



STAFF REPORT ACTION REQUIRED

Application for Fence Exemption 79 Thirty Eighth Street

Date:	March 4, 2009
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 6, Etobicoke Lakeshore
Reference Number:	ML&S Folder Numbers 08-212355 & 08-231506 FEN 00 IR

SUMMARY

This staff report is in response to an application for a Fence Exemption to maintain an existing 2.44 metres high close board wooden fence with a lattice top, and a 2.55 metres high wooden gate with an arbour, at the rear yard on the south side of the property, 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:

1. 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 adoption of this report.

ISSUE BACKGROUND

This is a two-storey detached house located in between 77 and 81 of Thirty Eighth Street (Attachment 1). In October 2008, Municipal Licensing and Standards received a complaint that the fence erected at the rear of 79 Thirty Eighth Street was too high.

An inspection of the property on October 23, 2008 revealed that the rear yard of the property, which is fenced, is accessible via a wooden gate with an arbour on the south side of the house. The height of the gate measured to the top of the arbour is 2.55 metres (Attachments 2, 3 and 4).

The fence enclosing the rear yard of the property is predominantly 1.80 metres high of close board wooden construction except on the south side (adjacent to 77 Thirty Eighth Street), lattice panels of 640 millimetres height have been added on top which makes a total height of 2.44 metres over a length of 9.11 metres (Attachments 2 and 3). Also, there is a short section of chain link fence, on the north side adjacent to 81 Thirty Eighth Street which measures 1.20 metres high (Attachment 4).

COMMENTS

Chapter 447 of Toronto Municipal Code, Fences, restricts fences at the rear yard of a single residential property to a height of 2.0 metres. A fence is defined in the By-law as a barrier that wholly or partially screens from view, encloses or divides a yard, and the fence height is measured at any point along its length from grade.

As the section of the close board wooden fence with a lattice top, measuring 2.44 metres in height, and the wooden gate with an arbour, measuring 2.55 metres in height, have exceeded the 2.0 metres height restriction prescribed under the Fence By-law, a Notice of Violation has been issued to the Property Owner, requiring him to bring the fence in conformity with the By-law requirements.

CONTACT

Chip Au, Supervisor
Etobicoke York District
Municipal Licensing and Standards
Tel: 416-394-2533 Fax: 416-394-2904
E-mail: cau2@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Survey and Site Plan

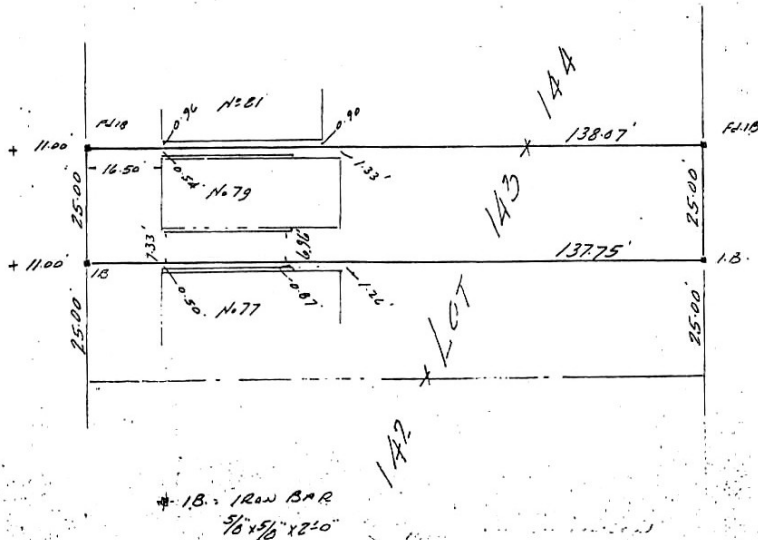
Attachment 2: Details showing Sections of the Fence in Violation (South Side)

Attachment 3: Photographs showing the Fence at the Rear Yard

Attachment 4: Photographs showing the Gate and the Fence on the North side

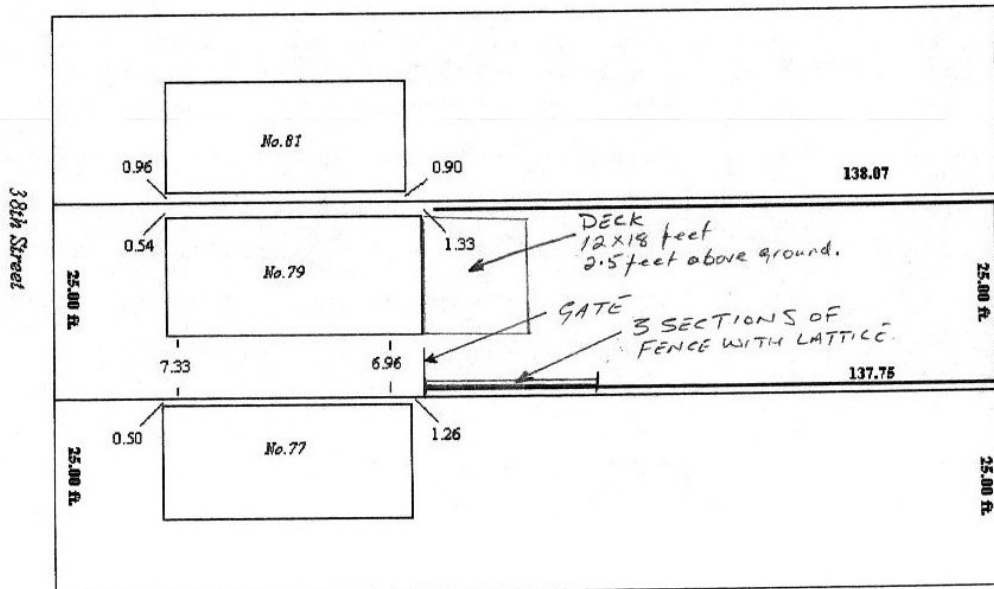
PLAN OF SURVEY OF
NORTH PART OF LOT 143- PLAN 2155
BOROUGH OF ETOBICOKE
1" = 20 FT.

38TH STREET



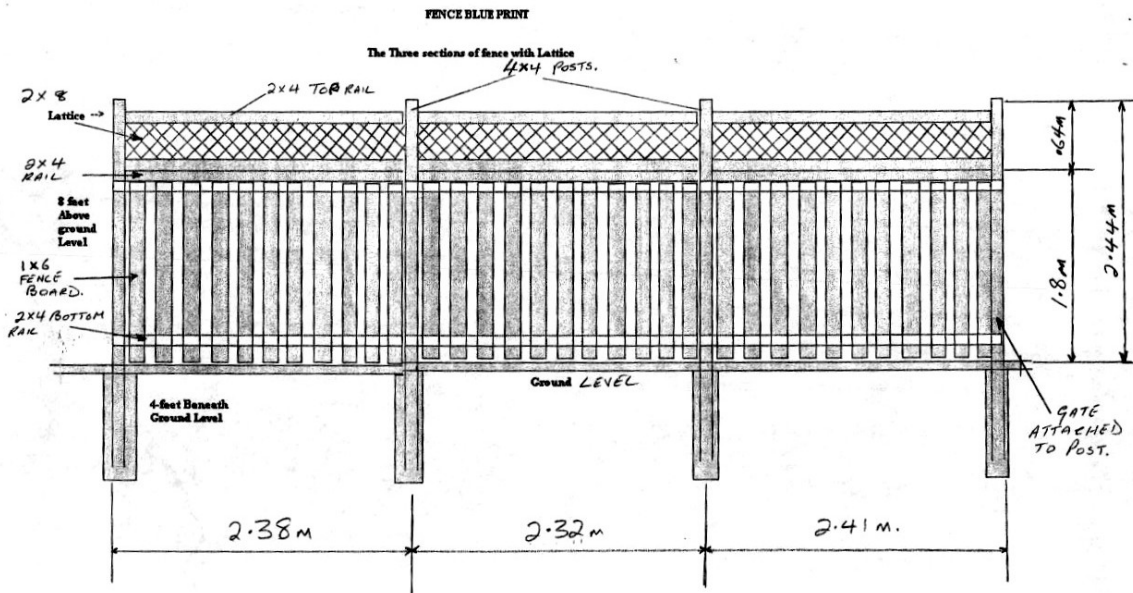
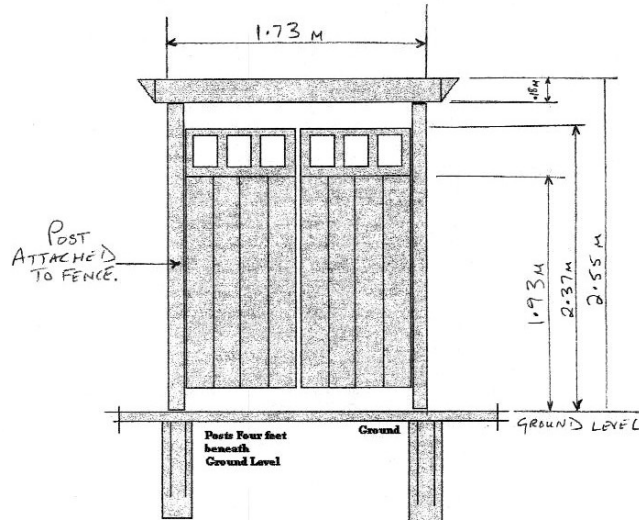
DUNNING & TAYLOR
ONTARIO LAND SURVEYORS
1140 QUEENSWAY
TORONTO 18, 251-6803
PER *J. Dunning* O.L.S.
DATE 11 JULY 1972

Plan of Survey
79, 38TH STREET ETOBICOKE. M9W 3M2
LOT #143.



Attachment 1: Survey and Site Plan

GATE.

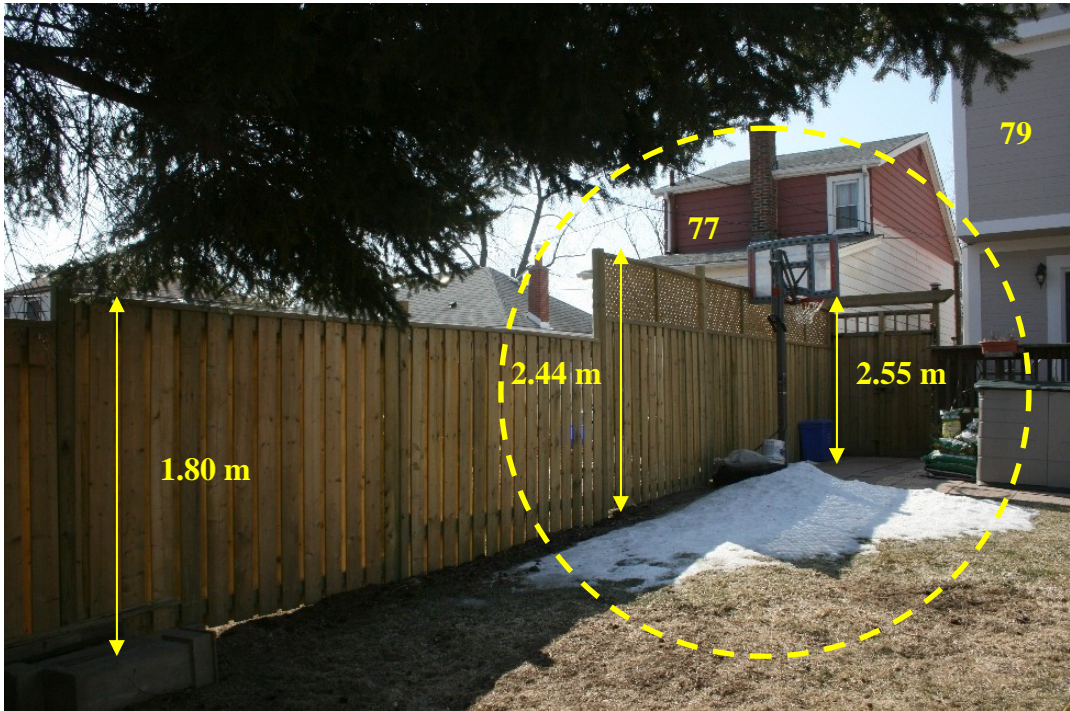


Attachment 2: Details showing Sections of the Fence in Violation

North Side
(81)



2.44 m
South Side
(77)



Attachment 3: Photographs showing the Fence at the Rear Yard



Attachment 4

Above:
Photograph showing the Gate as
viewed from the front

Below:
Photograph showing the rear
yard looking north towards 81
Thirty Eighth Street

