



**STAFF REPORT
ACTION REQUIRED**

**Fence Exemption Request
31 Ferrand Drive**

Date:	January 6, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 26 – Don Valley West
Reference Number:	IBMS No. 08-218259

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, side and rear yard 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. As a result of the investigation the owner(s) were issued a Notice of Violation and they subsequently applied for a fence exemption. The part of the fence closest to the intersection encroaches onto the right of way and that issue was forwarded to Transportation.

ISSUE BACKGROUND

This corner/end unit townhouse was built in 2000 and is located in a multiple family first density [RM1(27)] zone (*Attachments 1, 2 and 3*).

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. 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 4*).

The owner(s) existing horizontal board fence is approximately 2.05 metres in height. The fence encloses the entire property (*Attachment 5*) and is attached to the building walls at both ends of the townhouse (*Attachments 6, 7 and 8*).

COMMENTS

The owner(s) state that the fence was constructed in 2000. They wish to maintain the fence for privacy, security, safety and aesthetics. This corner lot townhouse is oriented diagonally to both cross streets (*Attachment 5*). The fence all along the property line adjacent to both Ferrand Drive and Windom Road is constructed within the first 2.4 metres of the property line.

There was no comment received from Transportation.

Should the recommendation not be accepted and the request approved, conditions of approval should include that an encroachment agreement be obtained or the fence on the right of way be removed and that when the fence on the private property is replaced that 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. Aerial view of 31 Ferrand
2. Zoning map of 31 Ferrand
3. Zoning excerpt for the RM(27) zone
4. Fence relief diagram
5. Survey plan of 31 Ferrand
6. Photo of fence from the intersection of Windom Road and Ferrand Drive
7. Photo of fence on west off Ferrand
8. Photo of fence from 31 Ferrand facing east