TORONTO

STAFF REPORT
ACTION REQUIRED

Application for Fence Exemption
29 Church Street

Date:	December 18, 2015
To:	Etobicoke York Community Council
From:	Kimberley Kilburn, District Manager, Municipal Licensing and Standards
Wards:	Ward 11 – York South – Weston
Reference Number:	Municipal Licensing and Standards Folder # 15 240404 FEN 00 IR

SUMMARY

This staff report is in regards 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 29 Church Street to maintain a hedge fence in excess of the height requirements and contrary to the open fence construction requirement specified in City of Toronto Municipal Code, Chapter 447, Fences.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke York Community Council give consideration to the exemption application and decide to:

1. Refuse the application for an exemption submitted by the owner of 29 Church Street to maintain a hedge fence, which does not comply with provisions of City of Toronto Municipal Code, Chapter 447, Fences, and direct that a second unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences; or

2. Grant the exemption to permit the hedge fence be maintained at the specified height and require that the installation be maintained in good repair without alteration. At such time as replacement of the fence is required that the

replacement fence will comply with Municipal Code Chapter 447, or its successor by-law.

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. The fence is located in the front yard of the property, enclosing the garbage containment area and positioned beside the properties driveway. The current fence exceeds the maximum height and is not open fence construction. Accordingly, all required notifications have been sent in accordance with Municipal Code Chapter 447, by the City Clerk's office advising of the date that the application for the exemption will be considered by Etobicoke York Community Council. (Attachment 1)

ISSUE BACKGROUND

The property was investigated as a result of a complaint. It was determined that the fence does not comply with Toronto Municipal Code Chapter 447.

The following chart indicates the violations and relevant sections of Toronto Municipal Code Chapter 447, Fences:

LOCATION	ORIENTATION	DEFECT	SECTION
Front yard	The fence around the containment area is located on the north side of the property	Height of the fence exceeds the height permitted by the Chapter, namely the garbage containment area fence exceeds maximum height of 1.2 metres. The dimensions of the fence measures 12.5 m long, 5.9 m deep and 1.6m in height.	2B.(1)
Front yard	The fence around the containment area is located on the north side of the property	Any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway The existing hedge does not provide adequate visibility for drivers to ensure safety of pedestrians or other vehicular traffic	2C.(1)

COMMENTS

The subject fence is in violation of City of Toronto Municipal Code Chapter 447- Fences, and as a result staff recommends the application be refused due to the number of noncompliant features associated with the installation.

However, should Etobicoke York Community Council decide to grant the owner the exemption, the owner will be subject to the conditions for compliance as set out in Recommendation 2.

CONTACT

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SIGNATURE

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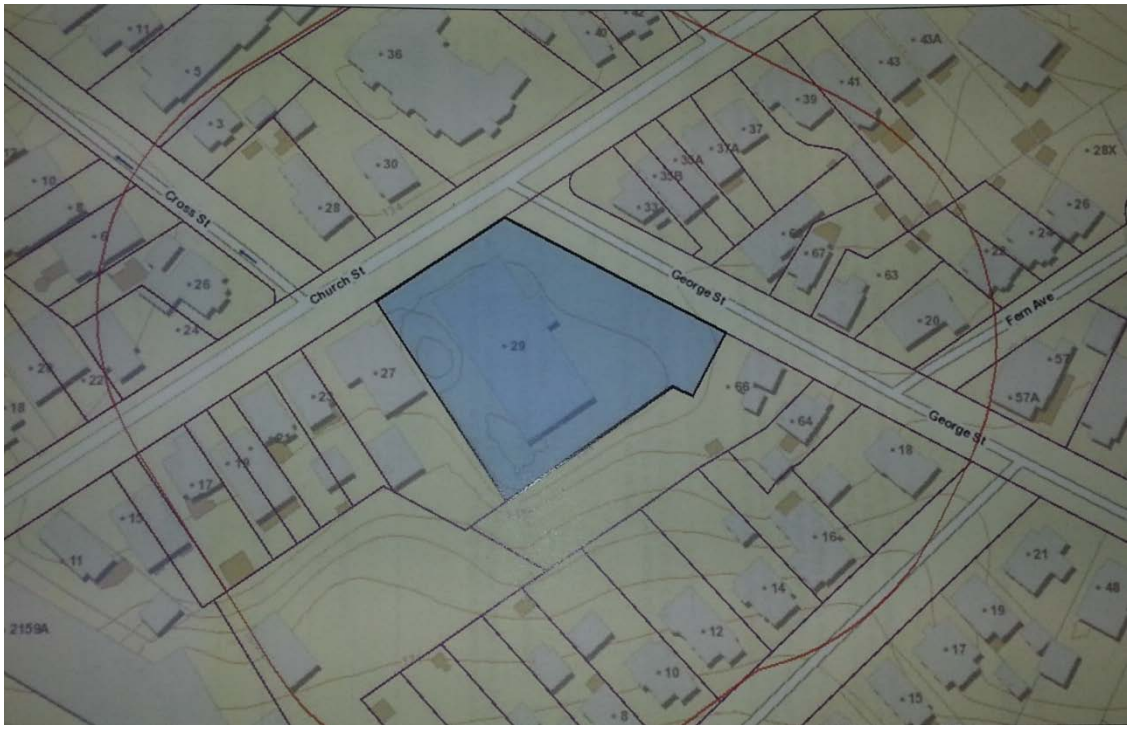
Kimberley Kilburn, District Manager
Municipal Licensing and Standards
Etobicoke York District

ATTACHMENTS

Attachment 1: View of properties adjacent to 29 Church Street
Attachment 2: Plans submitted by applicant
Attachment 3: 2 Photographs of fence/enclosure submitted by applicant
Attachment 4: 4 Photographs of fence/enclosure at 29 Church Street

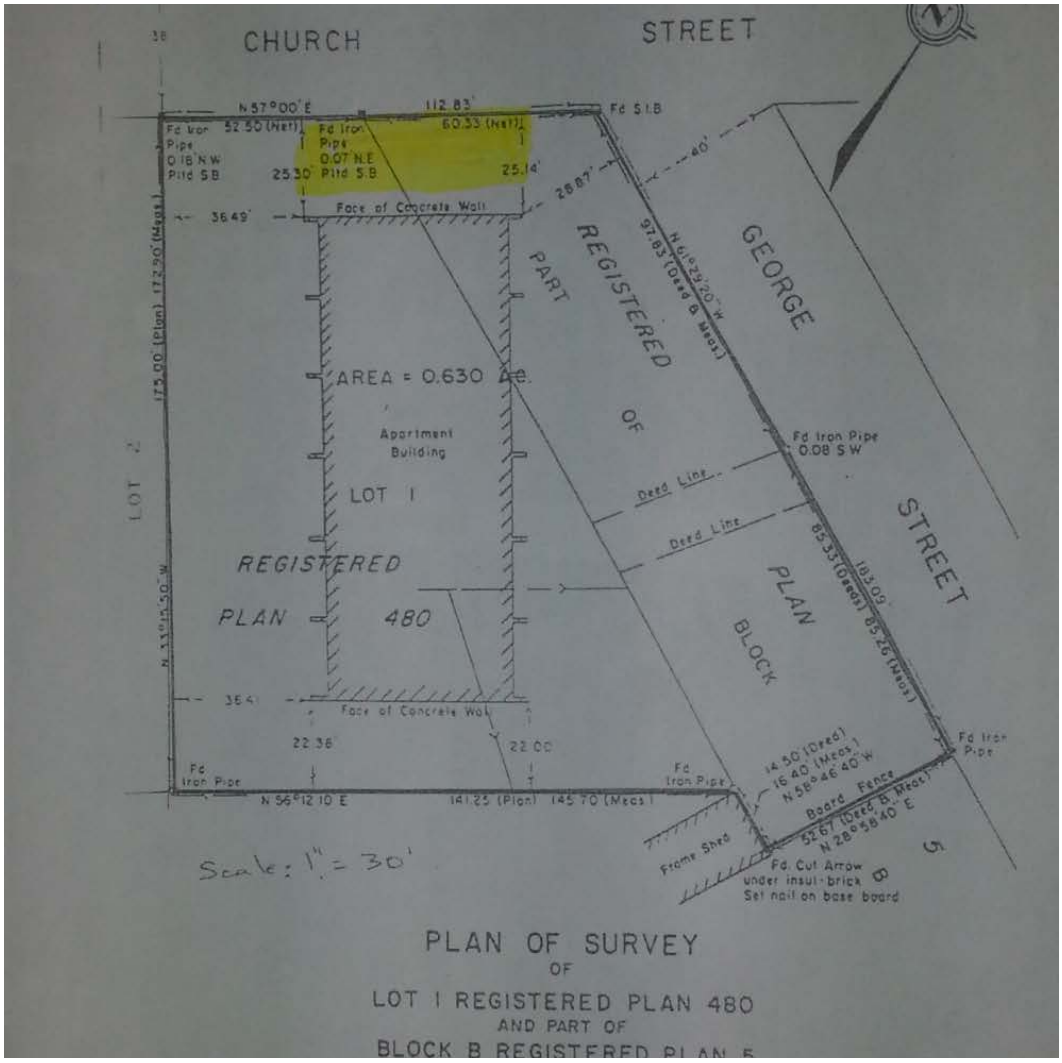
Attachment 1:

View of properties adjacent to 29 Church Street



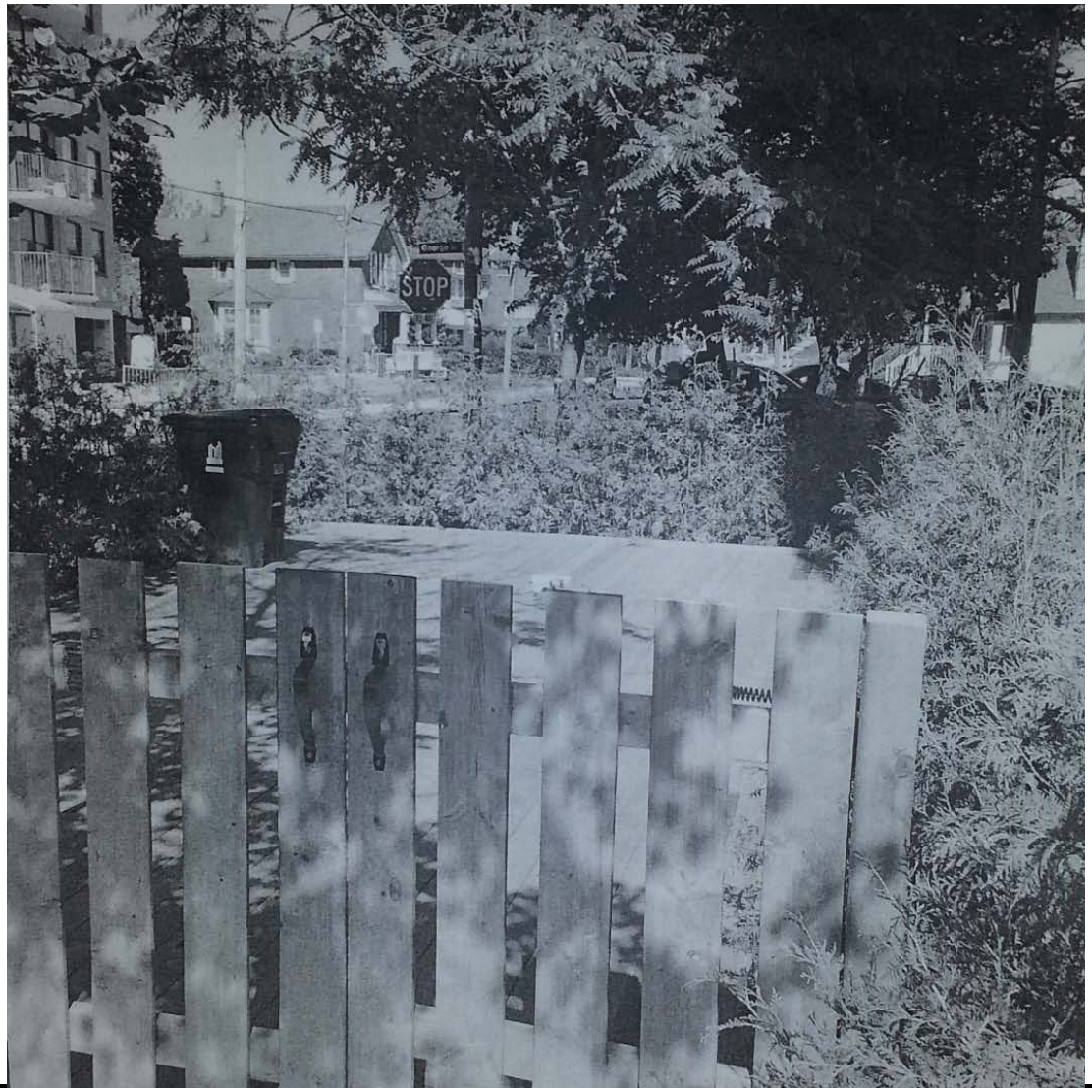
Attachment 2:

Plans submitted by applicant



Attachment 3:

2 Photographs of fence/enclosure submitted by applicant





Attachment 4:

4 Photographs of fence/enclosure at 29 Church Street







