



**STAFF REPORT
ACTION REQUIRED**

Fence Exemption Request – 1 Bradfield Avenue

Date:	August 19, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 5 - Etobicoke-Lakeshore
Reference Number:	ML&S Folder No. 08-166943 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 fencing 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 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 one storey residential property located on Bradfield Avenue at the corner of Ramsbury Road (Attachment 1).

In September 2003, the property owner appeared before the Etobicoke York Community Council seeking an exemption to the fence by-law for a fence in the front yard (along the west elevation of the property as it exceeded the maximum height(s) permitted in the by-law. The exemption was ultimately granted by Toronto City Council pursuant to the minutes of the September 2003 meeting, Clause No. 38 and the adopted recommendations which stated:

*“ It is recommended that Chapter 447 of the City of Toronto Municipal Code be amended to permit a fence in the front yard of 1 Bradfield Avenue provided that:
(1) the fence is set back at least 3.0 metres from the edge of the sidewalk;
(2) the fence does not exceed a height of 1.83 metres; and
(3) the fence is located in the front yard, as defined by Chapter 447.”*

The subject front yard fence was deemed to be in compliance as a result of this exemption, the fence matter/folder was closed.

In April of this year, the Municipal Licensing and Standards Division received a formal complaint about some new front yard fencing erected that exceeded the maximum permitted heights. The investigation confirmed this and a Notice of Violation was issued dated April 28, 2008. The new front yard fencing (erected along the, east and north elevations) now completely encloses the front yard together with the above-referenced fence from the 2003 fence exemption process.

The newly erected front yard board fencing which is partially located within 2.4 metres of the front lot line measured approximately 1.67 metres in height in lieu of the maximum 1.0 metre permitted, pursuant to Section 447-2.B. Chapter 447, Fences, in the Toronto Municipal Code. The front yard board fencing which is located in the front yard beyond the 2.4 metre front yard setback is also approximately 1.67 metres high in lieu of the maximum 1.2 metres permitted pursuant to Section 447-2.B. Chapter 447, Fences, in the Toronto Municipal Code.

COMMENTS

The property owner has requested an exemption to the by-law to maintain the existing fences in the front yard. The exemption is being requested on the grounds that more privacy and security is necessary for this corner lot arrangement and to provide added security for the owner’s children who may find it more difficult to scale the 1.67 metre high fence than the permitted 1.0 metre high fence (Attachments 2, 3 & 4).

The property owner has provided the Municipal Licensing and Standards Division with a copy of a petition with approximately 26 signatures on it from local residents who signed pursuant to the following statement, “This petition is to acknowledge that the fence around #1 Bradfield Avenue, does not bother or impede me in any way ”.

The Municipal Licensing and Standards Division is also in receipt of a formal letter from the adjoining neighbour on Bradfield who raise a number of safety concerns around the newly erected front yard fences, including sight line issues and near misses for pedestrians and the vehicular traffic in the area.

CONTACT

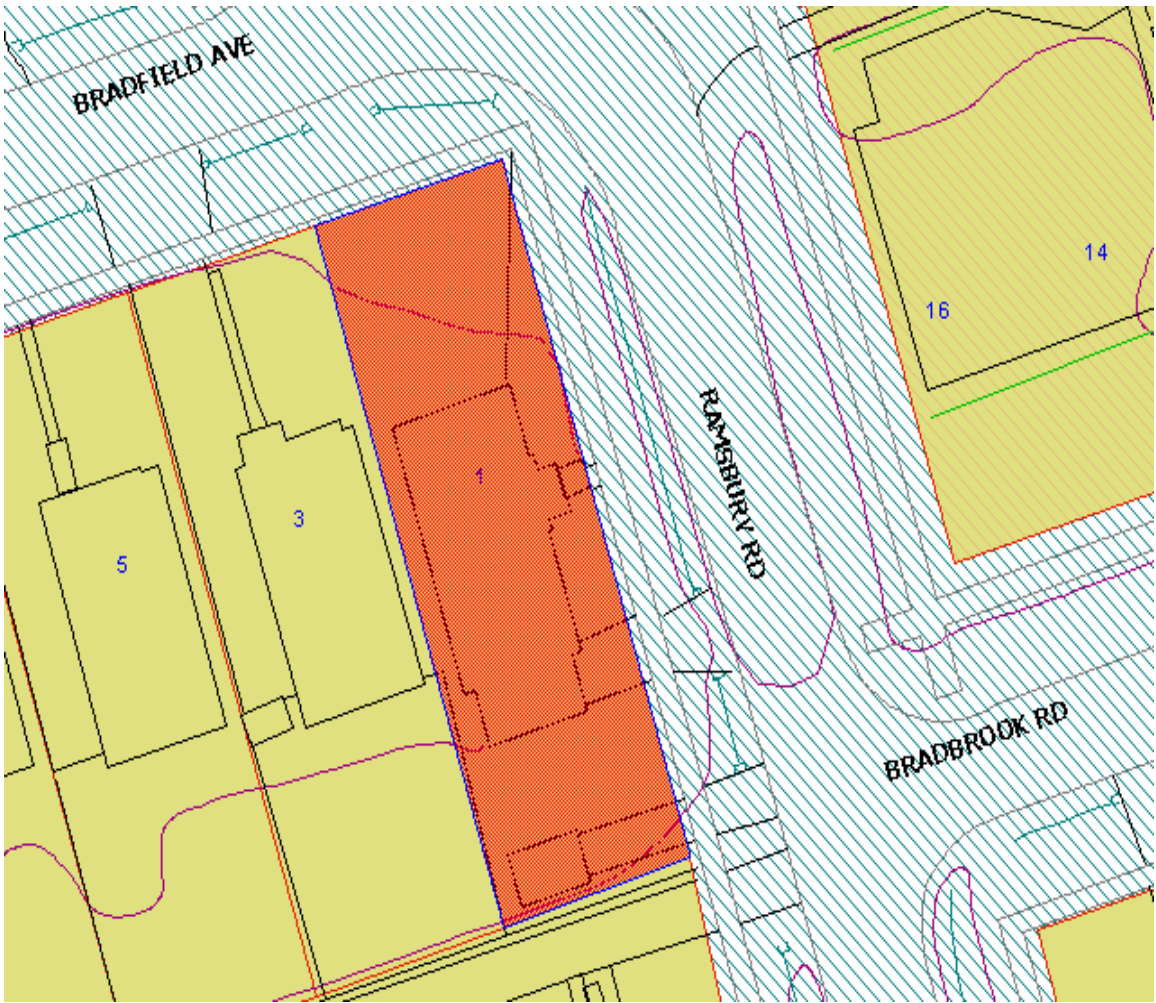
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SIGNATURE

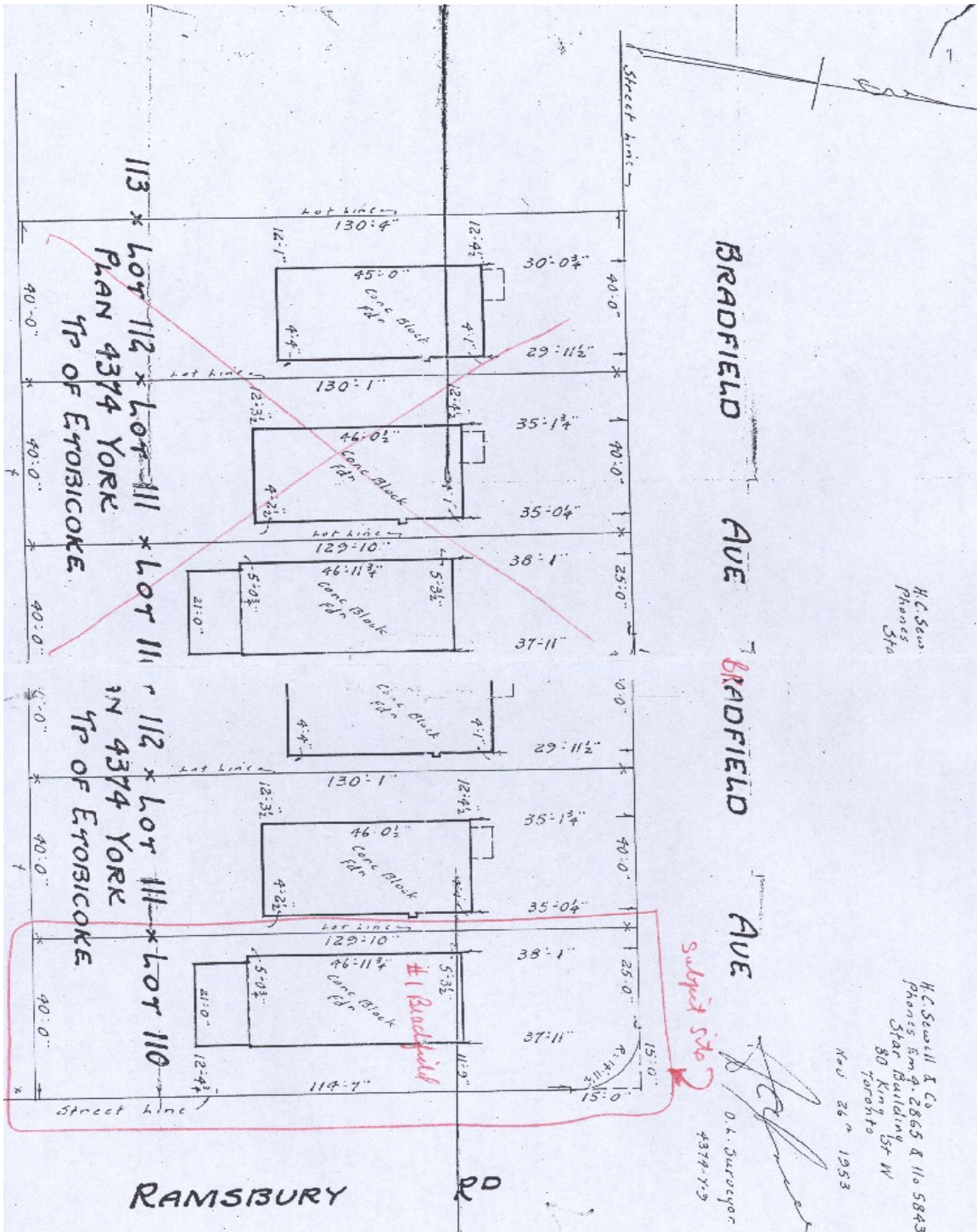
Curtis Sealock, District Manager
Municipal Licensing and Standards
Etobicoke York District

Attachments:

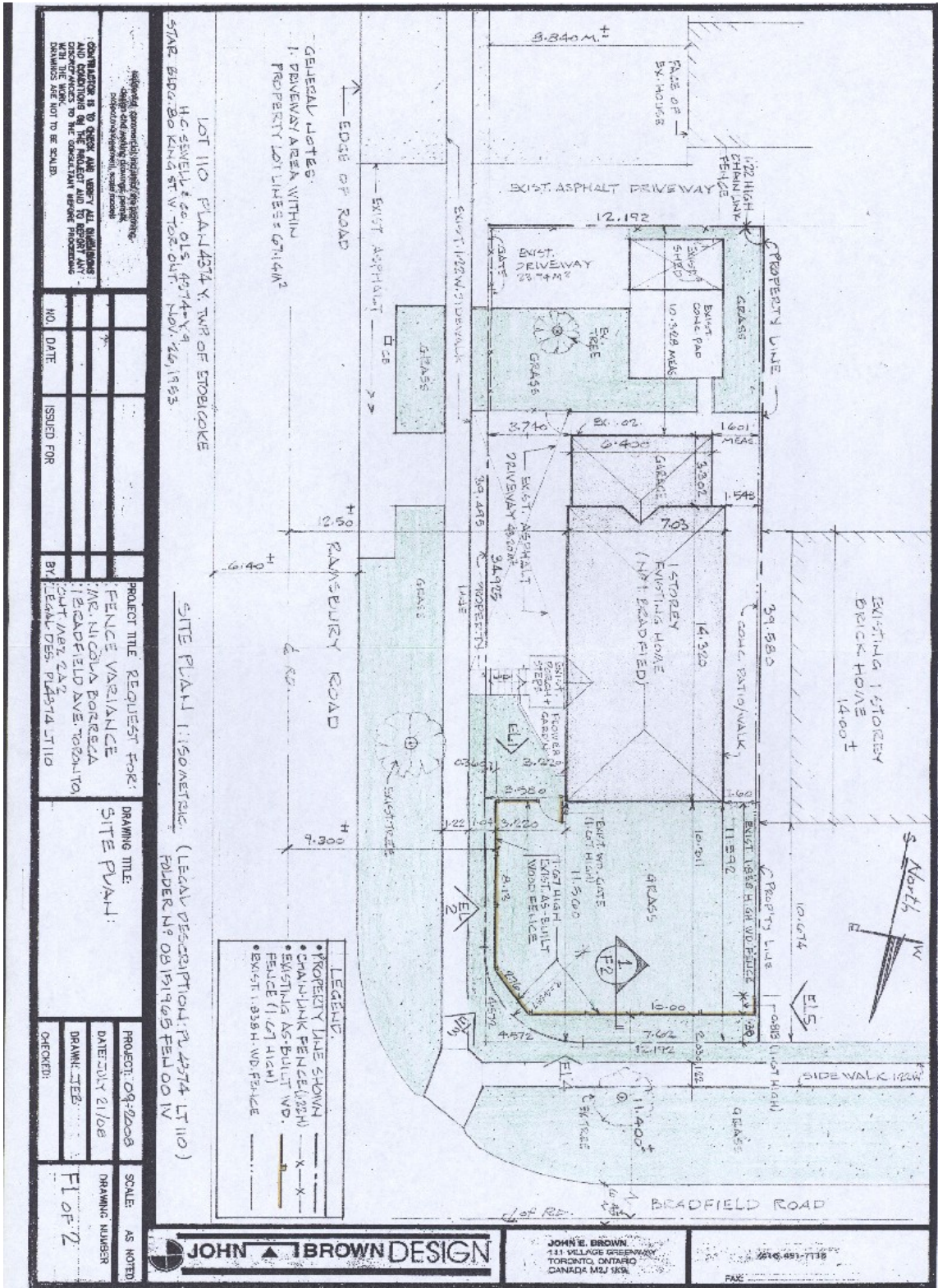
Attachment 1:	Site Plan
Attachment 2:	Survey
Attachment 3:	Plan View
Attachment 4:	Fence Details



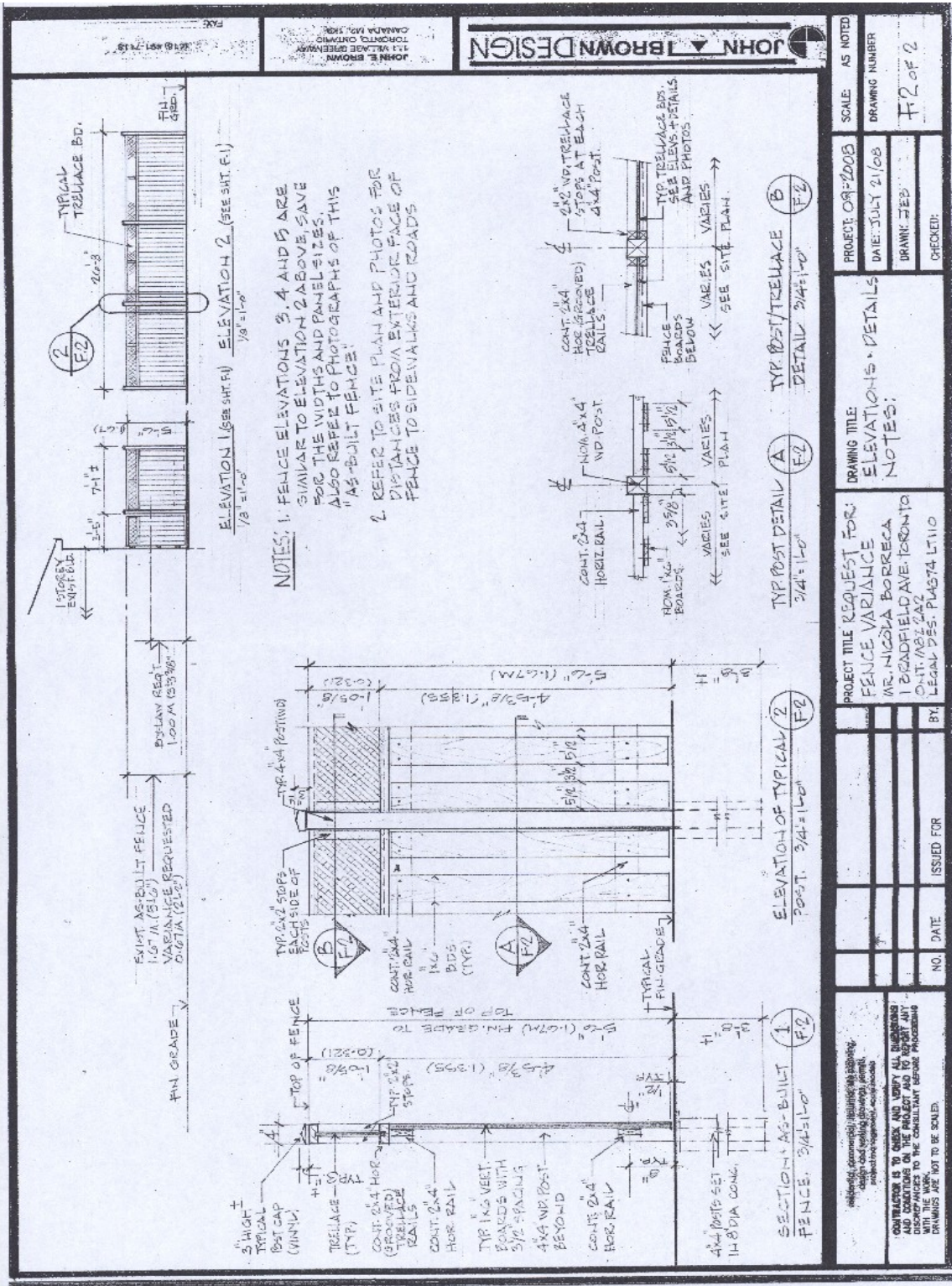
Attachment # 1 – Site Plan of 1 Bradfield Avenue



Attachment # 2 – Survey of 1 Bradfield Avenue



Attachment # 3 – Plan View of 1 Bradfield Avenue



Attachment # 4 – Fence Details for 1 Bradfield Avenue