

Application for Fence Exemption 989 Lillian Street

Date: April 23, 2021
To: North York Community Council
From: East District Manager Municipal Licensing and Standards
Wards: Ward 18 - Willowdale

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 989 Lillian Street to maintain existing horizontal wooden board on board fence in the front yard. The front yard fence does not meet height and sight line requirements specified in City of Toronto Municipal Code, Chapter 447, Fences. (Table #1 for violation deficiency and By-law section)

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 989 Lillian Street to permit an existing horizontal wooden board on board fence in the front yard, 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 989 Lillian Street to permit the existing horizontal board on board fence in the front yard 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 based on the fact that the existing two (2) separate panel horizontal board on board wood fence located in the front yard is 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 two (2) separate panel horizontal board on board wooden fence in the front yard does not comply with height and sight line provisions of Toronto Municipal Code Chapter 447- Fences.

Table #1

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Front Yard	North side of the property	Fence in a front yard; and within 2.4 metres of a lot line abutting a public highway exceeds 1.2m height maximum height requirement.	1.2(B)(1)
Front Yard	North 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 as not to obstruct the view of the boulevard or highway; and	1.2C.(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.

The Fence Exemption application was submitted by the homeowner of 987 Lillian Street 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.

CONTACT

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ATTACHMENTS:

1. View of Notification area for 989 Lillian Street
2. Front view of 989 Lillian Street
3. Front North side of Property near a driveway.
4. View of fence in front yard.
5. The measurement 2.4m from the property line. One section of fence in violation

This map displays a residential neighborhood with numerous property parcels outlined in purple. A red circle highlights a specific area. A blue-shaded parcel, labeled '986', is highlighted with a black border. The map includes street names: 'Cullinan St' and 'Cadenus Rd'. A legend in the bottom right corner indicates 'Parcel Count'.

Attachment 2: Front view of 989 Lillian Street.



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



Attachment 4: View of fence in front yard.



Attachment 5: The measurement 2.4m from the property line. One section of fence in violation

