

## **Fence Exemption Request 52 Elmwood Avenue**

<b>Date:</b>	September 17, 2007
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 23 - Willowdale
<b>Reference Number:</b>	IBMS No. 07-253763

### **SUMMARY**

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This staff report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws.

The purpose of this report is to consider a request by the owner(s) of 52 Elmwood Avenue, to be exempted from Chapter 447 – Fences, section 447-2(B). This section states that the maximum height of a fence in the front yard not within 2.4 metres of the front property line can be 1.2 metres.

The subject of this exemption request is two-fold. The first is two existing hedges in the front yard beside the east property line. Note that in Chapter 447 – Fences, section 447-1, the definition of a fence also includes a hedge where it is used to screen or divide or mark the boundary between adjoining lands. The north section of the hedge is 2.4 metres long and approximately 2 metres in height. The south section is 3 metres in length and approximately 2 metres in height. The second part of the exemption request has not been constructed yet. It will be a wrought iron screen 2 metres in height that will link the two hedges at a length of approximately 2 metres.

### **RECOMMENDATIONS**

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- 1. Municipal Licensing and Standards recommends that the fence exemption not be granted.**

## **FINANCIAL IMPACT**

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There is no financial impact anticipated in this report

## **DECISION HISTORY**

This matter is not a public complaint. It arose as an exemption request by the owner(s).

## **COMMENTS**

The owner(s) are requesting this exemption to restrict the public from walking across the front lawn of their corner lot and for reasons of aesthetics.

The hedge does not extend to within 2.4 metres of the front property line. As it now appears, without the wrought iron fence, the hedges do not appear to be a sight line obstruction.

Should the recommendation not be accepted and the request approved, a condition of approval should include that when the fence is replaced it should be constructed in compliance with Chapter 447 or its successor by-law.

## **CONTACT**

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## **SIGNATURE**

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Bryan Byng, District Manager  
Municipal Licensing and Standards  
North York District

## **ATTACHMENTS**

1. Pictures
2. Site diagram