

Application for Fence Exemption- 19 Hamlyn Crescent

Date: March 2nd, 2018
To: Etobicoke York Community Council
From: Joy Correia, 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 19 Hamlyn Crescent to build the proposed front yard board on board fence, which does not meet all of 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 19 Hamlyn Crescent, to build the proposed 2.13m wooden board on board fence contrary to the regulations found in the City of Toronto Municipal Code Chapter 447 - Fences.

or

2. Grant the application for a fence exemption by the property owner of 19 Hamlyn Crescent, without conditions, thereby allowing the proposed front yard fence to be built and maintained in good repair. Direct and require that the front yard 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 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 a single family dwelling situated near the intersection of The East Mall and Burnhamthorpe Road in Ward 5 (Attachment # 1).

The property owner is seeking relief from the by-law regulations to construct a wooden board on board front yard fence with a current height of 2.13m, which exceeds the permitted height of 1.2m, contrary to Sections 447-2B.(1) of Chapter 447 of the Toronto Municipal Code.

Based on the information that the property owner has provided, this proposed fence is to be built within 2.4 metres of the front lot line. This may pose sightline issues for vehicles entering and exiting the driveway of 19 Hamlyn Crescent and, in turn, a risk to pedestrians as well. There is a sidewalk that ends directly in front of 19 Hamlyn Crescent. The end of the sidewalk is perpendicular to the area for this proposed fence.

The Municipal Licensing and Standards Division received a fence exemption application on November 28, 2017.

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 proposed front yard board on board fence has determined that it does not comply with Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Front Yard, North-West Elevation	Proposed front yard fence on lot line abutting the rear yard of 17 Hamlyn Crescent	The proposed fence in the front yard would exceed the permitted height of 1.2m.	Section 447-2B.(1)

The property owner(s) seek this exemption for safety, security and privacy reasons due to the number of strangers and parties occurring on weekends at the short-term rental abutting their property.

We recommend that the proposed front yard fence be maintained as to comply with all of the provisions of the City of Toronto 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

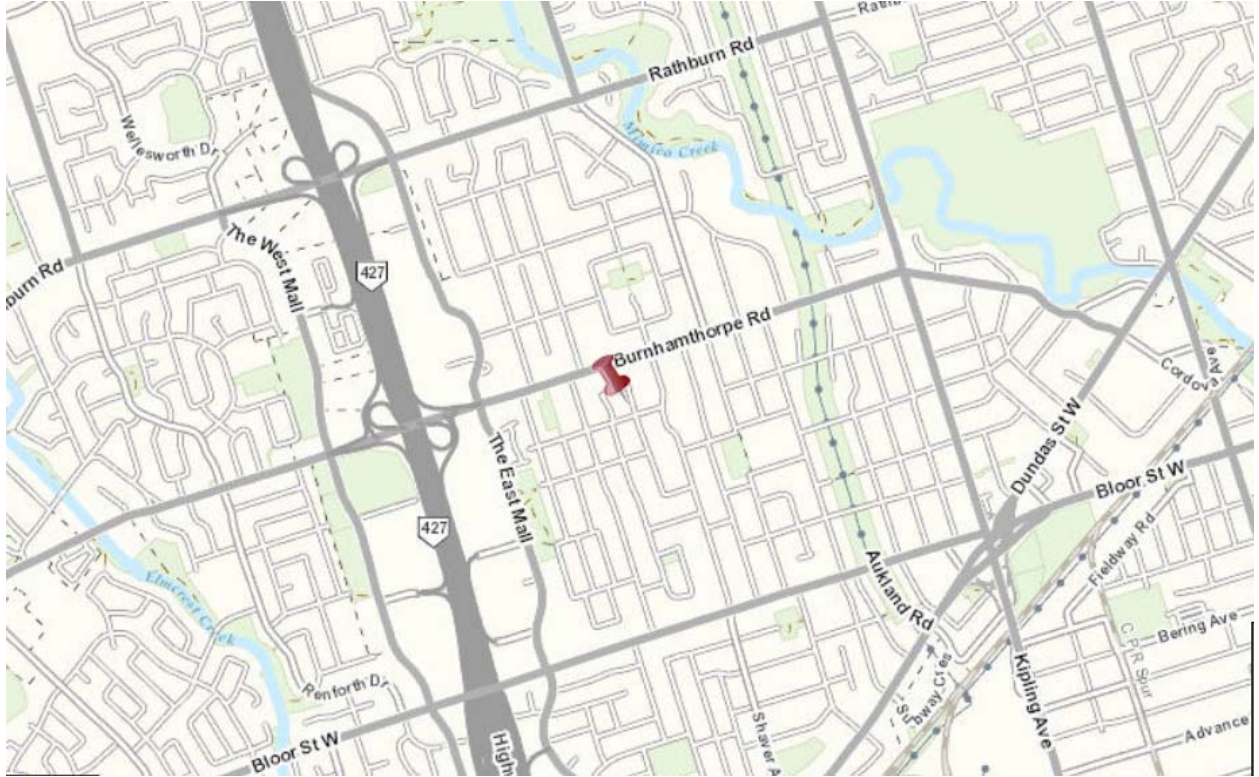
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SIGNATURE

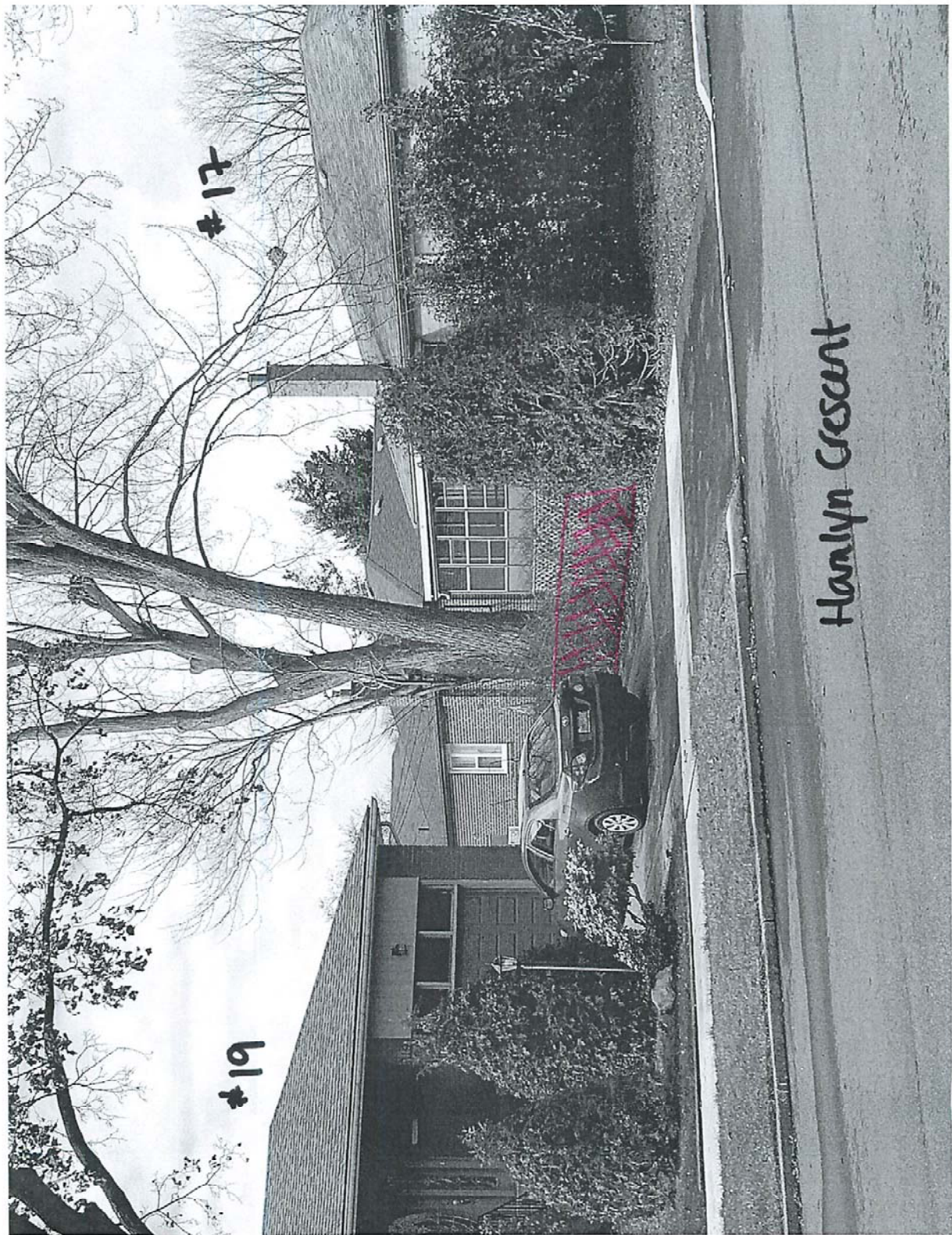
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ATTACHMENTS

Attachment 1: Aerial map of 19 Hamlyn Crescent
Attachment 2: Proposed Front Yard Fence of 19 Hamlyn Crescent
Attachment 3: Area for Proposed Front Yard Fence of 19 Hamlyn Crescent



Attachment 1: Aerial map of 19 Hamlyn Crescent



Attachment 2: Proposed Front Yard Fence of 19 Hamlyn Crescent

Staff Report for action on Fence Exemption - 19 Hamlyn Crescent



Attachment 3: Area for Proposed Front Yard Fence of 19 Hamlyn Crescent

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