

Application for Fence Exemption – 2 Amberjack Blvd

Date: September 20, 2022

To: Scarborough Community Council

From: Manager Municipal Licensing & Standards, East District

Wards: Ward 24 – Scarborough-Guildwood

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 2 Amberjack Blvd, to maintain a wooden fence on the west side flankage yard which is 2.3 meters (7.5 feet) high which exceeds the maximum allowable height of 2.0 meters (6.5 feet) as specified in the Toronto Municipal Code, Chapter 447-1.2B(1) Table 1 – Maximum Height of Fences. As well as to maintain front yard hedges that fail to maintain open mesh construction within 2.4 meters (7.8 feet) from the driveway as required in the Toronto Municipal Code, Chapter 447-1.2C(1) Open-Fence Construction. Lastly, the front yard hedges measure 1.8 meters (5.9 feet) and 2.3 meters (7.5 feet) high which exceeds the maximum allowable height of 1.2 meters (4 feet) as specified in the Toronto Municipal Code, Chapter 447-1.2B(1) Table 1 – Maximum Height of Fences. A Notice of Violation was issued on September 1, 2022.

The homeowner is requesting this exemption due to multiple safety concerns stemming from occurrences of people hiding from law enforcement in their yard.

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 2 Amberjack Blvd, to allow them to maintain the 2.3 meter (7.5 feet) fence on the flankage yard, the hedges without open-mesh construction in the front yard and the hedges measuring 1.8 meters (5.9 feet) and 2.3 meters (7.5 feet) in the front yard, all of which do not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically sections 1.2B(1) Table 1 – Maximum Height of Fences and 1.2C(1) Open-Fence Construction.

OR

2. Grant the application for an exemption permit, by the owner(s) of 2 Amberjack Blvd, to allow them to maintain the 2.3 meter (7.5 feet) fence on the flankage yard, the hedges without open-mesh construction in the front yard and the hedges measuring 1.8 meters (5.9 feet) and 2.3 meters (7.5 feet) in the front yard. 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, Fences 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 fence height.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Flankage Yard and Front Yard	West side flankage yard and south side front yard	1.) Flankage Yard fence is 2.3 meters (7.5 feet) high. 2.) Front Yard hedge does not provide open-mesh construction.	1.) 447-1.2B(1) Table 1 – Maximum Height of Fences – 2.0 meters 2.) 447-1.2C(1) Open-Fence Construction – Any fence within 2.4 meters in any direction of the point a driveway intersects the lot line must have an open-mesh type construction.

		3.) Front Yard hedge is 1.8 meters (5.9 feet) and 2.3 meters (7.5 feet) high	3.) 447-1.2B(1) Table 1 – Maximum Height of Fences – 2.0 meters
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CONTACT

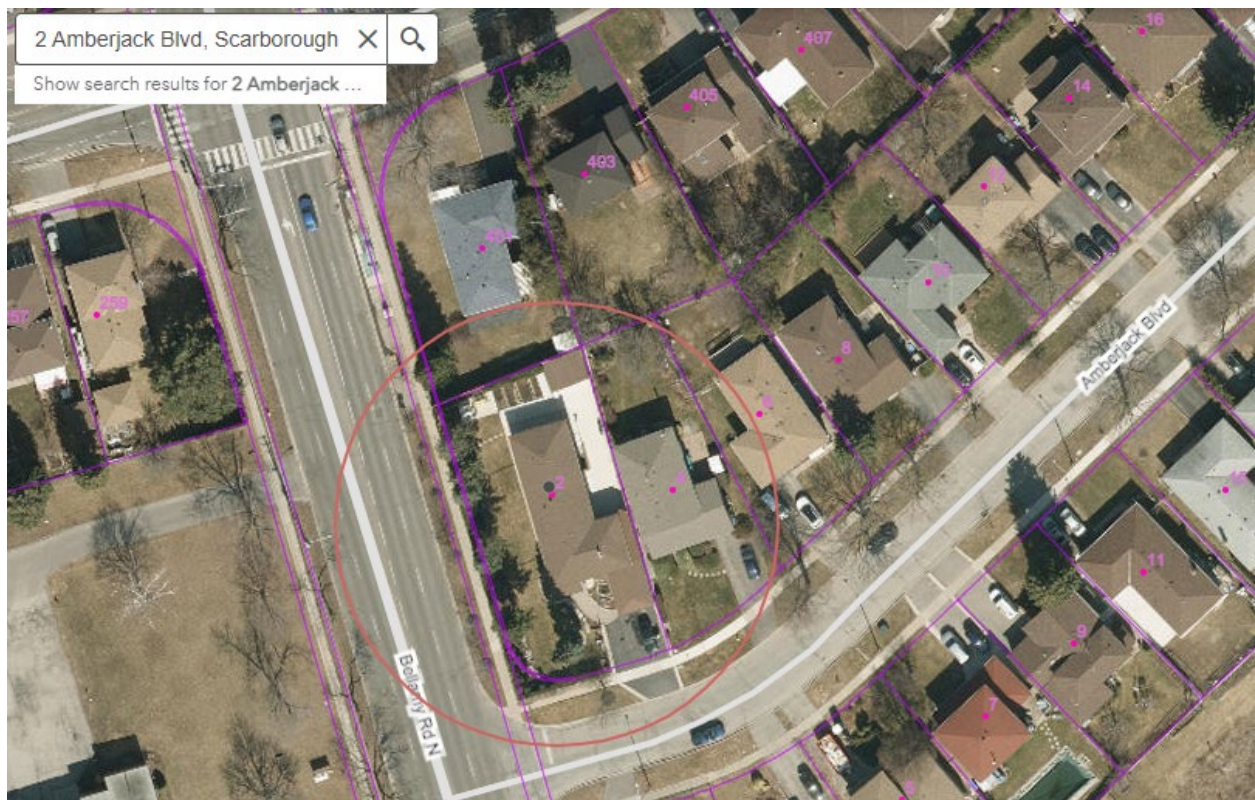
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SIGNATURE

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ATTACHMENTS

Attachment 1: iView Map of Property – 2 Amberjack Blvd
Attachment 2: Photo of hedges in front yard
Attachment 3: Photo of fence on flankage yard
Attachment 4: Photo of fence on flankage yard
Attachment 5: Photo of fence at corner of Amberjack Blvd and Bellamy Rd
Attachment 6: Photo of hedge at corner of Amberjack Blvd and Bellamy Rd
Attachment 7: Photo of hedge in front yard



Attachment 1: iView Map of Property – 2 Amberjack Blvd



Attachment 2: Photo of hedges in front yard



Attachment 3: Photo of fence on flankage yard



Attachment 4: Photo of fence on flankage yard



Attachment 5: Photo of fence at corner of Amberjack Blvd and Bellamy Rd



Attachment 6: Photo of hedge at corner of Amberjack Blvd and Bellamy Rd



Attachment 7: Photo of hedge in front yard