Application for Fence Exemption- 14 Ladywood Drive

Date: October 25, 2017
To: Etobicoke York Community Council
From: Joy Correia, District Manager (Acting) Municipal Licensing and Standards
Wards: Ward 1, Etobicoke Center

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 14 Ladywood Drive to replace the existing cedar hedges in the front yard, side yard and rear yards with a board on board fence measuring 26.44 metres (86.75 ft) in length. The board on board fence will be stepped with a maximum height of 3 metres (9.84 ft). There is a natural downward slope on Ladywood Drive. The existing cedar hedges and the proposed wooden fence 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 the application for an exemption submitted by the owner of 14 Ladywood Drive, to replace the existing cedar hedges in the front, side and rear yards with a board on board fence, which does not comply with provisions of City of Toronto Municipal Code, Chapter 447, Fences, and direct that a second un-appealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences;

or

2. Grant the exemption to permit the proposed board on board fence height in the front, side and rear yard to be constructed as outlined in the Fence Exemption Application without alteration. At such time as replacement of the fence is required, the
reduction 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

No previous decision history

COMMENTS

The subject property is a single family residential dwelling situated in the Albion Road and Thistle Down Boulevard neighbourhood of Ward 1.

As a result of a complaint, an inspection was conducted. A Notice of Violation was issued dated September 12, 2017, where it was determined that the subject property's existing cedar hedges in the front, side and rear yards do not comply with the provisions of Toronto Municipal Code Chapter 447 - Fences.

As a result of the Notice of Violation being issued, the property owner(s) applied for a fence exemption on October 16, 2017.

As required by Section 447-5(C), Municipal Licensing and 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.

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

<table>
<thead>
<tr>
<th>LOCATION ORIENTATION DEFICIENCY</th>
<th>BY-LAW SECTION*</th>
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</thead>
<tbody>
<tr>
<td>Front- West side of property</td>
<td>West side of property</td>
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<tr>
<td>Side and Rear Yards - West side of property</td>
<td>West side of property</td>
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As a result of these findings of non-compliance, a Notice of Violation was issued to the property owner.

The property owner(s) seeks the exemption for privacy due to the downward slope of the terrain on Ladywood Drive and for security and safety to enhance the existing swimming pool enclosure.

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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ATTACHMENTS

Attachment 1: Aerial view of 14 Ladywood Drive.
Attachment 2: Existing fence on the west end of the rear yard.
Attachment 3: Existing front yard fence on the southwest side of the property.
Attachment 4: Existing fence along the west side of the property.
Attachment 1: Aerial view of 14 Ladywood Drive.
Attachment 2: Existing fence on the west end of the rear yard.
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Attachment 4: Existing fence along the west side of the property.