



## SUPPLEMENTARY REPORT ACTION REQUIRED

### Fence Exemption Request 39 Fleming Drive

<b>Date:</b>	June 1, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 24 – Willowdale
<b>Reference Number:</b>	IBMS No. 08-182693

### 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 existing fences in the front and side yards which are in violation of the By-law.

### RECOMMENDATIONS

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#### **Municipal Licensing and Standards recommends that:**

1. The North York Community Council refuse the exemption from the Toronto Municipal Code, Chapter 447, Fences for the property at 39 Fleming Drive.

### FINANCIAL IMPACT

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There is no financial impact anticipated in this report

### DECISION HISTORY

The owner(s) brought this matter to the attention of the City of Toronto. Municipal Licensing and Standards investigated and determined that the fence would not comply with Chapter 447, Fences, of the Toronto Municipal Code. The owner(s) subsequently applied for a fence exemption. At its meeting of September 9, 2008, North York Community Council deferred consideration of a report on this exemption request dated August 19, 2008. Municipal Licensing and Standards received revisions to the proposed fence reducing the height of the fence in the front yard prompting this supplementary report.

## **ISSUE BACKGROUND**

This single family detached home with a circular driveway was built in 1997 and is located in a single-family detached third density (R3) zone. This street is a cul-de-sac located off of Cummer Drive, north of Finch Avenue East and east of Bayview Avenue and the house is located at the north end of the cul-de-sac (*Attachment 1, 2, 3 and 4*).

Fences in the front yard are limited to 1.2 metres in height. Fences within 2.4 metres of a driveway shall be open mesh chain link fencing or equivalent open-fence construction that does not restrict sight lines for at least 2.4 metres from the lot line at which the driveway begins, pursuant to Section 447-2, Chapter 447, Fences, of the Toronto Municipal Code.

The proposed wrought iron fencing and gates (*Attachments 5 and 6*) will be located in the front yard. The two gates will be 5.2 metres wide and range in height from 1.7 to 1.8 metres. The rest of the fencing enclosing the front yard will be approximately 1.8 metres in height. The west fencing will be approximately 30.8 metres in length. The east fencing will be approximately 23.2 metres in length and the fencing bordering the street line will be approximately 22.3 metres in length (*Attachment 7*).

## **COMMENTS**

The owner(s) state that they wish to construct this fence for security purposes.

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. Zoning map for 39 Fleming Drive
2. Aerial view of 39 Fleming Drive
3. Photo of 39 Fleming Drive – front yard west entrance
4. Photo of 39 Fleming Drive – front yard east entrance
5. Proposed fence gate relief
6. Proposed ornamental fence relief
7. Front yard detail plan for 39 Fleming Drive