

Application for Fence Exemption- 26 Agar Crescent

Date: January 12, 2020
To: Etobicoke York Community Council
From: Janet Stoeckl, District Manager Municipal Licensing and Standards
Wards: Ward 03 – 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 26 Agar Crescent to maintain a portion of the rear yard fence measured 8.1 metres in length, at a height of 2.28 metres, 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 26 Agar Crescent, to maintain a portion of the rear yard fence measured 8.1 metres in length, at a height of 2.28 metres contrary to the regulations found in the City of Toronto Municipal Code Chapter 447 – Fences, Section 1.2A.(3).

or

2. Grant the application for a fence exemption by the property owner of 26 Agar Crescent, without conditions, thereby allowing to maintain a portion of the rear yard fence measured 8.1 metres in length, at a height of 2.28 metres to be maintained in good repair. Direct and require that the rear 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 detached dwelling situated along the South side of Agar Crescent in Ward 3 (Attachment # 1).

The property owner is seeking relief from the by-law regulations to maintain a portion of the rear yard fence measured 8.1 metres in length, at a height of 2.28 metres which exceeds the permitted height restrictions contrary to Sections 447-2.B.(1) of Chapter 447 of the Toronto Municipal Code.

The Municipal Licensing and Standards Division received a formal complaint on October 4, 2019. A fence exemption application was submitted on November 5th, 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.

Municipal Licensing Standards' review to maintain a rear yard fence height of 2.28 metres exceeds the maximum height and does not comply with Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

Location	Orientation	Deficiency	By-Law Section
Rear Yard	Easterly portion, Lot Line	Height of the fence exceeds the height permitted by the Chapter, Namely; Fence on a single residential property height exceeds the maximum height of 2.0 metres.	447-2.B(1)

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

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: Aerial map of 26 Agar Crescent
Attachment 2: Rear Yard Fence of 26 Agar Crescent, South East exposure
Attachment 3: Rear Yard Fence of 26 Agar Crescent, South East exposure
Attachment 4: Rear Yard Fence of 26 Agar Crescent, South / South East exposure



Attachment 1: Aerial map of 26 Agar Crescent



Attachment 2: Rear Yard Fence of 26 Agar Crescent, South East exposure



Attachment 3: Rear Yard Fence of 26 Agar Crescent, South East Exposure



Attachment 4: Rear Yard Fence of 26 Agar Crescent, South / South East exposure