



REPORT FOR ACTION

Request for Fence Exemption – Front yard – 4 Cornell Ave

Date: August 26, 2019

To: Scarborough Community Council

From: District Manager, Municipal Licensing and Standards, Scarborough District

Wards: Ward 20 (Scarborough-Southwest)

SUMMARY

This staff report is in regards to 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 consider an application submitted by the owner(s) of 4 Cornell Ave 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 – 1.2.C - Open-fence construction required and Chapter 447 -1.2 (B)(1) fence in front yard and within 2.4 m of a lot line abutting a public highway maximum height of 1.2m.

The subject property 4 Cornell Ave is located in Ward 20, on a residentially zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	Proposed CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
Front Yard	Front Yard-South side	Proposed wrought iron fence within 2.4 metres of the driveway is not of 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.	Chapter 447 – 1.2.C (1)- Any fence within 2.4m of a driveway shall be an open- mesh chain-link fence or of an equivalent open-fence construction for at least 2.4m from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway.
Front Yard	Front yard-South side	Proposed wrought iron fence is 2.0m in height exceeding the maximum height of 1.2m as stipulated in the bylaw.	Chapter 447- 1.2(B)(1) Fence in a front yard; And within 2.4m of a lot line abutting a public highway maximum height of 1.2m

RECOMMENDATIONS

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

1. Refuse to grant the application for an exemption by the owners of 4 Cornell Ave, for the proposed wrought-iron fence which does not comply with the provisions of Toronto Municipal Code, Chapter 447, Fences, and direct that a Notice of Violation be issued.

OR

2. Grant the application for the proposed exemption. 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, on May 30, 2019 for a proposed wrought iron fence located in the front yard.

As required by Section 447-1.5.(B)(5), 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 proposed wrought iron fence contravenes Toronto Municipal Code, Chapter 447-1.2.C (1) with respect to being within 2.4 metres from the lot line at which the driveway begins not being made of open mesh, chain link construction, as well as Toronto Municipal Code, Chapter 447- 1.2(B)(1) exceeding the maximum height of 1.2m within 2.4m of a lot line abutting a public highway.

Note that the City Right of Way accounts for approximately 23 feet of the front yard property. Taking into account the significant portion of the front yard that consists of the City's Right of Way, Municipal Licensing and Standards has no immediate Health and Safety concerns at this time.

CONTACT

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SIGNATURE

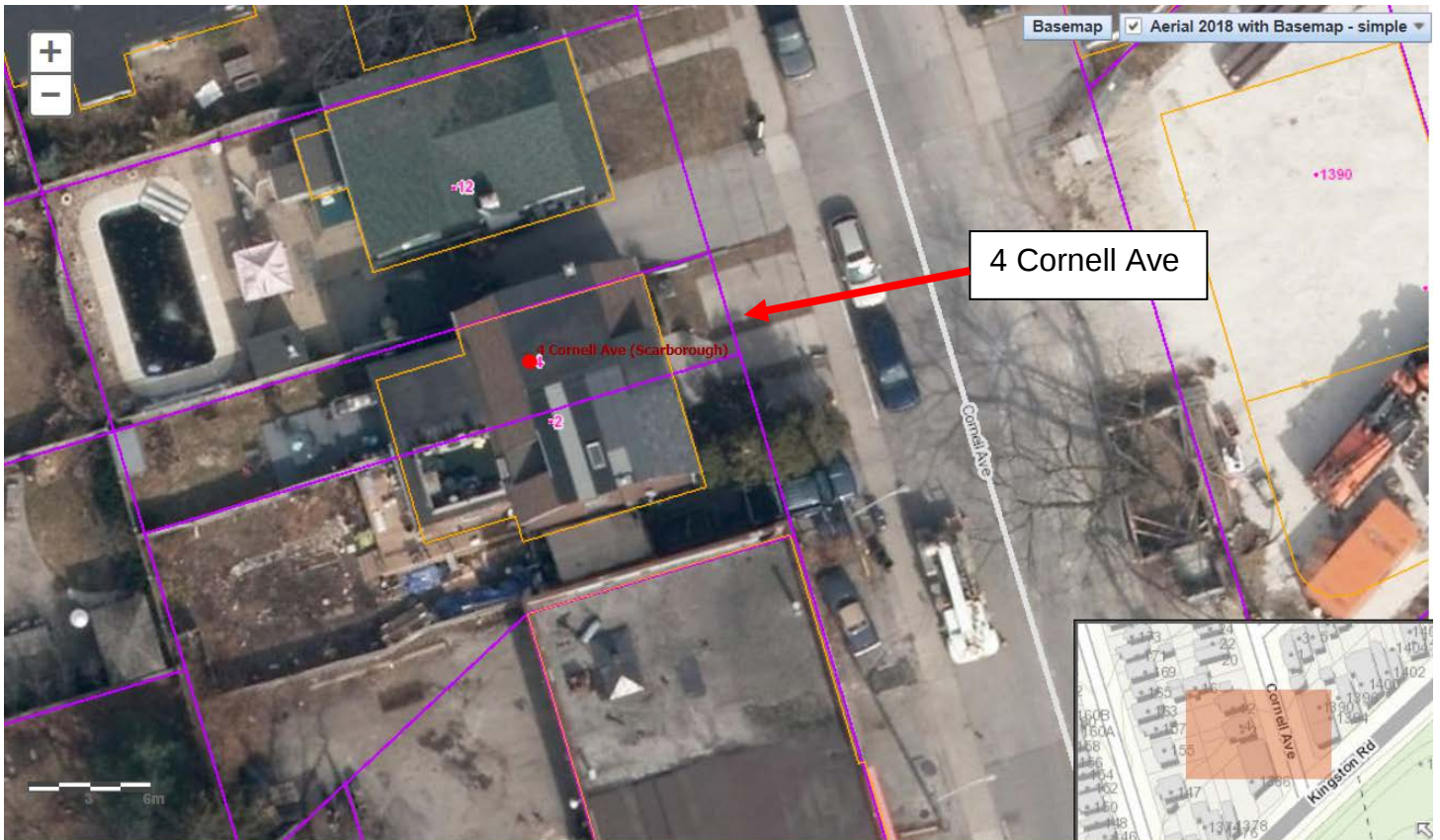
Scott Sullivan
District Manager, Municipal Licensing and Standards, Scarborough District

ATTACHMENTS

Appendix 1 – Location of 4 Cornell Ave from iView.
Appendix 2 – Site Plan
Appendix 3 - Elevation photo taken from roadway facing # 4 Cornell Ave
Appendix 4- Side profile view of the proposed fence of # 4 Cornell Ave

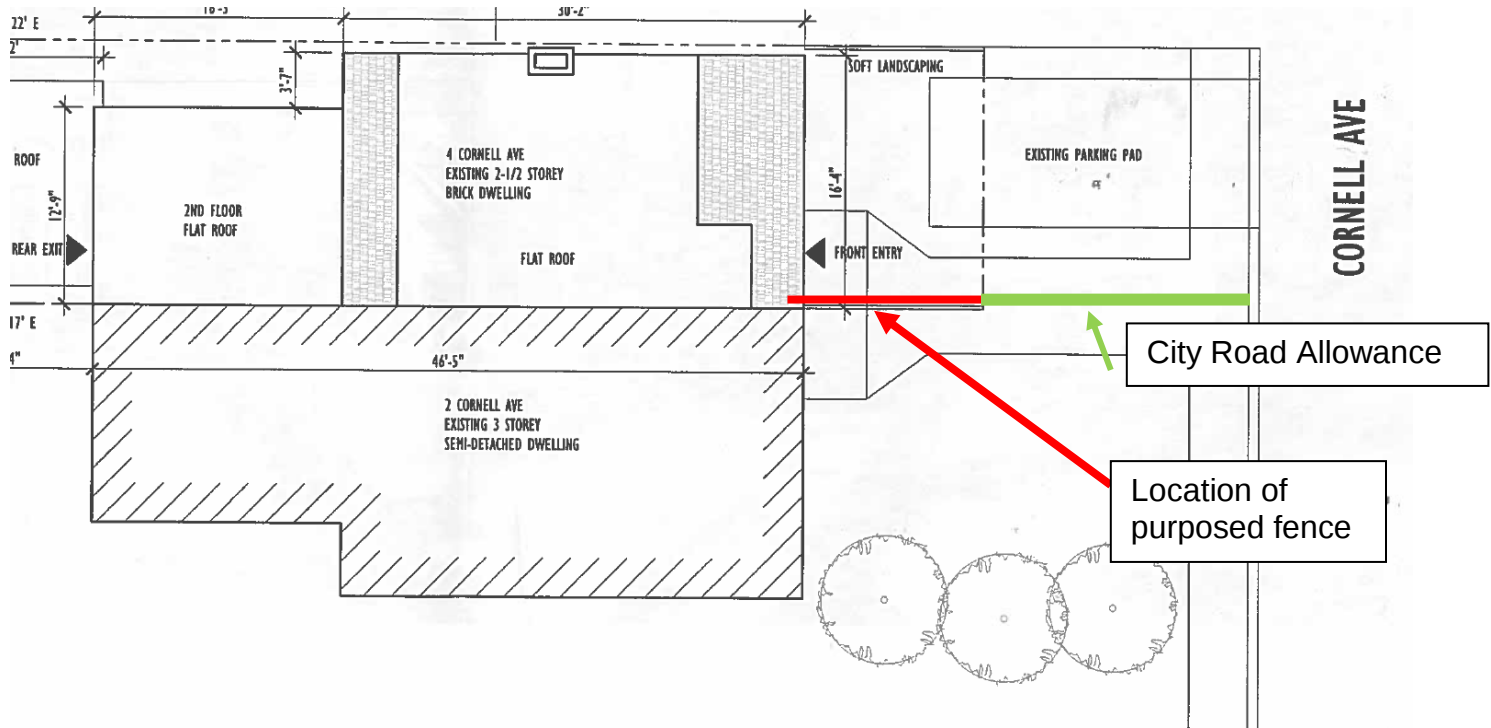
Appendix 1- Location of 4 Cornell Ave iView

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Appendix 2- Site Plan # 4 Cornell Ave

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Appendix 3- Elevation photo taken from roadway facing # 4 Cornell Ave

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Appendix 4- Side profile view of proposed fence of # 4 Cornell Ave

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