Application for Fence Exemption
26 Emerald Crescent

Date: December 8, 2013
To: Etobicoke York Community Council
From: Eletta Purdy, District Manager, Municipal Licensing and Standards
Wards: Ward 6 Etobicoke – Lakeshore
Reference Number: Municipal Licensing and Standards Folder No. 13-236380 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 26 Emerald Crescent to maintain a wrought iron picket fence with an average height of 1.6 metres (5 feet 2 inches) located at the front yard of the property and an existing 2.08 metres (6 feet 10 inches) high close board wood fence with a lattice top at the rear yard adjacent to 24 Emerald Crescent.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that:

1. Etobicoke York Community Council refuse this application for an exemption submitted by the owner of 26 Emerald Crescent to maintain a wrought iron picket fence with an average height of 1.6 metres (5 feet 2 inches) located at the front yard of the property, and the existing 2.08 metres (6 feet 10 inches) high close board wood fence with a lattice top at the rear yard adjacent to 24 Emerald Crescent, as both sections of fence do not comply with provisions of Toronto Municipal Code, Chapter 447, Fences.

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 front yard. Accordingly all property owners within a 60-metre radius of 26 Emerald Crescent 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 311 Office that a fence erected at the front yard of 26 Emerald Crescent is too high. Inspection revealed that a wrought iron picket fence with an average height of 1.6 metres (5 feet 2 inches) has been installed at the front yard of the property adjacent to 28 Emerald Crescent (Attachments 2 and 3). It was also noted that the existing close board wood fence with a lattice top at the rear yard adjacent to 24 Emerald Crescent is 2.08 metres (6 feet 10 inches) in height (Attachment 4).

Section 447-2B, Table 1, in Chapter 447 of Toronto Municipal Code, Fences, regulates the height of a fence for a single residential property to a maximum of 1.2 metres (4 feet) at the front yard, and 2.0 metres (6 feet 7 inches) at the rear yard. The height of the wrought iron picket fence at the front yard exceeds the permitted height by 0.4 metres (16 inches) and the close board wood fence at the rear yard exceeds the permitted height by 8 centimetres (3 inches).

COMMENTS

The property is a single family detached dwelling located in a residential neighbourhood at the end of Islington Avenue south of Lake Shore Boulevard West near the water front.

The applicant submitted that the completed fence was intended to identify the boundary to avoid encroachment and for safety and aesthetic reasons.

Notwithstanding its proximity to the neighbour's driveway at 28 Emerald Crescent, the wrought iron fence does not create any traffic sight line obstruction as it is of open construction. However, the first two panels of this fence, of approximately 3 metres in length, were found to be encroaching on the City road allowance.

There was no complaint received for the existing close board wood fence at the rear yard.
Should the staff recommendation not be accepted and the request by the applicant approved, the following condition of approval should be imposed:

1. The property owner is required to obtain an encroachment agreement from Transportation Services (Right of Way Management) or for the encroaching section of the fence at the front yard, or remove the encroachments within 60 days.

2. When the fence is replaced, it shall be constructed in compliance with Chapter 447 of Toronto Municipal Code, 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: Maps showing the Aerial View and extent of Public Notification
Attachment 2: Property Survey and Fence Detail
Attachment 3: Photos showing Wrought Iron Fence at Front Yard
Attachment 4: Photos showing Close Board Wood Fence at Rear Yard
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Fence Exemption Request for 26 Emerald Crescent