



## STAFF REPORT ACTION REQUIRED

### Fence Exemption Request - 1 Bradbury Crescent

<b>Date:</b>	November 13, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 3 - Etobicoke Centre
<b>Reference Number:</b>	ML&S Folder No. 07-233798 FEN

#### **SUMMARY**

---

This Staff Report is about a matter for which the Etobicoke York 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 erect a 2 metres high close board wooden fence at the front yard, and maintain existing fences of similar construction (some of which include a lattice on top) at both the front yard and flankage yard respectively, as well as an existing 1.2 metres high (average) open wooden picket fence at the flankage yard, which are in violation of the By-law.

#### **RECOMMENDATIONS**

Municipal Licensing and Standards recommends that the Etobicoke York Community Council deny the request for the fence exemption based on non-compliance with the requirements set out in Chapter 447 of Toronto Municipal Code, Fences.

#### **FINANCIAL IMPACT**

---

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

#### **ISSUE BACKGROUND**

This is a single residential property located on a corner lot at the northwest corner of Bradbury Crescent and Wellesworth Drive [Attachment 1].

The flankage yard, which is divided into two separate yards (hereinafter referred to as the front flankage yard and rear flankage yard) by the carport driveway leading to Bradbury Crescent, is currently being enclosed by fences of different construction, including:

- A 2 metres high close board wooden fence at the south and west side, adjacent to neighbouring property at 3 Bradbury Crescent (Fence A) [Attachment 4];
- Connecting to the aforementioned fence, a 2 metres high close board wooden fence with a lattice on top beside the driveway to enclose the rear flankage yard and the rear yard (Fence B) [Attachment 4]; and
- A 1.2 metres (average) high open fence with 83 millimetres wide wooden pickets spaced at 95 millimetres apart, at the front flankage yard, where the main entrance is located (Fence C) [Attachment 5].

The open wooden picket fence (Fence C) extends into the front yard area, where it stops and connects to a 2 metres high fence post beside the sidewalk along Wellesworth Drive. On the north side of the front yard adjacent to the neighbouring property at 34 Wellesworth Drive, there is an existing 2 metres high close board wooden fence with lattice construction on top [Attachment 3].

To completely enclose the front yard for privacy, the owner/applicant proposed to erect a 2 metres high close board wooden fence on the south side to connect the south east corner of the house to the aforementioned fence post, and another similar fence alongside the sidewalk from this post to the existing fence on the north side (Fence D) [Attachments 2, 3 and 4].

## **COMMENTS**

Chapter 447 of the Toronto Municipal Code, Fences, limits the height of fences at the flankage yards within 2.4 metres of side lot line and 2.4 metres of any driveway to 2 metres for open mesh chain-link fence (or equivalent open fence construction that does not restrict sight lines), and 800 millimetres for any other type, namely, fences of close board construction. Fences in the flankage yard not within 2.4 metres of side lot line and 2.4 metres of a driveway may go up to a maximum of 2 metres high. The intent of such provisions is to ensure sight line clearance for both vehicular and pedestrian traffic by not having any solid screens/fences or similar obstructions blocking the view for the first 2.4 metres measured from the side lot line and the driveway.

It should be noted that, notwithstanding the fence at the south west corner of the rear flankage yard beside the driveway entrance being constructed at an angle, it is only 1.75 metres away from the driveway (instead of the required minimum clearance of 2.4 metres). This fence is in violation of the Fence By-law [Attachments 2 and 6].

Chapter 447 also limits the height of close board fences at the front yard to 1 metre for the first 2.4 metres from the front lot line, and 1.2 metres from the 2.4 metres mark to the front wall of the house. Open fences at the front yard are allowed to be 1.2 metres throughout. In other words, the existing 2 metres high close board wooden fence with a lattice top on the north side of the front yard as well as the proposed 2 metres high close board wooden privacy fences at the front yard are in violation of the Fence By-law,

although they are not expected to create any sight line obstructions to the traffic [Attachment 2].

**Should the Etobicoke York Community Council decide to approve this Fence Exemption request, the 2 metres high close board wooden fence at the south west corner of the access to the driveway must be cut back for at least 650 millimetres and the rest of the fence realigned to provide a minimum sight line clearance of 2.4 metres from the driveway [Attachments 2 and 6].**

## **CONTACT**

Chip Au  
Municipal Licensing and Standards  
Etobicoke York District  
Tel: 416-394-2533 Fax: 416-394-2904  
E-mail: [cau2@toronto.ca](mailto:cau2@toronto.ca)

## **SIGNATURE**

---

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

## **Attachments:**

Attachment 1: Survey Plan  
Attachment 2: Site Plan  
Attachment 3: Photos showing the location of the existing and proposed fences  
Attachment 4: Details of the 2 metres high close board wooden fence  
Attachment 5: Details of the 1.2 metres average high open picket fence  
Attachment 6: Photos showing the fence with sight line problem

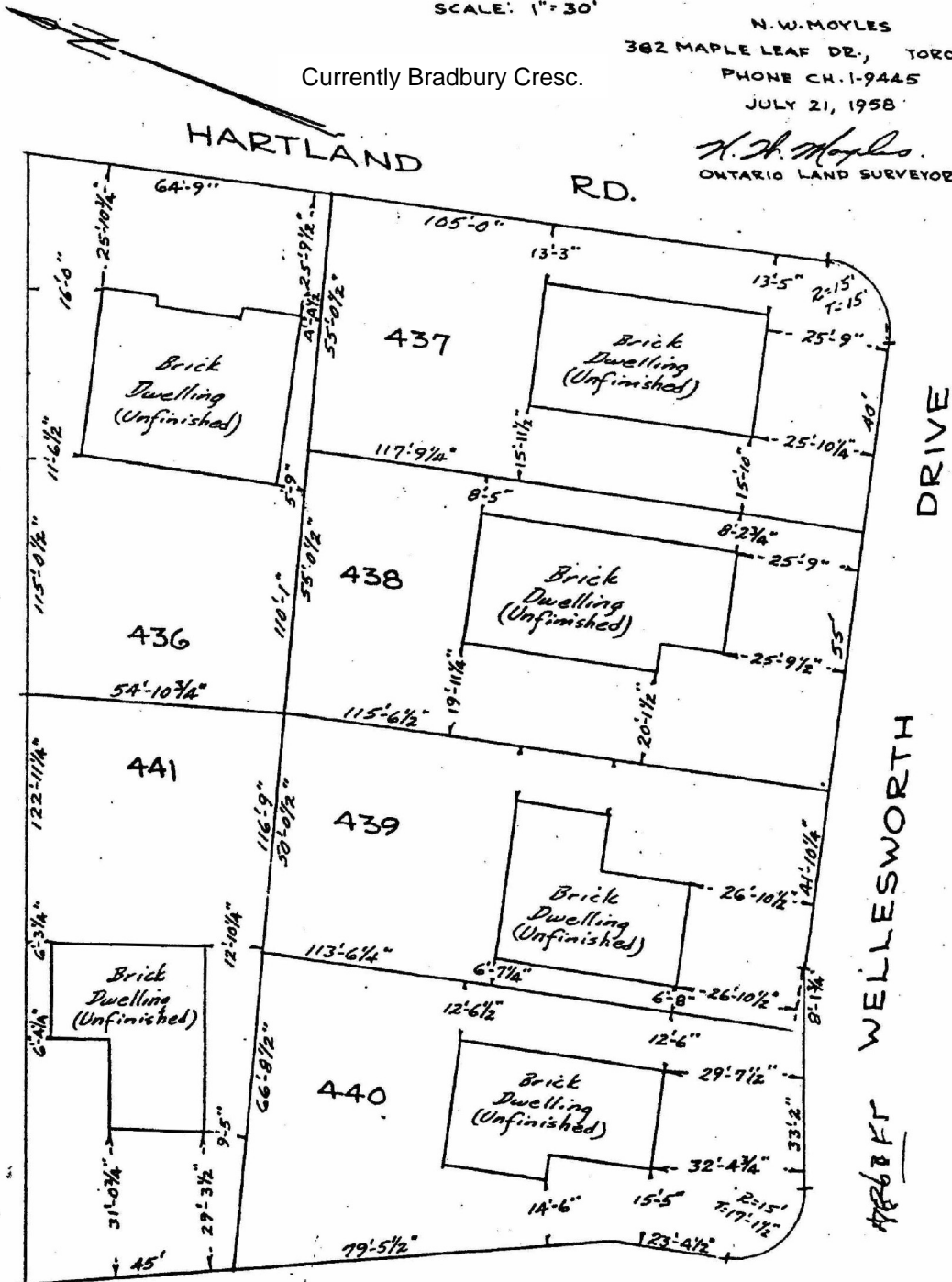
PLAN OF SURVEY OF  
**LOTS 436 TO 441, REG'D. PLAN M-752**

TOWNSHIP OF ETOBICOKE  
 COUNTY OF YORK  
 SCALE: 1" = 30'

Currently Bradbury Cresc.

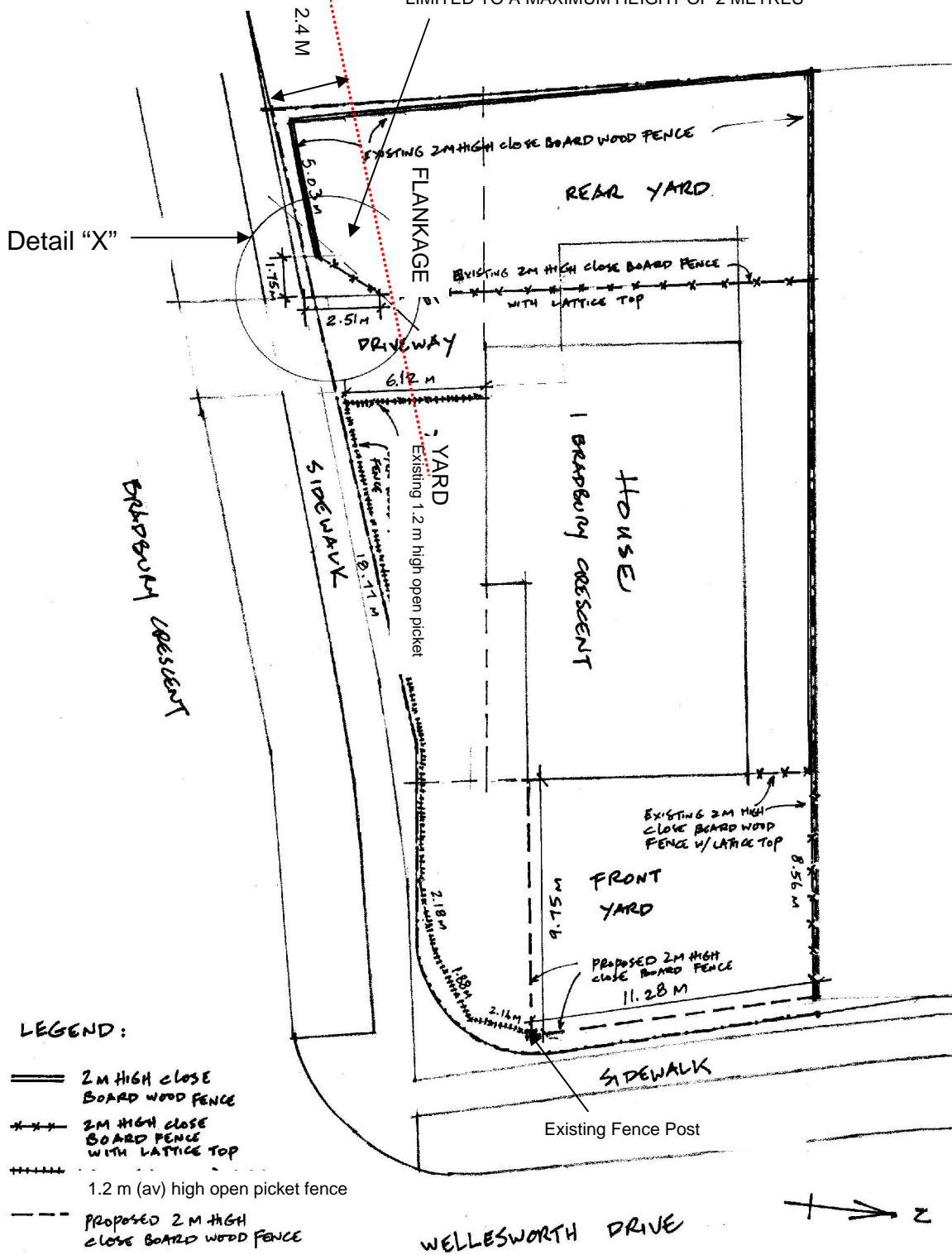
N.W. MOYLES  
 382 MAPLE LEAF DR., TORONTO 15  
 PHONE CH. 1-9445  
 JULY 21, 1958

*N.W. Myles*  
 ONTARIO LAND SURVEYOR



Attachment 1: Survey Plan

CLOSE BOARD FENCES WITHIN 2.4 M FROM SIDE PROPERTY LINE AND DRIVEWAYS ARE LIMITED TO A MAXIMUM HEIGHT OF 2 METRES

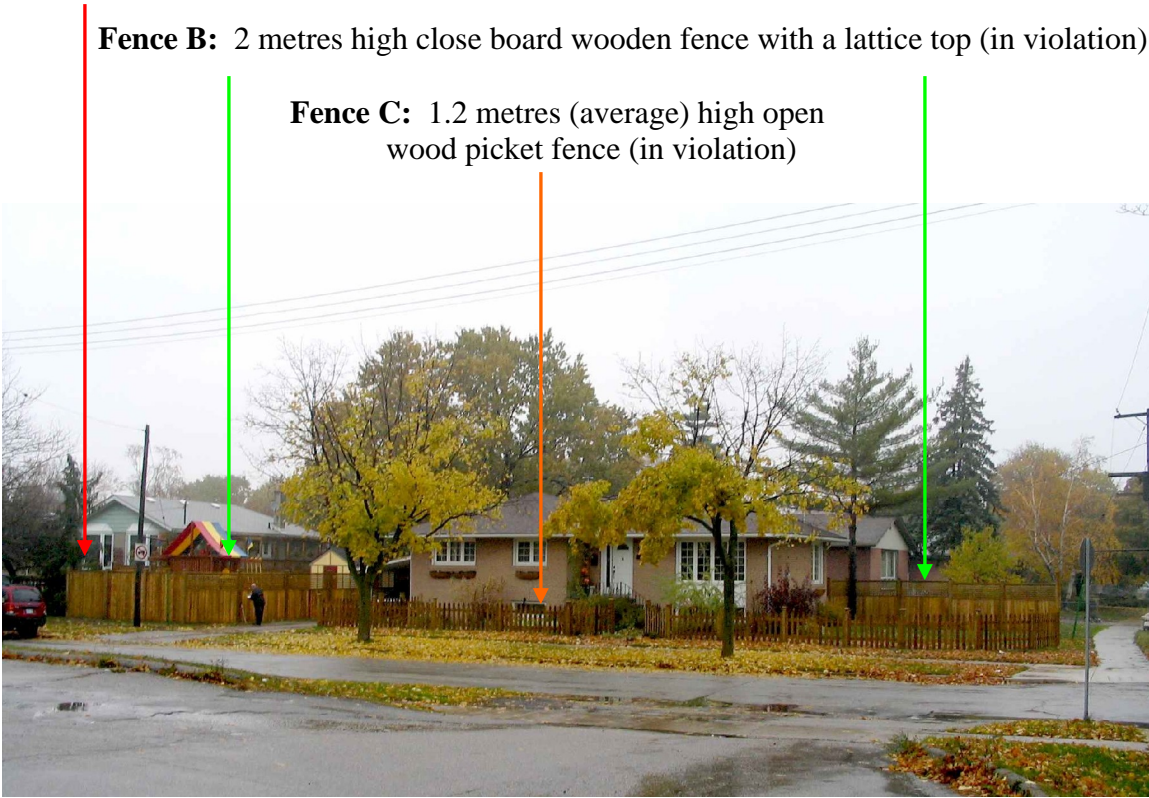


**Attachment 2: Site Plan**

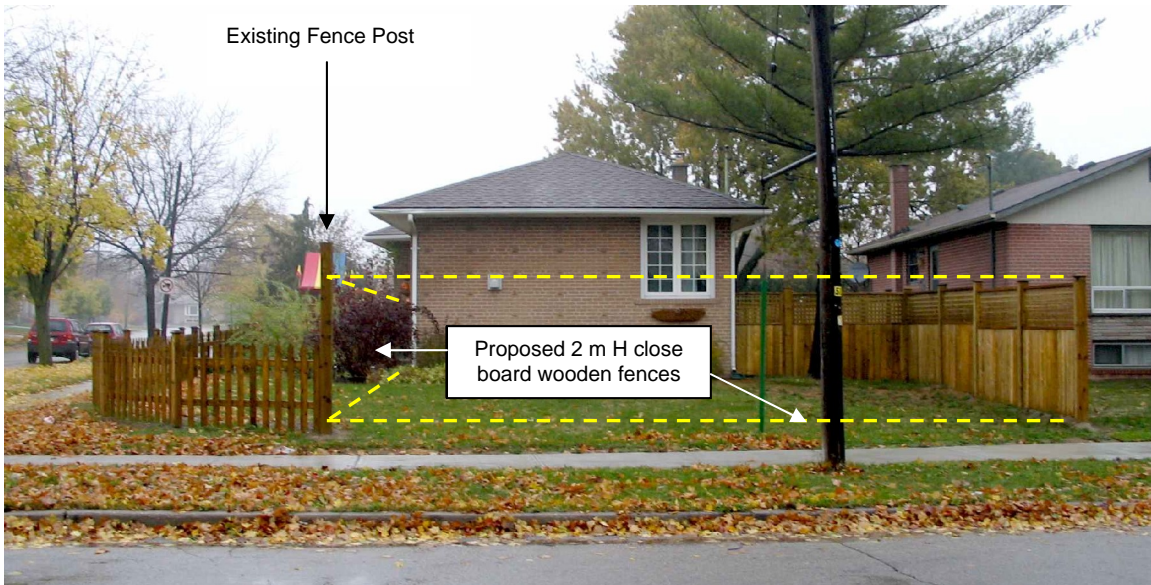
**Fence A:** 2 metres high close board wooden fence (in violation)

**Fence B:** 2 metres high close board wooden fence with a lattice top (in violation)

**Fence C:** 1.2 metres (average) high open wood picket fence (in violation)



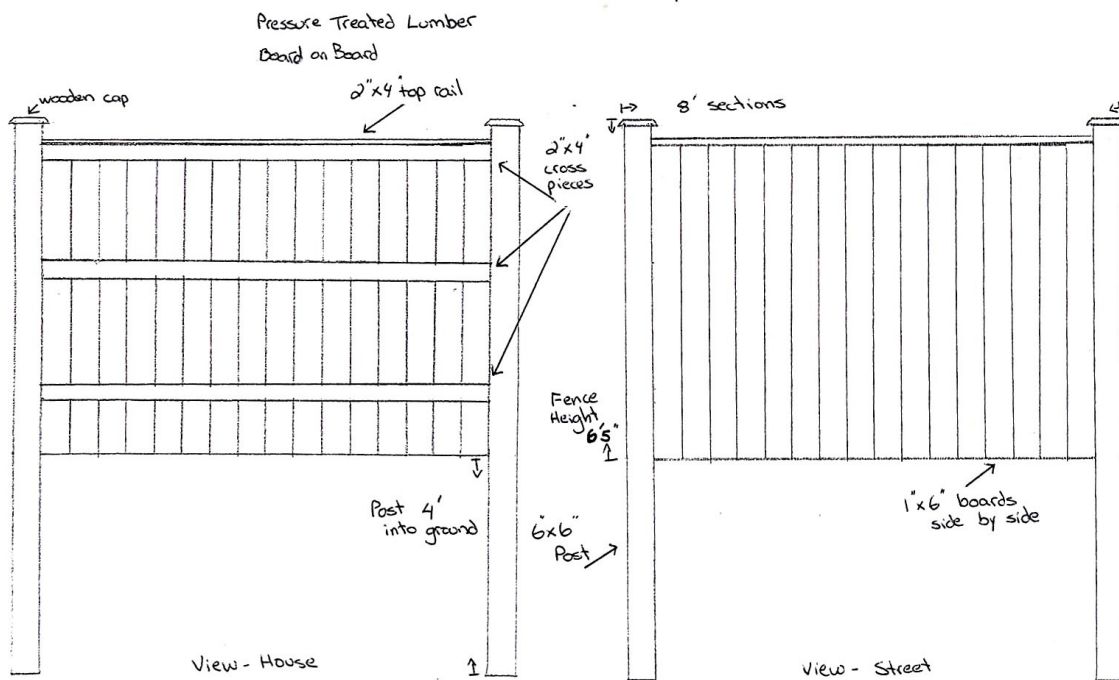
Fences at the South Elevation of Property (on Bradbury Crescent flankage)



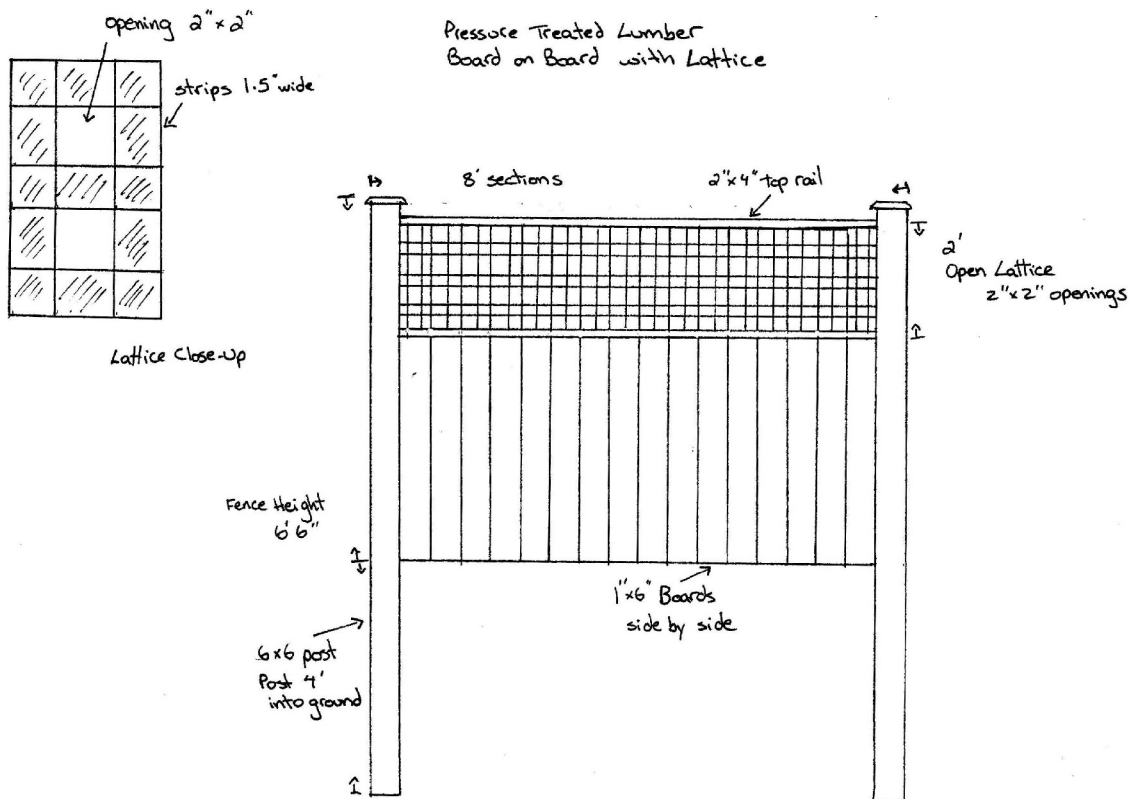
West Elevation of Property (on Wellesworth Drive frontage)

**Attachment 3: Photos showing the location of the existing and proposed fences**

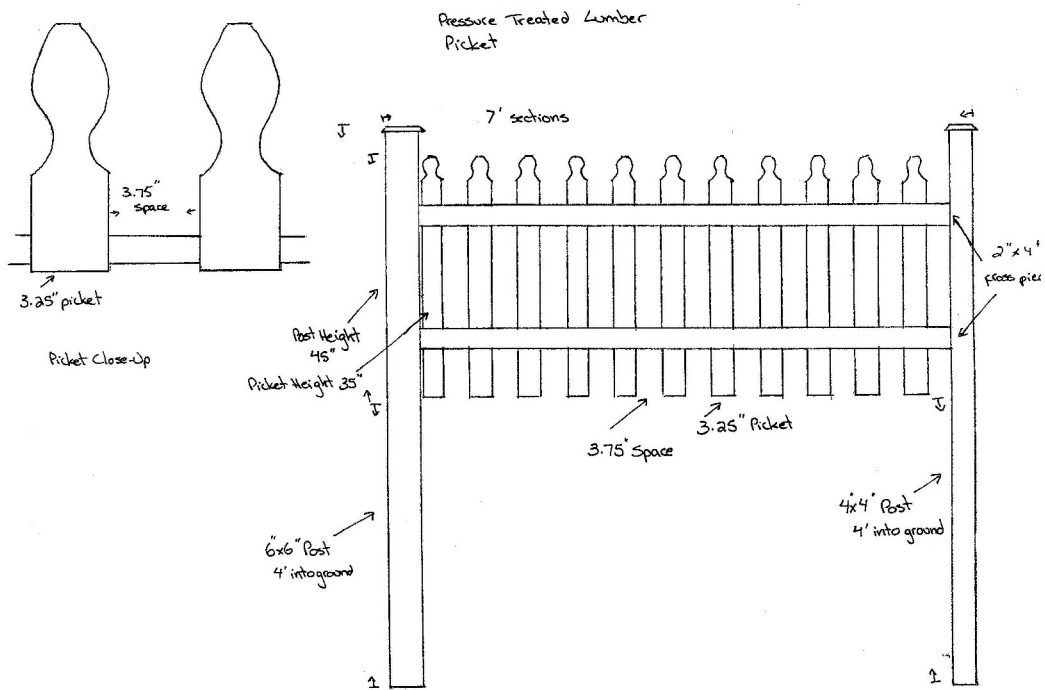




Existing and Proposed 2 metres high close board wooden fence (above) and one with a lattice top (below)



**Attachment 4: Fence Details**



**Attachment 5: Existing 1.2 metres high open wood picket fence at the flankage yard which is in excess of the maximum height of 800 millimetres**





Existing 2 metres high close board wood fence with traffic sight line problem must be cut back to provide at least 2.4 metres clearance measured from the driveway  
(see Detail “X” in Attachment 2)



**Attachment 6: Photos showing the fence with traffic sight line problem**