



**STAFF REPORT
ACTION REQUIRED**

Request for a fence exemption to the Toronto Municipal Code, Chapter 447-Fences at 151 Dunvegan Road

Date:	March 13, 2008
To:	Toronto East York Community Council
From:	Municipal Licensing and Standards Division, Toronto East York District
Wards:	Ward 22 – St. Paul’s
Reference Number:	IBMS No. 06-175180

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 applicant, being the Design Architect for the owners, is seeking approval for a fence exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B) to permit a proposed construction of a solid wood and lattice fence to provide security and as a pool enclosure. The proposed construction of the rear yard fence consists of three portions to be built along and on a Pisa Retaining Wall. Section 1 is on the east property line and measures a graduating height of 2.5 to 2.8 metres (8 feet 3 inches to 9 feet 1 inch) along the approximate 15.8 metre (52 feet) length. Section 2 is along the north property line and measures a graduating height of 2 to 2.8 metres (6 feet 6 inches to 9 feet 1 inch) along the approximate 22 metres (72 feet 10 inches) length. Section 3 is along the south property line and measures 2 metres (6 feet 6 inches) in height along the 16.2 metres (53 feet) length and is in compliance with the bylaw. The proposed fence does not comply with the maximum height of a rear yard fence to 2 metres (6 feet 6 inches). Attachments 1, 2 and 3 depict an artists rendering of the proposed fence and layout. Attachments 4, 5 and 6 provide photographs of the work-in-progress.

RECOMMENDATIONS

1. Municipal Licensing & Standards Division recommends that Community Council not grant the proposed fence exemption.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Municipal Licensing & Standards Division received a request from the Design Architect of the owners of the subject property for an exemption to Toronto Municipal Code, Chapter 447-Fences, Section 447-2(B) to permit the construction of a solid wood and lattice fence in the rear yard area of 151 Dunvegan Road. The proposed fence construction height is in excess of 2 metres and would not be in compliance with the provisions of the by-law, which restricts the height of a rear yard fence to 2 metres.

ISSUE BACKGROUND

The Municipal Licensing and Standards Division was contacted by the Design Architect representing the owners requesting consideration and review of a fence proposal along with the submission of a layout of rear property of 151 Dunvegan Road outlining the proposed fence location along with sketches. Upon review it was determined that two (2) sections of the proposed fence in the rear yard area at a height in excess of 2 metres, (6 feet, 6 inches) was not in accordance with the by-law provisions that restricts the maximum height of a rear yard fence to 2 metres, (6 feet 6 inches). The remaining one (1) section of the proposed fence is in accordance with the by-law provisions.

The Design Architect representing the property owners submitted an application for a fence exemption to permit the proposed fence in the rear yard for the purpose of ensuring the security and privacy of the owners and a pool enclosure.

COMMENTS

The City of Toronto Council enacted the amalgamated By-Law 472-2000 on July 6, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned outdoor swimming pools to erect and maintain safety fences and gates around private swimming pools. This By-Law and the amendments are now found in the Toronto Municipal Code, Chapter 447 - Fences.

The City of Toronto Municipal Code, Chapter 447, Section 447-2(B) provides that the maximum permitted height in a rear yard should not exceed 2 metres (6 feet 6 inches) in height.

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager
Toronto East York District

ATTACHMENTS

- 1-3 Sketches of proposed fence
- 4-6 Photographs of rear yard