



**STAFF REPORT
ACTION REQUIRED**

**Request for a Fence Exemption – Front Yard
1 Joanna Drive- Ward 40**

Date:	November 23, 2015
To:	Scarborough Community Council
From:	Elena Sangiuliano, Acting District Manager Municipal Licensing & Standards, Scarborough District
Wards:	Ward 40 – Scarborough Agincourt
Reference Number:	IBMS No. 15-232178

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 1 Joanna Drive for a site-specific Fence Exemption, pursuant to Section 447-2 of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to install a proposed fence which does not comply with maximum fence height restrictions 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 1 Joanna Drive, 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 October 1, 2015, for a proposed privacy fence in the front (North) yard, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences 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, 1 Joanna Drive, is located in Ward 40, in a residential area. The property is a corner lot where the front yard is located on Pachino Blvd and the flankage yard is located on Joanna Dr.

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 m (6.6 ft.) high	Section 447-2 (B)(1) Maximum height of 1.2 metres, measured at any point along its length.
	2. Front yard	1. Not open fence construction	Section 447-2(C)1 Any fence within 2.4 metres of a driveway

			shall be open mesh or equivalent open construction for at least 2.4 metres from the lot line.
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The proposed fence is a 2m (6.6 ft) high wood privacy fence.

COMMENTS

While the proposed fence violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to height and open construction within 2.4 metres of a driveway, it does not contravene any other provisions of the bylaw.

CONTACT

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SIGNATURE

Elena Sanguiliano
Acting Manager, Scarborough District

APPENDICES

Appendix 1 – Location of 1 Joanna Drive. iView Map

Appendix 2 – Proposed Fence Location Plan View.

Appendix 3, 4, 5 & 6 – Photos.