



## STAFF REPORT ACTION REQUIRED

### Fence Exemption Request 345 Cortleigh Boulevard

<b>Date:</b>	January 6, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 16 – Eglinton-Lawrence
<b>Reference Number:</b>	IBMS No. 08-229454

#### **SUMMARY**

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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**

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- 1. Municipal Licensing and Standards recommends that the fence exemption not be granted.**

#### **FINANCIAL IMPACT**

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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 home built in 1935 located in a one family third density (R3) zone (*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. Fences in the front yard not within 2.4 metres of the front lot line are also 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 447-3C, states, that a fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or be of an equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or the highway (*Attachment 4*).

The owner(s) existing wood closed-lattice board fence ranges in height from approximately 1.7 metres at the south end to 1.87 metres above grade at the front property line. It extends along the east property line to the front lot line and it is within 2.4 metres of a driveway approximately 1.5 metres to the east on 6 Alexandra Wood. (*Attachments 5, 6, and 7*).

## **COMMENTS**

The owner(s) state that they wish to maintain the fence for reasons of safety, security, aesthetics and the cost of adjusting the fence to meet the bylaw requirement. The owner(s) believe that the fence does not restrict sight lines. The fence is constructed within the first 2.4 metres of the property line and within 2.4 metres of a driveway.

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**

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Bryan Byng, District Manager  
Municipal Licensing and Standards  
North York District

## **ATTACHMENTS**

1. Aerial view of 345 Cortleigh
2. Zoning diagram for 345 Cortleigh
3. Front Yard Fence – Relief Diagram
4. Plan of survey 345 Cortleigh
5. Photo of front yard fence showing detail and location on driveway 345 Cortleigh
6. Photo of front yard fence facing east and west 345 Cortleigh
7. Photo of front yard fence opposite 6 Alexandra Wood