

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 9 Sunnylea Ave West

Date: April 27 2022

To: Etobicoke York Community Council

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

Wards: Ward 3 - Etobicoke-Lakeshore

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 Community Council concerning an application by the property owner of 9 Sunnylea Ave West 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 keep a fence which does not comply with height restrictions as stipulated by Section 447-1.2(B)(1) of the bylaw.

A notice of violation has been issued to the property owner.

RECOMMENDATIONS

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

1. Refuse to grant the application for an exemption permit, by the property owner of 9 Sunnylea Ave West, for a proposed fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, and to issue a second and 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 owners of 9 Sunnylea Ave West, thereby allowing the proposed fence to be installed. 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 April 3 2022, 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 Etobicoke York Community Council 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, 9 Sunnylea Ave West, is located in 3. 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	Privacy screen on the east property line inside the property line fence	Moveable wood slates with metal frame. Screen is approximately 11 feet in height	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

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
Tel. (416) 392-7610
E-mail: gurminder.purba@toronto.ca

SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment 1: iView Map of property – 9 Sunnylea Ave West
Attachment 2: Photograph of privacy screen (photo taken facing east)
Attachment 3: photograph of side of home (photo taken facing south)
Attachment 4: photograph of measurement of privacy screen
Attachment 5: Letter of Support from 7 Sunnylea Ave West
Attachment 6: Letter of Support from 11 Sunnylea Ave West
Attachment 7: Letter of Support from 8 Sunnyside Drive
Attachment 8: Letter of Support from 10 Sunnyside Drive

Attachment 1: iView Map of property – 9 Sunnylea Ave West



Attachment 2: photograph of privacy screen (photo taken facing east)



Attachment 3: photograph of side of home (photo taken facing south)



Attachment 4: photograph of measurement of privacy screen



Attachment 5: Letter of Support from 7 Sunnylea Ave West

Tiffany and Morgan Kress

7 Sunnylea Ave West
Etobicoke, ON MBY 2J6
(416)998-8433
tiffkress@gmail.com

March 3, 2022

To whom it May Concern:

Re: Fence Exemption Application- 9 Sunnylea Ave west, Etobicoke ON M8Y 2J6

We are writing in support of the privacy fence that is situated on the property of Fraser Robertson and Sam Hosseini, who are our direct neighbours. Due to the grading of both of our properties, It provides safety to our children and privacy between us. It has been constructed in a thoughtful way to let in light when needed and fits in with the style of properties. We would be very disappointed to have it removed.

Sincerely,



Tiffany Kress

Morgan Kress

Attachment 6: Letter of Support from 11 Sunnylea Ave West

Date: April 3/2022

To Whom it May Concern:

Re: Fence Exemption Application – 9 Sunnylea Ave West, Etobicoke, M8Y2J6

Please be advised that I, PAUL SWEDAK, have reviewed and support the fence exemption application being submitted by Fraser Robertson with respect to 9 Sunnylea Ave West.

Yours truly,

Name: 

Address: 11 SUNNYLEA AVE WEST

Phone Number: 416 400 3132

Attachment 7: Letter of Support from 8 Sunnydale Drive

Date: April 3/22

To Whom it May Concern:

Re: Fence Exemption Application – 9 Sunnylea Ave West, Etobicoke, M8Y2J6

Please be advised that I, Kara Palleschi, have reviewed and support the fence exemption application being submitted by Fraser Robertson with respect to 9 Sunnylea Ave West.

Yours truly,

Name: Kara Palleschi

Address: 8 Sunnydale Drive

Phone Number: 416-885-5306

Attachment 8: Letter of Support from 10 Sunnydale Drive

Date: Apr 3/22

To Whom it May Concern:

Re: Fence Exemption Application – 9 Sunnylea Ave West, Etobicoke, M8Y2J6

Please be advised that I, MIKE MANN, have reviewed and support the fence exemption application being submitted by Fraser Robertson with respect to 9 Sunnylea Ave West.

Yours truly,

Name: M. Mann

Address: 10 Sunnydale Dr

Phone Number: 416-557-2026