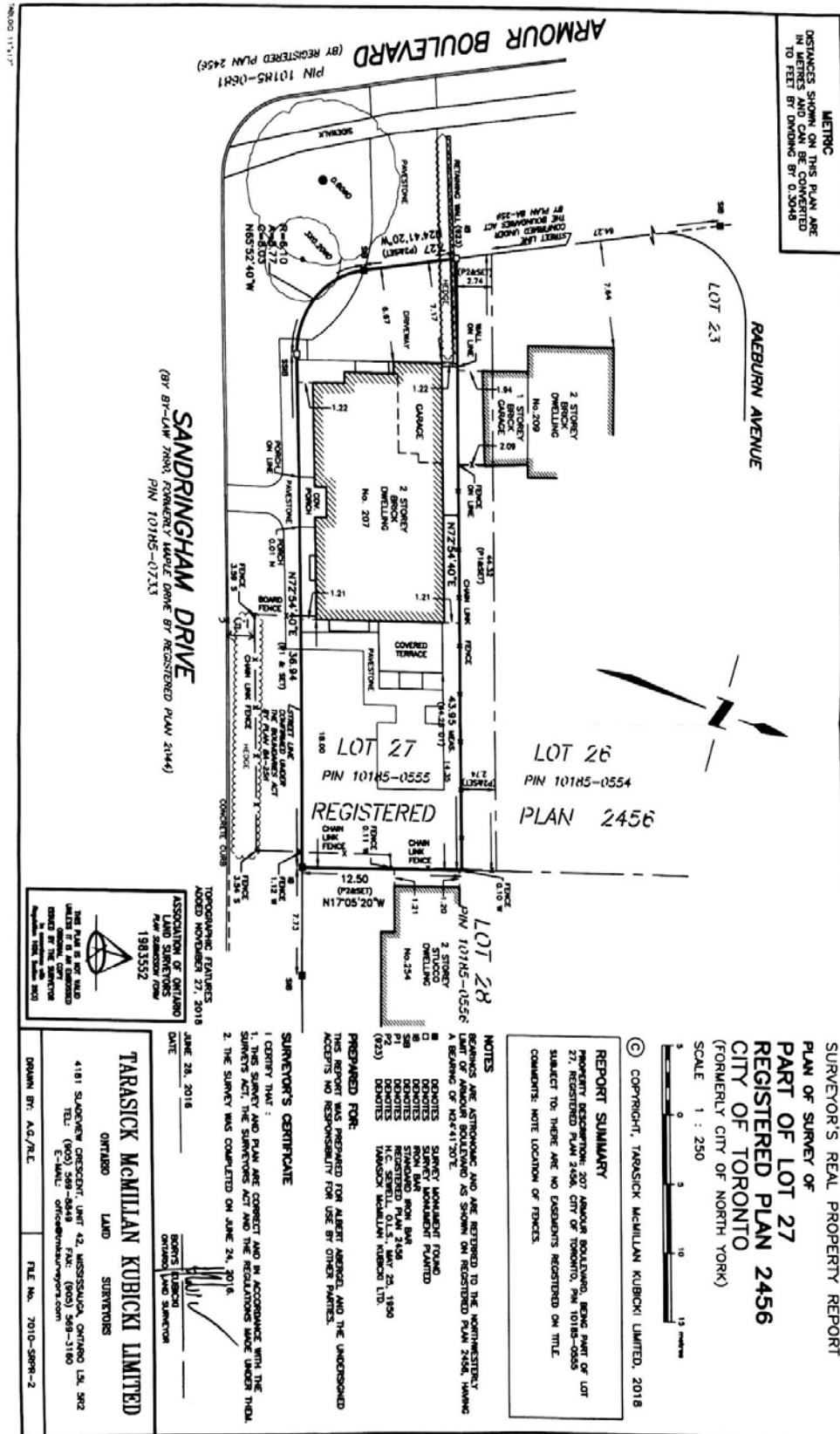
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SIGNATURE

Dave J. Twaddle
Director

ATTACHMENTS

Attachment 1: Survey - Fence and hedge
Attachment 2: Picture - Frontal view of the fence and hedge



Attachment 2 Picture of Frontal view of the fence and hedge

