



REPORT FOR ACTION

Request for Fence Exemption –Front yard and side yard 45 Dunstall Crescent

Date: Thursday December 6, 2018

To: Scarborough Community Council

From: Manager Municipal Licensing & Standards, Scarborough District

Wards: #25 (Previously ward 44) - Scarborough East

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 owner(s) of 45 Dunstall Crescent for a site-specific Fence Exemption, pursuant to Section 447-2 of Toronto Municipal Code, Chapter 447- Fences. The property owners are seeking Council's permission to be exempt concerning an existing wood fence located in the front yard in the South side of the property, as well as the existing wood fence located in the North side yard of the property, which does not comply with restrictions contrary to Section 447-2 of the bylaw as detailed below in the following chart:

The subject property 45 Dunstall Crescent is located in Ward #25, in a residential zone property.

GENERAL LOCATION	SPECIFIC LOCATION	EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Side yards and front yard	- Fence located in front yard - Fence located side yard of the property	Existing wood fence 2.25 meters high in front yard Existing wood fence 2.3 meters high in side yard	Section 447-2(B)(1), Table 1 Maximum height of fence 2.0 metres in the front yard Maximum height of fence 2.0 meters in side yard

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Scarborough Community Council:

1. Refuse to grant the application for an exemption permit, by the owners of 45 Dunstall Crescent, for an existing 2.25 meter high wood fence located in the front yard of the property, as well as a 2.3 meter high wood fence located in the side yards of the property to which exception is being applied for failing to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and direct that a second non appealable Notice of Violation be issued.

OR

2. Grant the application for the existing 2.25 meter high wood fence located in the front yard of the property, as well as a 2.3 meter high wood fence located in the side yard of the property 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

On February 27, 2018 a Notice of Violation was issued to the property owners of 45 Dunstall Cres. In response to the Notice of Violation the owners submitted a fence exemption application, in writing, on April 9, 2018 for an existing 2.25 meter high wood fence located in the front yard of the property, as well as a 2.3 meter high wood fence located in the side yard of the property in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences. In the fence exemption application the property owners identify privacy, security, safety and aesthetics as the reasons for their submission. The application details the history of interactions between 45 and 43 Dunstall Cres. In the application the property owners of 45 Dunstall Cres advise that the reason for the additional fence height is to have extra security and privacy from their neighbours at 43 Dunstall Cres.

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 board on board wood fence contravenes Toronto Municipal Code, Chapter 447- Fences requirements with respect to maximum height in the front yard and side yards, it does not contravene any other provisions of the by- law. At this time MLS has no safety concerns.

CONTACT

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SIGNATURE

Scott Sullivan
Manager, Municipal Licensing and Standards, Scarborough District

ATTACHMENTS

Appendix 1 – Location of Subject Property. iview

Appendix 2 – Site Plan

Appendix 3 – Elevation photo taken on applicant's property taken from the street

Appendix 4- Elevation photo taken on applicant's property in the front yard (South side of property)

Appendix 5- Elevation photo taken from applicant's property in side yard (South side of property)

Appendix 6- Elevation photo taken from applicant's property in side yard (North side of property)

45 Dunstall Cresent fence exemption application
Folder # 18 140663

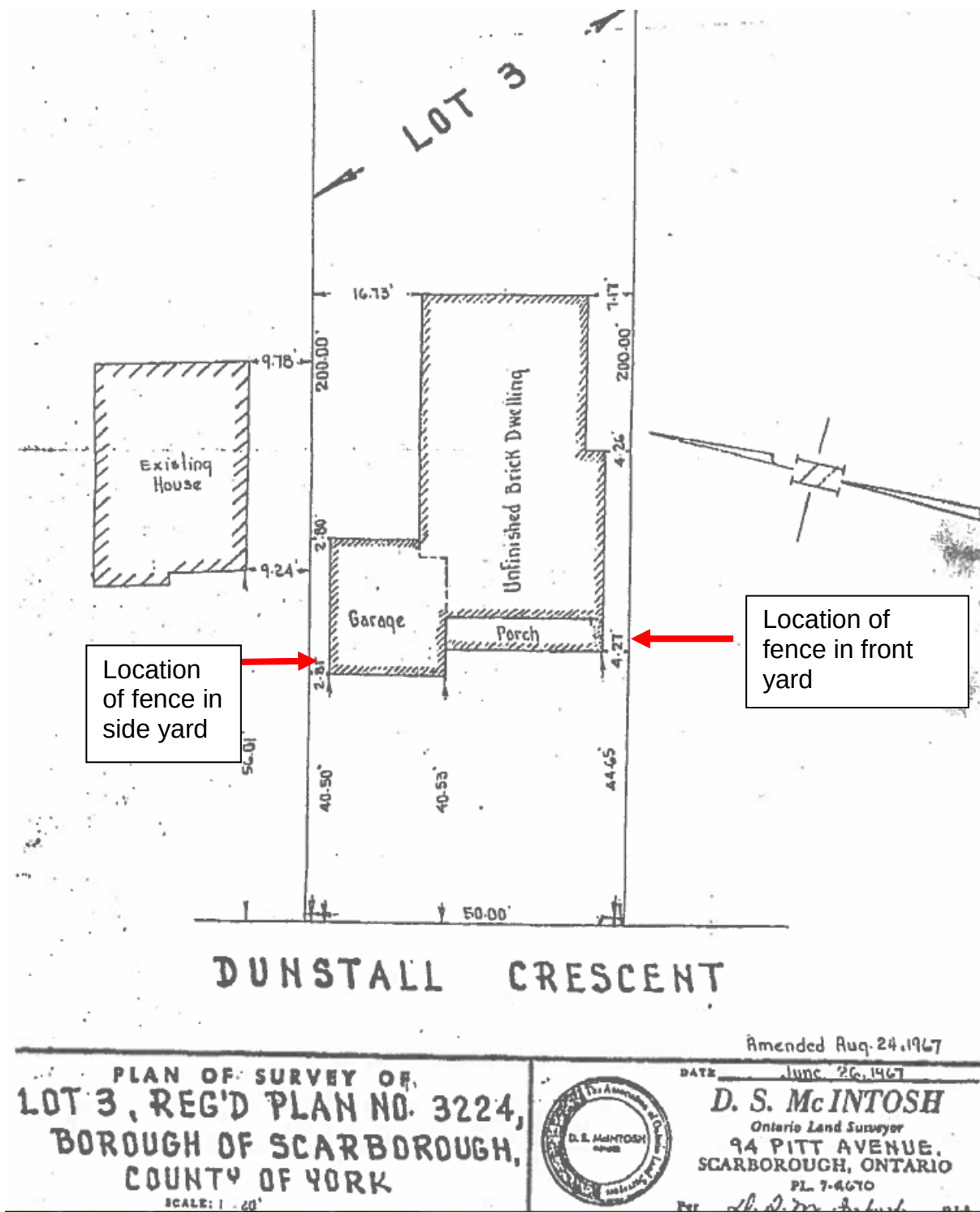
Appendix 1- Location of subject property from iView



November 28, 2018

1:250
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0 0.00325 0.0065 0.013 km

Appendix 2 – Site Plan



Appendix 3 – Elevation photo taken on applicant's property taken from the street



**Appendix 4- Elevation photo taken on applicant's property in the front yard
(South side of property)**



Appendix 5- Elevation photo taken from applicant's property in side yard
(South side of property)



Appendix 6- Elevation photo taken from applicant's property in side yard
(North side of property)

