



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 106 Stayner Avenue

Date:	June 2, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 15 – Eglinton-Lawrence
Reference Number:	IBMS No. 10-175579

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 maintain an existing fence in the rear and side yards, which is in violation of the By-law.

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 106 Stayner Avenue.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

A Municipal Licensing and Standards Officer inspected this property due to a complaint. The Officer advised the owner that the fencing was in violation of the by-law. The owner(s) subsequently applied for a fence exemption in May 2010.

ISSUE BACKGROUND

This is a single family detached home located in a sixth density residential [R6(14)] zone with exception 14 and by-law 1098-2006(OMB) applicable in the former City of North York (*Attachments 1, 2 and 3*).

The maximum height for a fence in the rear yard is 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 2 metres pursuant to Section 447-2.B. Chapter 447, Fences, of the Toronto Municipal Code.

The owner(s) existing wood fence of board-on-board construction encloses the rear and side yards and ranges in height from approximately 2.4 metres to 2.5 metres (*Attachments 4, 5, 6, and 7*).

COMMENTS

The owner(s) wish to maintain the fence for reasons of privacy, security and safety.

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

Michael Carey, Supervisor, Municipal Licensing and Standards, North York District
Tel: 416-395-7012, Fax: 416-395-7056, E-mail: mcarey@toronto.ca

SIGNATURE

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

ATTACHMENTS

1. Zoning map
2. R6(14) exception to NY zoning bylaw 7625
3. City of Toronto Bylaw 1098-2006
4. Photo of fence 1
5. Photo of fence 2
6. Photo of fence 3
7. Photo of fence 4