

Request for Fence Exemption – Side and Rear Yard - 5 Shorncliffe Avenue

Date: March 22, 2022

To: Toronto and East York Community Council

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

Wards: Ward 12

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 5 Shorncliffe Avenue, 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 of 5 Shorncliffe Avenue is located in Ward 12, on a residentially zoned property. This property is a detached house.

GENERAL LOCATION	SPECIFIC LOCATION	CURRENT/ EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
Side and Rear Yard	West side of property, located between 5 and 7 Shorncliffe Avenue.	The existing fence consists of wooden panels of ¾ x1.5 inch horizontal slats, with a max 3/8 inch spacing and in its current location does not pose a sight line violation. This fence exemption is for a fence that measures as indicated below: 24 ft. long, 6.5 ft. high on 5 Shorncliffe Ave. and 7.3 ft. (2.2 m) high on 7 Shorncliffe Ave, due to the slope of 16 inches at the north west side. – The fence measures a maximum of 2.36 m (7.75ft) in height at the highest point	Chapter 447–1.2.B. Fence height.

		(south west side). The first 11.5 ft. from the north end of the fence heading to the rear (south end) is in compliance. The remaining 13 ft. of the 24 ft. section is even grade from both sides and a height of 7.75 ft. (2.36m)	
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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 5 Shorncliffe Avenue, 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 existing side and rear yard fence, 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 contractor informed the Officer that he submitted a fence exemption application, in writing, on October 13th, 2020. The application is requesting a site specific exemption for an existing fence, with Section 447-1.2.(B) of Toronto Municipal Code, Chapter 447-Fences, to exceed the allowable fence height according to the by-law.

As required by Section 447-1.2.(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 existing wooden fence is constructed in the side and rear yard, on the West side of the subject property between 5 and 7 Shorncliffe Avenue. The current fence
5 Shorncliffe Avenue, Toronto. Fence exemption application Folder #20-212210 FEN

construction violates the City of Toronto Municipal Code, Chapter 447- Fences requirements, with respect to being in excess of 2 metres (6.6ft) in height. It is important to note that the fence does not contravene any other provisions of the bylaw.

The boundary fence that is the subject of this report, is located entirely on the property of 5 Shorncliffe Avenue.

To further explain, the applicant is seeking an exemption for the existing side and rear yard fence height to exceed the 2m (6.6ft) maximum height requirement. This is required for the last 3.96 m (13 ft.) on the west side, which does not meet the requirements of Chapter 447. The remaining portion of the rear yard fence is within the maximum height when the average slope is factored in.

Only the average height is regulated by the bylaw and that is shown in the table above.

CONTACT

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SIGNATURE

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ATTACHMENTS

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

Appendix 2 - Picture taken of the Front Yard fence location, showing no sight line Violation. No driveway and Difference in slope

Appendix 3 - Difference in Elevation from 5 and 7 Shorncliffe Ave. on Driveway

Appendix 4 - West Elevation 5 Shorncliffe Ave

Appendix 5- North view from 7 Shorncliffe Ave

Appendix 6 – East view from 7 Shorncliffe Ave.

Appendix 7 – West view from 5 Shorncliffe Ave

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Appendix 5- North view from 7 Shorncliffe Ave



Appendix 6 – East view from 7 Shorncliffe Ave.



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