

Clause embodied in Report No. 7 of the Etobicoke Community Council, as adopted by the Council of the City of Toronto at its meeting held on September 22, 23, 24 and 25, 2003.

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**Request for Fence Variance - 1 Bradfield Avenue
(Ward 5 - Etobicoke-Lakeshore)**

(City Council on September 22, 23, 24 and 25, 2003, adopted the following recommendation:

“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 Etobicoke Community Council submits the following report (September 2, 2003) from the District Manager, Municipal Licensing and Standards, West District, without recommendation:

Purpose:

To report on the application submitted by the owner of 1 Bradfield Avenue, to request an exemption to the Toronto Municipal Code, Chapter 447, Fences, to permit a close boarded wooden fence to be constructed to a height of 1.83 metres (6 feet) along the front of the property.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that the fence be constructed to conform to the requirements of Municipal Code, Chapter 447, in that: the close boarded wooden fence constructed within the owner's front yard be limited in height to 1.0 metre, within 2.4 metres setback from the property line, 1.2 metres in height at a point 2.4 metres from the property line to the front wall of the dwelling and 2.0 metres in height beyond that point.

Background:

The property is located on a corner lot bounded by Bradfield Avenue and Ramsbury Road. As the result of a complaint received, Municipal Licensing and Standards issued a Notice of

Violation to the owners of the property on September 12, 2002. It was determined that a portion of the fence at the front yard adjacent to Bradfield Avenue which was located within 2.4 metres of the sidewalk exceeded the 1.0 metre height as required under the Toronto Municipal Code, Chapter 447, Fences. After receiving the Notice of Violation, the fence height was partially reduced. As the result of a second complaint, a further investigation determined that the partially constructed fence was still in violation with the said Chapter, regarding the height. Also, a portion of the fence on the Bradfield frontage was found to be encroaching onto the street allowance.

A number of site meetings were conducted with the owners of the property by staff from Municipal Licensing and Standards and Works and Emergency Services, to determine the issues related to the construction of the fence and what steps must be taken to rectify the violations. Attached is a copy of the owner's proposal for the fence, Attachment 1.

Comments:

The request for the exemption was circulated to Works and Emergency Service staff to comment on any concerns they might have regarding any line of sight issues for the proposed fence installation. Works and Emergency staff have confirmed they have no objections to the fence installation proposed by the owners as shown in the attached drawing, Attachment 2.

Conclusions:

The proposed fence installation will be constructed on the owner's property and the existing portion along the Bradfield frontage will have to be moved back behind the property line to avoid encroachment onto City property. Works and Emergency staff have no line of sight issues. In spite of the aforesaid, the proposed fence construction does not comply with the regulations set out in the Municipal Code, Chapter 447, Fences.

Contact:

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The following persons appeared before the Etobicoke Community Council:

- Maria Borreca, and filed a submission;
- Johnpaul Xiriha; and
- Penny Foisy.

(A copy of each of Attachments Nos. 1 and 2, referred to in the foregoing report, was forwarded to all Members of the Etobicoke Community Council with the agenda for its meeting on September 10, 2003, and a copy of each is on file in the City Clerk's Office, Etobicoke Civic Centre.)