

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 257 Eastwood Rd

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 32 - Beaches - East York

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 257 Eastwood Rd 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 on the north side and also along the west property line in the front yard. There are 2 separate sections of the fence in violation. The first section is at the bottom of the front stairs and runs east to west. The height of the fence is 1.55 m (5 feet 1 inch) high and 1.78 m (5 feet 10 inches) wide. The fence on the west property is 2.0 m (6 feet) in height and 1.82 m (5 feet 11.5 inches) wide. The material of the fence is wood.

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 257 Eastwood Rd, 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 August 30, 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, aesthetic symmetry and curb appeal 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, 257 Eastwood Rd., is located in Ward 32 - Beaches - East York. 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*
Front Yard	North side of property in front of door and on the west side of the property	<p>The fence is located on 2 sections of the deck:</p> <p>1) The height of the first section on North side is 1.55 m (5 feet 1 inch) high and 1.78 m (5 feet 10 inches) wide.</p> <p>2) The fence on the west property line is 2.0 m (6 feet) in height and 1.82 m (5 feet 11.5 inches) wide.</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.

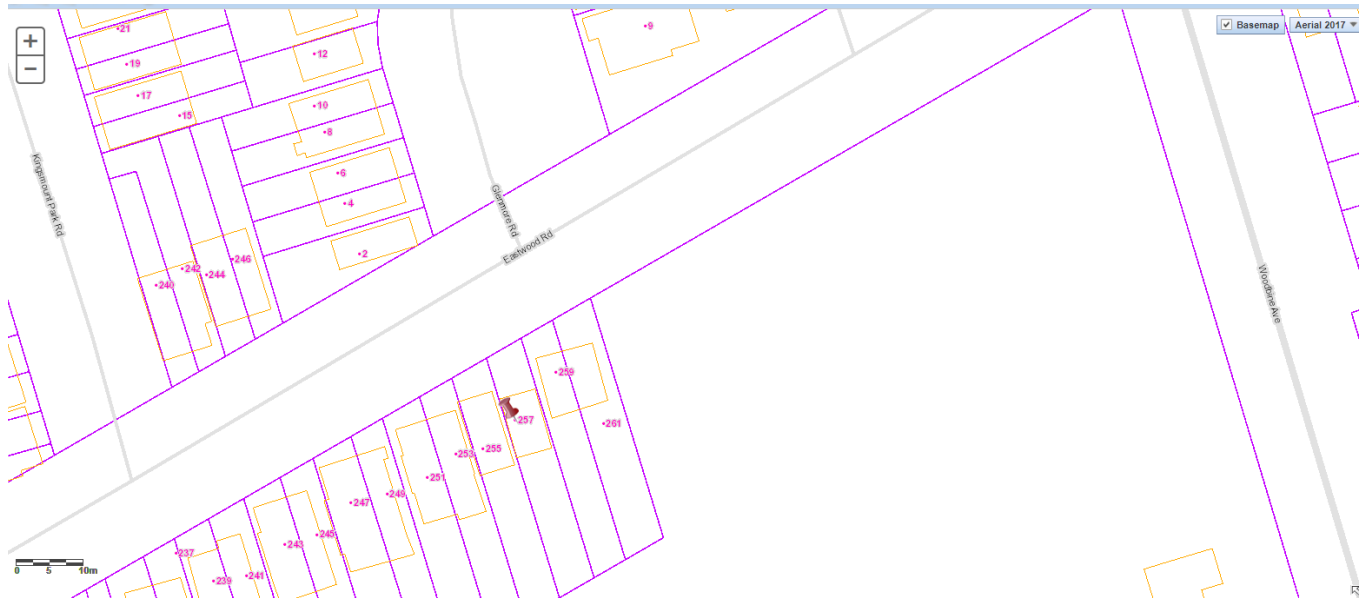
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SIGNATURE

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

ATTACHMENTS



Attachment 1: iView Map of property – 257 Eastwood Rd



Attachment 2: Photo of property (taken facing South)



Attachment 3: Existing fence on the North side of property (photo taken facing south-east)



Attachment 4: Picture of West fence and North fence (photo taken facing South)