

## **Request for a Fence Exemption – 64 Southwell Drive**

**Date:** December 5, 2016  
**To:** North York Community Council  
**From:** Pat Burke, North York District Manager, Municipal Licensing & Standards  
**Wards:** Ward 25 - Don Valley West

### **SUMMARY**

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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 64 Southwell Drive 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 a front yard wooden fence that violates the height regulations stipulated in City of Toronto Municipal Code Chapter 447.

### **RECOMMENDATIONS**

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

1. Refuse to grant the application for an exemption, by the property owner of 64 Southwell Drive, for the existing wooden front yard fence which exceeds the permitted height as stipulated in City of Toronto Municipal Code Chapter 447. Direct that 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, by the property owner of 64 Southwell Drive, thereby allowing the wooden fence to be maintained, as built. 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 installations 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 for

the front yard fencing, as imposed by the North York Community Council.

## **FINANCIAL IMPACT**

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There is no financial impact anticipated in this report.

## **DECISION HISTORY**

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No previous decision history.

## **COMMENTS**

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The subject property is a single family dwelling situated east of Leslie Street and one block south of York Mills Road in Ward 25 (Attachment # 1).

The property owner is proposing to maintain a wooden front yard fence along the south elevation of this corner lot that at its highest point, measures approximately 2.0 metres in height, contrary to Section 447-2B.(1) of Chapter 447 of the Toronto Municipal Code. An application for a fence exemption was filed on November 29, 2016.

The Municipal Licensing and Standards Division received a formal complaint on September 12, 2016 about the height of the fence on the subject property. Staff confirmed that the front yard fence exceeds the permitted height and a Notice of Violation dated September 29, 2016 was issued and remains outstanding pending the outcome of this exemption application request. The particulars of the infraction are listed in the chart which follows.

As required by Section 447-5(C), Municipal Licensing & Standards has responded to the fence 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 existing front yard fence installation has determined that it does not comply with Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

GENERAL LOCATION	SPECIFIC LOCATION	DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
South Elevation	Front Yard along the South lot line abutting 62 Southwell Drive	The existing wooden fence in the front yard measures approximately 2.0 metres in height at its tallest point.	Section 447-2B.(1) No fence, 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. Fence in front yard shall not exceed 1.2 metres in height.

The property owner seeks the exemption to maintain the front yard fence primarily for reasons of privacy, security, safety. (Attachments # 2, 3 and 4)

## **CONTACT**

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Italo Joe Luzi, North District Supervisor  
Municipal Licensing & Standards Division  
North District  
Tel. (416) 395-7013  
Fax (416) 395-7056  
E-mail: jluzi@toronto.ca

## **SIGNATURE**

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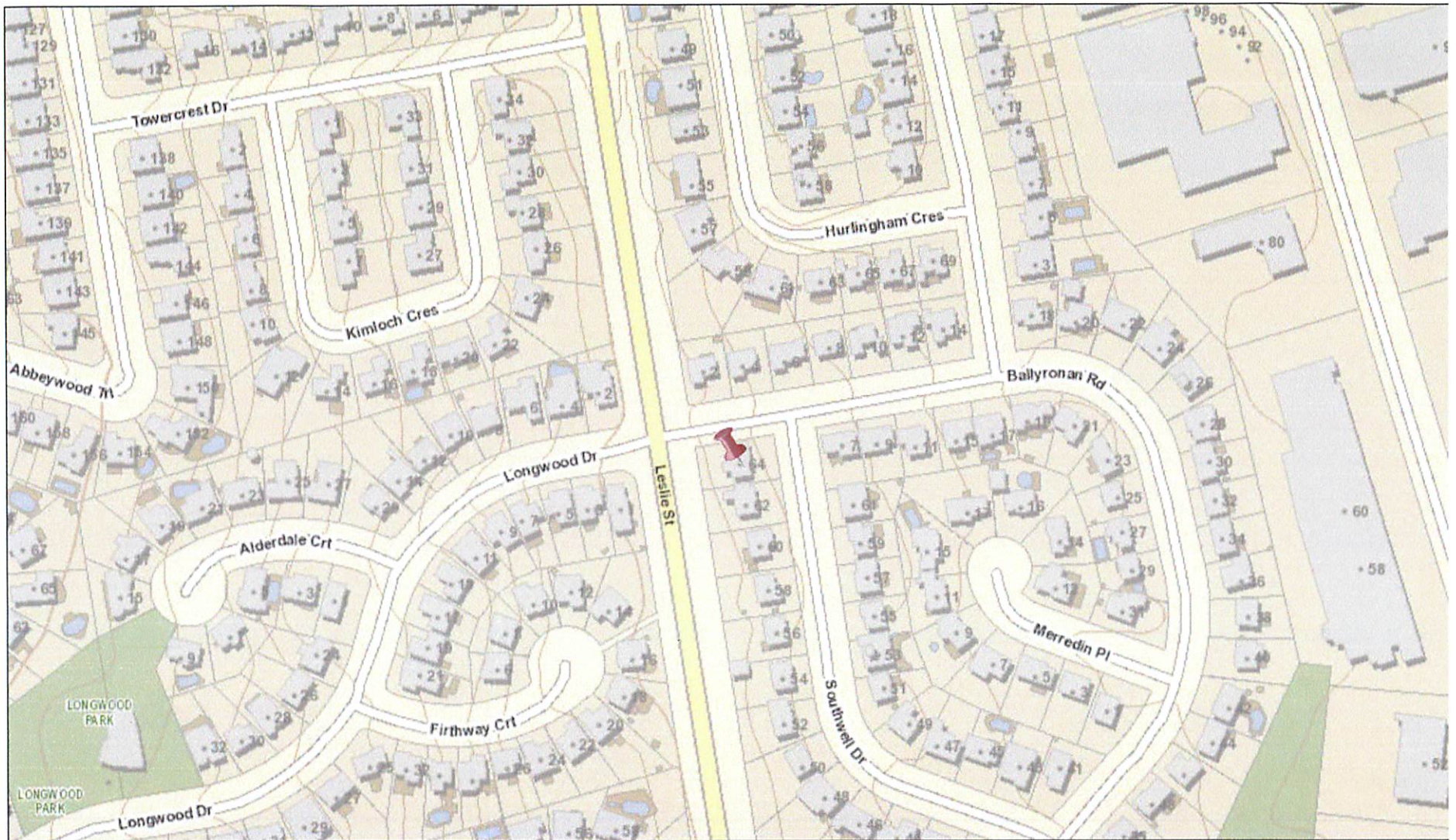
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Pat Burke, North District Manager  
Municipal Licensing & Standards Division

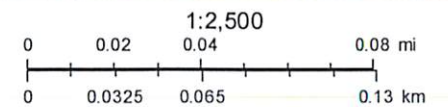
## **ATTACHMENTS**

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Attachment 1 – Aerial map of 64 Southwell Drive  
Attachment 2 – Site Plan of 64 Southwell Drive  
Attachment 3 – Photo # 1 - Front Yard Fence - View from 62 Southwell  
Attachment 4 – Photo # 2 - Front Yard Fence - View from Street Line



December 2, 2016



Attachment # 1 - Aerial map of 64 Southwell Drive

# BALLYRONAN ROAD

BY REGISTERED PLAN 4768

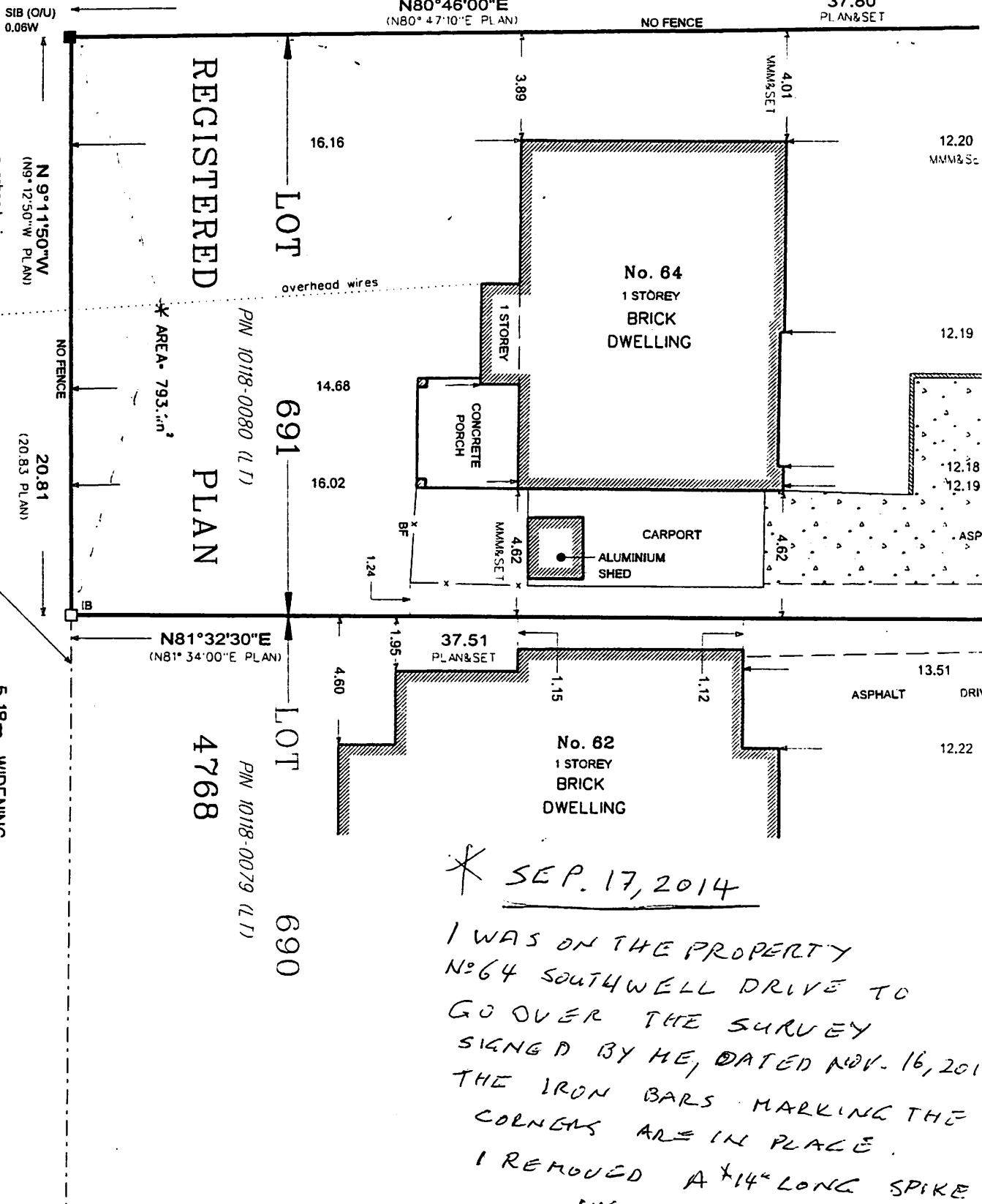
PIN 10118-0210 (L/T)

ROAD ALLOWANCE BETWEEN CONCESSION 2 AND 3 EAST OF YONGE STREET

LESLIE STREET

PIN 10118-0220 (L/T)

5.18m WIDENING  
BY REGISTERED PLAN 4768



\* SEP. 17, 2014

I WAS ON THE PROPERTY  
 NO. 64 SOUTHWELL DRIVE TO  
 GO OVER THE SURVEY  
 SIGNED BY ME, DATED NOV. 16, 2011.  
 THE IRON BARS MARKING THE  
 CORNERS ARE IN PLACE.  
 I REMOVED A \*14" LONG SPIKE  
 WHICH WAS PLACED BY US DURING  
 THE ACTUAL SURVEY WORK  
 AND WAS USED AS A REFERENCE  
 MARK ONLY.

Attachment #2 - Site Plan

Attachment #3 - Photo #1 - Front yard Fence



Attachment #4 - Photo #2

