

**Fence Exemption Request
60 Bennington Heights Drive**

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. 08-203505

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. The issue of shrubs within the right of way in front of 60 Bennington Heights has been referred to Transportation enforcement for their consideration of a minor encroachment.

ISSUE BACKGROUND

This is a single family detached home built in 1948 located in the former Borough of East York in a residential R1B density zone. The house is located on the southwest corner of Bennington Heights Drive and Bayview Heights Drive. There is no sidewalk in front of 60 Bennington Heights Drive (*Attachment 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*). This section also states that a fence in the flankage yard within 2.4 metres of the side lot line and 2.4 metres of any driveway can be a maximum of 2 metres for open mesh chain-link or equivalent construction that does not restrict sight lines and 800 millimetres for any other type.

The owner(s) existing board on board wood fence at the rear of the house in the flankage yard is approximately 2 metres in height and extends from the rear of the house enclosing the backyard. The section of fence that requires an exemption is the first 2.4 metres on the west and east side and the 14.9 metres on the north side for a total of 19.7 metres (*Attachments 4, 5 & 6*).

COMMENTS

The owner(s) state that they wish to maintain this fence for reasons of privacy, security and aesthetics.

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 map for 60 Bennington
2. Aerial view of 60 Bennington
3. Front Yard Fence – Relief Diagram
4. Photo of fence from 58 Bennington
5. Photo of fence from 60 Bennington
6. Photo of fence from across the street