



## **STAFF REPORT ACTION REQUIRED**

### **Fence Exemption Request 30 Harrison Road**

<b>Date:</b>	January 21, 2010
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 25 – Don Valley West
<b>Reference Number:</b>	IBMS No. 09 195146

### **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, maximum height 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 exemption from Chapter 447 – Fences, for the property at 30 Harrison Road, be refused.**

### **FINANCIAL IMPACT**

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There is no financial impact anticipated in this report.

### **DECISION HISTORY**

The fence, which is the subject of this report, came to the attention of the City by way of a public complaint. Inspection revealed that the fence was not in compliance with Chapter 447 of the Toronto Municipal Code and as a result, a Notice of Violation was issued to the owners. The owners subsequently applied for a fence exemption. The existing fence is composed of brick pillars and wrought iron.

## **ISSUE BACKGROUND**

This is a single family detached home located in a low-density residential (R2) zone in former North York – Zoning By-Law 7625. (*See Attachments 1 and 2*).

The maximum height for a fence in the front yard is 1.2 metres. Further, a fence when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence shall not exceed the height of 1.2 metres pursuant to Section 447-2.B. Chapter 447, Fences, of the Toronto Municipal Code.

An on site inspection was performed on December 11, 2009 at which time, three sections of the fence were found to be in breach of the Toronto Municipal Code Chapter 477-Fence Bylaw pertaining to height.

The first section of the fence is located adjacent to 28 Harrison Road (*Attachment 3*). A measurement was taken from the front property line to the front lot line (face of the building). Observations revealed this portion of the fence is 12.4m in length and 1.93m in height.

The second section of the fence at the front property line shows five brick pillars and decorative wrought iron fencing with two vehicular access gates and one pedestrian gate (*Attachments 4 and 5*). The two vehicular gates are each 4.8m in length, 2.4m in height and 2.6m at the peak. The pedestrian gate is 1.1m in length and 2.2m in height at the peak. The wrought iron fencing between the pillars is 1.88m.

The third section of the fence is adjacent to 32 Harrison Road. A measurement was taken from the front property line to the front lot line (face of the building). Observations revealed the fence is 6.0m in length and 1.88m in height.

After the fence was inspected by a Municipal Licensing and Standards Officer, a Notice of Violation dated December 15, 2009 was issued regarding the height of the fence. On January 14, 2010, the owner(s) applied for a fence exemption.

## **COMMENTS**

The owner(s) wish to maintain the fence as they believe it is not out of character with similar fences in the neighbourhood.

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
2. Property Overview indicating location of fence
3. Photo of fence on south side of property
4. Photo of fence in front yard
5. Photo of vehicular and pedestrian gate.