



## STAFF REPORT ACTION REQUIRED

### Fence Exemption Request 62 Larabee Crescent

<b>Date:</b>	January 12, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 34 – Don Valley East
<b>Reference Number:</b>	IBMS No. 08-225932

#### **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 an existing fence in the front yard which is in violation of the By-law.

#### **RECOMMENDATIONS**

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- 1. Municipal Licensing and Standards recommends that the fence exemption not be granted.**

#### **FINANCIAL IMPACT**

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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. When the gate on this fence is opened it appears to extend over the right of way and that issue was forwarded to Transportation.

## **ISSUE BACKGROUND**

This is a single family detached home built in 1959 located in a one family fourth density (R4) 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 (*Attachment 3*).

The owner(s) existing wrought iron fence encloses the front yard of 62 Larabee Crescent along the property lines and there are two brick pillars supporting the driveway gate. The fence ranges in height from 1.6 to 1.8 metres in height (*Attachments 4, 5, and 6*). The driveway gate ranges in height from 1.8 to 2.4 metres above grade and it opens toward the roadway (*Attachment 7 and 8*). The brick pillars range in height from 1.7 to 1.8 metres.

## **COMMENTS**

The owner(s) state that they wish to maintain the fence for reasons of security and safety. The fence portion along Larabee is constructed along the front property line and is therefore within the first 2.4 metres of the property line. There has been no comment from Transportation on the issue of the gate opening towards the roadway.

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. Site plan for 62 Larabee
2. Aerial view of 62 Larabee
3. Front Yard Fence – Relief Diagram
4. Photo of fence south side at 62 Larabee
5. Photo of fence midpoint street side at 62 Larabee
6. Photo of fence opposite side of street showing 62 Larabee
7. Photo of open driveway gate north side at 62 Larabee
8. Photo of open driveway gate from the street at 62 Larabee