

18 West Palm Court - Application for Fence Exemption

Date: June 12 2024

To: Etobicoke York Community Council

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

Wards: Ward 7 - Humber River - Black Creek

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 18 West Palm Court 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 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 compressed wood with vertical-on-vertical boards with horizontal boards on top. The height of the fence varies between 79 inches (2m) to 102 inches (2.5m) due to the grading change and slope of ground along the perimeter of the property.

RECOMMENDATIONS

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

1. Refuse the application for property owner of 18 West Palm Court. 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, April 10 2024, in regards to a fence exemption application for an existing fence in not 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, 18 West Palm Court, and is located in Ward 7. The property is a residential property zoned as Residential Detached.

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

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Perimeter of Property	Perimeter of Residential Rear Yard	Fence is constructed 0.5m higher than the permitted bylaw maximum height for a fence.	Chapter 447-1.2 B. Fence height. (1) No fence described in the following Table shall, when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence, exceed the height set out in the Table for the fence.

COMMENTS

On April 10 2024 the property owner at 18 West Palm Court submitted an application for a fence exemption.

The applicant is seeking permission to maintain a fence in the rear yard of the property. The fence is constructed of compressed wood approximately 2.5m in height at its highest point, measure from grade. This fence is built on the applicants property completely, and replaces a previous existing fence that became over 20 years old and required repair/replacement.

The applicant is requesting an exemption to the height of the fence for security, safety, privacy, and financial reasons.

The property, 18 West palm Court, is a pie shaped lot that borders 7 other properties: 5 properties on the east side, and 2 at the north and south sides of the house.

The applicant maintains they sought permission from neighbours prior to construction and has indicated, by way of supporting letters in their fence exemption application, the support of their application approval request to Community Council from all of the properties that border the property of 18 West Palm Court.

CONTACT

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Municipal Licensing and Standards
Investigation Services – West District
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SIGNATURE

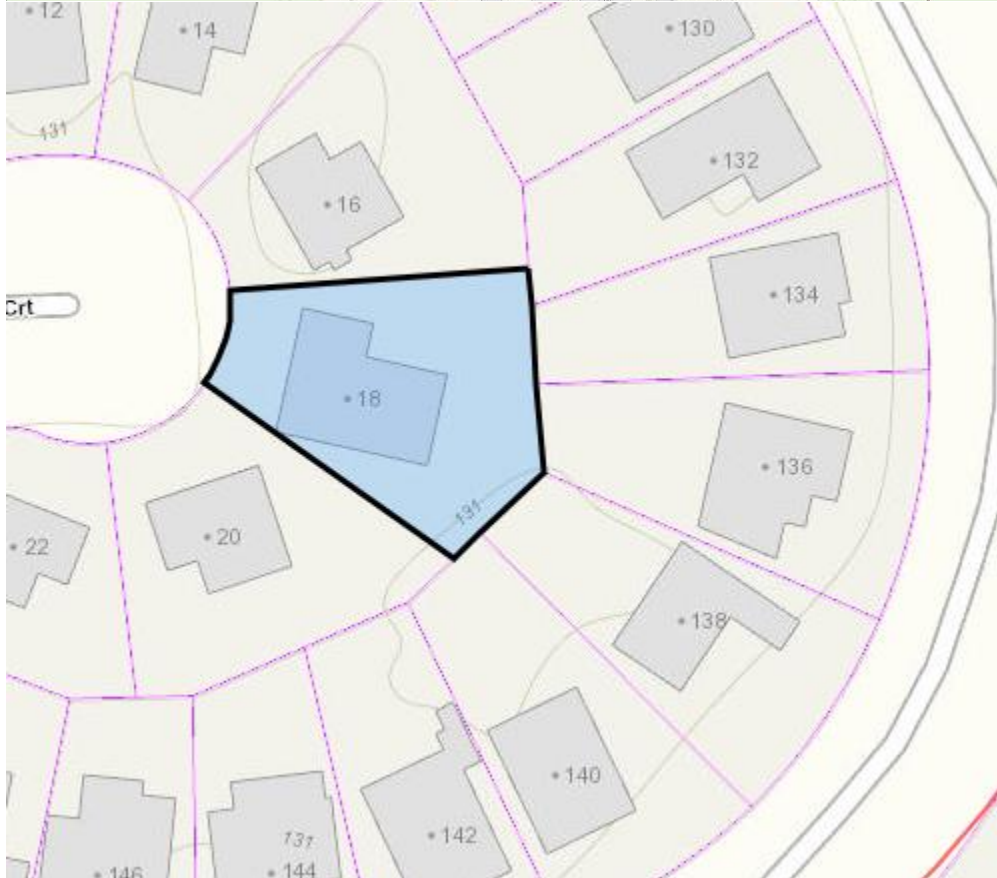
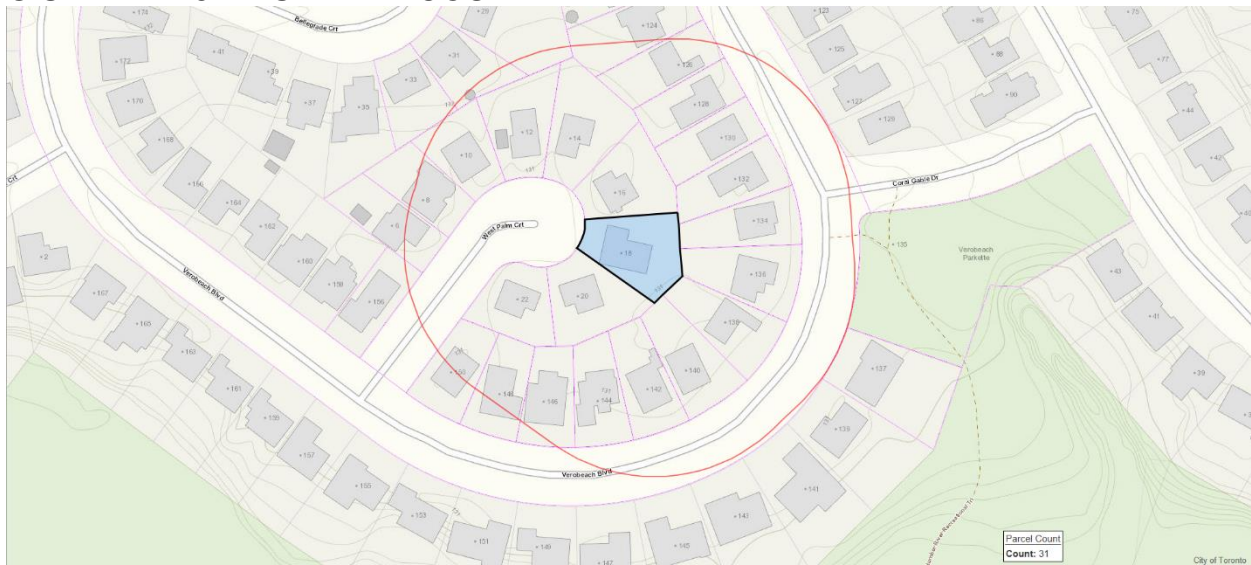
Joe Magalhaes
District Manager

ATTACHMENTS

Attachment A – GIS MAP
Attachment B – Photo
Attachment C – Site Plan

ATTACHMENTS

ATTACHMENT A GIS MAP – 18 WEST PALM COURT



ATTACHMENT B
PHOTOS (6)

1. Street view - 18 West Palm Court (front yard)



2. North View – 18 West Palm Court (rear yard)



3. North/East View – 18 West Palm Court (rear yard)



4. East View – 18 West Palm Court (rear yard)



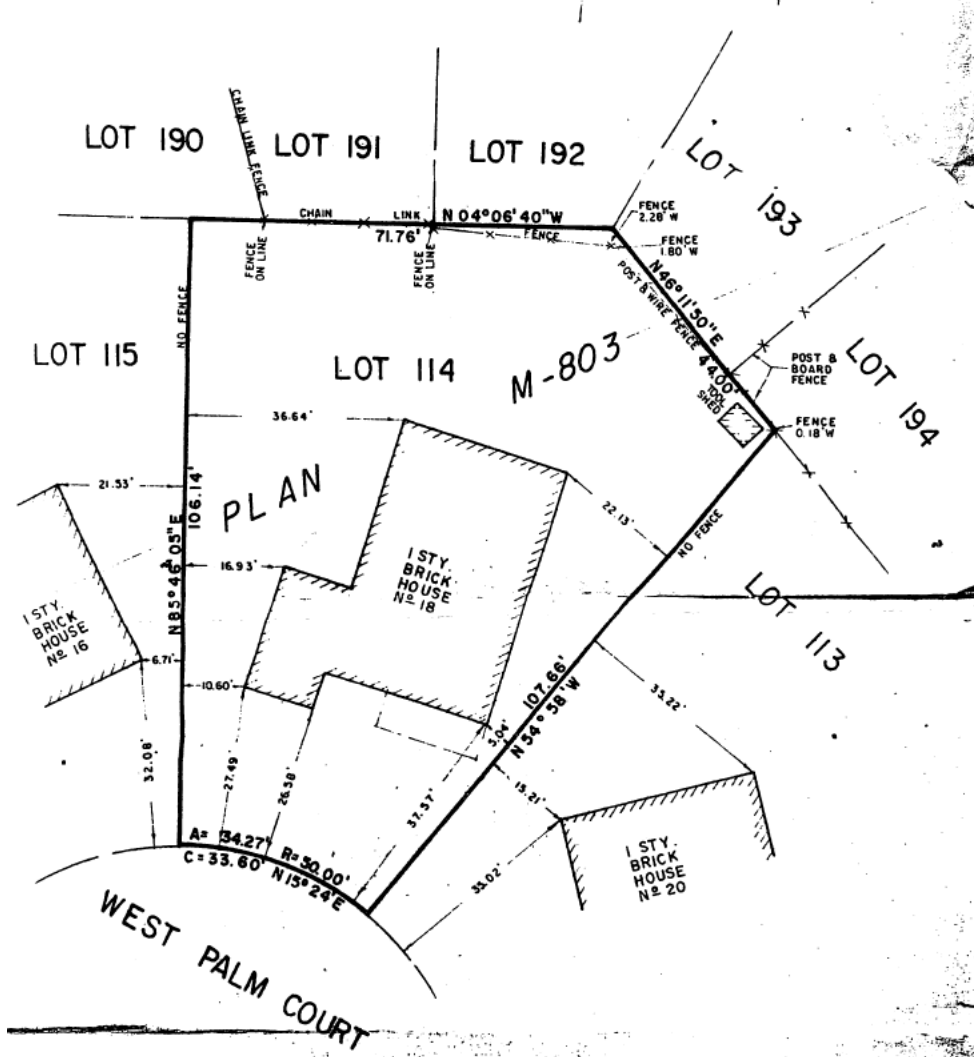
5. South View (a) – 18 West palm Court (rear yard)

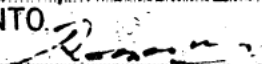


6. South View (b) – 18 West Palm Court



ATTACHMENT C
Site Plan - Survey



SKETCH OF SURVEY OF LOT 114, PLAN M-803 BOROUGH OF NORTH YORK, MUNICIPALITY OF METROPOLITAN TORONTO.		
 ONTARIO LAND SURVEYOR		Scale: 1" = 20'
For: MRS. O'LEARY	WHEELER ASSOCIATES ROBERT BASIL LEE LIMITED ONTARIO LAND SURVEYORS 1593A WILSON AVE. DOWNSVIEW ONT. M3L 1A5, TEL. 241-9731	Date: JAN. 17, 1979 Ref. No. 1079