



## **STAFF REPORT ACTION REQUIRED**

### **Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 36 Maple Avenue**

<b>Date:</b>	June 18, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Municipal Licensing and Standards, Toronto and East York District
<b>Wards:</b>	Ward 27– Toronto Centre- Rosedale
<b>Reference Number:</b>	IBMS No. 09 141260

#### **SUMMARY**

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This staff report is about a matter for which the Toronto and East York Community Council has delegated authority from City Council to make a final decision. The purpose of this report is to consider a request by the owner of 36 Maple Avenue to be exempted from Chapter 447– Fences, Section 447-2(B). This section states that the maximum height of a fence in the front yard cannot exceed 1.2 metres. There are two proposed sections of front yard fence that exceed the height requirement. Both sections are constructed of solid brick piers with brick and wrought iron measuring approximately 1.4 metres in height. Section 1 is measured at approximately 6.4 metres in length, along the east property line. The second section of front yard fence (including piers) is approximately 10 metres in length along the south property line. Attachments 1-3 are photographs of the property.

#### **RECOMMENDATIONS**

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Municipal Licensing and Standards recommends that the Toronto and East York Community Council not grant the fence exemption.

#### **Financial Impact**

There is no financial impact anticipated in this report.

## **DECISION HISTORY**

The Municipal Licensing and Standard Division received a request from the Project Manager for the owners of the subject property for an exemption to Toronto Municipal Code, Chapter 447-Fences, Section 447-2(B) to permit the construction of a fence in the front yard area of 36 Maple Avenue. The proposed fence construction height of approximately 1.4 metres would not be in compliance with the provisions of the by-law, which restricts the height of a front yard fence built of solid brick and wrought iron construction to 1.2 metres in height.

## **ISSUE BACKGROUND**

Municipal Licensing & Standards received from the Project Manager representing the property owners, Architect drawings (Attachment 4 & 5) and an application for a fence exemption to permit a 1.4 metre high fence in the front yard for the purpose of ensuring the security, privacy and improve the general aesthetics of the property. The proposed fence has been reviewed by the Heritage and Preservation Division and deemed to be acceptable for this Heritage property.

## **COMMENTS**

The owner is requesting an exemption in support of the sections of the proposed fence that exceeds the recommended height for a front yard fence.

Should the request for an exemption be approved, a condition of approval should include that when the fence is replaced it should be constructed in compliance with Toronto Municipal Code, Chapter 447-Fences or its successor bylaw.

## **CONTACT**

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## **SIGNATURE**

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Elizabeth Glibbery, Manager  
Toronto and East York District

## **ATTACHMENTS**

1-3 Photograph property

4-5 Architect drawing of proposed fence