

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 51 Don Valley Drive

Date: February 06, 2018

To: Toronto and East York Community Council

From: Joe Magalhaes, District Manager, Municipal Licensing & Standards, Toronto-East York District

Wards: Ward 29 - Toronto Danforth

SUMMARY

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

The purpose of this report is to advise Council concerning an application by the property owner of 51 Don Valley 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 Council's permission to allow for the existing fence, which does not comply with maximum fence height restrictions and fence construction material restrictions stipulated by Section 447-2 of the bylaw.

The fence is installed on the West property line in the rear yard between 49 and 51 Don Valley Dr. There are 4 different sections of fence in violation for height and use of corrugated metal sheets. The first section is 2.26 m (7 feet 5 inches) high and 4.39 m (14 feet 5 inches) wide. The second section is an average height of 2.59 m (8 feet 6 inches) between the two properties and 4.88 m (16 feet) wide. The third section is an average height of 2.31 m (7 feet 7 inches) between the two properties and 7.31 m (24 feet) wide. The fourth section is an average height of 2.31 m (7 feet 7 inches) between the two properties and 14.15 m (46 feet 5 inches) wide. The material of the fence is corrugated metal.

The application is based on a complaint that was received and investigated by Municipal Licensing and Standards.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 51 Don Valley Drive, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to issue a second notice to the property owner to bring the fence into compliance.

OR

2. Grant the application for a fence exemption permit, without conditions, thereby allowing the fence to be maintained as constructed. Direct and require that the installation be maintained in good repair without alteration. 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.

FINANCIAL IMPACT

There is no anticipated Financial Impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on September 05, 2017, in regards to an existing installed fence, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing additional privacy and security as the reasons for the application.

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

ISSUE BACKGROUND

The subject property, 51 Don Valley Drive., is located in Ward 29 - Toronto Danforth. The property is a two storey, detached home.

Municipal Licensing Standards' investigated the fence installation and determined that it did not comply with maximum height restrictions for residential fences (see table below) provided by Section 447-2 of Toronto Municipal Code, Chapter 447- Fences.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	On the west side of rear yard	<p>The fence is divided into 4 sections and made with corrugated metal:</p> <p>Section 1 is 2.26 m (7 feet 5 inches) high and 4.39 m (14 feet 5 inches) wide.</p> <p>Section 2 is an average height of 2.59 m (8 feet 6 inches) between the two properties and 4.88 m (16 feet) wide.</p> <p>Section 3 is an average height of 2.31 m (7 feet 7 inches) between the two properties and 7.31 m (24 feet) wide.</p> <p>Section 4 is an average height of 2.31 m (7 feet 7 inches) between the two properties and 14.15 m (46 feet 5 inches) wide.</p>	<p>Section 447-2 (A)(3)</p> <p>No sheet metal or corrugated metal panels shall be used in any fence.</p> <p>Section 447-2 (B)(1)</p> <p>Maximum height of 2.0 metres, measured at any point along its length, based on the average grade height of the land within 1 metre on either side of the fence</p>

COMMENTS

While the proposed fence violates Toronto Municipal Code, Chapter 447- Fences with respect to height, it does not appear to contravene any other provisions of the bylaw.

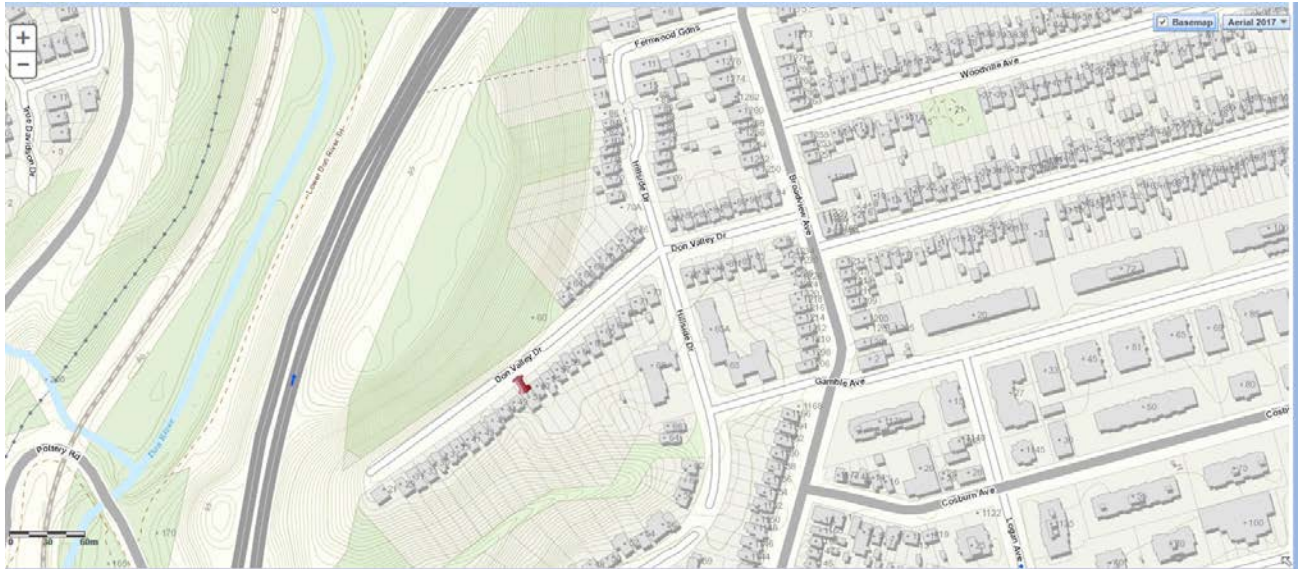
CONTACT

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SIGNATURE

Joe Magalhaes, District Manager,
Municipal Licensing and Standards
Toronto - East York District

ATTACHMENTS



Attachment 1: iView Map of property – 51 Don Valley Drive



Attachment 2: Existing fence on West side of property (photo taken from neighbouring property facing East)



Attachment 3: Existing fence on West side of property (photo taken from neighbouring property facing East)



Attachment 4: Existing fence on West side of property (photo taken from neighbouring property facing East)