TORONTO

STAFF REPORT
ACTION REQUIRED

Application for Fence Exemption
62 Claymore Drive

Date:	February 6, 2014
To:	Etobicoke York Community Council
From:	Eletta Purdy, District Manager, Municipal Licensing and Standards
Wards:	Ward 5, Etobicoke - Lakeshore
Reference Number:	Municipal Licensing and Standard Folder 13-269412 FEN

SUMMARY

This staff report is in regard to a matter for which the Etobicoke York Community Council has delegated the 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 62 Claymore Drive for Fence Exemption to maintain a row of Ornamental Cedars at a height of 1.4 meters (4.6 feet) and the wrought iron picket fence at a height of 1.4 meters (4.6 feet), located in the front yard adjacent to and approximately 0.5 meters (1.6 feet) from the driveway at 60 Claymore Drive and up to the front lot line. The existing fence and hedge is in violation of the height, location and construction restrictions set out in City of Toronto Municipal Code, Chapter 447, Fences.

RECOMMENDATIONS

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

1. Refuse the request for an exemption submitted by the property owner of 62 Claymore Drive to maintain a row of Ornamental Cedars at a height of 1.4 meters (4.6 feet) and the wrought iron picket fence at a height of 1.4 meters (4.6 feet), located in the front yard adjacent to and approximately 0.5 meters (1.6 feet) from the driveway at 60 Claymore Drive and up to the front lot line, on the basis that fence and hedge is in violation of the height, location and

construction restrictions set out in City of Toronto Municipal Code, Chapter 447, Fences.

2. Direct that a second Notice of Violation be given under City of Toronto Municipal Code, Chapter 447, Fences.

Financial Impact

There are no financial implications.

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 62 Claymore have been notified by the City Clerk's office of the date that the application for exemption will be considered by Etobicoke York Community Council (Attachment 1).

ISSUE BACKGROUND

A complaint was received that a wrought iron picket fence with burlap attached and cedar hedge located at the front yard of 62 Claymore Drive was obstructing the view of the traffic in relation to the boulevard and roadway.

An inspection conducted by a Municipal Standards Officer revealed that the wrought iron fence averaged 1.4 meters (4.6 feet) high and the cedar hedge averaged 1.6 meters (5.3 feet) high and was spaced approximately 0.1 meters (4 inches) apart. Attached to the wrought iron fence and running the full length of the fence was a double layered strip of burlap, approximately 1.2 meters (4 feet) high. The wrought iron fence and cedar hedge runs adjacent to the driveway at 60 Claymore Drive at approximately 0.5 meters (1.5 feet) from the driveway and to the front lot line of 62 Claymore Drive. (Attachments, 2, 3 and 4)

Under the City of Toronto Municipal Code, Chapter 447, Fences, front yard fences must not exceed 1.2 meters (4 feet) high and the cedar hedge is considered a fence.

Additionally, any fence within 2.4 meters (7.9 feet) from the front lot line and located within 2.4 meters from any driveway shall be of open-fence construction such as chain link, so as not to obstruct the view of the boulevard or roadway.

In accordance with City of Toronto Municipal Code, Chapter 447 Fences, the wrought iron fence is 0.2 meters (8 inches) too high; the cedar hedge is 0.4 meters (1.3 feet) too high. The property owner has since removed the burlap strip leaving the cedar hedge (fence) that remains a potential obstruction to the view of the boulevard or roadway for

2.4 meters from the front lot line. As a result of these findings of non-compliance, a Notice of Violation was issued to the property owner.

In response to the Notice, the property owner submitted an application for a Fence Exemption, on the grounds that the fence and hedge provides privacy, safety and security for their family and the hedge is aesthetically pleasing.

COMMENTS

The subject fence and hedge are in violation of City of Toronto Municipal Code Chapter 447, Fences, with respect to height, location and construction. The hedge may present a safety hazard as it may serve as an obstruction to the view of the boulevard or roadway.

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

1. The hedge is required to be maintained no higher than the height specified by Etobicoke York Community Council; and

2. When the wrought iron fence and / or hedge are replaced, they must to comply with the City of Toronto Municipal Code, Chapter 447, Fences or its successor by-law.

CONTACT

Gail Pryce, Acting Supervisor
Municipal Licensing and Standards
Etobicoke York District
Tel: 416-396-7431
Email: gpryce@toronto.ca

SIGNATURE

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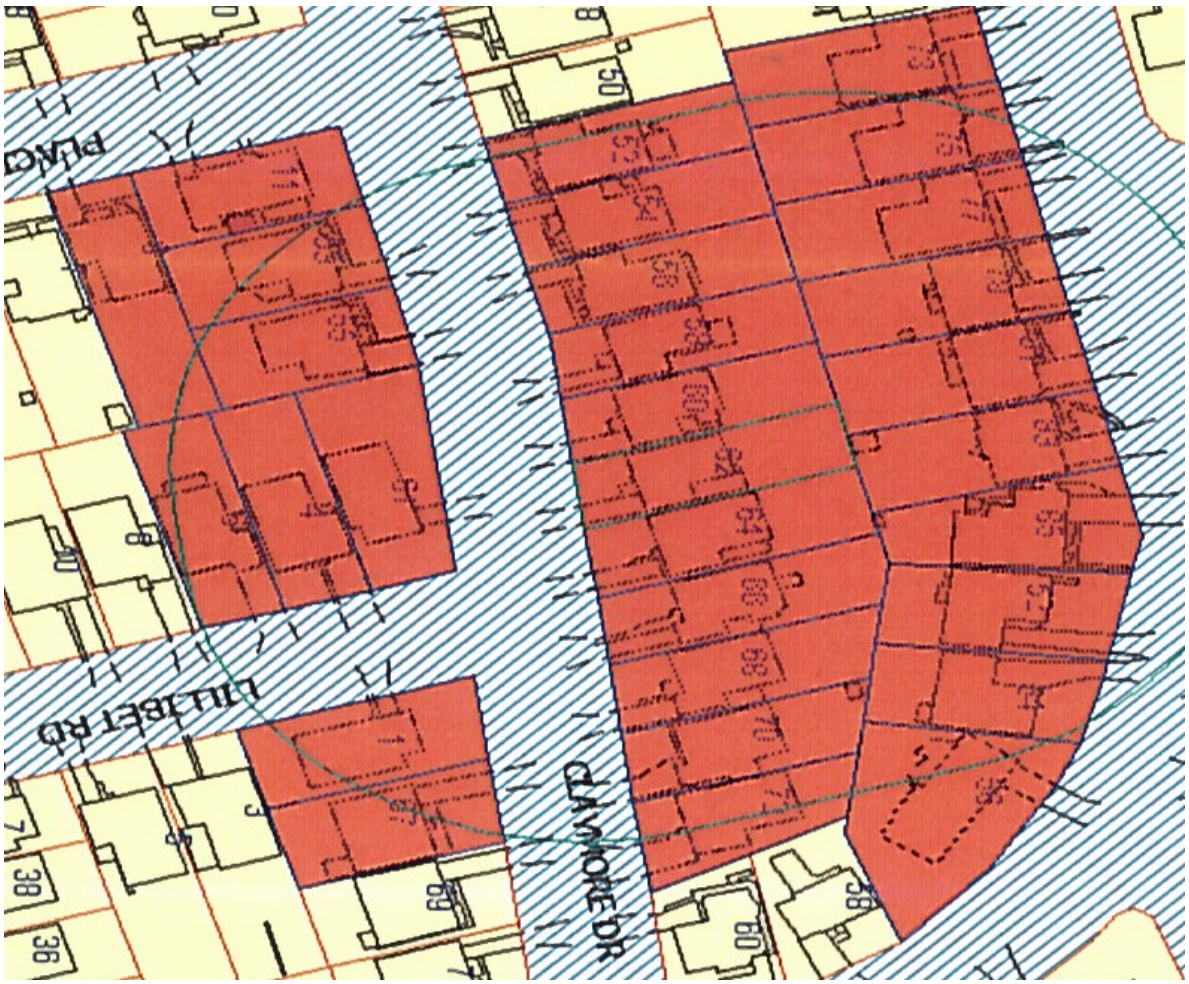
Eletta Purdy, District Manager
Municipal Licensing and Standards
Etobicoke York District

ATTACHMENTS

Attachment 1: Plan showing properties within 60 meters of 62 Claymore Drive
Attachment 2: Fence height over 1.2 meters view from 60 Claymore Drive
Attachment 3: View from 62 Claymore Drive
Attachment 4: Map of with 62 Claymore Drive lot line measurement

Attachment 1: Plan showing properties within 60 meters of 62 Claymore Drive



Attachment 2: Fence height over 1.2 meters view from 60 Claymore Drive



Attachment 3: View from 62 Claymore Drive



Attachment 4: Map of with 62 Claymore Drive lot line measurement

