



STAFF REPORT ACTION REQUIRED

Application for Fence Exemption 43 Meadowvale Drive

Date:	December 17, 2007
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 5, Etobicoke Lakeshore
Reference Number:	ML&S Folder, 07-278829 FEN 00 IR

SUMMARY

This staff report is in response to an application for a Fence Exemption to construct a 2.39 metres high close board wooden fence with a lattice top as a pool enclosure at the rear yard of 43 Meadowvale Drive, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that The Etobicoke York Community Council refuse the application, as the proposed fence does not comply with the provisions of Toronto Municipal Code Chapter 447, 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 the south side of Meadowvale Drive (Attachment 2).

Municipal Licensing and Standards received a complaint that the posts of a fence erected at the rear of 43 Meadowvale Drive were too high. An inspection of the property on May 22, 2007 revealed that the fence posts, which form part of an existing fence, were between approximately 2.62 metres and 2.68 metres in height (Attachments 4, 5 and 6). The City of Toronto Municipal Code Chapter 447, Fences, limits the height of fences at the rear yard of a single residential property to a maximum of 2.0 metres. As a result, a Notice of Violation was issued to the owner under the Fence By-law.

Upon receipt of the Notice of Violation, the owner submitted a fence exemption request to add lattice on top of the existing 1.83 metres high (72 inches) close board screen to a total height of 2.25 metres (88½ inches) with the fence posts being 2.39 metres (94 inches) in height, and this will be constructed at the following locations (Attachments 1 and 3):

Section “A”: a 6.71 metre (22 feet) length of fence between 43 and 45 Meadowvale Drive to the west, commencing at the rear wall of the dwelling and extending southward;

Section “B”: a 14.78 metre (48 feet 6 inches) length of fence between 43 Meadowvale Drive and 39 Elsfield Avenue to the south, being the entire width of the rear property line; and

Section “C”: a 20.73 metre (68 feet) length of fence between 43 and 41 Meadowvale Drive to the east, commencing at the rear wall of the dwelling and extending southward to the rear property line.

COMMENTS

The fence height is taken as any part along the length of the fence and this includes the fence posts under section 447-2B(1) of Chapter 447 of Toronto Municipal Code, Fences. The subject fence, which is located at the rear yard of this property and forms an integral part of the pool enclosure, is of closed board construction. The screen, being the closed board portion, is measured between 1.87 metres to 1.90 metres above grade (this varies as a result of uneven ground conditions). Notwithstanding that the screen itself is less than 2.0 metres high, the height of the fence is measured to the top of the posts, between 2.62 to 2.68 metres, and as such is in violation of the By-law.

The proposal for this Fence Exemption request will result in a fence made up of a close board screen with a lattice top having a total height of 2.25 metres (in excess of the By-law maximum of 2.0 metres by 25 centimetres (10 inches), and 2.39 metres high fence posts (in excess of the By-law maximum of 2.0 metres by 39 centimetres (15 inches).

In accordance with this proposal, the existing 2.62 metres and 2.68 metres high posts will have to be cut down to 23 and 29 centimetres (9 inches and 11½ inches) respectively.

CONTACT

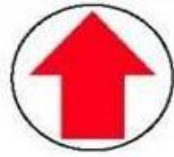
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SIGNATURE

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

ATTACHMENTS

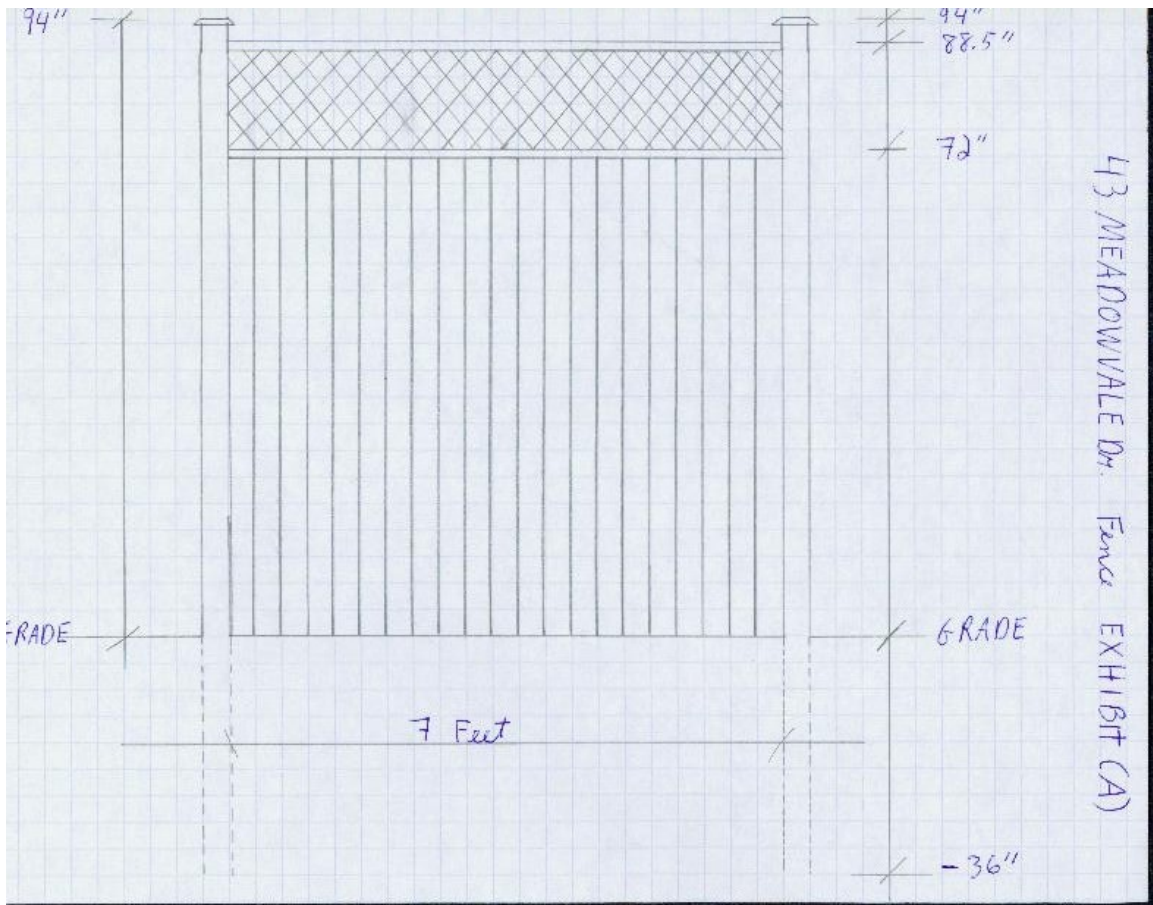
Attachment 1: Site Plan
Attachment 2: Aerial map showing the location of property
Attachment 3: Proposed Fence Details
Attachment 4: Photograph showing the Existing Fence Measurements
Attachment 5: Photographs of Fence looking East toward 41 Meadowvale Drive
Attachment 6: Photograph of Fence looking Westward and Southward



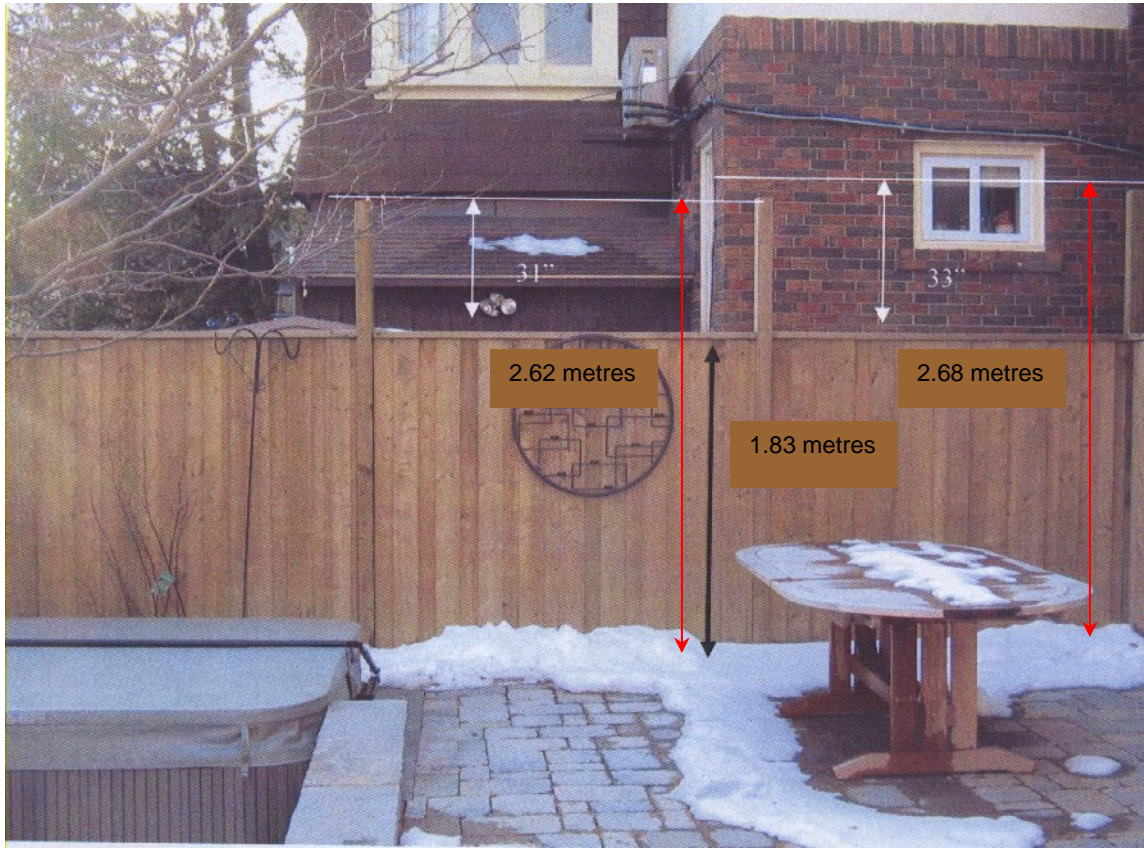
North



Attachment 2: Aerial map showing the location of property



Attachment 3: Proposed Fence Details



Attachment 4: Photograph showing Existing Fence Measurements



Attachment 5: Photographs of Fence looking East toward 41 Meadowvale Drive



Above: Photograph of existing Fence looking west toward 45 Meadowvale Drive
Below: Photograph of existing Fence looking south toward 39 Elsfeld Road



Attachment 6: Photos of existing Fence looking westward and southward