

**Application for Fence Exemption  
35 Elma Street**

<b>Date:</b>	October 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 13-234856 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 35 Elma Street for a Fence Exemption to maintain an existing hedge, 3.35 metres (11 feet) in height and 15.24 metres (50 feet) in length, located at the rear yard of the subject property on the east side adjacent to 31 Elma Street. The existing fence (hedge) is in violation of the height restrictions set out in Chapter 447 of the City of Toronto Municipal Code.

**RECOMMENDATIONS**

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**Municipal Licensing and Standards recommends that:**

1. Etobicoke York Community Council refuse the request for an exemption submitted by the property owner of 35 Elma Street to maintain an existing hedge, 3.35 metres (11 feet) in height and 15.24 metres (50 feet) in length, located at the rear yard of the subject property on the east side adjacent to 31 Elma Street, on basis that this hedge, being also defined as a fence, is in excess of the permitted height of a fence under the provisions of the City of Toronto Municipal Code, Chapter 447, Fences.

## **Financial Impact**

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

## **DECISION HISTORY**

An application for a fence exemption was submitted by the property owner. The subject fence is a hedge located at the rear yard on the east side of 35 Elma Street; therefore the adjoining property owner at 31 Elma Street has been notified by the City Clerk's office of the date that the application will be considered by the Etobicoke York Community Council (Attachment 1).

## **ISSUE BACKGROUND**

A complaint was received that a hedge located at 35 Elma Street is too high.

Inspection conducted by a Municipal Standards Officer revealed that the hedge in question is located at the rear yard on the east side of 35 Elma Street, adjacent to 31 Elma Street (Attachments 1 and 3). The hedge is measured 3.35 metres (11 feet) in height and 15.24 metres (50 feet) in length (Attachment 2).

This hedge, being defined as a fence in the City of Toronto Municipal Code, Chapter 447, Fences, is in excess of the permitted height of 2 metres (6 feet 7 inches) for fences at the rear yard under the Code. As a result, a Notice of Violation was issued to the property owner.

In response to the Notice, an application for Fence Exemption was submitted, by the property owner, on the grounds that the hedge is attractive and provides the property with privacy and shelter from noise and pollution from the adjacent parking lot and garbage storage (Attachment 3).

## **COMMENTS**

The subject hedge, being defined as a fence at the rear yard, is limited to a maximum height of 2.0 metres under section 447-2B of the City of Toronto Code, Chapter 447, Fences.

There are no assessed safety or sightline issues with the presence of the existing hedge.

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

1. The hedge is required to be maintained no higher than the existing 3.35 metres height by regular trimming; and
2. When the hedge is replaced, it has to comply with the City of Toronto Municipal Code, Chapter 447, Fences or its successor by-law.

## **CONTACT**

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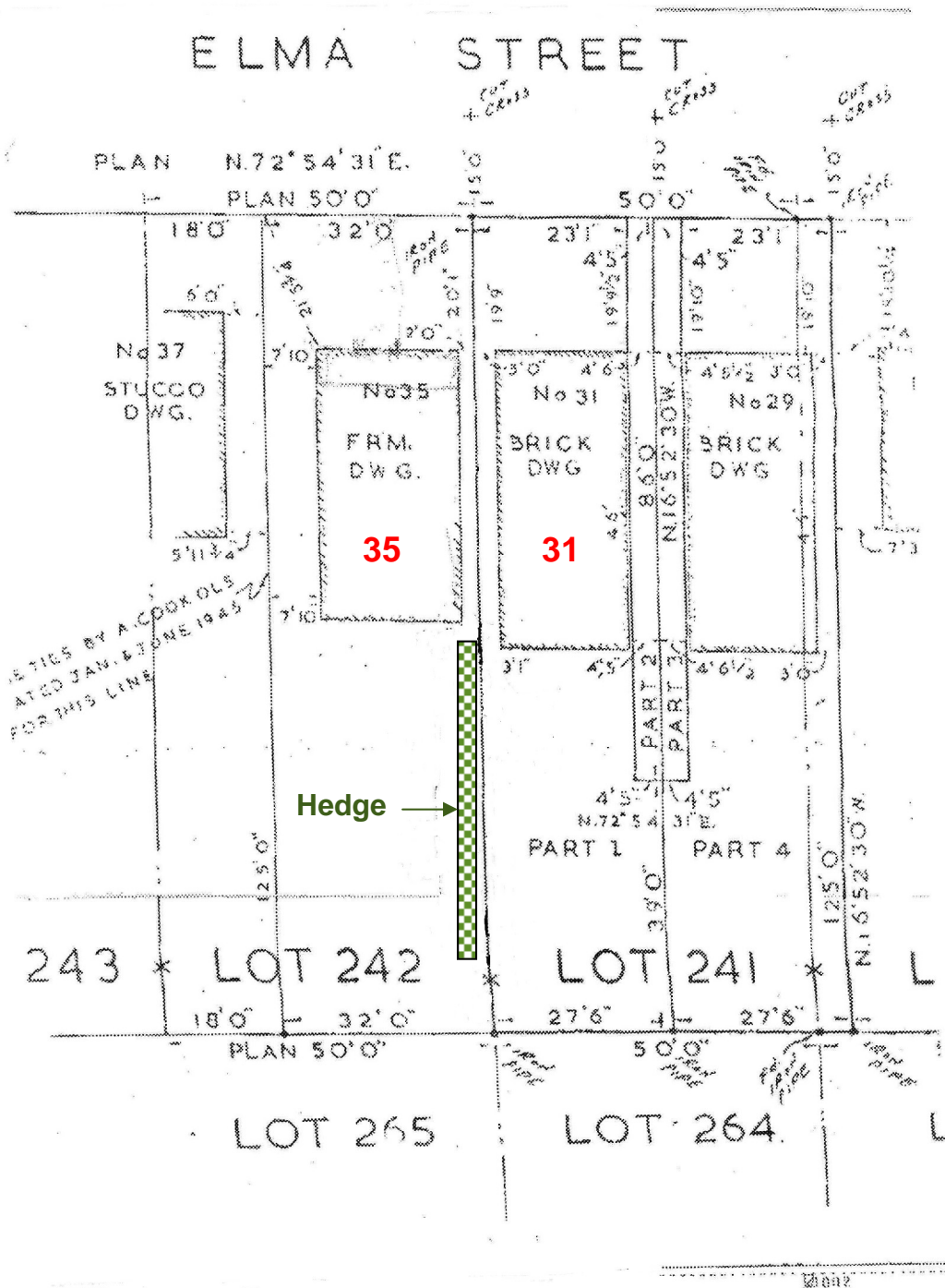
## **SIGNATURE**

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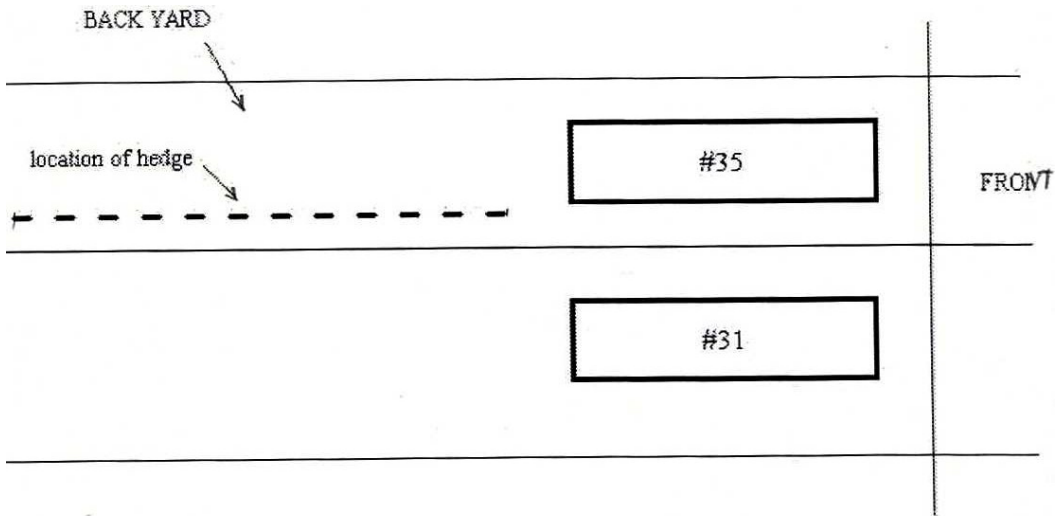
Eletta Purdy, District Manager  
Municipal Licensing and Standards  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Site Survey  
Attachment 2: Plan and Elevation  
Attachment 3: Photographs of Hedge (view from 31 and 35 Elma Street)

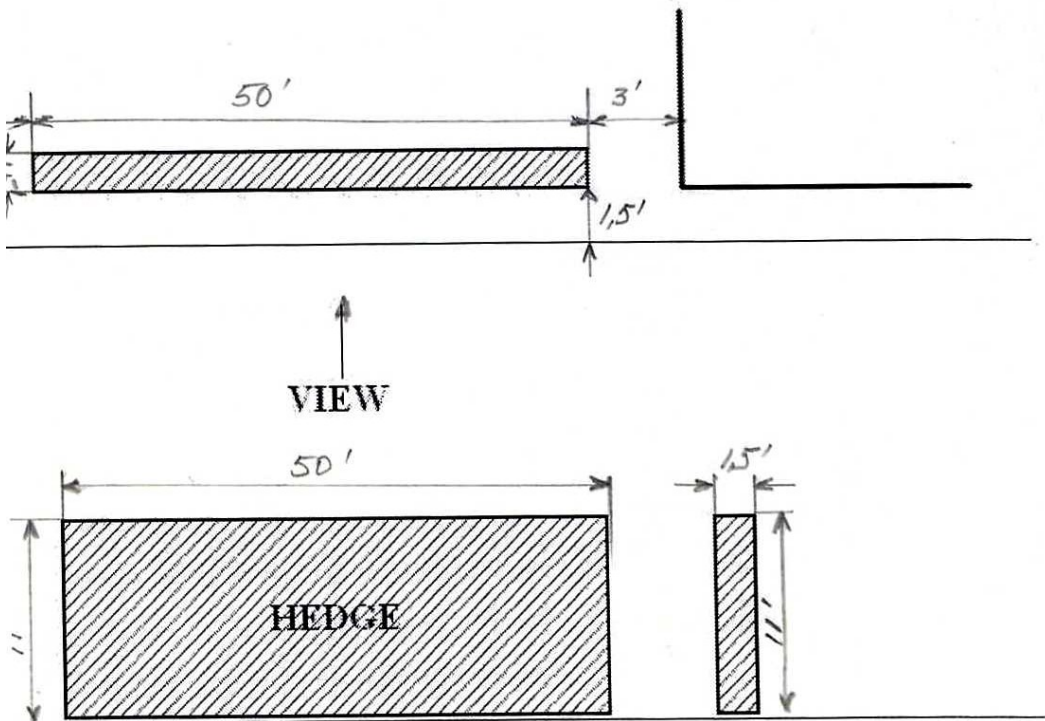


**Attachment 1: Site Survey**



**Detail plan**

To scale rules.



**Attachment 2: Plan and Elevation**



View from backyard of 35 Elma Street



View from backyard of 31 Elma Street

**Attachment 3: Photographs of Hedge (View from 31 and 35 Elma Street)**