



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 484 Arlington Avenue

Date:	October 20, 2009
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	IBMS No. 09-143444

SUMMARY

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 applicant, being the property owner is seeking an exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), to permit an existing wooden fence, in the rear, to exceed the maximum allowable height. The Fence By-law provides that a fence in the rear or side yard area can be constructed to a height of 2 metres.

The wooden fence has been constructed along the entire width of the rear yard and has a height of 2.52 metres above the grade. See Attachments 1 2 and 3.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 484 Arlington Avenue.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Fence By-law provides that a fence in the rear and side yard areas can be constructed to a height of 2 metres. The rear fence at the subject property has been constructed to

height of a height of 2.52 metres which exceeds the maximum height of 2 metres permitted in the Fence By-law.

ISSUE BACKGROUND

The Municipal Licensing and Standards Division received an application for an exemption from the Fence by-law. The stated purpose for constructing the fence at the proposed height is to increase privacy. A letter of support from a neighbour accompanied the application.

COMMENTS

The City of Toronto Council enacted the amalgamated By-Law 472-2000 on July 6, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned outdoor swimming pools to erect and maintain safety fences and gates around private swimming pools. This By-Law and the amendments are now found in the Toronto Municipal Code, Chapter 447 - Fences. The City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), provides that the maximum permitted height of a fence in the rear yard should not exceed 2 metres in height.

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

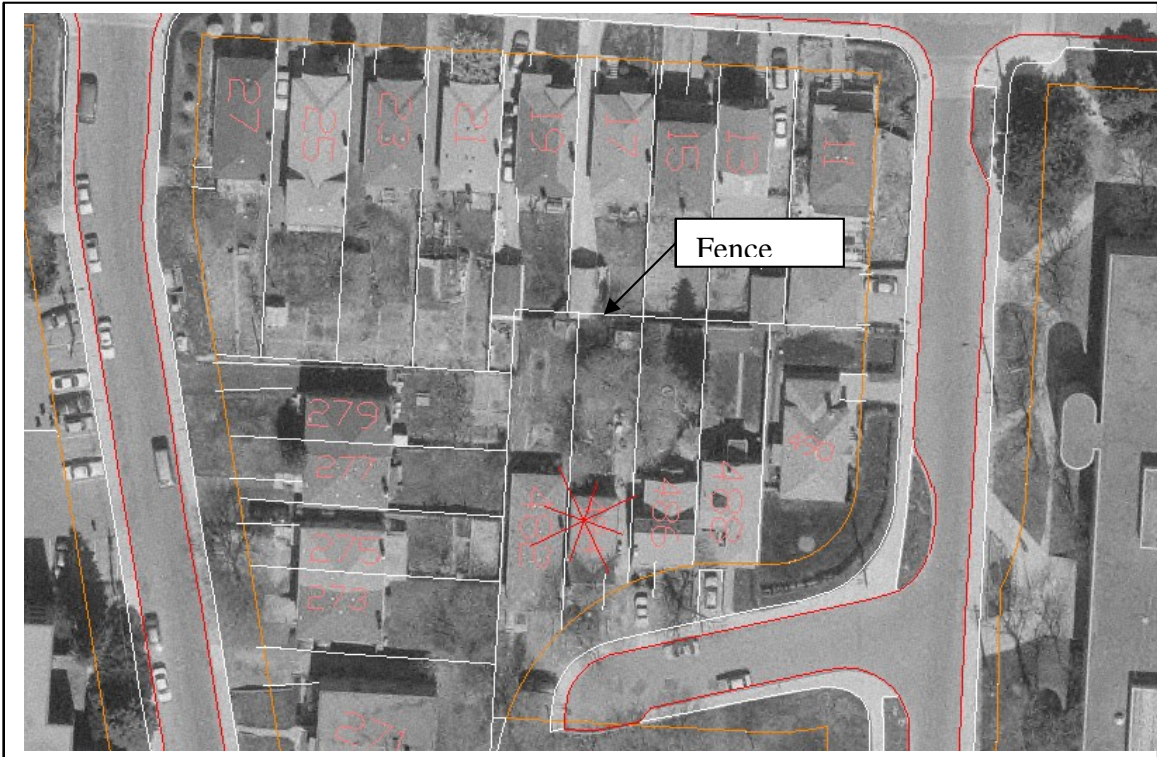
John Romano, Supervisor, Municipal Licensing and Standards Division
Toronto and East York District, (416) 392-6950, fax (416) 392-0386,
jromano@toronto.ca

SIGNATURE

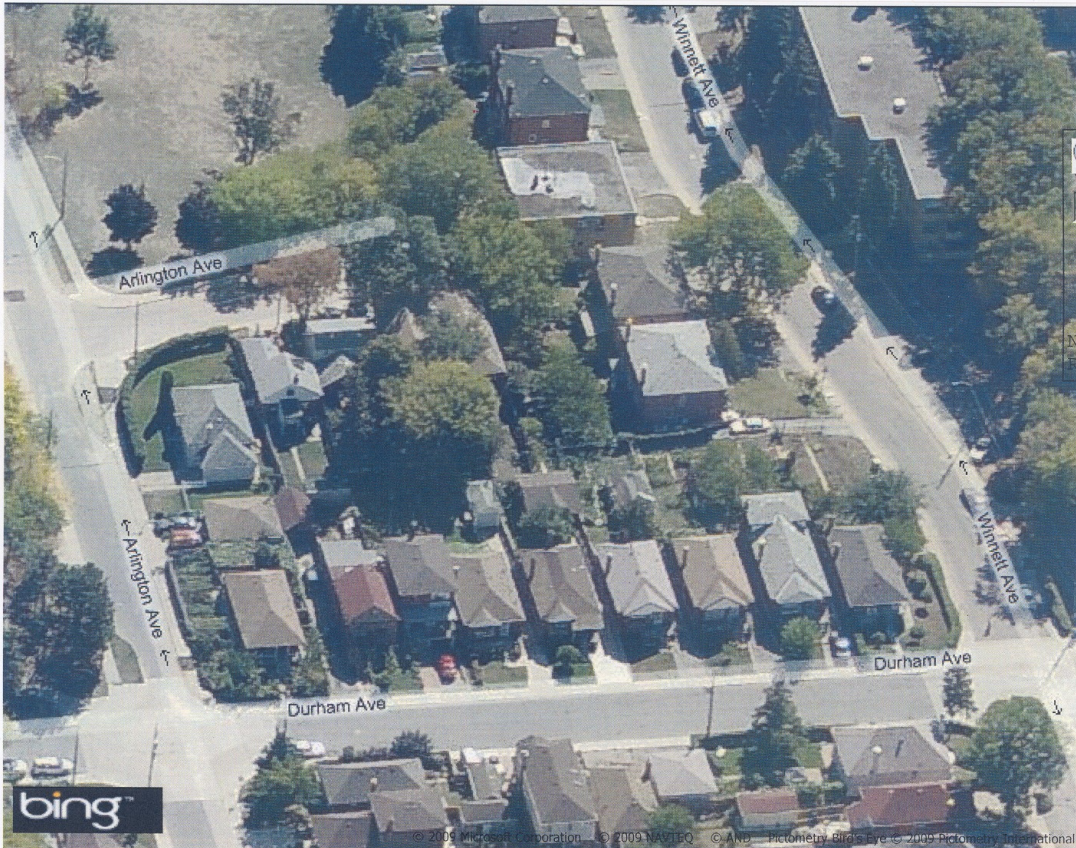
Elizabeth Glibbery, Manager
Toronto and East York District

ATTACHMENTS

Attachment 1, Ariel of Property
Attachment 2, Ariel Photograph View
Attachment 3, Photograph of fence



Attachment 1, Ariel of Property



Attachment 2, Ariel Photograph View



Attachment 3, Photograph of fence