

**Fence Exemption Request
27 Vernham Court**

Date:	October 27, 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. 08-213163

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 an existing fence in the front yard which is 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 fence was the subject of a public complaint. 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 1955 located in a one family second density (R2) zone. The home is located on a cul-de-sac with no sidewalks (*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 (*Attachment 3*). Further, section 447-1, Definitions, describes a fence as any hedge or grouping of shrubs used to mark the boundary between adjoining lands as being included in the definition of a fence.

The owner(s) existing fence is comprised of brick pillars with cedars planted in between them (*Attachments 4, 5, 6, & 7*). The fence runs along the east property line in the front yard bordering 29 Vernham Gate and the fence ranges in height from 1.7 metres for the brick pillars to approximately 2 metres for the cedars.

COMMENTS

The owner(s) state that they wish to maintain the fence for reasons of safety, privacy and property enhancement.

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. GIS plan for 27 Vernham
2. Aerial view of 27 Vernham
3. Front Yard Fence – Relief Diagram
4. Photo from 29 Vernham
5. Photo from Street
6. Photo from 27 Vernham
7. Survey extracts