



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 2720 Bayview Avenue

Date:	March 12, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 25 – Don Valley West
Reference Number:	IBMS No. 08-147856

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 an existing fence in the front yard which is 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.

ISSUE BACKGROUND

This is a single family detached home built in 1951 located in a one family detached dwelling second density (R2) 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 (*Attachments 3 and 4*).

The owner(s) existing wrought iron fence encloses the front yard of 2720 Bayview Avenue across the front property line and there are two wrought iron gates at the driveway entrance. The fence ranges in height from 1.9 to 2.0 metres in height (*Attachments 5, 6 and 7*). The driveway gates range in height from 1.9 to 2.0 metres above grade and it opens inwards towards the dwelling.

COMMENTS

The owner(s) state that they wish to maintain the fence for reasons of security and safety. The fence portion along Bayview Avenue is constructed along the front property line, is therefore within the first 2.4 metres of the property line, and does not create a sight obstruction.

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

Gabor Fazekas, Supervisor, Municipal Licensing and Standards, North York District
Tel: 416-395-7013, Fax: 416-395-7056, E-mail: gfazeka@toronto.ca

SIGNATURE

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

ATTACHMENTS

1. Site plan for 2720 Bayview Avenue
2. Aerial view of 2720 Bayview Avenue
3. Front Yard Fence – Relief Diagram
4. Extract of Fence By-Law for Maximum Height of Fences
5. Photo of fence – North Section at 2720 Bayview Avenue
6. Photo of gate design – entrance to driveway at 2720 Bayview Avenue
7. Photo of fence – South Section at 2720 Bayview Avenue