



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 490 Cummer Avenue

Date:	June 4, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 24 - Willowdale
Reference Number:	IBMS No. 09 187041

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, to allow stone and wrought iron private fences in the front yard and wooden gates in the 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 490 Cummer Avenue.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

An inspection in November 2009 revealed that the front yard fences on private property 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. An application for a fence exemption was subsequently applied for.

ISSUE BACKGROUND

This is a single family detached dwelling located on the north side of Cummer Avenue in a Fourth Density R4 zone by former City of North York Zoning By-Law 7625. (*See Attachment 1*)

The maximum height of private fences, when measured at any point along their 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 for front yard fences and 2.0 metres for side and rear yard fences, pursuant to Section 2.B of Toronto Municipal Code Chapter 447 – Fences.

The following fence sections located in the front and side yards were found to be in non-compliance with the By-Law and a Notice of Violation dated November 13, 2009 was issued to the owners:

- (1) On the south side of the property abutting Cummer Avenue, a wrought iron and stone pillar fence consisting of 5 stone pillars, 2 mechanical vehicle gates, 1 retaining wall fence and a single people gate. The height of the 5 stone piers including light fixtures is 2.65 metres, the height of the two curved mechanical vehicle gates range in height from 1.67 metres to 2.15 metres, the height of the retaining wall with the fence on top is 1.66 metres and the height of the people gate 1.95 metres. (*See Attachments 2 thru 8*)
- (2) On the east side of the front yard, a wrought iron fence ranging in height from 1.30 metres to 1.65 metres for a length of 14.4 metres. (*See Attachment 9*)
- (3) On the west side of the front yard, a wrought iron fence ranging in height from 1.30 metres to 1.65 metres and for a length of 14.4 metres. (*See Attachment 10*)
- (4) On the east side yard at the southeast corner of the dwelling, a wooden gate with arch measuring 2.6 metres in height and having a width of 1.70 metres. (*See Attachment 11*)
- (5) On the west side yard at the southwest corner of the dwelling, a wooden gate with a top rail measuring 2.10 metres in height and having a width of 1.20 metres. (*See Attachment 12*)

COMMENTS

The owner(s) wish to maintain the fences for added security and aesthetic reasons.

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. Zoning map.
2. Photo at front looking west showing entire length of front yard fence.
3. Photo at front looking east showing entire length of front yard fence.
4. Photo at front showing 1 to 2 double gates with stone pillars on the west side of front yard.
5. Photo at front showing the center single people gate with stone pillars in the front yard.
6. Photo at front showing the center section of retaining wall including fence in the front yard.
7. Photo at front showing 1 of 2 double gates with stone pillars on the east side of front yard.
8. Photo at front showing section of fence at grade at the east end of the front yard.
9. Photo of fence in the front yard abutting the east property line.
10. Photo of wooden gate in the side yard at the southeast corner of the dwelling.
11. Photo of wooden gate in the side yard at the southwest corner of the dwelling.
12. Photo of fence in the front yard abutting the west property line.