Application for Fence Exemption
17 Jacinta Drive

Date: October 18, 2012

To: Etobicoke York Community Council

From: Curtis Sealock, District Manager, Municipal Licensing and Standards

Wards: Ward 12: York South – Weston

Reference Number: Municipal Licensing and Standards Folders 12-116267 and 12-125414

SUMMARY

This report is in regard to an application submitted by the property owner of 17 Jacinta Drive for a Fence Exemption to maintain an existing close board wooden fence of 21.8 metres in length built on top of an elevated flower bed, with an average height of 2.4 metres under the regulations, at the rear yard on the east side of the property adjacent to 15 Jacinta Drive. This is a matter 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 Etobicoke York Community Council:

1. Refuse the application submitted by the property owner of 17 Jacinta Drive for a Fence Exemption to maintain an existing close board wooden fence of 21.8 metres in length built on top of an elevated flower bed, with an average height of 2.4 metres, at the rear yard on the east side of the property adjacent to 15 Jacinta Drive, on basis that it 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 fence erected at the rear yard of 17 Jacinta Drive is too high, a Municipal Standards Officer attended this location and found a 2.2 metres high close board wooden fence erected on top of a flower bed formed by a 0.6 metres high retaining wall at the rear yard on the east side of the property (Attachments 2 and 3).

While the base of the fence is almost levelled with the surface of the driveway on the other side of the fence at the adjacent property at 15 Jacinta Drive, the effective height of the fence is 2.4 metres after taking into consideration of the average grade difference of the two properties. The maximum height of a fence at the rear yard of a single residential property under the Fence By-law is 2.0 metres. In response to a Notice of Violation issued, the property owner submitted an application for Fence Exemption.

COMMENTS

The subject property, 17 Jacinta Drive, is bounded to the east by 15 Jacinta Drive, to the west by 19 Jacinta Drive, and backing on a high rise apartment building at 1570 Lawrence Avenue West (Attachment 1).

The height of the fence in question, when measured from the adjacent neighbour's driveway at 15 Jacinta Drive is 2.0 metres to the top rail, and 2.2 metres to the post caps (which is 20 centimetres higher than the maximum height of 2.0 metres). While the fence does not adversely affect the light and view of the neighbour at 15 Jacinta Drive, it is technically in violation of the Fence By-law, partly because the fence height is measured to the top of the posts, and partly because of the grade difference between the two properties (Attachments 2 and 3).

As the side yard of 17 Jacinta Drive is approximately 0.6 metres lower than that of the neighbouring property at 15 Jacinta Drive, the fence appears to be 2.8 metres high measured from grade from the side of 17 Jacinta Drive. According to the Fence By-law, the height of a fence is 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. Effectively the average height of the fence in question is 2.4 metres, which is in excess of the 2.0 metres permitted fence height by 40 centimetres.

CONTACT

Chip Au, Supervisor
Municipal Licensing and Standards
Etobicoke York District
Tel: 416-394-2533 Fax: 416-394-2904
E-mail: cau2@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Aerial Photo and Site Survey
Attachment 2: Fence Section and Elevation
Attachment 3: Photos of Fence taken from 17 Jacinta and neighbouring 15 Jacinta Drive
Attachment 1: Aerial Map and Site Survey
2.2 m

2.8 m

Average Height
2.4 m

Driveway at 15 Jacinta Drive

Attachment 2: Fence Section and Elevation
Attachment 3: Photos of Fence taken from 17 Jacinta (above) & 15 Jacinta (below)