



## STAFF REPORT ACTION REQUIRED

### Fence Exemption Request 30 Harrison Road

<b>Date:</b>	July 22, 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. 10-221994

### 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, to maintain an existing fence in the rear 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 30 Harrison Road.**

### FINANCIAL IMPACT

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There is no financial impact anticipated in this report

### DECISION HISTORY

The owner(s) previous fence was the subject of a public complaint made in December 2009. As a result of the investigation, the owner(s) was issued a Notice of Violation and subsequently applied for a fence exemption.

That exemption application was heard at North York Community Council as Item NY31.2 at its meeting of February 9, 2010 (*Attachment 1*). The fence exemption application was refused. The owner(s) subsequently removed the fence that was in

violation of the bylaw. In July 2010 the owner(s) applied for a fence exemption for a proposed front yard fence.

## **ISSUE BACKGROUND**

This is a single family detached home with a circular driveway and it is located in a second density (R2) zone (*Attachments 2 and 3*) in the former City of North York.

Fences in the front yard are limited to 1.2 metres in height. Fences within 2.4 metres of any driveway must be open mesh chain-link or of an equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins so as to not obstruct the view of the boulevard or highway. This is pursuant to Sections 447-2(B) and (C), Chapter 447, Fences, of the Toronto Municipal Code.

The owner(s) proposed fencing will consist of a wrought iron and brick pillar gate at both entrances that will be approximately 2.3 metres in height at their highest point (*Attachment 4*). The rest of the fence will be wrought iron and it will be approximately 1.8 metres in height (*Attachment 5*).

## **COMMENTS**

The owner(s) state that they wish to construct this fence for reasons of safety and security.

Should the recommendation not be accepted and the request approved, the conditions of approval should include that when the fence is replaced it should be constructed in compliance with Chapter 447 or its successor by-law and that the gates should swing inwards.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

1. Decision document - Item NY31.2
2. Zoning diagram
3. Plan of survey
4. Fence gate diagram
5. Fence section diagram