

## **Request for a Fence Exemption – Front Yard 4 Benary Crescent**

<b>Date:</b>	September 16, 2016
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Elena Sangiuliano, Acting District Manager Municipal Licensing & Standards, Scarborough District
<b>Wards:</b>	Ward 38 – Scarborough East
<b>Reference Number:</b>	IBMS No. 16 -200122

### **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 4 Benary 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 an existing 1.8m high wood fence located in the front yard and flankage yard which does not comply with maximum fence height restrictions contrary to Section 447-2 (B)(1) of the bylaw and requirement for a chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot line at a driveway contrary to Section 447-2 C. (1) 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 4 Benary Crescent, for the existing 1.8m high wood fence located in the front and

flankage yards 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 4 Benary Crescent, for a proposed 1.8m high wood fence located in the front and flankage yards. 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**

The property owner installed a 1.8m high wood privacy in the front yard and flankage yards at 4 Benary Crescent.

Municipal Licensing and Standards issued a Notice of Violation on May 26, 2016 for Height of the fence exceeds the height permitted and for not having a chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot line at a driveway by the Chapter 447 Fences of the Toronto Municipal Code.

The property owner submitted a fence exemption application, in writing, on August 2, 2016, to permit the fence in the front yard, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing "privacy and aesthetics " 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, 4 Benary Crescent, is a two story single family residential dwelling. It's located in Ward 38 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 East facing frontage	1. Exceeds the permitted height of 1.2 m	Section 447-2 (B)(1) Maximum height of 1.2 metres, measured at any point along its length.
Flankage Yard	Flankage yard, south facing frontage, south east corner of easterly driveway.	2. Fence at drive way location to be open mesh chain-link or equivalent open-fence construction.	Section 447-2 C. (1) Any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway;

## COMMENTS

While the fence violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to height, and to be open mesh chain-link or equivalent open-fence construction at the driveways, it does not contravene any other provisions of the bylaw.

## CONTACT

Dave Klie, Acting Supervisor,  
Municipal Licensing & Standards Division  
Scarborough District  
Tel. (416) 396-7691  
Fax (416) 396-5650  
E-mail: [dklie@toronto.ca](mailto:dklie@toronto.ca)

## SIGNATURE

---

Elena Sangiuliano  
Acting Manager, Scarborough District

## **APPENDICES**

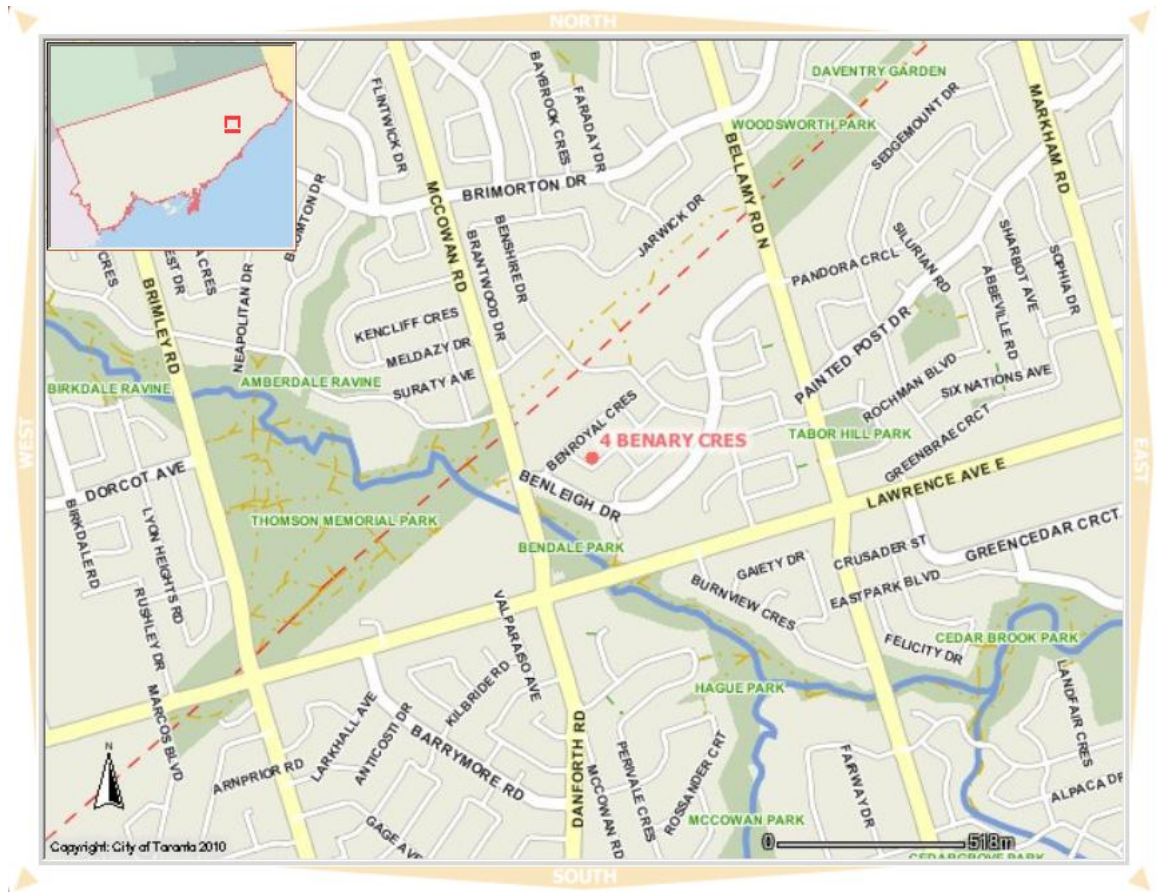
Appendix 1 - Location of 4 Benary Crescent, iView Map

Appendix 2 - Site Plan of Fencing at 4 Benary Crescent.

Appendix 3 - Photo of the front yard of 4 Benary Crescent facing west.

Appendix 4 - Photo of south/east corner of the east driveway flankage yard of  
4 Benary Crescent

Appendix 5 - Photo of south/west corner of the west driveway flankage yard of 4 Benary  
Crescent



Address	Postal Code	Former Municipality	Ward
4 BENARY CRES	M1H 1L1	SCARBOROUGH	Scarborough Centre (38)





Photo of the front yard of 4 Benary Crescent facing west.

Appendix #3





Photo of south/east corner of the east driveway flankage yard of 4 Benary Crescent



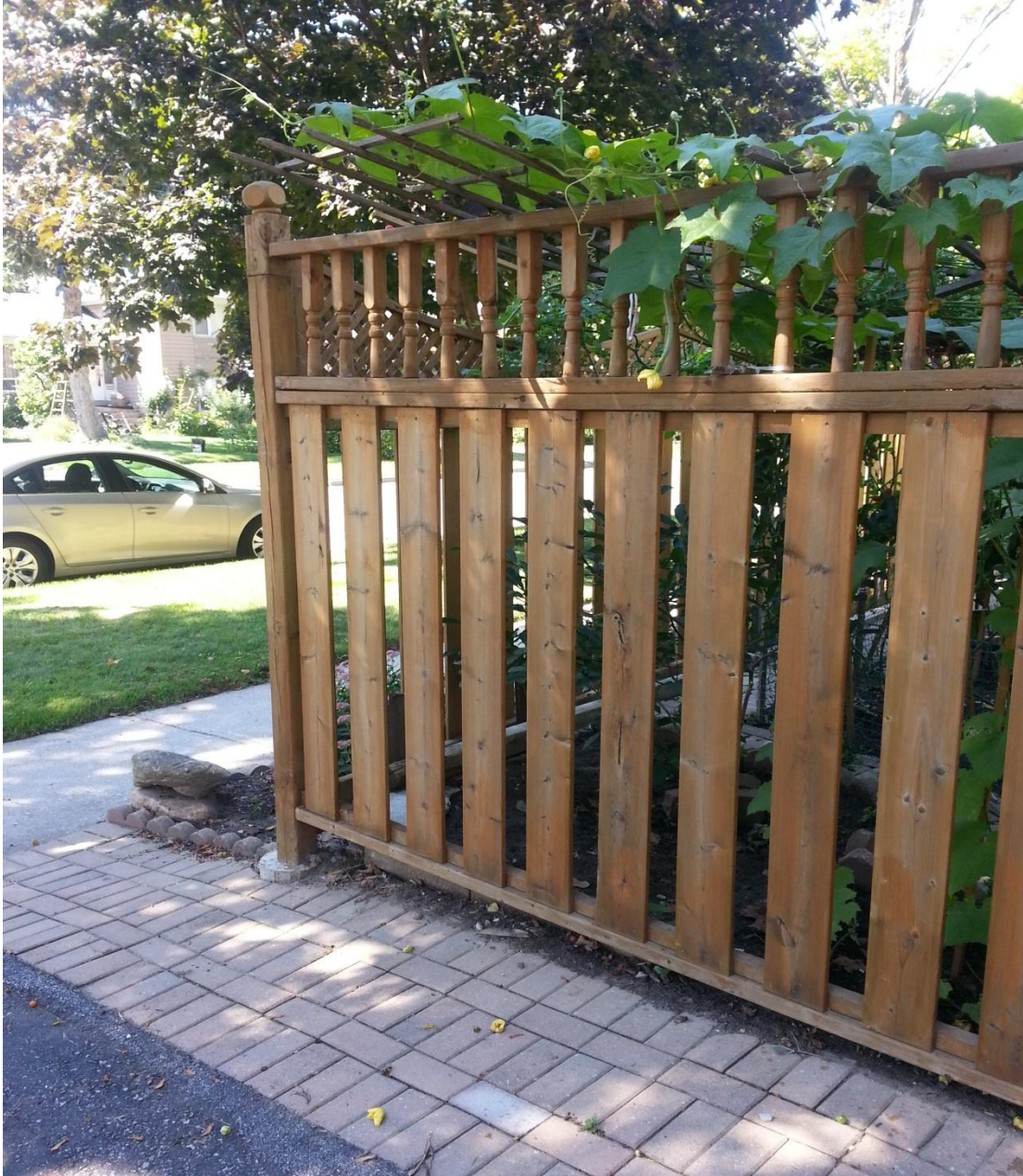


Photo of south/west corner of the west driveway flankage yard of 4 Benary Crescent

Appendix #5