



**STAFF REPORT
ACTION REQUIRED**

Request for a fence exemption to the Toronto Municipal Code, Chapter 447-Fences at 55 Harbour Square

Date:	September 17, 2007
To:	Toronto East York Community Council
From:	Municipal Licensing and Standards Division, Toronto East York District
Wards:	Ward 28 – Toronto Centre - Rosedale
Reference Number:	IBMS No. 07-262313

SUMMARY

This staff report is about a matter for which the community council has delegated authority from City Council to make a final decision. The applicant, being the Landscape Architect for the condominium complex at 55 Harbour Square is seeking exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), to permit the construction of two, (2) pillars as an architectural treatment which will provide stability to a proposed fence construction. Both pillars, pillar ‘A’ on the on the west side of the driveway entrance and pillar ‘B’ on the east side of the driveway entrance are wrought iron of open construction as shown in attachments 1a, b & c & 2a, b & c. Attachment 3. provides photographs of the proposed site of the fence and pillars.

The Fence by-law provides that an open fence construction within 8 feet, (2.4 metres) of the front lot line not exceed a height of 4 feet, (1.2 metres). The proposed pillars are set back 6 feet 6 inches, (1.98 metres) from the front lot line which abuts the public sidewalk and exemption is being requested to permit them to be 6 feet, (1.83 metres) in height. The remainder of the proposed fence is in accordance with the by-law provisions.

RECOMMENDATIONS

1. Municipal Licensing & Standards recommends that community council not grant the fence exemption.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Municipal Licensing and Standard Division received an application for exemption from the Fence by-law to construct two, (2) pillars in conjunction with a proposed fence construction in the front yard of the property located at 55 Harbour Square. The proposed construction of two (2) pillars being pillar 'A' on the on the west side of the driveway entrance and pillar 'B' on the east side of the driveway entrance is within 8 feet, (2.4 metres), of the front property line whereas a maximum height of 4 feet, (1.2 metres), is permitted .

The pillars as proposed would be 6 feet, (1.83 metres), in height.

ISSUE BACKGROUND

On September 10, 2007 the agent representing the property owners met with Municipal Licensing & Standards staff to review the proposed pillars and fence construction to determine whether the proposal was in compliance with the City of Toronto Municipal Code, Chapter 447 Fences. Upon review it was determined that the fence itself was in compliance but that the two pillars on either side of the driveway entrance which were an integral part of the fence construction were not. As a result an application and supporting documentation was submitted on September 16, 2007 by the agent requesting that the pillars be granted an exemption from the Fence by-law.

COMMENTS

The City of Toronto Council enacted the amalgamated By-Law 472-2000 on July 6, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned outdoor swimming pools to erect and maintain safety fences and gates around private swimming pools. This By-Law and the amendments are now found in the Toronto Municipal Code, Chapter 447 - Fences.

The City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), provides that the maximum permitted height of a fence in a front yard within 8 feet, (2.4 metres), of the front lot line should not exceed 4 feet, (1.2 metres), in height.

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager
Toronto East York District

ATTACHMENTS

- 1.(a) pillar 'A' west side site plan
- 1.(b)& (c) pillar 'A' artists rendering
- 2.(a) pillar 'B' east side site plan
- 2.(b)& (c) pillar 'B' artists rendering
3. pictures of location of proposed installation