

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 83 Foxwell St

Date: May 31 2022

To: Etobicoke York Community Council

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

Wards: 5

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 83 Foxwell St 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 height at the rear of the property at 2.4m(8Ft) and requesting a 1.83m(6ft) high fence in the front yard.

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 83 Foxwell St, for a proposed fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for a fence exemption permit (with or without conditions) to the property owners of 83 Foxwell St, 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 May 19 2022, in regards to an existing **and** new 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, 83 Foxwell St, is located in Ward 5. The property is a detached 2 story residence where the existing portion of a fence at the rear of the property is 2.4m(8ft), the owner is requesting the continuance of the 2.4m fence for the entire side and rear of the property. Additionally the owner is requesting a wood fence 2m(6.7ft) at the front of the property along the his property line parallel to 85 Foxwell St.

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	Rear Yard	Existing 2.4m(8ft) requesting to maintain and construct entire rear and side 2.4m(8ft) fence	<u>Section 1.2B.(1)</u> Rear Yard - West Side of Property: Height of the fence exceeds the height permitted by the Chapter., namely; wood fence in rear yard exceeds max. height of 2 meters
Front Yard	Front Yard -Parallel to 85 Foxwell St along the driveway	Construct a 2m(6.7ft) fence from the edge of the front wall out towards the driveway paralleling 85 Foxwell St and	<u>Section 1.2B.(1)</u> Fence in a front yard; and within 2.4 metres of a lot line abutting a public highway (public highway does not

Front Yard	Front Yard -Parallel to 85 Foxwell St along the driveway	before the 2.4m from the property line	include a public lane)
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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

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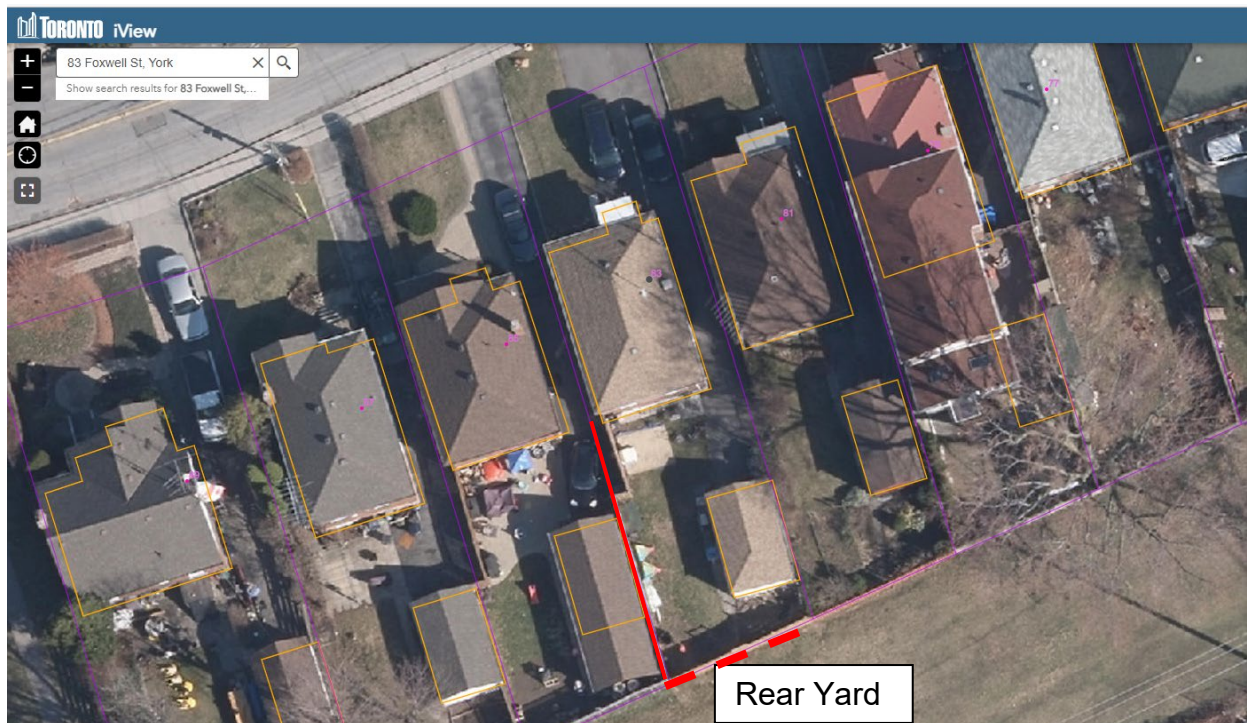
SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment 1 - Front Yard - 83 Foxwell St - iview
Attachment 2 - Front Yard - 83 Foxwell St – Front Yard view
Attachment 3 - Front Yard - 83 Foxwell St – Front Yard, side view
Attachment 4 - Front Yard - 83 Foxwell St – iview Rear Yard

Attachment 1: 85 Foxwell St - iView Map of property



Attachment 2: 85 Foxwell St-Front yard view



Attachment 3: 85 Foxwell St- Side view



Attachment 4: 85 Foxwell St - Rear yard view

