



STAFF REPORT ACTION REQUIRED

Request for a fence exemption to Chapter 447-Fences of the Toronto Municipal Code at 561 Broadview Avenue

Date:	October 15, 2007
To:	Toronto East York Community Council
From:	Municipal Licensing & Standards Division Toronto East York District
Wards:	Ward 30 – Toronto Danforth
Reference Number:	IBMS No. 736504

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 purpose of this report is to consider a request by the owner's Architect to be exempted from height restrictions of the Toronto Municipal Code Chapter 447 – Fences.

The City of Toronto Municipal Code Chapter 447 – Fences, Section 2, states that the maximum permitted height of a fence and swimming pool enclosure is 2.0 metres. In this report the applicant is seeking an exemption to permit the proposed fences as follows;

- 1) East side masonry fence measuring 4.26 metres in length and forming part of the swimming pool enclosure is proposed to be 2.16 metres high.
- 2) South side masonry fence measuring 9.60 metres in length and forming part of a swimming pool enclosure is proposed to be 2.17 metres high.

RECOMMENDATIONS

Municipal Licensing & Standards Division, Investigation Services recommends that the fence exemption not be granted.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

Staff of Municipal Licensing & Standards Division had cause to attend the property to inspect the swimming pool setbacks and swimming pool fence enclosure installed under Building Permit #07-248761.

ISSUE BACKGROUND

The City of Toronto Council enacted the amalgamated By-Law 472-2000 on July 6th, 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.

COMMENTS

A private detached garage at the north-east corner of the property is also proposed to be altered to form part of the swimming pool fence enclosure. These alterations to the detached garage are presently the subject of a minor variance application scheduled and pending with the Committee of Adjustment.

A temporary plywood swimming pool fence enclosure is in place pending the outcome of this application when a permanent swimming pool enclosure is required.

In appealing this matter, the owner is requesting an exemption to allow for additional height to the mandatory swimming pool fence enclosure.

CONTACT

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SIGNATURE

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Toronto East York District

ATTACHMENTS

1. Lot plan
2. Site plan
3. Fence elevation drawings