



STAFF REPORT ACTION REQUIRED

Request for a fence exemption to the Toronto Municipal Code, Chapter 447-Fences at 34 Crescent Road.

Date:	January 21, 2008
To:	Toronto East York Community Council
From:	Municipal Licensing and Standards Division, Toronto East York District
Wards:	Ward 27 Toronto Centre - Rosedale
Reference Number:	IBMS No. 07-278881

SUMMARY

This staff report is about a matter for which the Community Council has delegated authority from City Council to make a final decision. The applicant, being the Architect for the owners of 34 Crescent Road, is seeking approval for a fence exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), to permit a solid wood and lattice fence construction to provide privacy and screening from the road. The construction of the front yard fence consists of one portion with three panels that measure approximately 6.6 metres (21 feet 8 inches) in length and 1.7 metres (5 feet 7 inches) in height along the south property line on the private property portion of the front yard of 34 Crescent Road. The fence is within 2.4 metres of the front lot line whereas the by-law restricts the maximum height of a front yard fence to 1.2 metres (4 feet) of open construction and to 1 metre (3 feet 3 inches) of any other type of construction.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that Community Council not grant the fence exemption.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Municipal Licensing & Standards Division received a request from the Architect of the owners of the subject property for an exemption to Toronto Municipal Code, Chapter 447-Fences, Section 447-2(B) to permit the solid wood and lattice constructed fence in the front yard area of 34 Crescent Road. The fence construction height of 1.7 metres (5 feet 7 inches) would not be in compliance with the provisions of the by-law, which restricts the height of a front yard fence within 2.4 metres of the front lot line to 1 metre (3 feet 3 inches).

ISSUE BACKGROUND

The Municipal Licensing and Standards Division was contacted by the Architect representing the owners requesting consideration and review of a fence along with the submission of photographs outlining fence location and its measurements. Upon review it was determined that the proposed fence in the front yard area at a height of 1.7 metres, (5 feet 7 inches) was not in accordance with the by-law provisions that restricts the maximum height of an closed construction front yard fence to 1 metre, (3 feet 3 inches). The Architect representing the property owners submitted an application for a fence exemption to permit a 1.7 metres (5 feet 7 inch) high fence in the front yard for the purpose of ensuring the security and privacy of the owners and enhance the streetscape. The Architect provided photographs showing subject fence, Attachments 1 – 4 and provided information confirming the support for the fence from the adjoining neighbours.

COMMENTS

The City of Toronto Council enacted the amalgamated By-Law 472-2000 on July 6, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned outdoor swimming pools to erect and maintain safety fences and gates around private swimming pools. This By-Law and the amendments are now found in the Toronto Municipal Code, Chapter 447 - Fences.

The City of Toronto Municipal Code, Chapter 447, and Section 447-2(B) provides that the maximum permitted height of a closed fence construction in a front yard within 2.4 metres of the front lot line should not exceed 1 metre (3 feet 3 inches) in height.

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager
Toronto East York District

ATTACHMENTS

1-4 Photographs of fence