



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 355 Briar Hill Avenue

Date:	May 5, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 16 - Eglinton Lawrence
Reference Number:	IBMS No. 10 150235

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, for one solid fence located too close to a private driveway and for five fences located in the rear and side yards, which exceed the maximum height limits.

RECOMMENDATIONS

Municipal Licensing and Standards, North York District, recommends that:

- 1. The North York Community Council refuse the exemption from Chapter 447 – Fences, for the property at 355 Briar Hill Avenue.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

The fences which are the subject of this report came to the attention of the City by way of a public complaint received on February 4, 2010. Inspection revealed that several fences in the rear and side yards are not in compliance with Chapter 447 of the Toronto Municipal Code and as a result, a Notice of Violation was issued to the owners who have subsequently applied for a Fence Exemption.

ISSUE BACKGROUND

This is a single family detached dwelling located at the southeast corner of Briar Hill Avenue and Avenue Road and located in a residential (R1 Z0.6) zone under Toronto Zoning By-Law No. 438-86, as amended. (*See Attachment 2*)

The maximum height of a rear or side yard fences, 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 2.0 metres pursuant to Section 2.B. of Toronto Municipal Code Chapter 447 – Fences.

The subject property is an irregularly shaped corner lot with eight property lines. (*See Attachment 3*)

The following fence sections located in the rear and side yards were found to be in non-compliance with the By-Law and a Notice of Violation dated March 18, 2010 was issued to the owners:

- (1) On the east side of the property, abutting the mutual driveway, there are two sections of fence with a pedestrian gate measuring between 2.17 metres and 2.30 metres in height and having a length of 8.54 metres. (*See Attachments 5 & 6*)
- (2) On the southeast side of the property, between the garage and the corner of the 1165 Avenue Road, a fence measuring 2.30 metres in height and having a length of 3.68 metres. (*See Attachment 7*)
- (3) On the south-west side of the property, a fence bordering a parking pad located at 1165 Avenue Road is 2.10 metres in height and 7.72m in length and is not of open construction or located 2.40 meters from any driveway. (*See Attachments 8 & 9*)
- (4) On the west side of the property abutting Avenue Road, a fence measuring 2.20m in height and for a length of 13.30 metres. (*See Attachment 10*)
- (5) On the north side of the property, two sections of fence including double gate measuring between 2.20 metres and 2.41 metres in height and for a total length of 6.35 metres. (*See Attachment 4 & 11*)

COMMENTS

The owner(s) wish to maintain the fences as they believe they provide added security and protection for their family and that the fences act as a sound barrier for Avenue Road traffic noise.

In addition to the height consideration, one identified issue of concern centres on a parking pad abutting the south-west portion of the rear fence. Staff is of the opinion that sight visibility for vehicles backing out of this parking pad will be compromised. This

issue might be addressed through the use of opening fencing in this location or reconfiguration of the fence to create a sight triangle.

Should the recommendation not be accepted and the request approved, a condition of approval should include that if any portion of the fence is replaced, it should be constructed to be in compliance with Chapter 447 or any successor by-law.

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Letter from owner(s) with photos with reasons submitting a Fence Exemption.
2. Zoning map.
3. Site Plan aerial view.
4. Photo at front showing mutual driveway on left & north side fence on right.
5. Photo at rear showing fence & gate at east side abutting the mutual driveway.
6. Photo at rear showing fence at east side of property ending at the private garage.
7. Photo at rear showing fence at southeast side of property on top of the deck.
8. Photo at rear showing fence at southwest side of property adjacent to parking pad.
9. Photo at rear showing fence at southwest side looking south adjacent to pkg. pad.
10. Photo at side of property showing fence abutting Avenue Road.
11. Photo at side of property showing the north fence enclosing the west yard.