



**STAFF REPORT  
ACTION REQUIRED**

**Request for a fence exemption to the Toronto Municipal Code, Chapter 447-Fences at 118 Forest Hill Road**

<b>Date:</b>	September 16, 2008
<b>To:</b>	Toronto East York Community Council
<b>From:</b>	Municipal Licensing and Standards Division, Toronto East York District
<b>Wards:</b>	Ward 22 – St. Paul’s
<b>Reference Number:</b>	IBMS No. 08-190819

**SUMMARY**

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This staff report is about a matter for which the Toronto East York Community Council has delegated authority from City Council to make a final decision. The applicant, being the Architect for the owners of 118 Forest Hill Road, 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 retaining wall constructed of solid materials (masonry and stucco) . The proposed construction of the front yard retaining wall consists of five, (5) continuous portions. Section 1 begins at approximately 10.6 metres (35 feet) in from the front lot line and .35 metres (14 inches) from the south side lot line on private property measuring approximately 3.9 metres (12 feet 11 inches) in length, running east along the south property line; Section 2 measuring 2.0 metres (6 feet 7 inches) in length runs north on private property and approximately 6.4 metres (21 feet 1 inch) from the front lot line; Section 3 measures 2.4 metres (7 feet 9 inches) from the south property line and runs east on private property 3.6 metres (11 feet 9 inches); Section 4 measures 3.2 metres (10 feet 4 inches) from the front lot line and runs north on private property 14.8 metres (48 feet 8 inches); Section 5 measures 3.7 metres (12 feet 2 inches) running west on private property to it’s end at approximately 6.9 metres (22 feet 6 inches) from the front property line. All sections measure in height at the lower garden grade at 2.5 metres (8 feet, 5 inches) whereas the by-law restricts the maximum height of a front yard fence not within 2.4 metres (7 feet 9 inches) of the front lot line to 1.2 metres (4 feet). Attachment 1 shows an artists rendering of the proposed retaining wall, Attachment 2 shows the layout plans of the property and Attachments 3-4 shows photographs of the proposed site.

## **RECOMMENDATIONS**

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Municipal Licensing & Standards recommends that the Toronto East York Community Council not grant the proposed fence exemption.

### **Financial Impact**

There is no financial impact anticipated in this report.

## **DECISION HISTORY**

The Municipal Licensing and Standards Division received a request from the agent 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 retaining wall in the front yard area of 118 Forest Hill Road. The proposed construction height of 2.5 metres, (8 feet, 5 inches) from lower grade, would not be in compliance with the provisions of the by-law which restricts the height of a front yard fence not within 2.4 metres (7 feet 9 inches) of a front lot line to 1.2 metres (4 feet).

## **ISSUE BACKGROUND**

The Municipal Licensing and Standards Division was contacted on August 6th, 2008 by the Architect representing the owners requesting consideration and review of a retaining wall proposal along with the submission of layout plans outlining the proposed location along with a sketch of the wall dimensions. Upon review it was determined that the proposed retaining wall in the front yard area at a height of 2.5 metres, (8 feet, 5 inches) measured at the lower grade, was not in accordance with the by-law provisions that restricts the maximum height of a front yard fence not within 2.4 metres (7 feet 9 inches) of a front lot line to 1.2 metres, (4 feet).

The Architect representing the property owners submitted an application for a fence exemption to permit a 2.5 metre, (8 feet, 5 inches) high retaining wall in the front yard for the purpose of sound attenuation and ensuring the security and privacy of the owners. It was also noted that this property is a corner lot with the main entrance from the flankage yard and the yard technically a front yard proposed for the retaining wall is to be used as a garden and terrace. Although the property has a pool, this is not part of the 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 of a solid constructed fence not within 2.4 metres (7 feet 9 inches) of the front lot line in a front yard should not exceed 1.2 metres (4 feet) in height.

## **CONTACT**

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## **SIGNATURE**

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Elizabeth Glibbery, Manager  
Toronto East York District

## **ATTACHMENTS**

1. Sketch of proposed fence
2. Layout plans of area
- 3-4 Photographs of 118 Forest Hill Road proposed site