



**STAFF REPORT  
ACTION REQUIRED**

**Request for a Fence Exemption – Front Yard  
34 Wooster Wood- Ward 43**

<b>Date:</b>	May 20, 2016
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Elena Sangiuliano, Acting District Manager Municipal Licensing & Standards, Scarborough District
<b>Wards:</b>	Ward 43 – Scarborough East
<b>Reference Number:</b>	IBMS No. 16 130990

**SUMMARY**

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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 34 Wooster Wood for a site-specific Fence Exemption, pursuant to Section 447-2 of the Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission for an exemption for a proposed wood fence which does not comply with maximum fence height restrictions contrary to Section 447-2 of the bylaw.

The definition of a Fence: "A barrier, including one for noise attenuation, or any structure, that wholly or partially screens from view, encloses or divides a yard or other land, or marks or substantially marks the boundary between adjoining land, and includes any hedge or shrub that has the same effect."

**RECOMMENDATIONS**

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Municipal Licensing & Standards recommends that the Scarborough Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 34 Wooster Wood, for a proposed 3.25m high 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. 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 March 22, 2016, for a proposed privacy wood fence in the front yard constructed on a wood deck, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences as reason 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.

At the May 10, 2016 Scarborough Community Council Meeting, Council referred the item back to the Acting District Manager, Municipal Licensing and Standards, Scarborough District for a report to the next meeting on June 14, 2016. Council directed the Acting District Manager, Municipal Licensing and Standards to confirm (a) If the proposed drawings submitted to Toronto Buildings identifies this as a fence or a guard as per the Ontario Building Code, and (b) If identified as a fence what is the correct proposed fence height requested for Exemption.

After consultation with Diana Damiano, Acting Director, Toronto Buildings, the following was determined:

The proposed uncovered deck would comply with the required front yard setbacks of both the new City Wide Zoning By-law 569-3013 and the Guildwood Community Zoning By-law 9676.

The proposed platform is 1100mm above the adjacent finished grade. The Ontario Building Code states that any platform with a height between 600mm and 1800mm above the adjacent finished grade requires a minimum guard height of 900mm. The required guard must be constructed to meet the requirements of OBC 9.8.8, so as not to be climbable; and, to withstand the minimum loads required by the building code.

In the case of this proposal, the height proposed exceeds the required 900mm required minimum height and could be considered to be the main wall of the building. However, the owner refers to the structure as a fence enclosure and is regulated by Chapter 447, Fence By-law.

**ISSUE BACKGROUND**

The subject property, 34 Wooster Wood, is located in Ward 43, in a residential area.

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	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Front Yard	Front lot line	Proposed height of 3.25 metres	Sec 447-2(B)(1) Max height of 1.2 metres

The proposed wood fence is 2.13m (7 ft) high wood privacy fence constructed on surface of a proposed wood deck. The ground grade to surface of proposed wood deck floor is 1.12m (3.6 ft) for a total overall height of 3.25m (10.6 ft)

**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**

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 Scarborough District  
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 Fax (416) 396-5650  
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## **SIGNATURE**

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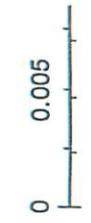
Elena Sangiuliano  
Acting Manager, Scarborough District

## **APPENDICES**

Appendix 1 – Location of 34 Wooster Wood - iView Map

Appendix 2 – Proposed Fence Location Plan View

Appendix 3 – Drawings – 1 to 6 Pages



Appendix #1

Appendix #2

PLAN OF SURVEY OF  
parcel 4  
REGISTERED PLAN 3748

city of toronto

SITE AREA = 801.75 SQ. M.  
(8630 SQ. FT.)

existing house = 99.96 sq. m.  
(1076 SQ. FT.)

existing garage = 108.70 sq. m.  
(1170 SQ. FT.)

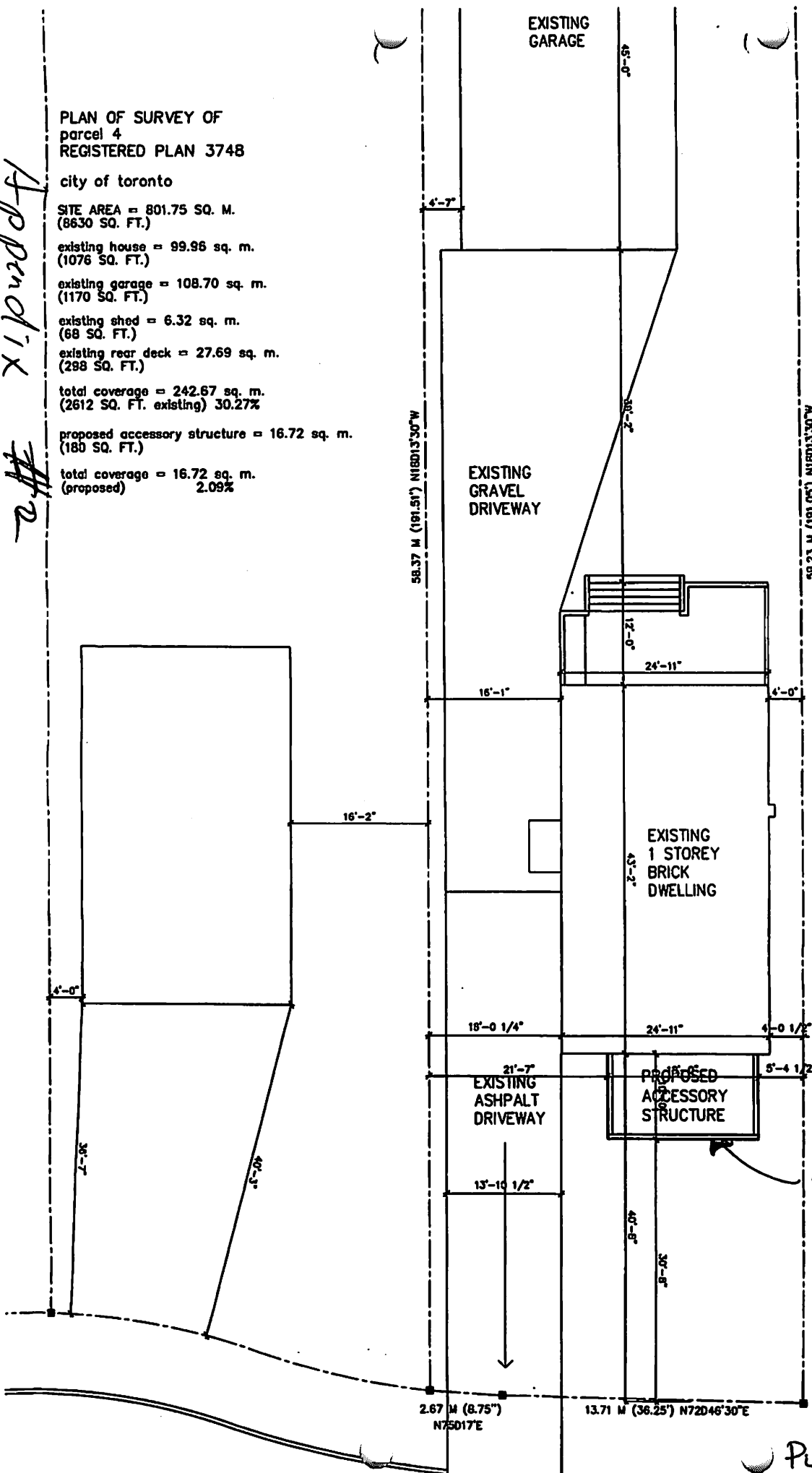
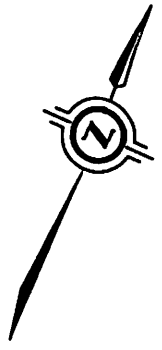
existing shed = 6.32 sq. m.  
(68 SQ. FT.)

existing rear deck = 27.69 sq. m.  
(298 SQ. FT.)

total coverage = 242.67 sq. m.  
(2612 SQ. FT. existing) 30.27%

proposed accessory structure = 16.72 sq. m.  
(180 SQ. FT.)

total coverage = 16.72 sq. m.  
(proposed) 2.09%

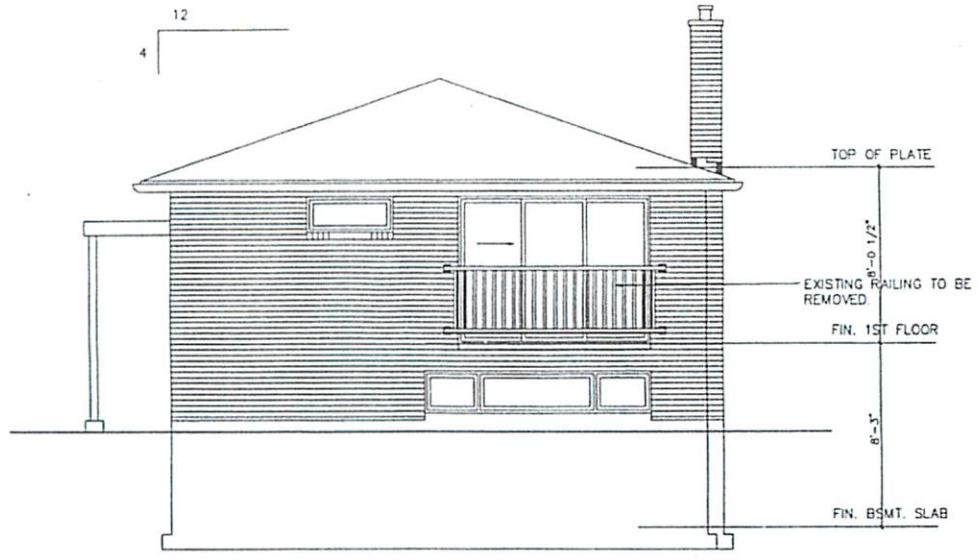


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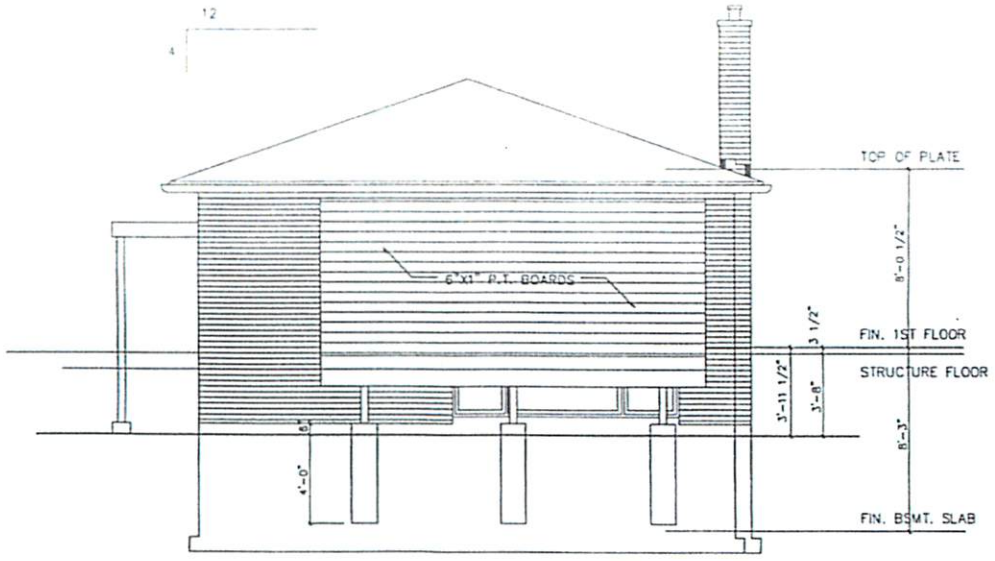
PROPOSED  
FENCE LOCATION

PLAN VIEW

Appendix #3 - Drawings - 1 to 6 Pages

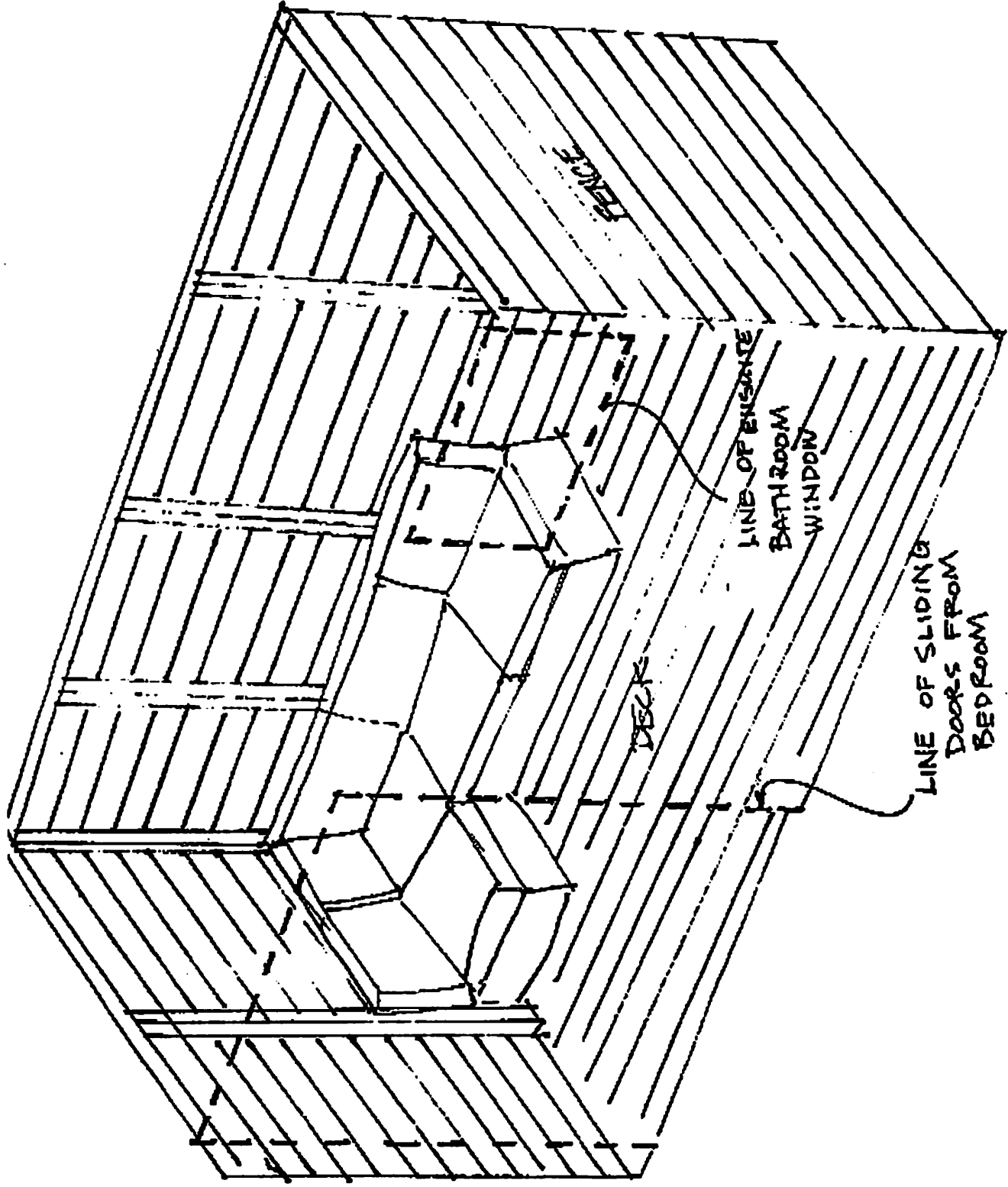


EXISTING SOUTH ELEVATION

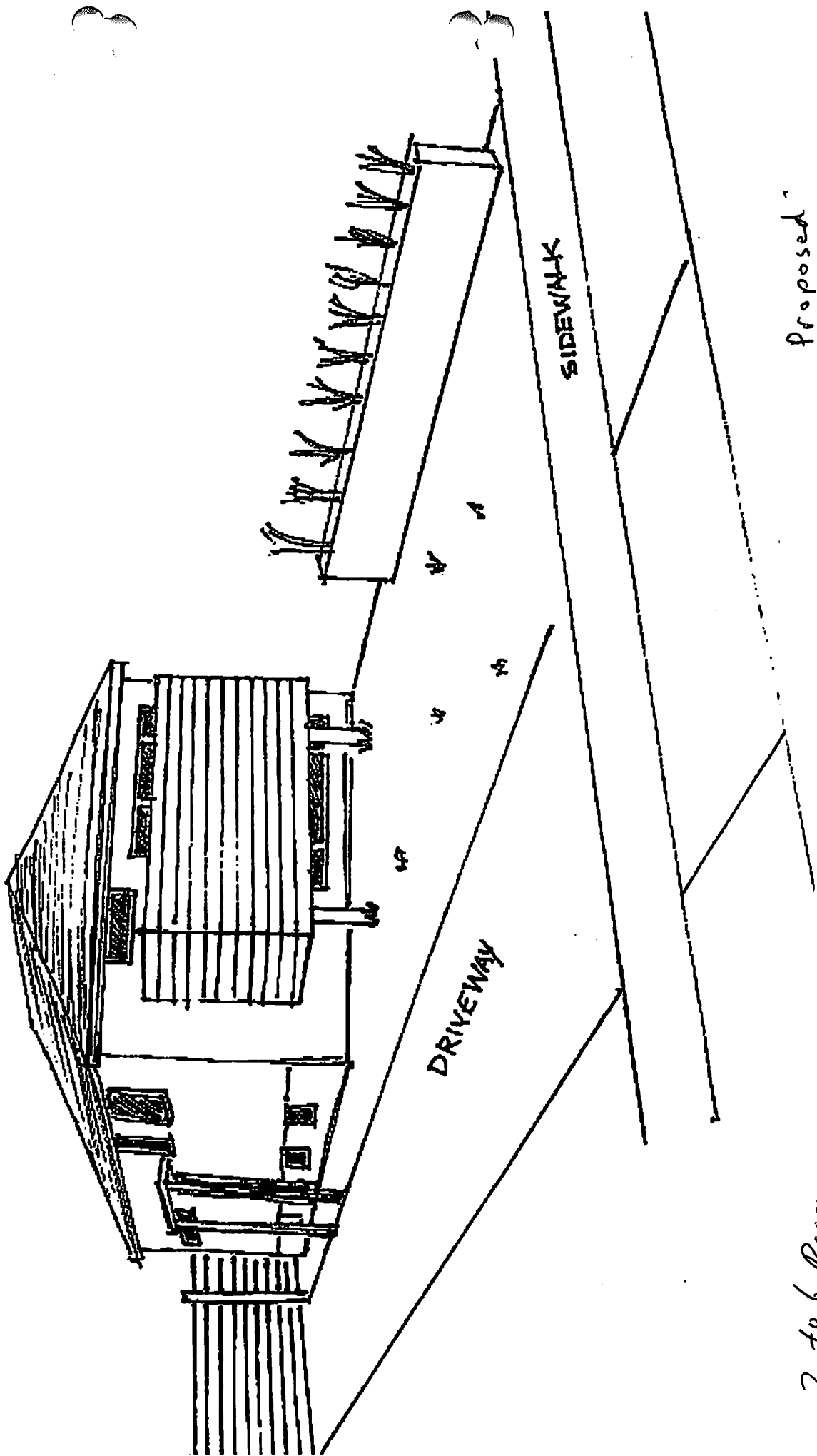


PROPOSED SOUTH ELEVATION

Project PROPOSED ACCESSORY STRUCTURE  34 WOOSTER WOOD CITY OF TORONTO	Sheet Title ELEVATIONS		Drawing Number A3
	Scale 3/16" = 1'-0"	Drawn by JOHN BALTAZAR	
	Date FEBRUARY 06, 2016		







Proposed

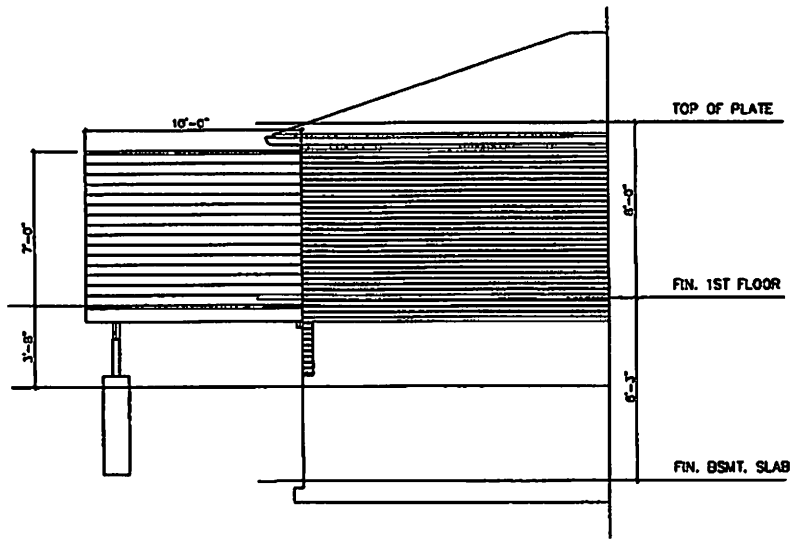
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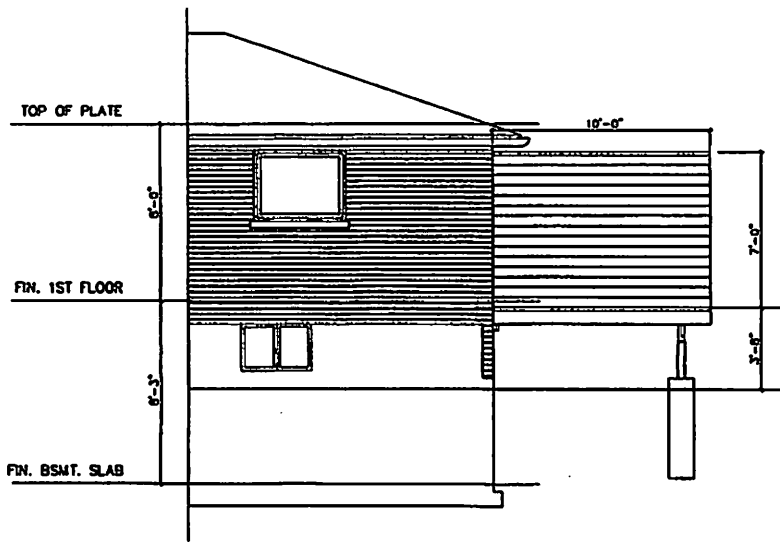
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EXISTING .

5 to 6 Pages



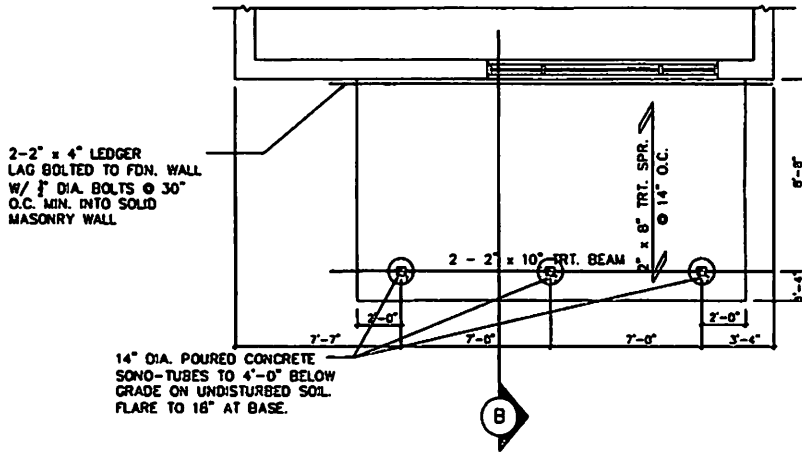
EAST ELEVATION



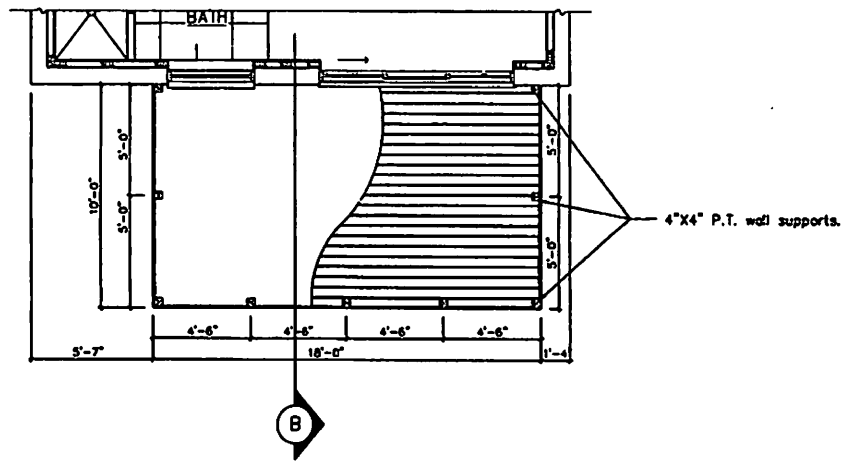
WEST ELEVATION

Project <b>PROPOSED ACCESSORY STRUCTURE</b>  34 WOOSTER WOOD CITY OF TORONTO	Sheet Title <b>PROPOSED ELEVATIONS</b>	Drawing Number <b>A1</b>	
	Scale <b>3/16" = 1'-0"</b>		Drawn by <b>JOHN BALTAZAR</b>
	Date <b>FEBRUARY 06, 2016</b>		

6 to 6 Pages



PLAN A



PLAN B

Project <b>PROPOSED ACCESSORY STRUCTURE</b>  34 WOOSTER WOOD CITY OF TORONTO	Sheet <b>PLAN VIEWS</b>		Drawing Number <b>A2</b>	
	Scale <b>3/16" = 1'-0"</b>	Drawn by <b>JOHN BALTAZAR</b>		
	Date <b>FEBRUARY 06, 2016</b>			