

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 126 Yorkview Dr

Date: October 17, 2023

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 126 Yorkview Dr 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 maintain a fence in the rear yard on the east side of the property that will not comply with the standards stipulated by Section 447-1.2(B)(1). The applicant is seeking permission to maintain a fence constructed of wood with vertical-on-vertical boards with horizontal boards on top. The fence is constructed approximately 2.33m.

RECOMMENDATIONS

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

1. Refuse the application for property owner of 126 Yorkview Dr. The proposed fence would fail to comply with the provisions of Toronto Municipal Code, Chapter 447 Fences. A notice of violation to direct the property owner to bring the fence into compliance will be issued.

FINANCIAL IMPACT

There is no anticipated Financial Impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on October 04, 2023, in regards to a fence exemption application for an existing fence 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, 126 Yorkview Dr, and is located in Ward 3. The property is a detached residential home.

See the table below for the dimensions of the fence to be maintained.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
East side of property.	Rear yard of property.	Height of the fence to exceed the height permitted by the Chapter. Namely; The existing fence is 2.33m.	Chapter 447-1.2B(1) Any other fence; shall not exceed a height of 2 metres.

COMMENTS

On October 04, 2023, property owner at 126 Yorkview Dr submitted an application for a fence exemption.

The applicant is seeking permission to maintain a fence on the East side of the property. The fence is constructed of wood with vertical board on boards and horizontal boards on top. The fence height is approximately 2.33m. The applicant is requesting the exemption for their privacy, safety, and security.

*Alternate recommendation is to grant the application for a fence exemption permit (with or without conditions) to the property owners of 126 Yorkview Dr, thereby allowing the current fence to be maintained. Direct and require that the existing fence 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.

CONTACT

Chantal Cormier, Acting Supervisor
Municipal Licensing and Standards
Investigation Services – West District
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SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment A – GIS MAP
Attachment B – Photos taken by officer T. Martino
Attachment C – Site Map
Attachment D - Drawings
Attachment E – Letters of Support

Attachment A

GIS MAP



Attachment B

Photos taken by Officer T. Martino





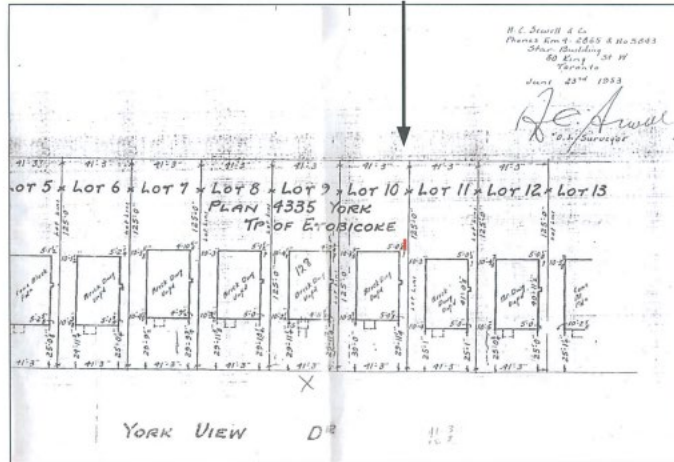


Attachment C

Site Map

Original Survey

The section of the fence that requires an exemption is located between Lot 10 (126 Yorkview Drive) and Lot 11 (124 Yorkview Drive) - please see below highlighted in red.



Dimensions listed below are for the part of the fence that needs an exemption:

Length of Section #1 = 2.3 metres

Length of Section #2 = 2.4 metres

Wood posts = 5.5"x5.5"

Fence Depth = 1"

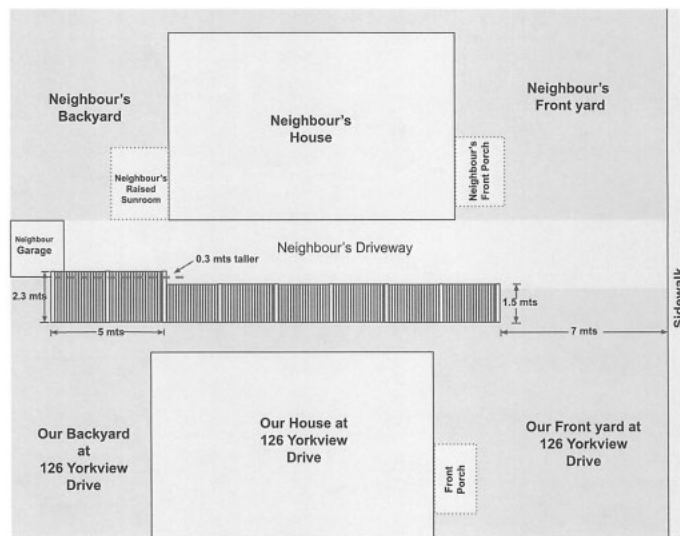
Height = 2.3 metres (this is 0.3 metres taller than the 2 metre height allowance)

Attachment D

Site Drawings – Submitted by Applicant

Fence Illustration

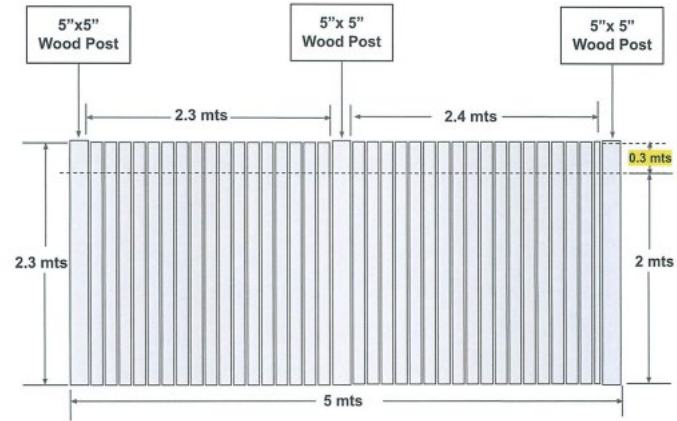
Below image shows the entire length of the new fence installed on September 24th, 2023. Exemption is requested for the 2 sections at the back that are 0.3 metre taller.



The red dotted line in the illustration above indicates height of 2 metres. We are requesting a 0.3 metre height exemption for the 2 rear sections of the fence to keep the height at 2.3 metres.

Fence Illustration Continued

Detailed view of the part of the fence that requires a 12" height exemption



Attachment E

Letters of Support – Submitted by Applicant

Jerzy Rabianski
128 Yorkview Drive
Etobicoke, ON M8Z 2G4

26 September 2023

RE: 126 Yorkview Drive - Fence exemption

To Whom It May Concern,

I am writing to express my full support for the fence height exemption request on the 2 rear sections of my neighbour's property adjacent to mine, at 126 Yorkview Drive, Etobicoke, ON M8Z 2G4.

Having discussed this matter with my neighbours, Paul and Anouska, and being aware of their intentions, I believe that the fence height aligns with the best interests of our neighbourhood. I understand that their primary motivation for seeking a fence exemption is to enhance the privacy, safety & security of their property and I can appreciate the proactive measures regarding this.

In conclusion, I want to express my full support for the fence height exemption request.

Regards,

Jerzy Rabianski



Tony Brnadic
134 Yorkview Drive
Etobicoke, ON M8Z 2G5

27 September 2023

RE: 126 Yorkview Drive - Fence Exemption

To Whom It May Concern,

I live 4 houses down the street and although I am not a direct neighbour to 126 Yorkview, I visit their backyard and help with their grape vines. I understand that the main reason behind the exemption request is to enhance privacy and security of their home. Their tastefully built taller fence is a reasonable and practical measure to achieve this. Good fences make Good neighbours and a Good neighbourhood community.

Regards,

A handwritten signature in black ink that reads "Tony Brnadic". The signature is written in a cursive, flowing style.

Tony Brnadic