

## **Encroachment Appeal for a Proposed Fence at 51 Mimico Avenue**

**Date:** August 17, 2020  
**To:** Etobicoke York Community Council  
**From:** Director, Permits and Enforcement - Transportation Services  
**Wards:** Ward 3 – Etobicoke-Lakeshore

### **SUMMARY**

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

The purpose of this report is to obtain approval from Etobicoke York Community Council to grant an appeal and enter into an encroachment agreement for a proposed fence and existing hedges at 51 Mimico Avenue.

### **RECOMMENDATIONS**

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The Director of Permits and Enforcement, Transportation Services recommends that:

1. Etobicoke York Community Council approve the appeal of the proposed fence and enter into an Encroachment Agreement contingent on the conditions provided by the Transportation Services Division, as well as all recommendations and requirements set out by other divisions within the City of Toronto.

### **FINANCIAL IMPACT**

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There is no financial impact.

### **DECISION HISTORY**

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This report addresses a new initiative.

## COMMENTS

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The property owner located at 51 Mimico Avenue has proposed a fence along the Queens Avenue frontage of the property, which will have a maximum height of 1.8 metres. The fence will be located within 70 metres of the Mimico Avenue and Queens Avenue intersection (see Attachment 1).

The fence, as proposed, contravenes Chapter 743 of the City of Toronto Municipal Code given that it exceeds the maximum height of one metre due to its proximity to an intersection. As a result, Transportation Services staff do not have the authority to approve the encroachment application.

The property owner is seeking an appeal to the Etobicoke York Community Council and is requesting to enter into an encroachment agreement with the City of Toronto. This agreement would include the existing hedges along the property frontages (see Attachment 2), which also contravene Chapter 743, given that they do not meet the minimum required setback of 0.50 metres from the inside edge of the sidewalks (closest to the property). It should be noted that Road Operations staff of Transportation Services have indicated that the existing hedges do not impede or hinder operational maintenance of the sidewalks along the property frontages.

Transportation Services staff have determined that the proposed fence does not cause any sightline issues at the intersection of Mimico Avenue and Queens Avenue, given the location of the existing dwelling unit on the property that will be retained. Furthermore, given the angled design of the proposed fence near the existing driveway, adequate sightlines will be provided to help avoid conflicts between pedestrians along the sidewalk and vehicles reversing out of the driveway.

Based on staff's review of this matter, it is recommended that Etobicoke York Community Council approve the appeal of the encroachments associated with the proposed fence and existing hedges, and require the owner to enter into an Encroachment Agreement with the City of Toronto, to the satisfaction of Transportation Services.

## CONTACT

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**SIGNATURE**

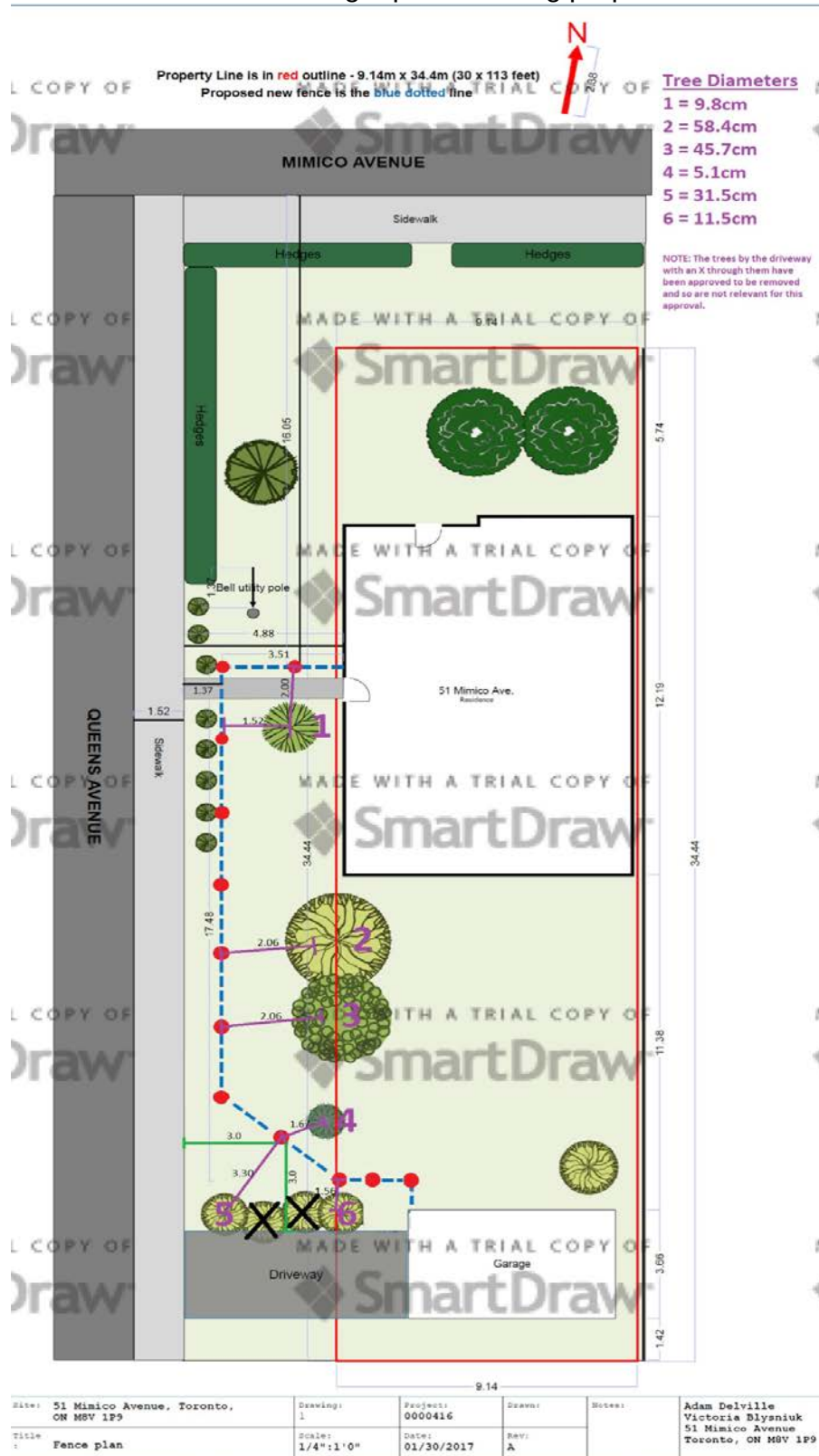
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David J. Twaddle, CET  
Director, Permits and Enforcement  
Transportation Services

## ATTACHMENTS

### Attachment 1 - Photo of sight plan showing proposed encroachments



Attachment 2 - Photo of side profile for proposed fence

