

Request for Fence Exemption – Rear yard – 31 Rykert Cres.

Date: June 2, 2019

To: North York Community Council

From: Elena Sangiuliano, District Manager, Municipal Licensing & Standards, North York District

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 owner(s) of 31 Rykert Cres for a site-specific Fence Exemption, pursuant to the Toronto Municipal Code, Chapter 447- Fences. The property owner(s) is seeking Council's permission to retain an existing solid wood fence and gates which are within 2.4 metres of a driveway, and be exempt from Chapter 447-1.2.C – Open fence construction required.

The subject property 31 Rykert Cres is located in Ward 15, on a residentially zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
Rear Yard	Fence and gates along north and west side of property.	Solid wood fence including gates across driveway, located within 2.4 metres of a driveway is not open-mesh chain link or similar open fence construction.	Chapter 447-1.2.C – Open fence construction required.

RECOMMENDATIONS

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

1. Refuse to grant the application for an exemption permit, by the owner(s) of 31 Rykert Cres, for failing to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences, namely:- The fence is to be made of open mesh chain-link fence or equivalent open-fence construction for at least 2.4 metres to the east side of the driveway and for 2.4 metres to west of the driveway and along the west lot line.

OR

2. Grant the application for the fence to be retained with solid wooden construction, without conditions. 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.

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

The property owner was issued with a Notice of Violation (reference 19 132418 FEN 00 IV) on April 2, 2019 addressing the item detailed in this exemption application. As a result they submitted a fence exemption application, in writing, April 24, 2019 to request to retain their fence and gates, with Chapter 447-1.2.C – Open fence construction required, as reasons for the application.

As required by Section 447-1.5.(B)(5), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for North York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that North York Community Council will consider the application.

COMMENTS

The existing fence violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to it not being made of open-construction within 2.4 Metres of a driveway obstructing the view of the boulevard, sidewalk and street. The fence also features double gates across the driveway, made of the same construction as the rest of the fence. It does not contravene any other provisions of the bylaw.

CONTACT

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SIGNATURE

Elena Sangiuliano
Manager, Municipal Licensing and Standards, North York District

ATTACHMENTS

Appendix 1 – Location of Subject Property from iView.
Appendix 2 - Elevation photo taken from street, showing the north-west corner of 31 Rykert Cres.
Appendix 3 - Elevation photo taken from sidewalk showing the construction of the fence on the north and west side of the property, and gates across the driveway.
Appendix 4 – Plan drawing showing outline of existing fence in red. Green line shows section of fence that is required to be of open construction.

Appendix 1 – Location of Subject Property from iView.

31 Rykert Cres fence exemption application
Folder #19 144238 FEN 00 IR



**Appendix 2 - Elevation photo taken from street, showing the north-west corner of
31 Rykert Cres.**

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Appendix 3 - Elevation photo taken from sidewalk showing the construction of the fence on the north and west side of the property, and gates across the driveway.

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Appendix 4 – Plan drawing showing outline of existing fence in red. Green line shows section of fence that is required to be of open construction.

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