

Application for Fence Exemption – 153 Royalavon Crescent

Date: March 10, 2018
To: Etobicoke York Community Council
From: Joy Correia, Acting District Manager - Municipal Licensing & 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 153 Royalavon Crescent to maintain an existing 2.7m pyramid emerald cedar hedge in the rear yard of the property. The fence will exceed the permitted height of 2m for a rear yard fence. The fence 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 owner of 153 Royalavon Crescent to maintain a 2.7m pyramid emerald cedar hedge in the rear yard 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 owner of 153 Royalavon Crescent, without conditions, thereby allowing the rear yard pyramid emerald cedar hedge to be maintained, as requested. Direct and require that the rear yard hedge be maintained in good repair without alteration. Direct and require that at such time as replacement of the rear yard pyramid emerald cedar hedge 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 a detached residential dwelling situated in the Kipling Avenue and Burnhamthorpe Road neighbourhood of Ward 5. (Attachment 1)

The property owner is seeking relief from the by-law regulations to maintain an existing rear yard hedge at the north elevation that exceeds the permitted height of a rear yard fence of 2m, contrary to Section 447-2B.(1) of Chapter 447 of the Toronto Municipal Code.

As a result of a formal complaint submitted to Municipal Licensing & Standards on or about October 26, 2017, an inspection was conducted on or about November 2, 2017 relevant to a rear yard hedge height complaint. The investigating officer noted a cedar hedge which measured approximately 2.7m in height, which is prohibited. As a result of the inspection, a notice of violation was issued on November 3, 2017. The property owner wishes to maintain the fence for privacy, aesthetics, and neighbourhood consistency. The property voluntarily applied for a fence exemption on or about November 13, 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 existing front yard hedge has determined that it does not comply with Toronto Municipal Code, Chapter 447- Fences.

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Rear Yard/North Elevation	North Elevation, abutting 155 Royalavon Crescent respectively.	The existing rear yard fence exceeds the permitted height for a rear yard fence of 2m	Section 447-2B.(1)

CONTACT

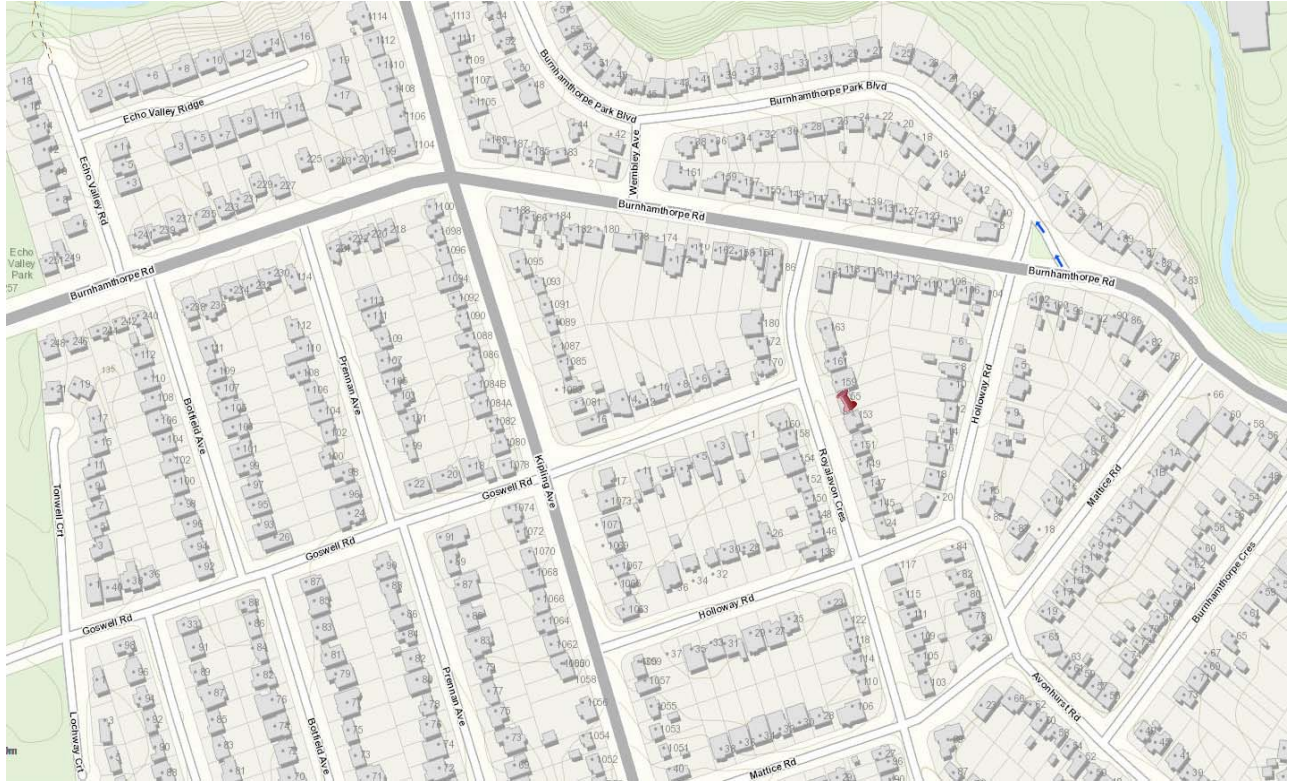
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SIGNATURE

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ATTACHMENTS

Attachment 1: Neighbourhood Map identifying 153 Royalavon Crescent.
Attachment 2: Pyramid Emerald Cedar Hedge at 153 Royalavon Crescent.
Attachment 3: Photographs provided by applicant/homeowner respectively.



Attachment 1: Neighbourhood Map identifying 153 Royalalvon Crescent



Attachment 2: Pyramid Emerald Cedar Hedge at 153 Royalalvon Crescent.

Staff Report for action on Fence Exemption – 153 Royalalvon Crescent

NEW PLANTING OF PYRAMIDAL EMERALD CEDAR TREES—View from my deck at 153 Royalavon, looking north.



SPACING OF MY PYRAMIDAL EMERALD CEDAR TREES at fence-limit height of 6 1/2 feet—
approximately 12" tree width and 12" open space..



Attachment 3: Photographs provided by applicant/homeowner respectively.

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