

Request for Fence Exemption – Rear Yard – 940 Sheppard Ave W

Date: January, 14/2020

To: North York Community Council

From: Janet Stoeckl, District Manager, Municipal Licensing & Standards, West District

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 owner(s) of 940 Sheppard Ave W 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 be exempt from Chapter 447 1.2. B. (1) No fence described in the Table shall, when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence, exceed the height set out in the Table for the fence. Permitted height 2m

The subject property 940 Sheppard Ave W is located in Ward 6 – York Centre, on a residentially zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
Rear Yard	North Side of Property	No current deficiency- Requesting to exceed permitted height of 2m to approx 3.0m	Chapter 447 447-1.2. B. (1) No fence described in the Table shall, when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence, exceed the height set out in the Table for the fence. Permitted height 2m

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, **940 Sheppard Ave W** Fence for failing to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and that a second un-appealable Notice of Violation be issued under the City of Toronto Municipal Code Chapter 447 Fences
OR
2. Grant the application for the Fence 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 owner(s) submitted a fence exemption application, in writing, on September, 25/2019 for an existing fence in the Rear Yard Chapter 447 of Toronto Municipal Code – 447-1.2. B. (1) No fence described in the Table shall, when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence, exceed the height set out in the Table for the fence. Permitted height 2m

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 proposed Fence violates Toronto Municipal Code, Chapter 447- 1.2. B. (1) No fence described in the Table shall, when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence, exceed the height set out in the Table for the fence. Permitted height 2m as it relates to construction and/or materials permitted by the by law, it does not contravene any other provisions of the bylaw.

CONTACT

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SIGNATURE

Janet Stoeckl
Manager, Municipal Licensing and Standards, West District

ATTACHMENTS

Appendix 1 – Location Subject Property from Iview.

Appendix 2 – View of notification area in relation to **940 Sheppard Ave W**

Appendix 3 – View of Rear fence facing North **940 Sheppard Ave W**

Appendix 4 – View of East fence facing East **940 Sheppard Ave W**

Appendix 5 – View of West fence facing North West **940 Sheppard Ave W**

Appendix 1 - Location Subject Property from iView.

Location of subject property from [iView](#):



Appendix 2 – View of notification area in relation to 940 Sheppard Ave W



Appendix 3 – View of Rear fence facing North
940 Sheppard Ave W



Appendix 4 – View of East fence facing East

940 Sheppard Ave W



Appendix 5 – View of West fence facing North West

940 Sheppard Ave W

