



**STAFF REPORT  
ACTION REQUIRED**

**Application for Fence Exemption  
145 Judson Street**

<b>Date:</b>	October 30, 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 13-219798 and 13-228786

**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 InterArch Inc. on behalf of the property owner of 145 Judson Street for a Fence Exemption to maintain an existing corrugated metal fence, ranging from 3.05 metres (10 feet) to 4.27 metres (14 feet) in height, installed along the perimeter of the subject property. The fence is in violation of City of Toronto Municipal Code, Chapter 447 - Fences.

**RECOMMENDATIONS**

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**Municipal Licensing and Standards recommends that:**

1. Etobicoke York Community Council refuse the application submitted by InterArch Inc. on behalf of the property owner of 145 Judson Street for a Fence Exemption to maintain an existing corrugated metal fence, ranging from 3.05 metres (10 feet) to 4.27 metres (14 feet) in height, installed along the perimeter of the subject property, as the fence does not comply with 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's architect. The subject fence is erected along the perimeter of the property fronting Judson Street and flanking Etona Court, therefore all property owners within a 60-metre radius of 145 Judson Street were 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 the fence located at 145 Judson Street is too high.

Inspection conducted by a Municipal Standards Officer revealed that the fence in question is a corrugated metal fence erected along the perimeter of the property fronting Judson Street, flanking Etona Court to the east and backing on a private street that leads to the GO Transit depot at 171 Judson Street (Attachment 2). The fence varies in height from 3.05 metres (10 feet) at the rear as well as the southern portion of Etona Court flankage, 3.66 metres (12 feet) on the northern portion, and 4.27 metres (14 feet) at the Judson Street frontage (Attachments 3 and 4). A Notice of Violation was issued.

The property at 145 Judson Street is used for outside storage of raw materials. This matter is currently subject to a Zoning Notice of Violation as the use is not permitted under the Zoning By-laws. There is no permanent building on site. Corrugated metal fence is a prohibited fence under the City of Toronto Municipal Code, Chapter 447, Fences. Additionally, the fence is in excess of the permitted height of 2.5 metres (8 feet 2 inches) for fences on non-residential properties under the regulations. As a result, a Notice of Violation was issued to the property owner.

In response to the Notice of Violation, an application for Fence Exemption was submitted on the grounds that the fence provides the property with privacy, safety and aesthetics.

## **COMMENTS**

Corrugated metal is not permitted to be used in any fence under section 447-2A(3) of the City of Toronto Municipal Code, Chapter 447, Fences.

As there is no permanent building on site to identify the front yard and flankage yard in order to determine the maximum height permitted at the respective locations, the maximum height of the fence at this non-residential property is taken as 2.5 metres (8 feet 2 inches), in accordance with section 447-2B of the City of Toronto Municipal Code,

Chapter 447, Fences. The fence is in excess of the permitted height by 0.55 metres (1 foot 10 inches) at the lowest point and 1.77 metres (5 feet 10 inches) at the highest point.

While there are no specifically marked driveways at the subject property, the entrance (metal gate #1) and exit (metal gate #2) provided are wide enough (7.64 metres and 9.04 metres) not to cause any safety or sightline issues with the ingress or egress for loading and unloading vehicles.

The applicant indicates the fence is for privacy, safety and aesthetics. The fence may provide some barrier to contain dust and noise, as well as act as a visual screen to hide the operations from the immediate neighbourhood (Attachment 5).

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

1. The side-hung metal gate on Judson Street frontage (Attachment 2) is to be reinstalled to avoid encroaching on City road allowance when it opens; and
2. When the fence is replaced it should be constructed in compliance with 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: Plan showing properties within 60 metres of 145 Judson Street

Attachment 2: Site Plan

Attachment 3: Photographs of Fence (View from Judson Street and Etona Court)

Attachment 4: Photographs of Fence (View from private street at rear & Islington)

Attachment 5: Photographs showing the site condition within the fenced area







**ETONA COURT**

**JUDSON STREET**

View from Judson Street frontage and Etona Court flankage



**ETONA COURT**

View from Etona Court flankage

**Attachment 3: Photographs of Fence (View from Judson Street and Etona Court)**



View from private street at rear and Etona Court flankage



View from Islington Avenue showing the end of fence at Judson frontage

**Attachment 4: Photographs of Fence (View from private street at rear & Islington)**





**Attachment 5: Photographs showing the site condition within the fenced area**