



**STAFF REPORT
ACTION REQUIRED**

Fence Exemption Request – 32 Westhampton Drive

Date:	April 17, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 2 - Etobicoke North
Reference Number:	ML&S Folder Number 08-142242 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 maintain existing fences in the front, side and rear yards 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 family detached residential property located on Westhampton Drive between Islington Avenue and Kipling Avenue, south of Highway 401 (Attachment 1).

The Municipal Licensing and Standards Division has received a number of complaints about fencing issues at the subject property, the latest one filed on November 6th, 2006 about the height of the fences on the subject property. The fences in the front/side/rear yards were investigated by staff pursuant to this most recent complaint.

As a result of this investigation, a Notice of Violation was issued to the property owners on November 8th, 2006 citing that existing fences are in violation of Chapter 447, of the Toronto Municipal Code, Fences.

Fences in the front yards within 2.4 metres of the front lot lines are limited to 1.2 metres in height for chain-link fencing or equivalent open construction that does not restrict sight lines and 1.0 metre in height for all other types, while 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, of the Toronto Municipal Code. The privacy screen portions of the existing board on board wooden front yard fences on the subject property are in substantial compliance with these heights. However, the fence post extensions and decorative caps exceed these height restrictions by as much as approximately 0.5 of a metre (Attachments 2 and 3).

Fences in the side and rear yards on the subject property are limited to 2.0 metres in height. The privacy screen portions of the existing board on board wooden fences on the side and rear yards, on the subject property are in substantial compliance with these heights with the exception of one or two panels that measure approximately 2.2 metres in height along the west side lot line. However, the fence post extensions and decorative caps exceed these height restrictions by as much as approximately 0.5 of a metre (Attachment 4).

COMMENTS

Discussions with the property owners and a site meeting with the Ward Councillor in the fall of 2007 did not result in any agreements to reduce the fence post extensions and decorative caps so as to comply with the by-law requirements. As a result, the property owners chose to seek relief from the by-law by applying for this exemption.

The neighbour at 30 Westhampton Drive claims to have had near misses with pedestrians/cyclists backing out of the driveway due to sight line obstruction caused by the height of the front yard fences and the offending fence post extensions and decorative caps thereof. It should be noted that a portion of the fence at the front east elevation measuring approximately 1.0 metre in length is encroaching on the City road allowance. While this may have some impact on the above-captioned claim, a referral has been sent to Right-of-Way Management for investigation.

CONTACT

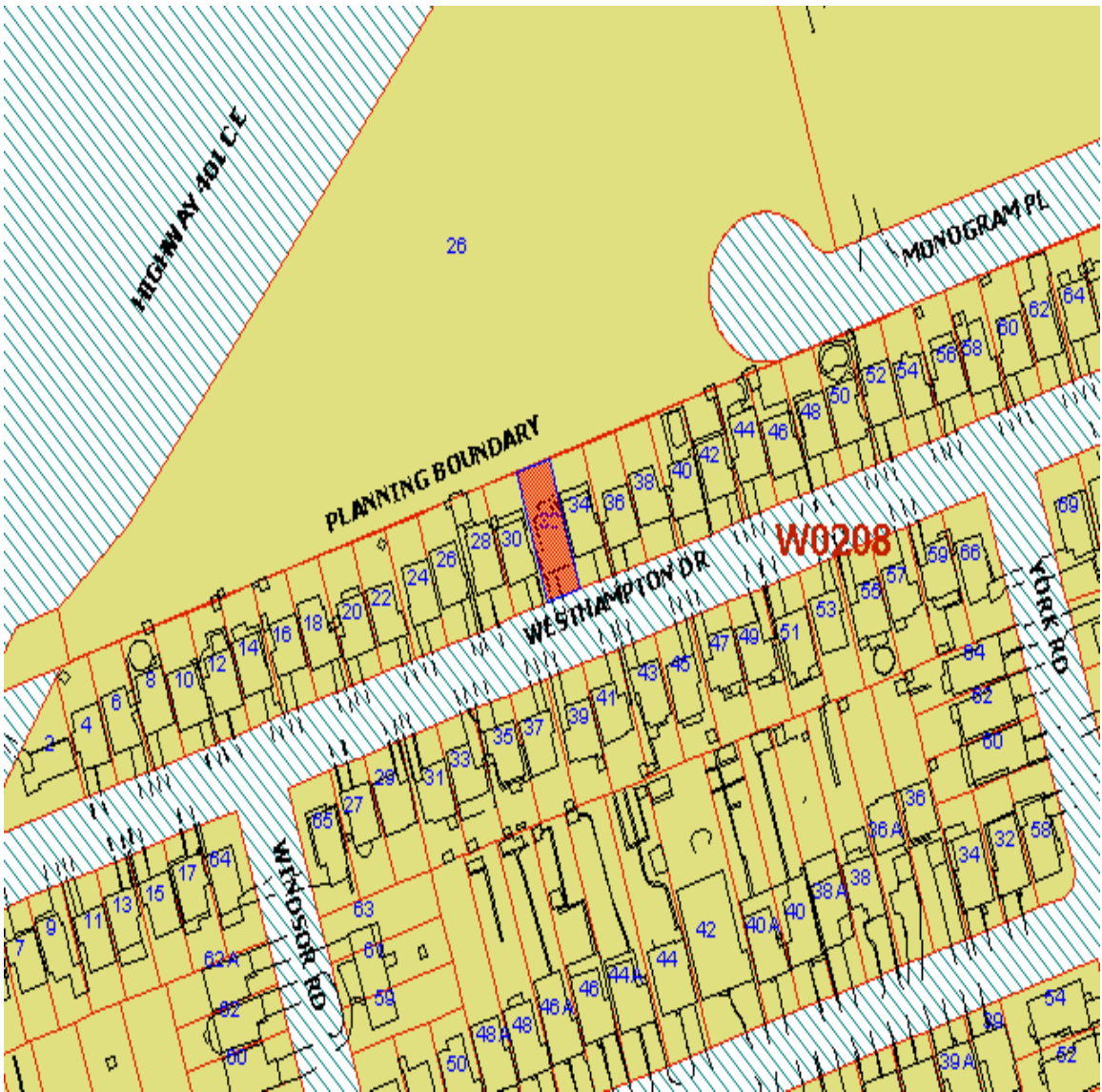
Italo Joe Luzi, Supervisor
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Municipal Licensing and Standards
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E-mail: jluzi@toronto.ca

SIGNATURE

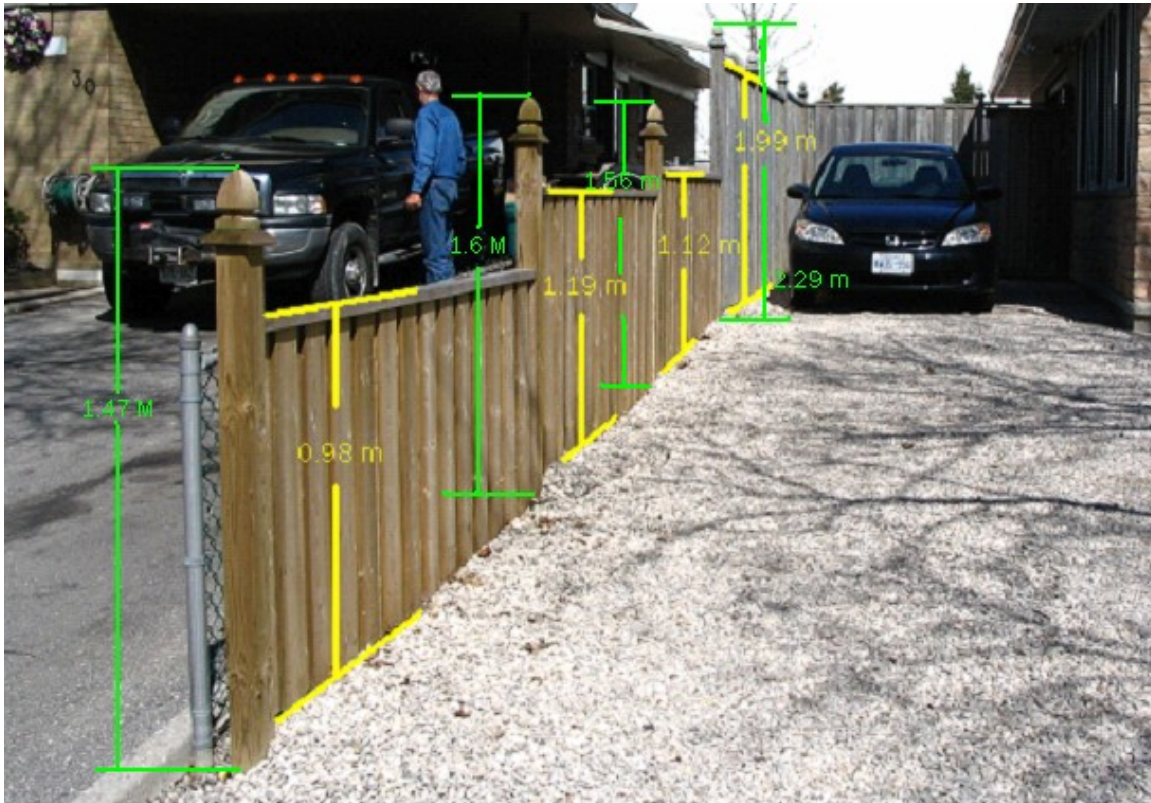
Curtis Sealock, District Manager
Municipal Licensing and Standards
Etobicoke York District

Attachments:

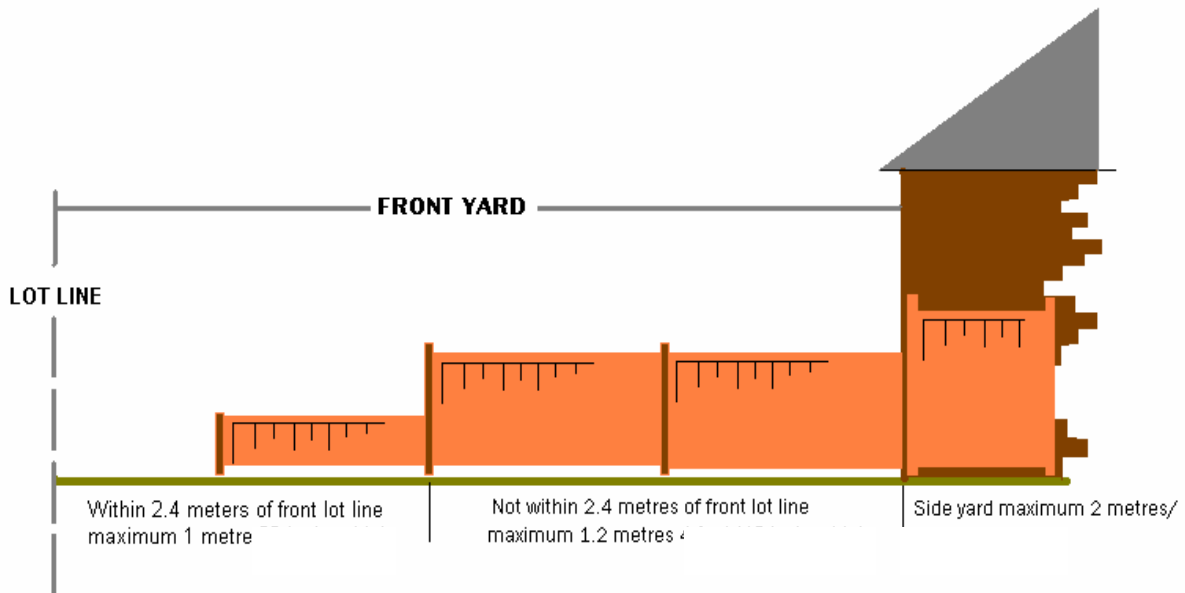
- Attachment 1: Site Plan for 32 Westhampton Drive
- Attachment 2: Photograph of Front Yard Fence (West Elevation)
- Attachment 3: Photograph of Front Yard Fences (East and West Elevations)
- Attachment 4: Photograph of Side Yard Fence (West Elevation)
- Attachment 5: Survey for 32 Westhampton Drive



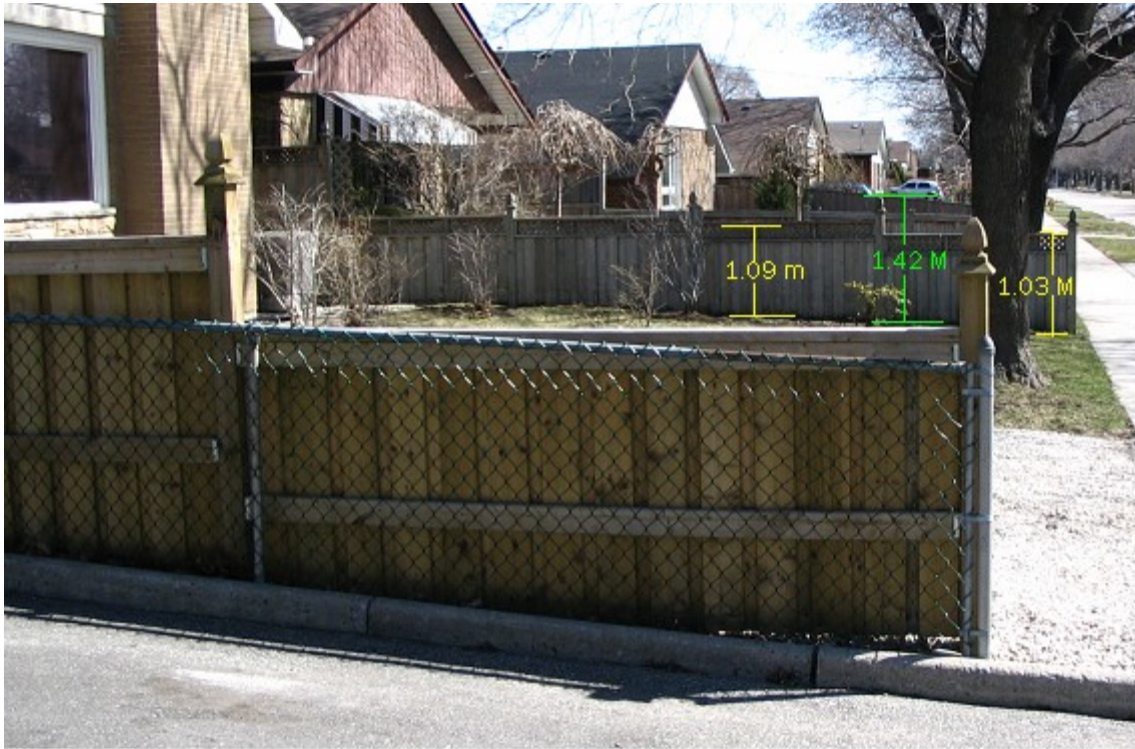
Attachment 1 – Site Plan for 32 Westhampton Drive



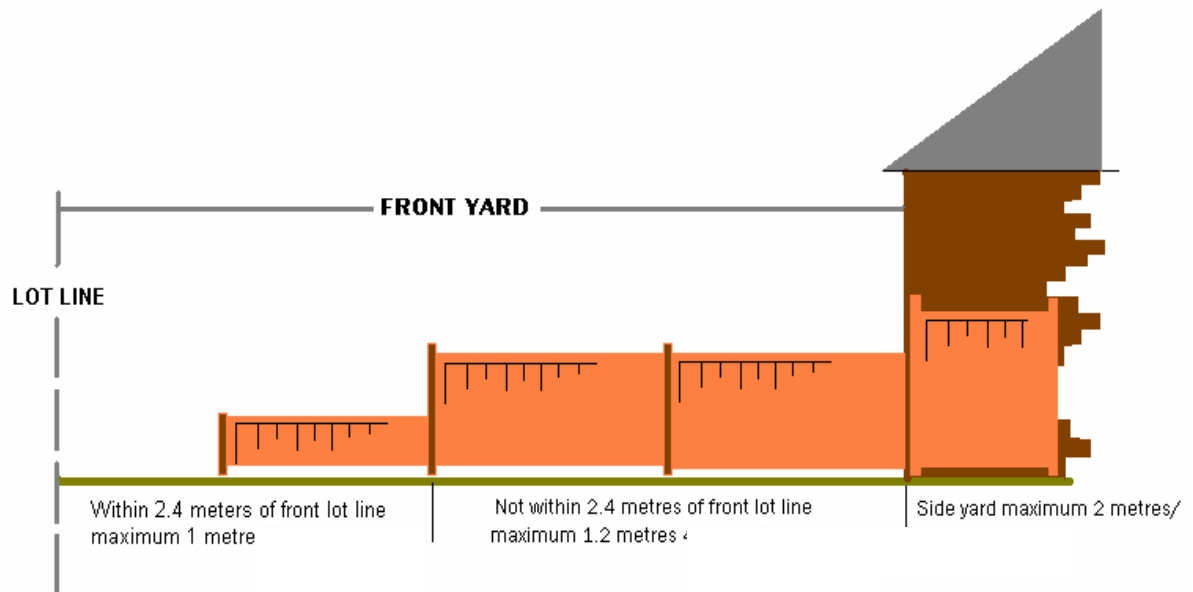
WEST SIDE



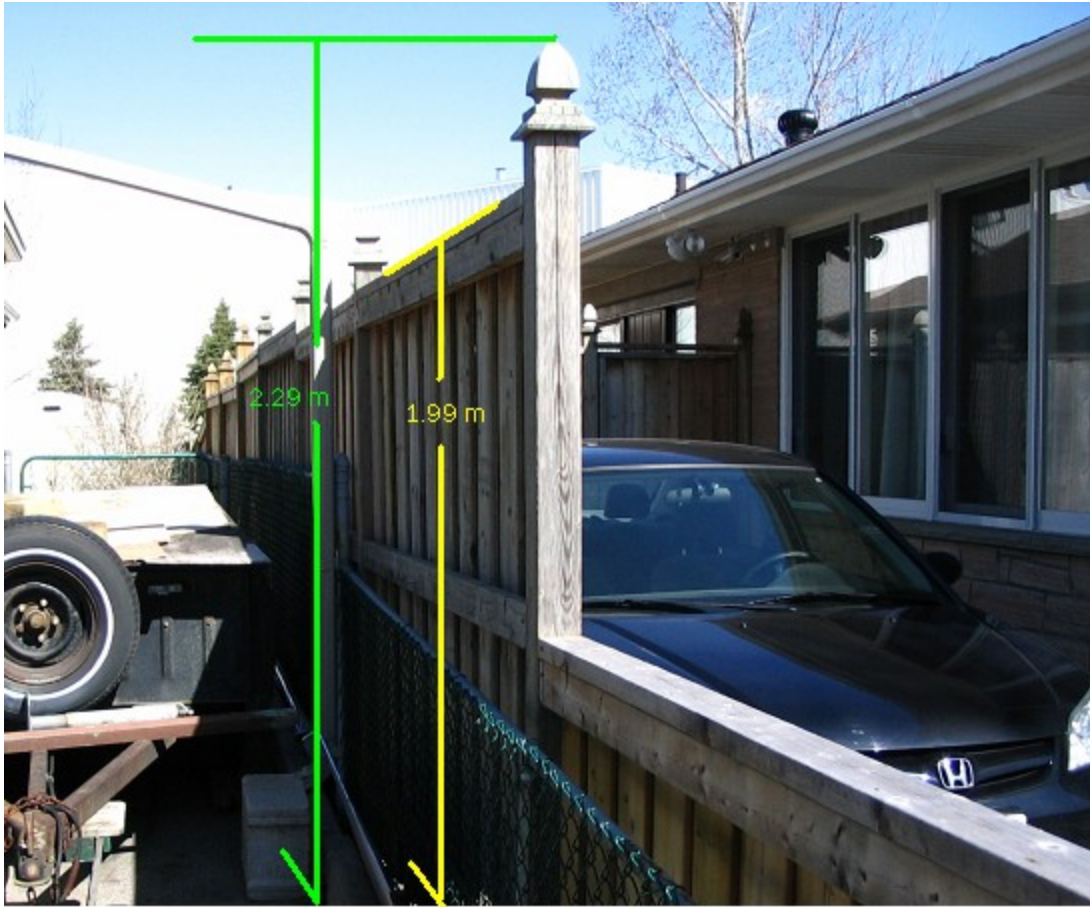
Attachment 2 – Photograph of Front Yard Fence (West Elevation)



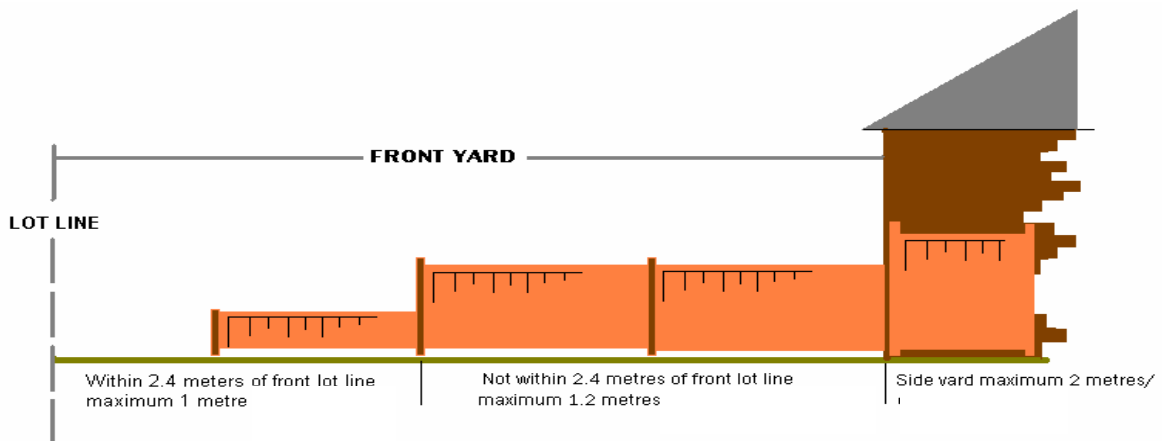
EAST SIDE



Attachment 3 – Photograph of Front Yard Fences (East & West Elevations)



WEST SIDE YARD



Attachment 4 – Photograph of Side Yard Fence (West Elevation)

SURVEYOR'S REAL PROPERTY REPORT
PART 1 OF 2 PARTS
PLAN OF
LOT 69, REGISTERED PLAN 4648,
CITY OF ETOBICOKE,
MUNICIPALITY OF METROPOLITAN TORONTO.
 Scale : 1 inch = 20 Feet

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BEARING NOTE
 BEARINGS FROM MERIDIAN ARE AUTOMATIC AND ARE
 REFERRED TO AS MONUMENT BEARINGS. MONUMENT
 DRIVE AS SHOWN ON REGISTERED PLAN 4648 HAVING A
 BEARING OF N72°09'30"E

LEGEND
 ■ DENOTES SURVEY MONUMENT FOUND
 ○ DENOTES SURVEY MONUMENT SET
 B DENOTES IRON BAR
 C DENOTES CEMENT
 M DENOTES MARSHALL MASON MORGAN OLS
 (H&B)
 R DENOTES REBAR
 S DENOTES STAINLESS STEEL
 W DENOTES WOOD
 X DENOTES UNKNOWN

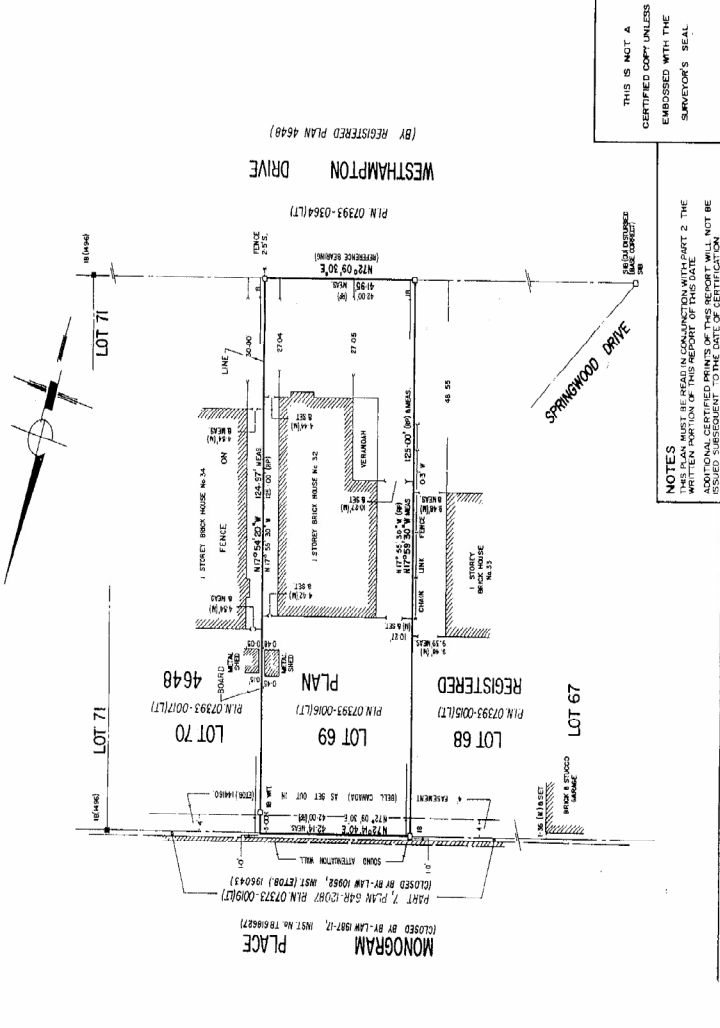
NOTE
 BOARD FENCE ALONG EASTERN BOUNDARY ADDED APRIL 17, 1997

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS COMPLETED
 ON THE 04th DAY OF SEPTEMBER, 1994

DATE Sept 4 1994
 JOHN G. BOYD
 SURVEYOR
 ONTARIO LAND SURVEYOR

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 17 PARTS OF 2 PARTS



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 CERTIFIED COPY UNLESS
 EMBOSSED WITH THE
 SURVEYOR'S SEAL

NOTES
 MUST BE READ IN CONJUNCTION WITH PART 2. THE
 WRITTEN PORTION OF THIS REPORT WILL NOT BE
 ISSUED SUBSEQUENT TO THE DATE OF CERTIFICATION

Attachment 5 – Survey for 32 Westhampton Drive