

Request for Fence Exemption- 334 Willard Avenue

Date: February 24, 2020

To: Toronto and East York Community Council

From: Joe Magalhaes, Manager Municipal Licensing & Standards, Toronto East York District

Wards: Ward 4 - Parkdale-High Park

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 owner(s) of 334 Willard Avenue for a site-specific Fence Exemption, pursuant to Section 447-1.2 B of Toronto Municipal Code, Chapter 447- Fences. Following the issuance of a Notice of Violation (appendix 1) the property owner(s) are seeking Council's permission to exempt metal poles and mesh (netting) that has been affixed to a board on board fence running along the West and North side of the rear yard which does not comply with restrictions contrary to Section 447-2 of the bylaw as detailed below in the following chart:

The subject property 334 Willard Avenue is located in Ward 4, on a residential zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
West & North Side of property	Rear Yard (behind Accessory Structure) West Side - measuring 6.096 metres (20 ft) in length & North Side - measuring 4.267 metres (14") in length.	Metal poles and mesh netting affixed to the existing board on board fence, which increases the fence height to 3.175 metres (10 ft. 5 in.)	Section 447-2(B)(1), Table 1 Maximum height of fence not in front yard- 2.0 metres

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 owner(s) of 334 Willard Ave. for the installed metal posts and mesh affixed to the board on board fence in the rear yard behind the accessory structure on the west and north side of the property, which increases the overall height of the fence to 3.175 (10'5") in height and remaining in non compliance with the provisions of Toronto Municipal Code, Chapter 447, Fences, thereby requiring further enforcement action.

OR

2. Grant the application for the proposed metal poles and mesh which have been affixed to the existing board on board fence, raising the fence height to 3.175 metres or 10: 5". The metal poles/mesh run along both the west and north side of the property behind the accessory structure. In addition, 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

In 2019, Municipal Licensing & Standards received a complaint from the neighbouring property regarding the height of the fence located at the rear of 334 Willard Avenue. As a result of the complaint a Notice of Violation was issued to the property owner on July 8, 2019 advising the fence height exceeds the 2 meter height requirement of the Fence Bylaw. On August 8, 2019, the owner(s) of the property located at 334 Willard Ave. submitted a fence exemption application, in writing, requesting a fence exemption for the extended metal poles and mesh which runs along the west and north side of the property behind the accessory structure in the rear yard in accordance with Section 447-1.5(B) of Toronto Municipal Code, Chapter 447- Fences as reasons for the application.

The height of the fence which runs along the west side and north side of the property now measures 3.175 metres in height, and is therefore in contravention.

As required by Section 447-1.5(B), 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 334 Willard Ave.

notifications of the date that Toronto and East York Community Council will consider the application.

COMMENTS

The fence violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to maximum height not in the front yard based on the average grade height. It does not contravene any other provisions of the by- law.

CONTACT

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SIGNATURE

Joe Magalhaes
Manager, Municipal Licensing and Standards,
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ATTACHMENTS

Attachment 1 – GIS view of property
Attachment 2 – Photo taken from a neighbouring property
Attachment 3 – Photo taken from a neighbouring property
Attachment 4 - Photo taken from applicant's property
Attachment 5 - Photo taken from a neighbouring property

Attachment 1



334 Willard Ave.

Attachment 2 - Photo showing metal poles and mesh affixed to board on board fence raising the height of the fence to 3.175 metres (10ft. 5 in.). Photo taken from a neighbouring property.



334 Willard Ave.

Attachment 3 - Photo taken from a neighbouring property.



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Attachment 4 - Photo showing metal poles and mesh taken from applicants property showing both the north and west view.



334 Willard Ave.

Attachment 5 - photo of the west side of the fence taken from a neighbouring property at the rear.



334 Willard Ave.