STAFF REPORT
ACTION REQUIRED

Fence Exemption Request
237 Newton Drive

Date: March 12, 2013
To: North York Community Council
From: District Manager, Municipal Licensing and Standards, North York District
Wards: Ward 24 – Willowdale
Reference Number: IBMS No. 12 279465 FEN 00 IR

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 flankage 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 237 Newton Drive.

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

This issue was a public complaint. The matter was investigated by a Municipal Licensing and Standards Officer. The owner(s) were issued a Notice of Violation for fencing in the flankage 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 flankage yard is 2 metres. Further no fence shall 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 located at the east and north side of the property in the flankage yard (Attachments 1 & 2). The fence was measured at a height of 2.3 metres.

COMMENTS

The owner(s) wish to maintain the fence for reasons of "privacy and safety".

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
Bruce Schneller, Supervisor, Municipal Licensing and Standards, North York District
Tel: 416-395-7013, Fax: 416-395-7056, E-mail: bschnel@toronto.ca

SIGNATURE

Eletta Purdy, Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. Property Survey of 237 Newton Drive
2. Photo of flankage yard fence
3. iView 2