



**STAFF REPORT
ACTION REQUIRED**

**Request for a Fence Exemption – Rear Yard
5 Windy Ridge Drive- Ward 36**

Date:	September 19, 2016
To:	Scarborough Community Council
From:	Elena Sangiuliano, Acting District Manager Municipal Licensing & Standards, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Number:	IBMS No. 16 192689

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 5 Windy Ridge 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 for and exemption for an existing and proposed wood 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 5 Windy Ridge Drive, for an existing and proposed 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 5 Windy Ridge Drive without conditions, thereby allowing the existing and proposed wood 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 18, 2016, for a existing and proposed wooden fence in the 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, 5 Windy Ridge Drive, is located in Ward 36, in a residential area. The existing wood fence is 10.6m long and 2.92m high, the owner also would like to extend this fence another 4m south. The existing deck has a wood screen that is 9.14 m long and 2.31 m high also in violation of height. A Notice of Violation was issued on June 27, 2016 under the Fence By-law Chapter 447.

Municipal Licensing Standards' review of the existing and proposed wooden fence installation has determined that it does not comply with maximum height restrictions for fences in the 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*
Rear Yard	Rear lot line	Exceeds height- 2.92 m	Sec 447-2(B)(1) Max height of 2m
Rear yard Deck	Deck Screening along rear lot line	Exceeds height- 2.31 m	Sec 447-2(B) Max height of 2m above deck surface

COMMENTS

While the existing and 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 Sanguiliano
Acting Manager, Scarborough District

APPENDICES

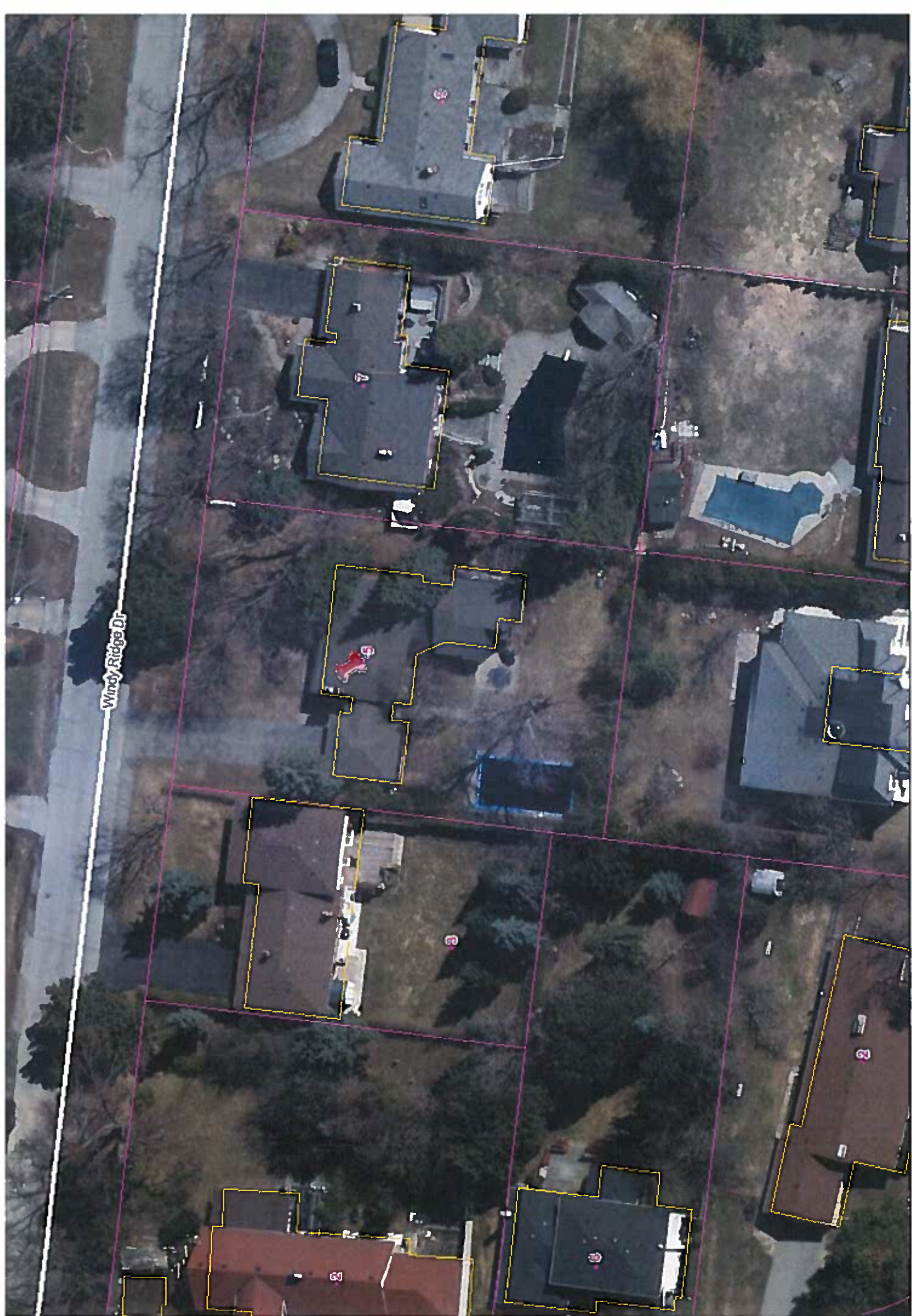
Appendix 1 – Location of 5 Windy Ridge Drive. iView Map

Appendix 2 – Proposed Fence Location Plan View.

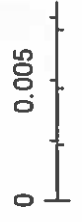
Appendix 3 – Photos 1-2

Appendix 4- Photos 3-4

Appendix 5-Photo 5-6



Windy Ridge Dr



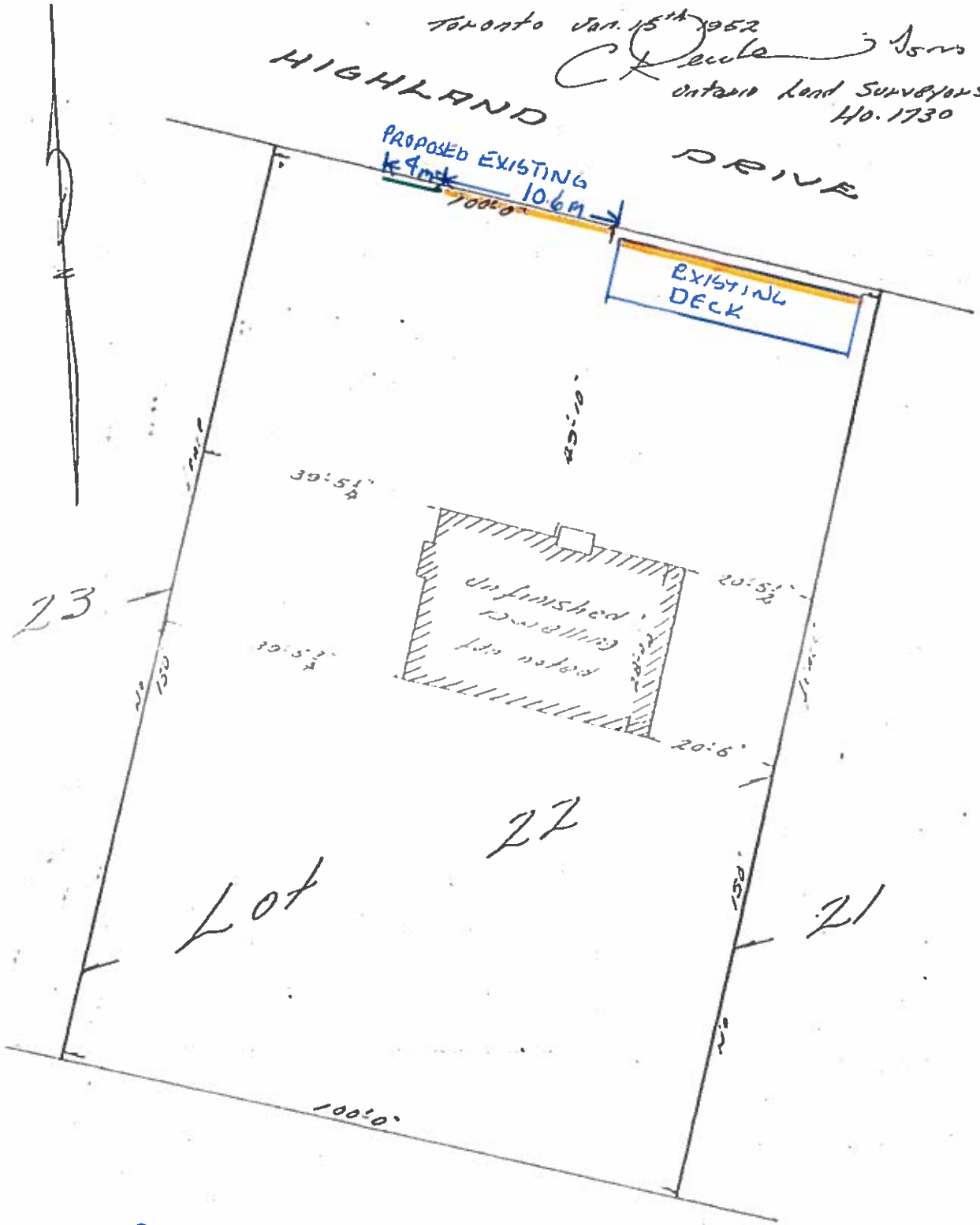
Appendix I

Sketch of Survey
 OF LOT 22 PLAN M 440
 Township of Scarborough

Toronto Jan. 15th 1952

C. Deule
 Ontario Land Surveyors
 No. 1730

HIGHLAND DRIVE



- - PROPOSED
- EXISTING

APPENDIX 2

Appendix 3



Photo 1-Deck Screen

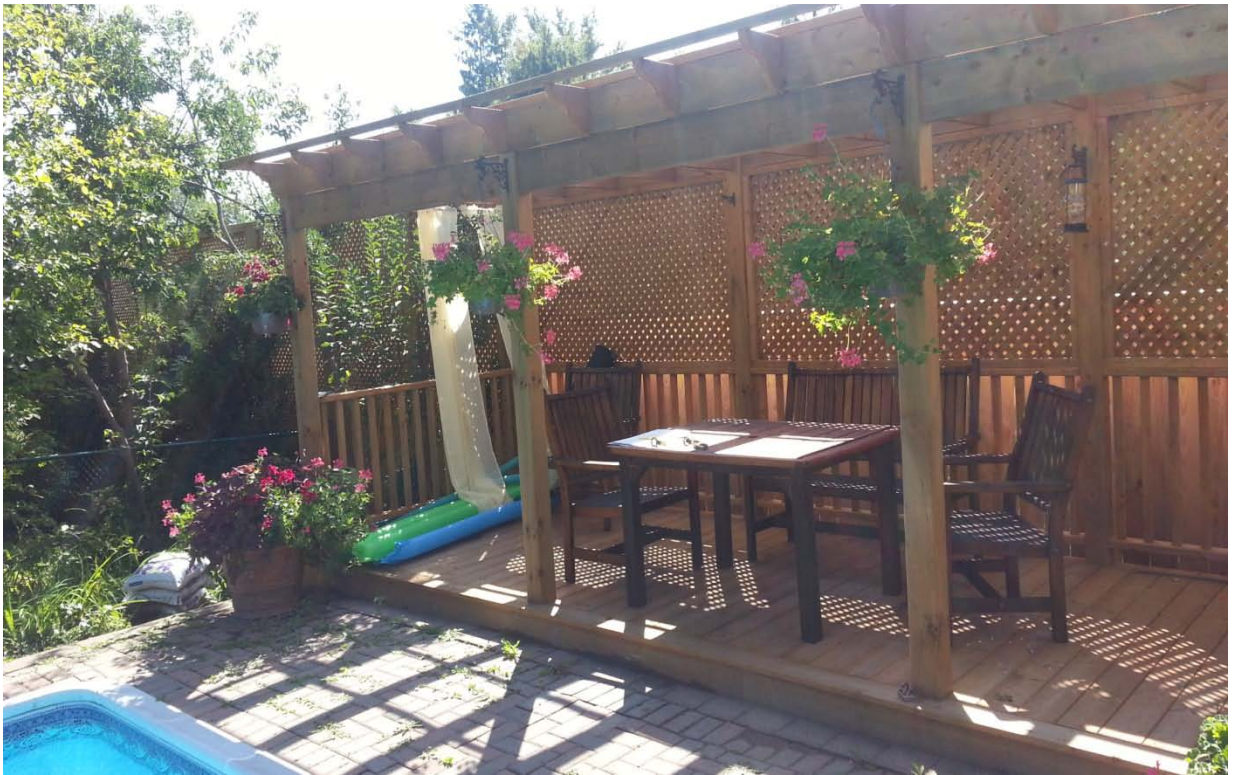


Photo 2-Deck Screen

Appendix 4



Photo 3-Existing fence and screen



Photo 4-wooden fence

Appendix 5



Photo 5-proposed extension of wooden fence



Photo 6-Fence and deck