



REPORT FOR ACTION

Request for Fence Exemption – Front/Flankage/Rear yard – 48 Mallow Rd.

Date: January 3, 2019

To: North York Community Council

From: Elena Sangiuliano, District Manager, Municipal Licensing & Standards, North York District

Wards: Ward 16 – Don Valley East

SUMMARY

This staff report is in regards to a matter for which the North York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider an application submitted by the owner(s) of 48 Mallow Rd for a site-specific Fence Exemption, pursuant to the Toronto Municipal Code, Chapter 447- Fences. The property owner(s) is seeking Council's permission to be exempt from Chapter 447–2B (1) - Height of the fence exceeds the height permitted by the Chapter, Namely, Wood fence constructed on side and rear yards exceeds maximum height of 2M, contrary to Section 447-2 of the bylaw.

The subject property 48 Mallow Rd is located in Ward 16, on a residentially zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
Rear	South side of property, rear yard. Facing Mallow Rd	Fence located behind front wall of the dwelling is higher than 2.0 Meters in height at the highest element.	Chapter 447, Section 2 B (1) No fence described in the following Table shall, 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, exceed

			the height set out in the Table for the fence namely maximum fence height 2.0 Meters.
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RECOMMENDATIONS

Municipal Licensing & Standards recommends that the North York Community Council give consideration to the exemption application and decide to:

1. Refuse to grant the application for an exemption permit, by the owner(s) of 48 Mallow Rd, front/ and rear fence height for failing to comply with the provisions of Toronto Municipal Code, Chapter 447 Fences and that a second un-appealable Notice of Violation be issued under the City of Toronto Municipal Code Chapter 447 Fences
OR
2. Grant the application for the front and rear fence height without conditions. 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 owner(s) submitted a fence exemption application, in writing, on August 13, 2018 for an existing fence in the front and rear yard Section 447-2B (1) of Toronto Municipal Code, Chapter 447- Fences as reasons for the application. Upon inspection of the property by ML&S, the fence was found to be higher than what is permitted by the by law and now forms the basis of this fence exemption application.

As required by Section 447-5(C), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for North York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that North York Community Council will consider the application.

COMMENTS

The proposed wooden fence violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to height permitted by the by law, it does not contravene any other provisions of the bylaw.

CONTACT

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SIGNATURE

Elena Sangiuliano
Manager, Municipal Licensing and Standards, North York District

ATTACHMENTS

Appendix 1 – Location Subject Property from iview.

Appendix 2 – Site Plan

Appendix 3 - Photo taken from West side facing East

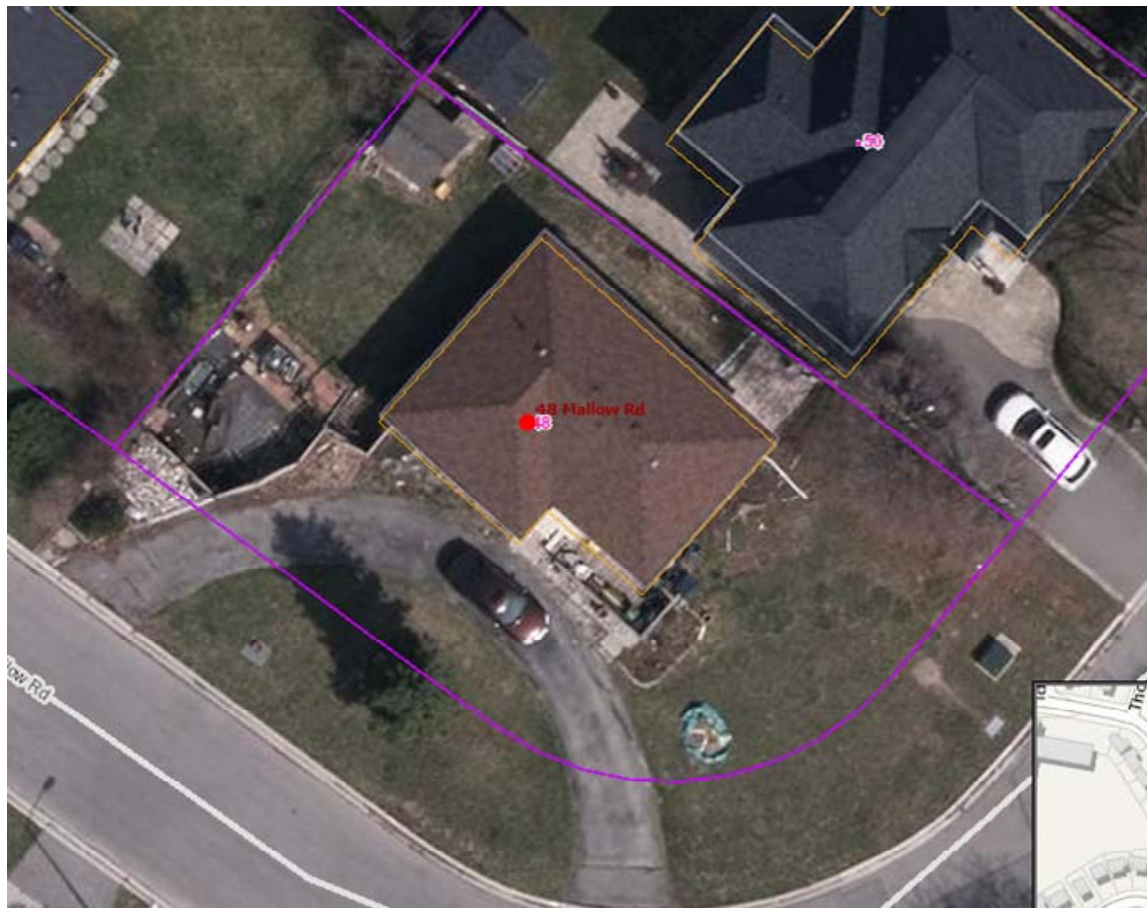
Appendix 4 - Photo taken from South West side facing North East.

Appendix 5 – View of notification area in relation to 48 Mallow Rd

Appendix 1

48 Mallow Rd fence exemption application Folder #18 213352 FEN 00 IR

Location of subject property from iView:



48 Mallow Rd fence exemption application
Folder #18 213352 FEN 00 IR



Appendix 3 – Photo taken from West side facing East
48 Mallow Rd fence exemption application
Folder #18 213352 FEN 00 IR



**Appendix 4 – Photo taken from South West side facing
North East.**

**48 Mallow Rd fence exemption application
Folder #18 213352 FEN 00 IR**



Appendix 5 – View of notification area in relation to 48
Mallow Road, fence exemption application
Folder #18 213352 FEN 00 IR

