



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption – Front Yard and Flankage Yard - 1 Marlbank Road - Ward 40

Date:	February 12, 2016
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 194311

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 Marlbank 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 chainlink 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 Marlbank Road, for an existing chainlink 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 July 21, 2015, for a existing chain-link fence in the front yard and flankage 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 Marlbank Road, is located in Ward 40, in a residential area. The property is a corner lot where the front yard is located on Scarden Ave and the flankage yard is located on Marlbank Road.

Municipal Licensing Standards' review of the existing fence installation has determined that it does not comply with maximum height restrictions for fences in the front yard and flankage 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	Front lot line along existing fence	Height of 2.1 metres	Sec 447-2(B)(1) Max height of 1.2m
Flankage Yard	Flankage yard lot line	Height of 2.1 metres	Sec 477-2(B)(1) Max height of 2m

The existing fence is a 2.1m (7 ft) high Chain-link privacy fence.

COMMENTS

While the existing fence violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to height, 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 Marlbank Road. iView Map

Appendix 2 – Proposed Fence Location Plan View.

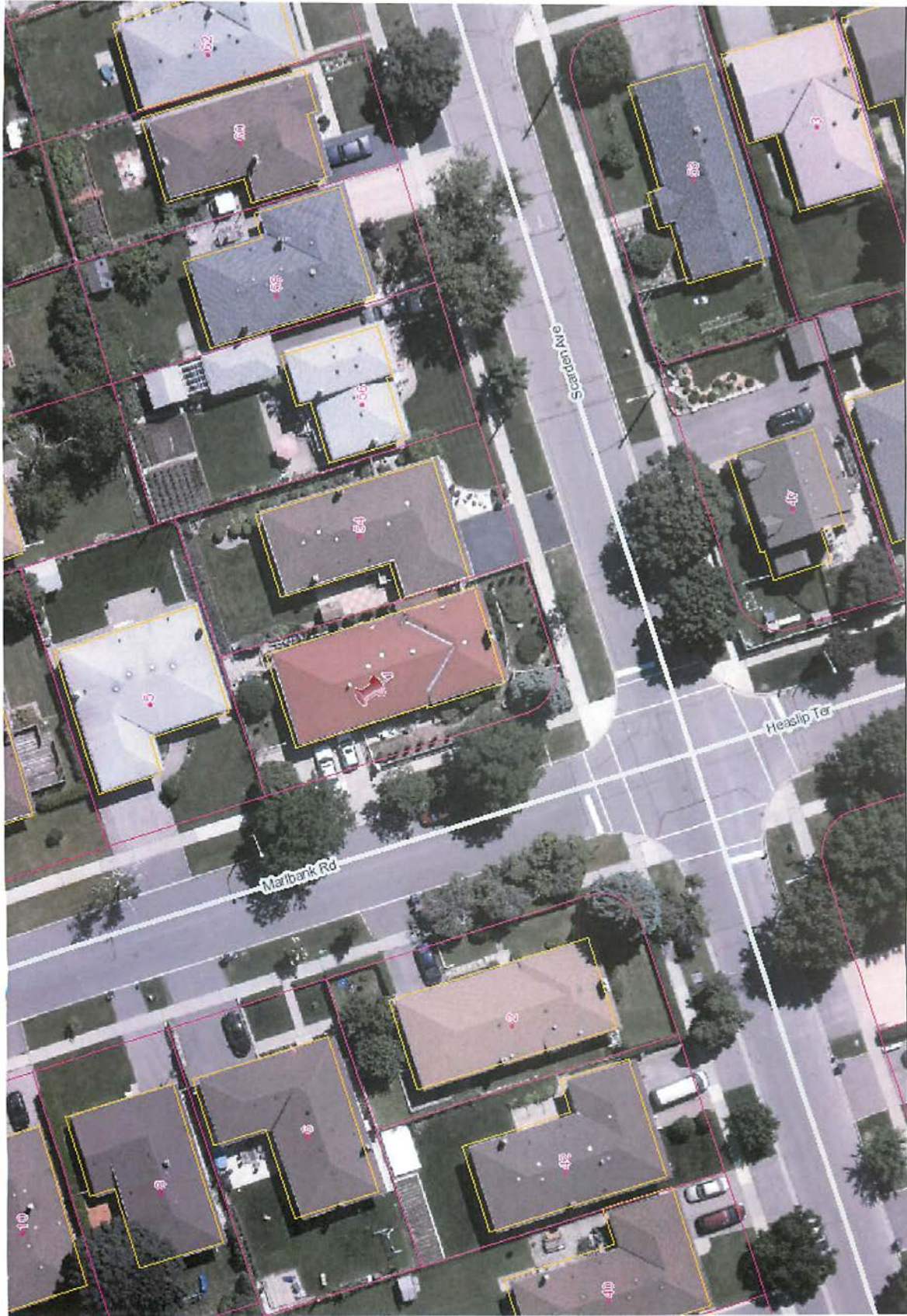
Appendix 3 – Photos 1-2

Appendix 4- Photos 3-4

Appendix 5-Photos 5-6

Appendix 6-Photos 7-8

Appendix 7-Photos 9



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Appendix #1

1 Marlbank Rd-Photo 1



1 Marlbank Rd- Photo 2



Appendix #3

I Marlbank Rd-Photo 3



I Marlbank Rd-Photo 4



Appendix #4

1 Marlbank Rd-Photo 5



1 Marlbank Rd-Photo 6



Appendix # 5

1 Marlbank Rd-Photo 7



1 Marlbank Rd-Photo 8



Appendix # 6

1 Marlbank Rd-Photo 9



Appendix #7