

**Application for Fence Exemption  
153 Lake Promenade**

<b>Date:</b>	September 29, 2013
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Eletta Purdy, District Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 6 Etobicoke – Lakeshore
<b>Reference Number:</b>	Municipal Licensing and Standards Folder No. 12-239635 FEN

**SUMMARY**

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This staff report is in regard to a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider an application submitted by the property owner of 153 Lake Promenade for a Fence Exemption to maintain a section of an existing board on board wood fence with a lattice top located on a slope at the far end of the property on the west side towards the lake that has an average height of 2.15 metres.

**RECOMMENDATIONS**

**Municipal Licensing and Standards recommends that:**

1. Etobicoke York Community Council refuse this request for exemption submitted by the property owner of 153 Lake Promenade for a Fence Exemption to maintain a section of an existing board on board wood fence with a lattice top located on a slope at the far end of the property on the west side towards the lake that has an average height of 2.15 metres, as this section of the fence is in excess of the maximum height of 2.0 metres under 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.

## **DECISION HISTORY**

An application for a fence exemption was submitted by the property owner. The fence is located at the rear yard of 153 Lake Promenade. Accordingly the adjoining property owners have been notified by the City Clerk's office of the date that the application for exemption will be considered by the Etobicoke York Community Council.

## **ISSUE BACKGROUND**

The property at 153 Lake Promenade is single residential property backing on Lake Ontario (Attachment 1).

A complaint was received by Municipal Licensing and Standards that a fence at the rear yard of the property is in excess of the Fence By-law provisions. Inspection revealed a board on board fence with a lattice top was erected at the rear yard on the west side adjacent to the property at 155 Lake Promenade. The last two panels of this fence adjacent to the lake front appeared to be recently installed (Attachments 2, 3 and 4). There is no fence on the east side adjacent to 147 Lake Promenade.

As the fence in question is erected on a slope, the height of the fence is measured along its length from the average grade level, in accordance with section 447-2B(1) of Toronto Municipal Code, Fences.

The second last panel of the fence is built on a relative gentle slope of 12 % (percent) and has a height that varies between 1.6 metres (5 feet 3 inches) to 2.4 metres (8 feet). This is equivalent to an average height of 2.0 metres (6 feet 7 inches). The last panel of the fence closest to the lake is built on a 30% (percent) steep slope. It varies from 1.7 metres (5 feet 7 inches) to 2.6 metres (8 feet 6 inches) in height and is equivalent to 2.15 metres (7 feet) on average (Attachment 5). Effectively this is in violation of the City of Toronto Municipal Code, Chapter 447, Fences. Upon receipt of a Notice of Violation, the property owner of 153 Lake Promenade submitted an application for Fence Exemption.

## **COMMENTS**

In accordance with the provisions of the City of Toronto Municipal Code, Chapter 447, Fences, Section 447-2B, Table 1, the maximum height of a fence at the rear yard of a single residential property is 2.0 metres. The section of the fence in question is in excess of the regulated height by 0.15 metres (6 inches).

The property owner submitted that the last two panels of the fence were added for privacy and security reasons. Being located at the rear yard, the fence does not create any traffic sight line concerns.

Should the staff recommendation not be accepted and the request by the applicant be approved, the following condition of approval should include that when the fence is replaced it should be constructed in compliance with TMC Chapter 447 – Fences, or its successor by-law.

## **CONTACT**

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## **SIGNATURE**

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Eletta Purdy, District Manager  
Municipal Licensing and Standards  
Etobicoke York District

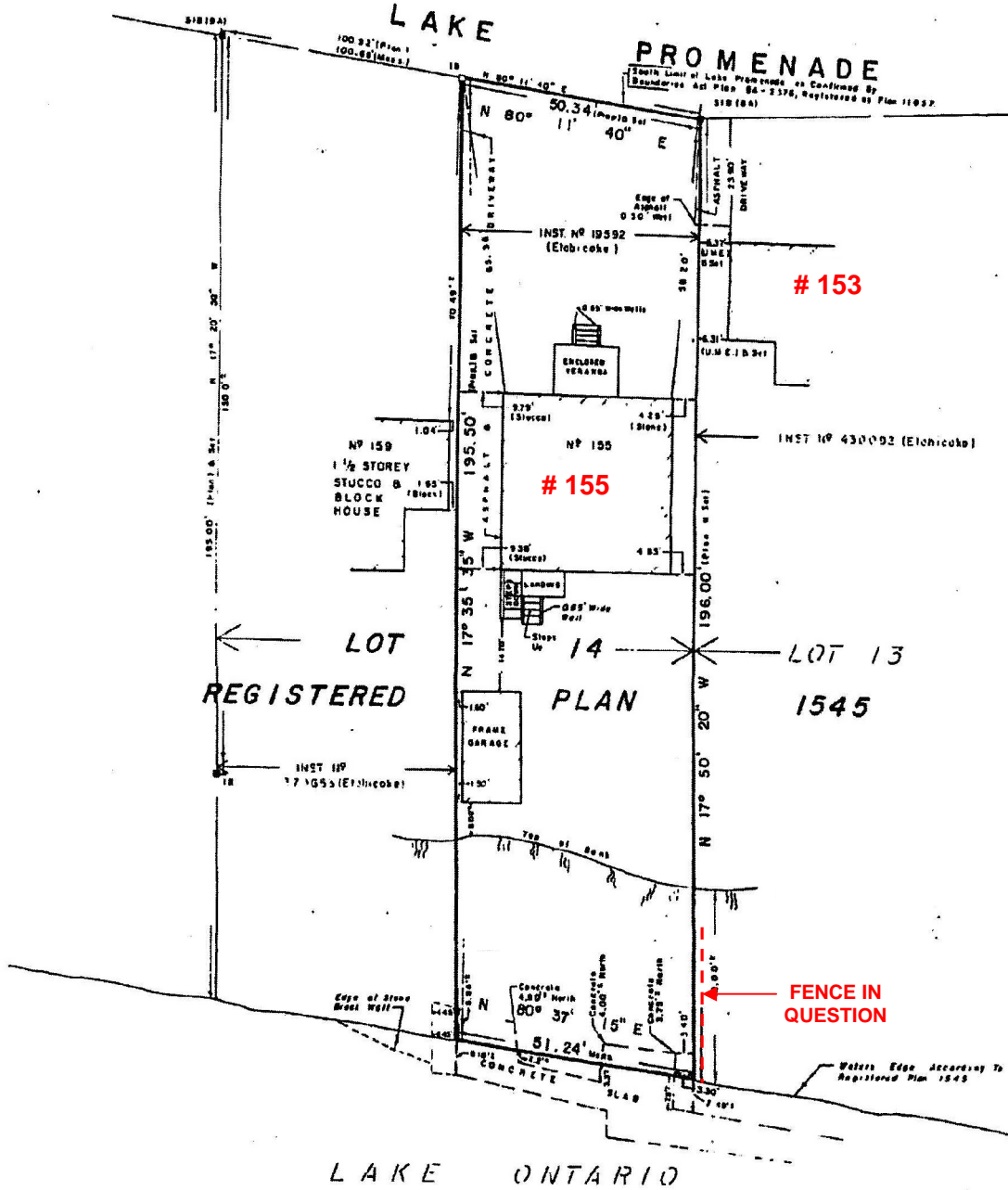
## **ATTACHMENTS**

Attachment 1: Aerial and Bird's Eye Views of Property  
Attachment 2: Property Survey  
Attachment 3: Site Plan  
Attachment 4 & 5: Photos showing Fence in Question

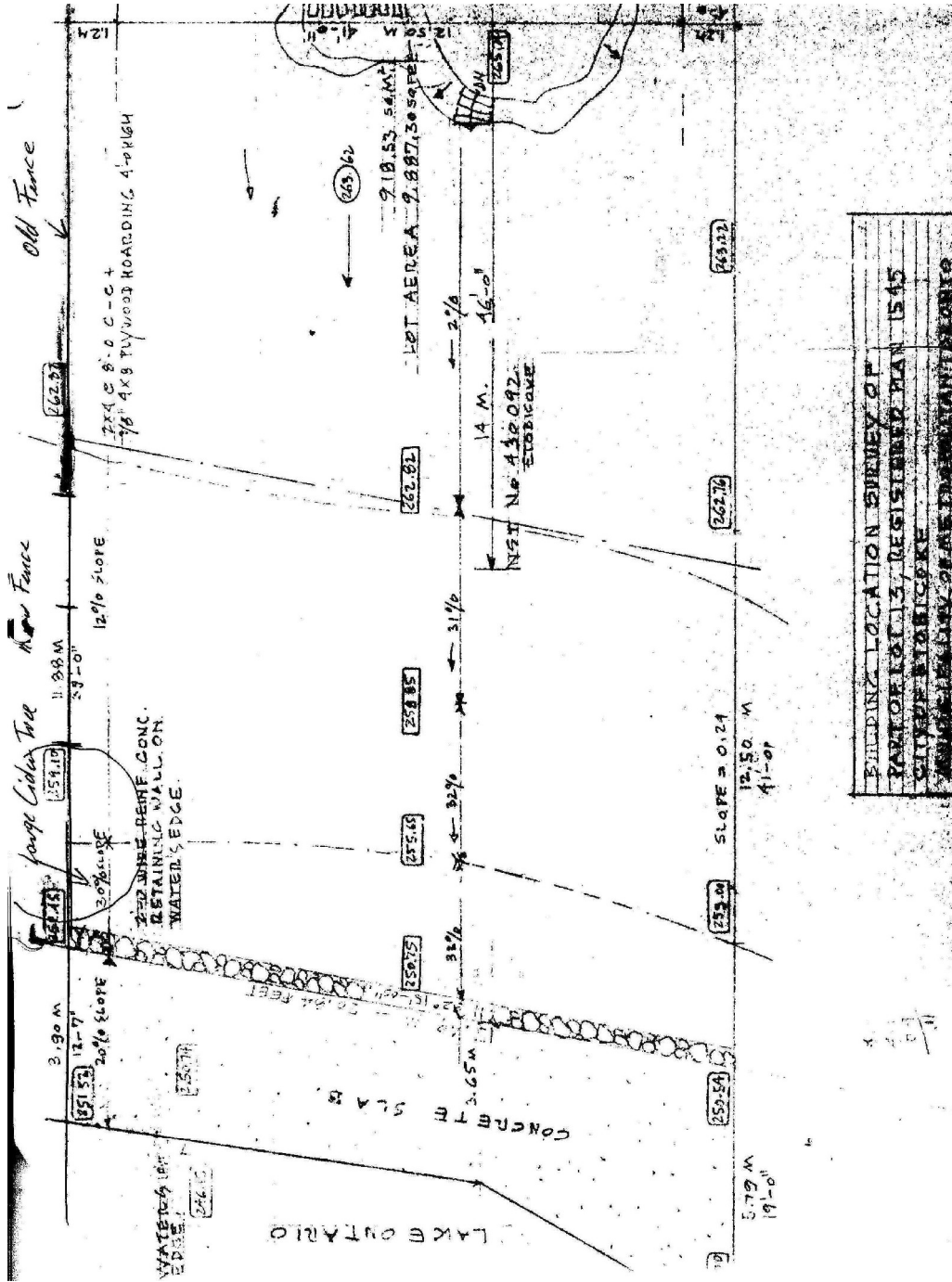


Attachment 1: Aerial and Bird's Eye Views (Fence shown in yellow dotted line)

BUILDING LOCATION SURVEY OF  
**PART OF LOT 14, REGISTERED PLAN 1545**  
 CITY OF ETOBICOKE  
 MUNICIPALITY OF METROPOLITAN TORONTO  
 SCALE 1" = 20'

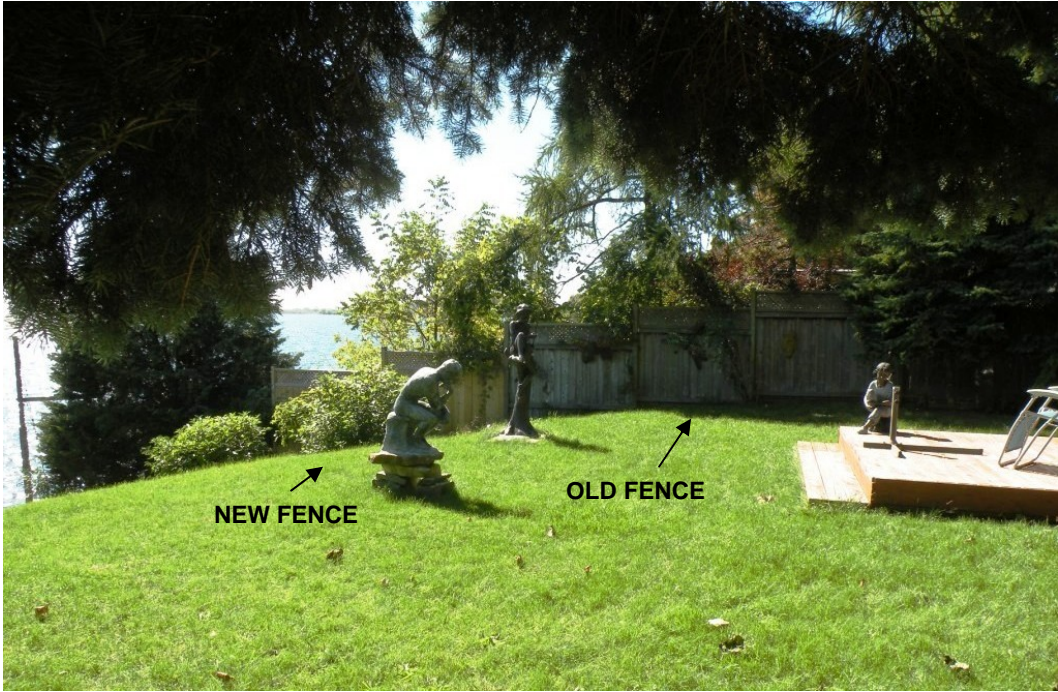


Attachment 2: Property Survey



PLANNING LOCATION NUMBER OF  
 PART OF LOT 13, REGISTERED PLAN 1545  
 CITY OF STONICK  
 MUNICIPALITY OF STONICK

Attachment 3: Site Plan



Attachment 4: Photos showing the section of the Fence in Question



Average Height of the Last Fence Panel =  $(1.7 \text{ m} + 2.6 \text{ m})/2 = 2.15 \text{ m}$



Attachment 5: Photos showing the section of the Fence in Question