



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 277 Yonge Boulevard

Date:	July 28, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	IBMS No. 10-213560

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 front yard, 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 277Yonge Boulevard.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

The owner(s) existing fence was the subject of a public complaint. As a result of the inspection, the owner(s) were issued a Notice of Violation. They subsequently applied for a fence exemption.

ISSUE BACKGROUND

This is a single family detached home located in a third density (R3) zone (*Attachments 1, 2 and 3*) located in the former City of North York.

The definition of a fence is a barrier, including one used for noise attenuation, or any structure, except the structural part of a building, that wholly or partially screens from view, encloses or divides a yard or other land, or marks or substantially marks the boundary between adjoining land and includes any shrub or hedge that has the same effect. This is pursuant to Sections 447-1, Chapter 447, Fences, of the Toronto Municipal Code.

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) existing hedges are located along both sides of the front yard from the building wall to the property line. The north hedge is located directly beside the driveway. They vary somewhat in height but on average are approximately 2 metres tall (*Attachments 4 - 8*).

COMMENTS

The owner(s) state that they have owned this property since 1971 and that they purchased it with the hedges at this height and have maintained it in the same condition since that time. They wish to retain the hedges for reasons of privacy, noise and pollution absorption due to proximity to the 401 Highway, weed control from their neighbours and the City property across the street, and aesthetics.

The hedge is dense in all locations and does obstruct a sight line for the driveway leading to 277 Yonge Boulevard on the north side and for the driveway beside the south hedge leading to the neighbouring property of 275 Yonge Boulevard. The owner(s) of 275 Yonge Boulevard have also submitted a fence exemption application for similar hedges that enclose their front yard and the common hedge beside the driveway of 275 that separates 275 and 277 Yonge Boulevard.

The trunks of the hedges located beside the road, appear to be on 275 Yonge Boulevard, but the growth does extend over the right-of-way. That information was forwarded to Transportation Division for any action they deem necessary on the date of this report.

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. Zoning map
2. Site measurements
3. Aerial view
4. MLS Photo, fence location 1 of 5 – July 8, 2010
5. MLS Photo, fence location 2 of 5 – July 8, 2010
6. MLS Photo, fence location 3 of 5 – July 8, 2010
7. MLS Photo, fence location 4 of 5 – July 8, 2010
8. MLS Photo, fence location 5 of 5 – July 8, 2010