

Request for a Fence Exemption – Front Yard 9 Frolick Crescent

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| Date: | September 16, 2016 |
| To: | Scarborough Community Council |
| From: | Elena Sangiuliano, Acting District Manager Municipal Licensing & Standards, Scarborough District |
| Wards: | Ward 43 – Scarborough East |
| Reference Number: | IBMS No. 16 -163057 |

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 9 Frolick Crescent 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 exempt a proposed 2.0m high wood fence located in the front yard 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 9 Frolick Crescent, for a proposed 2.0m high wood fence located in the front yard that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for a fence exemption permit at 9 Frolick Crescent, for a proposed 2.0m high wood fence located in the front yard. Direct and require 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

A Transportation Services Right-of-Way Enforcement Officer attended the property April 29, 2016 and explained to the property owner the fence in the front yard of 9 Frolick Crescent he was installing was not in compliance with the Fence Bylaw. After consulting with Municipal Licensing and Standards the property owner submitted a fence exemption application, in writing, on May 27, 2016, for a proposed fence in the front yard, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing "privacy" due to lot on curve having a small backyard.

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, 9 Frolick Crescent, is a two story single family residential dwelling. It's located in Ward 43 south of Ellesmere Rd. east of Scarborough Golf Club Rd. in a Residential Zoned Area of Woburn Community.

Municipal Licensing Standards' review of the proposed fence installation has determined that it will not comply with maximum height restrictions for residential 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 | DEFICIENCY | BY-LAW SECTION & REQUIREMENT* |
|------------------|-----------------------------------|-----------------------------|---|
| Front Yard | Front Yard and driveway entrance. | 1. Height- 2.0 m (6'6" ft.) | Section 447-2 (B)(1) Maximum height of 1.2 metres, measured at any point along its length. |

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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SIGNATURE

Elena Sangiuliano
Acting Manager, Scarborough District

APPENDICES

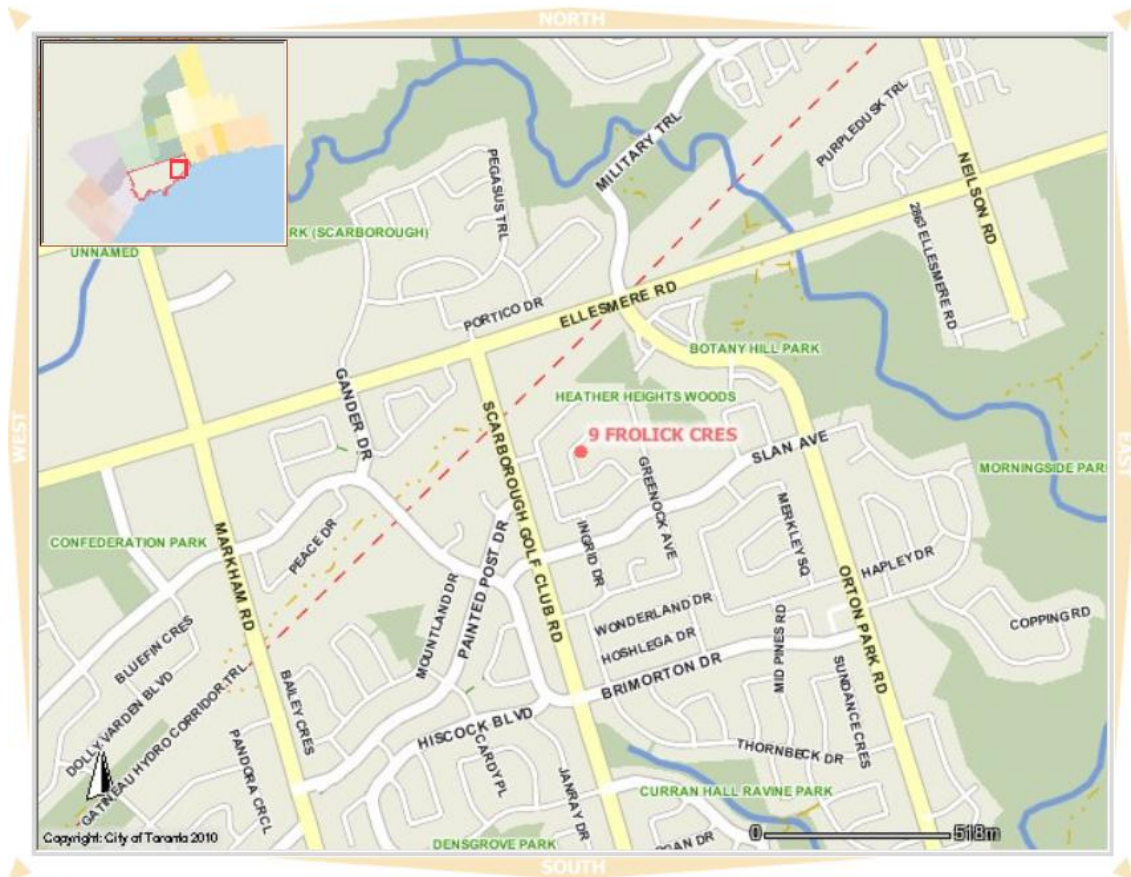
Appendix 1 - Location of 9 Frolick Crescent, iView Map

Appendix 2 - Site Plan of Proposed Fence location.

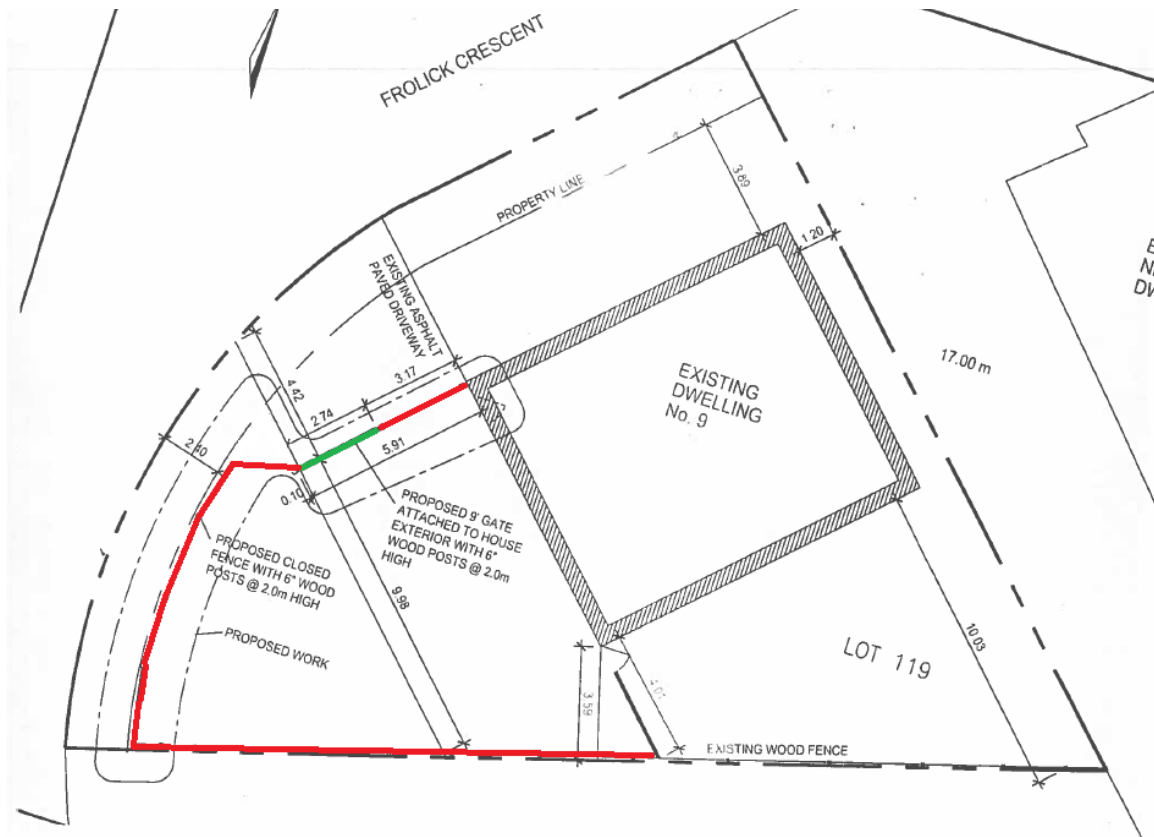
Appendix 3 - Photo existing fence posts at 9 Frolick Crescent looking east.

Appendix 4 - Photo existing fence posts at 9 Frolick Crescent looking north/east.

Appendix 5 – Drawing of proposed 2.0m high wood fence.



| Address | Postal Code | Former Municipality | Ward |
|----------------|-------------|---------------------|-----------------------|
| 9 FROLICK CRES | M1G 3E6 | SCARBOROUGH | Scarborough East (43) |



Site Plan 2.0 m Fence 9 Frolick Crescent



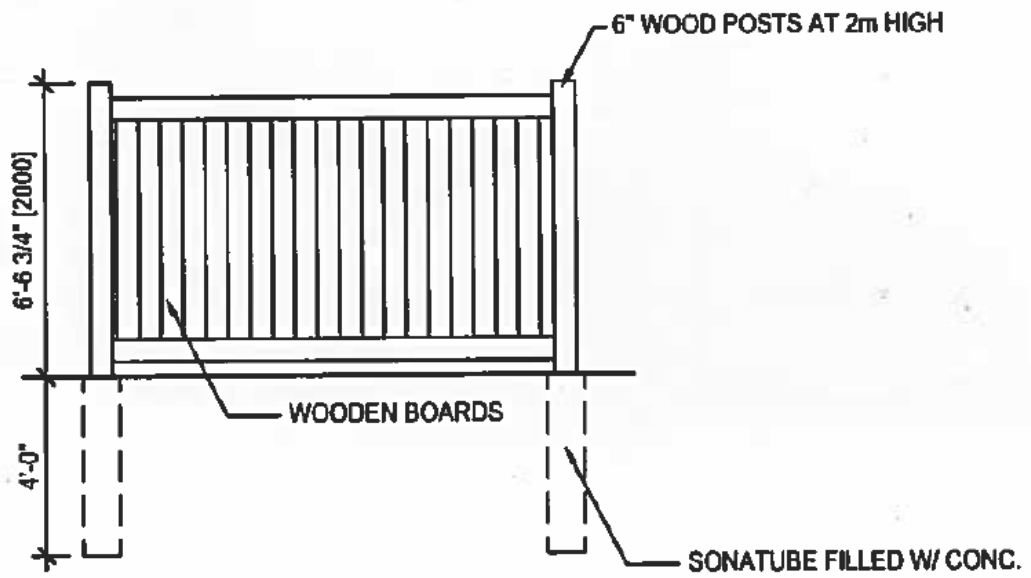
Existing Fence posts at 9 Frolick Crescent looking east.

Fence post at the corner of the driveway and sidewalk to be removed fence to be on angle as per to provide view of sidewalk.

Appendix #3



Existing Fence posts at 9 Frolick Crescent looking north/east.



TYPICAL WOOD FENCE FROM POST TO POST

Proposed 2.0 m high wood fence