

**Application for Fence Exemption
73 Bonnyview Drive**

Date:	February 6, 2013
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 5, Etobicoke – Lakeshore
Reference Number:	Municipal Licensing and Standards Folders 12-258804, 12-277642 and 12-263711

SUMMARY

This report is in regard to an application submitted by the property owner of 73 Bonnyview Drive for a Fence Exemption to maintain an existing divisional fence of close board wood construction with a lattice top, which varies in height from 2.31 metres to 2.79 metres, constructed at the rear yard on the property line between 73 and 71 Bonnyview Drive, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that the Etobicoke York Community Council:

1. Refuse the application submitted by the property owner of 73 Bonnyview Drive for a Fence Exemption to maintain an existing divisional fence of close board wood construction with a lattice top, which varies in height from 2.31 metres to 2.79 metres, constructed at the rear yard on the property line between 73 and 71 Bonnyview Drive, on the basis that a section of this fence does not comply with the provisions of the City of Toronto Municipal Code, Chapter 447, Fences.

Financial Impact

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

ISSUE BACKGROUND

In response to a complaint that the retaining wall/fence erected at the rear yard of 73 Bonnyview Drive is too high, a Municipal Standards Officer attended this location and found a close board wooden fence with a lattice top has been constructed at the rear yard at the east side of the property, which acts as a divisional fence shared with the neighbouring property at 71 Bonnyview Drive (Attachments 1 and 2). This fence is measured 2.79 metres high at the southern end of the rear yard of 71 Bonnyview Drive and it reduces in height towards the rear as the slope increases. The fence is measured approximately 1.83 metres from the finished grade on the side of 73 Bonnyview Drive with a retaining wall built alongside the fence. Effectively most part of the fence has an average height of 2.31 metres according to the Fence By-law (Attachments 4 and 5).

Being a mutual fence that exceeded the permitted height, respective Notices of Violation have been sent to the owners of 71 and 73 Bonnyview Drive and an application for Fence Exemption was subsequently received (Attachment 3).

COMMENTS

In accordance with the provisions of Toronto Municipal Code, Chapter 447, Fences, Section 447-2B, Table 1, the maximum height of a fence at the rear yard of a single residential property is 2.0 metres.

The fence was installed for privacy reasons and it was built higher than normal because of the slope. While the two owners on each side of the fence have agreed to maintain the fence as it is, the fence is still technically in violation of the Fence By-law.

CONTACT

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SIGNATURE

Curtis Sealock, District Manager
Municipal Licensing and Standards
Etobicoke York District

ATTACHMENTS

Attachment 1: Aerial Photo and Front Elevation

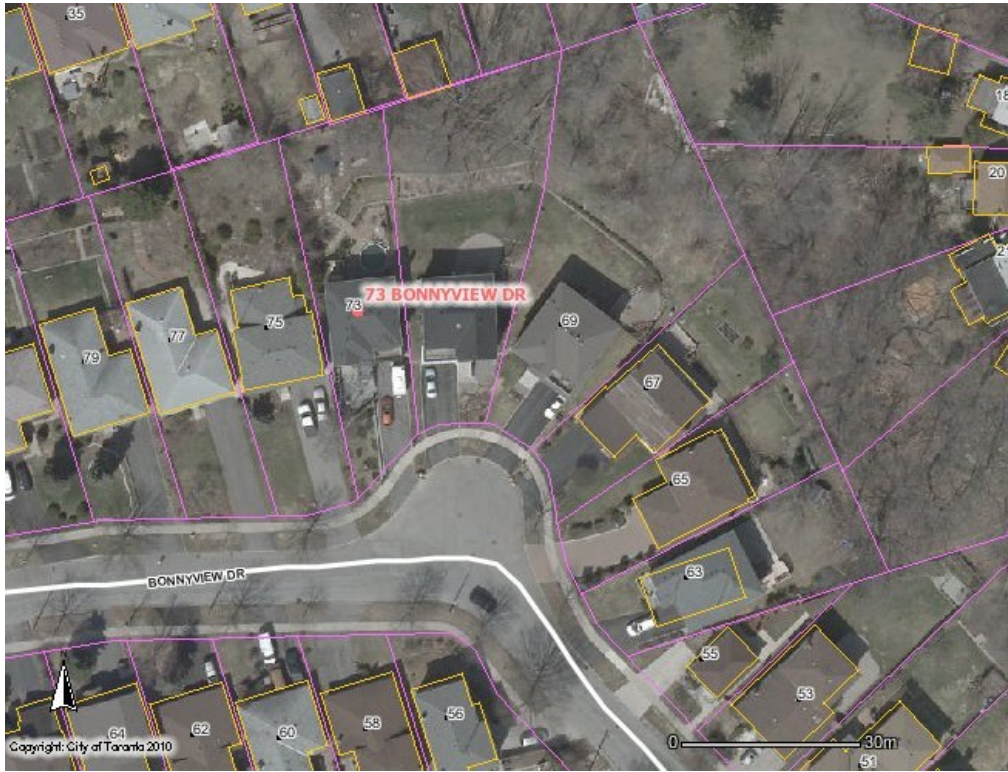
Attachment 2: Site Survey showing Fence Location

Attachment 3: Application received for Fence Exemption

Attachment 4: Fence Elevation as viewed from 73 Bonnyview Drive

Attachment 5: Fence Elevation as viewed from 71 Bonnyview Drive

Attachment 6: Close-up Photographs showing the Fence in question



Attachment 1: Aerial Map and Front Elevation

To: Municipal Standards Office

Nov 1/2012

Subject:

This letter is to request an exemption for the height of the fence at 73 Bonnyview. The lot at 73 Bonnyview is elevated 3 feet above 71 Bonnyview and the fence was built on the property line with the agreement of the owners from 73 and 71 Bonnyview. The goal of the fence was to provide a 6 foot high fence for 73 Bonnyview from their property elevation which resulted in a total fence height of 9' when it was placed on the property line beside the 3 foot high retaining wall that separates 71 and 73 Bonnyview. See picture below.

Your consideration for exemption in this matter would be greatly appreciated.



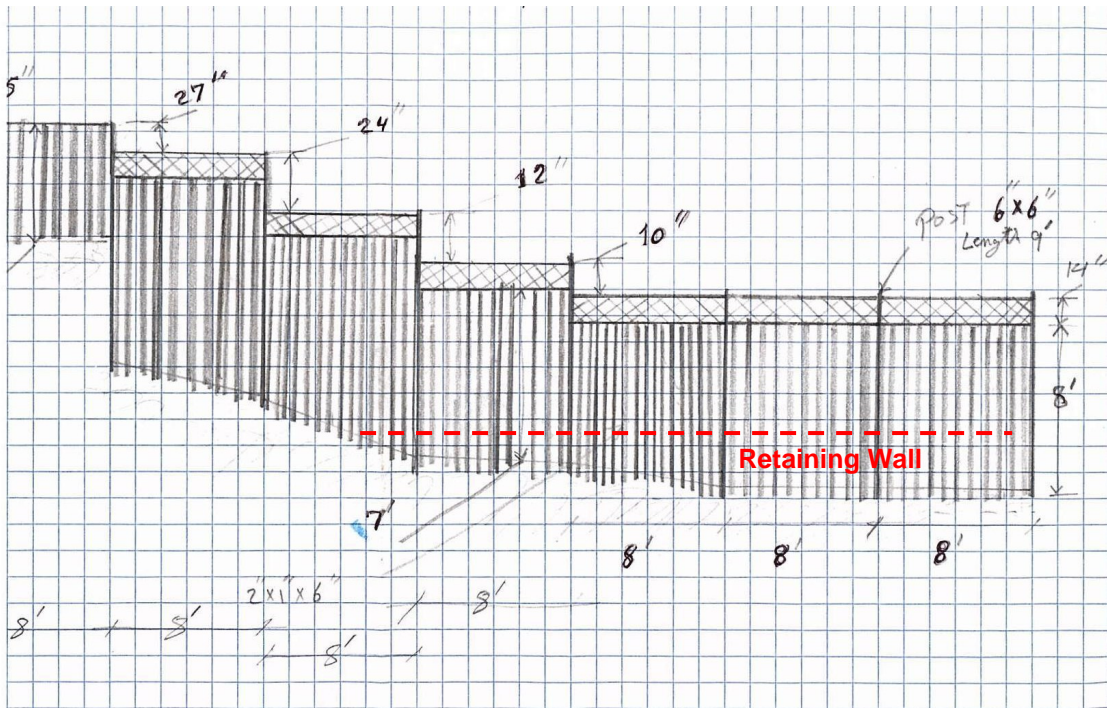
Owner of 73 Bonnyview

Signature

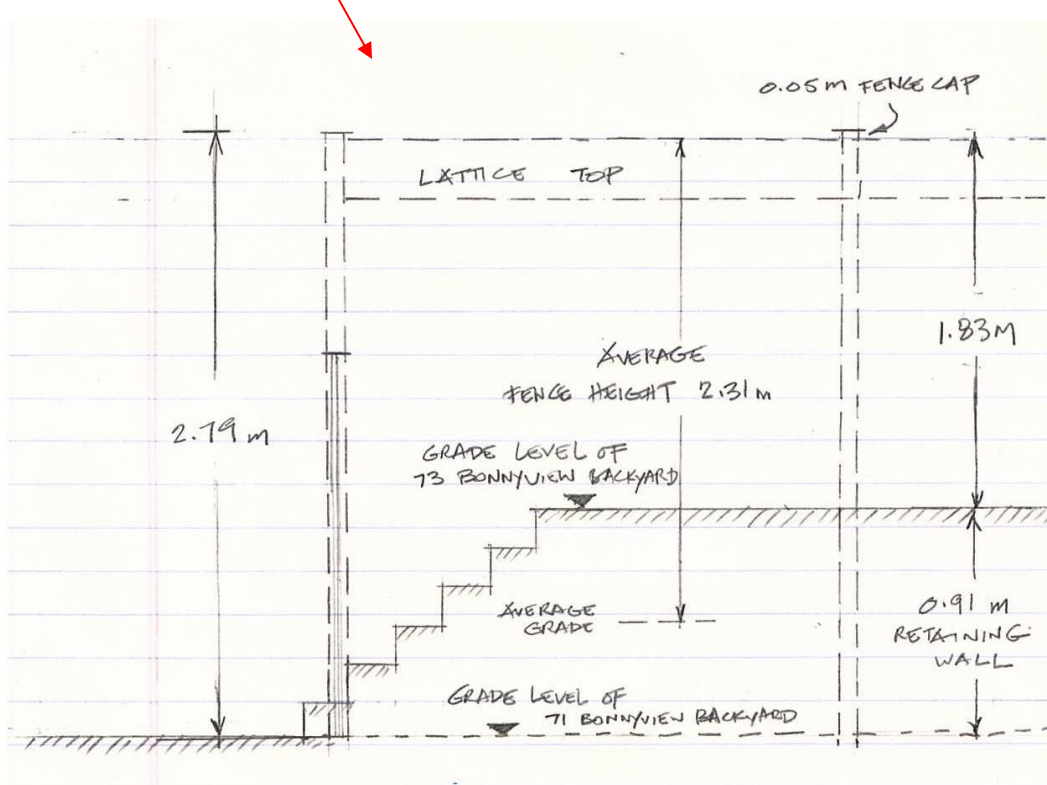
Owner of 71 Bonnyview



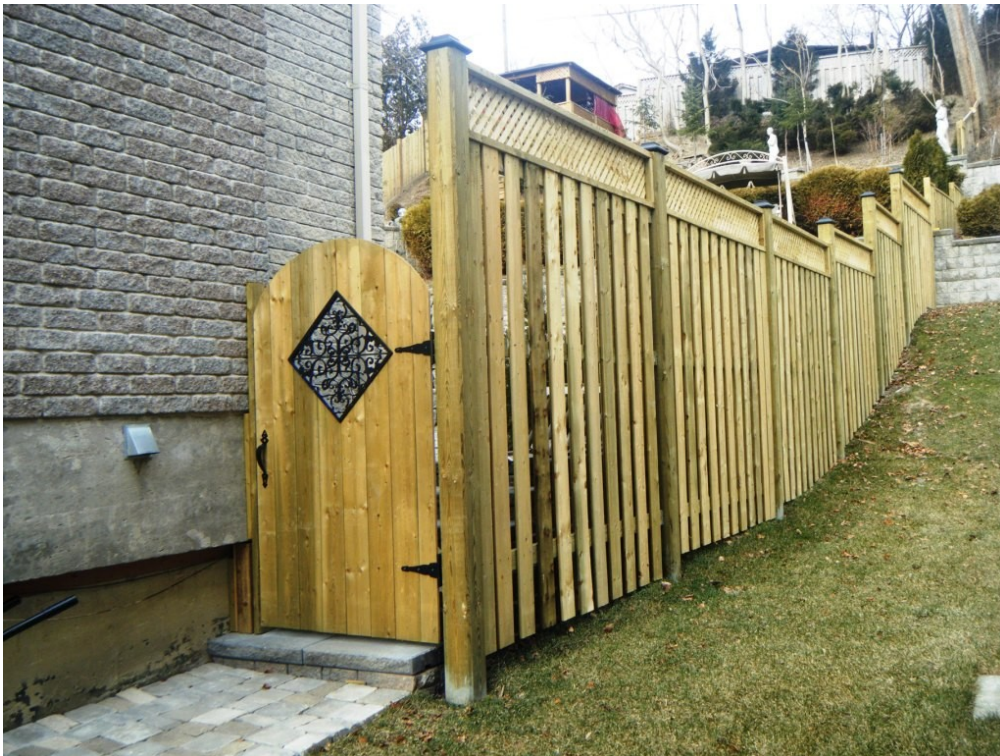
Attachment 3: Application received for Fence Exemption



Attachment 4: Fence Elevation as viewed from 73 Bonnyview Drive



Attachment 5: Fence Elevation as viewed from 71 Bonnyview Drive



Attachment 6: Close-up photographs showing the Fence in question