Fence Exemption Request
3 Eastview Crescent

Date: August 22, 2012
To: North York Community Council
From: District Manager, Municipal Licensing and Standards, North York District
Wards: Ward 16 – Eglinton-Lawrence
Reference Number: IBMS No. 12-230761

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 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 3 Eastview Crescent.

FINANCIAL IMPACT
There is no financial impact anticipated in this report

DECISION HISTORY
The fencing was inspected by a Municipal Licensing and Standards Officer. The owner(s) were issued a Notice of Violation for fencing in the rear yard. The owner(s) subsequently applied for a fence exemption.

ISSUE BACKGROUND
This is a detached home located in the former City of North York.
The maximum height for a fence in the rear yard is 2 metres. Further no fence when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence, exceed the maximum height pursuant to Section 447-2.B. Chapter 447, Fences, of the Toronto Municipal Code.

The existing wood fencing is in the rear yard beside the west property line running from the rear of the house for 4.6 metres (Attachment 1). The fence is approximately 2.7 metres in height when measured from 3 Eastview Avenue but the grade difference by the fence for 1 Eastview Avenue is 0.4 metres higher making the average height of the fence approximately 2.5 metres (Attachments 2 through 13).

COMMENTS

The owner(s) wish to maintain the fence for reasons of privacy, security, safety and overall enjoyment of their backyard as described in their letter requesting the fence exemption (Attachment 14).

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

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Eletta Purdy, District Manager
Municipal Licensing and Standards,
North York District

ATTACHMENTS

1. Site Plan
2. Submitted by Applicant (SBA): Photo: Outdoor Patio 1 with dimensions
3. SBA: Outdoor Patio 1 – with dimensions and neighbouring elevations
4. SBA: Photo: Outdoor Patio North View
5. SBA: Photo: Family Room 1
6. SBA: Photo: Kitchen – Before Privacy Screen
7. SBA: Photo: Kitchen – After Privacy Screen
8. SBA: Photo: Outdoor Patio 1 – Before Installation of Fence
9. SBA: Photo: Outdoor Patio 1 – Installation of Privacy Fence
10. SBA: Photo: Outdoor Patio 2
11. SBA: Photo: Outdoor Patio 3
12. SBA: Photo: Backyard looking South
13. SBA: Photo: Backyard looking North
14. Exemption letter from owner(s) submitted with application