

Application for Fence Exemption- 33 Kingsway 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 33 Kingsway Crescent to maintain the existing front yard hedge, 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 33 Kingsway Crescent, to maintain the existing 1.8m hedge 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 33 Kingsway Crescent, without conditions, thereby allowing the existing front yard hedge to be maintained in good repair. Direct and require that the front yard hedge be maintained in good repair without alteration. Direct and require that at such time as replacement of the hedge 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 Kingsway and Bloor Street West in Ward 5 (Attachment # 1).

The property owner is seeking relief from the by-law regulations to maintain a front yard hedge with a current height of 1.8m, which exceeds the permitted height of 1.2m, contrary to Sections 447-2B.(1) of Chapter 447 of the Toronto Municipal Code.

The Municipal Licensing and Standards Division received a formal complaint on or about November 28, 2017 regarding the height of the front yard hedge. The investigating officer noted the current height is prohibited under Chapter 447 – Fences. A Notice of Violation dated January 11, 2018 was issued which remains outstanding pending the outcome of this exemption application request. An application for a fence exemption was filed on January 27, 2018.

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 front yard hedge 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	Existing front yard hedge	The existing fence in the front yard exceeds the permitted height of 1.2m.	Section 447-2B.(1)

The property owner(s) seek this exemption for aesthetic reasons, as the proposed yew hedge is in keeping with the overall design and scale of this home and landscaping, as well as the surrounding properties of the Kingsway neighborhood.

We recommend that the 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

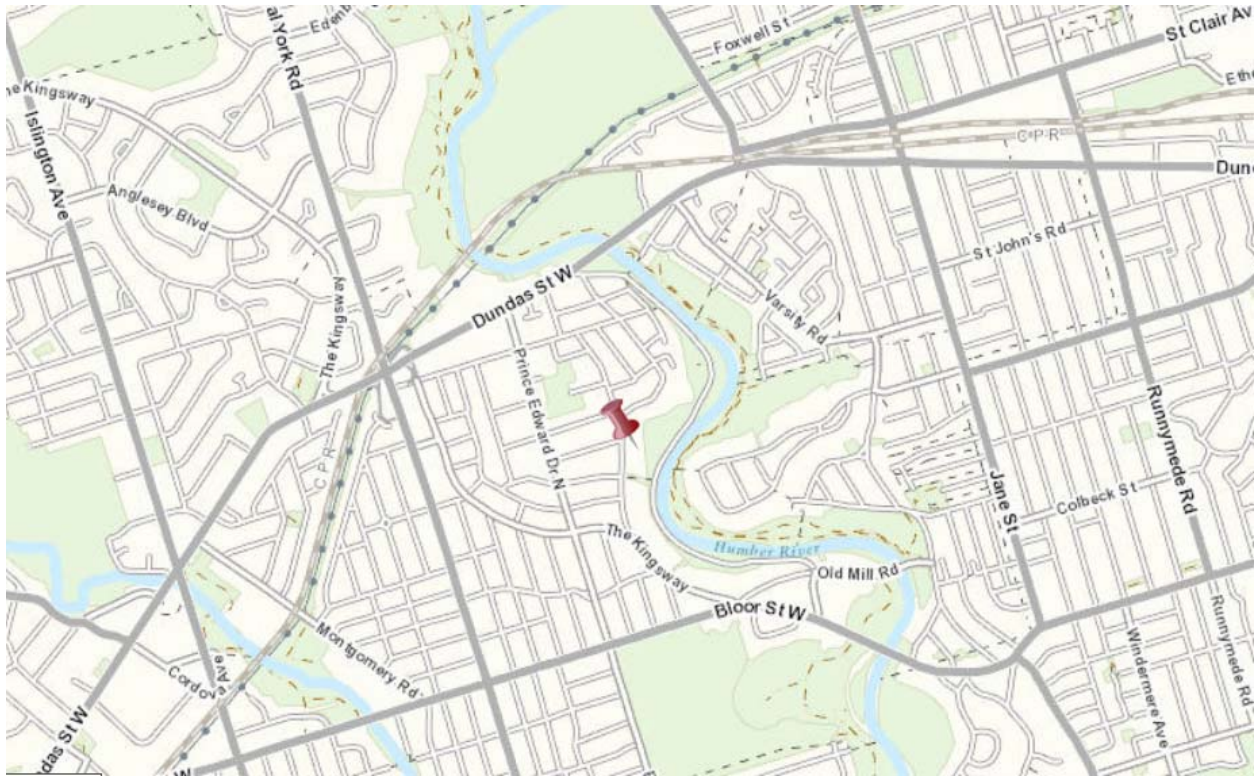
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SIGNATURE

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ATTACHMENTS

Attachment 1: Aerial map of 33 Kingsway Crescent
Attachment 2: Front Yard Fence of 33 Kingsway Crescent
Attachment 3: Front Yard Fence of 33 Kingsway Crescent with Measurements



Attachment 1: Aerial map of 33 Kingsway Crescent



Attachment 2: Front Yard Fence of 33 Kingsway Crescent

Staff Report for action on Fence Exemption - 33 Kingsway Crescent



Attachment 3: Front Yard Fence of 33 Kingsway Crescent with Measurements