

Request for Fence Exemption 2691 Bayview Avenue

Date: October 30, 2019
To: North York Community Council
From: Scott Sullivan, District Manager, Municipal Licensing & 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 2691 Bayview Avenue to maintain a 2.4 meter high concrete and wrought iron fence which is within 2.4 meters of a driveway. The fence does not meet the requirements specified in City of Toronto Municipal Code, Chapter 447, Fences.

The fence has been referred to Right of Way Transportation as it is on private and public property. Our colleagues have been in touch with the Property owners and have advised them that an encroachment agreement is needed. They are currently working on compliance with the property owners.

The subject property 2691 Bayview Avenue is located in Ward 15, in a residential zone.

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Front Yard	North East side of the 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) 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 Section 447-1. 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

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 2691 Bayview Avenue to maintain Front yard concrete and wrought iron fence on the north east side of the property, which is within 2.4 meters of a driveway and is also above the permitted height of 1.2 metres

The fence, does 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 2691 Bayview Avenue to maintain the concrete and wrought iron fencing in the front yard of the property which is within 2.4 metres of a driveway and is also above the permitted height of 1.2 metres, the fence must 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 concrete wrought iron 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 2)

COMMENTS

A complaint was made about the fence height and sight line obstructions, which came to our attention on June 4th, 2019. The Notice of Violation was sent to the property owners of 2691 Bayview Avenues on June 21, 2019. The property owners of 2691 Bayview Avenue submitted the fence exemption on June 27, 2019 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 and public 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.

CONTACT

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SIGNATURE

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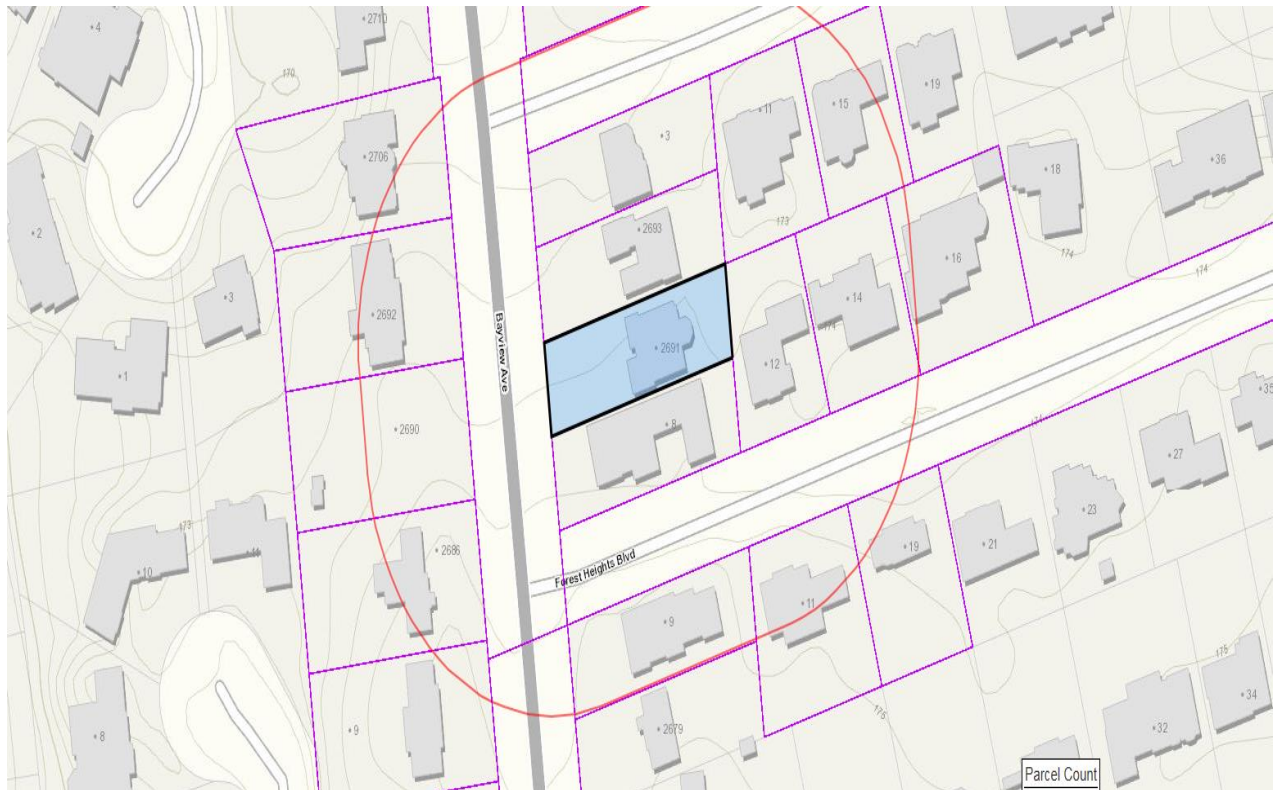
ATTACHMENTS:

1. View of 2691 Bayview Avenue main entrance.
2. View of notification area in relation to 2691 Bayview Avenue.
3. Ariel view of 2691 Bayview Avenue with fence location and sight line triangle.
4. View looking south of the Concrete and wrought iron fence within 2.4 meters of driveway.
5. Concrete and wrought iron fence 2.4 meters within Driveway.
6. Concrete and wrought iron fence in front yard fence exceeds permitted height 1.2 m
7. North View of 2691 Bayview Avenue.
8. The fence is approximately 1 meter on Public property and has been referred to Transportation ROW

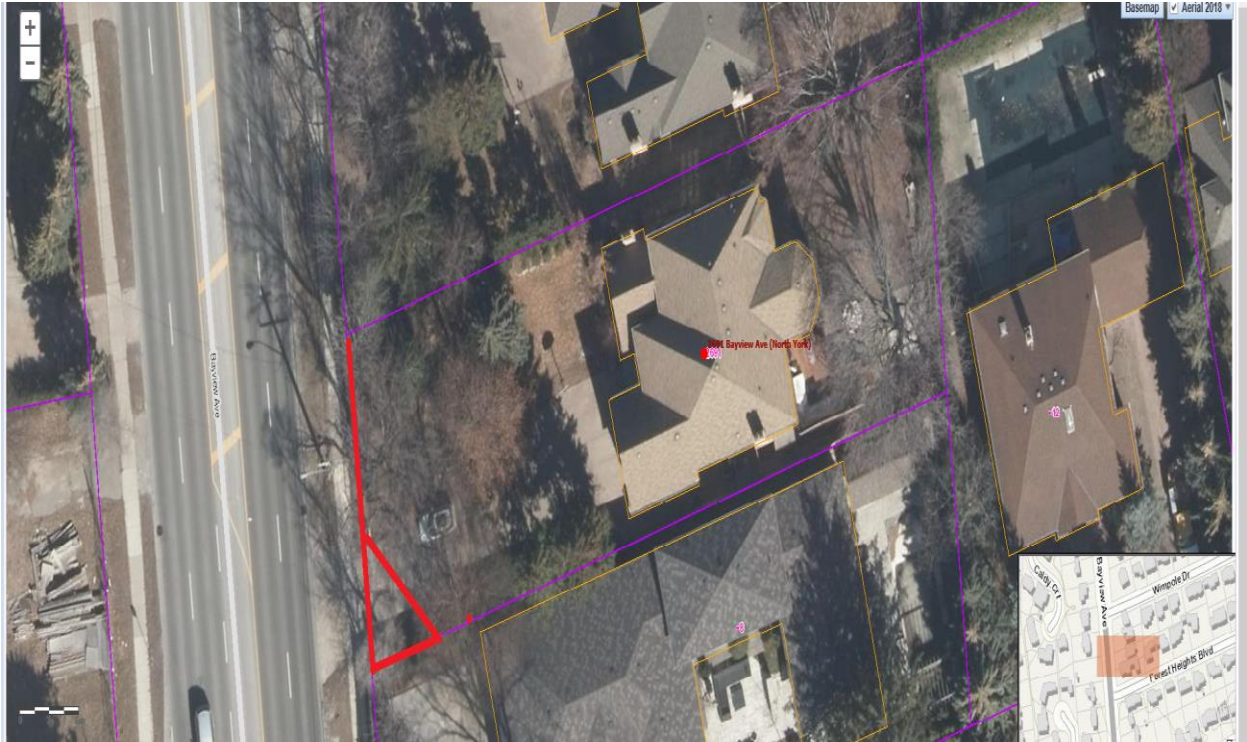
Attachment 1: View of 2691 Bayview Avenue main entrance.



Attachment 2: View of notification area in relation to 2691 Bayview Avenue.



Attachment 3: Ariel view of 2691 Bayview Ave with fence location and 2.4 meters by 2.4 meters sight line triangle.



Attachment 4: View looking south of the Concrete and wrought iron fence within 2.4 meters of driveway.



Attachment 5: Concrete and wrought iron fence 2.4 meters within Driveway.



Attachment 6: Concrete and wrought iron fence in front yard fence exceeds permitted height of 1.2 meters.



Attachment 7: North View of 2691 Bayview Avenue.



Attachment 8: The fence is approximately 1 meter on Public property and has been referred to Transportation ROW.

