

Fence Exemption Request for 156 Wincott Drive

Date:	December 11, 2009
To:	Etobicoke York Community Council
From:	Curtis Seacock, District Manager, Municipal Licensing and Standards
Wards:	Ward 4 – Etobicoke Centre
Reference Number:	ML&S Folder Number 09 188431 FEN

SUMMARY

This report is in regard to an application for a fence exemption to the Toronto Municipal Code, Chapter 447 - Fences whereby the property owner is applying to maintain an existing set of trees and shrubs forming fencing in the front yard that is 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

Municipal Licensing and Standards recommends that:

1. Etobicoke York Community Council deny the request for the fence exemption based on non-compliance with Chapter 447, 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 in the Kipling Avenue and The Westway area of the Subject Ward, (Attachment 1). Municipal Licensing and Standards Division has received an application from the property owner to maintain existing set of trees and shrubs forming fencing in the front yard that exceeds the permitted heights found in the Fence By-law, Chapter 447.

Fences, including hedges and shrubs, within the front yard are limited to 1.2 metres in height, pursuant to Section 447-2.B, Toronto Municipal Code, Chapter 447, Fences. In addition, any fence within 2.4 metres of the front lot line must also not exceed 1.2 metres in height, pursuant to Clause 447-2.B.(1) of Chapter 447, Fences.

Further, the definition of a fence in the by-law states that “A barrier, including one for noise attenuation, or any structure, except a structural part of a building, that wholly or partially screens from view, encloses or divides a yard or other land, or marks or substantially marks the boundary between adjoining land, and includes any hedge or shrub that has the same effect”. The arrangement of trees and shrubs on the subject property is considered a fence by this definition.

The owner is seeking an exemption to maintain existing front yard shrubs and trees that exceeds the 1.2 metres in height. The existing front yard shrubs and trees range in height from approximately 2 metres in height near the public road allowance to as much as approximately 3 metres in height halfway between the main front wall of the dwelling and the public road allowance. These conditions are in violation of the above-captioned standards, (Attachments 2, 3 and 4).

COMMENTS

Municipal Licensing and Standards Division received a formal complaint regarding the subject fencing in October of this year. Staff confirmed the violation of the Fence By-law and a Notice of Violation was issued, dated October 16, 2009.

CONTACT

Italo Joe Luzi, Etobicoke York District Supervisor
Municipal Licensing and Standards
Tel: 416-394-8575 Fax: 416-394-2904
E-mail: jluzi@toronto.ca

SIGNATURE

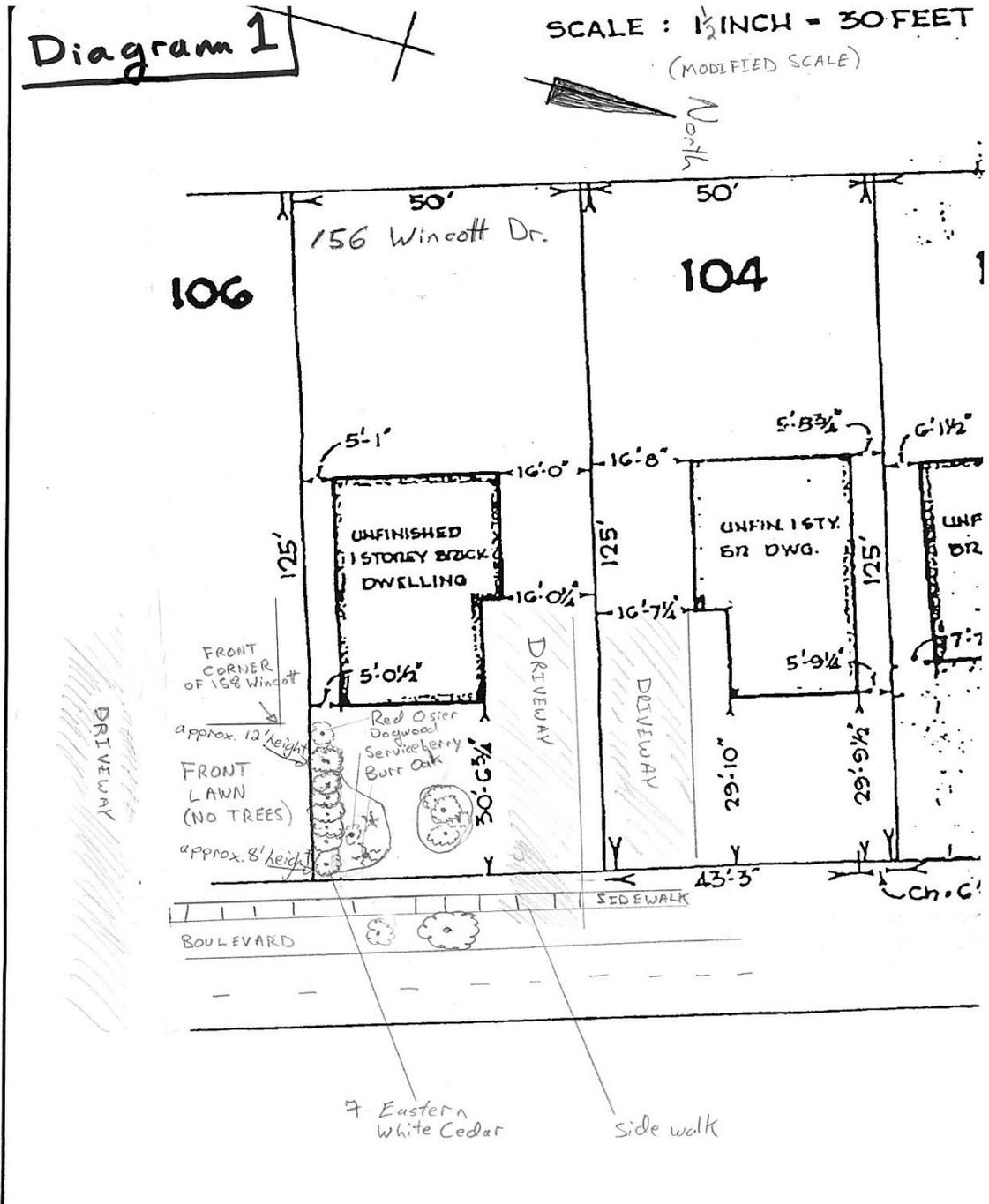
Curtis Sealock, District Manager
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1 – Ward 4 Site Map
Attachment 2 – Plot Plan of 156 Wincott Drive
Attachment 3 – Aerial Diagram of 156 Wincott Drive
Attachment 4 – Photo of Front Yard Trees and Shrubs

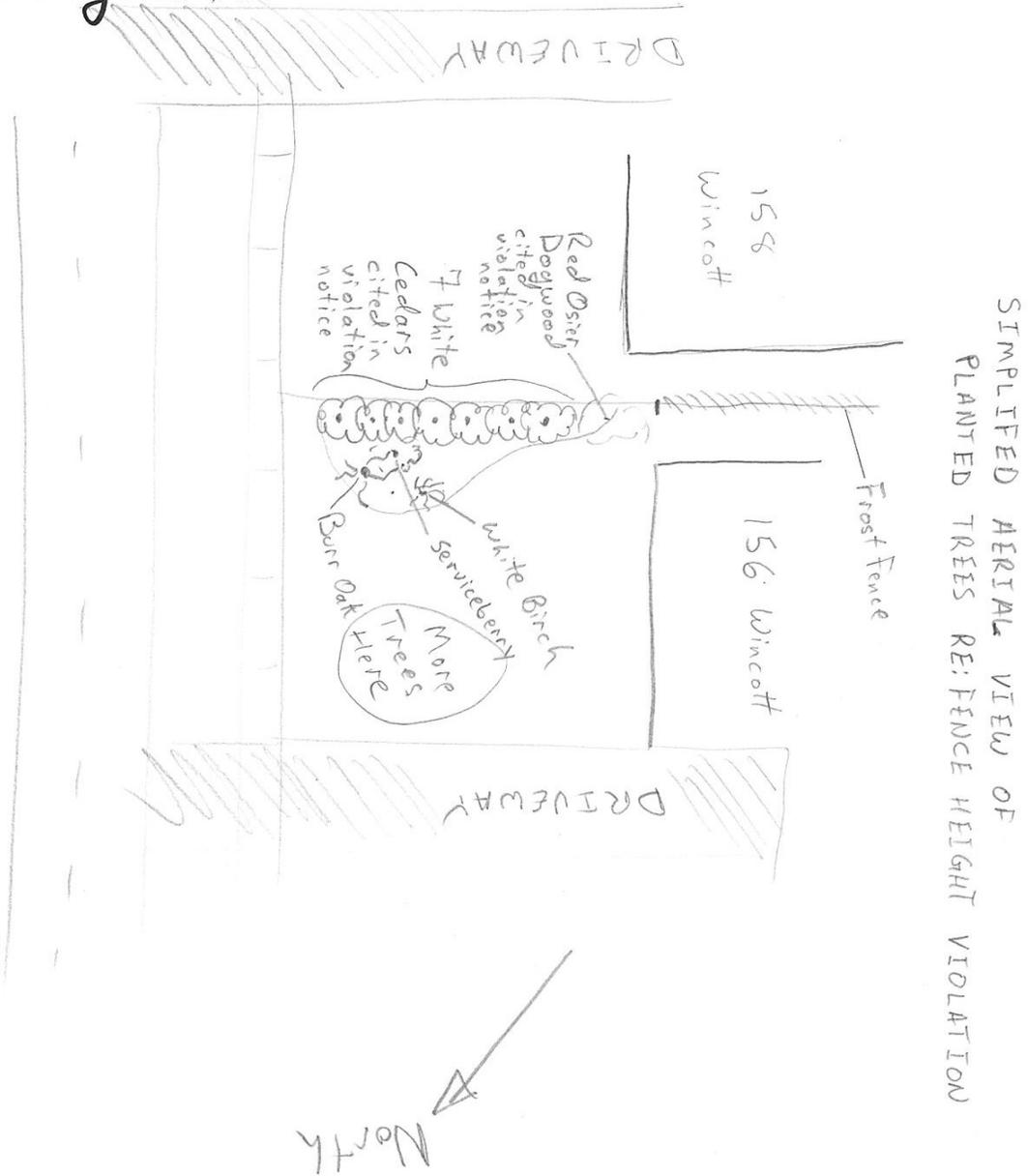


Attachment 1 – Ward 4 Site Map – 156 Wincott Drive



Attachment 2 - Plot Plan of 156 Wincott Drive

Diagram 2



SIMPLIFIED AERIAL VIEW OF
PLANTED TREES RE: FENCE HEIGHT VIOLATION

Attachment 3 – Aerial Diagram of 156 Wincott Drive



Attachment 4 – Photo of Front Yard Trees and Shrubs