



**STAFF REPORT
ACTION REQUIRED**

**Application for Fence Exemption
75 Northcliffe Boulevard**

Date:	February 4, 2013
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 17, Davenport
Reference Number:	Municipal Licensing and Standards Folder No. 12 254981 FEN

SUMMARY

This staff report is in response to an application submitted by the owner of 75 Northcliffe Boulevard to maintain a closed board wood fence measuring 2.13 metres (7 feet) in height within the front yard of the property, which includes a 2.90 metre (9 feet 6 inches) high arbour over the gate portion. This is a matter for which the Etobicoke York Community Council has been given delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke York Community Council:

1. Refuse the application from the property owner at 75 Northcliffe Boulevard to maintain a closed board wood fence measuring 2.13 metres (7 feet) in height within the front yard of the property, which includes a 2.90 metre (9 feet 6 inches) high arbour over the gate portion, as the proposal does not comply with provisions of Toronto Municipal Code, Chapter 447, Fences, Section 447-2 B, Table 1.

Financial Impact

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

The subject property is situated on a corner lot at the northeast corner of Northcliffe Boulevard and Rosemount Avenue. Being located on a corner lot that has two street frontages, the shorter lot line fronting Northcliffe Boulevard is defined as the front lot line, whereas the longer lot line fronting Rosemount Avenue is considered to be the flankage under the Fence By-Law. A fence has been erected in the front yard of the property which exceeds the maximum height limit allowed under the provision of the Fence by-law, Chapter 447 of the Toronto Municipal Code. As such, the property owner has submitted a request to Municipal Licensing and Standards seeking an exemption to the height requirements for their fence within the front yard, which currently measures approximately 2.13 metres in height (7 feet), including an arbour over the gate portion which measures 2.90 metres or (9 feet 6 inches). See attachments 1, 2, 3 and 4.

COMMENTS

The provisions of Toronto Municipal Code, Chapter 447, Fences, Section 447-2B, Table 1, regulate the maximum height of a fence located within the front yard at 1.2 metres in height. It is noted that part of the fence on the Rosemount Avenue flankage, is encroaching on the City road allowance. The property owner is required to obtain an encroachment agreement through an application to Transportation Services (Right of Way Management). The fence in question does not pose any sightline obstruction to traffic, notwithstanding the excessive height. No complaints have been received by Municipal Licensing & Standards with respect to the height of the fence.

CONTACT

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SIGNATURE

Curtis Sealock, District Manager

ATTACHMENTS

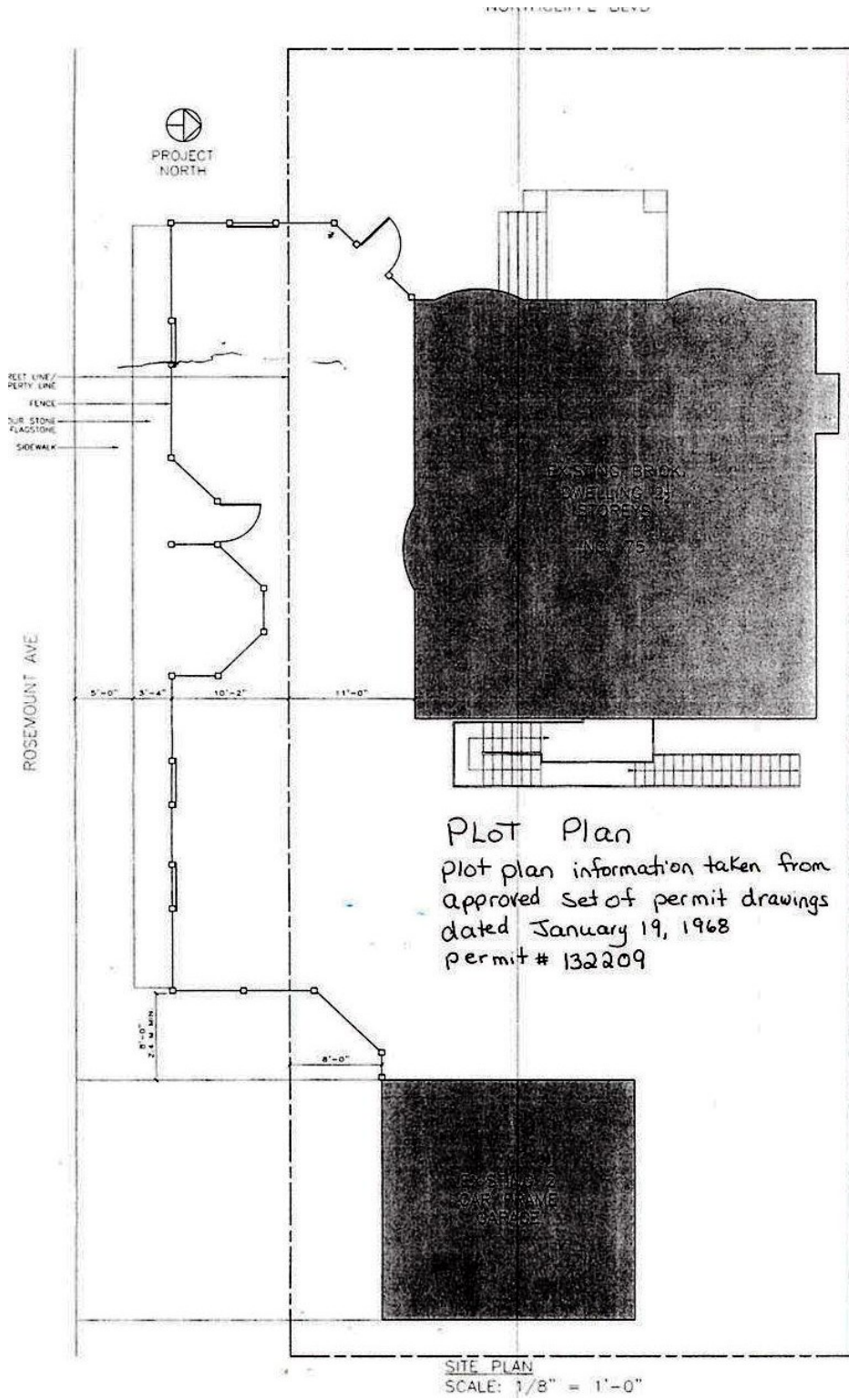
Attachment 1: Area Map
Attachment 2: Site Plan
Attachment 3: Fence Detail
Attachment 4: Photo of Fence
Attachment 4: Photos of Fence

Map Location of 75 Northcliffe Boulevard



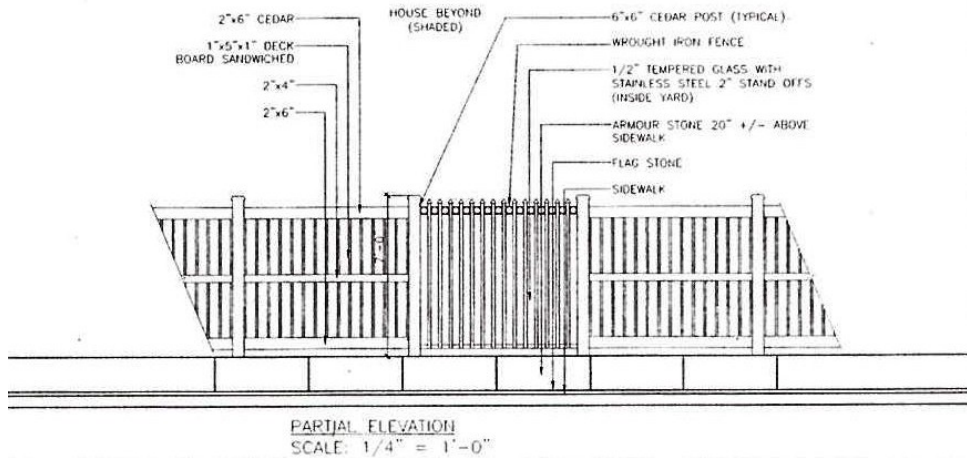
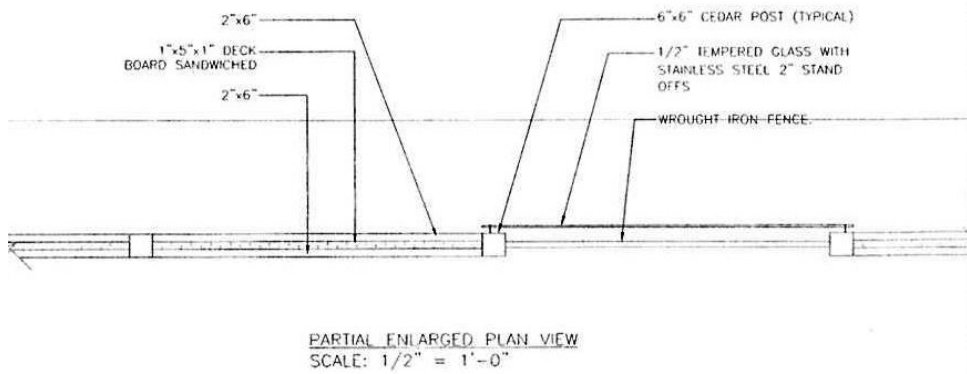
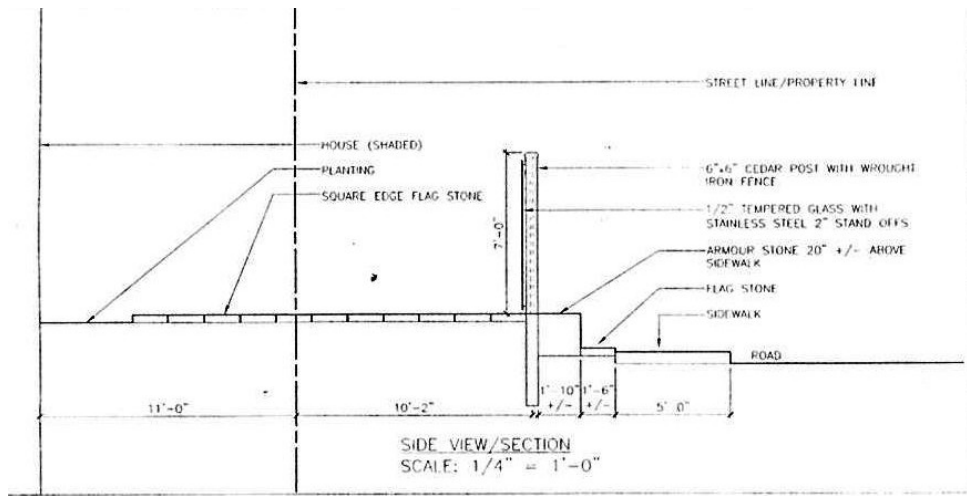
Attachment 1

Site Plan



Attachment 2

Fence Detail



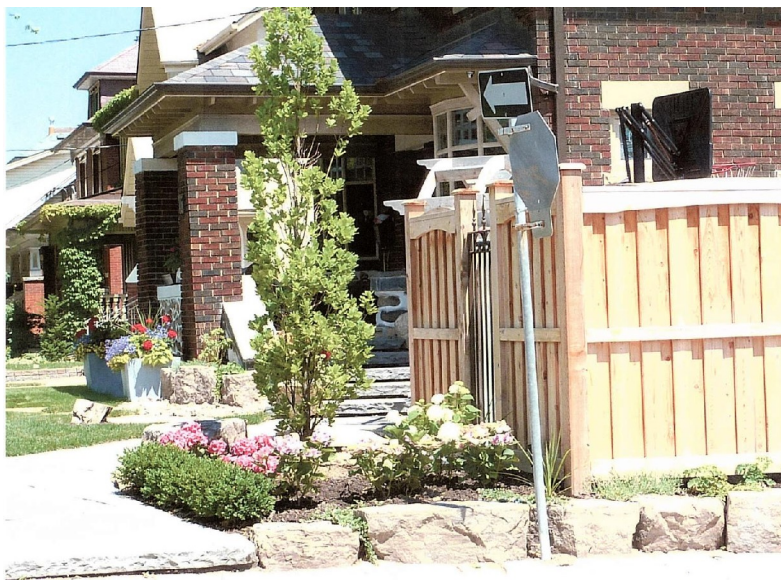
Attachment 3

Photo of Fence

Arbour over Gate



Photograph taken on Northcliffe Blvd. showing fence with additional arbour across the top of the gate.



Photograph taken from Rosemount Avenue

Attachment 4