

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 156 Church St

Date: March 30, 2021

To: Etobicoke York Community Council

From: Joe Magalhaes, District Manager, Municipal Licensing & Standards, West District

Wards: Ward 5 – York South - Weston

SUMMARY

This staff report concerns 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 advise Council concerning an application by the property owner of 156 Church St for a site-specific Fence Exemption, pursuant to Section 447-1.5 B of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to build a new fence, which does not comply with maximum fence height restrictions stipulated by Section 447-1.2 B(1) of the bylaw.

The property owner is seeking relief from the by-law regulations to construct a board on board fence, 2.4 metres in height, on the east side of the property running a length of approximately 30 feet in length; and on the north side (rear of property) a board on board fence, 2.4 meters in height, running as length of approximately 45 feet in length. The property owner's intention to have a fence of 2.4m is to maintain privacy and for the safety of his family including 2 young children.

On the east side the property neighboring this property, the property at 158 Church St has an elevated deck of approximately 1.0m along with a verandah of approximately 1.0m in height; thus providing no privacy if a 2.0m fence was installed. (Attachment 2,3,4,5)

Additionally, the owner requests a 2.4m height fence at the rear(North side) of the property due to an elevated play structure within 8ft of the shared property line where the play structure is approx. 1.5m in height when standing or playing on it.(Attachments 6,7,8)

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Etobicoke York Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 156 Church St, 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 constructed (as proposed). 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 anticipated Financial Impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, in August 2020 in regards to a fence to be installed, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing "privacy, safety and aesthetics" as the reasons for the application.

As required by Section 447-1.2 B (1), 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 Toronto and East York Community Council will consider the application.

ISSUE BACKGROUND

The subject property, 156 Church St., is located in Ward 5 - York South - Weston. 2 Storey single family dwelling.

Municipal Licensing Standards' investigated the area where the fence is to be installed and determined that it did not comply with maximum height restrictions for residential fences (see table below) provided by Section 447-1.2, maximum height of fences.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Side and Rear Yard	East and North sides of property	Fence is in side and rear yard exceeds the permitted height of 2.0 meters	447 -1.2B.(1)

COMMENTS

See Attachments below referencing the location of where the fence is to be built.



Attachment #1-Front facing, fence to be where scaffolding is located, east side



Attachment #2-East side, 2.4m
Fence to be constructed
where scaffolding is located



Attachment #3-East Side, 2.4m
fence to be constructed,
where fence is located

Attachment #4-East Side, 2.4m, fence to be constructed where chain link fence exist to edge of tree line in the distance



Attachment #5: Fence to end at tree line, neighboring yard has elevated deck of approx. 1.4m in the distance



Attachment #6: North Side-2.4m fence to be erected on property owners side, Play structure in the distance



Attachment #7: North Side-2.4m fence to be erected on property owners side, Play structure close up



Attachment #8: Stairs to elevated play structure, approx. 1.5m in height



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SIGNATURE

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