



REPORT FOR ACTION

Request for Fence Exemption – Front yard – 28 Keon Place

Date: August 26, 2019

To: Scarborough Community Council

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

Wards: Ward 25 – Scarborough-Rouge Park

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 28 Keon Place 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 28 Keon Place is located in Ward 25, on a residentially zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
Front Yard	Front Yard- West side	Existing fence within 2.4 metres of the driveway of number 28 Keon Place as well as the adjacent neighbour located at 26 Keon Place, 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- West side	Existing board on board wood 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 28 Keon Place, for the existing board on board wood 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, in writing, on August 8th, 2019 for an existing board on board wood 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 existing board on board wood 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 there is no sidewalk present on this side of the road, and the existing 0.8meter high fence on the City's Right of Way is a permitted encroachment as advised by Transportation Services. Moreover, as advised by Transportation Services the existing board on board wood fence located on the City's Right of Way does not pose a sight line obstruction.

At this time, Municipal Licensing and Standards has no immediate Health and Safety concerns given the findings of Transportation Services.

The existing board on board wood fence would not contravene any other provisions of the bylaw.

CONTACT

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SIGNATURE

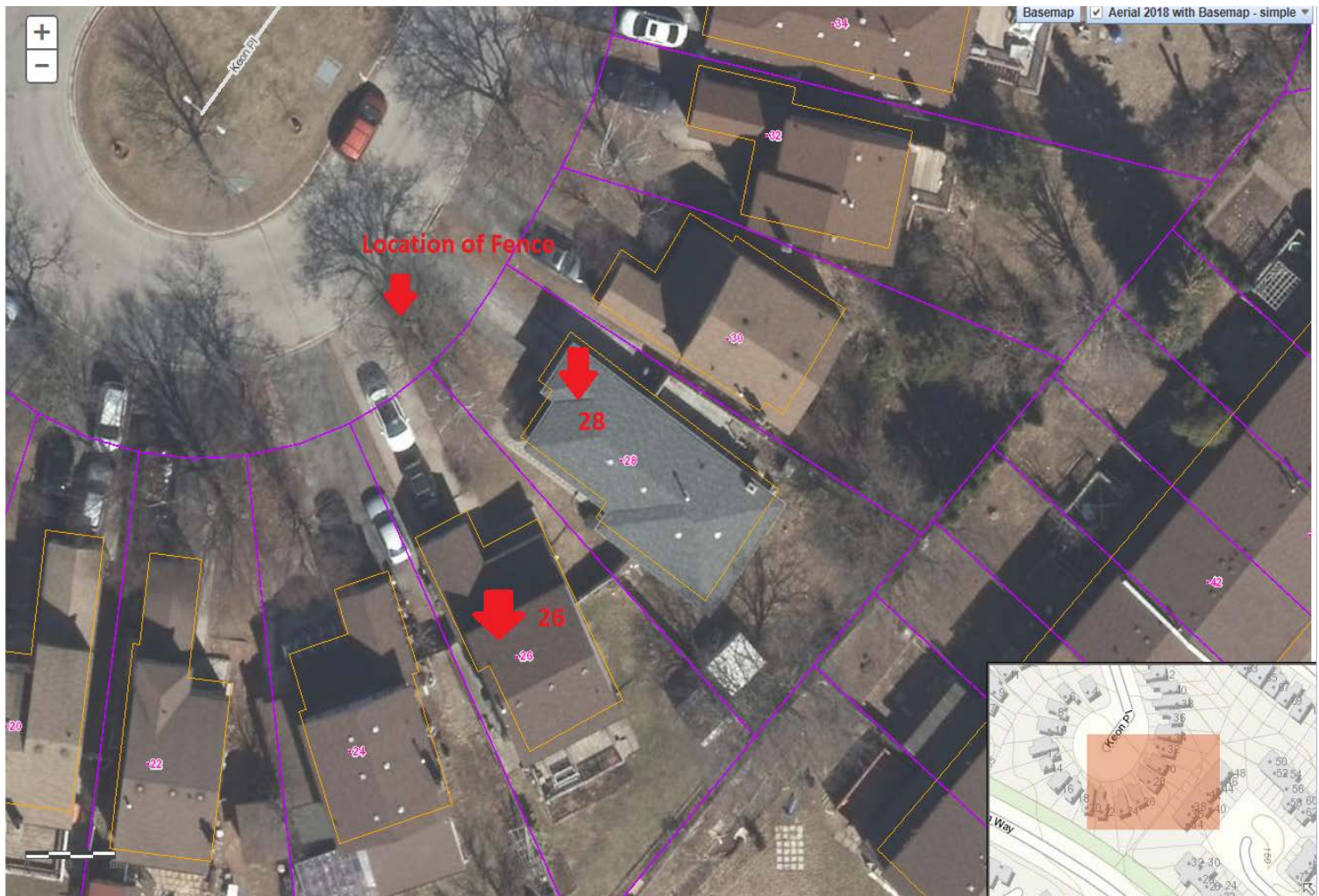
Scott Sullivan
Manager, Municipal Licensing and Standards, North York District

ATTACHMENTS

Appendix 1 – Location of 28 Keon Place from iView.
Appendix 2 – Site Plan
Appendix 3 - Elevation photo taken from roadway facing # 28 Keon Place
Appendix 4 - Elevation photo taken from roadway facing west
Appendix 5- Elevation photo taken from roadway facing east
Appendix 6- Elevation photo taken from driveway of #28 Keon Place (Portion of fence on the City's Right of Way that is a permitted encroachment)

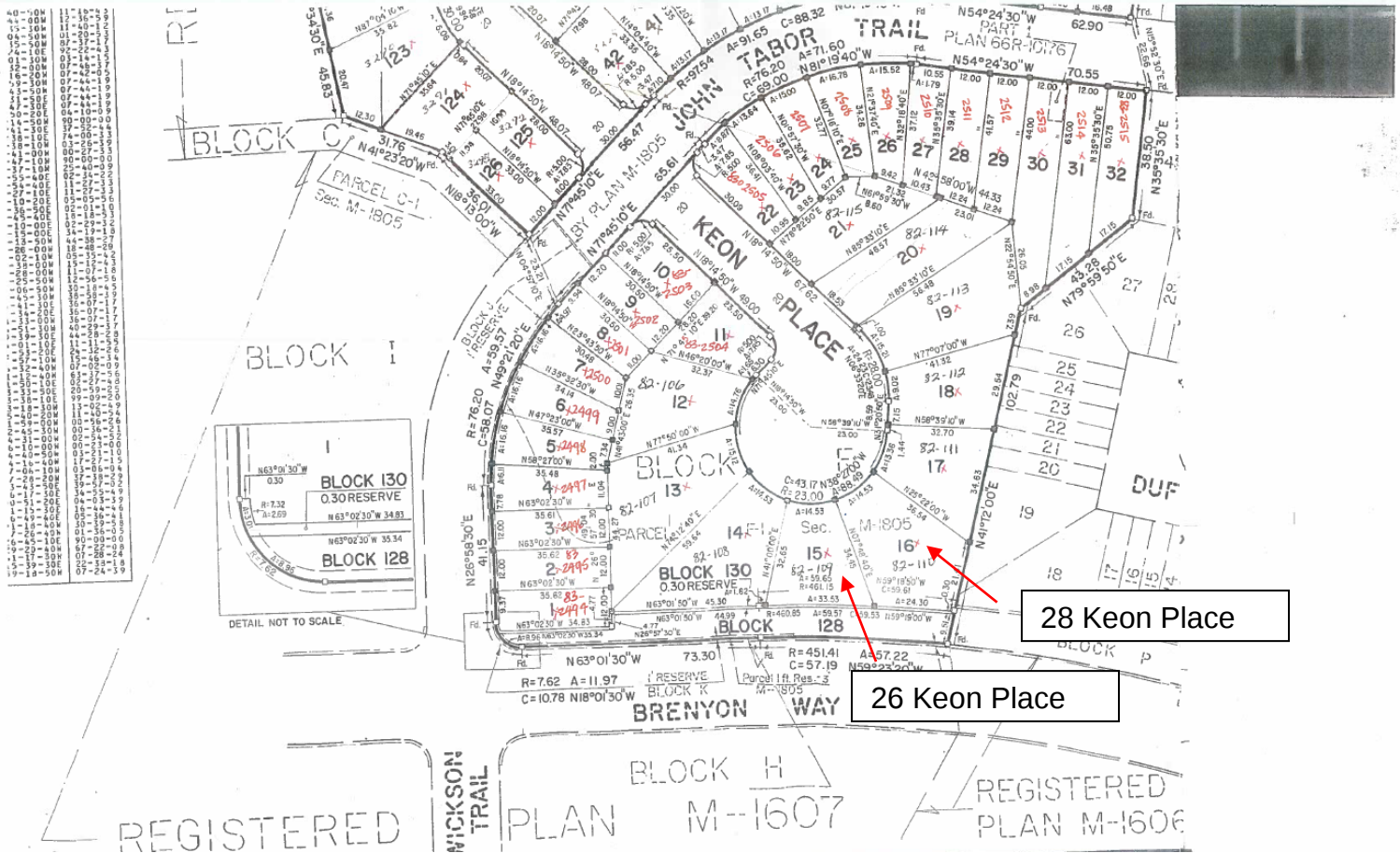
Appendix 1- Location of 28 Keon Place from iView

Fence Exemption application folder# 19 202668



Appendix 2 - Site Plan

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Appendix 3- Elevation photo taken from roadway facing # 28 Keon Place

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Appendix 4- Elevation photo taken from roadway facing west

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Appendix 5- Elevation photo taken from roadway facing East

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Appendix 6- Elevation photo taken from driveway of #28 Keon Place
(Portion of fence on City's Right of Way that is a permitted encroachment)

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