



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 59 Winnifred Avenue

Date:	July 16, 2010
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 30 Toronto - Danforth
Reference Number:	IBMS No. 10-177607

SUMMARY

This staff report is about a matter for which the Toronto and East York Community Council has delegated authority from City Council to make a final decision. The applicant, being the property owner is seeking exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), to permit the existing fence in the rear yard, to exceed the maximum allowable height. The Fence By-law provides that a fence in the rear yard area can be constructed to a height of 2 metres. Further the Fence By-law provides that a fence in the rear yard abutting a public lane can be constructed to a height of 2.5 metres.

The fence in the rear yard for which an exemption is being requested consists of several sections of wooden fence 2.42 metres in height situated on north and south sides of the rear yard. In addition there is a section of fence 2.72 metres in height abutting the public lane on the east side of the rear yard. The section of fence on the north side of the yard is .9 metres in length and the 2 sections of fence on the south side of the yard are 1.6 metres and 7.36 metres in length. The section of fence on the east side of the rear yard is 3.86 metres in length consisting of 2 sliding panel of wooden fence and a supporting wooden header. (schematic attached)

The fence in the rear yard does not comply with the maximum permitted height of 2 metres for the north and south portions or 2.5 metres for the east portion. (attachments 1-4)

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 59 Winnifred Avenue and confirm the notice and direct that a second notice be given under this article.

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

The Fence By-law provides that a fence in the rear yard can be constructed to a height of 2 metres. The Fence By-law further provides that the maximum permitted height of a fence in the rear yard abutting a public lane can be constructed to a height of 2.5 metres.

The rear yard fence sections on the north and south side of the rear yard measure to a height of 2.42 metres, while the fence section on the east side of the rear yard measures to a height of 2.72 metres all of which exceeds the maximum height permitted in the Fence By-law.

ISSUE BACKGROUND

The Municipal Licensing and Standards Division received an application for exemption from the Fence By-law, in response to a complaint received about the height of the rear yard fence and a Notice of Violation issued. The stated purpose for maintaining the fence at the current height is for security, safety, privacy and aesthetics. Letters of support have been submitted from both adjoining property owners.

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 Fences, Section 447-2(B), provides that the maximum permitted height of a fence in the rear yard should not exceed 2 metres in height. Section 447-2(B), further provides that the maximum permitted height of a fence in the rear yard abutting a public lane should not exceed 2.5 metres.

Should the request for an exemption be approved, a condition of approval should include that when the fence is replaced it should be constructed in compliance with Toronto Municipal Code, Chapter 447-Fences or its successor bylaw.

CONTACT

Stephen Miller, Supervisor, Municipal Licensing and Standards Division
Toronto and East York District, (416) 392-0815, fax (416) 392-0384,
smiller4@toronto.ca

SIGNATURE

Elizabeth Glibbery, Manager
Toronto and East York District

ATTACHMENTS

1. schematic of rear yard fencing
2. attachment 1 – east fence section
3. attachment 2 – south fence section (a.)
4. attachment 3 - south fence section (b.)
5. attachment 4 – north fence section