

**Fence Exemption Request
10 Donwoods Drive**

Date:	August 19, 2008
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 25 – Don Valley West
Reference Number:	IBMS No. 08-182630

SUMMARY

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 subject matter is an application for an exemption to Chapter 447 of the Toronto Municipal Code, Fences, to maintain existing fences in the front and side yards which are in violation of the By-law.

RECOMMENDATIONS

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

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

The owner(s) existing hedges were the subject of a public complaint. Those hedges meet the definition of a fence in the by-law. As a result of the investigation, the owner(s) were issued a Notice of Violation and they subsequently applied for a fence exemption.

ISSUE BACKGROUND

This is a single family detached built in 1978 located in a single-family third density (R3) zone. This house is on a private drive north off of Donwoods Drive that is a dead end street with four homes (*Attachments 1 and 2*).

Fences in the front yard within 2.4 metres of the front lot line are limited to 1.2 metres in height for open mesh chain link fencing or equivalent open construction that does not restrict sight lines and 1.0 metre in height for all other types, while fences in the front yard not within 2.4 metres of the front lot line are limited to 1.2 metres in height, pursuant to Section 447-2.B. Chapter 447, Fences, of the Toronto Municipal Code. This section also states, that the maximum height for a side, or rear yard fence not including flankage yard, is limited to 2 metres (*Attachment 3*).

The owner(s) existing hedges meet the definition for a fence in the fence by-law. The hedges are located along both sides of the front yard property line. On the west side of the property, the hedge is 8.6 metres in length and extends from approximately 2.8 to 12 metres in height (*Attachments 4 and 5*). The hedge on the east side of the property line in the front yard is 8.5 metres in length and approximately 4.5 metres in height (*Attachment 6*). The maximum height for this type of fence in the front yard is 1.2 metres. This hedge on the east side continues along the side yard at the same height to the rear lot line. The maximum height for a fence in the side yard is 2 metres. Both hedges constitute a sight line obstruction (*Attachments 7 and 8*).

COMMENTS

The owner(s) state that they have owned and lived at 10 Donwoods Drive since 1979 and that they planted the cedar trees in 1984 to separate the lots and to beautify their property. They state that the cedar hedges now provide environmental benefits as well for noise and air pollution alleviation.

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

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

ATTACHMENTS

1. Site plan for 10 Donwoods Drive
2. Aerial view of 10 Donwoods Drive
3. Front Yard Fence – Relief Diagram
4. Photo of southwest corner of front yard
5. Photo of southwest side of front yard
6. Photo of east side of front yard
7. Photo of southwest corner of front yard
8. Photo of southeast corner of front yard bordering 12 Donwoods Drive