



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 202 Holmes Avenue

Date:	June 3, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	IBMS No. 10-167223

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, maximum height fence in the rear yard which is in violation of the By-law.

RECOMMENDATIONS

- 1. Municipal Licensing and Standards recommends that the fence exemption for 202 Holmes Ave not be granted.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

The existing fence is composed of board on board fencing and lattice. An on site inspection was preformed in September 2008 at which time, the entire East side fence of the rear yard was deemed to be in breach of the Toronto Municipal Code Chapter 477- Fence Bylaw as it pertains to height.

The section of the fence that is in breach of the bylaw is located on the East side of the property at the rear yard (*Attachment 1,2and 3*). Observations revealed this portion of the

fence is approximately 25.77 m (84.58 ft) in length (*Attachment 3*). There are 12 sections of fence that varies in width. (*Attachment 4*). The fence is on average, 1.85 m in height with an additional lattice measuring 0.68 m in height has been added to the top (*Attachment 5*). One section of the fence was measured and found to be 2.64 m in height.

The Toronto Municipal Code Chapter 477- Fence Bylaw allows for a maximum height of 2.0 m in the rear yard.

ISSUE BACKGROUND

This is a single family detached home located in a residential (R6) zone in former North York – Zoning By-Law 7625 (*Attachments 1, 2 and 3*).

The maximum height for a fence in the rear yard is 2.0 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 2.0 metres pursuant to Section 447-2.B. Chapter 447, Fences, of the Toronto Municipal Code.

COMMENTS

The owner(s) wish to maintain the fence for privacy.

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

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SIGNATURE

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

ATTACHMENTS

1. Photo of rear yard (East side of property) at 202 Holmes Ave
2. Photo of rear yard (East side of property) at 202 Holmes Ave
3. Hand drawn schematic
4. Table showing each panel's measurements
5. Photo and Height measurements
6. Zoning Map
7. Survey