

**Request for a Fence Exemption - Front Yard
545 Morrish Road - Ward 44**

Date:	February 2, 2016
To:	Scarborough Community Council
From:	Elena Sangiuliano, Acting District Manager Municipal Licensing & Standards, Scarborough District
Wards:	Ward 44 – Scarborough East
Reference Number:	IBMS No. 16 104022

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 545 Morrish Road 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 for and exemption for an existing wood 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 545 Morrish Road, for an existing wood 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 existing fence to be maintained. Direct and require that the fence 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 January 13, 2016, for a proposed privacy wood fence in the front 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, 545 Morrish Road, is located in Ward 44, in a residential area. The property has been issued a Notice of Violation under Chapter 447 for an existing fence constructed over the maximum height located in the front yard.

Municipal Licensing Standards' review of the proposed fence installation has determined that it does 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	EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Front Yard	North Side yard	Height of 2 metres	Sec 447-2(B)(1) Max height of 1.2m

The existing 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, it does not contravene any other provisions of the bylaw.

CONTACT

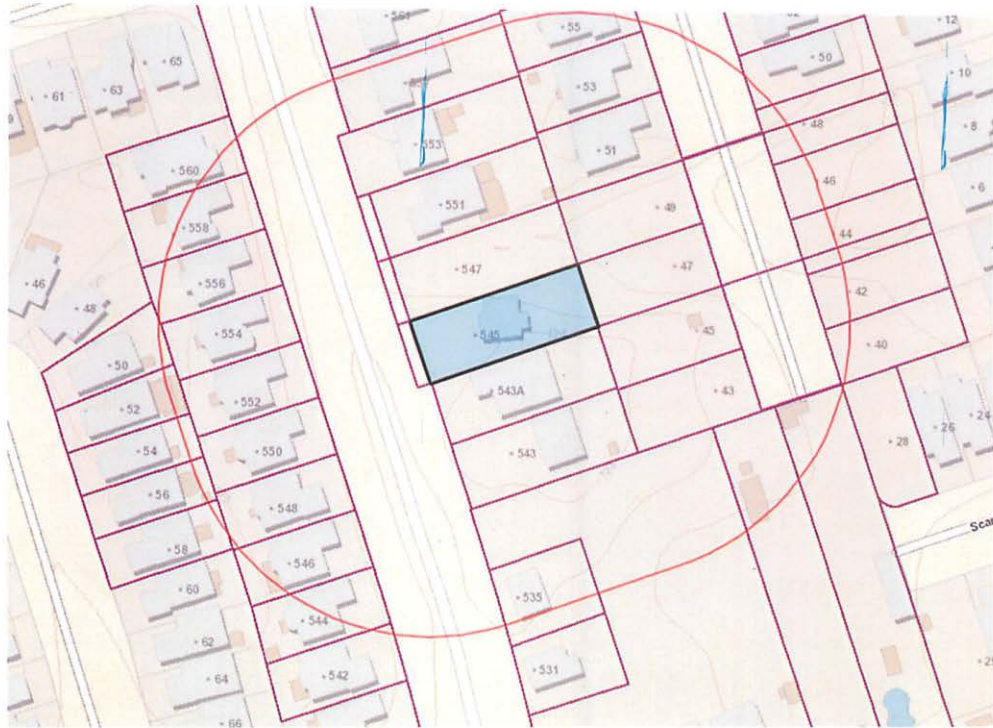
Glenn Shimoda, Supervisor,
Municipal Licensing & Standards Division
Scarborough District
Tel. (416) 396-7675
Fax (416) 396-5650
E-mail: gshimod@toronto.ca

SIGNATURE

Elena Sanguiliano
Acting Manager, Scarborough District

APPENDICES

Appendix 1 – Location of 545 Morrish Road. iView Map
Appendix 2 – Proposed Fence Location Plan View
Appendix 3 – Photos 1-2
Appendix 4 – Photos 3-4
Appendix 5 – Photos 5-6
Appendix 6 – Photo 7



Appendix 1- Location of 545 Morrish Rd - iView Map



Appendix 2 - Proposed Fence Location Plan View



545 Morrish Rd- Photo 1



545 Morrish Rd- Photo 2

Appendix 3 – Photos 1-2



545 Morrish Rd-photo 3



545 Morrish Rd-photo 4

Appendix 4 - Photos 3-4



545 Morrish Rd-photo 5



545 Morrish Rd-photo 6

Appendix 5 - Photos 5-6



545 Morrish Rd-photo 7

Appendix 6 – Photo