



STAFF REPORT ACTION REQUIRED

Fence Exemption Request – 31 Apted Avenue

Date:	October 17, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 7 - York West
Reference Number:	ML&S Folder No. 08-192537 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 front yard fence and gate on the property 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 residential property located west of Islington Avenue, north of the Finch Avenue West area of the Subject Ward.

Municipal Licensing and Standards Division received a complaint on November 10, 2006 about the excessively tall front yard fencing. Upon investigation, staff confirmed the infraction and issued a Notice of Violation dated February 20, 2007. On or about August 12, 2008, a letter received from the property owner confirmed the request for consideration for an exemption to the Fence By-law.

COMMENTS

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, Toronto Municipal Code. The owners have erected a 2.6 metre high front yard fence, gate and lattice-work that commences from the front wall of the dwelling (adjacent to the garage) and extends in a westerly direction (towards the City street) for approximately 3 lineal metres. This fence, gate, lattice and climbing vine arrangement (used primarily as a privacy screen from the northerly neighbour at 33 Apted Avenue) does not comply with the above-captioned requirements. (Attachments 1, 2 and 3)

The subject property owner seeks the exemption to maintain the offending fence, gate and lattice-work/vines for privacy and security reasons.

CONTACT

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SIGNATURE

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

Attachments:

Attachment 1: Site Plan
Attachment 2: Photos of Fencing @ 31 Apted Avenue
Attachment 3: Photos of Fencing @ 31 Apted Avenue



Photo # 1 – Front Yard Fence Between 33 and 31 Apted Avenue



Photo # 2 – Subject Fence/Gate/Lattice Between 33 and 31 Apted Avenue

Attachment 2: Photos 1 and 2 of 31 Apted Avenue



Photo # 3 – Looking North from 31 Apted Avenue towards 33 Apted Avenue



Photo # 4 – Close-up of the Offending Fence Between 31 and 33 Apted Avenue

Attachment 3: Photos 3 and 4 of 31 Apted Avenue