



**STAFF REPORT
ACTION REQUIRED**

Fence Exemption Request for 101 Silverhill Drive

Date:	May 05, 2010
To:	Etobicoke York Community Council
From:	Curtis Seacock, District Manager, Municipal Licensing and Standards
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	ML&S Folder Number 10 165541 FEN

SUMMARY

This report is in regard to an application for a fence exemption to the Toronto Municipal Code, Chapter 447 - Fences at 101 Silverhill Drive whereby the property owner is applying to maintain existing as well as erect proposed fencing in the rear and side yards that are and will be, respectively, in violation of the Fence By-law respectively, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that:

1. Etobicoke York Community Council deny the request for the fence exemption at 101 Silverhill Drive, based on non-compliance with Chapter 447, Toronto Municipal Code, Fences.

Financial Impact

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

This is a single family detached residential property located in the Dundas Street West and The East Mall area of the subject Ward. The Municipal Licensing and Standards Division has received an application from the property owner seeking relief for existing rear yard fences on the subject property that exceeds the permitted heights found in the

Fence By-law, Chapter 447 as well as proposed fencing in the rear yard that will also exceed permitted heights.

The property owner is seeking relief for the existing south elevation divisional fence (with the adjoining property at number 103) at the rear of the dwelling which exceeds the 2.0 metre height restriction by approximately 0.36 of a metre (14 inches). The property owner is also proposing to erect similar fences at the East and North elevations which will also exceed the 2.0 metre height restriction by approximately the same amount.

The fence between the properties of 101 and 103 Silverhill Drive is divisional and is the subject of separate fence exemption applications by the respective property owners. This divisional fence is located at the south elevation of the subject property.

COMMENTS

The Municipal Licensing and Standards Division received a formal complaint on July 25, 2008 about the heights of the fences on the subject property. The investigations by staff confirmed that the rear yard fences exceed permitted heights and a Notice of Violation dated August 13, 2008 was issued and remains outstanding pending the outcome of this exemption application.

Fences, in the rear yards are limited to 2.0 metres in height, pursuant to Section 447-2.B, Toronto Municipal Code, Chapter 447. The existing fences on the subject property, which are board on board complete with lattice-work on top, measure approximately 2.36 metres in height at the highest point along the south elevation. The proposed fences will be of similar construction and offending height(s).

CONTACT

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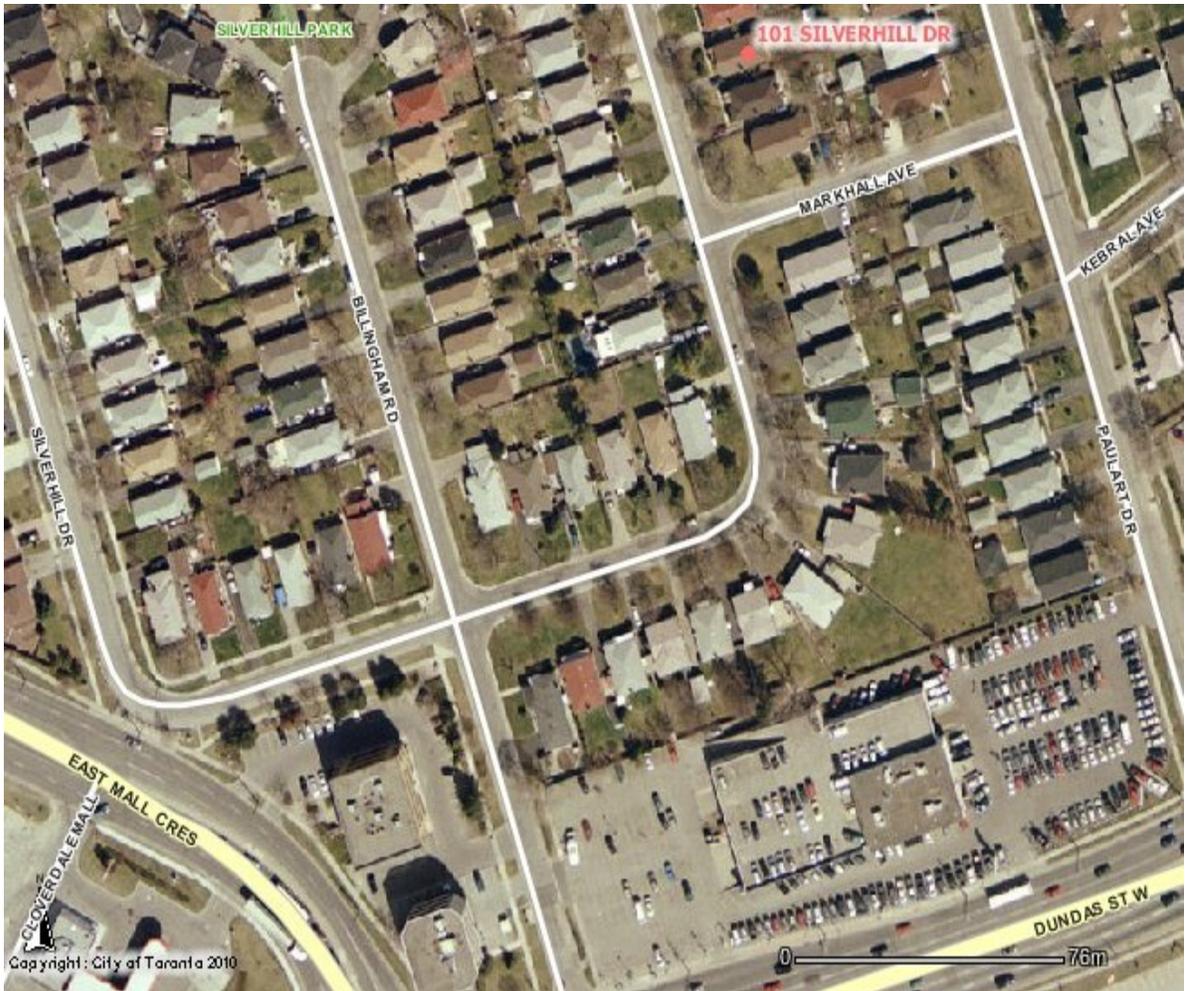
SIGNATURE

Curtis Sealock, District Manager
Municipal Licensing and Standards

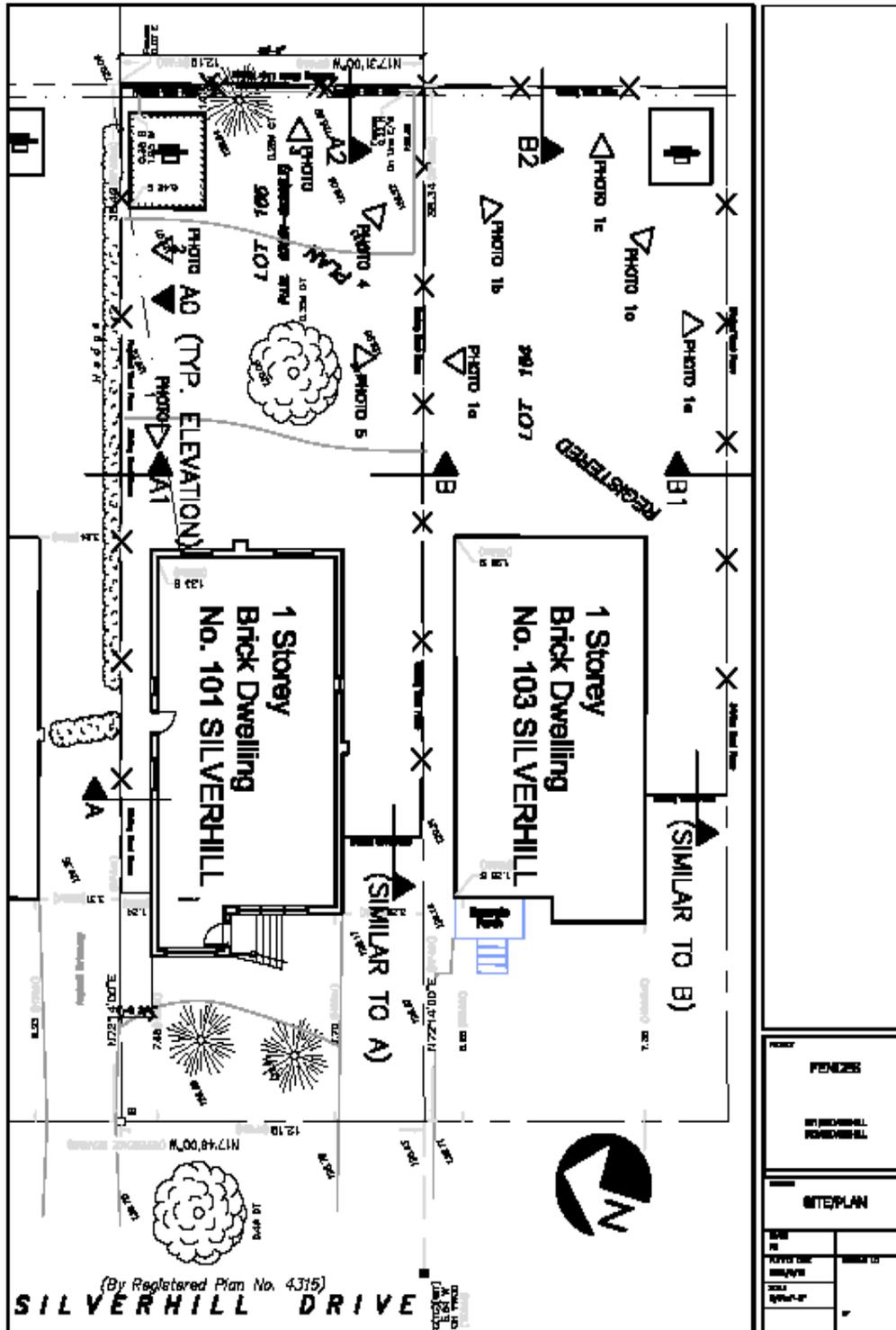
ATTACHMENTS

Attachment 1 – Ward 5 Site Map
Attachment 2 – Site Plan Showing 101 and 103 Silverhill Drive
Attachment 3 – Typical Fence Elevation
Attachment 4 – Fence Section @ East Elevation
Attachment 5 – Fence Section @ South Elevation (neighbouring with # 103)

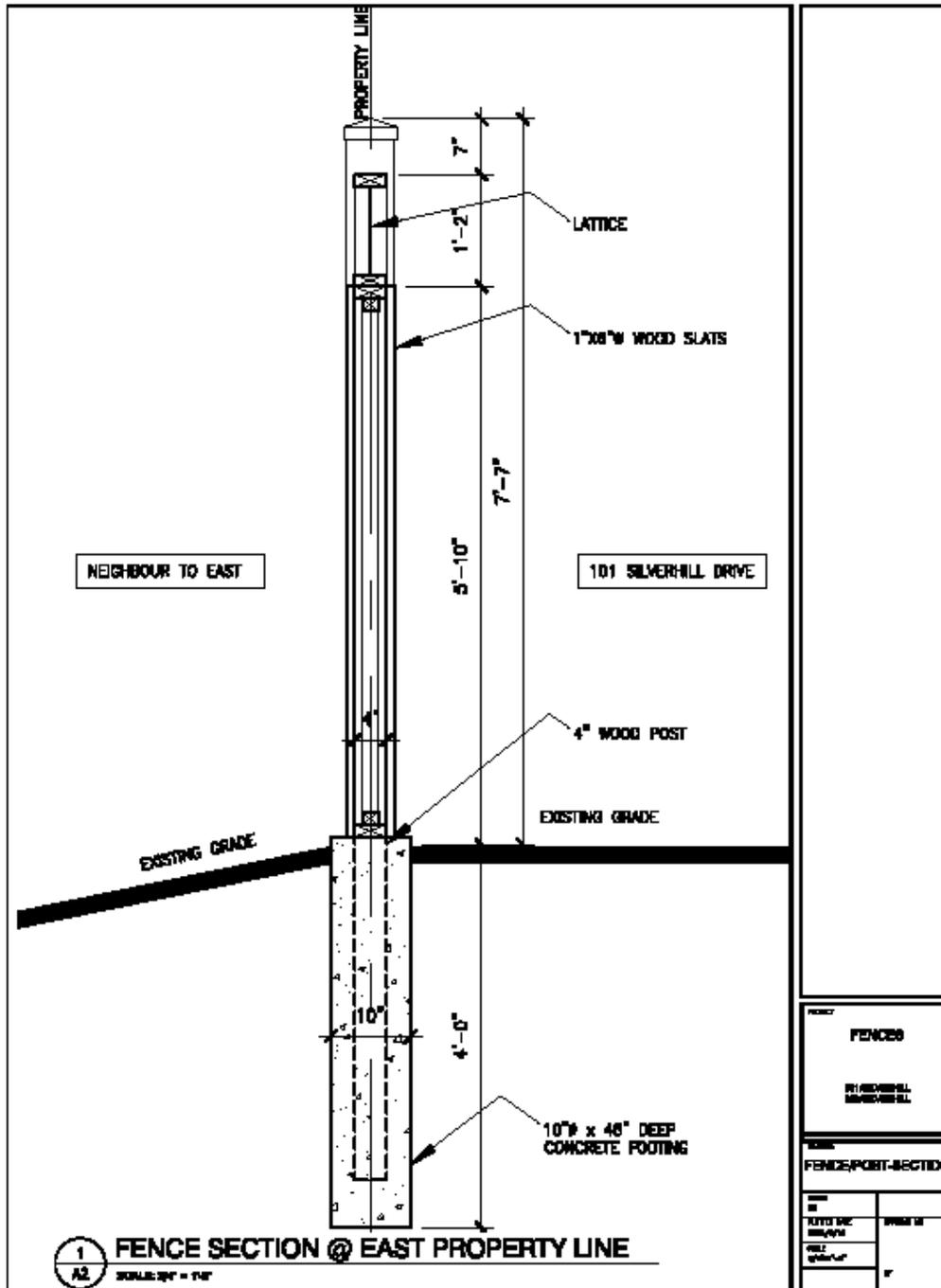
Attachment 6 – Photos 1 & 2 of Existing Fencing and Proposed Fencing Location



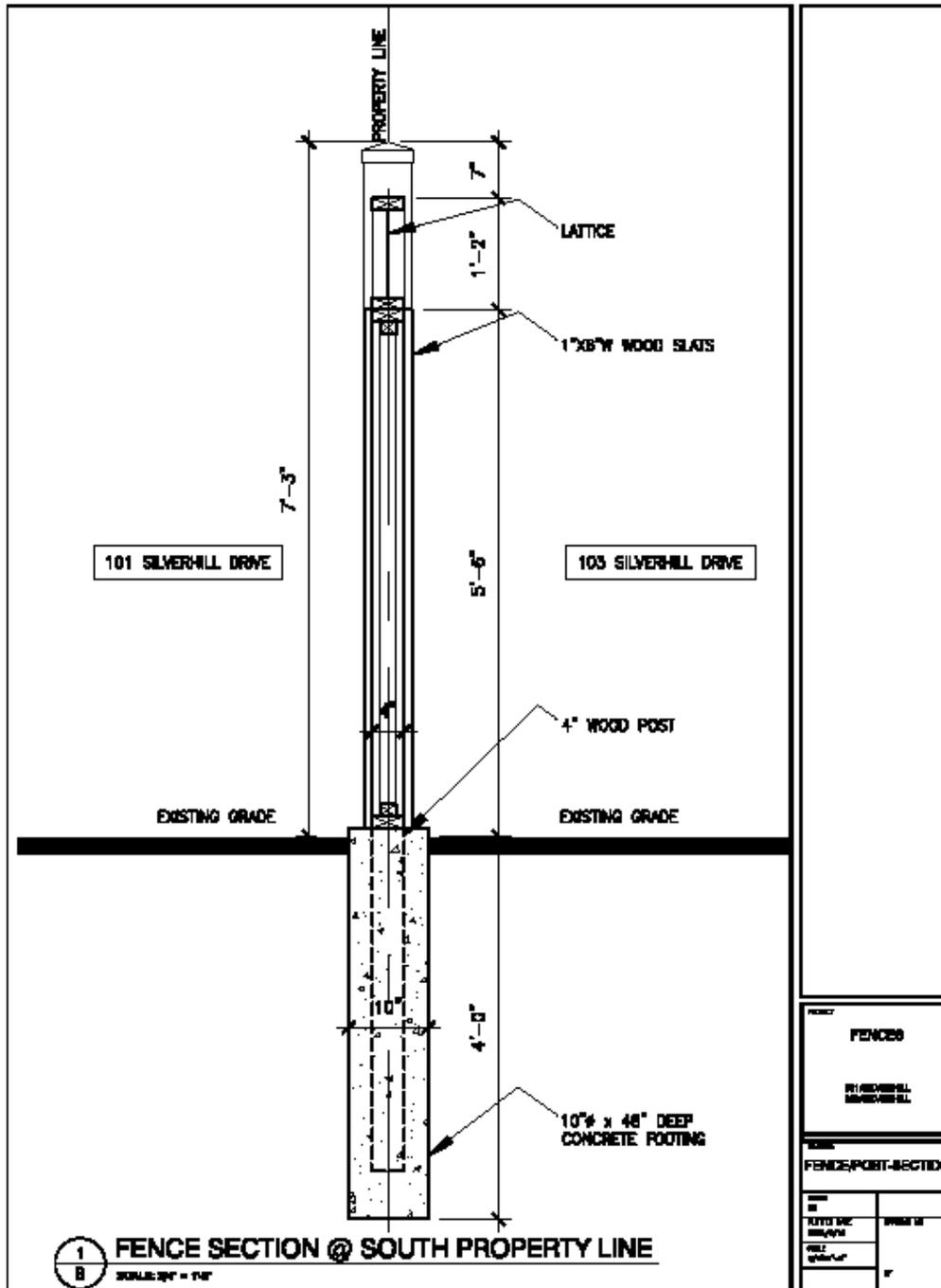
Attachment 1 – Ward 5 Site Map



Attachment 3 – Typical Fence Elevation



Attachment 4 – Fence Section @ East Property Line



Attachment 5 – Fence Section @ South Property Line



Photo 1-101 Silverhill Drive – Looking East (Proposed Fencing Location/Elevation)



Photo 2-101 Silverhill Drive – Looking Towards 103 Silverhill Drive/Divisional Fence

Attachment 6 – Photos of Location for Proposed Fencing and Existing Fencing