

Application for Fence Exemption 34 Danby Avenue

Date: January 9, 2019
To: North York Community Council
From: Elena Sangiuliano, District Manager Municipal Licensing and Standards
Wards: Ward 6 - York Centre

SUMMARY

This staff report is in regards to 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 consider an application submitted by the owners of 34 Danby Avenue to maintain a 2.6 metre high vertical board on board fence in the rear yard, which does not meet the requirements specified in City of Toronto Municipal Code, Chapter 447, Fences.

The subject property 34 Danby Avenue is located in Ward 6, in a residential zone.

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Rear Yard	East side of the property	Height of fence in the rear yard 2.6 metres exceeds permitted height of 2 metres	Section 447-2B (2) Maximum height of fence 2 metres in rear yard

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the North York Community Council give consideration to the exemption application and decide to:

1. Refuse the application for an exemption submitted by the owners of 34 Danby Avenue, to maintain an existing 2.6 metre high vertical board on board fence in the rear yard, which does not comply with provisions of City of Toronto Municipal Code, Chapter 447, Fences and direct that a second unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences; or

2. Grant the exemption to permit the owners of 34 Danby Avenue to maintain the existing 2.6 metre high vertical board on board fence in the rear yard to be maintained in the same condition without alteration. At such time as replacement of the fence is required that the replacement fence will comply with Municipal Code Chapter 447, or its successor by-law.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

An application for a fence exemption was submitted by the property owners of 34 Danby Avenue. The existing 2.6 metre high vertical board on board fence in the rear yard does not comply with the height restrictions set out in TMC Chapter 447- Fences. All required notifications have been sent in accordance with Municipal Code Chapter 447, by the City Clerk's office of the date that the application for exemption will be considered by North York Community Council. (Attachment 2)

COMMENTS

The Homeowners of 34 Danby Avenue submitted the Fence Exemption Application of their own volition. The Homeowners realized that the property's existing 2.6 metre high vertical board on board fence in the rear yard does not comply with the height provisions set out in Toronto Municipal Code Chapter 447- Fences

The Fence Exemption application was submitted by the owner of 34 Danby Avenue on the grounds that the fence will provide the privacy, security and is aesthetically pleasing.

However, should North York Community Council decide to grant the owner the exemption, the owner will be subject to the conditions for compliance as set out in recommendation 2.

CONTACT

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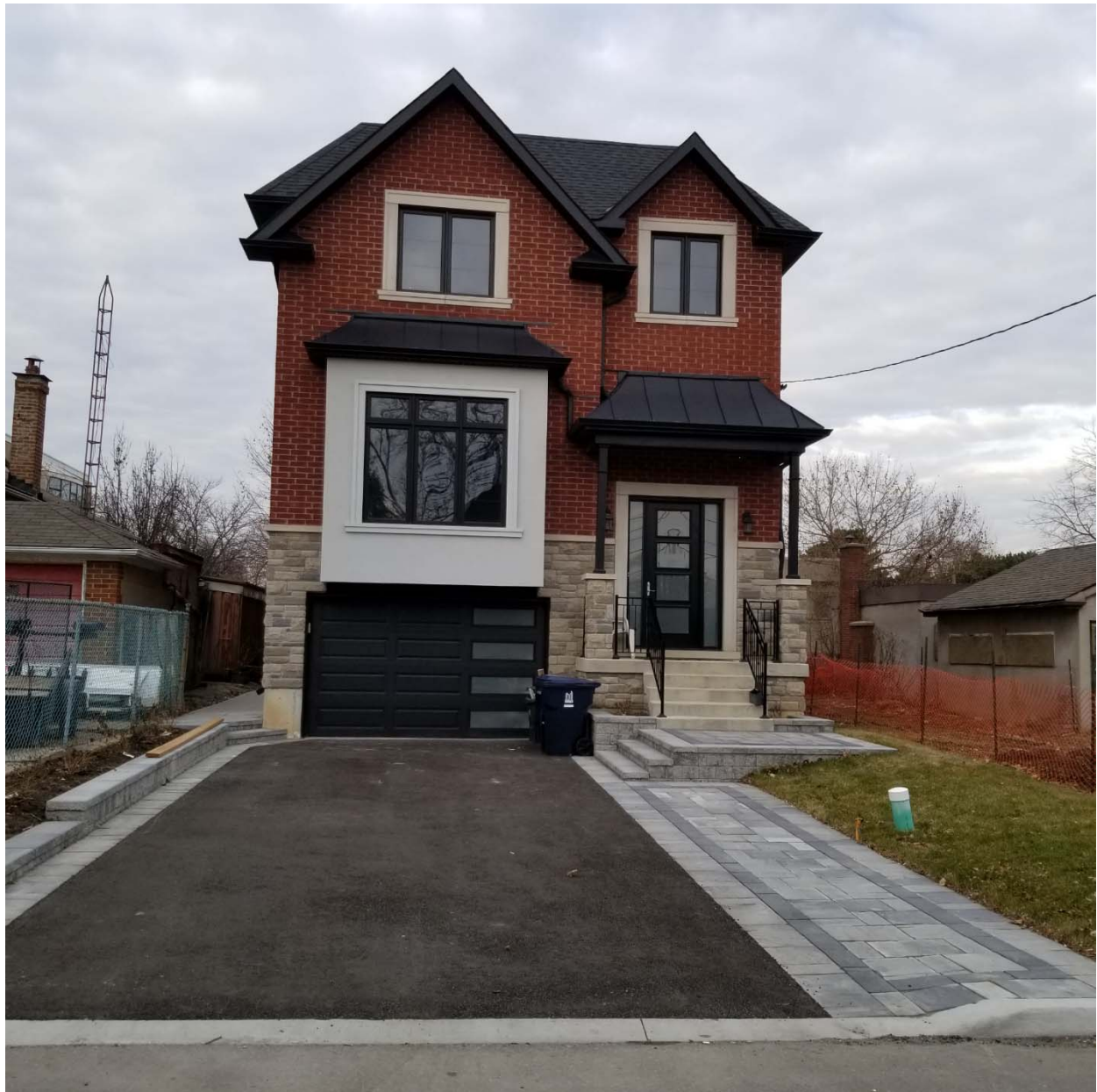
SIGNATURE

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ATTACHMENTS:

1. Front View of 34 Danby Avenue
2. View of notification area of 34 Danby Avenue
3. Ariel view of 34 Danby Avenue showing area where fence is located
4. View East side of property
5. View inside the rear yard property

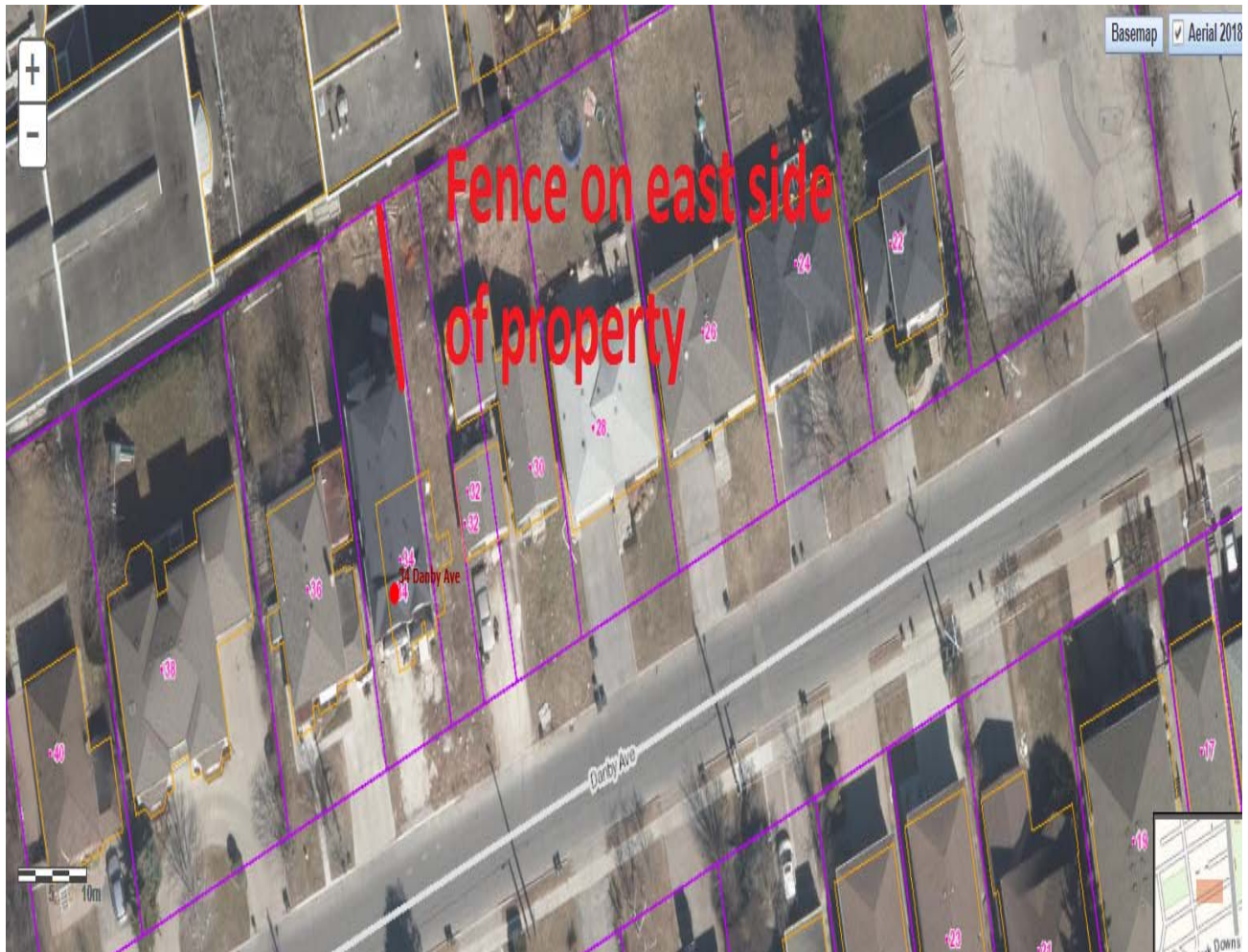
Attachment 1: Front View of 34 Danby Avenue.



Attachment 2: View of notification area of 34 Danby Avenue



Attachment 3: Ariel view of 34 Danby Avenue showing fenced area.



Attachment 4: View East side of property.



Attachment 5: View inside the rear yard property.

