



STAFF REPORT ACTION REQUIRED

Request for a fence exemption to the Toronto Municipal Code, Chapter 447-Fences at 45 Marmot Street

Date:	November 12, 2007
To:	Toronto East York Community Council
From:	Municipal Licensing and Standards Division, Toronto East York District
Wards:	Ward 22 – St Paul’s
Reference Number:	IBMS No. 07-269743

SUMMARY

This staff report is about a matter for which the Community Council has delegated authority from City Council to make a final decision. The purpose of this report is to consider a request by the owner of 45 Marmot Street to be exempted from Chapter 447 – Fences, Section 447-2(B). This section states that the maximum height of a fence in the front yard cannot exceed 1.2 metres (4 feet).

The fence is constructed of wood post and lattice and stands 3.05 metres (10 feet) in height and 3 metres (9 feet 8 inches) in length, along the north property line. All other portions of the remaining fence on private property have met compliance, or have been approved by Transportation Right of Way Division (on City property). Photographs have been included in this report (Attachments 1 – 4) as well the builder’s sketch of the fence (Attachment 5) and the site plan (Attachment 6).

RECOMMENDATIONS

Municipal Licensing and Standards recommends that Community Council not grant the fence exemption.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Municipal Licensing and Standard Division received a request from the owner of the subject property for an exemption to Toronto Municipal Code, Chapter 447-Fences, Section 447-2(B) to approve a new fence that replaced an aging fence in poor repair. The original records confirmed that the original fence exceeded the maximum 1.2 metres (4 feet) height for a front yard fence measuring approximately 2.5 metres (8 feet 2 inches) in height 3 metres (9 feet 8 inches) in length. Municipal Licensing and Standards Division confirmed that the original fence was approved in 1999 by the City of Toronto, Urban Planning and Development Services, to construct and maintain the portion of wood and lattice fence on private property (Attachment 7).

The new fence construction of 3.05 metres (10 feet) in height is not be in compliance with the provisions of the by-law, which restricts the height of a front yard fence to 1.2 metres (4 feet). All other portions of the remaining fence on private property are in compliance, or have been approved by Transportation Right of Way Division (on City property).

ISSUE BACKGROUND

The fence was constructed for the purpose of ensuring security and privacy for the owner.

COMMENTS

The owner is requesting an exemption in support of the portion of fence that exceeds the recommended height for a front yard fence. Should the staff recommendation be adopted:

1. The existing fence should comply with the fence height approved by the City of Toronto in 1999.
2. When the fence is replaced it should be constructed in compliance with Toronto Municipal Code, Chapter 447-Fences or its successor bylaw.

CONTACT

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SIGNATURE

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ATTACHMENTS

- 1 – 4. Photographs
5. Site Plan
6. Builders fence drawing
7. Urban Planning and Development Services, Letter dated January 13, 1999