

**Application for Fence Exemption  
31 King Georges Road**

<b>Date:</b>	June 12, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 5, Etobicoke-Lakeshore
<b>Reference Number:</b>	ML&S Folder No. 07 107205 FEN

**SUMMARY**

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This Staff Report is about an application for an exemption to the Fence by-law under Chapter 447 of the Toronto Municipal Code to maintain an existing 1.83 metres high close board wooden fence on the west flankage of Prince Edward Drive which is in violation of the by-law, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

This application should be read and considered in conjunction with the application for the encroachment agreement for existing fences erected on the property and within the road allowance and for which a report has been submitted to the Etobicoke York Community Council at this time.

**RECOMMENDATIONS**

**Municipal Licensing and Standards recommend that the Etobicoke York Community Council approves this application for the fence exemption subject to the following conditions:**

1. the 1.83 metres high close board wooden fence at the rear west of the property which is also partly encroaching on City road allowance is cut back 2.4 metres along the driveway and Prince Edward Drive to avoid sight line obstructions to pedestrian and vehicular traffic; and
2. the Encroachment Agreement Application submitted in conjunction with this report to the Etobicoke York Community Council is modified.

## **FINANCIAL IMPACT**

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There are no financial implications resulting from the adoption of this report.

## **ISSUE BACKGROUND**

As the result of a complaint being received, Municipal Licensing and Standards staff investigated the property and determined that fencing had been erected around the perimeter of the property, both on private property portion as well as the City road allowance. The owner was contacted and advised that the constructed fence was in violation as it did not comply with the requirements for private property set out in Toronto Municipal Code, Chapter 447, Fences, and a portion of the 1.83 metre height fencing within the road allowance was built without an encroachment agreement and created an unsafe condition due to sight line obstructions (Attachment 3).

In consideration of the application for an exemption to the Fence By-law under Chapter 447 of the Toronto Municipal Code, and the application for Fence Encroachment on City road allowance on King Georges Road frontage and Prince Edward Drive flankage (Attachment 1) during its meeting on May 1, 2007, the Etobicoke York Community Council deferred this matter to its June 26, 2007 meeting, in order to enable the applicant to submit a revised proposal (which was received on June 8, 2007 as shown in Attachment 2), after the meeting with the local residents, City staff and the Ward Councillor on May 10, 2007.

## **COMMENTS**

This application should be considered in conjunction with the application for an Encroachment Agreement made by the applicant, as the majority of the fence erected at the property falls within the City road allowance.

Section 447-2 of Toronto Municipal Code, Chapter 447, Fences, restricts the height of a fence in the flankage yard of a property of a single family residential property to 0.8 metre in height for a distance of 2.4 metres from the property line and 2 metres in height beyond that point.

The close board fence measuring 1.83 metres in height is not in compliance with Section 447-2.B (4) of Toronto Municipal Code, Chapter 447, Fences, as constructed, and the fence height obstructs the line of sight adjacent to the driveway.

While there have been some amendments to the original proposal in the fence encroachment application, there is no change to the portion of the 1.83 metres high close board wood fence along Prince Edward Drive, which is subject to this Fence By-law exemption application (Attachments 1 and 2).

## **CONTACT**

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## **SIGNATURE**

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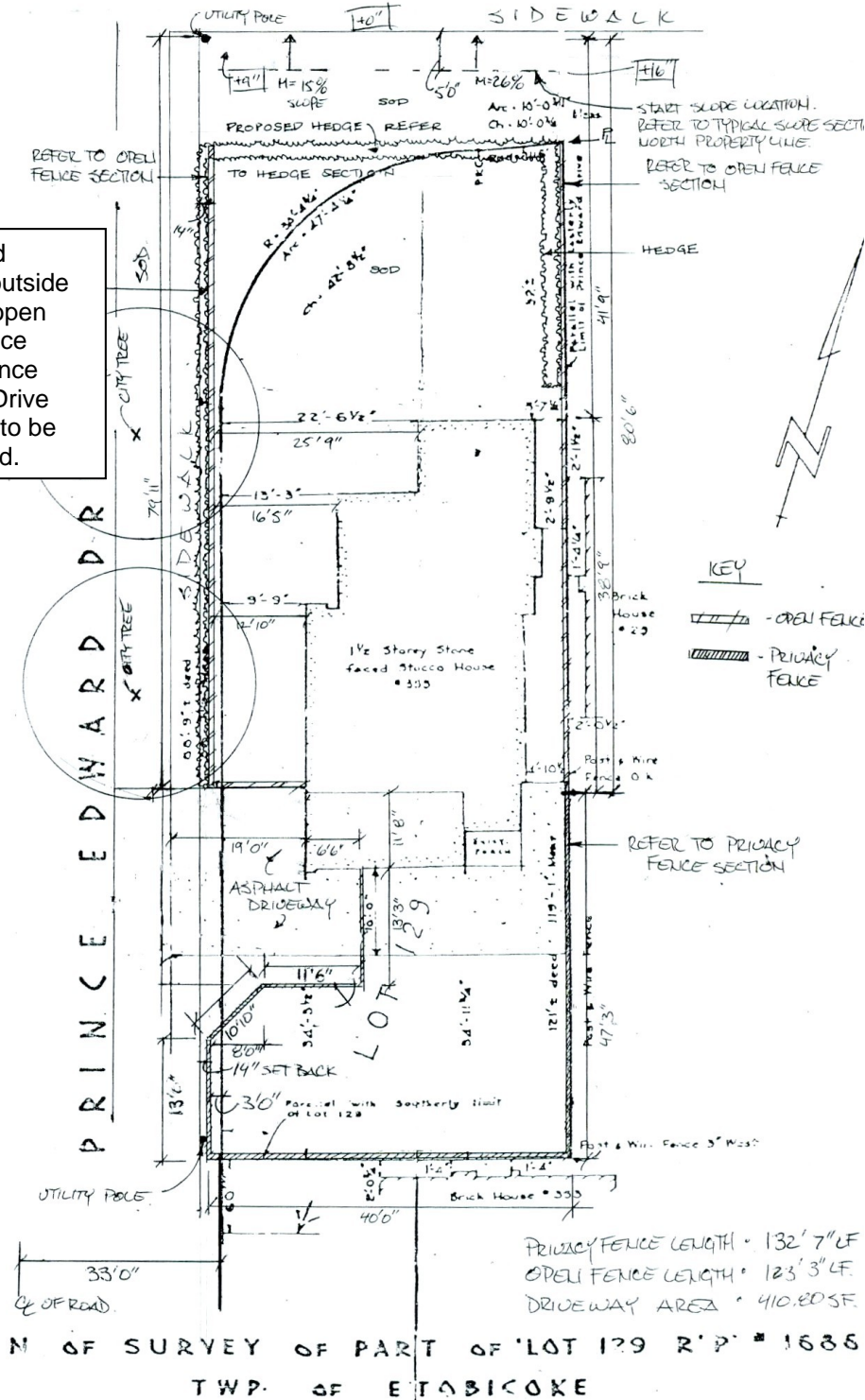
Curtis Sealock, District Manager  
Municipal Licensing and Standards  
Etobicoke York District

## **ATTACHMENTS**

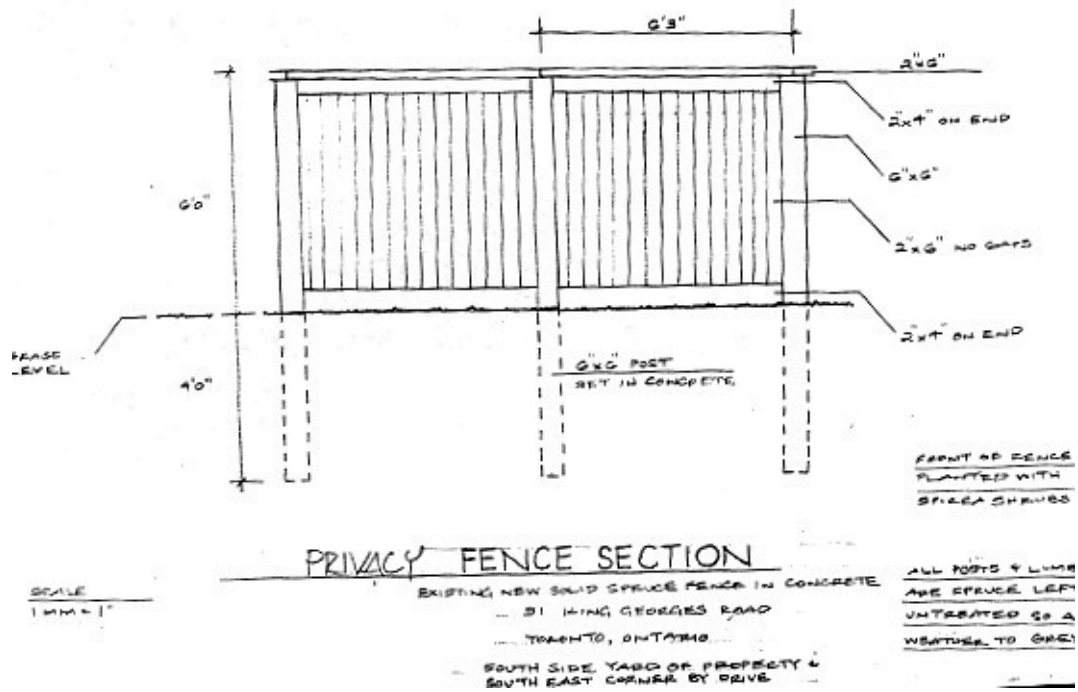
Attachment 1: Original Proposal (incorporating modifications for sightline concerns)  
Attachment 2: Revised Proposal  
Attachment 3: Sketch and photo of the existing close board wooden fence



Proposed hedges outside existing open wood fence along Prince Edward Drive flankage to be eliminated.



**Attachment 2 – Revised Proposal**



**Attachment 3 – Sketch of the 1.83 metres high close board wood fence**