

Fence Height Exemption Request 478 Main Street

(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)

The East York Community Council recommends that:

- (1) the fence height exemption request of Mr. and Mrs. Kripas for that portion of the fence extending from the rear of the house, abutting the deck and garden area, and connecting to the at-grade line fence, be granted;**
- (2) the fence height exemption request of Mr. and Mrs. Kripas for that portion of the at-grade line fence which exceeds the requirements of the Fence By-law No. 81-89 by 0.29 metres (11 inches) be denied; and**
- (3) the appropriate City officials be authorized and directed to prepare the required amending by-law to By-law No. 81-89 to give effect thereto.**

The East York Community Council submits the following report (October 18, 1999) from the (Acting) Commissioner of Urban Planning and Development Services:

Purpose:

To report to the November 9, 1999 meeting of the East York Community Council in order to provide information on a request for an exemption from Fence By-law No. 81-89 for the height of a fence at 478 Main Street as submitted by Mr. and Mrs. John Kripas.

Financial Implications and Impact Statement:

The applicants have submitted the required, non-refundable fee of \$200.00 as part of their exemption request.

Recommendations:

It is recommended that:

- (1) the fence height exemption request of Mr. and Mrs. John Kripas, owners of 478 Main Street, be granted; and**
- (2) the appropriate City officials be authorized and directed to prepare the required amending by-law to By-law No. 81-89 to give effect thereto.**

Background:

Acting upon a complaint received from an area resident, staff were called to investigate the construction of a fence along the south property line of 478 Main Street. As a result of the investigation, a violation of Fence By-law No. 81-89 was noted and a Notice of Violation was issued. Subsequent to the issuance of the Notice, the owners of 478 Main Street submitted a request for an exemption from the requirements of Fence By-law No. 81-89.

Comments:

The fence in question is constructed on the south property line of 478 Main Street dividing it from the property at 476 Main Street. The fence consists of two major components, the first being an at-grade fence approximately 15.24 metres in length (50' 0"). This fence consists of solid board which is 1.82 metres in height (6' 0") topped by lattice work which is 0.37 metres in height (14") for a total height of 2.19 metres (7' 2"). The By-law restricts the height of such line fences to a height of 1.9 metres (6' 3"). Thus the fence exceeds the requirements of the By-law by 0.29 metres (11").

The second portion of the fence consists of a 2.74 metre (9' 0") length of fencing which extends from the rear of the house and connects to the previously described line fence. This second portion of the fence abuts a deck and garden area. This fence consists of solid board, topped by an arrangement of two sections of lattice work which results in the fence ranging in height from 2.83 metres (9' 1") to 2.98 metres (9' 8"). This portion of the fencing exceeds the requirements of the By-law which restricts screening fencing to a height of 2.35 (7' 8") metres from grade or 2.40 metres (7' 10") from grade if the fence is attached to a deck. Thus, this screen-fence exceeds the requirements of the By-law by 0.48 to 0.58 metres (1' 6" to 1' 10").

The applicants have provided the Clerk of the Community Council with various documentation which includes their specific reasons for wanting the fence, photographs and letters of support from the other area residents.

Conclusions:

The variances requested are quite significant but the applicants have submitted various documentation in support of their exemption request and it will be necessary for the East York Community Council to determine whether or not the reasons outlined by the applicant warrant approval of the recommendation.

Contact:

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The East York Community Council also had before it the following communications:

- (i) (November 5, 1999) from residents of Main Street, East York, requesting that the application for an exemption from the Fence By-law be denied;
- (ii) (November 5, 1999) from the Carrington family, East York, requesting that the application for an exemption from the Fence By-law be denied;
- (iii) (November 8, 1999) from Ms. Y. Carrington, East York, requesting that the matter be deferred until the meeting of the East York Community Council to be held on December 2, 1999 at 7:30 p.m.;
- (iv) (undated) from J. Boyle, East York, in support of the fence height exemption request;
- (v) (undated) from Mr. John Dobko, Sales Representative, Sutton Group, providing comments with respect to the subject fence; and
- (vi) (November 29, 1999) from Mrs. J. LaPointe, East York, in support of the application for an exemption from the Fence By-law.

The following persons appeared before the East York Community Council in connection with the foregoing matter:

- Ms. Yvette Carrington, East York, and submitted photographs of the subject fence; and
- Mr. and Mrs. J. Kripas, East York.

(City Council on December 14, 15 and 16, 1999, had before it, during consideration of the foregoing Clause, a communication (December 7, 1999) from John, Helen and Connor Kripas, requesting that City Council come to a viable decision with respect to the request for a fence height exemption for 478 Main Street.)

(City Council also had before it, during consideration of the foregoing Clause, a communication (December 7, 1999) from the City Clerk, forwarding documentation submitted by Mrs. J. Kripas, in support of an application for an exemption to the Fence By-law respecting 478 Main Street.)