

Request for Fence Exemption – 4698 Kingston Rd.

Date:	September 21 st , 2009
To:	Scarborough Community Council
From:	Bill Blakes, Manager, Municipal Licensing and Standards, Scarborough District
Wards:	Ward 44 – Scarborough-East
Reference Number:	IBMS No. 09 153728

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(s) of 4698 Kingston Road to be exempted from Chapter 447 – Fences section (2) of the Toronto Municipal Code. This section states that the maximum height of the fence in the front yard on a Non-Residential Property within 2.4 metres of the front lot line and beyond 2.4 metres of the front lot line shall not exceed 1.2 metres (4 foot) for open mesh chain-link fence or equivalent open fence construction that does not restrict sight lines.

RECOMMENDATIONS

Municipal Licensing and Standards, Scarborough District, recommends that the fence exemption not be granted and that Scarborough Community Council:

1. Refuse the proposed 6 foot 7/8 inch high (approx. 1.8m) wrought iron fence, 8 foot 5 and 3/4 inch high (approx. 2.6m) wrought iron gates and the 8 foot 6 5/8 inch high (approx. 2.6m) concrete columns based on non-compliance with the requirement set out in Chapter 447 of the Toronto Municipal Code.

Financial Impact

There are no financial implications.

DECISION HISTORY

The City of Toronto Council enacted the amalgamated Fence By-law on July 6th, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned outdoor swimming pools to erect and maintain fences and gates around swimming pools. This by-law and the amendments are now found in Chapter 447 of the Toronto Municipal Code.

The property owners have brought forth an application for an exemption to Chapter 447 of the Toronto Municipal Code. The proposed fence would consist of a wrought iron gate, wrought iron fence and concrete pillars fronting onto Kingston Road. The height of the proposed fence would not comply with the requirements of Chapter 447.

BACKGROUND

The property is zoned as a Place of Worship under West Hill Community Zoning Bylaw 10327 and presently is being used as a place of worship. Fences in front yards are permitted to a maximum height of 1.2 m. The proposed fence, gate and columns exceed the height restriction. The proposed fence would exceed the restriction by .6m (approx. 2 feet), the proposed gate would exceed the restriction by 1.2m (approx. 4 feet), and the proposed columns would exceed the restrictions by 1.2m (approx. 4 feet).

COMMENTS

Following an incident involving arson and vandalism in May of 2009, The Toronto Buddhist Centre has brought forth a proposal in their letter of June 15th, 2009 to install this fence along the Kingston Road frontage for reasons of safety and security. A Notice of Violation has not been issued at this time as the fence is at the proposal stage.

CONTACT

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SIGNATURE

Bill Blakes, Manager, Municipal Licensing and Standards, Scarborough District

ATTACHMENTS

1. Correspondence dated June 15th, 2009 from Toronto Mahavihara Society
2. Drawings of proposed fence, gate, and columns.
3. Photographs