



## **STAFF REPORT ACTION REQUIRED**

### **Fence Exemption Request 69 Fifeshire Road**

<b>Date:</b>	June 1, 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. 10 121959

### **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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**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 69 Fifeshire Road.**

### **FINANCIAL IMPACT**

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There are no financial implications resulting from the adoption of this report.

### **DECISION HISTORY**

The existing fence is composed of brick pillars and wrought iron. An on site inspection was undertaken on March 22, 2010 at which time, three sections of the fence were found to be in breach of the Toronto Municipal Code Chapter 477- Fence By-law relating to permitted height.

The first section of the fence is located on the north side of the property. 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 11.9m in length and 1.84m in height. The Toronto Municipal Code allows a maximum height of 1.2m in the frontage.

The second section of the fence is located at the west side of the property otherwise referred to as the “frontage”. The frontage consists of four brick pillars and decorative wrought iron fencing with two vehicular access gates and one pedestrian gate. The vehicular gate pillars located at the north-west corner of the property is approximately 2.0m with the wrought iron gates attached and peaking in height to 3.0m. The next section is the pedestrian gates located at the west side of the property adjacent to the south gates. The pedestrian gate peaks at approximately 1.9m. The Toronto Municipal Code allows a maximum height of 1.2m in the frontage. The final section of gate access at the frontage is on the south-west side of the property. The south vehicular gate consists of two stone pillars approximately 2.0m in height and a decorative wrought iron fence, which peaks at approximately 3.0m. The total frontage including pillars, gates and fence is 27.5m. The Toronto Municipal Code allows a maximum height of 1.2m in the frontage.

The third section of fence is located on the south side of the property. It is approximately 11.35m in length and 1.84m in height. The Toronto Municipal Code allows a maximum height of 1.2m in the frontage.

The fence was inspected by a Municipal Licensing and Standards Officer on February 17, 2010. On February 25, 2010 an on site meeting occurred with the Municipal Licensing and Standards Officer, the owner and a representative. On March 10, 2010, an inspection revealed no change in the height of the fence and a Notice of Violation was issued. On March 22, 2010, the owner attended the Municipal Licensing and Standards office and submitted a Fence Exemption Application.

## **ISSUE BACKGROUND**

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.

The owner(s) existing decorative wrought iron fence exceeds the maximum allotted height.

## **COMMENTS**

The owner(s) wish to maintain the existing fence.

The maximum height of a fence located in the front yard is 1.2m.

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**

Gabor Fazekas, Supervisor, Municipal Licensing and Standards, North York District  
Tel: 416-395-7013, Fax: 416-395-7056, E-mail: gfazeka@toronto.ca

## **SIGNATURE**

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

## **ATTACHMENTS**

1. Overhead view of 69 Fifeshire Rd
2. Photo of 69 Fifeshire Rd (north side)
3. Photo of 69 Fifeshire Rd (north gates)
4. Photo of 69 Fifeshire Rd (pedestrian gate)
5. Photo of 69 Fifeshire Rd (south gates)
6. Photo of 69 Fifeshire Rd (front fencing)
7. Photo of 69 Fifeshire Rd (south side of Fence)