

Request for Fence Exemption – Side and Rear yard – 226 Dunvegan Rd.

Date: January 16, 2021.

To: Toronto and East York Community Council

From: Chris Ellis, District Manager, Municipal Licensing & Standards, Toronto and East York District

Wards: Ward 12 (Toronto - St. Paul's).

SUMMARY

This staff report is in regards to a matter for which the Toronto and East 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 owner(s) of 226 Dunvegan Rd. for a site-specific Fence Exemption, pursuant to the Toronto Municipal Code, Chapter 447- Fences. The property owner(s) is seeking Council's permission to be exempt from Chapter 447–1.2.B(1) – Fence height.

The subject property 226 Dunvegan Rd. is located in Ward 12, on a residentially zoned property, and is currently under construction.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
Rear and side yards	East side of property, side and rear yard, Between 226 and 224 Dunvegan Rd. Total length 35.66 Metres (117').	Wooden board on board, 6"x6" posts with 1"x6' vertical boards. There will be a difference in grade between the houses at numbers 224 and 226 of about 1 metre (3'3") with number 226 being higher, therefore the average height is measured perpendicular to, and one metre away on either side of the fence. The proposed average height of the fence would be 2.33 metres (7'8") at its highest point, and 2.03 metres (6'8") at its lowest.	Chapter 447–1.2.B(1) – Fence height.

RECOMMENDATIONS

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

1. Refuse to grant the application for an exemption permit, by the owner(s) of 226 Dunvegan Rd, side and rear yard fence height, for failing to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for the side and rear yard fence to be built in excess of 2.0 metres without conditions. Direct and require that the installation be maintained in good repair without alteration. Direct and require that 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 financial impact anticipated in this report.

DECISION HISTORY

The owner(s) submitted a fence exemption application, in writing, on September 10th 2020 for a proposed fence, with Section 447-1.5.(B) of Toronto Municipal Code, Chapter 447- Fences as 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 Toronto and East York Community Council's consideration, and the City Clerk has sent all requisite notifications of the date that Toronto and East York Community Council will consider the application.

COMMENTS

The proposed wooden fence to the east side of the property would violate Toronto Municipal Code, Chapter 447- Fences requirements, with respect to being in excess of 2 metres in height, it does not contravene any other provisions of the bylaw.

The boundary fence that is the subject of this report forms part of a swimming pool enclosure in the rear yard.

To further explain the proposed fence height, the maximum fence height would be 2.82 metres (9'3") from the grade at number 224, closest to the raised side building entrance of number 226, stepping down to 2.03 metres (6'8") towards the front lot line. The top of the proposed fence would remain level towards the rear lot line, however the grade rises towards the rear with the proposed fence height diminishing to 2.06 metres (6'9") at the south-east corner of the property.

Only the average height is regulated by the bylaw and that is shown in the table above, which accounts for the difference in grade between the two properties.

CONTACT

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SIGNATURE

Christopher Ellis, Manager,
Municipal Licensing and Standards
Toronto and East York District

ATTACHMENTS

Appendix 1 - Location of subject property from iView showing areas subject to the exemption request in red.

Appendix 2 – Elevation drawing, view of west property line of 224 Dunvegan Rd.

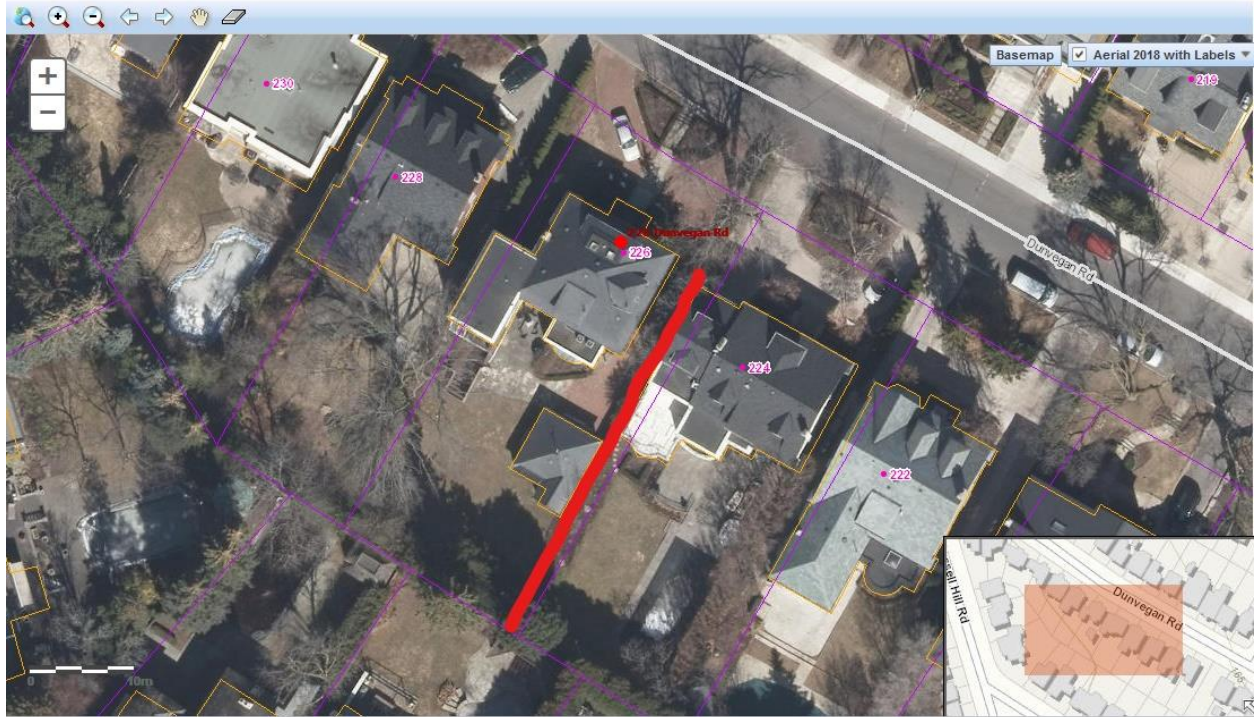
Appendix 3 – Site plan drawing.

Appendix 4 – View along east property line towards rear yard.

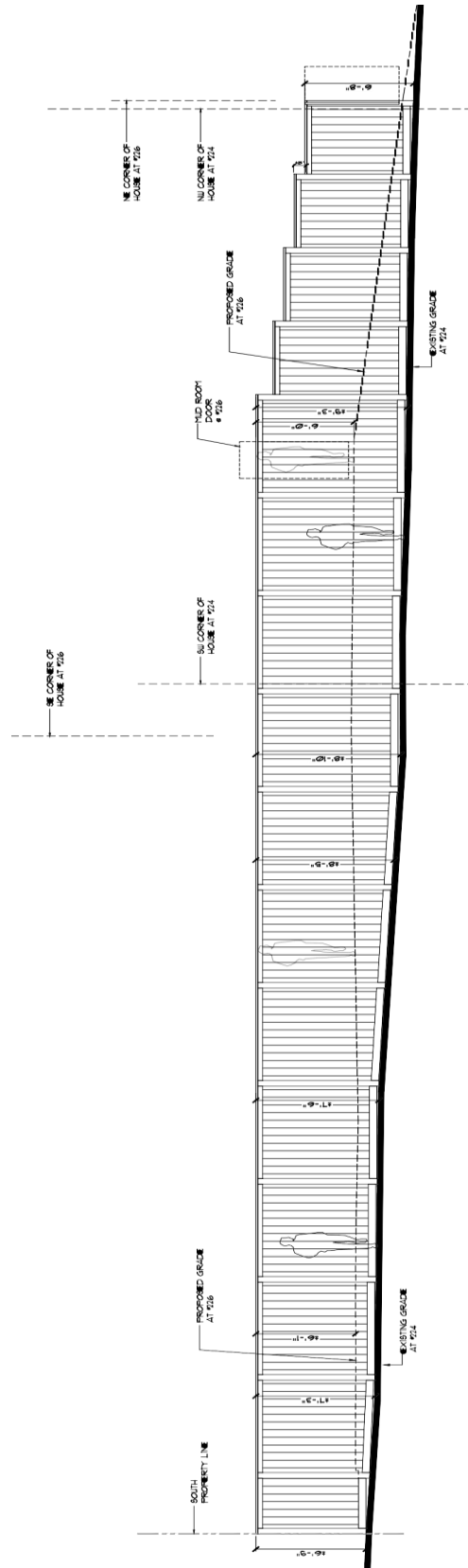
Appendix 5 – View from rear yard of 226 towards #224 Dunvegan Rd showing existing fence.

Appendix 6 – View of existing fence. Proposed fence to match existing style.

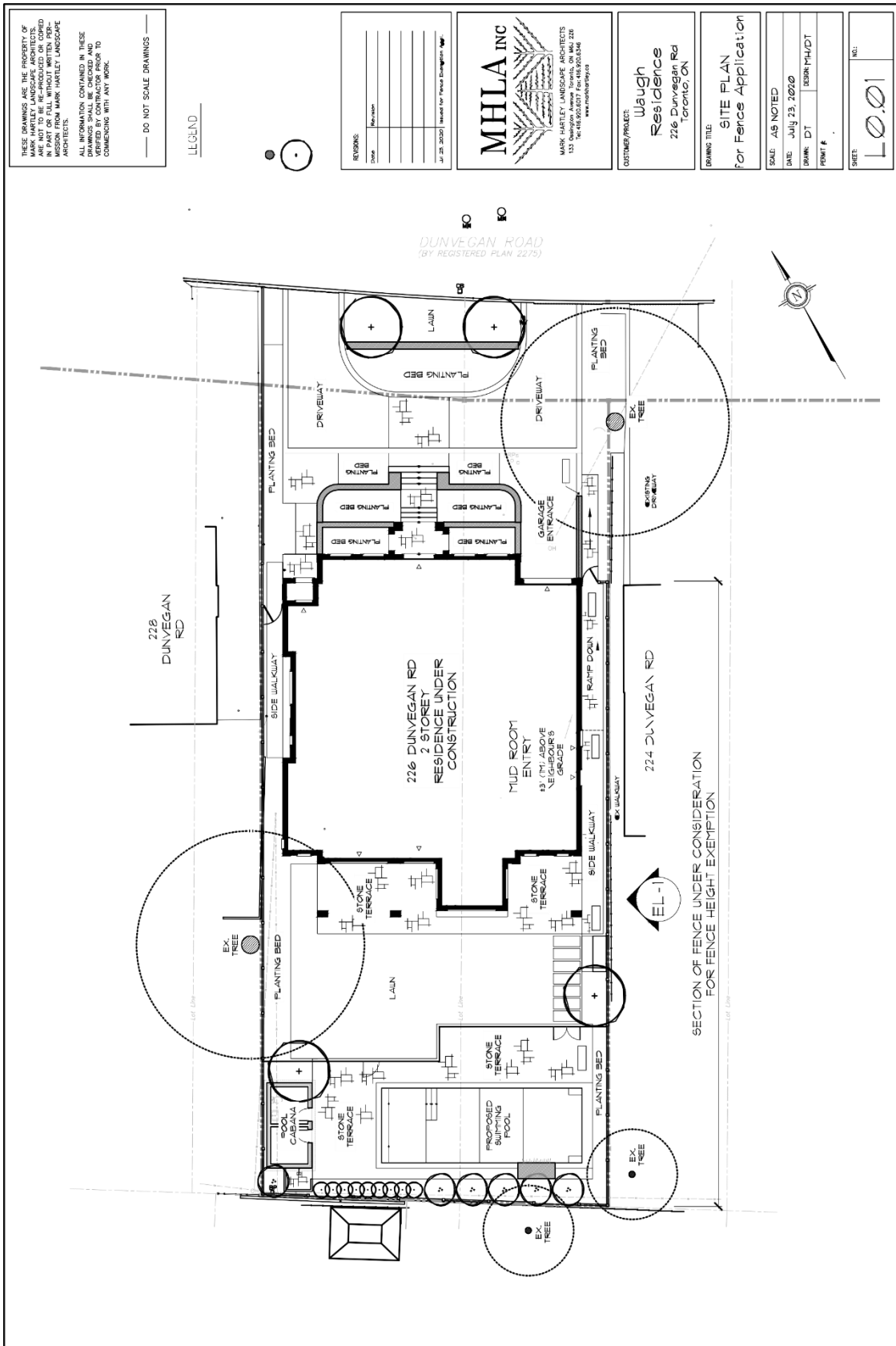
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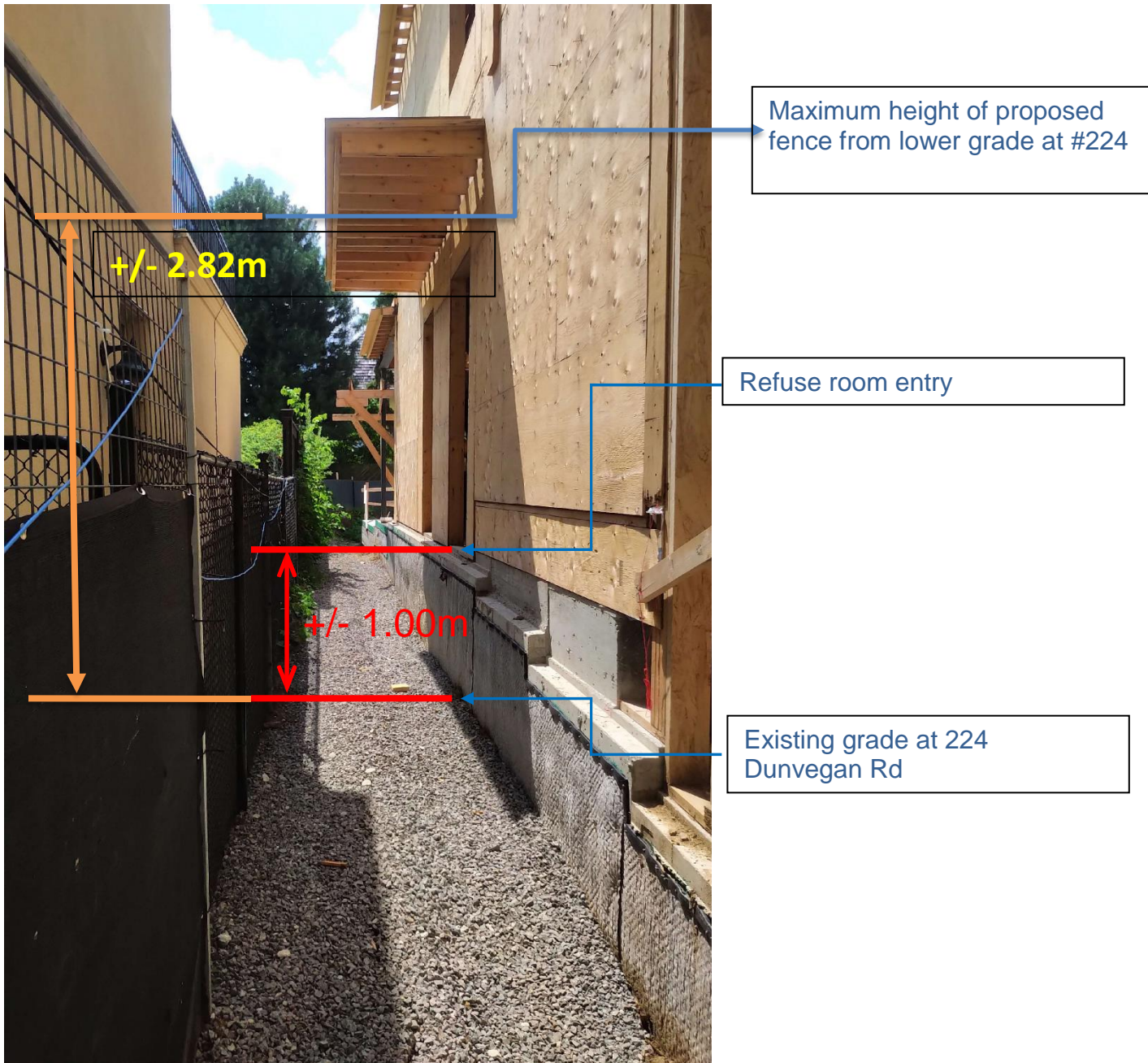
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Appendix 4 – View along east property line towards rear yard.



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