

**Fence Exemption Request
388 Drewry Avenue**

Date:	March 9, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	IBMS No. 09-107972

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 hedges/fence were the subject of a public complaint. As a result of the investigation the owner(s) were issued a Notice of Violation in October 2008. In January 2009 the owner(s) were charged for failing to comply with the Notice of Violation. In February 2009 the owner(s) applied for a fence exemption.

ISSUE BACKGROUND

This single-family detached house was built in 1989 and it is located in a fourth density (R4) zone opposite Sunforest Court (*Attachments 1 and 2*).

A hedge that is used for any or all of the following things, to wholly or partially screen from view, for noise attenuation, as a barrier, to divide a yard or substantially mark a boundary meets the definition of fence pursuant to Section 447-1, Chapter 447, Fences of the Toronto Municipal Code.

The fence is located along the east property line from just behind the sidewalk through the side yard to the rear of the house. In the front yard it ranges in height from 1.8 to 2.7 metres. In the side yard it is approximately 2.1 metres in height (*Attachments 3, 4, 5 and 6*).

Fences in the front yard 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. Further any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or of an equivalent open fence construction for at least 2.4 metres from the lot line at which the driveway begins so as to not obstruct the view of the boulevard or highway pursuant to Section 447-2.C.(1), Chapter 447, Fences, of the Toronto Municipal Code.

COMMENTS

They wish to maintain the fence for privacy, to reduce noise, to reduce pollution and to reduce dust from traffic. The owner(s) believe that the hedge/fence does not constitute a sight line violation because of the configuration of their circular driveway on the north side of Drewry Avenue.

The owner(s) state that the fence was in place prior to the enactment of Chapter 447, Fences and as such, they should be exempt as the previous City of North York bylaw had no definition for a fence. The division has been advised by its policy section that the fact that the plant material is constantly growing, it would be subject to the current regulations.

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Aerial view
2. Zoning map
3. Photos – view to the west
4. Photos – east side yard
5. Photos – view east and west
6. Photos – view of driveway