



**STAFF REPORT
ACTION REQUIRED**

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

Date:	January 29, 2016
To:	Scarborough Community Council
From:	Elena Sangiuliano, Acting 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 a revised 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 in 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.

On November 10, 2015 the Fence Exemption was brought forward to the Scarborough Community Council. The Scarborough Community Council did not approve the Fence Exemption as submitted and deferred to the Scarborough Community Council on January 19, 2016.

At the January 19, 2016 Scarborough Community Council the Council was advised the Applicant had revised the Fence Exemption Application by removing the barbed wire topper, the Fence Exemption was referred to the February 23, 2016 Scarborough Community Council.

Municipal Licensing & Standards has responded by preparing this new report for Scarborough Community Council's consideration.

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.

The proposed fence is a 2.5m (8.2 foot) chain link metal fence in 2.5 m sections. The fence includes two 4.9 m (16.0 foot) gates at two separate driveway entrances at the front.

COMMENTS

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

The Toronto Municipal Code, Chapter 447, Fences Section 447 2. B. Fence height. permits the fences behind the front wall of the building at 64-70 Raleigh in the flankage and rear yards to be 2.5 meters in height.

At the November 10, 2016 Community Council there were concerns brought forward by the adjacent property owners of 58 Raleigh Avenue regarding the installation of a fence on a designated Right-of Way between their property and 64-70 Raleigh Avenue.

The Applicant submitted to Municipal Licensing and Standards a Site Plan produced by Ontario Land Surveyor, Ivan B. Wallace which shows the proposed location of the 2.5 meter high perimeter fence in the flankage and rear yards at 64-70 Raleigh Avenue.

Municipal Licensing and Standards forwarded the Site Plan to the City of Toronto, Land and Property Surveys for review.

Bill Moore, Ontario Land Surveyor for the City of Toronto reviewed the Site Plan submitted and determined the proposed 2.5 meter high fence will not encroach the designated Right-of Way.

CONTACT

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SIGNATURE

Elena Sangiuliano
Acting Manager, Scarborough District

APPENDICES

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

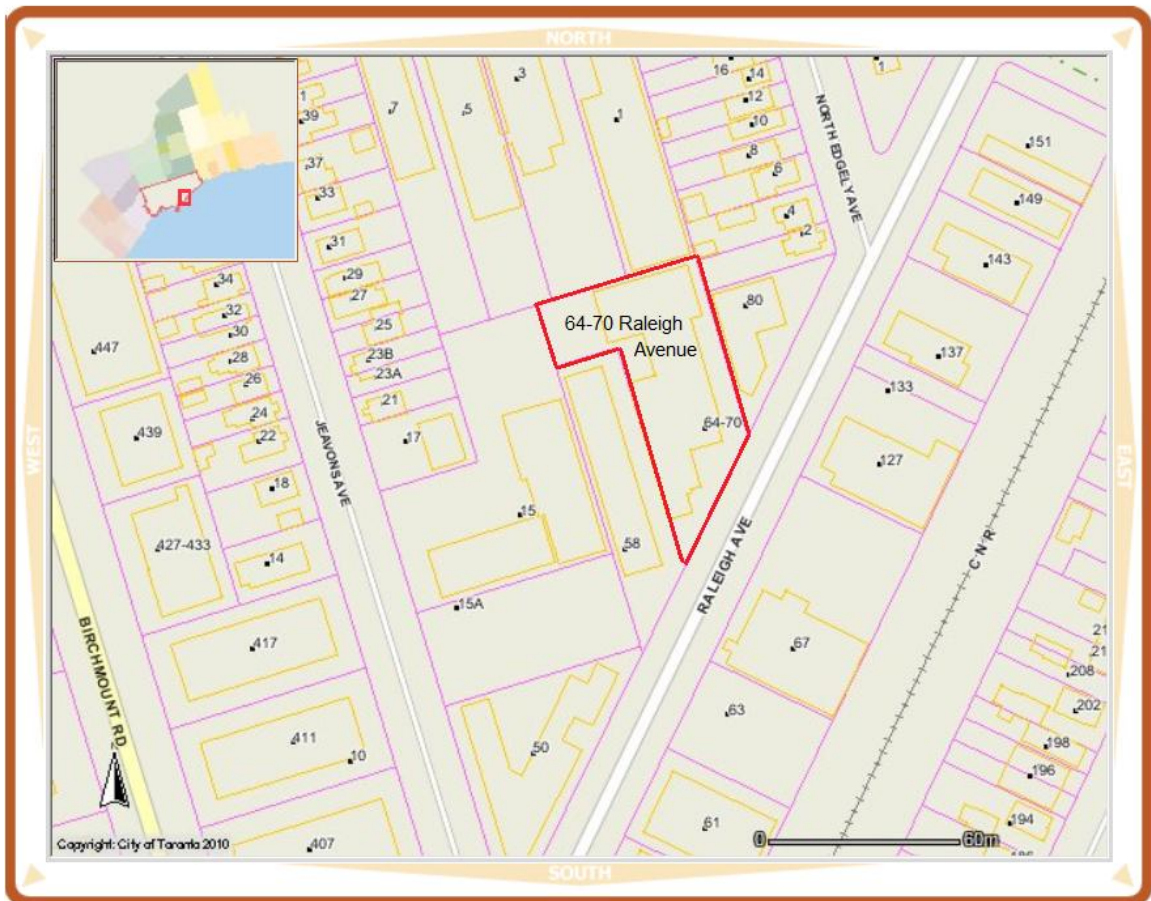
Appendix 2 – Proposed Fence Location Plan View.

Appendix 3 – Proposed fence 2.5 m chain link fence.

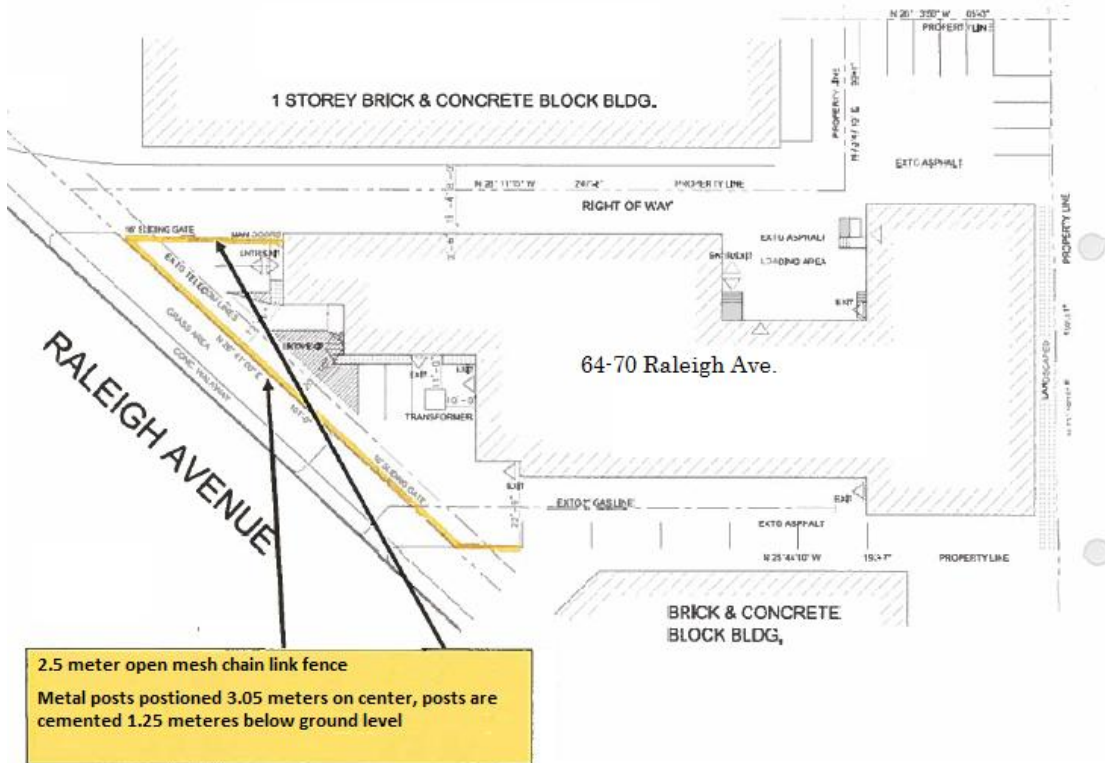
Appendix 4 – 64-70 Raleigh Avenue One Story Industrial Building

Appendix 5 – Site Plan by Ivan B. Wallace, OLS

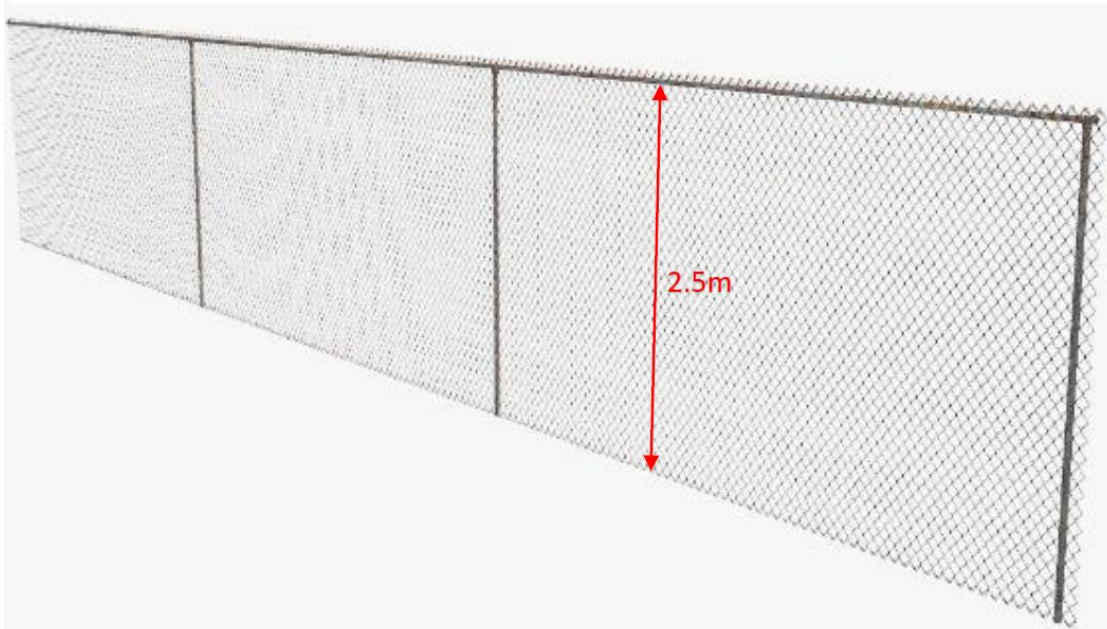
Appendix 6 – Marked up enlarged area of the Site Plan between 58 and 64-70 Raleigh Avenue marked up by Bill Moore, OLS, City of Toronto



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



Appendix 2 - Revised Proposed Fence Location Plan View



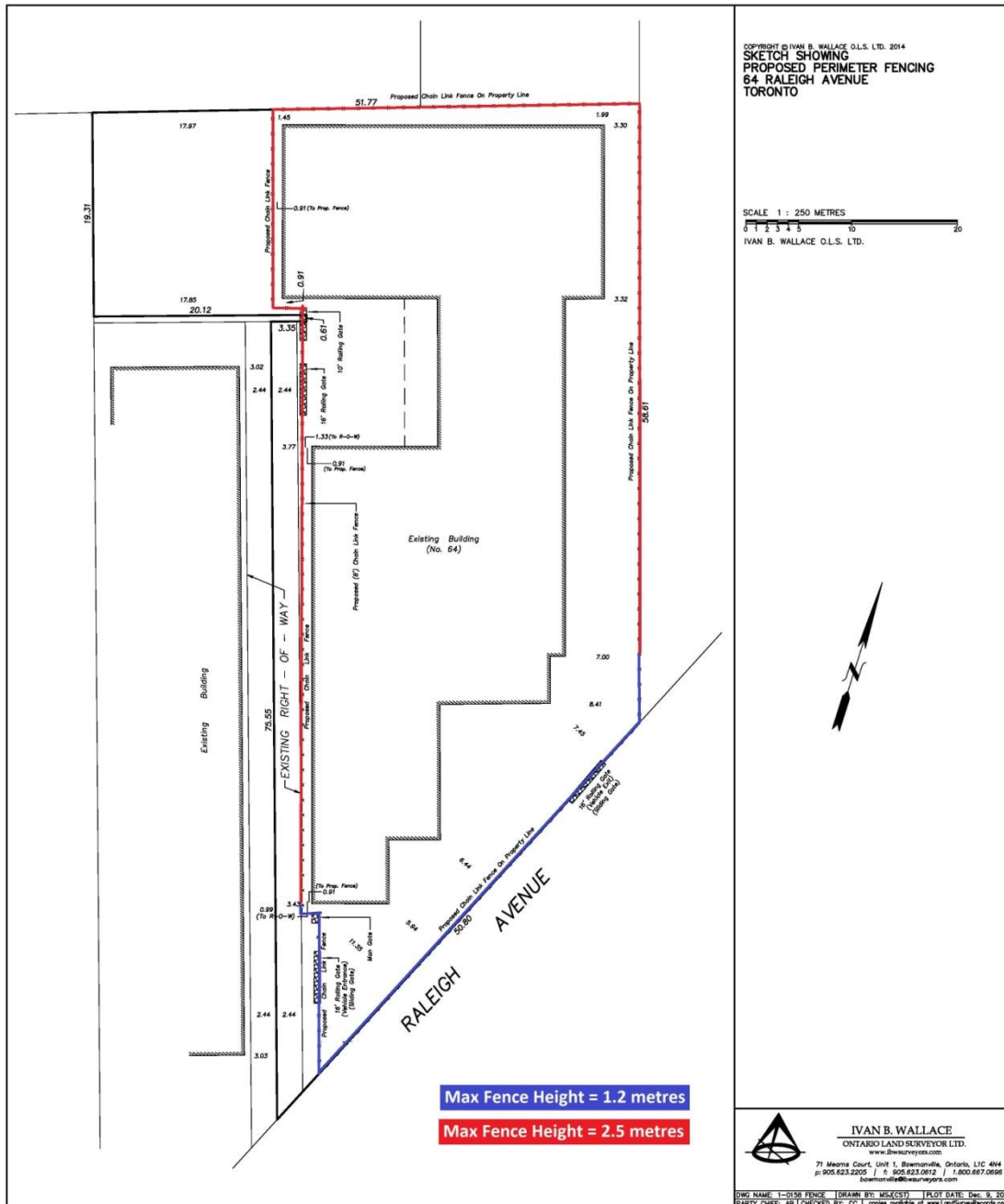
2.5 meter chain link metal fence

Appendix 3 - Proposed fence 2.5 meter chain link fence

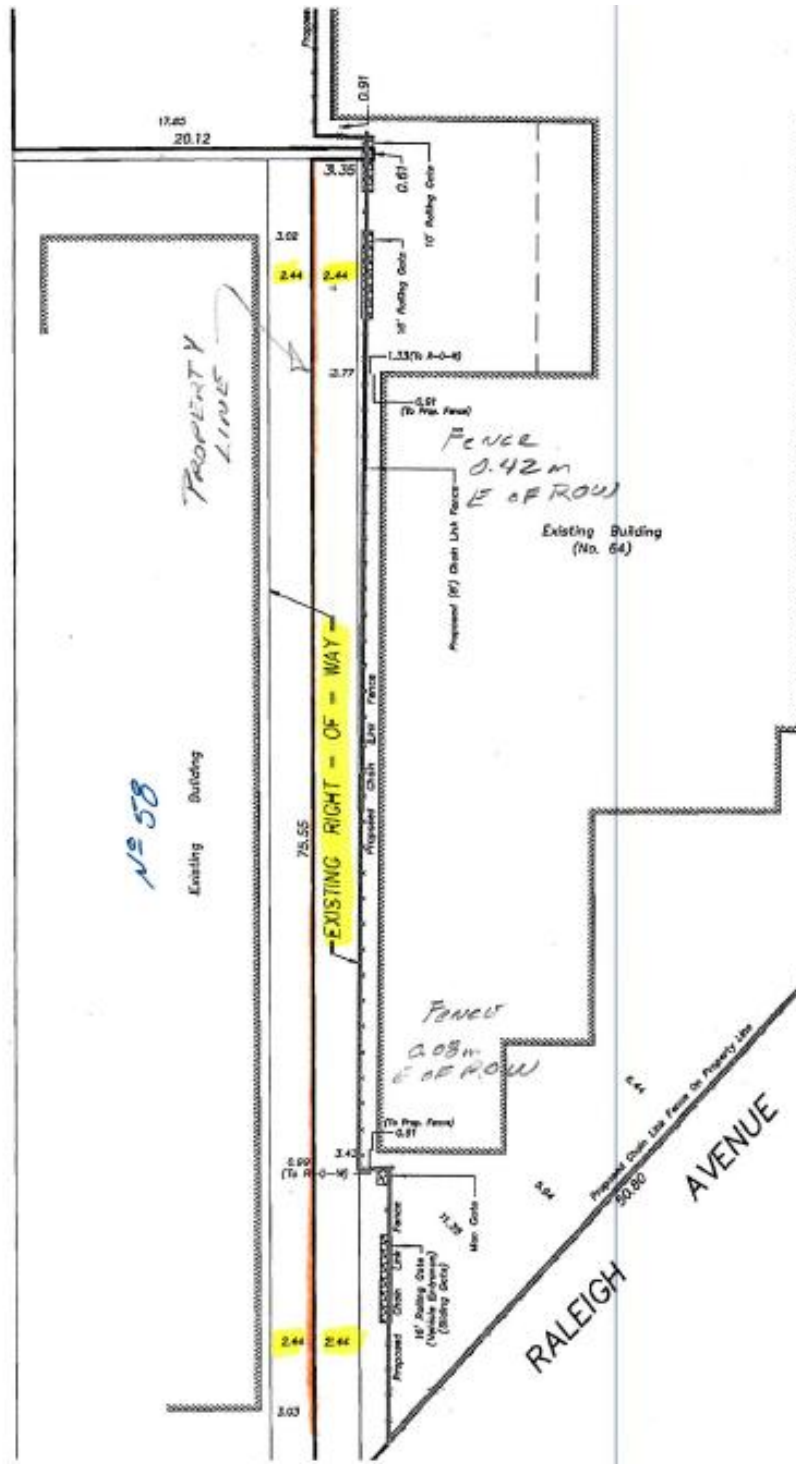


64-70 Raleigh Avenue

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