

578 Rustic Road - Application for Fence Exemption

Date: November 6, 2024

To: Etobicoke York Community Council

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

Wards: Ward 5 - York South - Weston

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 578 Rustic Road 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 partial perimeter fence of the property that will not comply with the standards stipulated by Section 447-1.2(B)(1) and Section 447-1.2. The applicant is seeking permission to maintain a fence constructed of compressed wood with vertical-on-vertical boards with horizontal boards on top. The applicant is also asking to maintain such fence with a 2.4m sightline obstruction. The height of the fence is between 2.2m (87 inches) and 2.3m (94 inches) along the fence line due to the slope of ground alongside Jocada Road. It is a corner lot that borders a residential property driveway on the north side.

RECOMMENDATIONS

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

1. Refuse to grant the application for property owner of 578 Rustic Road. The constructed fence fails to comply with the provisions of Toronto Municipal Code, Chapter 447 Fences.

FINANCIAL IMPACT

There is no anticipated financial impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, September 26, 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, 578 Rustic Road, and is located in Ward 5. 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* |
|-------------------------|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Partial Perimeter Fence | Perimeter of Property on north and west side of property | Fence is constructed between 0.2m to 0.3m 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. |
| Partial Perimeter Fence | Perimeter of Property on north and west side of property | Fence is constructed of material that is not open mesh chain-link or an equivalent open fence construction within 2.4m from a lot line/driveway | Chapter 447-1.2 C Open-fence construction requirement. Any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or |

of an equivalent
open-fence
construction for at
least 2.4 metres
from the lot line at
which the
driveway begins
so as not to
obstruct the view
of the boulevard
or highway; and

COMMENTS

On October 8, 2024 the property owner at 578 Rustic Road submitted an application for a fence exemption.

The applicant is seeking permission to maintain a partial perimeter fence, constructed of compressed wood with vertical-on-vertical boards with horizontal boards on top and approximately 2.3m in height at its highest point, measured from grade. This fence is built on the applicants' property completely.

The applicant is requesting an exemption to the height of the fence for security and safety and has advised that before installation of fence, they experienced a lot of waste dumping and were concerned about access to basement walkout from side yard.

The property, 578 Rustic Road, is a rectangle shaped corner lot that borders 2 other properties (to the south and west).

CONTACT

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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 – 578 RUSTIC ROAD



ATTACHMENT B
PHOTOS (4)

1. Street view from Jocada Rd - 578 Rustic Rd (east view)



2. South View – 578 Rustic Rd



3. South View – 578 Rustic Rd



4. North View – 578 Rustic Rd



ATTACHMENT C
Site Plan - Survey

