

Application for Fence Exemption- 8 Darien Court

Date: January 14, 2020
To: Etobicoke York Community Council
From: Janet Stoeckl, District Manager Municipal Licensing and Standards
Wards: Ward 05 – York South-Weston

SUMMARY

This staff report is in regards to a matter for which the Etobicoke 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 of 8 Darien Court to maintain a portion of the rear yard fence that ranges in height from 2.0 metres to 2.3 metres, which does not meet all of the requirements specified in City of Toronto Municipal Code, Chapter 447, Fences.

RECOMMENDATIONS

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

1. Refuse to grant the application for an exemption, by the property owner of 8 Darien Court, to maintain a portion of the rear yard fence that ranges in height from 2.0 metres to 2.3 metres contrary to the regulations found in the City of Toronto Municipal Code Chapter 447 – Fences, Section 1.2A.(3).
- or
2. Grant the application for a fence exemption by the property owner of 8 Darien Court, without conditions, thereby allowing to maintain a portion of the rear yard fence that ranges in height from 2.0 metres to 2.3 metres to be maintained in good repair. Direct and require that the rear yard fence be maintained in good repair without alteration. Direct and require that at such time as replacement of the fence is required that such installations 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

No previous decision history.

COMMENTS

The subject property is a detached dwelling situated along the North side of Darien Court in Ward 5 (Attachment # 1).

The property owner is seeking relief from the by-law regulations to maintain a portion of the rear yard fence that ranges in height from 2.0 metres to 2.3 metres which exceeds the permitted height restrictions contrary to Sections 447-2.B.(1) of Chapter 447 of the Toronto Municipal Code.

The Municipal Licensing and Standards Division received a Pool Enclosure File from Toronto Buildings on June 19, 2015. Construction of the property, pool, and fencing took 3.5 years to complete. Upon completion of the fence a Notice of Violation was issued for the height on June 25, 2019. A fence exemption application was submitted on October 9th, 2019.

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

Municipal Licensing Standards' review to maintain a portion of the rear yard fence that ranges in height from 2.0 metres to 2.3 metres and does not comply with Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

Location	Orientation	Deficiency	By-Law Section
Rear Yard	West / North / East side of property	Height of the fence exceeds the height permitted by the Chapter, Namely; Fence on a single residential property height exceeds the maximum height of 2.0 metres.	447-2.B(1)

The property owner(s) seek this exemption for privacy.

CONTACT

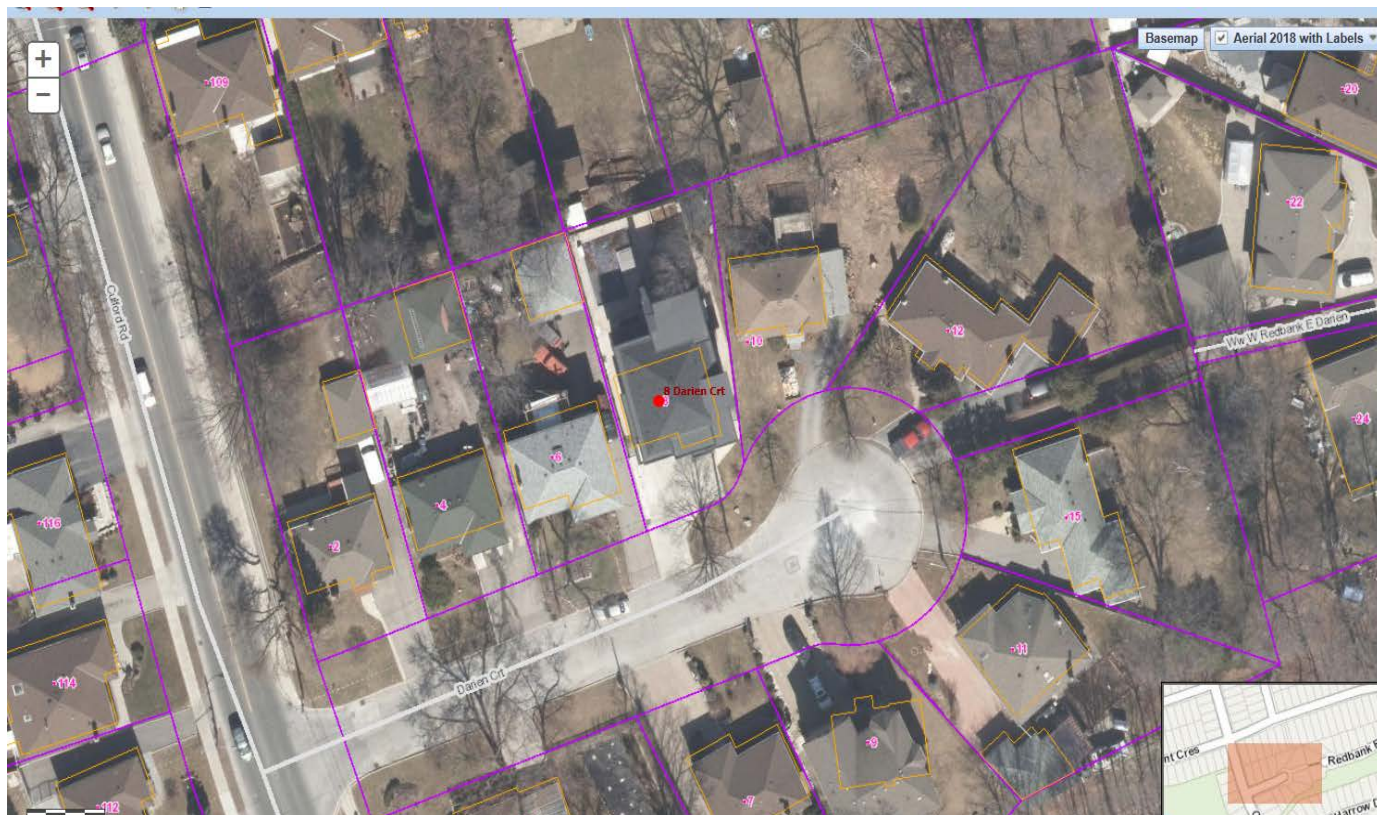
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SIGNATURE

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ATTACHMENTS

- Attachment 1: Aerial map of 8 Darien Court
- Attachment 2: Rear Yard Fence of 8 Darien Court, Westerly exposure
- Attachment 3: Rear Yard Fence of 8 Darien Court, Easterly exposure
- Attachment 4: Rear Yard Fence of 8 Darien Court, North / North Eastern exposure
- Attachment 5: Rear Yard Fence of 8 Darien Court, North / North Western exposure



Attachment 1: Aerial map of 8 Darien Court



Stair Report for action on Fence Exemption - 6 Danden Court

Attachment 2: Rear Yard Fence of 8 Darien Court, Western exposure



Attachment 3: Rear Yard Fence of 8 Darien Court, Easterly Exposure



Attachment 4: Rear Yard Fence of 8 Darien Court, North / North East exposure



Attachment 5: Rear Yard Fence of 8 Darien Court, North / North Western exposure