



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 231 First Avenue

Date:	December 16, 2009
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 30 – Toronto – Danforth
Reference Number:	IBMS No. 09-186302

SUMMARY

This staff report is about a matter for which the Toronto and East York Community Council has delegated authority from City Council to make a final decision. The applicant, being the property owner is seeking exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), to permit a proposed wooden fence in the front yard, to exceed the maximum allowable height. The Fence By-law provides that a fence in the front yard area can be constructed to a height of 1.2 metres.

The proposed fences to be located in the front yard will consist of a section of wooden fence running parallel to the front lot line to the concrete block planter at the front of the house. This section of fence will range in height from 2 metres tapering to 1.35 metres, where it meets the concrete block planter and will be 6.15 metres in length. A second section of proposed wooden fence to be located on the east side of the front yard will be 2 metres in height and 1.8 metres in length. The two sections of proposed fence do not comply with the maximum permitted height of 1.2 metres for a front yard fence. (attachments 1, 2 & 3)

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 231 First Avenue

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Fence By-law provides that a fence in the front yard can be constructed to a height of 1.2 metres. The proposed front yard fences range to a height of 2 metres which exceeds the maximum height permitted in the Fence By-law.

ISSUE BACKGROUND

The Municipal Licensing and Standards Division received an application for exemption from the Fence By-law for a proposed fence installation in the front yard. The stated purpose for maintaining the fence at the current height is to provide privacy, security and safety.

COMMENTS

The City of Toronto Council enacted the amalgamated By-Law 472-2000 on July 6, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned outdoor swimming pools to erect and maintain safety fences and gates around private swimming pools. This By-Law and the amendments are now found in the Toronto Municipal Code, Chapter 447 - Fences. The City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), provides that the maximum permitted height of a fence in the front yard should not exceed 1.2 metres in height.

Should the request for an exemption be approved, a condition of approval should include that when the fence is replaced it should be constructed in compliance with Toronto Municipal Code, Chapter 447-Fences or its successor bylaw.

CONTACT

Stephen Miller, Supervisor, Municipal Licensing and Standards Division
Toronto and East York District, (416) 392-0815, fax (416) 392-0386,
smiller4@toronto.ca

SIGNATURE

Elizabeth Glibbery, Manager
Toronto and East York District

ATTACHMENTS

Staff report for action on Fence Exemption 231 First Avenue

1. Site photos
2. Plan of development
3. Site Plan including proposed fences