

Application for Fence Exemption- 5 Cudworth Place

Date: August 26, 2019
To: Etobicoke York Community Council
From: Janet Stoeckl, District Manager Municipal Licensing and Standards
Wards: Ward 2, Etobicoke Centre

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 5 Cudworth Place to maintain a rear yard wood on wood fence at a height of 2.7 metres. The fence does 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 5 Cudworth Place, to maintain a rear yard wood on wood fence at a height of 2.7 metres, which does not comply with provisions of City of Toronto Municipal Code, Chapter 447, Fences, and direct that a second unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences; or
2. Grant the exemption to permit a rear yard wood on wood fence at a height of 2.7 metres. At such time as replacement of the fence is required that the replacement 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 dwelling situated on the cul de sac of Cudworth Place in Ward 2 (Attachment # 1).

The property owner is seeking relief from the by-law regulations to maintain a rear yard wood on wood fence at a height of 2.7 metres; however, further calculations due to grading differences between properties allows for a 2.2 metres fence; therefore, the violation exceeds the permitted height of 2.2 metres, 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 June 4th, 2019

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.

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

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Rear yard	North Side of Property	2.7 metre fence in the rear yard exceeds the permitted height of 2.2 metres.	2. B(1)

The property owner(s) seek this exemption for safety and privacy reasons.

CONTACT

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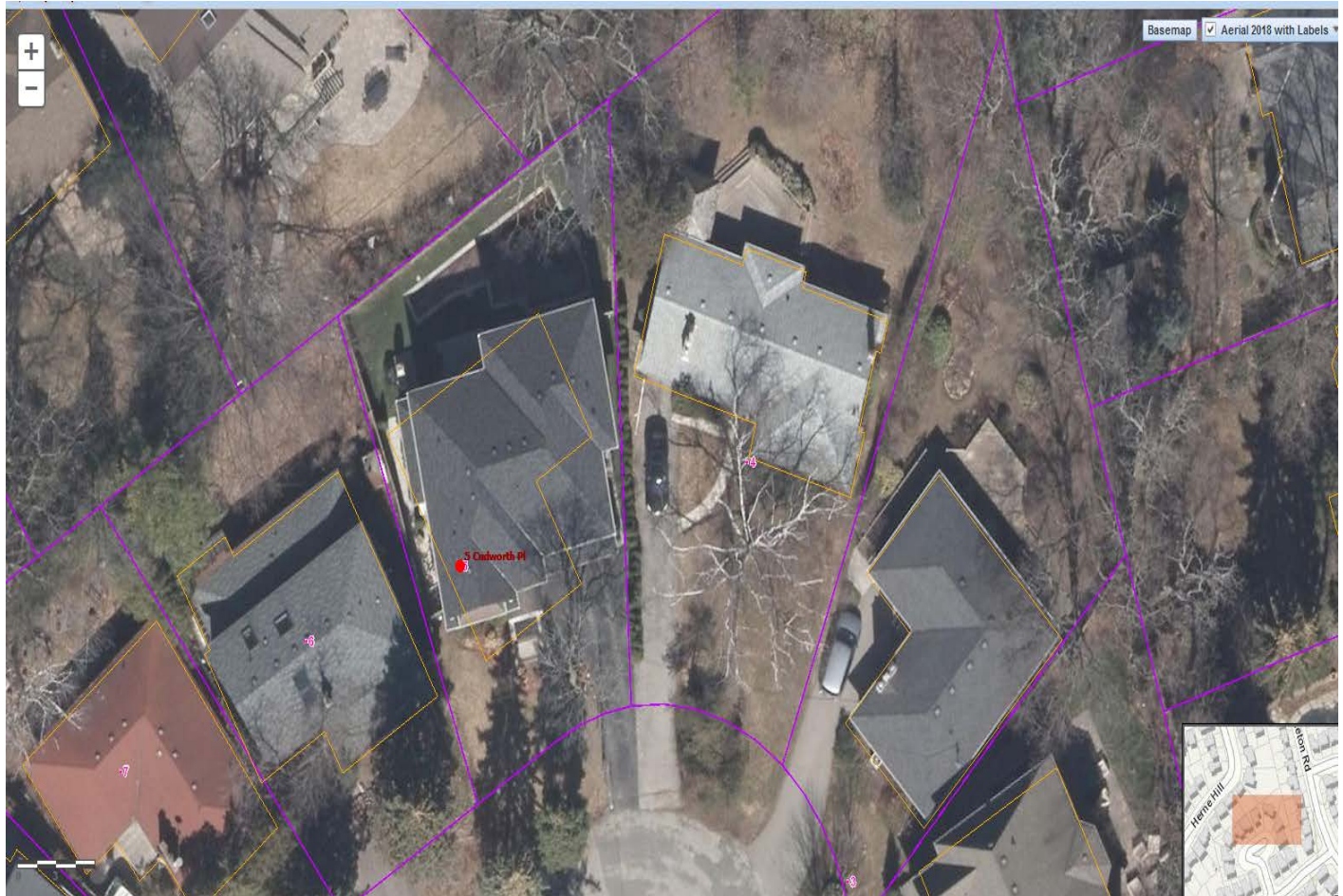
SIGNATURE

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ATTACHMENTS

Attachment 1:	Ariel map of 5 Cudworth Place
Attachment 2:	North East view (rear yard) of 5 Cudworth
Attachment 3:	North view (rear yard) of 5 Cudworth
Attachment 4:	North West view (rear yard) of 5 Cudworth

Attachment 1: View of the subject property; 5 Cudworth Place



Attachment 2: North East view (rear yard) of 5 Cudworth



Attachment 3: North view (rear yard) of 5 Cudworth



Attachment 4: North West view (rear yard) of 5 Cudworth

