



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 488 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 174854

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 concrete and wrought iron private fences in the front yard, 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 488 Cummer Avenue.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

Acting upon a complaint, inspection 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 in December 2009 to the owners who have subsequently applied for a Fence Exemption.

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, pursuant to Section 2.B of Toronto Municipal Code Chapter 447 – Fences.

The following sections of private fences located in the front yard were found to be in non-compliance with the By-Law and a Notice of Violation dated December 3, 2009, was issued to the owners:

- (1) On the south side of the property abutting the Cummer Avenue frontage, a wrought iron fence containing 2 lengths of fence, a double mechanical vehicle gate supported by 2 concrete pillars and a single people entry gate. The height of the two lengths of fence is 2.15 metres, the height of the two stone piers including light fixtures is 3.28 metres, the height of the double mechanical vehicle gate is 2.95 metres and the height of the people entry gate is 2.15 metres. (*See Attachments 2, 3 & 4*)
- (2) On the west of the front yard, a wrought iron fence ranging in height from 1.90 metres to 2.10 metres for a length of 14.6 metres. (*See Attachment 5*)

COMMENTS

The owner wishes 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 north from across the street showing entire length of front yard fence.
3. Photo at front looking east from sidewalk showing entire length of front yard fence.
4. Photo at front showing double vehicle gate with concrete pillars.
5. Photo of fence on west side of the front yard.