

**Application for Fence Exemption
882 Weston Road (Amended)**

Date:	October 31, 2013
To:	Etobicoke York Community Council
From:	Eletta Purdy, District Manager, Municipal Licensing and Standards
Wards:	Ward 11 York South – Weston
Reference Number:	Municipal Licensing and Standards Folder No. 12-220686 FEN

SUMMARY

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

This staff report is in response to an application submitted by the owner of 882 Weston Road to maintain 1.8 metres (6 feet) high closed board wood fence located at the front yard of the property.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that:

1. Etobicoke York Community Council refuse this application submitted by the owner of 882 Weston Road to maintain a 1.8 metres (6 feet) high closed board wood fence located at the front yard of the property, 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.

DECISION HISTORY

An application for a fence exemption was submitted by the property owners. The fence is located at the front yard. Accordingly all property owners within a 60-metre radius of 882 Weston Road 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 (Attachment 1).

ISSUE BACKGROUND

A complaint was received by Municipal Licensing and Standards that a fence at the front yard of the property at 882 Weston Road is too high. Inspection revealed a 1.8 metres (6 feet) high close board wood fence has been installed to enclose the front yard of the subject property (Attachments 2 and 3).

Section 447-2B, Table 1, in Chapter 447 of Toronto Municipal Code, Fences, regulates the height of a fence for a single residential property at the front yard to a maximum of 1.2 metres (4 feet). The fence in question is not in compliance with the By-law and a Notice of Violation was issued. Upon receipt of the Notice, the property owners submitted an application for Fence Exemption.

COMMENTS

The property is a single family semi-detached dwelling located in a mixed commercial residential area in the proximity of the Black Creek Drive and Weston Road intersection.

The applicant submitted that the completed fence provides safety and privacy, acts as a barrier from litter and busy traffic noise along Weston Road, screening from the neighbouring restaurant and public garages across the street, as well as screening their dogs from barking at pedestrians passing by.

The fence does not create any traffic sight line obstruction as it is not adjacent to any driveways.

Owner of the neighbouring semi-detached house at 880 Weston Road has provided a letter supporting the application.

Transportation Services has advised that the section of the subject fence abutting the sidewalk is encroaching on the Weston Road Boulevard. The property owner has indicated that they will submit an application to Transportation Services for an encroachment agreement to maintain the encroaching section of the fence at the front yard.

Should the staff recommendation not be accepted and the request by the applicant approved, the following conditions of approval should be imposed:

1. The property owner is required to either obtain an encroachment agreement or carry out the necessary alterations to the fence as required by Transportation Services (Right of Way Management) because of the encroachment on the City road allowance; and
2. When the fence is replaced, it shall be constructed in compliance with City of Toronto Municipal Code, Chapter 447 - Fences, or its successor by-law.

The Notice of Violation remains outstanding pending the disposition of the fence exemption request.

CONTACT

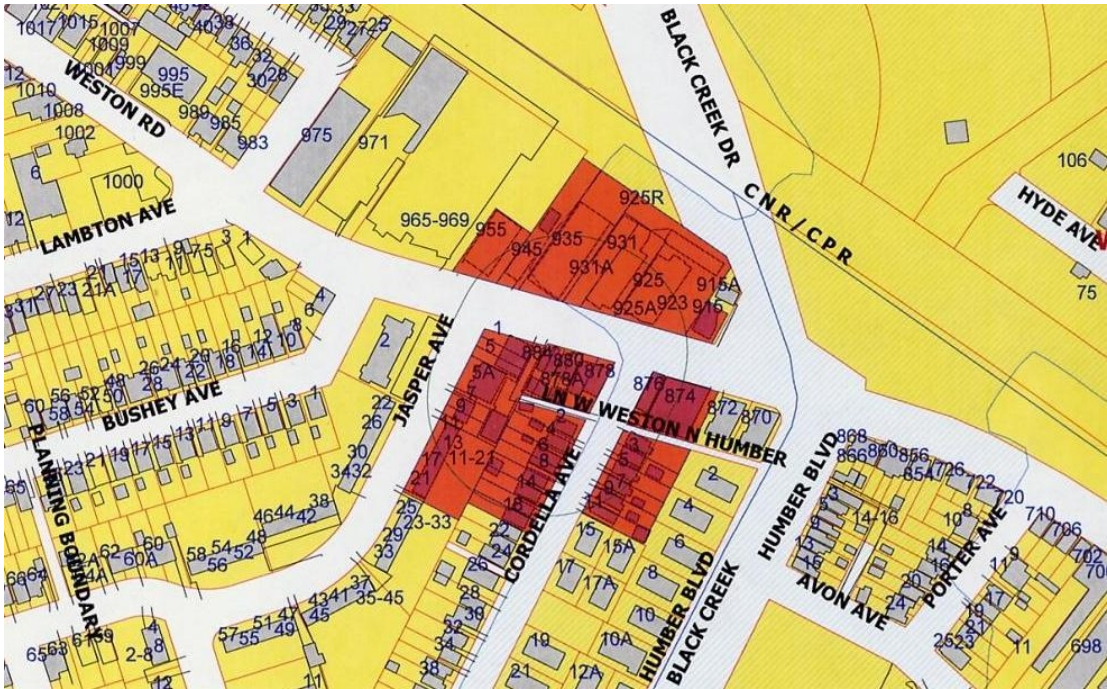
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SIGNATURE

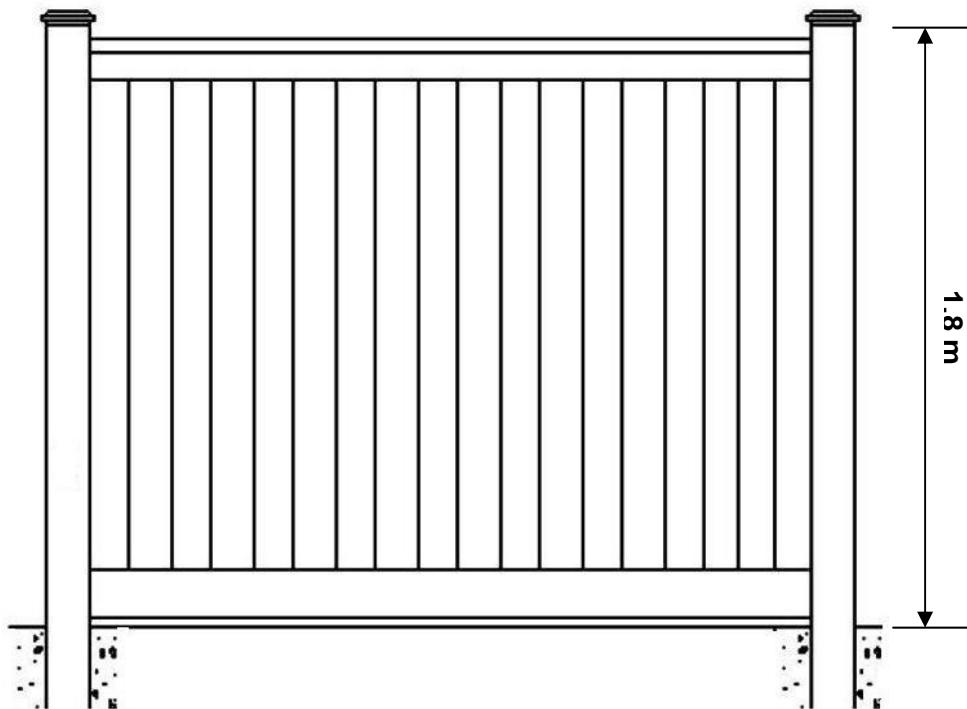
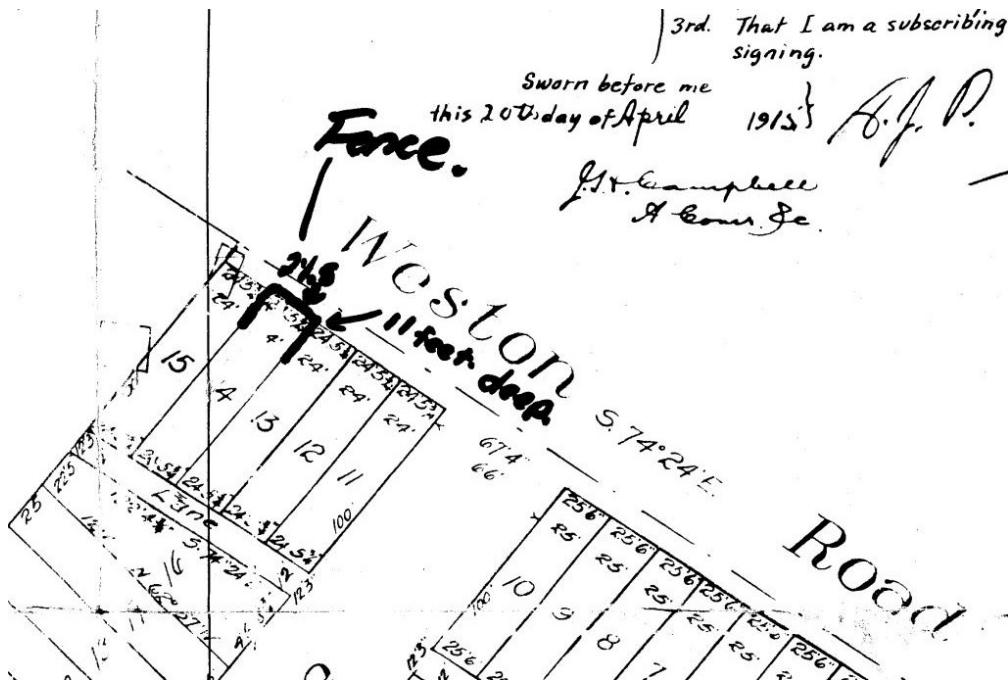
Eletta Purdy, District Manager
Municipal Licensing and Standards
Etobicoke York District

ATTACHMENTS

Attachment 1: Maps showing the Aerial View and extent of Public Notification
Attachment 2: Property Survey and Typical Fence Construction
Attachment 3: Photos showing the Fence and Site Conditions



Attachment 1: Maps showing the Aerial View and extent of Public Notification



Attachment 2: Property Survey and Typical Fence Construction



Photo showing Fence at Front Yard and Neighbouring Properties



Photo showing Traffic on Weston Road and Public Garage across the Street

Attachment 3: Photos showing the Fence and Site Conditions