



**STAFF REPORT
ACTION REQUIRED**

**Fence Exemption Request
44 Yellowstone Street**

Date:	October 27, 2008
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 8 – York West
Reference Number:	IBMS No. 08-214571

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 build a fence in the front yard 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 application to Municipal Licensing and Standards. A review of the application initiated this report.

ISSUE BACKGROUND

This is a semi-detached home built in 1964 located in a multiple family dwelling zone [RM(2)(12)] (*Attachments 1, 2 and 3*).

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 4*).

The owner(s) proposed fence will be on the mutual driveway they share with 46 Yellowstone Street (*Attachments 5, 6 and 7*). They are proposing to build a vinyl maintenance free board on board style fence 2.05 metres in height and 4.47 metres in length. It will continue the existing fence between the houses on the driveway extending from the building face. The property line is approximately 7.7 metres from the building face. The sidewalk is approximately 8.8 metres from the building face and the curb face is approximately 13.4 metres away from the building face.

COMMENTS

The owner(s) state that they are requesting this exemption for reasons of safety.

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. Zoning map and info for 44 Yellowstone
2. GIS map of 44 Yellowstone
3. Aerial view 44 Yellowstone
4. Front Yard Fence – Relief Diagram
5. Photo of mutual driveway
6. Photo of mutual driveway from 46 Yellowstone
7. Photo of mutual driveway from 44 Yellowstone