



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 70 Florence Avenue

Date:	October 27, 2008
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	IBMS No. 08-191694

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 fence was the subject of a public complaint in August 31, 2007. As a result of the investigation the owner(s) were issued a Notice of Violation on September 28, 2007. They failed to comply with that Notice and were subsequently charged on

December 12, 2007. The matter has been in Court several times and has now been adjourned to January 13, 2009 after the owner(s) advised the Court that they were applying for a fence exemption.

ISSUE BACKGROUND

The property comprises a single family detached home built in 1948 and is zoned one family detached dwelling fourth density (R4). (*Attachment 1*) This house is on a corner lot at the northeast corner of Botham Road (*Attachment 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 board-on-board fence is located in the front and rear yard along the east property line adjacent to the driveway for 68 Florence Avenue (*Attachment 4*). The fence encloses an area for use by the owner(s) (*Attachments 5 and 6*). The fence ends 2.97 metres from the sidewalk and 5.57 metres from the curb face. The fence is approximately 1.95 metres in height but because the driveway on 68 Florence Avenue rises in elevation as it proceeds north this height is reduced to approximately 1.5 metres at the north end of the fence. The section of fence behind the front building wall is permitted to be 2 metres. The section of fence in the front yard is approximately 4.41 metres in length on the east and west perimeter and 2.43 metres wide. The first 0.73 metres of the fence is within 2.4 metres of the front property line.

COMMENTS

The owner(s) state that they wish to maintain this fence for security and privacy. The owner(s) believe that this fence is not a sight obstruction. However, the fence starts 1.67 metres from the property line and is within the 2.4 metres sight triangle.

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. Zoning Map - 70 Florence Avenue
2. Aerial view of 70 Florence Avenue
3. Fence Height Restrictions Table
4. Photos of front yard
5. Site Plans submitted by Owner(s)
6. Pictures submitted by Owner(s)