

**Application for Fence Exemption
735 Renforth Drive**

Date:	November 19, 2013
To:	Etobicoke York Community Council
From:	Eletta Purdy, District Manager, Municipal Licensing and Standards
Wards:	Ward 3, Etobicoke Centre
Reference Number:	Municipal Licensing and Standards Folder 13-246256 FEN

SUMMARY

This Staff report is in regard to matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider an application submitted by the property owner of 735 Renforth Drive for a Fence Exemption to erect a 2.5 (~ 8 feet) metre high concrete fence, adjacent to but more than one metre away from an existing retaining wall between a proposed residential development and five existing properties. The proposed fence will be in violation of the height restrictions for rear yards as set out in Chapter 447 of the Municipal Code.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that:

1. Etobicoke York Community Council refuse the application for an exemption submitted by the property owner of 735 Renforth Drive, as the proposal does not comply with provisions of Toronto Municipal Code, Chapter 447, Fences.

Financial Impact

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

DECISION HISTORY

An application for a fence exemption was submitted by the property owner(s). The proposed fence is to be located between the rear yards of the future residential development at 735 Renforth Drive and the adjoining rear yards of the five existing properties; therefore the adjoining property owners have been notified by the City Clerk's office of the date that the application will be considered by the Etobicoke York Community Council (Attachment 1).

ISSUE BACKGROUND

The property owner has submitted an application requesting an exemption to the requirements of Chapter 447, Fences, for the purpose of installing a fence which is to be located along the north property line and will be located within the West property line at Renforth Drive and the East property line at Wellesworth Drive (Attachment 1). The 2.5 metre fence which will be constructed of concrete will be located adjacent to but more than one metre from the top of an existing concrete block retaining wall (Attachment 2, 3 and 4).

COMMENTS

The provisions of Toronto Municipal Code, Chapter 447, Fences, Section 447-2B, Table 1, regulates the maximum height of a fence within the rear of a residential property yard at 2.0 (6.5 feet) metres.

As the proposed fence is more than one metre from the adjacent retaining wall, it is not necessary to include the height of the retaining wall in the final calculation for the height of the proposed fence.

Section 447-2B states: No fence described in the following Table shall, when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence, exceed the height set out in the Table for the fence; in this case 2.0 metres.

The applicant advises that the adjacent property owners at 7, 9, 11 and 15 Brancaster Court, and 106 Wellesworth Drive were all canvassed and have each provided a signed consent for the applicant to replace the existing fence with the proposed 2.5 metre concrete fence.

Should the staff recommendation not be accepted and the request by the applicant be approved, the following condition of approval should include that when the fence is replaced it should be constructed in compliance with TMC Chapter 447 – Fences, or its successor by-law. (Attachments 5 to 9).

CONTACT

Warwick R. Perrin, Supervisor (Acting)
Municipal Licensing and Standards
Etobicoke York District
Tel: 416-394-2536 Fax: 416-394-2904
E-mail: wperrin@toronto.ca

SIGNATURE

Eletta Purdy, District Manager
Municipal Licensing and Standards
Etobicoke York District

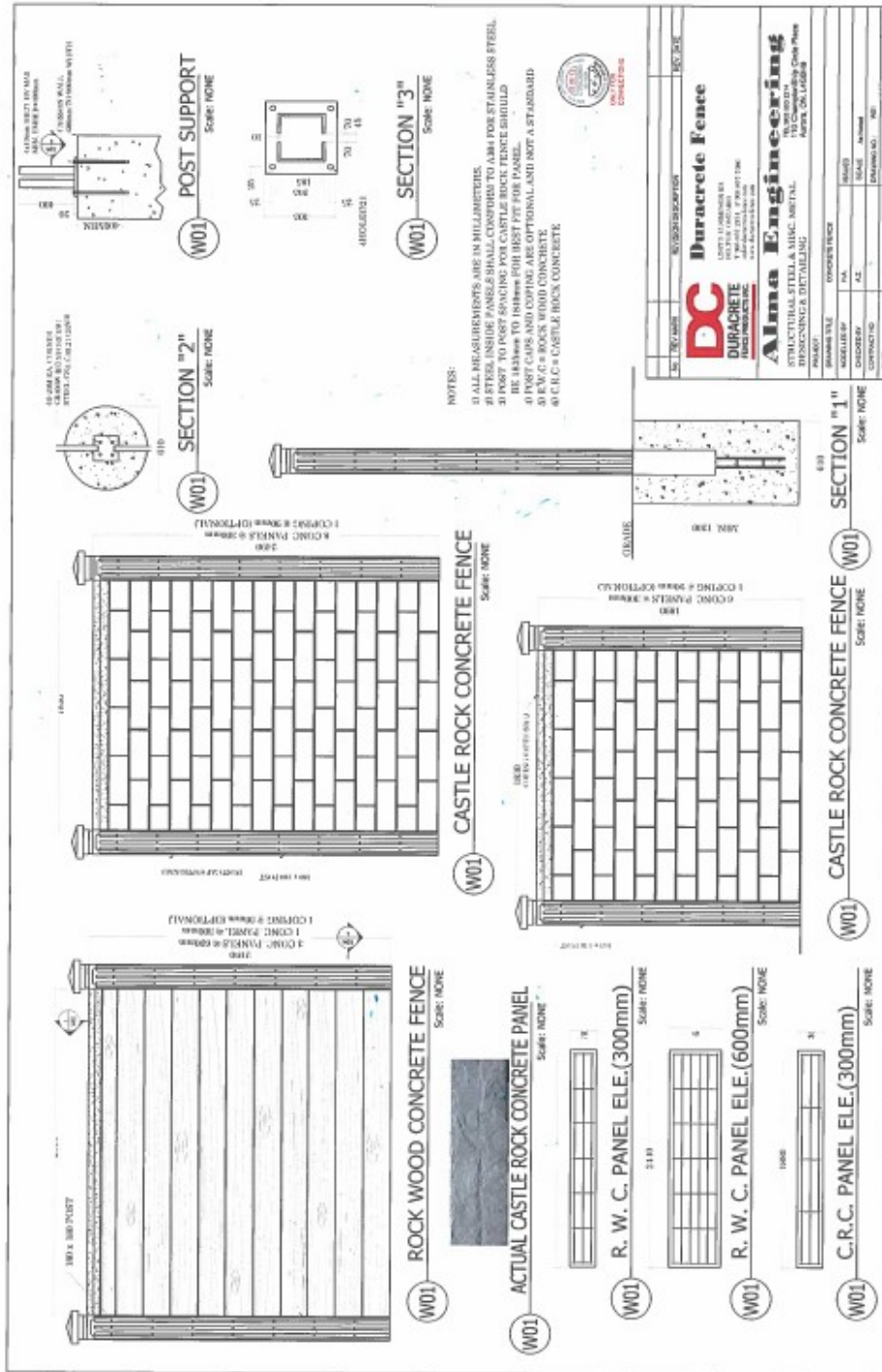
ATTACHMENTS

Attachment 1: Existing property
Attachment 2: Proposed Site Plan
Attachment 3: Fence Elevation and plan
Attachment 4: Photographic representation of proposed fence.
Attachment 5: Consent letter 7 Brancaster Court
Attachment 6: Consent letter 9 Brancaster Court
Attachment 7: Consent letter 11 Brancaster Court
Attachment 8: Consent letter 15 Brancaster Court
Attachment 9: Consent letter 106 Wellesworth Drive

Attachment 1: Existing Property



Attachment 3: Fence Elevation and Plan



Attachment 4: Photographic representation of proposed fence.



Attachment 5:
Consent letter, 7 Brancaster Court

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735 Renforth
DEVELOPMENTS INC.

Confidential

September 16, 2013

Eva & Miles Vitko
7 Brancaster Court
Etobicoke On M9C 4E4

Eva.vitkova@gmail.com
(416) 357-3030

Dear Neighbor;

**Re: Brancaster Ct & Wellesworth Dr Residences Adjacent to 735-743 Renforth Drive, Etobicoke
Proposed New 8' Fence – North Property Line - Fence Exemption Consent**

Due to the various conditions of the existing fences we have agreed to replace the entire fence line along the north property line at our expense. The fence will be located directly on the property line (unless specifically required to be shifted due to existing obstructions) and will be jointly owned by the proposed new homes on the south side and your property on the north side. The current City of Toronto (City) bylaw only permits fences separating two properties to be a maximum of 6' in height, although there is a strong case that it could be 8' as each of your properties will back on 3 or 4 new homes on our site. As part of our application for a Fence Exemption I require consent from each of the adjacent property owners allowing us to replace the existing fences with a new 8' concrete fence, as requested by you.

I would like to have your acknowledgement by signing below so we can make application.

Yours truly,


Larry Regan
735 Renforth Developments Inc.
cell (416) 254-8998
☎ (416) 979-9996 Ext. 36
✉ lregan@cra4td.com

Acknowledged and agreed to by homeowner(s):

Per: 
Print Name: MILES VITKO

Per: 
Print Name: EVA VITKO

2 - 10 Queen Elizabeth Blvd., Etobicoke, ON M8Z 1L8 T. 416.979.9996 F. 416.979.0593 www.CRA4TDDevelopment.ca

Attachment 6:

Consent letter, 9 Brancaster Court

RECEIVED SEP 19 2013

**735 Renforth
DEVELOPMENTS INC.**

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September 16, 2013

John Prefontaine and Lucy Hutchinson
9 Brancaster Court
Etobicoke On M9C 4E4

Johnprefontaine@teksavvy.com
(416) 621-8835

Dear Neighbor:

**Re: Brancaster Ct & Wellesworth Dr Residences Adjacent to 735-743 Renforth Drive, Etobicoke
Proposed New 8' Fence – North Property Line - Fence Exemption Consent**



Due to the various conditions of the existing fences we have agreed to replace the entire fence line along the north property line at our expense. The fence will be located directly on the property line (unless specifically required to be shifted due to existing obstructions) and will be jointly owned by the proposed new homes on the south side and your property on the north side. The current City of Toronto (City) bylaw only permits fences separating two properties to be a maximum of 6' in height, although there is a strong case that it could be 8' as each of your properties will back on 3 or 4 new homes on our site. As part of our application for a Fence Exemption I require consent from each of the adjacent property owners allowing us to replace the existing fences with a new 8' concrete fence, as requested by you.

I would like to have your acknowledgement by signing below so we can make application.

Yours truly,


Larry Regan
cell (416) 254-8908
☎ (416) 979-9996 Ext. 36
✉ lregan@craftgrp.com

Acknowledged and agreed to by homeowner(s):

Per: 
Print Name: John P. Prefontaine
Per: 
Print Name: Lucy Hutchinson

2 - 10 Queen Elizabeth Blvd., Etobicoke, ON M8Z 1L8 T. 416.979.9996 F. 416.979.0593 www.CRAFTDevelopment.ca

Attachment 7:

Consent letter, 11 Brancaster Court

**735 Renforth
DEVELOPMENTS INC.**

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September 16, 2013

Claudia Glass & Luiz Barroso
11 Brancaster Court
Etobicoke On M9C 4E4

cglass@rcd.ca
(416) 621-1668

Dear Neighbor,

**Re: Brancaster Ct & Wellesworth Dr Residences Adjacent to 735-743 Renforth Drive, Etobicoke
Proposed New 8' Fence-- North Property Line - Fence Exemption Consent**

Due to the various conditions of the existing fences we have agreed to replace the entire fence line along the north property line at our expense. The fence will be located directly on the property line (unless specifically required to be shifted due to existing obstructions) and will be jointly owned by the proposed new homes on the south side and your property on the north side. The current City of Toronto (City) bylaw only permits fences separating two properties to be a maximum of 6' in height, although there is a strong case that it could be 8' as each of your properties will back on 3 or 4 new homes on our site. As part of our application for a Fence Exemption I require consent from each of the adjacent property owners allowing us to replace the existing fences with a new 8' concrete fence, as requested by you.

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Yours truly,

Larry Regan
735 Renforth Developments Inc.

Larry Regan
cell (416) 254-8998
☎ (416) 979-9996 Ext. 36
✉ lregan@rcd.ca

Acknowledged and agreed to by homeowner(s):

Per: *Luiz Barroso*

Print Name: LUIZ BARROSO

Per: *Claudia Glass*

Print Name: CLAUDIA GLASS

2 - 10 Queen Elizabeth Blvd., Etobicoke, ON M8Z 1L8 T. 416.979.9996 F. 416.979.0593 www.CRAFIDevelopment.ca

Attachment 8:

Consent letter, 15 Brancaster Court

735 Renforth
DEVELOPMENTS INC.

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September 16, 2013

Lily & Stefan Barko
15 Brancaster Court
Etobicoke On M9C 4E4

remykins55@aol.com
(416) 622-3528

Dear Neighbor,

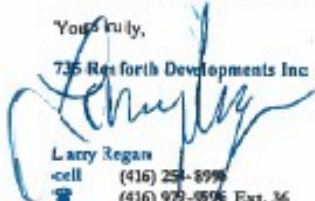
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Proposed New 8' Fence – North Property Line - Fence Exemption Consent**

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Yours truly,

735 Renforth Developments Inc

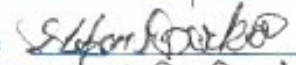


Larry Regan
cell (416) 251-8998
☎ (416) 979-9596 Ext. 36
✉ lregan@crafter.com

Acknowledged and agreed to by homeowner(s):

Per: 

Print Name: Lily Barko

Per: 

Print Name: Stefan Barko

2 - 10 Queen Elizabeth Blvd., Etobicoke, ON M8Z 1L8 T. 416.979.9996 F. 416.979.0593 www.CRAFTDevelopment.ca

Attachment 9:

Consent letter, 106 Wellesworth Drive

**735 Renforth
DEVELOPMENTS INC.**

**Confidential
Hand delivered**

September 16, 2013

Vernon Simpson & Mrs. Simpson
106 Wellesworth Drive
Etobicoke On M9C 4R9

(416) 622-1449

Dear Neighbor;

**Re: Brancaster Ct & Wellesworth Dr Residences Adjacent to 735-743 Renforth Drive, Etobicoke
Proposed New 8' Fence - North Property Line - Fence Exemption Consent**

Due to the various conditions of the existing fences we have agreed to replace the entire fence line along the north property line at our expense. The fence will be located directly on the property line (unless specifically required to be shifted due to existing obstructions) and will be jointly owned by the proposed new homes on the south side and your property on the north side. The current City of Toronto (City) bylaw only permits fences separating two properties to be a maximum of 6' in height, although there is a strong case that it could be 8' as each of your properties will back on 3 or 4 new homes on our site. As part of our application for a Fence Exemption I require consent from each of the adjacent property owners allowing us to replace the existing fences with a new 8' concrete fence, as requested by you.

I would like to have your acknowledgement by signing below so we can make application.

Yours truly,

735 Renforth Developments Inc.

Larry Regan
cell (416) 254-8998
☎ (416) 977-9996 Ext. 36
✉ lregan@craftdevelopments.ca

Acknowledged and agreed to by homeowner(s):

Per: [Signature]

Print Name: Vernon Simpson

Per: [Signature]

Print Name: Mrs Simpson

2-10 Queen Elizabeth Blvd, Etobicoke, ON M8Z 1L8 T 416 979 9996 F 416 979 0993 www.CRAFTDevelopments.ca