

Fence Exemption Request 39 Fleming Drive

Date:	August 19, 2008
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	IBMS No. 08-182693

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) brought this matter to the attention of the City of Toronto. Municipal Licensing and Standards investigated and determined that the fence would not comply with Chapter 447, Fences, of the Toronto Municipal Code. The owner(s) subsequently applied for a fence exemption.

ISSUE BACKGROUND

This single family detached home with a circular driveway was built in 1997 and is located in a single family detached third density (R3) zone. This street is a cul-de-sac located off of Cummer Drive, north of Finch Avenue East and west of Bayview Avenue and the house is located at the north end of the cul-de-sac (*Attachment 1*).

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 (*Attachment 2*).

The proposed wrought iron fencing and gates (*Attachments 3, 4 and 5*) will be located in the front yard. The two gates will be 5.2 metres wide and range in height from 1.8 to 2.5 metres (*Attachment 6*). The rest of the fencing enclosing the front yard will be approximately 1.8 to 2 metres in height. The west fencing will be approximately 30.8 metres in length. The east fencing will be approximately 23.2 metres in length and the fencing bordering the street line will be approximately 22.3 metres in length (*Attachment 7*).

COMMENTS

The owner(s) state that they wish to construct this fence for security purposes.

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

Michael Carey, Supervisor, Municipal Licensing and Standards, North York District
Tel: 416-395-7012, Fax: 416-395-7056, E-mail: mcarey@toronto.ca

SIGNATURE

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

ATTACHMENTS

1. Site plan for 39 Fleming Drive
2. Front Yard Fence – Relief Diagram
3. Proposed fence gate relief
4. Proposed ornamental fence relief
5. Proposed ornamental and other fence relief
6. Photos of circular driveway entrances
7. Front yard detail plan