

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 61 Dane Avenue

Date: August 23, 2021

To: North York Community Council

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

Wards: Ward 8 - Eglinton-Lawrence

SUMMARY

This staff report concerns 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 advise Community Council concerning an application by the property owner of 61 Dane Avenue 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 Community Council's permission to allow for the existing fence, which does not comply with the standards stipulated by Section 447-1.3(B)(1) of the bylaw.

The fence exceeds the allowed height limits on the east and west side of the rear and side yards. The fence material is wood (board on board).

The property owner has been issued a notice of violation.

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, West District recommends that North York Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 61 Dane Avenue, for an existing fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to issue a final notice to the property owner to bring the fence into compliance.

OR

2. Grant the application for a fence exemption permit (with or without conditions), to the property owner of 61 Dane Avenue, for the existing fence. 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, Fences, 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 10, 2021, in regards to an existing fence installation, in accordance with Section 447-1.5(B) of Toronto Municipal Code, Chapter 447- Fences.

As required by Section 447-1.5(B), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for North York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that North York Community Council will consider the application.

The subject property, 61 Dane Ave, is located in Ward 8. The property is a 2 storey 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 / Side Yard	East and West property line	Wood fence built to a height of 2.4 m (8 feet in height)	Section 447-1.2(B)(1) Maximum height of 2 metres

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

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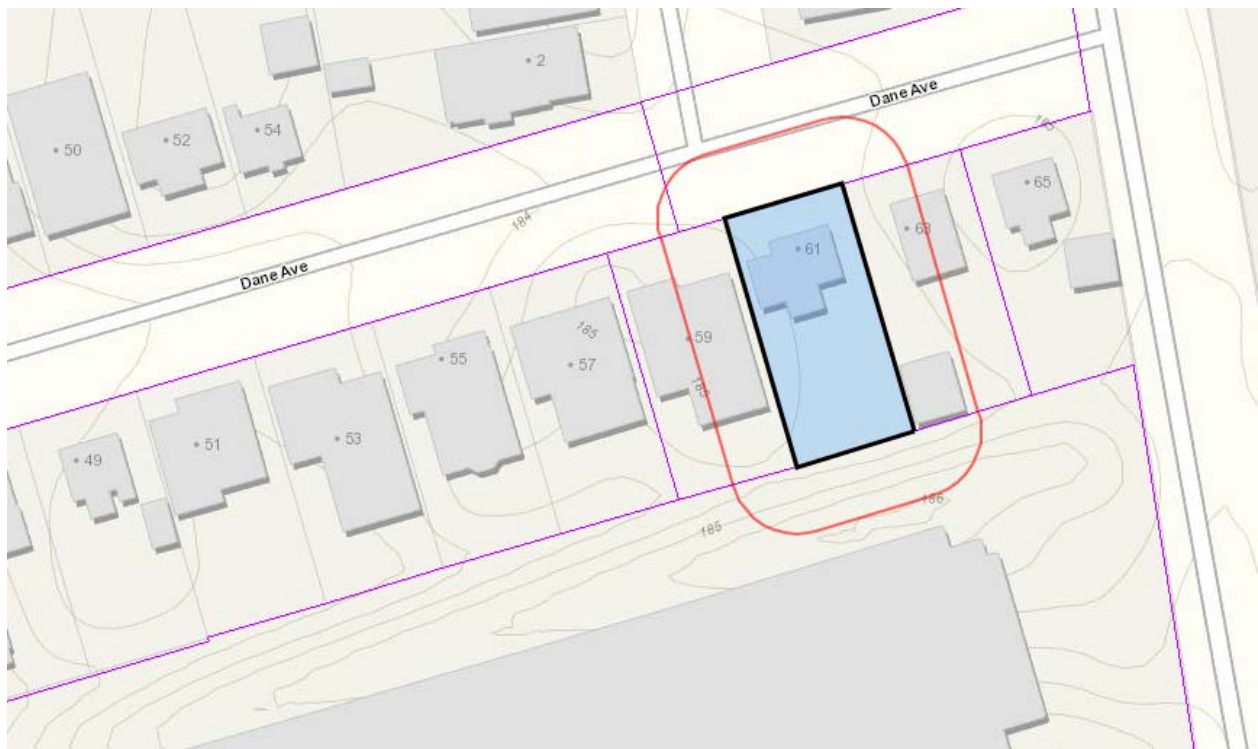
SIGNATURE

Joe Magalhaes
District Manager
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: iView Map of property – 61 Dane Ave
Attachment 2: photograph of side yard (photo taken facing East)
Attachment 3: photograph of side yard fence (facing West)
Attachment 4: Site plan for 61 Dane Ave
Attachment 5: Letter of support - 63 Dane Ave

Attachment 1: iView Map of property – 61 Dane Ave



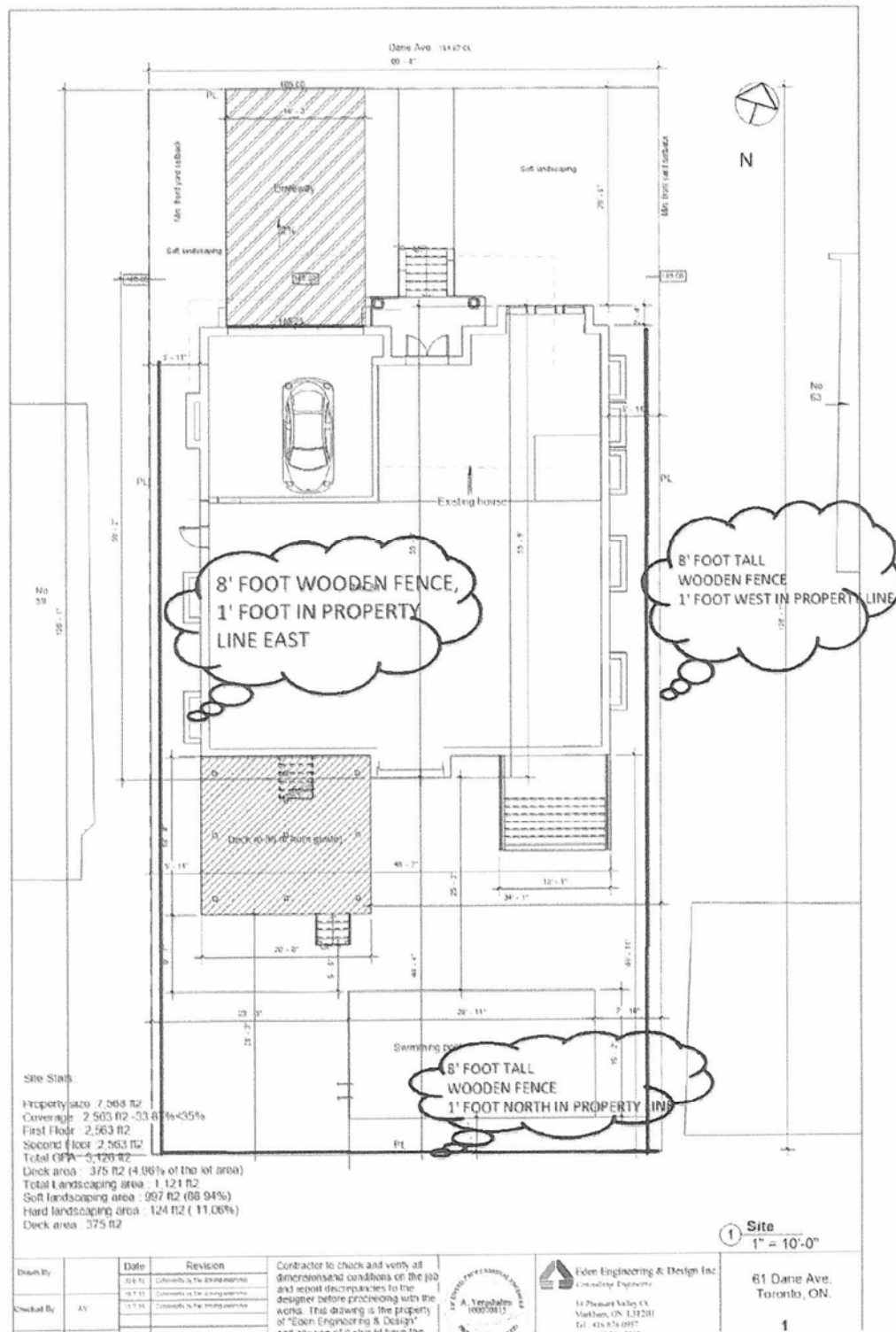
Attachment 2: photograph of side yard (photo taken facing East)



Attachment 3: photograph of side yard fence (facing West)



Attachment 4: Site plan for 61 Dane Ave



LETTER OF SUPPORT

Date: June 9, 2021

Dear officers at City of Toronto,

My name is Joseph Bengiovanni. I'm the owner of 63 Dane Ave, Toronto, adjacent with property 61 Dane Ave. I'm writing this letter to fully support my neighbour at 61 Dane Ave, Toronto to have the side fence at 8 feet height.

My neighbour at 61 Dane Ave has a recreational area at their backyard as they love to play basketball with their children every day. Therefore, constructing a side fence at 8 feet height will avoid their basketball to fly over to their adjacent properties which could interfere the neighbour's privacy.

I have no concerned of my neighbour 61 Dane Ave to construct a side fence at 8 feet height, and I believe it is appropriate to keep the side fence at that height.

Sincerely,



Joseph Bengiovanni

416-939-4539