



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 109 Frankdale Avenue

Date:	May 7, 2010
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division Toronto and East York District
Wards:	Ward 29 –Toronto - Danforth
Reference Number:	IBMS No. 10-118944

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 purpose of this report is to consider a request by the owner of 109 Frankdale Avenue to be exempted from Chapter 447– Fences, Section 447-3 C 2(a). This section states that the maximum height of a fence in the side yard cannot exceed 2 metres.

The existing fence and gate, of solid wood construction, stands approximately 2.18 metres, in height and approximately 2.41 metres in length between 109 and 107 Frankdale Avenue acting as an entrance to the rear yard.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 109 Frankdale Avenue.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The City of Toronto Municipal Code, Chapter 447-Fences, Section 447-2(B), provides that the maximum height of a fence in the side yard should not exceed 2 metres.

ISSUE BACKGROUND

The Municipal Licensing & Standards Division received an application for an exemption from the Fence Bylaw. The property owner of the subject property submitted a letter of support to permit the 2.18 metre high fence in the side yard of 109 Frankdale Avenue citing the fence was constructed for the purpose of ensuring security and privacy for the owner.

COMMENTS

The Municipal Licensing and Standard Division conducted an inspection in response to a complaint regarding side yard fence that exceeded the height requirement. The inspection determined that the side yard fence that spans between 107 and 109 Frankdale Avenue exceeded the maximum 2 metres height for a side yard fence measuring approximately 2.18 metres. The property owner is requesting an exemption in support of the fences that exceed the recommended height for a side yard fence.

Should the recommendation be adopted, and the request 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

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SIGNATURE

Elizabeth Glibbery, Manager
Toronto and East York District

ATTACHMENTS

Attachment 1: Photograph of fence