

Application for Fence Exemption – 103 Sumach Street

Date: May 30, 2022

To: Toronto & East York Community Council

From: District Manager, Municipal Licensing & Standards, Central District

Wards: Ward 13 – Toronto Centre

SUMMARY

This staff report concerns a matter for which the Toronto & 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 by the owner(s) of 103 Sumach Street to maintain a wooden fence with a height of 2.4 meters (8 feet) in the rear yard on the north and south side of the property. The fence is on a corner lot and the outside is exposed to Wascana Avenue. The fence was built for security and privacy reasons. The fence would be in contravention of the Toronto Municipal Code, Chapter 447-1.2B (1) Table 1 – Maximum Height of Fences. Based on a complaint, a Notice of Violation was issued on June 22, 2021.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto & East York Community Council:

1. Refuse to grant the application for an exemption permit, by the owner(s) of 103 Sumach Street, to allow them to maintain the wooden fence with a height of 2.4 meters (8 feet) in the rear yard on the north and south side of the property, which does not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically section 447-1.2B (1) Table 1- Maximum Height of Fences.

OR

2. Grant the application for an exemption permit, by the owner(s) of 103 Sumach Street, to allow them to maintain the wooden fence with a height of 2.4 meters (8 feet) in the rear yard on the north and south side of the property. Direct and require that the existing fence be maintained in good repair without alteration. Direct and require that at such time as a 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 financial impact anticipated in this report.

DECISION HISTORY

After receiving a fence violation notice dated June 22, 2021, the owner(s) submitted a fence exemption application, in writing, on July 7, 2021. The application is requesting a site specific exemption for an existing fence, with Section 447-1.5(B) of Toronto Municipal Code, Chapter 447- Fences, to exceed the allowable fence height according to the by-law.

As required by Section 447-1.5(B)(1), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Toronto & East York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Toronto & East York Community Council will consider the application.

COMMENTS

The proposed fence violates Toronto Municipal Code, Chapter 447 – Fences requirements with respect to fence height.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear yard	Rear yard (North and South lot lines)	Wooden fence with a height of 2.4 meters (8 feet)	447-1.2B (1) Table 1 Maximum Height of Fences. 2.0 meters maximum height

The retaining wall was moved to the inside of the fence. The ground level inside of the fence is higher than the outside. The property is located on a hill and there is no visibility obstructed as the fence is located on a one way street.

CONTACT

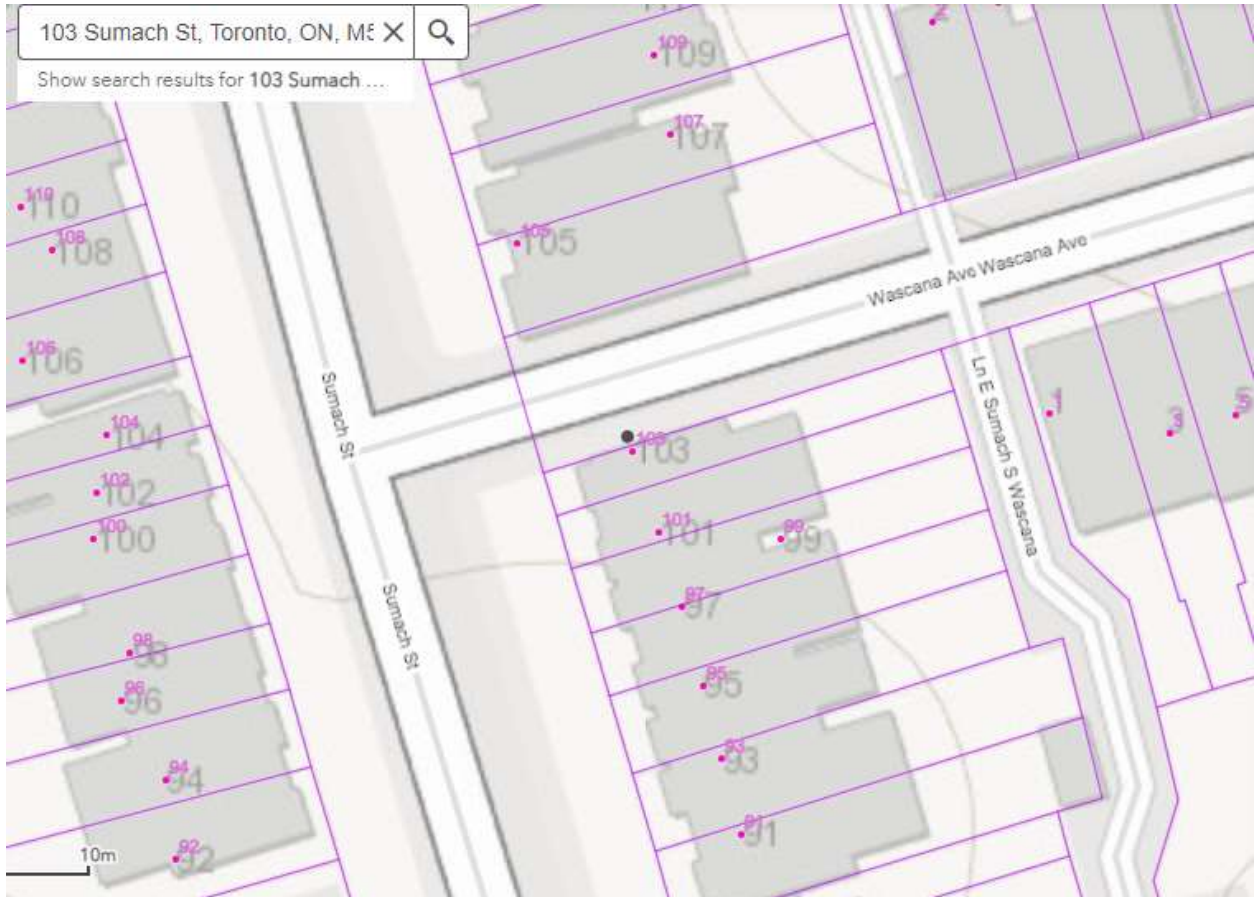
Nicole Sweetapple, Supervisor
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SIGNATURE

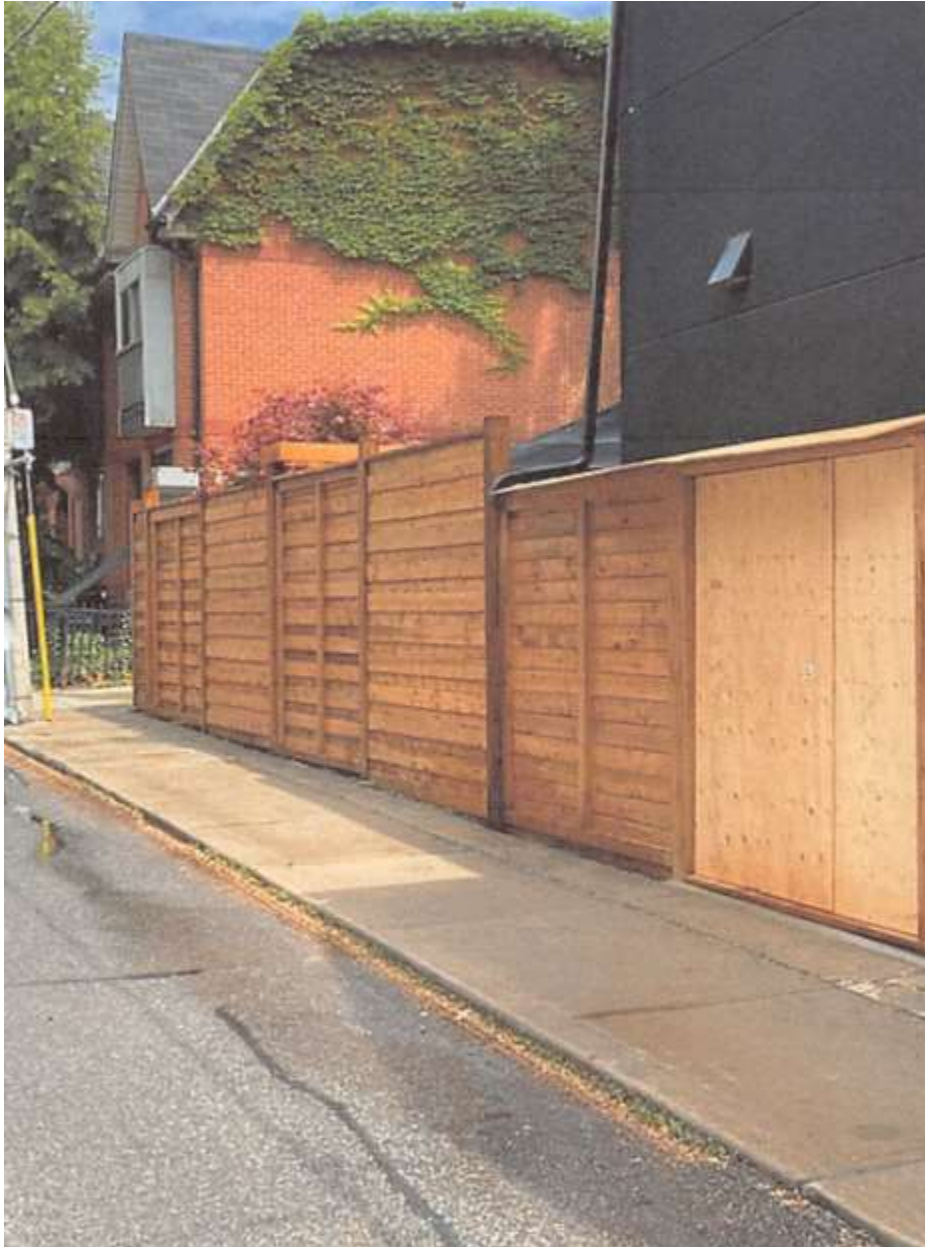
Christopher Ellis, Manager,
Municipal Licensing and Standards
Toronto and East York District

ATTACHMENTS

Attachment 1: iView Map of Property
Attachment 2: Applicant photo of fence
Attachment 3: Applicant photo of fence
Attachment 4: Applicant photo of fence



Attachment 1: iView Map of Property



Attachment 2: Applicant photo of fence (North end of property)



Attachment 3: Applicant photo of fence



Attachment 4: Applicant photo of fence