



**STAFF REPORT  
ACTION REQUIRED**

**Application for Fence Exemption  
22 Alma Drive**

<b>Date:</b>	April 24, 2009
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, District Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 2 – Etobicoke North
<b>Reference Number:</b>	ML&S Folder Number 09 219933 FEN

**SUMMARY**

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This report is in regard to an application for a fence exemption to the Toronto Municipal Code, Chapter 447 - Fences whereby the property owners are applying to maintain existing wooden fences in the flankage and rear yards that are in violation of the Fence By-law, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

**RECOMMENDATIONS**

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**Municipal Licensing and Standards recommend that:**

1. 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 at the corner of Alma Drive and Freemont Avenue in the Scarlett Road and Eglinton Avenue West area of the Subject Ward, (Attachment 1).

Municipal Licensing and Standards Division has received an application from the property owners to maintain board on board wooden fencing, complete with lattice work, in the flankage and rear yards of the property which exceed the permitted heights of the Fence By-law.

Fences in the flankage yard within 2.4 metres of a street line and within 2.4 metres adjacent to any driveway are limited to 2.0 metres in height, pursuant to Toronto Municipal Code, Chapter 447, Fences, Section 447-2.B. In addition, these fences must also be open mesh chain-link or of equivalent open-fence construction for at least 2.4 metres from the street line and within 2.4 metres adjacent to the driveway so as not to obstruct the view of the boulevard or highway, pursuant to Section 447-2.C.(1) of Chapter 447, Fences.

The owners are requesting to maintain existing flankage yard fencing that exceeds 2.0 metres in height and is of board on board construction complete with lattice-work on top. The existing flankage yard fence heights vary from 1.85 metres to 2.26 metres in height. These conditions are in violation of the above-captioned standards, (Attachments 2, 3, 4 and 5).

The remaining flankage and rear yard fencing is limited to 2.0 metres in height as per Section 447-B. Table 1. The owners are requesting to maintain the existing fencing which varies from 1.82 metres to 2.54 metres in height at the extreme northeast corner of the property, abutting 105 Freemont Avenue, (Attachments 2, 3, 4 and 5).

## **COMMENTS**

Municipal Licensing and Standards Division received a formal complaint regarding the subject fencing in June of 2008. Staff confirmed the violations of the Fence By-law and issued a Notice of Violation dated June 28, 2008.

## **CONTACT**

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## **SIGNATURE**

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Curtis Sealock, District Manager  
Municipal Licensing and Standards

## **ATTACHMENTS**

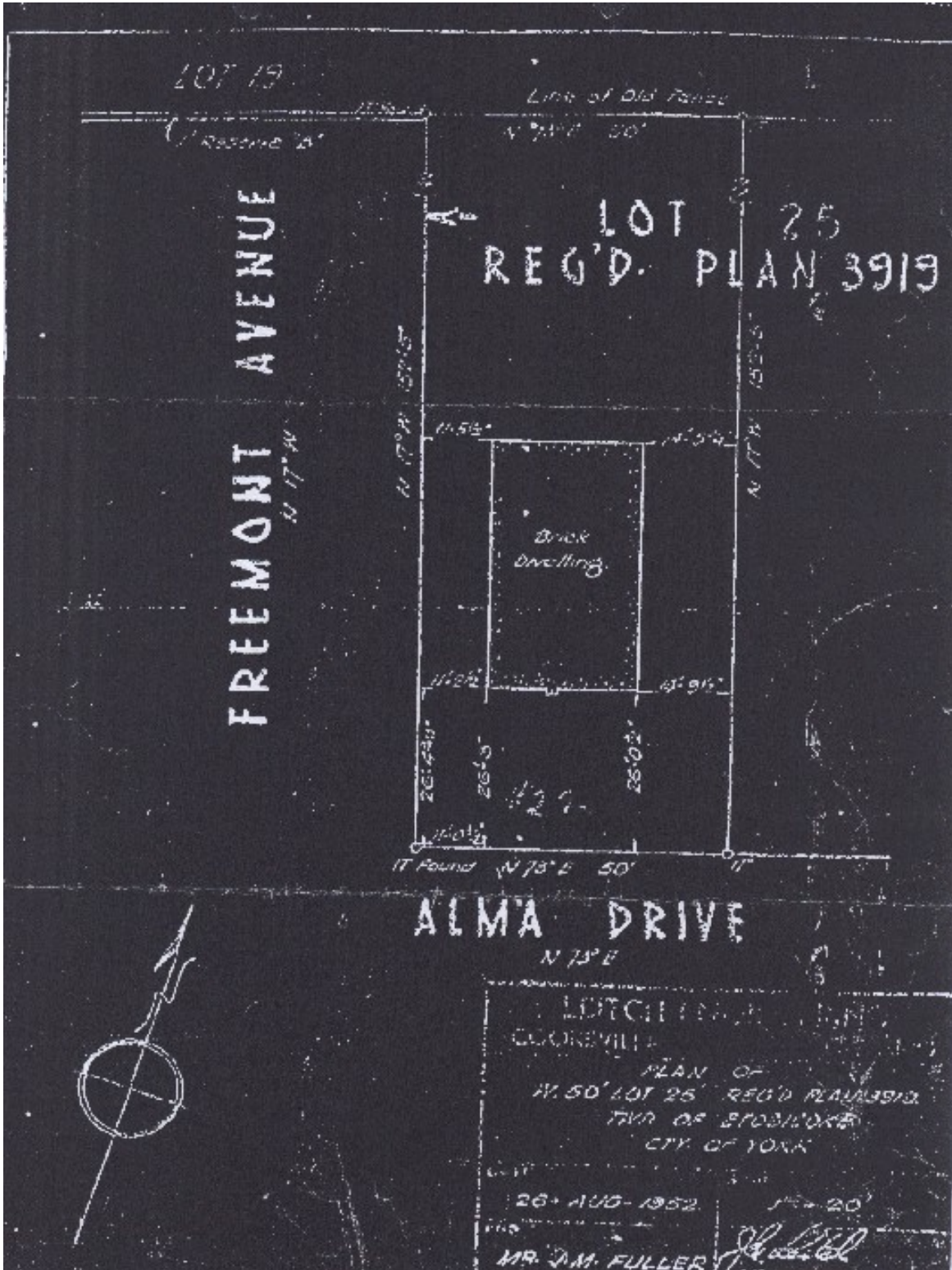
Attachment 1 – Survey of 22 Alma Drive

Attachment 2 – Fence Heights Plan View

Attachment 3 – Site Plan

Attachment 4 – Photos

Attachment 5 – Photos

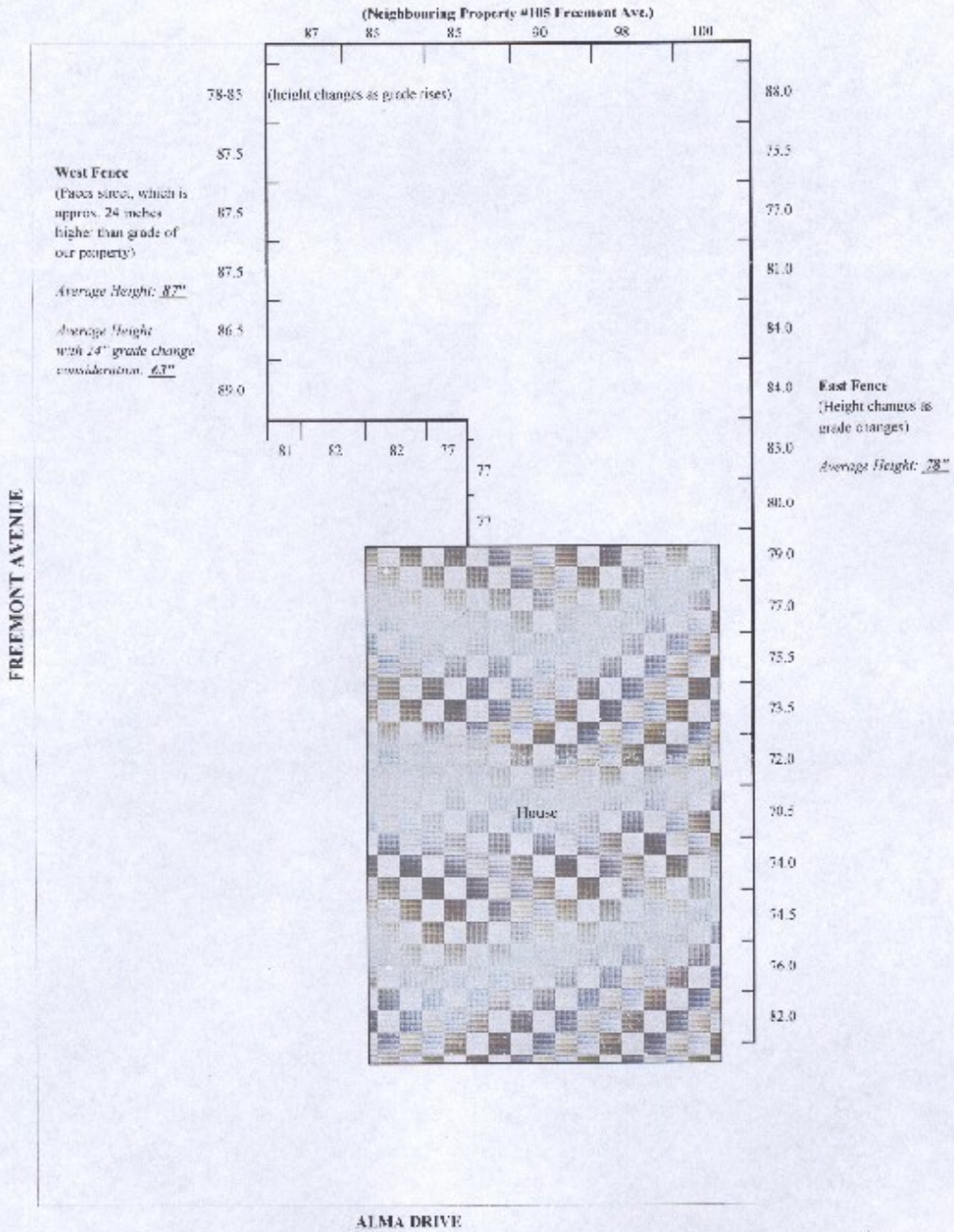


**Attachment 1- Survey of 22 Alma Drive**

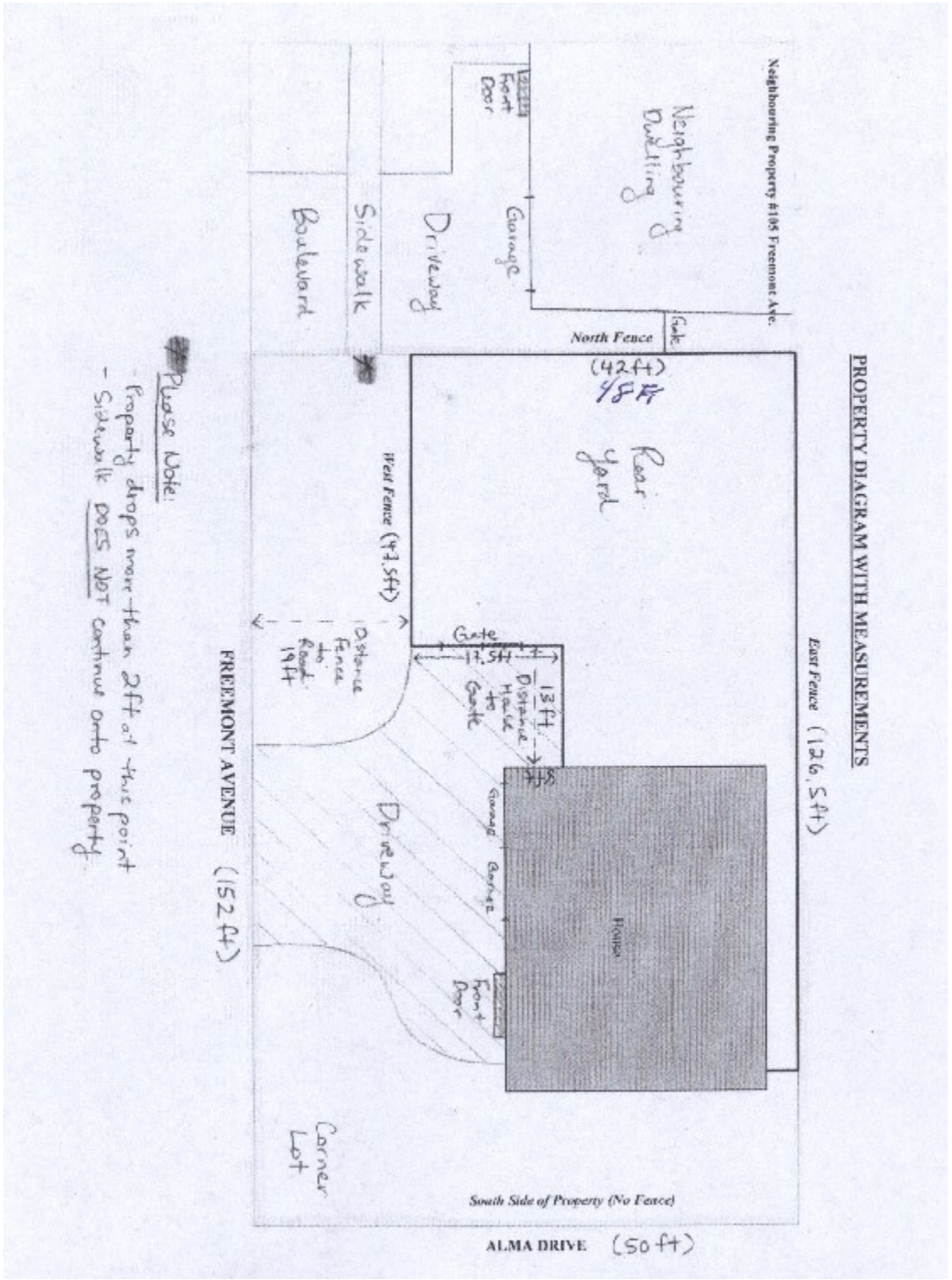
FENCE DIAGRAM

SCHEDULE 6

North Fence (Neighbour is an average of 15' higher than our grade)  
 Average Height: 96" Average height with 15' grade change consideration: 76"



**Attachment 2-Fence Heights Plan View**



**Attachment 3-Site Plan**



Photo of Fence abutting 105 Freemont Avenue



Photo of Fencing at driveway

**Attachment 4- Photos**



Fencing in the Flankage Yard



Fencing abutting Driveway

**Attachment 5- Photos**