

Request for Fence Exemption – Rear yard – 48 Barrydale Crescent

Date: January 9, 2019

To: North York Community Council

From: Elena Sangiuliano, District Manager, Municipal Licensing & Standards, North York District

Wards: Ward 15 – Don Valley West

SUMMARY

This staff report is in regards to 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 consider an application submitted by the owner(s) of 48 Barrydale Cres for a site-specific Fence Exemption, pursuant to the Toronto Municipal Code, Chapter 447- Fences. The property owner(s) is seeking Council's permission to be exempt from Chapter 447–1.2.B(1) – Fence height.

The subject property 48 Barrydale Cres is located in Ward 15, on a residentially zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
Rear yard	East side of property, rear yard. Between numbers 48 and 50 Barrydale Cres.	Existing wooden board on board fence to be increased in height to an average of 2.2 metres. (There is a difference in grade between the properties. The proposed fence would be 2.0 metres high from grade on the side of number 48, and 2.4 metres high from grade on the side of number 50).	Chapter 447–1.2.B(1) – Fence height.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the North York Community Council give consideration to the exemption application and decide to:

1. Refuse to grant the application for an exemption permit, by the owner(s) of 48 Barrydale Cres, rear yard fence height, for failing to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for the rear yard fence to be built in excess of 2.0 metres without conditions. Direct and require that the installation 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.

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

The owner(s) submitted a fence exemption application, in writing, on 9th October 2018 for proposed increase in height of an existing boundary fence, with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences as 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 North York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that North York Community Council will consider the application.

COMMENTS

The proposed wooden fence would violate Toronto Municipal Code, Chapter 447- Fences requirements with respect to being in excess of 2 metres in height (average height measured as per the bylaw, 1 metre out from the fence on each side), it does not contravene any other provisions of the bylaw.

The City originally received a complaint from the daughter of the owner of number 50 Barrydale Cres on July 13th 2017 with regard to the height of the fence in question. An investigation was commenced by Municipal Standards Officer Charlene Tait, who determined that the fence was in excess of the height permitted by the bylaw and a Notice of Violation was issued to both parties. Advice was also given to the owners of number 48 Barrydale Cres as to how to apply for a fence exemption.

At some stage on or around June 2018 the fence in question was reduced in height so that it complies with the bylaw. The owners of number 48 allege that this modification was carried out without their consent, and that they believe that it was cut down by, or on behalf of, the owners of number 50 Barrydale Cres.

The owners of number 48 Barrydale Cres are now submitting to Community Council to exempt them from the height restriction of the bylaw.

CONTACT

Mark Edser, Supervisor,
Municipal Licensing & Standards Division
North York District
Tel. # 416 395 1013
Fax (416) 395-7056
E-mail: mark.edser@toronto.ca

SIGNATURE

Elena Sangiuliano
Manager, Municipal Licensing and Standards, North York District

ATTACHMENTS

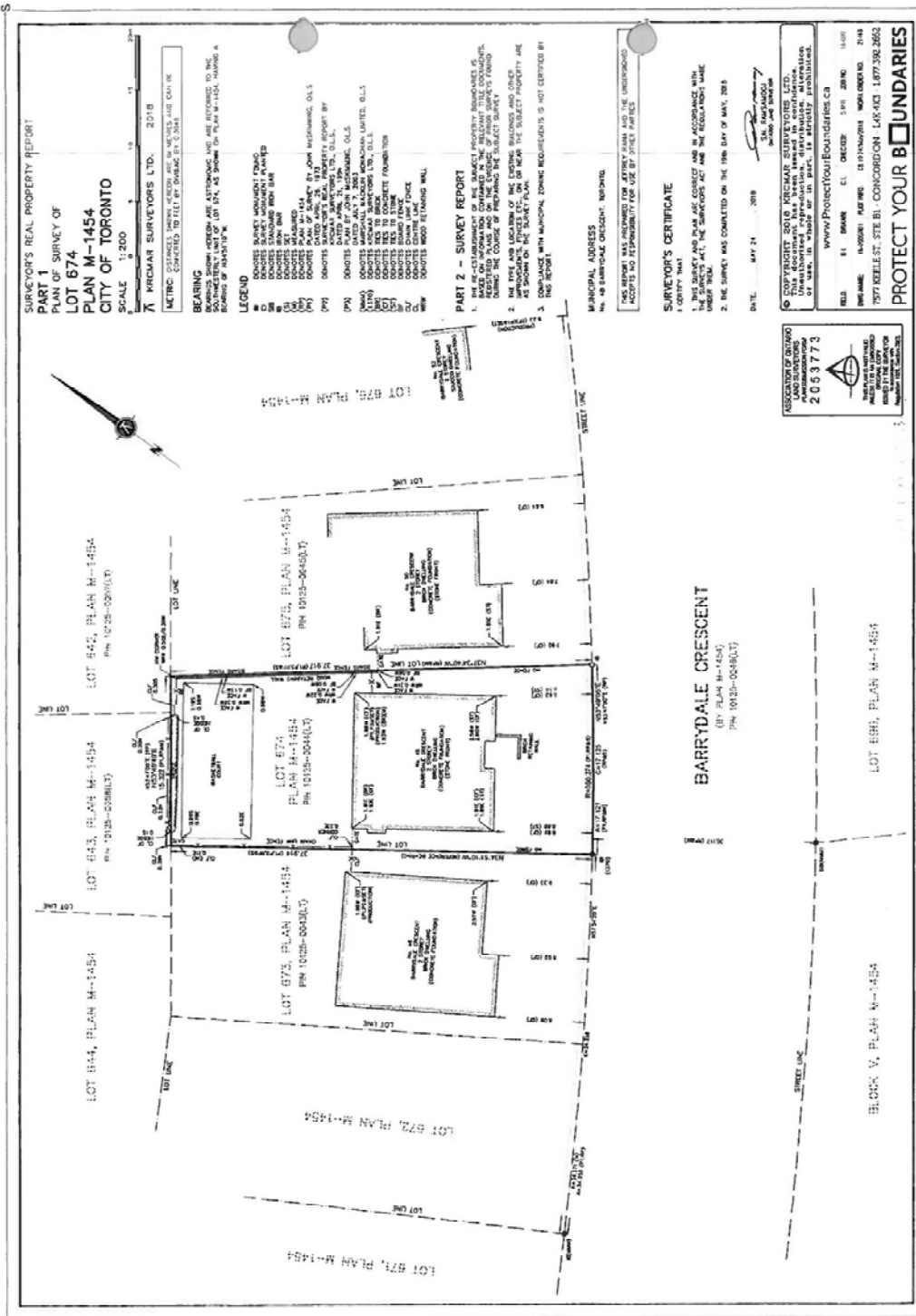
Appendix 1 – Location of Subject Property from iView.
Appendix 2 – Site Plan
Appendix 3 - Elevation photo taken from rear yard of 48 Barrydale Cres showing boundary wooden fence.
Appendix 4 - Elevation photo taken from rear yard of 50 Barrydale Cres showing boundary wooden fence.
Appendix 5 – View of notification area in relation to 48 Barrydale Cres

Appendix 1, Location of subject property from iView:

48 Barrydale Cres fence exemption application
Folder #18 239620 FEN 00 IR

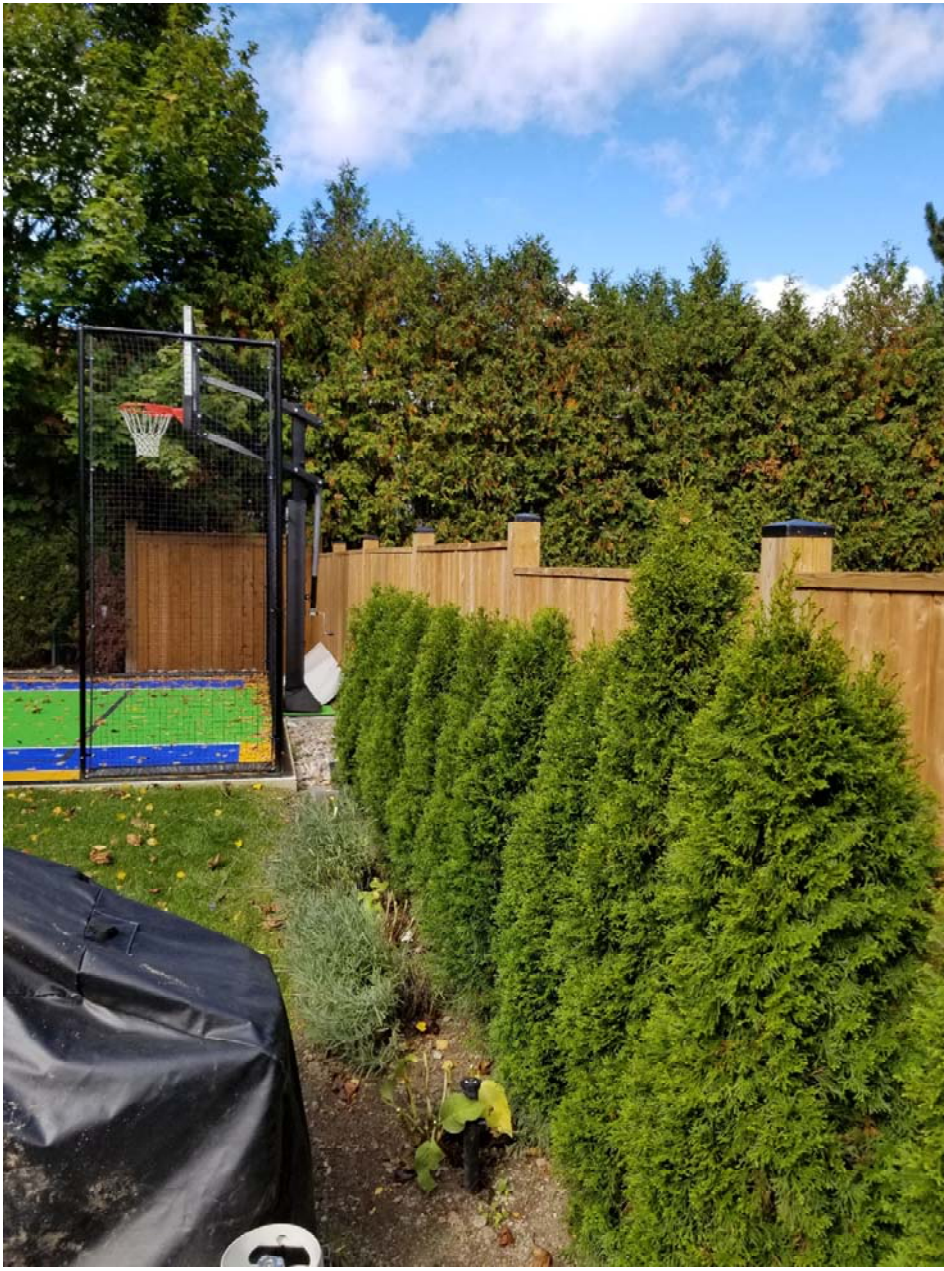


Appendix 2 – Site Plan **48 Barrydale Cres fence exemption application** **Folder #18 239620 FEN 00 IR**



Appendix 3- Elevation photo taken from rear yard of 48 Barrydale Cres showing boundary wooden fence.

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Appendix 4 - Elevation photo taken from rear yard of 50 Barrydale Cres showing boundary wooden fence.

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Appendix 5, View of notification area in relation to 48 Barrydale Crescent

