Application for Fence Exemption
14 Shadowbrook Drive

Date: June 12, 2013
To: Etobicoke York Community Council
From: Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards: Ward 3, Etobicoke Centre
Reference Number: Municipal Licensing and Standard Folder Number 13170577 FEN

SUMMARY

This staff report is in response to an application submitted by the owner of 14 Shadowbrook Drive to erect a board on board wood fence atop a concrete retaining to be located within the front and side yard, adjacent to the property located at 12 Shadowbrook Drive. The fence will be in violation of the height restrictions for the front and side yards as set out in Chapter 447 of the Municipal Code. This is a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

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

Etobicoke York Community Council refuse the application by the owner at 14 Shadowbrook Drive, as the proposal does not comply with provisions of Toronto Municipal Code, Chapter 447, Fences, Section 447-2B and 2C, Table 1.

Financial Impact

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

The property owner has submitted an application requesting an exemption to the requirements of Chapter 447, Fences, for the purpose of installing a fence which is to be located along the south property line and will be located from the front yard to the rear property line. The board on board fence will be located at the top of a concrete retaining wall and will vary in height in the front yard from 1.46 metres to 1.68 metres, after adjustment of the grade difference between the two adjoining properties, 12 and 14 Shadowbrook Drive. The board on board fence atop the retaining wall continues along the side yard and is to measure 2.29 metres in lieu of 2.0 metres as is required by the fence regulations, Attachments 1 and 2.

COMMENTS

The provisions of Toronto Municipal Code, Chapter 447, Fences, Section 447-2B, Table 1, regulates the maximum height of a fence within the front yard at 1.2 metres and the maximum height of 2.0 metres beyond the front wall of the house at the side yard.

Section 447-2C(1) further requires fences within 2.4 metres of any driveway shall be of open mesh chain-link or of equivalent open-fence construction for at least 2.4 metres from the property line at which the driveway begins so as not to obstruct the view of the boulevard or highway.

Apart from providing privacy, the fence on top of the concrete retaining wall will also act as a guard to protect from fall from higher ground, which is required where there is a difference in grade for more than 1.0 metres.

While there is a distance of approximately 6.4 metres from the front lot line to the street, the property owner has decided to move the fence back for 1.87 metres in order to provide clear space between the front lot line and the fence in order to maintain adequate traffic sightline for safety reasons, albeit less than the 2.4 metres regulated set back, Attachments 3 and 4.

CONTACT

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SIGNATURE

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Curtis Sealock, District Manager
Municipal Licensing and Standards
Etobicoke York District

ATTACHMENTS

Attachment 1: Property Survey
Attachment 2: Fence Elevation and Plan
Attachment 3: Photos showing Fence Location
Attachment 4: Photo and Elevation showing Traffic Sight Line Clearance provided
Attachment 1: Property Survey
Attachment 2: Fence Elevation and Plan
Above: Fence to be maintained at 1.2 m high measured from the side of 12 Shadowbrook

Below: Fence on the side of 14 Shadowbrook is effectively higher with the retaining wall

Attachment 3: Photos showing Fence Location
Attachment 4: Photo and Elevation showing Traffic Sight Line Clearance provided

This Fence Post on front lot line to be removed