

**Request for a Fence Exemption – Front Yard
34 Horfield Avenue**

Date: March 29, 2017
To: Scarborough Community Council
From: Elena Sanguiliano, Acting District Manager
 Municipal Licensing & Standards, Scarborough District
Wards: 36 – Scarborough Southwest

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 owners of 34 Horfield Avenue for a site-specific Fence Exemption, pursuant to Section 447-5.C of Toronto Municipal Code, Chapter 447- Fences.

The subject property, 34 Horfield Avenue, is a two story detached residential dwelling on the north east corner of Horfield Avenue and Allister Avenue. It is located in Ward 36, in a Residential Zoned Area south of Eglinton Avenue East and west of McCowan Road.

Municipal Licensing Standards inspected the Fence and determined it does not comply with Section 447-3 of Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

GENERAL LOCATION	SPECIFIC LOCATION	DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Front Yard	Beyond the front wall of the house on the Horfield Avenue frontage.	Exceeds Permitted Height- of 1.2m	Section 447-2 (B)(1) Maximum height of 1.2 metres, measured at any point along its length.
Front Yard and Flankage Yard.	Front yard, east limit adjacent to the driveway for 36 Horfield Avenue.	Fence at drive way location to be open mesh chain-link or equivalent open-	Section 447-2 C. (1) Any fence within 2.4 metres of any driveway shall be an

	Flankage yard, adjacent to both side of the driveway of 34 Horfield Avenue	fence construction.	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;
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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 34 Horfield Avenue, for a proposed 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, thereby allowing the fence to remain as constructed. 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 1.85m high wood privacy fence in the front and flankage yards of 34 Horfield Avenue. Municipal Licensing and Standards issued a Notice of Violation on February 14, 2017 for the 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 adjacent to the driveway required by Chapter 447 Fences of the Toronto Municipal Code. The property owner submitted a fence exemption application, in writing, on March 6, 2017, to permit the fence in the front yard, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing "privacy" as the reason 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.

COMMENTS

The existing fence violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to fence height in the front yard, Horfield Avenue frontage and fence construction adjacent to the driveway on the Allister Avenue frontage, it does not contravene any other provisions of the by-law.

CONTACT

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SIGNATURE

Elena Sangiuliano
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ATTACHMENTS

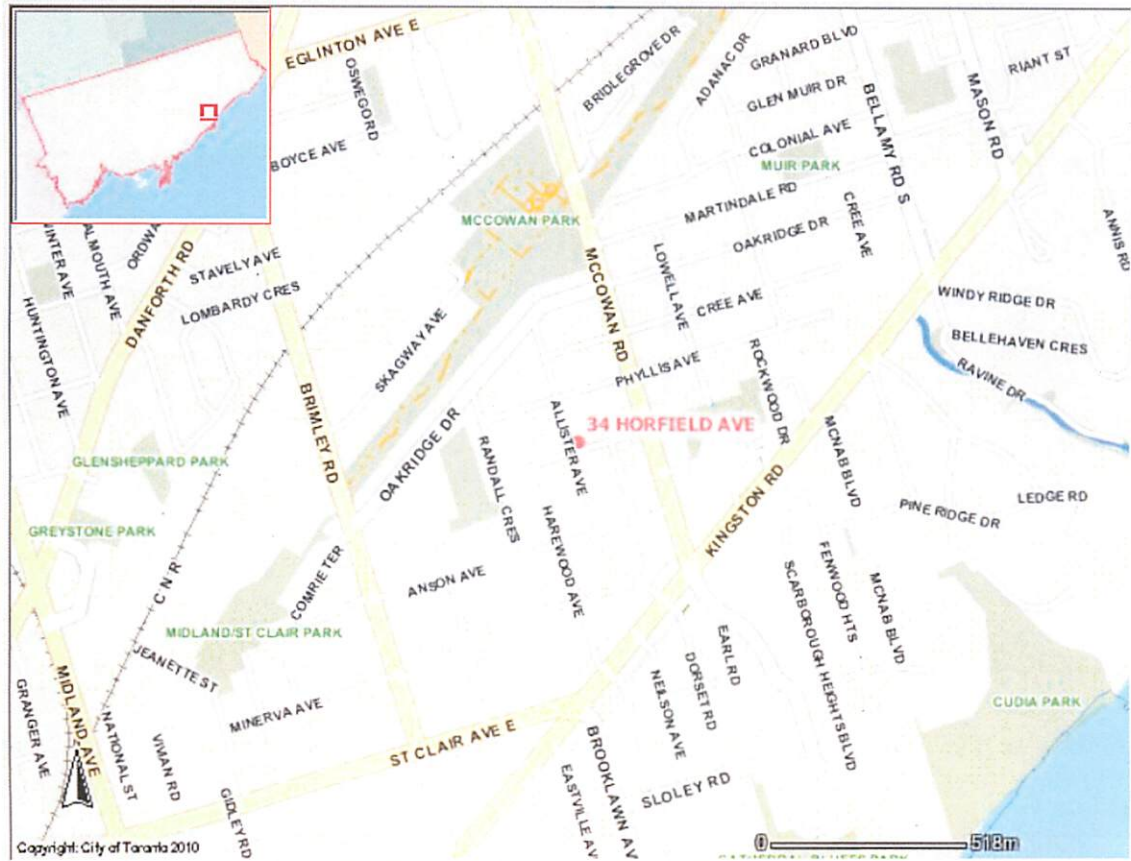
Attachment 1. – Location of 34 Horfield Avenue.

Attachment 2. – Location of the Fence Violations.

Attachment 3. – Photo of 34 Horfield Avenue facing north.

Attachment 4. – Photo of 34 Horfield Avenue, driveway on Allister Avenue frontage.

Attachment 5. – Photo of 34 Horfield Avenue frontage.



Appendix 1. Location of 34 Horfield Avenue



- Permitted Fence
- Fence Height Violation
- Fence See Through Violation

Appendix 2. Site Plan of Fence Violations



Appendix 3. Photo of 34 Horfield Avenue facing north.



Appendix 4. Photo of 34 Horfield Avenue, driveway on Allister Avenue frontage.



Appendix 5. Photo of 34 Horfield Avenue frontage.