Fence Exemption Request – Front and Flankage Yards
199 Parkview Avenue

Date: November 28, 2014
To: North York Community Council
From: District Manager, Municipal Licensing and Standards, North York District
Wards: Ward 23 – Willowdale
Reference Number: IBMS No. 13-196519

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 on the property 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 199 Parkview Avenue.

FINANCIAL IMPACT
There is no financial impact anticipated in this report

DECISION HISTORY
The City of Toronto Council enacted the amalgamated Fence 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.
ISSUE BACKGROUND

The subject property is a single family located in the former City of North York, east of Yonge Street between Sheppard Avenue East and Finch Avenue East (Attachment #1).

Fences, in the front yards are limited to 1.2 metres in height, pursuant to Section 447-2.B, Toronto Municipal Code, Chapter 447. In addition, 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 447-3C(1), Toronto Municipal Code, Chapter 447.

The front yard fences on private property [ at both the east and west elevations ] are in violation of both of these provisions and measure approximately 1.71 metres in height and are of solid wood and not open-fence construction (Attachments # 2, 3, and 4).

COMMENTS

The Municipal Licensing and Standards Division received a formal complaint on May 28, 2013 about the height of the front yard fences on the subject property. The investigations by staff confirmed that the front and some of the flankage and rear yard fences exceeded the permitted heights and a Notice of Violation dated May 31, 2013 was issued and remains outstanding pending the outcome of this exemption application request.

The flankage and rear yard fences measure approximately 2.2 metres in height at some locations which exceeds the maximum permitted height by approximately 20 centimetres. The flankage and rear yard fences were not the subjects of the formal complaint and are existing wooden fences.

The property owner seeks the exemption to maintain the fences primarily for reasons of privacy and aesthetics. Letters of support for the front yard fences from the neighbour to the east and the neighbour across the street have also been submitted with the fence exemption application (Attachment # 5).

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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Municipal Licensing and Standards

ATTACHMENTS

1. Aerial Map of 199 Parkview Avenue
2. Photos of Front Yard Fence at 199 Parkview
3. Landscape Plan showing location of Front Yard Fence
4. Drawing Showing Pre-existing and New Section of Wooden Fence
5. Letters of support from neighbours