



STAFF REPORT ACTION REQUIRED

Fence Exemption Request - 553 Rustic Road

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| Date: | June 6, 2007 |
| To: | Etobicoke York Community Council |
| From: | Curtis Sealock, Manager, Municipal Licensing and Standards |
| Wards: | Ward 12 - York South-Weston |
| Reference Number: | ML&S Folder No. 05-205217 FEN |

SUMMARY

This Staff Report is about a matter for which the community council has delegated authority from City Council to make a final decision. The subject matter is an application for an exemption to Chapter 447 of the Toronto Municipal Code, Fences, to maintain an existing board on board wooden fence in the front yard which is in violation of the by-law.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that:

The Etobicoke York Community Council deny the request for the exemption for the private property fences based on non-compliance with the requirements set out in Chapter 447 of the Toronto Municipal Code.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

The property owners erected a wooden fence sometime in 1997 to enclose the front and flankage yards of the property. The fence in the front yard is the subject of this fence exemption request. The fence in the front yard (East Elevation) runs in a northerly

direction from the northeast corner of the dwelling on private property to a point approximately 1.26 metres beyond the street line onto public property, then in a south-easterly direction wholly on public property to the extreme northeast corner of the property and 0.44 metres east, then in a southerly direction wholly on public property to the extreme southeast corner of the property and 0.45 metres east, and finally along the south property boundary substantially as a divisional fence with the property at 132 Cornelius Parkway (Attachments 1 and 2).

The property owner contends that the fence was originally erected in the fall of 1997 with approval from officials of the former City of North York and clearances from the pertinent utilities. A check of City records did not reveal any documents to support this claim.

COMMENTS

The Etobicoke York Community Council, at its meeting of March 27, 2007:

1. deferred consideration of this matter to its May 29, 2007 meeting , until the property owner submits an application for an encroachment agreement, and a proposal to alter the fence in the north-east and south-east corners of the property to improve the sightlines around the fence; and
2. request the Manager, Municipal Licensing and Standards, to report to that meeting on City specifications on the encroachment agreement, right of the fence, and on any other requirements needed.

Subsequent to the meeting, the owner contacted Municipal Licensing and Standards and advised that the fence would be removed onto private property thus eliminating the requirement for an encroachment agreement with the City and that the fence would be lowered to 1.0 metres in height to address line of sight issues.

Upon completion of the work a site meeting was held in which staff from Transportation and Municipal Licensing and Standards inspected the renovated fence. It was noted by Transportation staff the fence has been relocated onto private property which eliminates the requirement for an encroachment agreement with the City. Transportation staff further confirmed that the north-east corner of the fence was not creating a line of sight issue and as such would not have to be lowered.

The owner had lowered the south-east corner of the fence adjacent to the neighbours driveway, however installed lattice work above the lower section. The modifications made did not satisfy the sight line issues and this information was conveyed to the owner of the property.

The Etobicoke York Community Council at its May 29, 2007 meeting deferred consideration of this report to its June 26, 2007 meeting.

Subsequent to the Community Council meeting of May 29, 2007, further discussions took place with owner to clarify the necessary requirements to satisfy the line of sight issues for the fence at the south-east corner of the property. An inspection conducted on June 11, 2007 determined the fence at the south-east corner of the property has not been cut to a height of 1.0 metres to eliminate the line of sight issue.

The board on board fence erected in the front yard is within 2.4 metres of the front lot line and measures approximately 2.0 metres in height. Fences located within 2.4 metres of the front lot line are limited to 1.0 metres in height. Fences erected within 2.4 metres of the property line and driveways are also restricted to 1.0 metres in height. Fences in the front yard not within 2.4 metres of the front lot line are limited to 1.2 metres in height pursuant to Section 447-2.B. Chapter 447, Fences, in the Toronto Municipal Code.

CONTACT

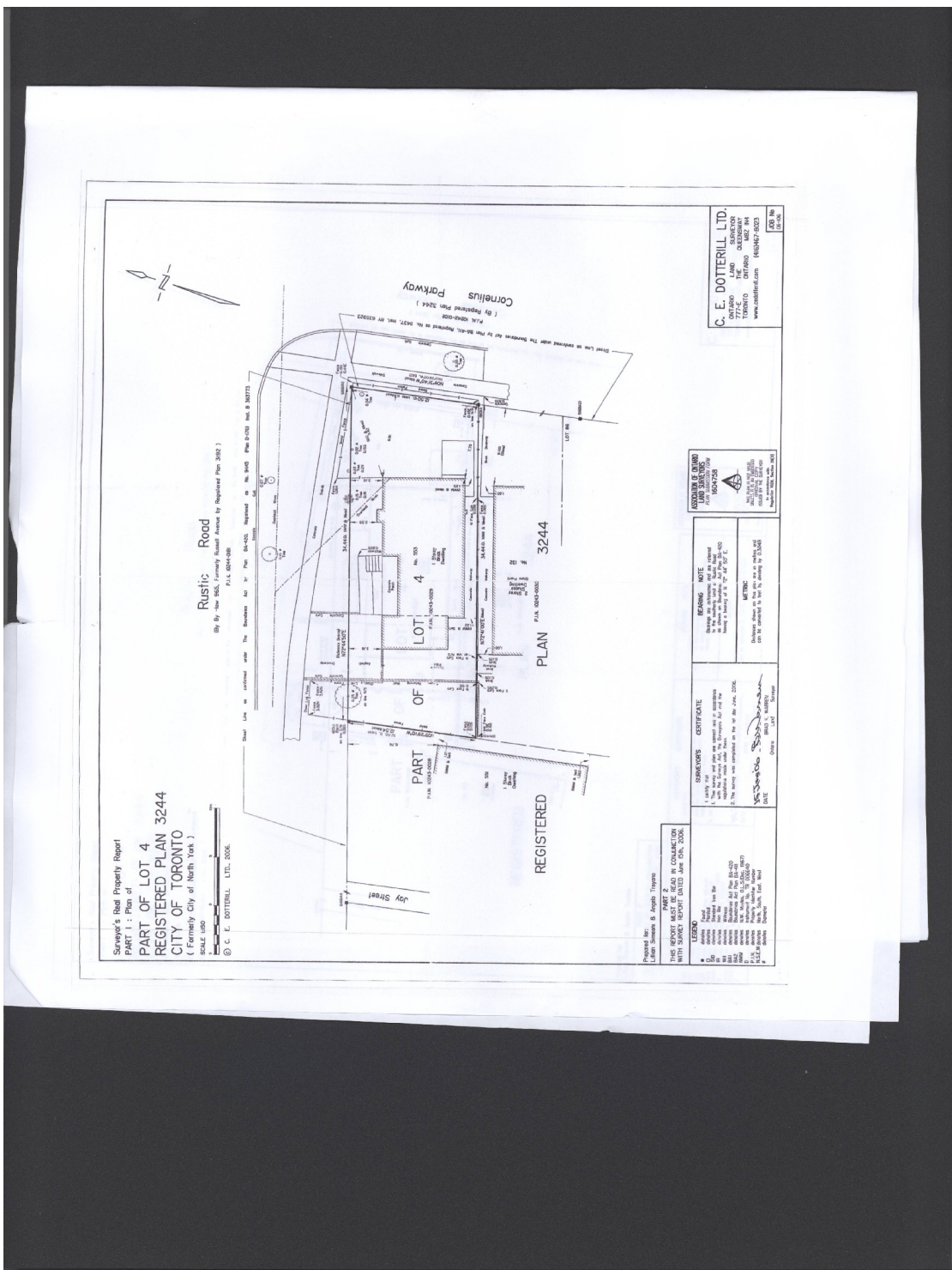
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SIGNATURE

Curtis Sealock, District Manager

Attachments:

- Attachment 1: Survey of 553 Rustic Road dated June 15, 2006
Attachment 2: Photographs showing the Southeast corner of the property/fencing and showing the East and North elevations of the front yard fencing
Attachment 3: Photographs showing the modifications to the Southeast corner and the status of the remaining fencing, as at June 11, 2007



Attachment 1: Survey of 553 Rustic Road dated June 15, 2006

Fence Exemption Request for 553 Rustic Road 4



Photograph #1 - Showing the Southeast corner of the property/fencing



Photograph #2 - Showing the East and North elevations of the front yard fencing

Attachment 2: Photos of 553 Rustic Road



Photograph # 3 - Showing the Southeast elevations/corner as at June 11, 2007



Photograph # 4 - Showing the Northeast elevations/corner as at June 11, 2007

Attachment 3: Photos of 553 Rustic Road