

Request for a Fence Exemption – 145 Byng Ave.

Date: May 1, 2017
To: North York Community Council
From: Peter Hardisty, North York District Manager, Municipal Licensing & Standards
Wards: 23- Willowdale

SUMMARY

This staff report concerns a matter for which the North York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to advise Community Council concerning an application by the property owner for a site-specific Fence Exemption, pursuant to Section 447-5.C of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Community Council's permission to maintain the existing constructed wooden fences in lieu of complying with the requirements as stipulated in the City of Toronto Municipal Code Chapter 447.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the North York Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 145 Byng Ave for the constructed wooden fences in lieu of complying with the requirements stipulated in City of Toronto Municipal Code Chapter 447. Direct that second un-appealable Notices of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for a fence, without conditions, thereby allowing the fence to be maintained, as constructed and permit the existing wooden fence, as

installed. Direct and require that the installation be maintained in good repair without alteration. Direct and require that at such time as replacement of the fence is required that such installation will comply with Municipal Code Chapter 447, or its successor by-law.

OR

3. Grant the application for a fence exemption permit, subject to any conditions as imposed by the North York Community Council.

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

There is no history for this location.

COMMENTS

The subject property is a single family dwelling situated on the south side of Byng Ave between Willowdale Ave and Dudley Ave. (Attachment #1)

On March 28th 2017 ML&S received a complaint in regards to the fence height at the rear of 145 Byng Ave. On March 29th 2017 the area Officer attended to site and observed the rear fence in violation of the Toronto Municipal Code Chapter 447 Fences as the permitted height was exceeded. Subsequently a Notice of Violation was issued the same day. As a result, the owner applied for a fence exemption on April 11th 2017. The fence is situated along the back of the property for a length of 16.0 metres. (Attachment # 2,#3)

Municipal Licensing Standards' review of the fence enclosure installations has determined that it does not comply with Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

GENERAL LOCATION	SPECIFIC LOCATION	DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	South boundary line fence that borders the neighbour	Wooden board on board fence is 2.5 metres presently. The allotted maximum height is 2.0 metres	Chapter 447 2(B) Table 1 Fence in flankage yard within 2.4 metres of side lot line and within 2.4 metres of any driveway- 2.0 metres

			Fence in flankage yard not within 2.4 metres of side lot line and within 2.4 metres of any driveway- 2.0 metres (Attachment #2,3,4,5)
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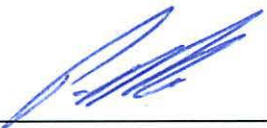
COMMENTS

We recommend refusal of the exemption and that board on board fence be installed so as to comply with all provisions of the City of Toronto's Municipal Code, Chapter 447- Fences

CONTACT

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E-mail: gfazeka@toronto.ca

SIGNATURE



Peter Hardisty, North District Manager
Municipal Licensing & Standards Division

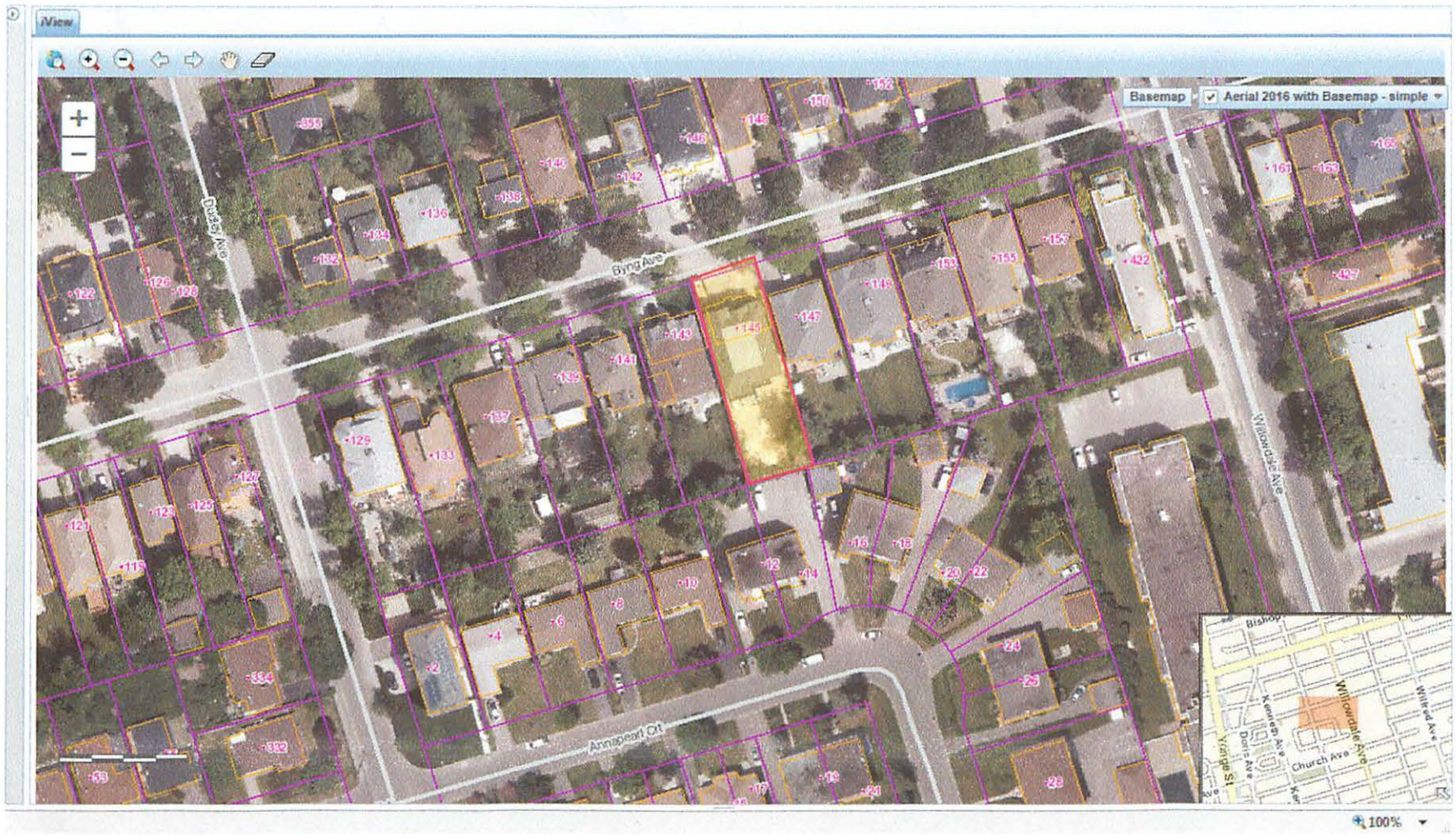
Attachments

- Attachment 1 – Ariel photo of 145 Byng Avenue
- Attachment 2 – Photo of rear yard fence at 145 Byng Avenue
- Attachment 3 – Site plan
- Attachment 4- Height of fence at rear yard of 145 Byng Avenue
- Attachment 5- Height of fence at rear yard of 145 Byng Avenue and west side flankage fence



iView 2 Attachment 1: ARIEL PHOTO OF
145 byng 145 BYNG AVENUE

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ATTACHMENT 2: PHOTO OF REAR YARD FENCE
AT 145 BYNG AVENUE



Attachment 3: SITE PLAN

CONVERSION NOTE :
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Toronto Building

PERMIT REVIEWED FOR COMPLIANCE WITH
 THE ONTARIO BUILDING CODE

14 187952 BLD 00

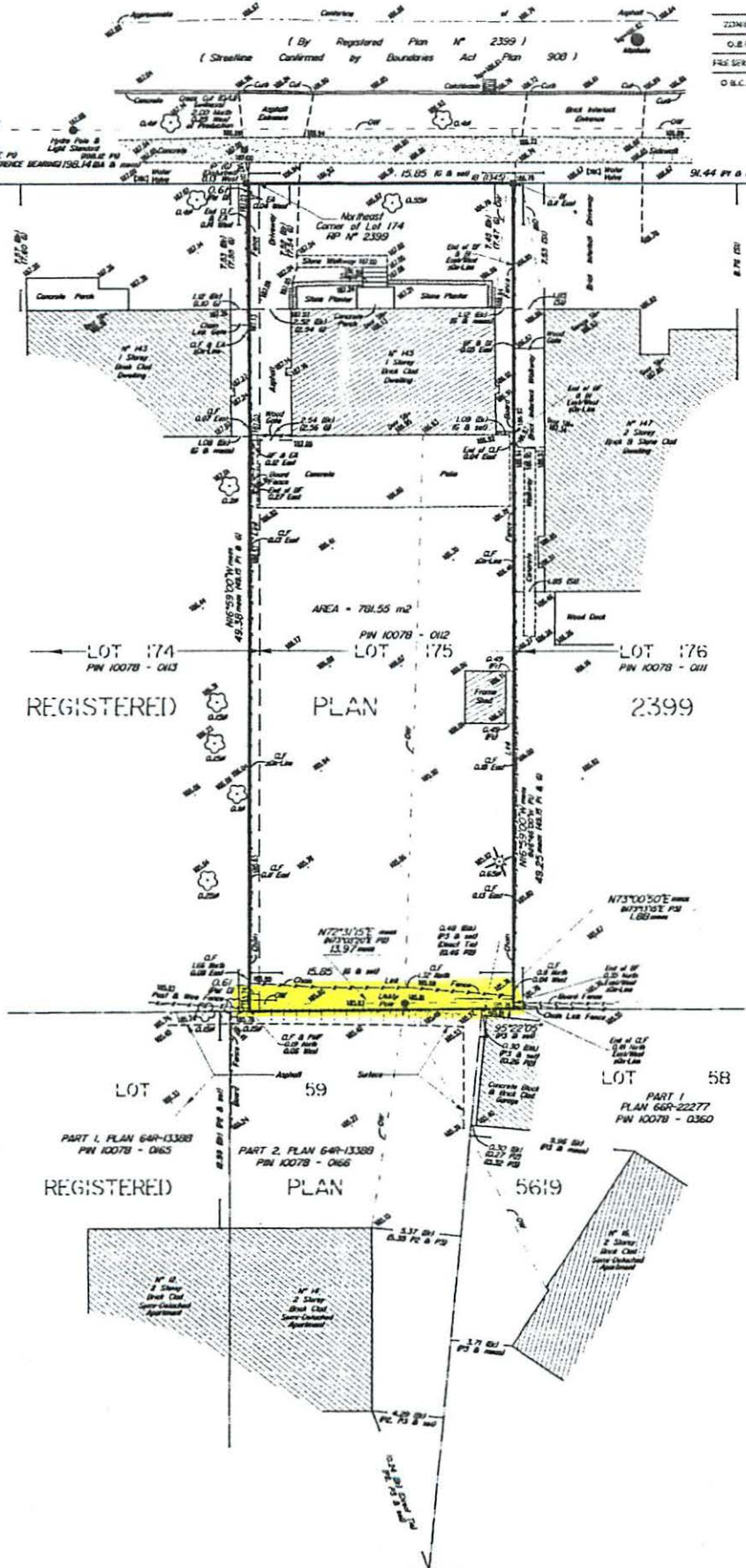
23399G	
O.B.C.	
FEE SPRINKLER	
O.B.C. (5)	

BYNG AVENUE PIN 10079 - 0450

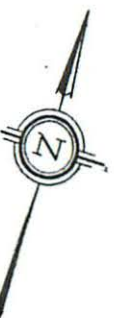
(By Registered Plan N° 2359)
 (Strata Plan Conferred by Boundaries Act Plan 908)

DUDLEY AVENUE
 PIN 10078 - 0417
 LOT 169

WILLOWDALE AVENUE
 LOT 181
 PIN 10078 - 0406



ANNAPEARL COURT
 PIN 10078 - 0160



ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM

1869096

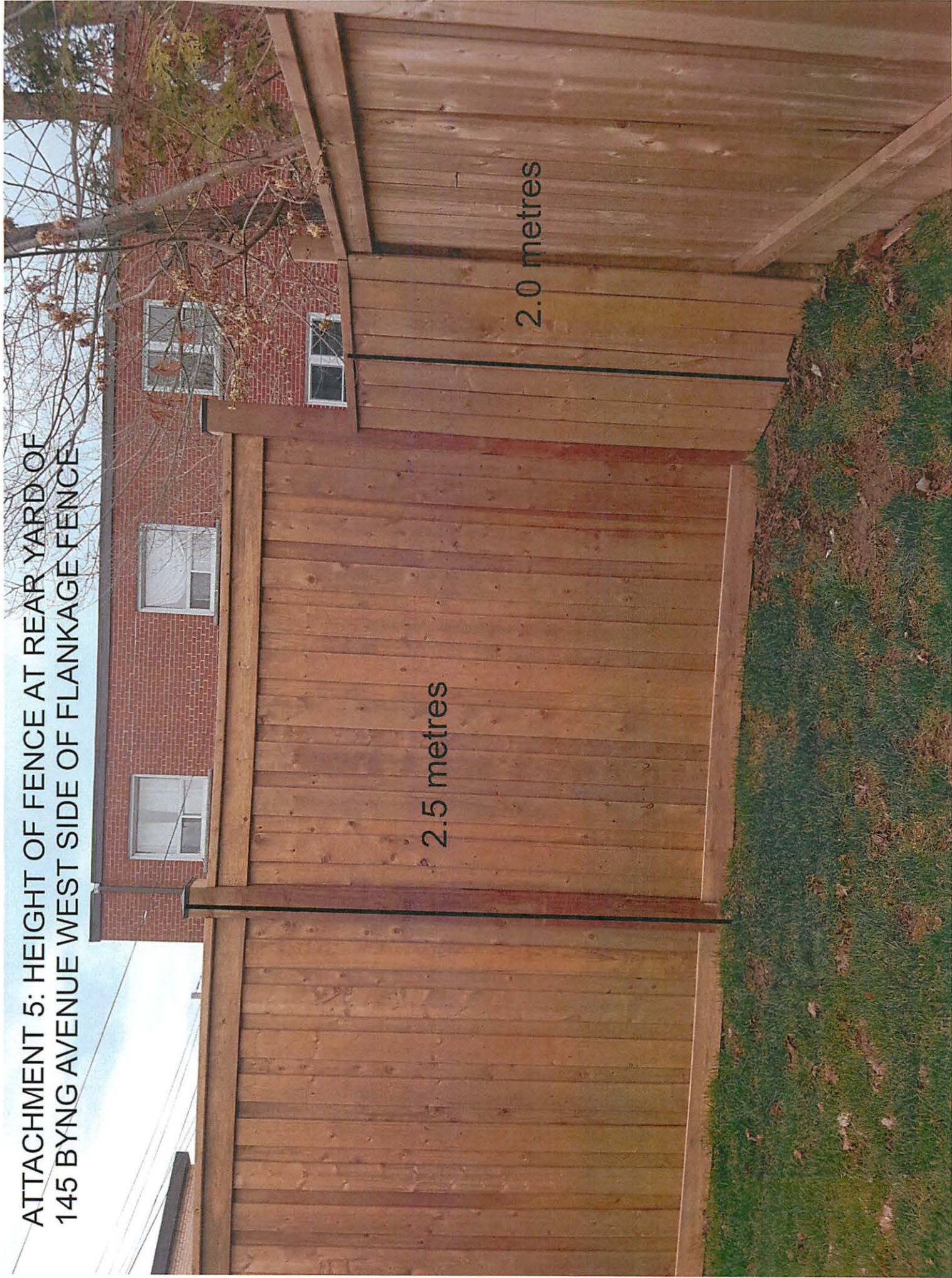
THIS PLAN IS NOT VALID
 UNLESS IT IS AN EMBOSSSED
 ORIGINAL COPY
 ISSUED BY THE SURVEYOR
 IN ACCORDANCE WITH
 REGULATION 1035, SECTION 29(1)

ATTACHMENT 4: HEIGHT OF FENCE AT REAR YARD OF
145 BYNG AVENUE



2.5 metres in height

ATTACHMENT 5: HEIGHT OF FENCE AT REAR YARD OF
145 BYNG AVENUE WEST SIDE OF FLANKAGE FENCE



2.5 metres

2.0 metres