Request for a Fence Exemption – 66 Chelford Road

Date: January 19, 2016
To: North York Community Council
From: Pat Burke, District Manager
Municipal Licensing & Standards, North District
Wards: Ward 25 – Don Valley West
Reference Number: IBMS No. 15-264563

SUMMARY

This staff report concerns a matter for which the North York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to advise Community Council concerning an application by the property owner of 66 Chelford Road for a site-specific Fence Exemption, pursuant to Section 447-5.C of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Community Council's permission to maintain rear yard wooden perimeter fencing that violates the height regulations stipulated in City of Toronto Municipal Code Chapter 447.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the North York Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 66 Chelford Road, for the existing wooden fences which exceed the permitted height as stipulated in City of Toronto Municipal Code Chapter 447. Direct that a second un-appealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences.

OR
2. Grant the application for a fence exemption, without conditions, thereby allowing the rear yard wooden perimeter fencing to be maintained, as constructed. Direct and require that the fence be maintained in good repair without alteration. Direct and require that at such time as replacement of the fence is required that such installation will comply with Municipal Code Chapter 447, or its successor by-law.

OR

3. Grant the application for a fence exemption permit, subject to any conditions as imposed by the North York Community Council.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

No previous decision history.

ISSUE BACKGROUND

The subject property is a single family dwelling situated one block west of Leslie Street and midway between Lawrence Avenue East and York Mills Road, in Ward 25 (Attachment #1).

The property owners have erected a vertical board fencing in the rear yard [north, east and south elevations] that measure various heights and approximately 2.4 metres in height at its highest point, contrary to Section 447-2B.(1) of Chapter 447 of the Toronto Municipal Code.

As required by Section 447-5(C), Municipal Licensing & Standards has responded to the fence enclosure exemption application by preparing this report for North York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that the North York Community Council will consider the application.

Municipal Licensing Standards' review of the rear yard fence installations has determined that it does not comply with Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

<table>
<thead>
<tr>
<th>GENERAL LOCATION</th>
<th>SPECIFIC LOCATION</th>
<th>DEFICIENCY</th>
<th>BY-LAW SECTION &amp; REQUIREMENT*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear Yard</td>
<td>North, East and South Elevations</td>
<td>The board fences in the rear yard measures approximately 2.4 metres in height, at its</td>
<td>Section 447-2B.(1) No fence, when measured at any point along its length from the</td>
</tr>
</tbody>
</table>
The Municipal Licensing and Standards Division received a formal complaint on November 28, 2015 about the height of the rear yard fences on the subject property. The investigations by staff confirmed that the rear yard fences exceeded the permitted heights and a Notice of Violation dated December 02, 2015 was issued and remains outstanding pending the outcome of this exemption application request. The property owner filed the application for the fence exemption on or about December 10, 2015.

The property owner seeks the exemption to maintain the fences primarily for the security and safety of their home. (Attachments #2, 3, 4, 5 and 6) The applicants have included a letter of support for their application from the property owners adjoining the subject fence, on the west side at #64 Chelford Road. (Attachment #7)

If the request is approved, a condition of approval should include that when the fence is replaced it should be constructed in compliance with Chapter 447 or its successor by-law.

CONTACT

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SIGNATURE

Pat Burke, North York District Manager
Municipal Licensing & Standards Division

ATTACHMENTS

Attachment 1 – Areal map of 66 Chelford Road
Attachment 2 – Photo of Side Yard Fence – Adjoining 64 Chelford Road
Attachment 3 – Photo of Side Yard Fence – Adjoining 68 Chelford Road
Attachment 4 – Photo of Rear Yard Gate
Attachment 5 – Photo of Rear Yard Fence/Gate
Attachment 6 – Elevation Plan of Rear Yard – Provided by Property Owner
Attachment 7 – Letter of Support from 64 Chelford Road
Dear neighbours,

As the homeowner of 64 Chelford Rd, I agree the height of the fence between 64 Chelford Rd and 66 Chelford Rd to be remain as 8 ft.

Sincerely,
Yuyu Lu

Dec. 14 2015