



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 27 Edgecombe Avenue

Date:	August 26, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	IBMS No. 09-142551

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 rear yard which is in violation of the By-law.

RECOMMENDATIONS

1. **Municipal Licensing and Standards recommends exemption from Chapter 447 – Fences, for the property at 27 Edgecombe Avenue, be refused.**

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 single-family detached home located in a one-family third density (R3) zone. The rear yard backs onto low rise multiple unit apartments in a multi residential fourth density (RM4) zone (*Attachments 1 and 2*). Those apartments are on the west side of Avenue Road.

Fences in the side or rear yard are limited to 2 metres in height in a residential zone. Fences in a rear yard abutting multiple residential property are limited to 2.5 metres in height. This is pursuant to Section 447-2.B. Chapter 447, Fences, of the Toronto Municipal Code.

The owner(s) existing privacy fence is of horizontal cedar board construction (*Attachment 3*). It is located in the rear yard at the southeast corner of the property. It consists of two 90-degree sections wrapping around the southeast corner. Each section is approximately 3.4 metres in height and 5 metres in length. The south section is 15 centimeters from the property line fence and the east section is 2.8 meters from the rear property line fence. The east section is attached at the north end to a partially constructed structure (*Attachments 4, 5, 6, 7 and 8*).

COMMENTS

The owner(s) state that they wish to maintain the fence for reasons of privacy, security, noise reduction and aesthetics. The current height of the fence is 3.4 meters; however, the owner(s) wish to reduce the height of the privacy fence to 2.9 meters, which still exceeds the maximum of 2.5 meters for the east section and 2 meters for the south section.

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

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

ATTACHMENTS

1. Zoning map of 27 Edgecombe Ave
2. Survey 27 Edgecombe Avenue
3. Construction diagrams of fence 27 Edgecombe Avenue
4. Photo behind privacy fence facing east
5. Photo behind privacy fence facing southwest
6. Photo of privacy fence facing south
7. Photo of privacy fence rear facing east
8. Photo of privacy fence from rear building wall of 27 Edgecombe Avenue