

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 102 Lomar Drive

Date: February 08, 2021

To: Etobicoke York Community Council

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

Wards: Ward 7

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 102 Lomar Drive for a site-specific Fence Exemption, pursuant to Section 447-5.C 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 maximum fence height restrictions stipulated by Section 447-1.2(B) of the bylaw.

The fence is located in the rear yard on the north property line and forms a barrier to the neighbouring property. Some parts of the fence exceed the allowed height limitation. The fence material is wood, board on board with a lattice on top.

The application is based on a complaint that was received by and investigated by Municipal Licensing and Standards.

RECOMMENDATIONS

The Manager recommends that:

1. Refuse to grant the application for an exemption permit, by the property owner of 102 Lomar Drive, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to issue a second notice to the property owner to bring the fence into compliance.

OR

2. Grant the application for a fence exemption permit, without conditions, thereby allowing the fence to be maintained as constructed. 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 November 03, 2020, in regards to an existing installed fence, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing "security, privacy and enjoyment of the backyard" 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, 102 Lomar Drive, is located in Ward 7. The property is a 2 storey semi-detached residential home.

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

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	North property line in rear yard	Fence is made of wood with a lattice on top. The fence has 7 sections from the rear wall to the rear property line. Sections 1-3 have a height of 2.16 metres (85 inches). There is also a grade difference between the 2 properties of 0.22 metres (8.5 inches). Sections	Section 447-1.2(B)(1) Maximum height of 2 metres when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence

		4-5 have a height of 2.16 metres (85 inches) with a grade difference of 0.14 metres (5.5 inches). The last section is in compliance with the bylaw.	
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COMMENTS

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

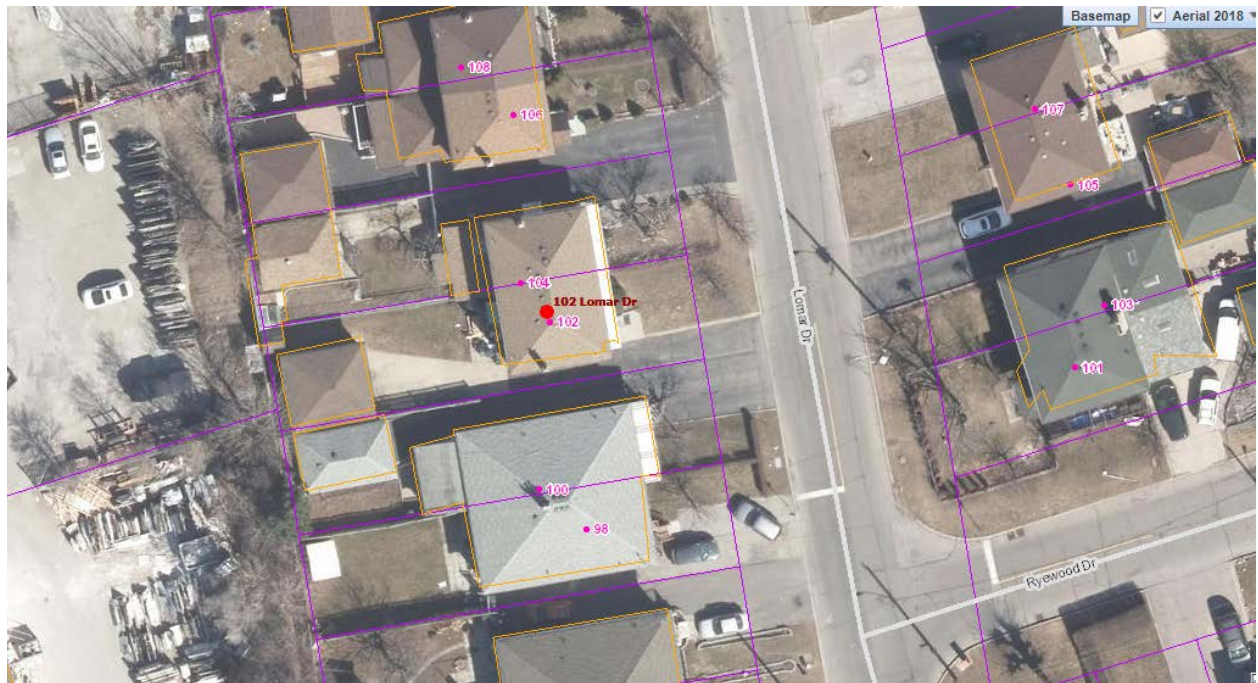
CONTACT

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SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS



Attachment 1: iView Map of property – 102 Lomar Drive



Attachment 2: Existing fence on North side of property (photo taken facing northwest)