



**STAFF REPORT
ACTION REQUIRED**

**Request for a Fence Exemption – Front Yard
64-70 Raleigh Avenue**

Date:	October 16, 2015
To:	Scarborough Community Council
From:	Scott Sullivan, District Manager Municipal Licensing & Standards, Scarborough District
Wards:	Ward 35 – Scarborough Southwest
Reference Number:	IBMS No. 15-225703

SUMMARY

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 64-70 Raleigh 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 and is topped with barbed wire contrary to Section 447-2 of the bylaw.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Scarborough Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 64-70 Raleigh Avenue, 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, 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 September 21, 2015, for a proposed fence in the front (South) yard, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing "security and safety" 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, 64-70 Raleigh Avenue, is a one story brick building recently upgraded under Building Permit. It's located in Ward 35, in a Zoned Industrial Area surrounded by industrial and manufacturing uses.

The front yard is located on Raleigh Avenue between North Edgely Ave. to the east Jeavons Avenue to the west.

Municipal Licensing Standards' review of the proposed fence installation has determined that it will not comply with maximum height restrictions for fences in the front yard 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. Front lot line	1. Exceeds Height- 2.5 m (8.2 ft.) high over a distance of 45.0 m (147 ft.)	Section 447-2 (B)(1) Maximum height of 1.2 metres, measured at any point along its length.

Perimeter of the property	2. Front, east side and rear fences on lot lines, west side fence approximately 1.0m from building not on the lot line.	2. Topped with 3-strand barbed wire on metal brackets inclined 45 degrees towards the property.	Section 447-2 (A.)(2) (2) No barbed wire, chicken wire or other barbed or sharp material shall be used in any fence unless the fence is permitted by Subsection B to exceed 2.5 metres in height and the barbed or sharp material is installed at a height of not less than 2.5 metres on metal brackets inclined towards the enclosed area at an angle of 45 degrees.
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The proposed fence is a 2.5m (8.2 foot) chain link metal fence in 2.5 m sections, with a 3-strand barbed wire topper on metal brackets inclined 45 degrees towards the property. The fence includes two 4.9 m (16.0 foot) gates at two separate driveway entrances at the front and one 4.9 m (16.0 foot) gate on the west side.

COMMENTS

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

CONTACT

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SIGNATURE

Scott Sullivan
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APPENDICES

Appendix 1 – Location of 64-70 Raleigh Avenue. iView Map

Appendix 2 – Proposed Fence Location Plan View.

Appendix 3 – Proposed fence 2.5 m chain link fence, topped with 3-strand barbed wire on metal brackets inclined 45 degrees towards the property.

Appendix 4 – 64-70 Raleigh Avenue One Story Industrial Building