



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 275 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. 10-213505

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 275 Yonge Boulevard.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

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

ISSUE BACKGROUND

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

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 enclose the front yard along the property lines. They are also located directly beside and perpendicular to the driveway that runs along the north property line. They vary somewhat in height but on average are approximately 2 metres tall (*Attachments 4 - 10*).

COMMENTS

The owner(s) state that the hedge acts as a sound barrier for noise, as a screen to the 401 crash barrier located close to their house and as a filter for dust, dirt and salt. They also state that they purchased the home with the hedges at a height of 2 metres and they wish to maintain it as such for reasons of aesthetics.

The hedge is dense in all locations and does obstruct sight lines in both directions for their driveway located on the north side of their property. The neighbours at 277 Yonge Boulevard have also submitted a fence exemption application for the common hedge that separates 275 and 277 Yonge Boulevard and for a similar hedge along their north property line in the front yard.

The trunks of the hedges located beside the road, appear to be on 277 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 hedge is removed or 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. Site measurements
3. Aerial view
4. MLS Photo, fence location 1 of 7 – July 8, 2010
5. MLS Photo, fence location 2 of 7 – July 8, 2010
6. MLS Photo, fence location 3 of 7 – July 8, 2010
7. MLS Photo, fence location 4 of 7 – July 8, 2010
8. MLS Photo, fence location 5 of 7 – July 8, 2010
9. MLS Photo, fence location 6 of 7 – July 8, 2010
10. MLS Photo, fence location 7 of 7 – July 8, 2010