

Request for Fence Exemption – Front Yard of 74 Willow Avenue

Date: December 5th, 2022.

To: Toronto and East York Community Council

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

Wards: Ward 19

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 74 Willow 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) including Chapter 447 – 1.2C(1) (open Fence construction)

The subject property of 74 Willow Avenue is located in Ward 19, on a residentially zoned property. This property is a single family detached house. The City street line measures 5.79m from the curb inwards towards the property

GENERAL LOCATION	CURRENT/ EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
1. Front Yard	The existing board on board fence (between 74 and 76 Willow Ave) located on the private portion of the property, measures as indicated below: 82 inches (2.08m) in height. Allowable height of 47 inches (1.2m) due to the close proximity of the driveway as it is a sight line violation. Street line is 5.79m	Chapter 447–1.2C(1) Open fence construction

2. Front Yard	The existing board on board wooden fence (between 72 and 74 Willow Ave) located on the private portion of the property measures 77 inches (1.95m)-82 inches (2.08m) in height. With the difference in grade between 10-12 inches (0.2-0.3m) brings the South property line fence into violation as it exceeds to allowable height.	Chapter 447 1.2B(1) Fence height

RECOMMENDATIONS

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 74 Willow Avenue, North and South front 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 North and South front 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

After receiving a Fence violation notice dated June 8, 2021, the owner(s) submitted a fence exemption application, in writing dated June 21, 2021. The applicant is requesting a site specific exemption for an existing fence, with Section 447-1.2.(B) and (C) of Toronto Municipal Code, Chapter 447- Fences, to exceed the allowable fence height according to the by-law. With a City street line of 5.79 metres belonging to the City of Toronto, and the North fence erected within 2.4 meters of a driveway, it creates a sight line violation. The fence erected along the South side of the property does not pose a sight line violation as no driveway is located within 2.4m, and is a violation due to the difference in grade.

As required by Section 447-1.5.(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 front yard, on the North side of the property between 74 and 76 Willow Avenue. The current fence construction violates the City of Toronto Municipal Code, Chapter 447- Fences requirements, with respect to being in excess of 1.2 metres in height erected within 2.4m of a driveway. The current fence height creates a sight line violation. It is important to note that the fence does not contravene any other provisions of the bylaw.

The property line fence located along the South side of the property line, between 72 and 74 Willow Avenue, exceeds the allowable height requirement due to the difference in grade of a retaining wall measuring 10-12 inches, putting the existing South wooden fence in violation when you take the average difference in the grade. It is important to note that the South fence is located entirely on the property of 74 Willow Avenue and does not pose a sight line violation.

To further explain, the applicant is seeking an exemption for the existing front yard fence height to exceed the maximum height requirement on the North and South lot line.

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

CONTACT

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SIGNATURE

Christopher Ellis, Manager,
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ATTACHMENTS

Appendix 1 - Location of subject property from iView showing the front yard for the exemption request received.

Appendix 2 – Picture of the front yard North fence located between 74 and 76 Willow Avenue showing both properties have a driveway located within 2.4m of the erected fence. Fence is located entirely on the property of 74 Willow Avenue

Appendix 3 - Photo taken fronting the property of 76 Willow Avenue, showing both driveways

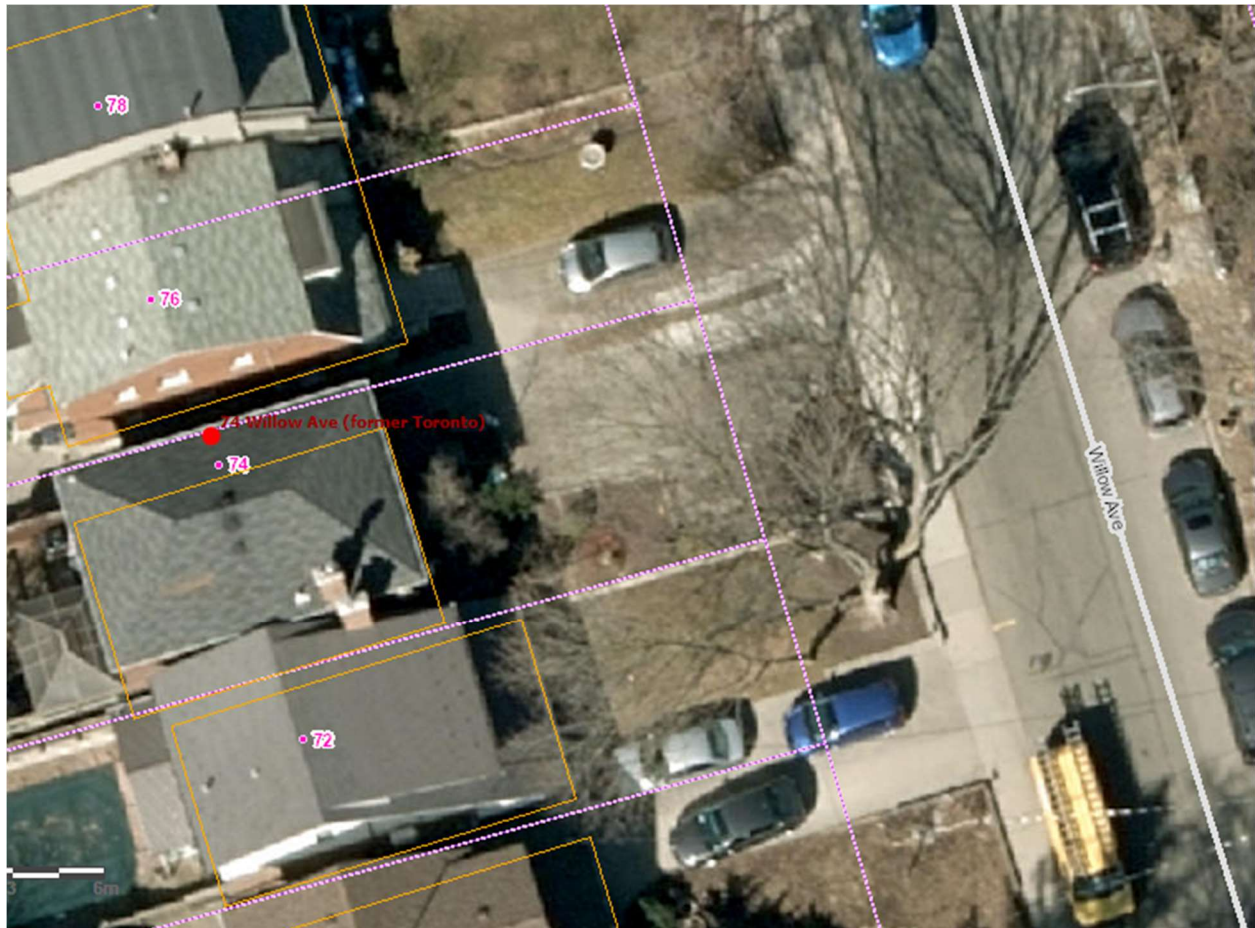
Appendix 4 - Picture taken of the Front Yard South fence located between 72 and 74 Willow Avenue, showing no sight line Violation. No driveway located within 2.4m

Appendix 5 - South fence between 72 and 74 Willow Avenue showing a grade difference of 10-12 inches.

Appendix 6 - Photos 1 and 2 taken fronting the property of 72 Willow Avenue.
74 Willow Avenue, Toronto. Fence exemption application Folder #21 126110 FEN

Appendix 1

Location of subject property from iView showing the front yard for the exemption request received. City Street line is 5.79m.



Appendix 2

Picture of the front yard North fence located between 74 and 76 Willow Avenue showing both properties have a driveway located within 2.4m of the erected fence.

Fence is located entirely on the property of 74 Willow Avenue. City street line is 5.79m



Appendix 3

Photo taken fronting the property of 76 Willow Avenue, showing both driveways. City street line is 5.79m.



Appendix 4

Picture taken of the South front yard fence located between 72 and 74 Willow Avenue, showing that there is no sight line violation. No driveway located within 2.4m



Appendix 5 - South fence between 72 and 74 Willow Avenue showing a grade difference of 10-12 inches.



Appendix 6

Photos 1 and 2 taken fronting the property of 72 Willow Avenue.

Fence is located entirely on the property of 74 Willow Avenue

1.



2.

