

NOTICE OF MOTION

Fence Exemption Request - 32 York Valley Crescent

Moved by: **Councillor Jenkins** _____

SUMMARY:

This motion is about a matter for which the Community Council has delegated authority from City Council to make a final decision.

At its meeting of February 9, 2009, North York Community Council:

1. Approved the request for an exemption from the City of Toronto Municipal Code, Chapter 447 – Fences, for 32 York Valley Crescent, subject to the applicant:
 - a. removing an existing chain link fence along the south property line;
 - b. altering the existing fence to a height of 2 metres (6.5 ft.) commencing 1.2 metres (4 ft.) from the corner of the garage and running along the south property line for a distance of 14.6 metres (48 ft.);
 - c. planting six emerald cedars measuring at least 1.8 metres (6 ft.) in height near the commencement of the fence, in consultation with the owner of the adjacent property; and
 - d. when replacing the fence, construct it in compliance with Chapter 447 or its successor by-law.

An additional condition regarding the height of the fence was agreed to by the property owner of the subject site and the property owner of 34 York Valley Crescent but this condition was inadvertently missed during consideration of this matter by North York Community Council on February 9, 2009.

The Decision of the North York Community Council regarding Item NY23.4 should be re-opened and reconsidered for the purposes of adding the following additional condition:

“The applicant reducing the height of the remaining length of the Privacy Fence (specifically the length beyond the 48 feet described above, continuing to the rear property line, measuring 63 feet) to 8 feet (2.4m); and that the maximum height of the Privacy Fence overall to be 8 feet, which will include the height of the posts.”

REQUIRES RE-OPENING (2/3rds vote):

Recommendation 1. of North York Community Council Item NY23.4 adopted by North York Community Council on February 9, 2009.

RECOMMENDATIONS:

That Recommendation 1. of North York Community Council Item NY23,4 be replaced with the following Recommendation:

1. North York Community Council approve the request for an exemption from the City of Toronto Municipal Code, Chapter 447 – Fences, for 32 York Valley Crescent, subject to the applicant:
 - a. removing an existing chain link fence along the south property line;
 - b. altering the existing fence to a height of 2 metres (6.5 ft.) commencing 1.2 metres (4 ft.) from the corner of the garage and running along the south property line for a distance of 14.6 metres (48 ft.);
 - c. reducing the height of the remaining length of the Privacy Fence (specifically the length beyond the 48 feet described above, continuing to the rear property line, measuring 63 feet) to 8 feet (2.4m); and that the maximum height of the Privacy Fence overall to be 8 feet, which will include the height of the posts.
 - d. planting six emerald cedars measuring at least 1.8 metres (6 ft.) in height near the commencement of the fence, in consultation with the owner of the adjacent property; and
 - e. when replacing the fence, construct it in compliance with Chapter 447 or its successor by-law.

March 20, 2009