

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 2 Charleston Rd

Date: August 23, 2021

To: Etobicoke York Community Council

From: District Manager, Municipal Licensing and Standards, West District

Wards: Ward 2 - Etobicoke Centre

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 2 Charleston Rd 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 allow for the existing fence, which does not comply with height restrictions stipulated by Section 447-1.2(B)(1) of the bylaw.

The fence is located in the front yard along the South side of the property. The fence is constructed of wood, with a height of 1.8 metres and located entirely on private property.

A notice has been issued to the property owner.

RECOMMENDATIONS

The Manager recommends:

1. Refuse to grant the application for an exemption permit, by the property owner of 2 Charleston Rd, 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, with or without conditions, thereby allowing the fence to be installed as described. 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, on June 30 2021, in regards to an existing fence installation, in accordance with Section 447-1.5(B) of Toronto Municipal Code, Chapter 447- Fences, listing "privacy, safety and security" as the reasons for the application.

As required by Section 447-1.5(B), 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 Etobicoke-York Community Council will consider the application.

The subject property, 2 Charleston Rd, is located in Ward 2. The property is a 2 storey detached residential home located on the corner of Bloor St and Charleston Rd.

See the table below for the dimensions of the fence in question.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Front Yard	Front yard on south side of property	Fence is constructed of pressure treated wood and has a height of 1.8 metres	Section 447-1.2(B)(1) No fence described in the following table shall, exceed the height set out in the table

COMMENTS

While the fence violates Toronto Municipal Code, Chapter 447- Fences with respect to height, it does not appear to contravene any other provisions of the bylaw.

CONTACT

Gurminder Purba, Supervisor,
Municipal Licensing & Standards
West District
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SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment 1: iView Map of property – 2 Charleston Rd
Attachment 2: Front yard fence (facing west)
Attachment 3: Front Yard fence (photo taken facing North)
Attachment 4: Letter from Neighbour



Attachment 1: iView Map of property – 2 Charleston Rd



Attachment 2: Front yard fence (facing west)



Attachment 3: Front Yard fence (photo taken facing North)

July 2, 2021

I walk past 2 Charleston Rd. several times a week because I visit my elderly in laws who live on Charleston Rd. We had noticed the fence that was installed at #2 Charleston at the corner near Bloor St. and were impressed at how nicely it frames the property. A few days ago while walking past I met James the owner of the house. He was outside cutting the lawn. I mentioned the fence and how I liked how it was done and he told me about having to apply for an exemption from the city because the side of his property was zoned as the front which he was unaware of until just recently.

He asked me if I would be willing to write a letter of support which could be included in the application for the exemption. *I had absolutely no problem in writing this letter. I sure hope it is taken into consideration.*

Thank You

A handwritten signature in black ink that reads "Joanne Ford". The signature is written in a cursive, flowing style.

Mrs. Joanne Ford

40 Faversham Cres.

Etobicoke, Ontario

416-621-5075

Attachment 4: Letter from Neighbour