

Application for Fence Exemption 8 Forest Heights Boulevard

Date: January 30, 2019
To: North York Community Council
From: Elena Sangiuliano, District Manager Municipal Licensing and Standards
Wards: Ward 15 - Don Valley West

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 8 Forest Heights Boulevard to maintain two sections of fencing which do not meet the requirements specified in City of Toronto Municipal Code, Chapter 447, Fences 1) Front yard board on board fence on the North west corner of the property, which is within 2.4 meters of a driveway. This fence should be open fence construction. 2) Front yard west side of the property along Bayview Avenue that is 2.4 meters in height, the permitted height is 1.2 meters.

The third section of fence has been referred to Right of Way Transportation as it is on public property. The front yard north east side of property exceeds height of 1.2 meters permitted in front yard and sight line obstruction. Our colleagues have issued two Notices of Violation the last one sent on September 21, 2018. They have sent several emails to the Agent of the property owners with the last one sent on November 8, 2018. They are currently working on the situation with the Agent to have the property owners come into compliance with their Notices of Violation.

The subject property 8 Forest Heights Boulevard is located in Ward 15, in a residential zone.

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
1. Front Yard	North West corner of property	The fence erected within 2.4 meters of a driveway is not open-fence construction. Fence in front yard above permitted height of 1.2 metres	Section 447-2C.(1) Table 1 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 AND Section 447-2B. (1) Fence in a front yard; permitted height 1.2 within 2.4 metres of a lot line abutting a public highway (public highway does not include a public lane
2. Front Yard	West side of property along Bayview Avenue	The fence erected exceeds height permitted 1.2 meters	Section 447-2B.(1) Table 1 Maximum height of fence - 1.2 meter in the front 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 property owners of 8 Forest Heights Boulevard, to maintain 1) Front yard board on board fence on the north west corner of the property, which is within 2.4 meters of a driveway and is also above the permitted height of 1.2 metres 2) Front yard west side of the property along Bayview Avenue that is 2.4 meters in height, the permitted height is 1.2 meters. The following sections of fencing, do not comply with provisions of City of Toronto Municipal Code, Chapter 447, Fences, 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 property owners of 8 Forest Heights Boulevard to maintain two sections of fencing: 1) Front yard board on board fence on the north west corner of the property which is within 2.4 metres of a driveway and is also above the permitted height of 1.2 metres 2) Front yard West side of the property along Bayview Avenue that is 2.4 meters in height 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 as the result of a complaint from the public. Both sections of board on board fencing that is located in the front yard do not comply with the restrictions set out in TMC Chapter 447- Fences. Accordingly, 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 1)

COMMENTS

A public complaint was made about the fence height and sight line obstructions, which came to our attention on December 13, 2017. The Notice of Violation was sent to the property owners of 8 Forest Heights on May 18, 2018. The property owners of 8 Forest Heights Boulevard submitted the fence exemption on December 13, 2018, on the grounds that the fence will provide the privacy, security and is aesthetically pleasing.

The fence does obstruct sight lines and is on private property. There are health and safety issues with both sides of the fence that would cause concern for public safety.

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.

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SIGNATURE

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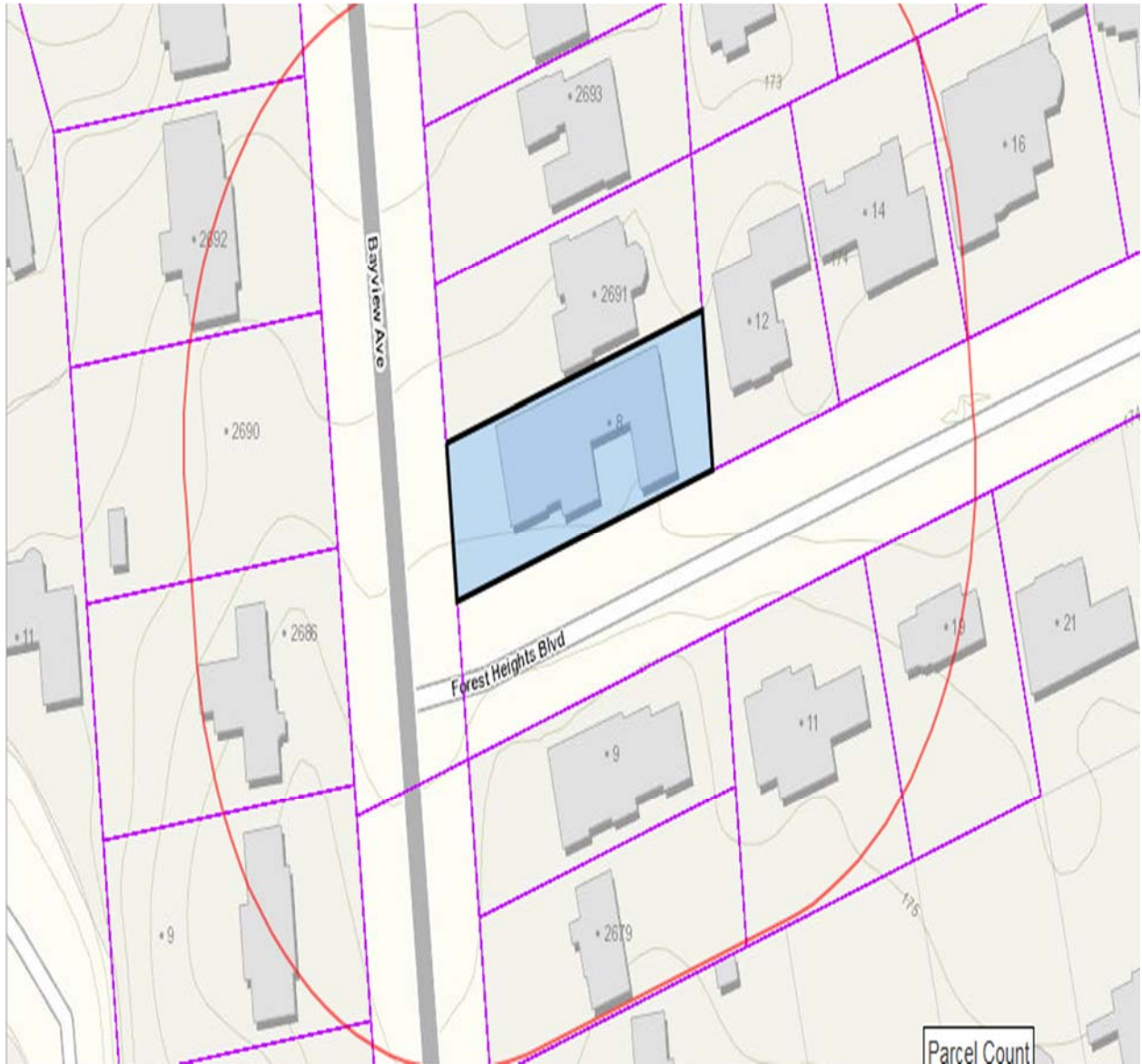
ATTACHMENTS:

1. View of 8 Forest Heights Boulevard main entrance.
2. View of notification area in relation to 8 Forest Heights Boulevard.
3. Ariel view of 8 Forest Heights Boulevard with fence location and sight line triangle.
4. East view of Board on board fence within 2.4 meters of driveway.
5. South view of Board on board fence 2.4 meters within Driveway.
6. Board on board front yard fence exceeds permitted height of 1.2 meters.
7. North View of 8 Forest Heights Boulevard.
8. East view of fence on Public property.

Attachment 1: View of 8 Forest Heights Boulevard main entrance.



Attachment 2: View of notification area in relation to 8 Forest Heights Boulevard



Attachment 3: Ariel view of 8 Forest Heights Boulevard with fence location and 2.4 meters by 2.4 meters sight line triangle.



Attachment 4: View looking east of the Board on board fence within 2.4 meters of driveway.



Attachment 5: Board on board fence 2.4 meters within Driveway.



Attachment 6: Board on board front yard fence exceeds permitted height of 1.2 meters.



Attachment 7: North View of 8 Forest Heights Boulevard



Attachment 8: East view of the fence on Public property and has been referred to Transportation ROW, which is a sight line obstruction for vehicles and pedestrians.

