



**STAFF REPORT
ACTION REQUIRED**

**Application for Fence Exemption
194 Rustic Road**

Date:	March 04, 2016
To:	Etobicoke York Community Council
From:	Kimberley Kilburn, District Manager, Municipal Licensing and Standards
Wards:	Ward 12 – York South – Weston
Reference Number:	Municipal Licensing and Standards Folder # 15 263137 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 194 Rustic Road to maintain a hedge fence in excess of the height requirements and a wood fence 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 194 Rustic Road to maintain a hedge and wooden 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 and wooden fence be maintained at the existing 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 of 194 Rustic Road. The fence is located in the front yard of the property, along the west side of the lot and positioned beside the neighbouring properties driveway. The current hedge fence exceeds the maximum height. The hedge and wooden fence are not open fence construction as required. 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	West property line	Height of the hedge fence exceeds the height permitted by the Chapter, namely the fence exceeds maximum height of 1.2 metres. The dimensions of the fence height vary from 1.7m at the south end to 2.4m in height at the north end beside the building wall for a distance of 8.6 m in total length.	2B.(1)
Front yard	West property line	The hedge and wooden fencing are in violation along the west side of the property and adjacent to the driveway at the neighbouring property as they obstruct visibility. 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	2C.(1)

LOCATION	ORIENTATION	DEFECT	SECTION
		so as not to obstruct the view of the boulevard or highway.	

COMMENTS

The subject fences are 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

Kimberley Kilburn, District Manager
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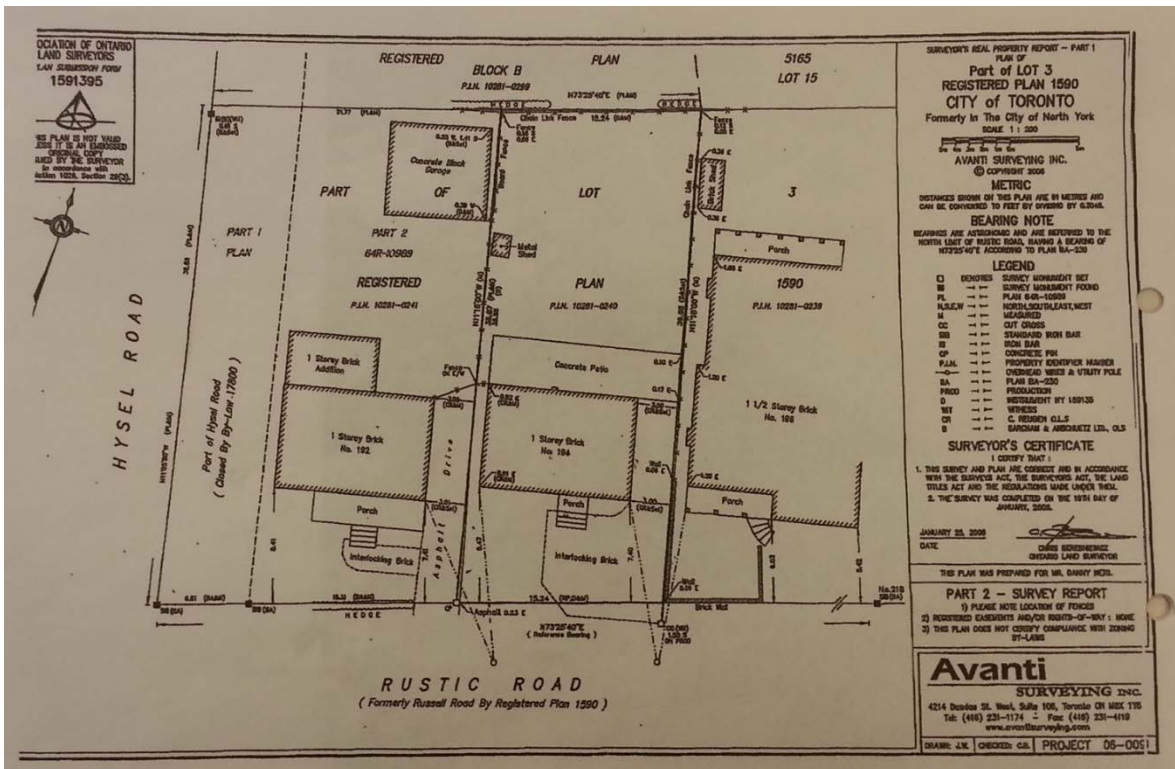
ATTACHMENTS

- Attachment 1: View of properties adjacent to 194 Rustic Road
- Attachment 2: Plans submitted by applicant
- Attachment 3: Photographs of fence at 194 Rustic Road

Attachment 1:
View of properties adjacent to 194 Rustic Road



Attachment 2:
Plans submitted by applicant



Attachment 3:
Photographs of fence at 194 Rustic Road



