

**Application for Fence Exemption
5 Watt Avenue**

Date:	December 11, 2014
To:	Etobicoke York Community Council
From:	Eletta Purdy, District Manager, Municipal Licensing and Standards
Wards:	Ward 12, York South - Weston
Reference Number:	Municipal Licensing and Standards Folder 14 238363 FEN 00 IR

SUMMARY

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 owner of 5 Watt Avenue to maintain a board on board fence higher than 1.2 meters located in the front yard of the property. The fence is in violation of the open-fence construction and height, requirements for fences in a front yard as specified 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 5 Watt Avenue to maintain a solid fence in the front yard on the basis that the fence is in violation of City of Toronto Municipal Code, Chapter 447, Fences with respect to the height and open-fence construction requirements; and
2. Direct that a second unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

An application for a fence exemption was submitted by the property owner of 5 Watt Avenue. The fence is located in the front yard. Accordingly, all property owners within a 60-metre radius of 5 Watt Avenue 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 fence located within the front yard of 5 Watt Avenue was in violation of the City of Toronto Municipal Code, Chapter 447, Fences (TMC 447).

An inspection conducted by a Municipal Standards Officer revealed two sections of solid wood board fencing at the front yard of 5 Watt Avenue. The first section of fence is 0.95 meters (~3.1 feet) high with a length of 2.05 meters (~6.7 feet) and is located on the city road allowance. The second section of fence is located on private property, is 1.89 meters (~6.2 feet) high, and abuts the shared lot line between 3 and 5 Watt Avenue for 7.0 metres (~23 feet) from the front lot line in the front yard and adjacent to both driveways. (Attachments 2, 3, 4 and 5)

The provisions of TMC 447, regulates the maximum height of a fence within the front yard at 1.2 metres (~4 feet). TMC 447 also provides that the fence construction within 2.4 metres (~7.9 feet) of a driveway and 2.4 metres from the lot line be of open-fence construction.

As a result of these findings of non-compliance with TMC 447, a Notice of Violation was issued to the property owner.

In response to the Notice, the property owner of 5 Watt Avenue submitted an application for a Fence Exemption. The request was made for reasons of privacy and aesthetics.

COMMENTS

The subject fence is in violation of TMC 447- Fences, with respect to height and open-fence construction. The fence may present a safety hazard regarding obstructing the view of the boulevard or roadway.

Should the staff recommendation not be accepted and the request by the applicant approved to keep the fence as indicated in this report, the conditions of such approval should include:

1. The property owner is required to either obtain an encroachment agreement or carry out the necessary alterations to the fence as required by Transportation Services (Right of Way Management) due to the encroachment on the City road allowance; and
2. When the fence is replaced, it shall be constructed in compliance with the City of Toronto Municipal Code, Chapter 447, Fences or its successor by-law.

CONTACT

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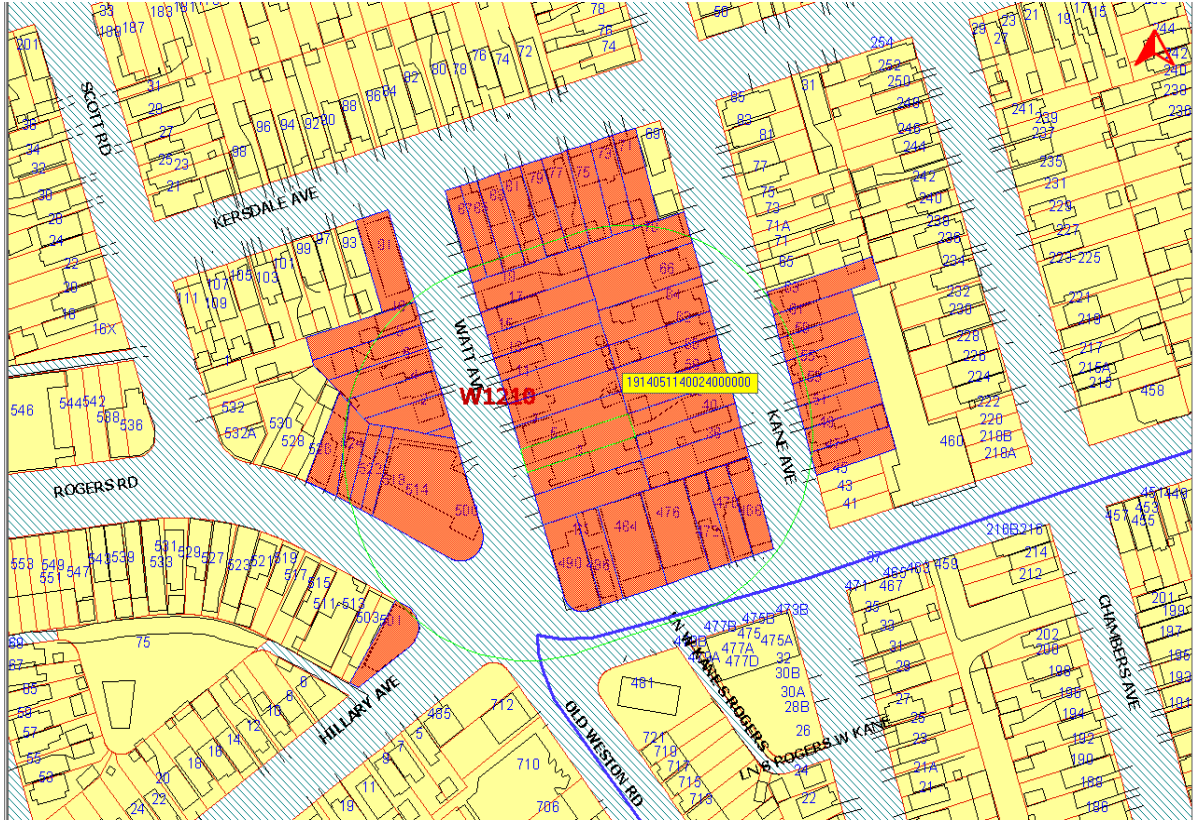
SIGNATURE

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

ATTACHMENTS

Attachment 1:	Notification area
Attachment 2:	Aerial photograph of property lines
Attachment 3:	Site Plan, (as provided by applicant)
Attachment 4:	Photograph of fence at 5 Watt Avenue
Attachment 5:	Photograph of fence at 5 Watt Avenue

Attachment 1:
Notification Area

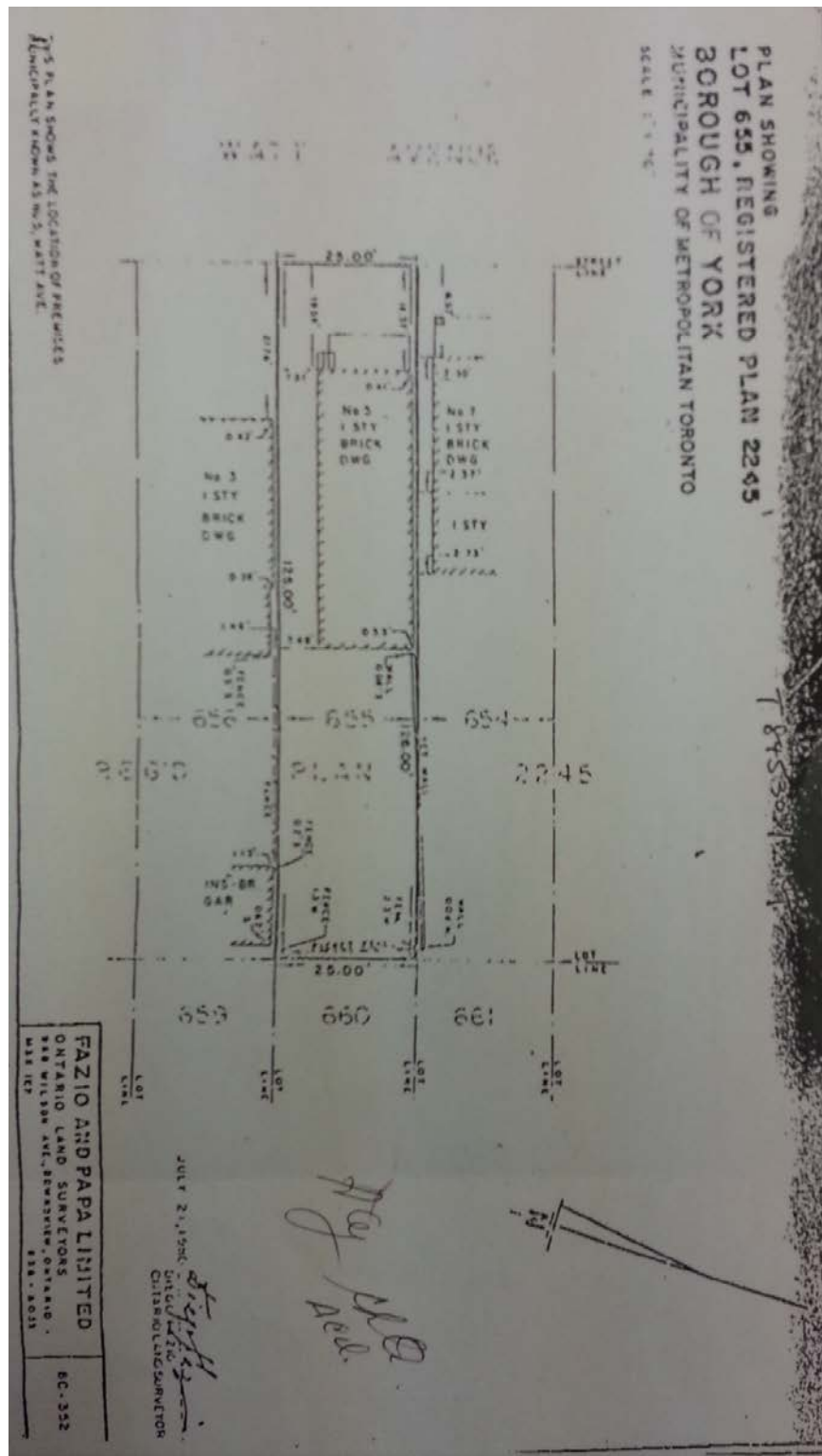


Attachment 2

Aerial photograph showing location of property lines, and fence



Site Plan, (as provided by applicant)



Attachment 4: Photograph of fence at 5 Watt Avenue



Attachment 5: Photograph of fence at 5 Watt Avenue

