

## **Request for a Fence Exemption – 30 Sylla Avenue**

<b>Date:</b>	July 21, 2015
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Scott Sullivan, District Manager Municipal Licensing & Standards, Scarborough District
<b>Wards:</b>	Ward 40, Scarborough-Agincourt
<b>Reference Number:</b>	Municipal Licensing & Standards Folder (IBMS software) No. 15-170588 FEN 00 IR

### **SUMMARY**

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This staff report concerns a matter for which the Scarborough Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to advise Council concerning an application by the property owner of 30 Sylla Avenue for a site-specific Fence Exemption, pursuant to Section 447-5.C of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to install a fence which does not comply with maximum fence height restrictions stipulated by Section 447-2 of the bylaw.

### **RECOMMENDATIONS**

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Municipal Licensing & Standards recommends that the Scarborough Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 30 Sylla Ave., for a proposed fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for a fence exemption permit, without conditions, thereby allowing the fence to be constructed as proposed. 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 property owner submitted a fence exemption application, in writing, on June 8, 2015, for a proposed fence in the front (East) yard, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing "safety and security" as reasons for the application.

As required by Section 447-5(C), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Scarborough Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Scarborough Community Council will consider the application.

## **ISSUE BACKGROUND**

The subject property, 30 Sylla Avenue, is located in Ward 40. It is composed of a detached, single-family residential dwelling and lands.

Municipal Licensing Standards' review of the proposed fence installation has determined that it will not comply with maximum height restrictions for residential fences provided by Section 447-2 of Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Front Yard	1. Adjacent to East lot lines; (Appendices 2, 4-10)  2. Adjacent to North lot line; (Appendices 4-10)  3. Facing South, but set back 4.27 M (14 ft.) from South lot line	1. Exceeds Height- 1.83 M (6 ft.) high over a distance of 8.38 M (27.5 ft.)  2. Exceeds Height- 1.83 M (6 ft.) high over a distance of 9.14 M (30 ft.)  3. Exceeds Height- 1.83 M (6 ft.) high over a distance of	Section 447-2 (B)(1)  Maximum height of 1.2 metres, measured at any point along its length, based on the average grade height of the land within 1 metre on either side of the fence

	(Appendices 1-6, 8-10)	8.38 M (27.5 ft.)	
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The use of wood as the proposed construction material, incidentally, complies with bylaw requirements, as there are no driveways located within 2.4 metres of the proposed installation that would prohibit the fence from being constructed of opaque materials.

## COMMENTS

While the proposed fence violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to height, it does not appear to contravene any other provisions of the bylaw.

## CONTACT

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## SIGNATURE

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Scott Sullivan  
Manager, Scarborough District

## APPENDICES

Appendix 1 – 30 Sylla Ave., Photograph #1 of Front of Dwelling (Flankage Yard); View While Facing North, from Dwelling Across the Street, to the South

Appendix 2 – 30 Sylla Ave., Photograph #2 of Front of Dwelling (Flankage Yard); View While Facing North, from Dwelling Across the Street, to the South

Appendix 3 – 30 Sylla Ave, Photograph #3 of Front of Dwelling (Flankage Yard); View from North Side of Street, While Facing East

Appendix 4 – 30 Sylla Ave, View of Side of Dwelling (Front Yard), While Facing North from Southwest Corner of Intersection of Sylla Avenue and Budea Crescent

Appendix 5 – 30 Sylla Ave., View of Front and Side of Dwelling (Flankage and Front Yards), While Facing Northwest from Southeast Corner of Intersection of Sylla Avenue and Budea Crescent

Appendix 6 – 30 Sylla Ave.; View of Side of Dwelling (Front Yard), While Facing West from Dwelling Across the Street on the Northeast Corner of Intersection of Sylla Avenue and Budea Crescent

Appendix 7 – 30 Sylla Ave., View of Side of Dwelling (Flankage Yard), from sidewalk in front of adjacent dwelling to the North, while facing South

Appendix 8 – 30 Sylla Ave, Aerial View

Appendix 9 – 30 Sylla Ave., Property Survey

Appendix 10 – 30 Sylla Ave., Proposed Site Plan

Appendix 11 – Proposed Elevation