



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 86 ROSEHEATH AVENUE

Date:	May 15th, 2019
To:	Toronto and East York Community Council
From:	Joe Magalhaes, District Manager Municipal Licensing & Standards, Scarborough District
Wards:	Ward 19
Reference Number:	IBMS No. 18 224952 FEN 00 IV

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 86 Roseheath Avenue for a site-specific Fence Exemption, pursuant to Section 447-5.C of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to allow for the existing fence, which does not comply with maximum fence height restrictions stipulated by Section 447-2 of the bylaw.

Location: Along the North facing side yard between the properties of 86 and 88 Roseheath Avenue. The existing fence has been erected on top of a 3ft retaining wall. 3 fence sections were found in violation when taking the measurements from the property of 88 Roseheath Avenue.

The application is based on a complaint that was received on September 13, 2018 and investigated by Municipal Licensing and Standards.

RECOMMENDATIONS

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

1. Refuse to grant the application for an exemption permit, by the property owner of 86 Roseheath Avenue, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. 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.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on September 27, 2018, for a pre-existing fence, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing privacy, safety and security as the reasons for the application.

As required by Section 447-5(C), 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)

ISSUE BACKGROUND

The subject property of 86 Roseheath Avenue is located in Ward 19. It is a detached two- storey, single family dwelling.

Municipal Licensing Standards' review of the proposed fence installation 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	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	West Panel #1	Consists of a retaining wall and wooden fence panel, together, measuring 2.51 metres in height for a span of 2.74 metres in length.	Section 447-2 (B)(1) Maximum height of 2.0 metres, measured at any point along its length, based on the average grade height of the land within 1 metre on either side of the fence
	East Middle Panel #2	Consists of a retaining wall and wooden fence panel, together measuring 2.64 metres in height.	
	East Panel #3	Consists of a retaining wall and wooden fence panel, together, measuring 3.42 metres in height	

Municipal Licensing Standards' investigated the fence installation and determined that it did not comply with maximum height restrictions for residential fences provided by Section 447-2 of Toronto Municipal Code, Chapter 447- Fences.

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, District Manager,
Municipal Licensing and Standards
Toronto and East York District

The following attachments are included:

ATTACHMENTS:

Attachment 1 – IVIEW map showing the property of 86 Roseheath Avenue

Attachment 2 – Survey for the property known as 86 Roseheath Avenue

Attachment 3 – West Panel #1, photo taken from the property of 88 Roseheath Avenue

Attachment 4 – Middle East Panel #2, photo taken from 88 Roseheath Avenue

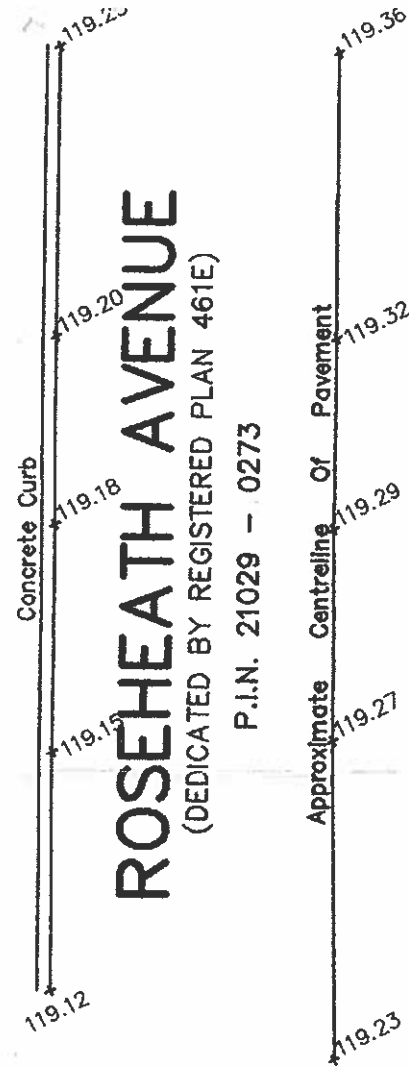
Attachment 5 – East Panel #3, photo taken from 88 Roseheath Avenue.

Attachment 6 - 3 photos of the fence taken from the rear yard of 86 Roseheath Avenue.

Attachment 1 – IVIEW map showing the property of 86 Roseheath Avenue



Attachment 2 – Survey for the property of 86 Roseheath Avenue



Notes

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CC DENOTES CUT CROSS
- OU DENOTES ORIGIN UNKNOWN
- WT DENOTES WITNESS
- RP DENOTES REGISTERED PLAN 461E
- RP2 DENOTES REGISTERED PLAN 1409
- P1 DENOTES SURVEY BY H.J. GERRITS, O.L.S. DATED APRIL 18th., 1988
- P2 DENOTES PLAN 64R-13287
- P3 DENOTES PLAN BY DEPARTMENT OF PUBLIC WORKS DATED SEPTEMBER 26, 1988
- DP DENOTES DORIN POPA, O.L.S.
- DER DENOTES DONALD E. ROBERT, O.L.S.
- M DENOTES MEASURED
- PROD DENOTES PRODUCTION
- FH DENOTES FIRE HYDRANT
- RW DENOTES RETAINING WALL
- RF DENOTES RAIL FENCE
- CLF DENOTES CHAIN LINK FENCE
- DBF DENOTES DOUBLE BOARD FENCE
- DS DENOTES DOOR SILL
- N/S/E/W DENOTES NORTH/SOUTH/EAST/WEST
- ★ DENOTES DECIDUOUS TREE

Surveyor's Certificate

- I CERTIFY THAT :
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 28th DAY OF SEPTEMBER, 2012

OCTOBER 10, 2012
Date

Jansky
Jansky T C Lau
Ontario Land Surveyor

Attachment 3 – West panel #1. Photo taken from 88 Roseheath Avenue.



Retaining wall measures 0.91metres high, with a 1.6 metre wooden fence panel attached on top

Attachment 4 – Middle East Panel #2. Photo taken from 88 Roseheath Avenue.



Retaining wall measures 1.04 metres with a 1.6 metre wooden fence panel attached on top.

Attachment 5 – East panel #3. Photo taken from the property of 88 Roseheath Avenue



Retaining wall measures 1.04 metres, with a 2.37 metre high wooden fence panel attached on top.

Attachment 6 – 3 photos of the fence taken from the rear yard of 86 Roseheath Avenue.

Photo #1 – West Panel

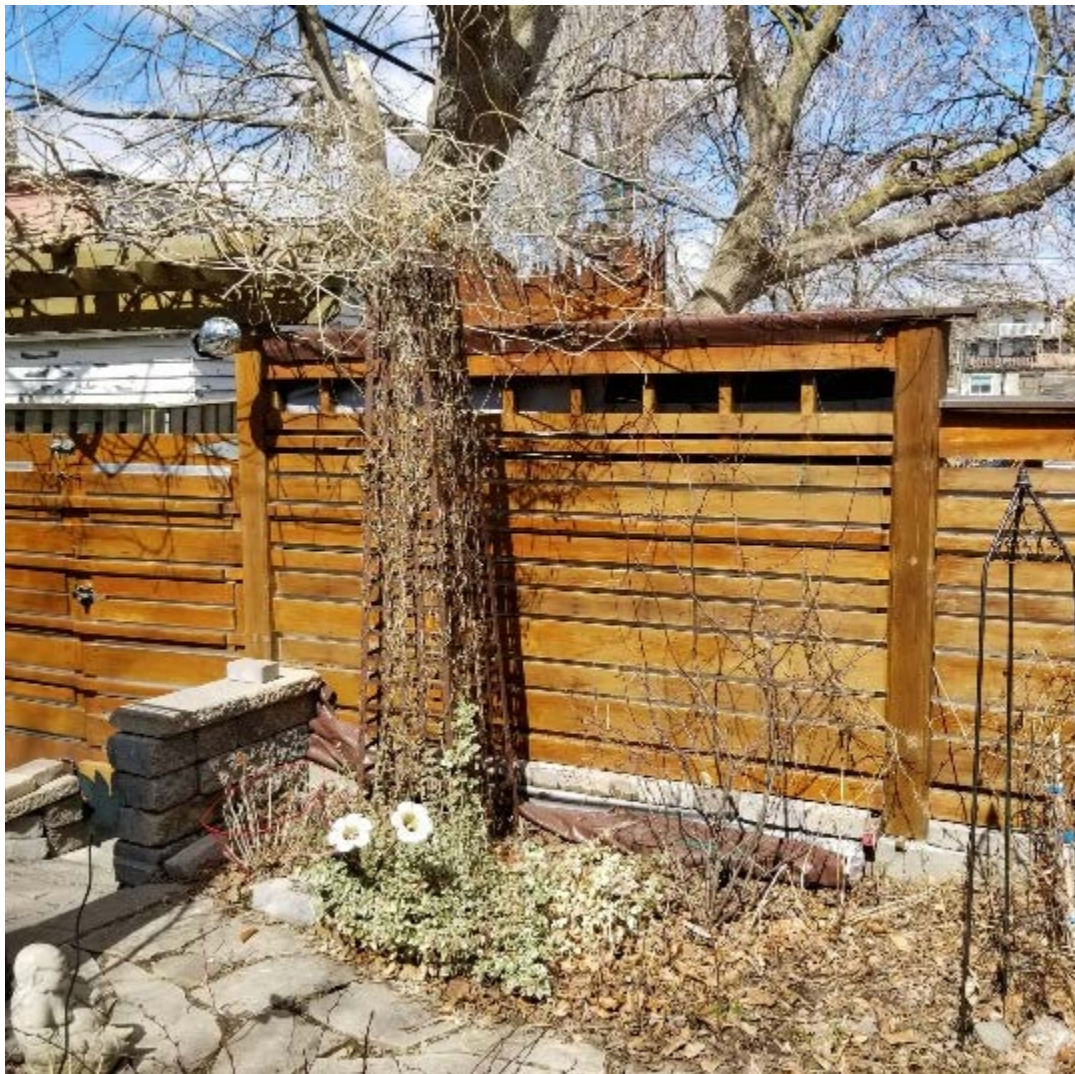


Photo #2 – East Middle Panel



Photo #3 – East Panel.

