



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 88 ROSEHEATH AVENUE

Date:	May 7th, 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 224964 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 88 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: 2nd floor rear yard deck screen in excess of 2.0 metres (6 ft 6 inches).

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 88 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 26, 2018, for a pre-existing fence (deck panels), in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing privacy 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. (See application attached)

ISSUE BACKGROUND

The subject property, 88 Roseheath Avenue, is located in Ward 19. It is a two-storey semi-detached, 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	<ol style="list-style-type: none"> <li data-bbox="496 312 784 520">1. Fence panel located along the 2nd floor North side of the deck abutting 90 Roseheath Avenue <li data-bbox="496 604 784 806">2. Fence panels located along the West side of the deck facing the rear public laneway 	<p data-bbox="859 312 1127 485">Wooden panels measure 2.08 metres in height for a span of 3.6 metres in length.</p> <p data-bbox="813 604 1127 743">Wooden panels measure 2.08 metres in height for a span of 1.18 metres in length.</p>	<p data-bbox="1156 312 1425 342">Section 447-2 (B)(1)</p> <p data-bbox="1156 384 1466 667">Maximum height of 2.0 metres (6 ft 6 in), 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</p>

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,
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Toronto and East York District

The following attachments are included:

ATTACHMENTS:

Attachment 1 – Location of 88 Roseheath Avenue. IVIEW

Attachment 2 – Layout plan for the property known as 88 Roseheath Avenue

Attachment 3 – 2nd Floor rear yard deck. Photo taken from the laneway

Attachment 4 – Photo of the deck panels located on the 2nd floor deck.

Attachment 1 – IVIEW map showing the location of 88 Roseheath Avenue



NORTH

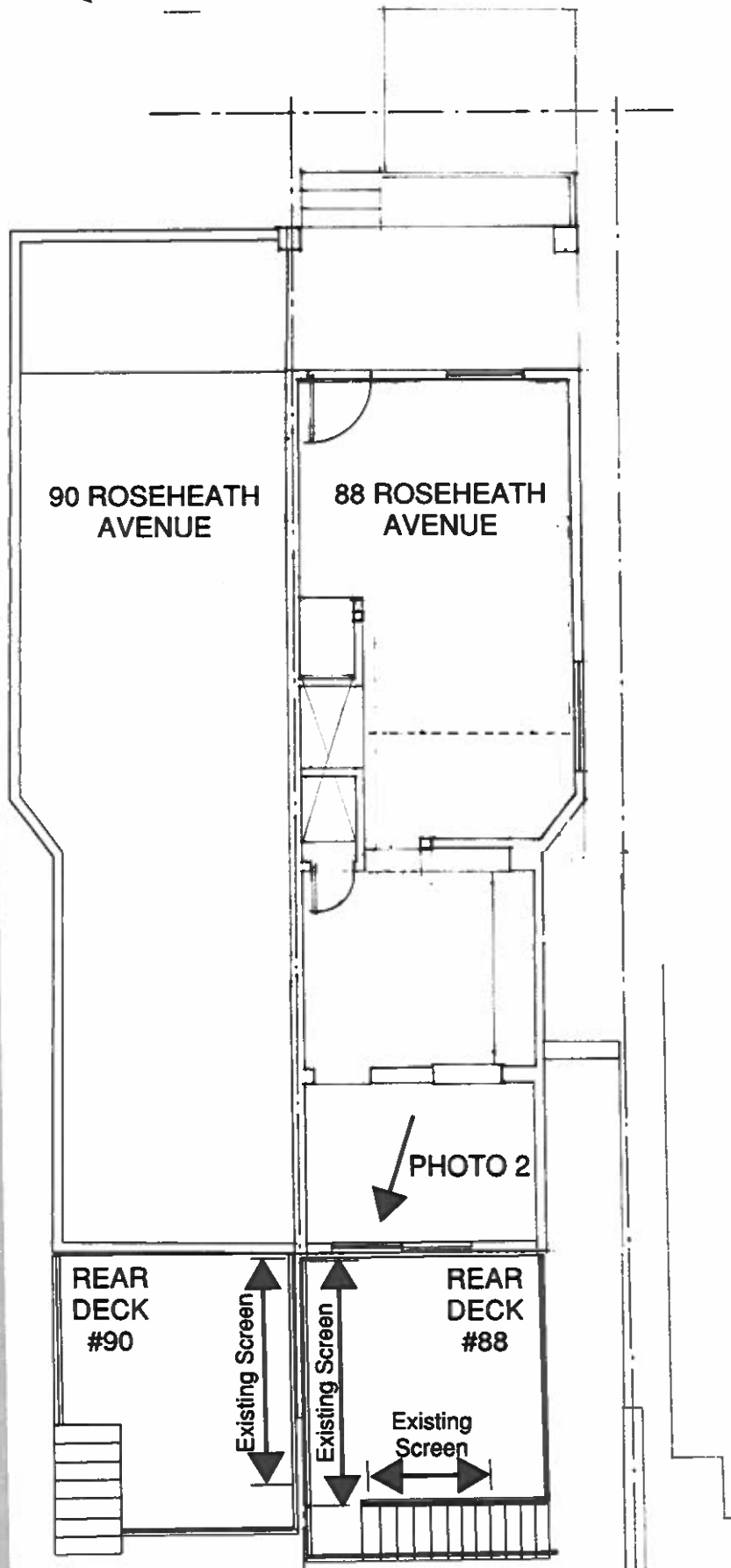


PHOTO 2

REAR DECK #90

REAR DECK #88

Existing Screen

Existing Screen

Existing Screen

PHOTO 1

PHOTO 1



Attachment 2 – Layout plan for the property of 88 Roseheath Avenue.

Attachment 3 – Photograph taken from the public laneway showing the 2nd floor deck panels



Attachment 4 – Photos of the panels from the rear yard 2nd floor deck (3 pictures)

Photograph # 1



Photograph # 2



Photograph # 3

