

Application for Fence Exemption 11 Salonica Road

Date: March 29, 2021

To: North York Community Council

From: East District Manager, Municipal Licensing and Standards

Wards: Ward 15 Don Valley West

SUMMARY

This staff report is in regards to a matter for which the North York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider an application submitted by the homeowner of 11 Salonica Road to maintain an existing horizontal wooden board on board fence in the front, side and rear yards, does not meet the requirements specified in City of Toronto Municipal Code, Chapter 447, Fences.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the North York Community Council give consideration to the exemption application and decide to:

1. Refuse the application for an exemption submitted by the homeowners of 11 Salonica Road to permit an existing horizontal board on board fence in the front, side and rear yards, which does not comply with provisions of City of Toronto Municipal Code, Chapter 447, Fences, and direct that a second unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences; or
2. Grant the exemption to the homeowners of 11 Salonica Road to permit the existing horizontal board on board fence in the front, side and rear yards to be maintained in the same condition without alteration. At such time as replacement of the fence is required that the replacement fence will comply with Municipal Code Chapter 447, Fences, or its successor by-law.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

An application for a fence exemption was submitted by the property owners based on the fact that the existing horizontal board on board fence located in the front, side and rear yards are in violation of the TCM 447- Fences. Accordingly, all required notifications have been sent in accordance with Municipal Code Chapter 447, by the City Clerk's office of the date that the application for exemption will be considered by North York Community Council. (Attachment 1)

COMMENTS

As a result of a complaint, an inspection was conducted, and it was determined that the subject property's existing horizontal board on board fence in the front, side and rear yards do not comply with the sight line provisions of Toronto Municipal Code Chapter 447- Fences.

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Front Yard	East and West side of the property	Any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway; and	1.2C.(1)
Front Yard	East and West side of the property	Height of the fence exceeds the permitted height of 2 meters. The fence at the highest point is 2.4 meters.	1.2B. (1)

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Side Yard	East side of the property.	Height of the fence exceeds the permitted height of 2 meters. The fence at the highest point is meters 2.1 meters.	1.2B. (1)
Rear Yard	East and West side of the property.	Height of the fence exceeds the permitted height of 2 meters. The fence at the highest point is meters 3 meters.	1.2B. (1)

As a result of these findings of non-compliance, a Notice of Violation was issued to the property owner. In response to the Notice of violation, the property owners submitted an application for a Fence Exemption. We have made a referral to ROW Transportation to have an Officer look at the portion of City of Toronto property that includes trees and bushes as a sightline obstruction on City of Toronto property.

The Fence Exemption application was submitted by the homeowner of 11 Salonica Road on the grounds that the fence will provide the privacy, security and is aesthetically pleasing.

However, should the North York Community Council decide to grant the owner the exemption, the owner will be subject to the conditions for compliance as set out in recommendation 2.

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SIGNATURE

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ATTACHMENTS:

1. View of Notification area 11 Salonica Road.
2. Front view of 11 Salonica Road.
3. Front East side of Property near a driveway.
4. Front West side of Property near a driveway.
5. East side yard of Property 2.4 meters in height.
6. East rear yard of property.
7. East rear of property no gate entry to swimming pool area, solid wood fence.
8. West side of Property corner view 2.3 at highest point.

Attachment 1: View of Notification area 11 Salonica Road.



Attachment 2: Front view of 11 Salonica Road.



Attachment 3: Front East side of Property near a driveway.



Attachment 4: Front West side of Property near a driveway.



Attachment 5: East side yard of Property 2.4 meters in height.



Attachment 6: East rear yard of property.



Attachment 7: East rear of property no gate entry to swimming pool area, solid wood fence.



Attachment 8: West side of Property corner view 2.3 at highest point.

