



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 75 ALTON AVENUE

Date:	April 26 th , 2019
To:	Toronto and East York Community Council
From:	Joe Magalhaes, District Manager Municipal Licensing & Standards, Toronto & East York District
Wards:	Ward 14
Reference Number:	IBMS No. 18 138558 FEN 00 IR

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 75 Alton Avenue 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.

Location: Rear yard, North property line fence stretching the length of the rear yard towards the laneway measures 7.58ft-8.31ft (91-99.5 inches) .

The application is based on a complaint that was received on April 4, 2018 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 75 Alton Avenue, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

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 financial impact anticipated in this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on May 22, 2018, for the existing private property fence measuring 91-99.5 inches (7.58-8.31ft) located in the rear yard, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing privacy, security, safety and aesthetics 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. (See attached)

ISSUE BACKGROUND

The subject property, 75 Alton Avenue., is located in Ward 14. It is a two story semi-detached, residential building.

Municipal Licensing and Standards' review of the proposed fence installation has determined that it does not comply with maximum height restrictions for residential fences provided by Section 447-2 of Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	1. North fence stretching the length of the stairs from the second floor deck.	1. The existing rear yard fence in is excess of 2 meters in height. Current fence height is 91-99.5 inches (7.58ft-8.31ft)	Section 447-2 (B)(1) Maximum height of 2.0 metres (6.6ft), 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

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

COMMENTS

The existing rear yard fence violates the Toronto Municipal Code, Chapter 447- Fences with respect to the maximum height requirements, 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 and East York District

The following attachments are included:

ATTACHMENTS

Attachment 1 – Location of 75 Alton Avenue. IVIEW

Attachment 2 – Site Plan, Rear yard landscape design

Attachment 3 – Elevation photo taken on applicant's property

Attachment 4 - Elevation photo taken from the rear yard of neighbouring property located directly to the North (77 Alton Avenue)

Attachment 1:

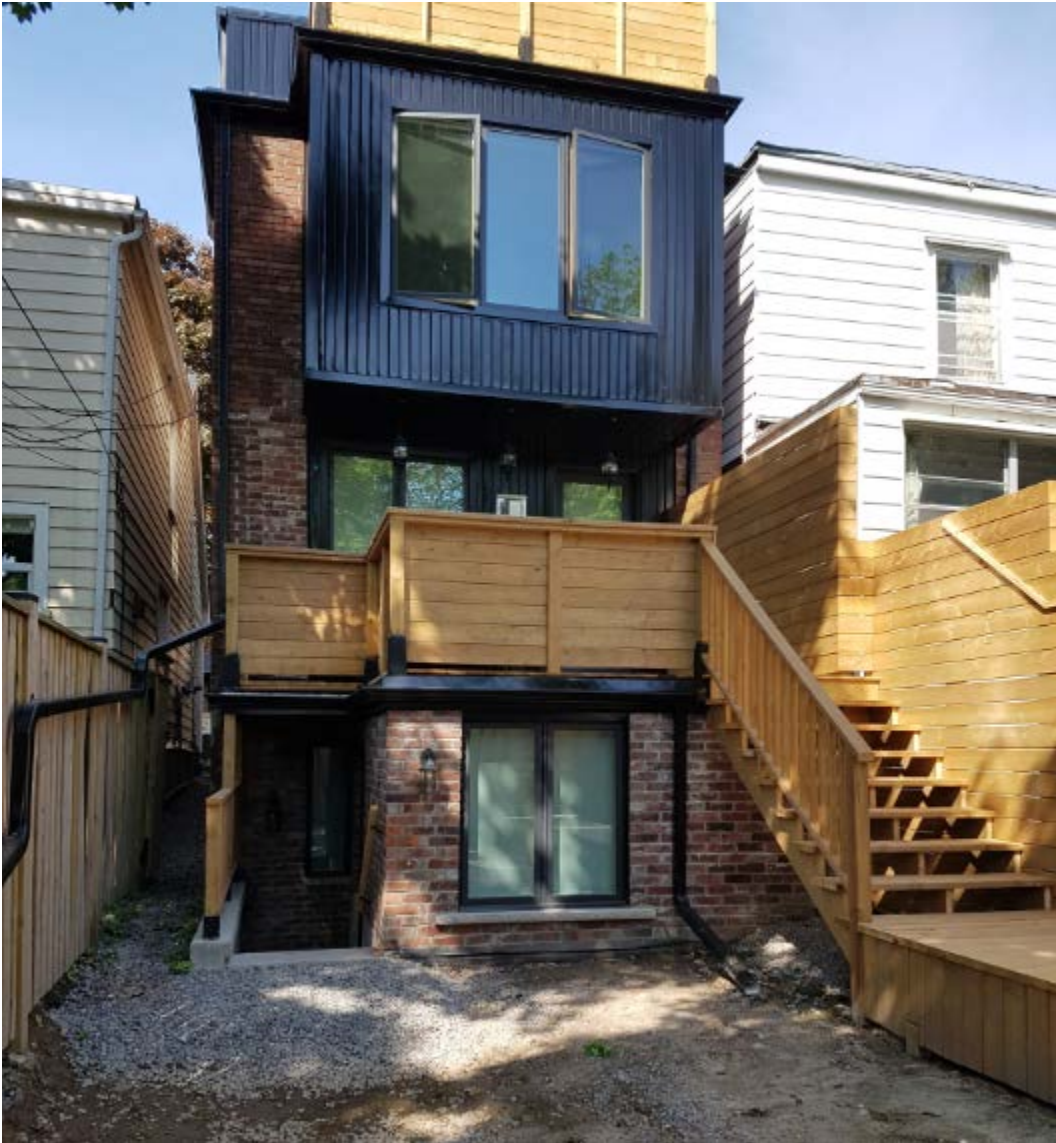
Aerial View of the property known as 75 Alton Avenue



Attachment 2

- Site Plan submitted by Yelena Djuric Design**
- Back Yard Landscaping design**
- Side View of the back yard landscaping design**

Attachment 3 - 3 Photos attached



Rear Yard of 75 Alton Avenue



Existing fence taken from the property of 75 Alton Avenue, showing the fence was built from grade



Small section of the existing fence located at the bottom of the stairs measuring approximately 1ft wide

Attachment 4:



Existing fence from the rear yard of the residential property directly to the North on the property of 77 Alton Avenue.