

**Request for a Fence Exemption – Front Yard  
59 Donside Drive- Ward 35**

<b>Date:</b>	September 24, 2016
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Elena Sangiuliano, Acting District Manager Municipal Licensing & Standards, Scarborough District
<b>Wards:</b>	Ward 35 – Scarborough Southwest
<b>Reference Number:</b>	IBMS No. 15 152323

**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 59 Donside Drive 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 to be exempt concerning an existing wood fence which does not comply with maximum fence height restrictions contrary to Section 447-2 of the bylaw.

**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 59 Donside Drive, for a 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, by the property owner of 59 Donside Drive without conditions, thereby allowing the existing fence to be

permitted. Direct and require that 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 submitted a fence exemption application, in writing, on May 15, 2015, for a existing wood privacy fence in the flankage yard and rear 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, 59 Donside Drive is single family dwelling located in Ward 35. The property is a corner lot where the front yard faces Donside Drive and the flankage yard faces Bexhill Aveune.

Municipal Licensing Standards' review of the existing fence installation has determined that it does not comply with maximum height restrictions for fences in the flankage and rear 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*
Flankage Yard	1. Flankage yard east side	Exceeds Height-Varies in height from 2.15 m to 2.45 m (8 ft.) high	Section 447-2 (B)(1) Maximum height of 2 metres.
Rear Yard	2. Rear yard near garage	Exceeds Height-Varies in height from 2.20 m to 2.25 m (7ft 4 in) high	Section 447-2(B)(1) Any other fence 2 metres.

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## 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

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Elena Sanguiliano  
Acting Manager, Scarborough District

## APPENDICES

Appendix 1 – Location of 59 Donside Drive. iView Map

Appendix 2 – Existing Fence Location Plan View.

Appendix 3 – Photos 1-2

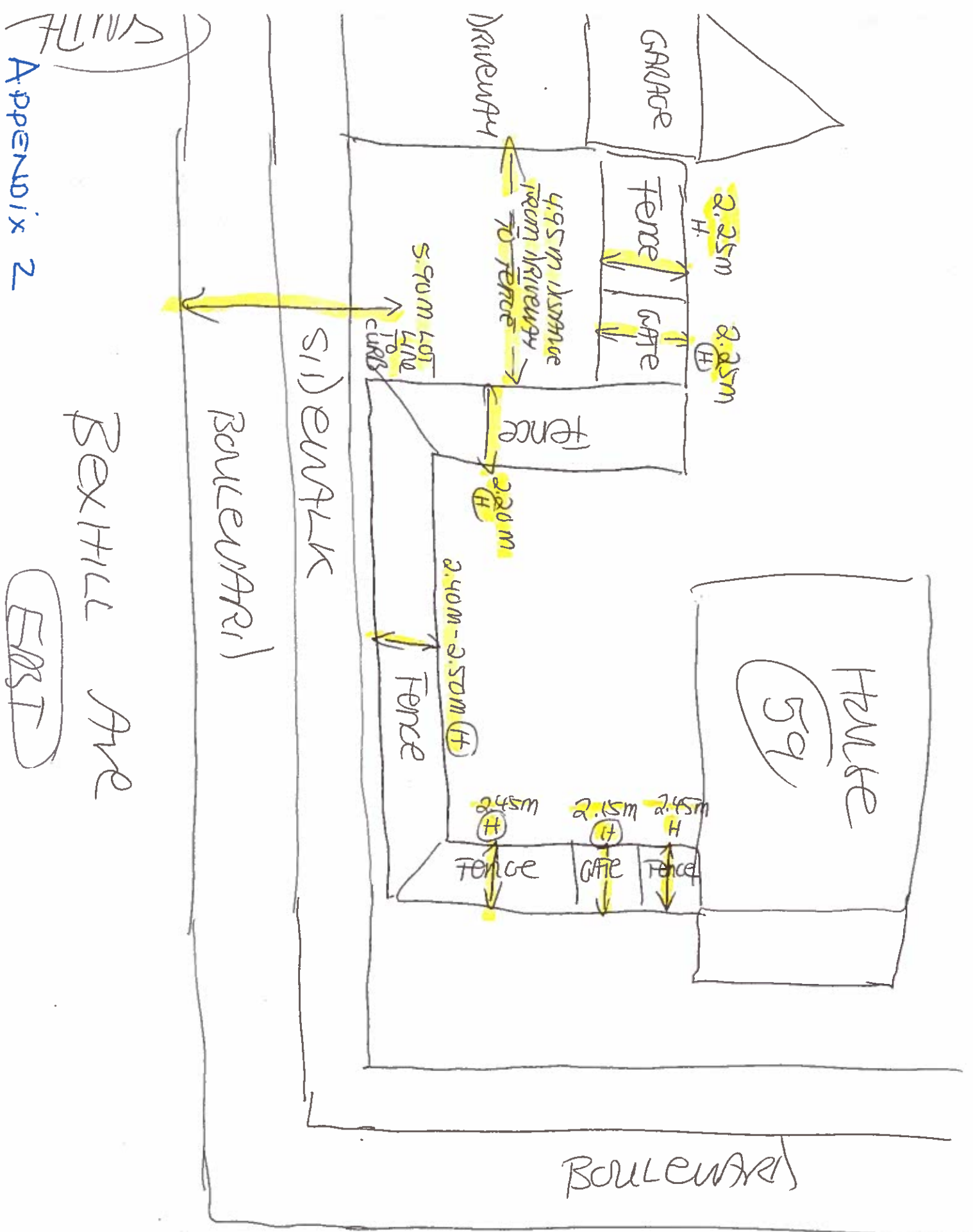
Appendix 4- Photos 3-4

Outside



Appendix 1

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SMITH  
Appendix 2

Boxhill Ave

EAST

WEST

NORTH

DORSIDE DRIVE

Appendix 3



59 Donside Dr-front of dwelling photo 1



59 Donside Dr- Flankage yard photo 2

Appendix 4



59 Donside Dr- Rear yard photo 3



59 Donside Dr- Rear yard photo 4