

Application for Fence Exemption – 541 Birchmount Rd

Date: March 17, 2022

To: Scarborough Community Council

From: Manager Municipal Licensing & Standards, East District

Wards: Ward 20 - Scarborough-Southwest

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 consider an application by the owner(s) of 541 Birchmount Road to maintain a wooden fence in the front yard that is 1.85 meters (6ft) and does not have open mesh construction and also a fence on the flankage yard that is 2 meters (6.7ft) in height and does not have open mesh construction, as specified in the Toronto Municipal Code, Chapter 447-1.2B(1) Fence Height and Chapter 447-1.2C.(1) Open Fence Construction. A Notice of Violation was issued on March 11, 2020.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Scarborough Community Council:

1. Refuse to grant the application for an exemption permit, by the owner(s) of 541 Birchmount Rd, to allow them to maintain a wooden fence in the front yard that is 1.85 meters (6ft) and does not have open mesh construction and also a fence on the flankage yard that is 2 meters (6.7ft) in height and does not have open mesh construction, which does not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically section Chapter 447-1.2B(1) Fence Height and Chapter 447-1.2C.(1) Open Fence Construction.

OR

2. Grant the application for an exemption permit, by the owner(s) of 541 Birchmount Rd, to allow them to maintain a wooden fence in the front yard that is 1.85 meters (6ft) and does not have open mesh construction and also a fence on the flankage yard that is 2 meters (6.7ft) in height and does not have open mesh construction. Direct and require that the existing fence be maintained in good repair without alteration. Direct and require that at such time as a 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

As required by Section 447-1.5(B)(1), 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 fence violates Toronto Municipal Code, Chapter 447 – Fences requirements with respect to swimming pool enclosures.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Front yard & Flankage yard	Front yard (on Birchmount Rd) & Flankage yard (on Zenith Dr)	Fencing on the front yard is 1.85 meters (6ft) in height and does not contain open construction. Fencing on flankage yard is 2 meters (6'7ft) and does not contain open construction	447-1.2B(1) Fence Height (Maximum height 1.2 meters) 447-1.2C.(1) Open Fence Construction.

CONTACT

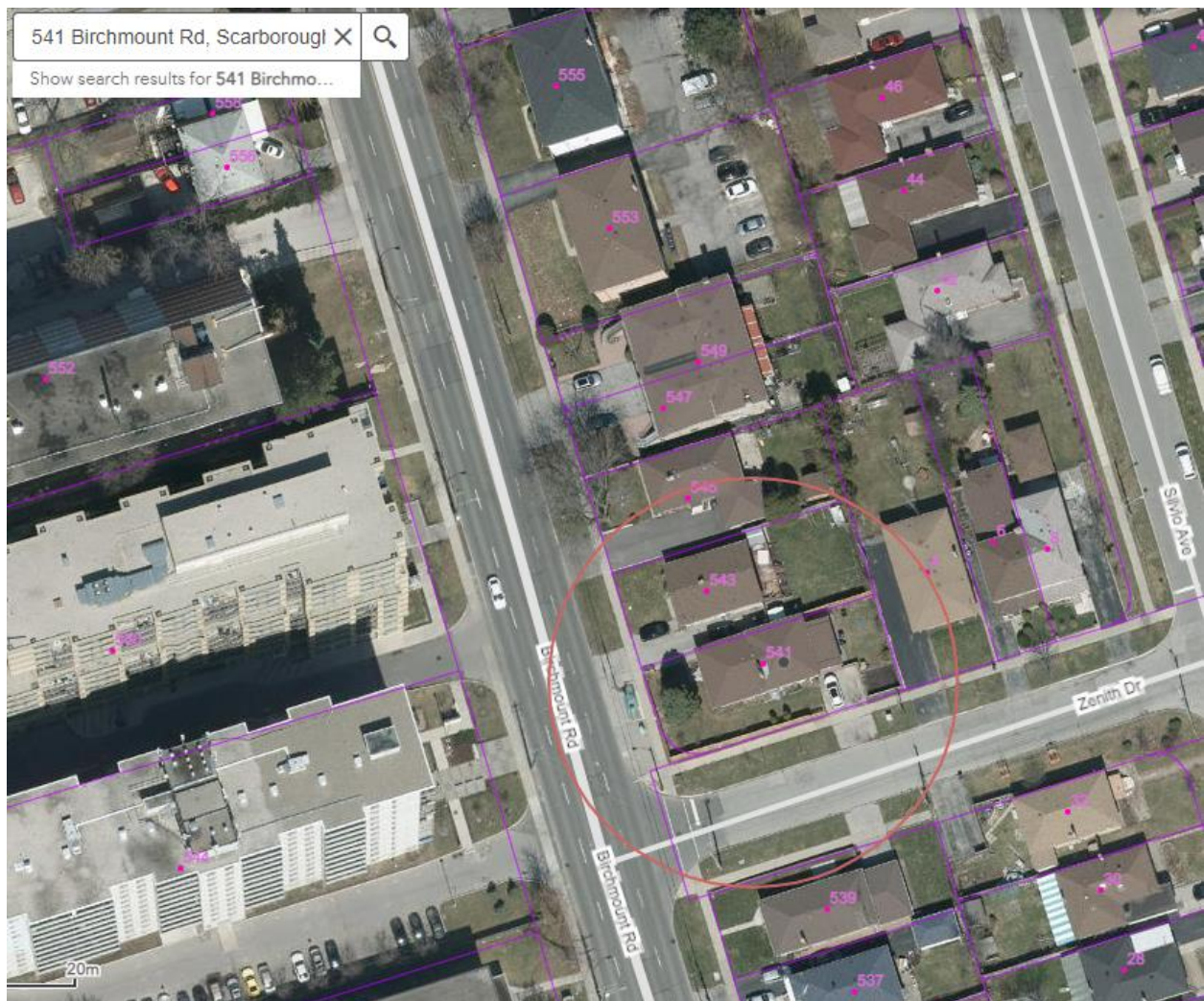
James Slocum, Supervisor
Municipal Licensing & Standards Division
East District
Tel. # 416-396-7739
E-mail: james.slocum@toronto.ca

SIGNATURE

Terry Karabassis
Manager, Municipal Licensing and Standards, East District

ATTACHMENTS

Attachment 1: iView Map of Property – 541 Birchmount Rd
Attachment 2: Photo of fence on flankage yard from Zenith Dr
Attachment 3: Photo of fence on front yard from Birchmount Ave
Attachment 4: Photo of fence on front yard from Birchmount Ave
Attachment 5: Photo of fence on flankage yard from Zenith Dr



Attachment 1: iView Map of Property – 541 Birchmount Rd



Attachment 2: Photo of fence on flankage yard from Zenith Dr



Attachment 3: Photo of fence on front yard from Birchmount Ave



Attachment 4: Photo of fence on front yard from Birchmount Ave



Attachment 5: Photo of fence on flankage yard from Zenith Dr