



**STAFF REPORT
ACTION REQUIRED**

Request for a fence exemption to Chapter 447-Fences of the Toronto Municipal Code at 537 Winona Drive

Date:	March 12, 2007
To:	Toronto East York Community Council
From:	Elizabeth Glibbery, Manager, Municipal Licensing and Standards, Toronto East York District
Wards:	Ward 21 – St. Paul’s
Reference Number:	IBMS No. 149833

SUMMARY

This staff report is about a matter for which the community council has delegated authority from City Council to make a final decision. The purpose of this report is to consider a request by the owner(s) of 537 Winona Drive to be exempted from Chapter 447 – Fences, Section 447-2(B). This section states that the maximum height of a fence in the rear yard cannot exceed 2 metres.

The existing wood fence/gate located in the rear yard has portions that exceed the maximum fence height. The east chain link fence is in compliance.

The north board and lattice fence, dividing the property with 539 Winona Drive, has a length of approximately 14.76 metres (48’) and a height of 2.01 metres (6’7”) with capped posts measuring 2.39 metres (7’10”).

The south board fence, dividing the property with 535 Winona Drive, has a length of approximately 12.93 metres (42’) and a height of 1.83 metres (6’) with capped posts measuring 2.14 metres (7’).

The gate/fence (swing type gate) in the northwest portion in the rear yard measures approximately 3.05 metres (10’) and .92 metres (3’) in length at the overhead cross section. The capped posts supporting the cross section measures 3.61 metres (11’10”) and 2.95 metres (9’8”) in height. The board and lattice fence measures approximately 2.36 metres (7’9”) in height, in two sections and 2.72 metres (8’11”) at the man door.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that:

1. The Toronto and East York Community Council deny the request for a fence exemption at 537 Winona Drive.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Municipal Licensing and Standard Division received a public complaint regarding the fence/gate, which was constructed in the northwest rear yard exceeds the maximum 2.0 metres height permitted. In addition, further investigation revealed the rear north fence separating 537 and 539 Winona Drive and the capped posts in the rear south fence, dividing 535 and 537 Winona Drive, exceed the maximum 2.0 metres height permitted.

ISSUE BACKGROUND

The fence/gate was constructed in 2001 for the purpose of ensuring security and privacy for the owners and to eliminate public access to their property. The fence-gate is located at the end of a mutual drive right-of-way and is set back 1.07 metres to 1.73 metres from the side yard property line.

COMMENTS

In appealing this matter, the owners are requesting an exemption in support of the existing 2.36 metres in height fence/gate to remain, for security reasons and to ensure the integrity of the existing fence/gate.

Should the recommendation not be accepted, and the request approved, a condition of approval should include that when the fence/gate is replaced it should be constructed in compliance with Chapter 447-Fences or its successor bylaw.

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager
Toronto East York District

ATTACHMENTS

1. Photographs