

Request for Fence Exemption- 80 Leuty Avenue

Date: June 11, 2020

To: Toronto and East York Community Council

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

Wards: Ward 19 - Toronto-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 owner(s) of 80 Leuty Avenue for a site-specific Fence Exemption, pursuant to Section 447-1.2 B (1) 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 the board fence running along the south 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 80 Leuty Avenue is located in Ward 19-Toronto- Beaches-East York, on a residential zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	South Side of property measuring - Approx. 61 metres, (200 ft.) in length.	Wood board fence, With an average height 2.26 metres (7.4 ft.)	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 80 Leuty Ave. for the board fence in the rear yard on the south side of the property, which increases the overall height of the fence to an average of 2.26 metres, (7.4') 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 board fence, raising the fence height to 2.26 metres (7.4') that runs along the south side of the property. 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 built on a retaining wall (approximately .53 metres or 1.74 ft. grade difference between properties) located at the rear of 80 Leuty Ave. As a result of the complaint a Notice of Violation was issued to the property owner on July 22, 2019 advising the fence height exceeds the 2 metre (6' 6") height requirement of the Fence Bylaw. On August 2, 2019, the owner(s) of the property located at 80 Leuty Ave submitted a fence exemption application, in writing, requesting a fence exemption for the board fence which runs along the south side of the property 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 property owners cites privacy and aesthetics.

The height of the fence which runs along the south side of the property now measures on an average 2.26 metres (7.4') 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 notifications of the date that Toronto and East York Community Council will consider the application.

80 Leuty Ave

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

Fiona Skurjat, Supervisor,
Municipal Licensing & Standards Division
Toronto and East York District
Tel. (416) 396-7731
Fax (416) 392-0384
E-mail: Fiona.Skurjat@toronto.ca

SIGNATURE

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

ATTACHMENTS

Appendix 1 - GIS Aerial View
Appendix 2 - Photo taken from southern neighbouring property
Appendix 3 - Photo taken from southern neighbouring property
Appendix 4 - Photo taken from applicant's property
Appendix 5 - Photo taken from applicant's property



Appendix 1 Aerial view of 80 Leuty Avenue



Appendix 2

View from 76 Leuty Avenue, north side fence.



APPENDIX 3

11510 FROM 76 LEAHY AVE
ADDITIONAL SITES FOR



APPENDIX 4 80 LEWY AVE SOUTH VIEW OF FENCE



APPENDIX 5 80 LEUTY AVE SOUTH FENCE