

Request for Fence Exemption 52 Axsmith Crescent

Date: December 9, 2019
To: North York Community Council
From: Scott Sullivan, District Manager, Municipal Licensing & Standards
Wards: Ward 17 - Don Valley North

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 property owners of 52 Axsmith Crescent to maintain an existing horizontal board on board fence in the front yard. The Horizontal board on board fence does not meet the height and construction requirements specified in City of Toronto Municipal Code, Chapter 447, Fences.

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Front Yard	North side of property	Fence in front yard within 2.4 metres of front lot line must not exceed 1.2 meters in height	Section 447-2B.(1) Maximum height of fence in front yard 1.2 metres.
Front Yard	North side of property	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 447-2C.(1) Construction must be open mesh or equivalent open-fence construction as not to create a sight line obstruction.

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 52 Axsmith Crescent to maintain the existing horizontal board on board fence in the front yard, which does not comply with the height and construction 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 property owners of 52 Axsmith Crescent to preserve the existing horizontal board on board fence in the front 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 52 Axsmith Crescent to maintain the horizontal board on board fence located in the front yard which does not comply with the height and construction 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 Notice of Violation was issued to the property owners of 52 Axsmith Crescent. In response to the Notice of Violation, the property owners submitted an application for a Fence Exemption. The Fence Exemption Application was submitted on the grounds that the fence will provide privacy, security and is aesthetically pleasing.

The fence is constructed on City of Toronto property as well, hence our colleagues at Right of Way Transportation have been notified, and are working with the property owners to gain compliance.

CONTACT

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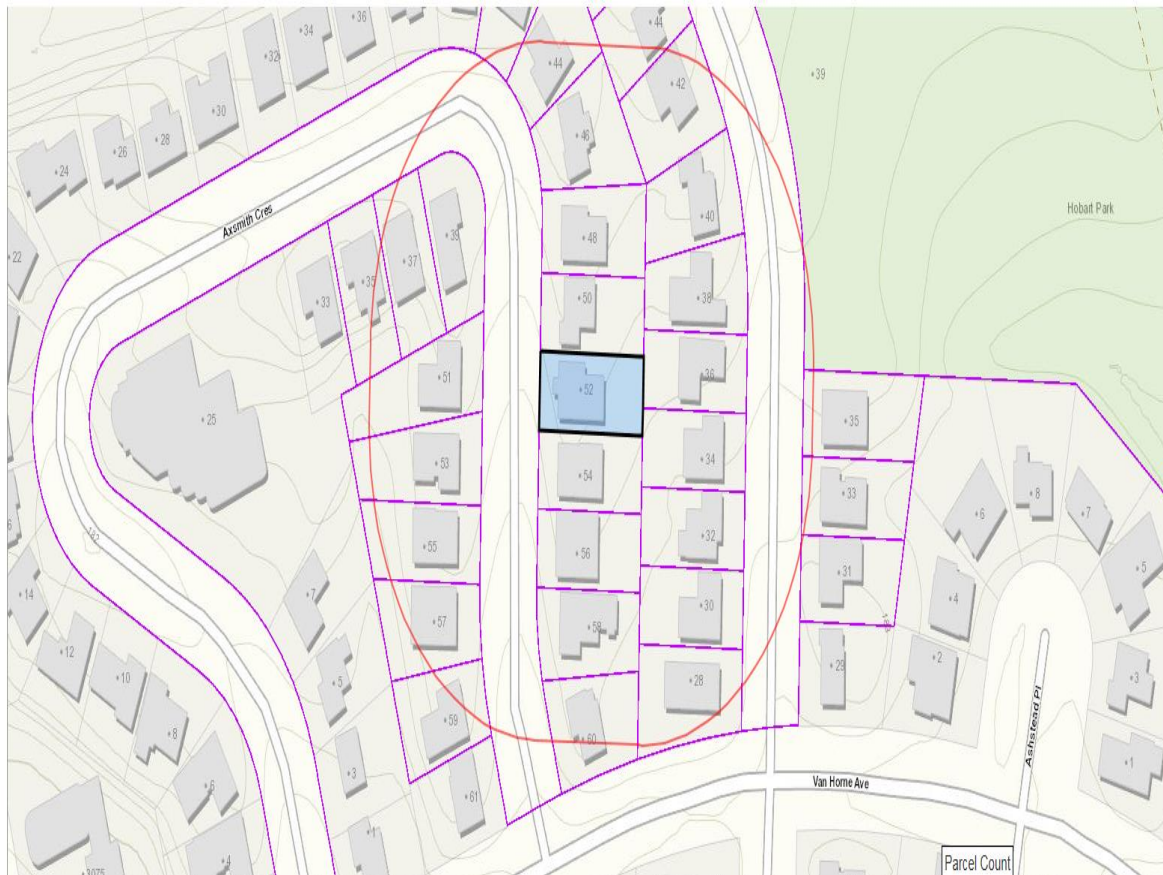
SIGNATURE

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ATTACHMENTS:

1. View of notification area in relation to 52 Axsmith Crescent.
2. Front view of 52 Axsmith Crescent.
3. North view of the with approximate City of Toronto Property line.
4. 2.4 meters towards the front wall of building must be open construction.
5. View of section of fence removed by property owners at 52 Axsmith.

Attachment 1. View of notification area in relation to 52 Axsmith Crescent.



Attachment 2: Front view of 52 Axsmith Crescent.



Attachment 3: North view of the with approximate City of Toronto Property line.



Attachment 4: 2.4 meters towards the front wall of building must be open construction.



Attachment 5: View of section of fence removed by property owners at 52 Axsmith.

