

Application for Fence Exemption- 65 Princeton Road

Date: July 30, 2017
To: Etobicoke York Community Council
From: Peter Hardisty, District Manager, Municipal Licensing and Standards
Wards: Ward 5 – Etobicoke-Lakeshore

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 65 Princeton Road to maintain the existing cedar hedges in the front yard, existing wood fences in the rear and side yard, and existing wood fence in the front yard. All fences do not meet the requirements 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 to grant the application for an exemption, by the property owner of 65 Princeton Road, for the existing rear, side, and front yard fences which do not meet the specified height requirements, found in the City of Toronto Municipal Code Chapter 447. Direct that a second un-appealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences.

Or

2. Grant the application for a fence exemption by the property owner of 65 Princeton Road, without conditions, thereby allowing the front hedge; and front, rear, and side yard fences to be maintained, as erected. Direct and require that the fence be maintained in good repair without alteration. Direct and require that at such time as replacement of the fence is required, that such installations will comply fully with Municipal Code Chapter 447, or its successor by-law.

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

No previous decision history.

COMMENTS

The subject property is single family residential dwelling situated one block south of Dundas Street West and one block west of Royal York Road in Ward 5.(Attachment # 1).

The property owner is seeking relief from the by-law regulations to maintain front, rear, and side yard fencing that exceeds the permitted height(s), contrary to Section 447-2B.(1) and Section 447-2C.(1) of Chapter 447 of the Toronto Municipal Code.

The Municipal Licensing and Standards Division received a formal complaint on or about February 13, 2017 about a hedge height issue. The investigating Officer noted multiple fences on the property exceeded the permitted heights. This investigation led to a Notice of Violation dated February 14, 2017 being issued to the property owner. The property voluntarily applied for a fence exemption on or about February 24, 2017 once they were advised the existing fencing was in violation of the regulations.

As required by Section 447-5(C), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Etobicoke York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that the Etobicoke York Community Council will consider the application.

Municipal Licensing Standards' review of the existing rear yard fence installations – forming the enclosure around the existing swimming pool, has determined that it does not comply with Toronto Municipal Code, Chapter 447- Fences.

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Front Yard/West Elevation	West- abutting Princeton Road	The existing fence within 2.4 from a driveway is not constructed as an open-fence to permit sightlines and open access to a driveway and/or highway.	Section 447-2C.(1)

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Front Yard/North Elevation	North- abutting 67 Princeton Road respectively.	The existing hedge within 2.4 from a driveway is not constructed as an open-fence to permit sightlines and open access to a driveway and/or highway.	Section 447-2C.(1)

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Front Yard/North Elevation	North- abutting 67 Princeton Road respectively.	The existing fence in the front yard of a single residential dwelling measures 1.8m in height.	Section 447-2B.(1) Fence in a front yard – 1.2m

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Side Yard/North Elevation	North- abutting 67 Princeton Road respectively.	The existing fence in the side yard of a single residential dwelling measures 2.4m	Section 447-2B.(1) Any other fence – 2.0m

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Rear Yard/North Elevation	East- abutting 1078 Royal York Road respectively.	The existing fence in the rear yard of a single residential dwelling measures 2.33m	Section 447-2B.(1) Any other fence – 2.0m

The property owner seeks the exemption to maintain the front yard fence(s) for aesthetics and design considerations and the rear yard fence for privacy and security.

We recommend that the fences be replaced so as to fully comply with all provisions of the City of Toronto's Municipal Code, Chapter 447- Fences.

However, should the Committee decide to grant the exemption, such exemption should be subject to the conditions noted in Recommendation # 2.

CONTACT

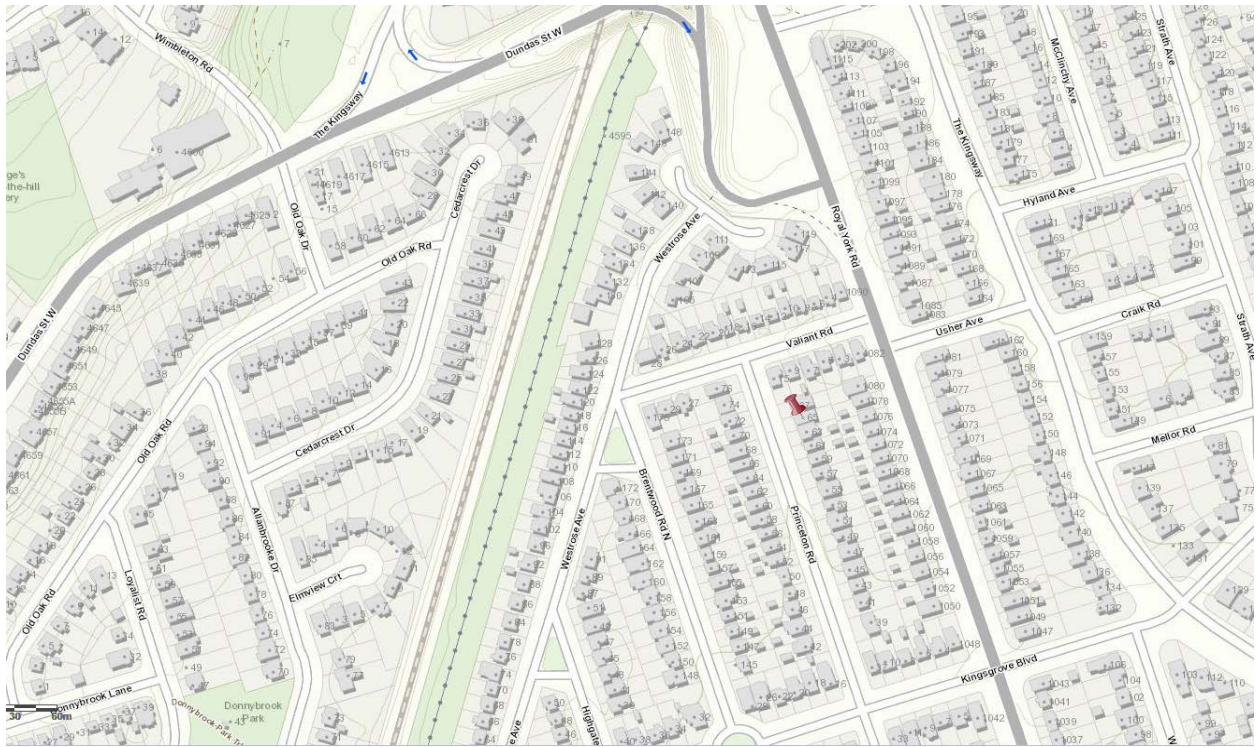
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SIGNATURE

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ATTACHMENTS

- Attachment 1: Aerial Map of 65 Princeton Road
- Attachment 2: North side of Property in rear yard abutting 67 Princeton Road
- Attachment 3: Attachment 3: Front Yard – Board on Board wooden fence
- Attachment 4: Hedge adjacent to neighbouring driveway
- Attachment 5: Rear east facing fence abutting 1078 Royal York Road



Attachment 1: Aerial Map of 65 Princeton Road



Attachment 2: North side of Property in rear yard abutting 67 Princeton Road

Staff Report for action on Fence Exemption – 65 Princeton Road



Attachment 3: Front Yard – Board on Board wooden fence



Attachment 4: Hedge adjacent to neighbouring driveway

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Attachment 5: Rear east facing fence abutting 1078 Royal York Road