



**STAFF REPORT
ACTION REQUIRED**

**Fence Exemption Request – Rear Yard
81 Athabaska Avenue**

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| Date: | October 24, 2013 |
| To: | North York Community Council |
| From: | District Manager, Municipal Licensing and Standards, North York District |
| Wards: | Ward 24 |
| Reference Number: | IBMS No. 13-199488 FEN |

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 permit fencing in the rear yard that 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 81 Athabaska Avenue.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

As a result of a public complaint, an inspection by a Municipal Standards Officer resulted in a Notice of Violation being issued. The owner subsequently applied for a fence exemption.

ISSUE BACKGROUND

This is a single family detached home located in the former City of North York (*Attachments 1 and 2*).

Any fence in the rear yard can be a maximum of 2 metres in height except where it borders a public highway where it can be a maximum 2.5 metres in height, pursuant to Section 447-2.B, Chapter 447, Fences, of the Toronto Municipal Code.

Any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway, pursuant to Section 447-2.C(1), Chapter 447, Fences, of the Toronto Municipal Code.

The owner wishes to maintain the existing wood board-on-board and double gate fencing for 2.4 metres on either side of the driveway from Willowdale Avenue. The wood fence obstructs the view of the sidewalk, boulevard and highway (*Attachments 3 to 5*).

COMMENTS

The owner wishes to maintain the existing fencing for "privacy from Willowdale Avenue, safety and security for grandchildren and dog".

Should the recommendation not be accepted and the request approved, the following 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.

CONTACT

Terry Trendes, Municipal Standards Officer, Municipal Licensing and Standards
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SIGNATURE

Michael Carey, Acting District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. Zoning map of 81 Athabaska Avenue.
2. iView of 81 Athabaska Avenue.
3. Photograph of rear yard fence.
4. Applicants sketch of property.
5. Applicants photograph of fence.