Request for a Fence Exemption – 34 Carey Rd.

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<th>Date:</th>
<th>May 11, 2016</th>
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<td>To:</td>
<td>Toronto and East York Community Council</td>
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<tr>
<td>From:</td>
<td>Scott Sullivan, District Manager Municipal Licensing &amp; Standards, Scarborough District</td>
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<tr>
<td>Wards:</td>
<td>Ward 22, Toronto Centre-St. Paul's</td>
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<tr>
<td>Reference Number:</td>
<td>IBMS No. 16 144429 FEN 00 IR</td>
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**SUMMARY**

This staff report concerns a matter for which the Toronto and East York 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 Carey Road 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 install a fence which does not comply with maximum fence height restrictions stipulated by Section 447-3 of the bylaw.

**RECOMMENDATIONS**

Municipal Licensing & Standards recommends that the Toronto and East York Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 34 Carey Road, for a 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, thereby allowing the fence to be maintained as constructed. Direct and require that the
installation be maintained in good repair without alteration. 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.

ISSUE BACKGROUND

The subject property, 34 Carey Road is located in Ward 22. It is composed of a three story detached, residential building and lands.

A fence exemption application was submitted in writing, on April 21, 2016, for a proposed fence in the flankage yard, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing "privacy" 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 Toronto and East York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Toronto and East York Community Council will consider the application. (Attachment 1)

Municipal Licensing Standards' investigated the proposed fence installation and has determined that it does not comply with maximum height restrictions for residential fences provided by Section 447-2 of Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

<table>
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<tr>
<th>GENERAL LOCATION</th>
<th>SPECIFIC LOCATION</th>
<th>PROPOSED CONSTRUCTION &amp; DEFICIENCY</th>
<th>BY-LAW SECTION &amp; REQUIREMENT*</th>
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<tr>
<td>Flankage Yard</td>
<td>1. East side of property within the flankage yard;</td>
<td>2. Exceeds Height- 2.5 Meters (8.2 ft.) high over a distance of 11 Meters (36ft.) within the flankage yard;</td>
<td>Section 447-2 (B)(1) Maximum height of 2.0 Meter, Fence in flankage yard not within 2.4 metres of side lot line and within 2.4 metres of any driveway</td>
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The use of wood as the proposed construction material, incidentally, complies with bylaw requirements, as there are no driveways located within 2.4 metres of the proposed installation that would prohibit the fence from being constructed of opaque materials.
The following documents are attached to this report as reference materials: (1) photo showing the location of the existing fence (2) applicant's site plan of proposed fence a copy; (3) IView survey of the property

COMMENTS

While the proposed fence violates Toronto Municipal Code, Chapter 447- Fences with respect to height, it does not appear to contravene any other provisions of the bylaw.

CONTACT

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Municipal Licensing & Standards Division
Scarborough District
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SIGNATURE

Scott Sullivan
Manager, Toronto and East York District

ATTACHMENTS

Attachment #1: Applicant's Photo of existing fence.
Attachment #2: Applicant's site plan of proposed fence
Attachment #3: IView survey of the property
List of Names Provided by ML&S to City Clerk for Council Meeting Notification

1. Councillor Kristyn Wong-Tam, Ward 27, 100 Queen St. West, Toronto, ON M5H 2N2
2. Anthony Pascale, 34 Carey Road. Toronto, ON M4S 1N8 (Applicant)
Applicant's Photo of existing fence.
Applicant's site plan of proposed fence
IView survey of the property