Application for Fence Exemption
108 Vine Avenue

Date: July 15, 2014

To: Etobicoke York Community Council

From: Eletta Purdy, District Manager, Municipal Licensing and Standards

Wards: Ward 13, Parkdale-High Park

Reference Number: Municipal Licensing and Standards Folder 14 147057 FEN 00 IR

SUMMARY

This staff report is in regard to a 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 owner of 108 Vine Avenue for a Fence Exemption to maintain a metal chain link fence higher than 1.2 metres (~4 feet) located in the front yard of the property. The fence is in violation of Toronto Municipal Code Chapter 447, Fences.

RECOMMENDATIONS

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

1. Refuse the request for an exemption submitted by the property owner of 108 Vine Avenue, to maintain a metal chain link fence and posts having a height of approximately 2.5 metres (~8.2 feet) from the building at 100 Vine Avenue to the front lot line, east along the front lot line to the east lot line and north along the east lot line to the side yard, as the fence does not comply with the provisions of City of Toronto Municipal Code, Chapter 447, Fences.

2. Direct that a second unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences.
Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

An application for a fence exemption was submitted by Khurana Associates acting as an agent for the property owner of 108 Vine Avenue. The subject section of fence is located at the front yard. Accordingly, all property owners within a 60 metre radius have been notified by the City Clerk's office of the date that the application for exemption will be considered by Etobicoke York Community Council. (Attachment 1)

ISSUE BACKGROUND

A complaint was received that the fence located at 108 Vine Avenue was too high and was topped with barbed wire. The subject property is located in an (I1.D2) Industrial zone.

Inspection by a Municipal Standards Officer revealed that the fence of concern is located in the front, side and rear yards. The section of the fence in the front yard, projecting from the building at 100 Vine Avenue to the front lot line, along the front lot line to the east lot line and along the east lot line to the side yard is of 2 inch square metal chain link construction, approximately 2.5 metres (~8.2 feet) high with 2.9 metres (~9.5 feet) high posts. At the time of initial inspection the fencing in the front, side and rear yards were topped with three strings of barbed wire. The height of the side and rear yard fence is approximately 2.5 metres exclusive of the barb wire and brackets. Subsequent inspection revealed that the barbed wire is removed from all sides however the brackets designed to attach the barbed wire remain in place. (Attachments 2, 3, 4 and 5)

The Toronto Municipal Code, Chapter 447, Fences, specifies that the height of a fence in a non-residential property shall not exceed 1.2 metres (4 feet) in the front yard. Also that no barbed wire shall be permitted, unless the fence is permitted to exceed 2.5 metres (8 feet 2 inches) in height.

In response to the Notice of Violation, the property owner submitted an application for a Fence Exemption, on the grounds that the fence provides security.

The property owner is applying to maintain the front yard fence and lower the posts to approximately 2.5 metres (~8 feet 5 inches), leave the barbed wire off and remove the barbed wire brackets from all sections of fencing. In accordance with Toronto Municipal Code, Chapter 447, Fences, this proposed fence is 1.3 metres (~4.3 feet) in excess of the maximum permitted height in front yard. (Attachments 6, 7 and 8)
COMMENTS

The subject fence is in violation of City of Toronto Municipal Code Chapter 447, Fences, with respect to height.

Should the staff recommendation not be accepted and the proposal by the applicant is approved, the following condition of approval should include:

1. When the fence is replaced, it has to comply with the City of Toronto Municipal Code, Chapter 447, Fences or its successor by-law.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: Properties notified of Application Hearing date
Attachment 2: Aerial photo image
Attachment 3: Photograph of fence from South West Corner
Attachment 4: Photograph of fence from South East Corner (with dimensions)
Attachment 5: Photograph of fence with barbed wire hanging bracket.
Attachment 6: Fence detail submitted by applicant.
Attachment 7: Fence detail submitted by applicant.
Attachment 8: Lot plan submitted by applicant.
Attachment 1:
Properties notified of Application Hearing date
Attachment 2:
Aerial Photo Image
Yellow dash line showing fence location on property
Attachment 3:
Photograph of fence South West Corner
Attachment 4:
Photograph of fence South West Corner (with dimensions)
Attachment 5:
Fence with barbed wire hanging bracket
Attachment 6:
Fence Detail Submitted by Applicant

Fence Exemption – 108 Vine Avenue
Attachment 7:
Fence Detail Submitted by Applicant
Attachment 8:
Lot Plan Submitted by Applicant