

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 288 Monarch Park Ave

Date: February 20, 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 288 Monarch Park Ave 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 stipulated by Section 447-2 of the bylaw.

The fence is installed in the front yard of the property on the East side. It is constructed of wood. The fence is split into 3 sections. The fence is partly constructed on the right of way. The first section on private property is 1.6 m (5 ft 3 in) in height and 2.25 m (7 ft 4.5 in) in width. The second section on private property is 1.32 m (4 ft 4 in) in height and 0.51 m (1 ft 8 in) in length. (This exemption is only for the portion on private property.

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 288 Monarch Park Ave, 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 November 28, 2017, in regards to an existing installed fence, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing privacy 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, 288 Monarch Park Ave., is located in Ward 29 - Toronto Danforth. The property is a two storey, semi-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* |
|------------------|-------------------|---|---|
| Front Yard | East Side | <p>The fence is made of 3 sections. The two sections on private property have the following dimensions:</p> <p>Section 1 is 1.6 m (5 ft 3 in) in height and 2.25 m (7 ft 4.5 in) in width.</p> <p>Section 2 is 1.32 m (4 ft 4 in) in height and 0.51 m (1 ft 8 in) in length.</p> | <p>Section 447-2 (B)(1)</p> <p>Maximum height of 1.4 1.2 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,
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Toronto - East York District

ATTACHMENTS



Attachment 1: iView Map of property - 288 Monarch Park Ave



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