



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption – 36 Berryman St.

Date:	September 27, 2017
To:	Toronto and East York Community Council
From:	Joe Magalhaes, District Manager Municipal Licensing & Standards, Toronto East York District
Wards:	Ward 27, Toronto Centre-Rosedale
Reference Number:	IBMS No. 17 203819 FEN 00 IR

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 36 Berryman St. for a site-specific Fence Exemption, pursuant to Section 447-2B(1) of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to maintain a fence which does not comply with maximum fence height restrictions stipulated by Section 447- 2 of the bylaw.

RECOMMENDATIONS

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

1. 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.

OR

2. Refuse to grant the application for an exemption permit, by the property owner of 36 Berryman St. for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and direct that a second un-appealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447 - Fences.

Financial Impact

There is no financial impact anticipated in this report.

ISSUE BACKGROUND

The subject property, 36 Berryman St. is located in Ward 27. It is composed of a residential building and lands.

The property owner submitted a fence exemption application, in writing, on June 12, 2017 for an existing fence in the rear yard, in accordance with Section 447-2B(1) of Toronto Municipal Code, Chapter 447- Fences, listing "security and privacy" as reasons for the application.

As required by Section 447-2B(1), 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 existing 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:

GENERAL LOCATION	SPECIFIC LOCATION	EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	1. Rear yard, North, East and West sides of the property.	1. Exceeds Height- 2.62 Meters (8.6 ft.) high	Section 447-2 (B)(1) Maximum height of 2 metres when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence.

Subsequently, a Notice of Violation was issued to the owners of 36 Berryman St. based on the inspection conducted by a Municipal Standards Officer.

The use of wood is the existing construction material, incidentally, complies with bylaw requirements.

The following documents are attached to this report as reference materials: (1) applicant's site plan (2) photo of fence in rear yard (3) photo of fence in rear yard (4) photo of fence in rear yard (5) photo of fence in rear yard (6) photo of fence in rear yard (7) 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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SIGNATURE

Joe Magalhaes
Manager, Toronto and East York District

ATTACHMENTS

Attachment #1: Applicant's Site plan of existing fence

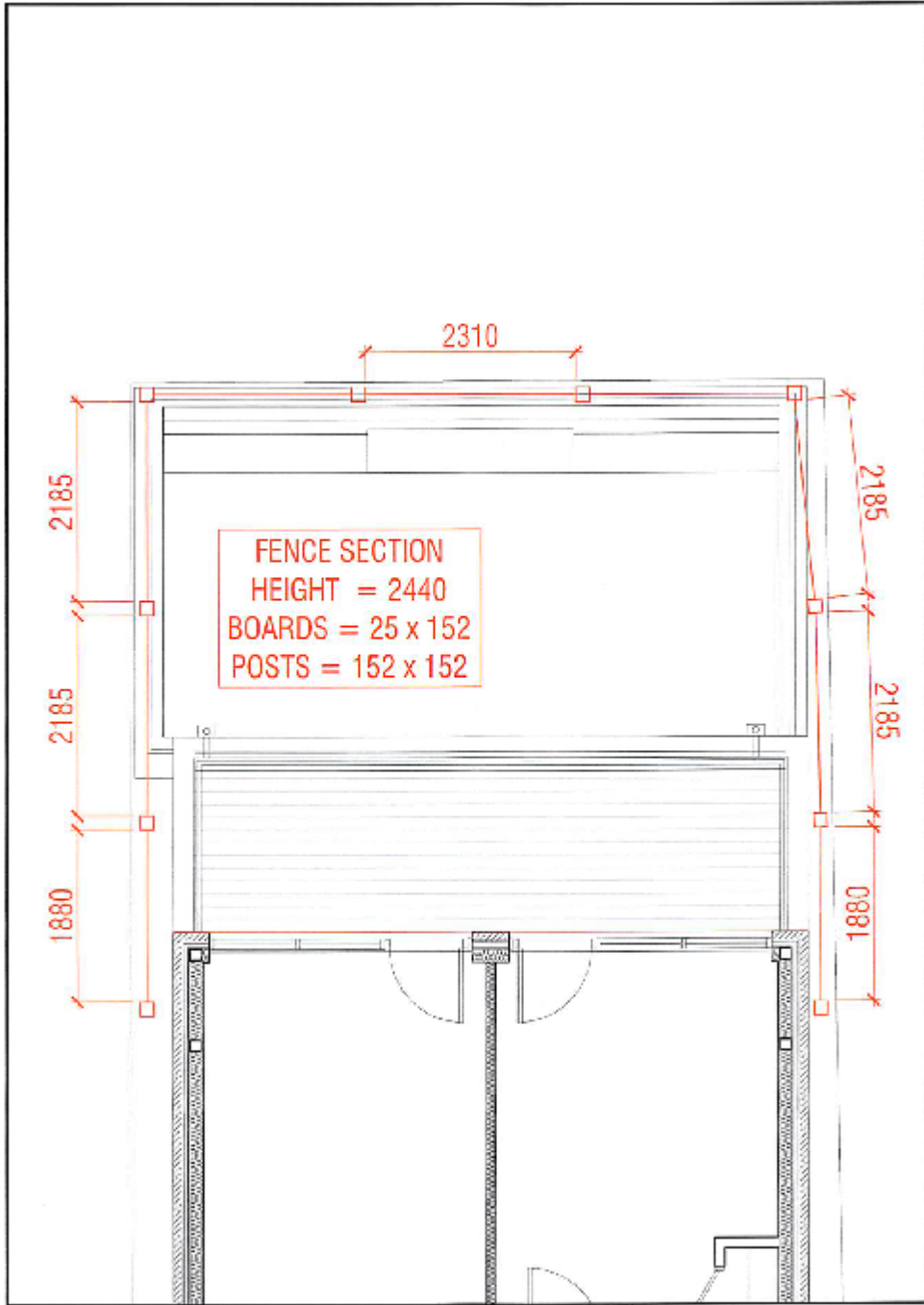
Attachment #2: Photo of rear yard

Attachment #3: Photo of rear yard

Attachment #4: Photo of rear yard

Attachment #5: Photo of rear yard

Attachment #6: IView survey of the property



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PROJECT: 36 BERRYMAN

TITLE: FENCE

SCALE: 1:50

DATE: JUNE 16, 2017

NO. 14.375

DRAWING

DET. 01



Photo of rear yard 36 Berryman St.



Photo of rear yard 36 Berryman St.



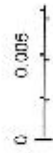
Photo of rear yard 36 Berryman St.



Photo of rear yard 36 Berryman St.



Photo of rear yard



IView survey of the property