



STAFF REPORT ACTION REQUIRED

Fence Exemption Request - 3 Bridgeview Road

Date:	December 14, 2007
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 13 - Parkdale-High Park
Reference Number:	ML&S Folder No. 07-280649 FEN

SUMMARY

This Staff Report is about a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision. The subject matter is an application for an exemption to Chapter 447 of the Toronto Municipal Code, Fences, to maintain existing wooden fences in the rear yard which are in violation of the By-law.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke York Community Council deny the request for the fence exemption based on non-compliance with the requirements set out in Chapter 447 of Toronto Municipal Code, Fences.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

This is a single family detached residential property located on Bridgeview Road near Humberview Road (Attachment 1).

On May 1st, 2007, an application was filed on behalf of the property owner to erect a swimming pool enclosure around an in-ground vinyl swimming pool. A permit was issued on May 2nd, 2007 to erect a 1.2 metres (4 feet) high chain link fence for the pool enclosure (Attachment 2).

The property owner has now deviated from the authorized permit plans by erecting a close board wooden fence of varying heights with a decorative lattice top to completely enclose the rear yard. The fence ranges from 2.5 metres to 3.0 metres in height. Forming part of this pool enclosure, there is also a gate structure erected at the southwest corner of the rear yard, which measures approximately 2.85 metres in height at its highest point (Attachments 3 and 4).

The privacy screens forming the majority of the existing fences along the South, East and North elevations in the rear yard measure approximately 2.0 metres in height. With the post extensions, these fences measure approximately 2.5 metres in height in total (Attachment 4).

In addition, three sections of fencing along the South elevation, measuring approximately 7.5 metres in length from the rear wall of the dwelling towards the rear yard measure approximately 2.5 metres in height, and with fence post extensions that add an extra 0.5 of a metre in height, making a total height of 3.0 metres. Similarly, two sections along the North elevation, measuring approximately 5.0 metres in length from the rear wall of the dwelling towards the rear yard are of the same construction. The five panels at these two elevations are all approximately 3.0 metres high.

COMMENTS

Chapter 447 of the Toronto Municipal Code, Fences, limits the height of all fences in rear yard of a single residential dwelling to 2.0 metres in height, pursuant to Table 1 found in Section 447-2.B. The above referenced fences and gate structure are in violation of this standard.

Despite the fact that construction of the fences is still ongoing and the promise made by the owner to cut down the fence posts to the maximum permitted height(s) under the By-law, all the rear yard fences as well as the gate structure currently do not comply with the Chapter 447 of Toronto Municipal Code, Fences. The construction has also deviated from the approved/authorized plans for the swimming pool enclosure permit under File 07-186010. Should the exemption request be granted, it has to be conditional upon the owner submitting final as-built drawings and obtaining the necessary amendments to the swimming pool enclosure permit.

There have been no formal complaints received by the Municipal Licensing and Standards Division about the existing fences.

CONTACT

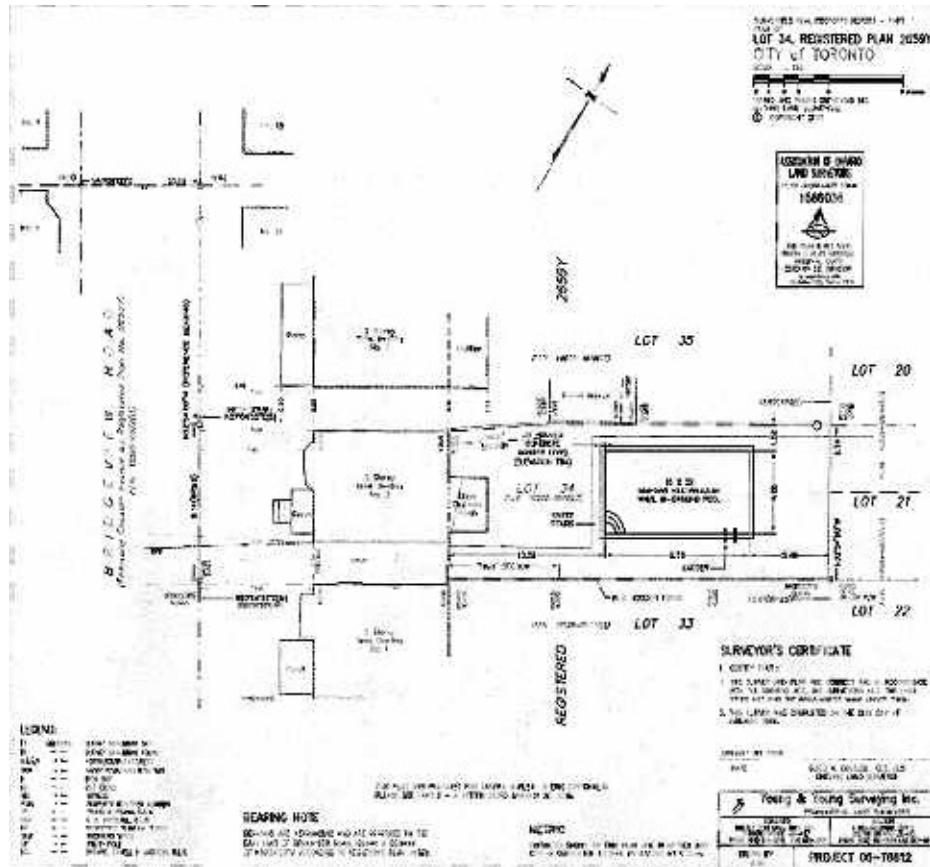
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SIGNATURE

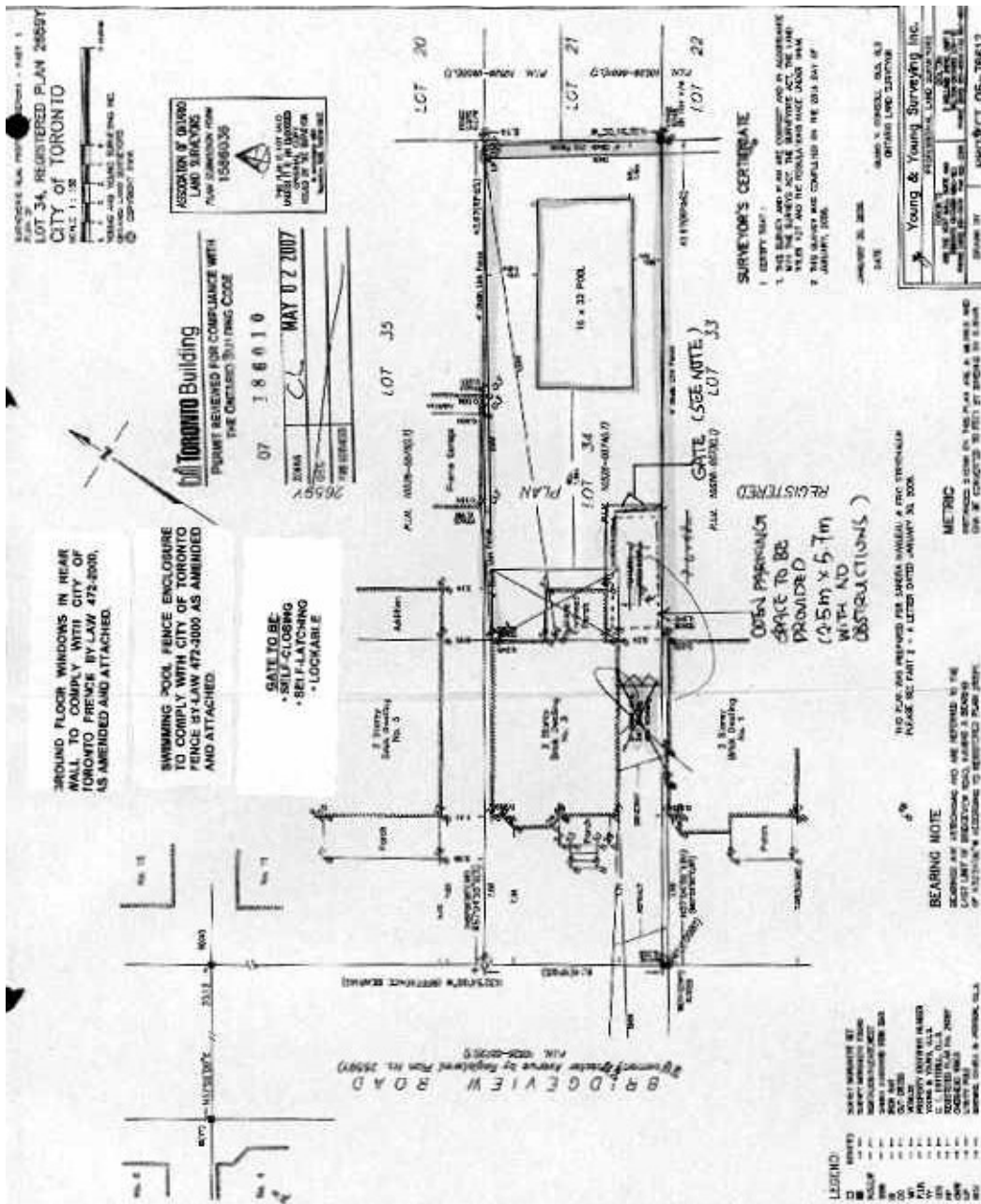
Curtis Sealock, District Manager
Municipal Licensing and Standards
Etobicoke York District

Attachments:

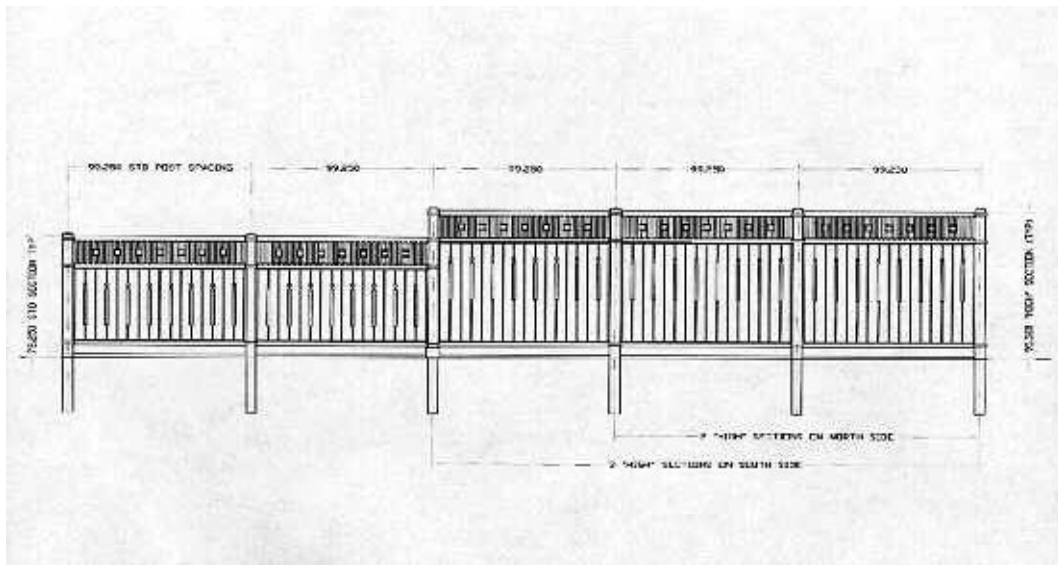
Attachment 1: Survey of 3 Birchview Road
Attachment 2: Approved Plan for Permit # 07 186010
Attachment 3: Fence Detail – Typical Fence and Gate Detail
Attachment 4: Photos of Gate and Fence(s)



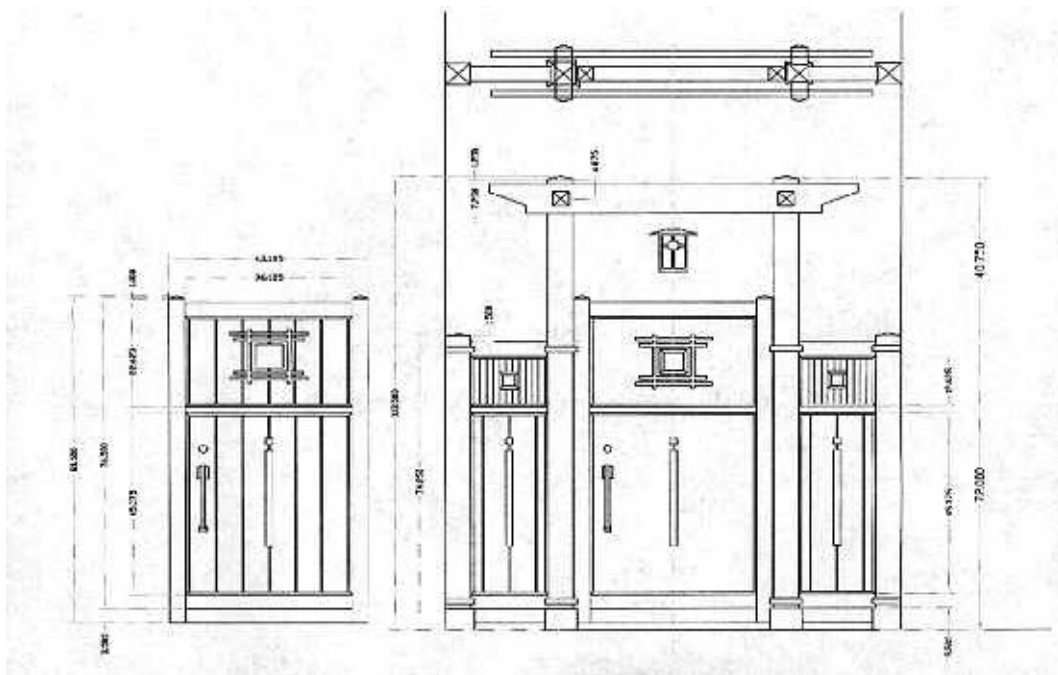
Attachment 1: Survey of 3 Birchview Road



Attachment 2: Approved Plan for Permit # 07 186010



Typical Fence Elevation Detail



Gate Detail

Attachment 3: Fence Detail – Typical Fence and Gate Detail



Photo of Gate Structure

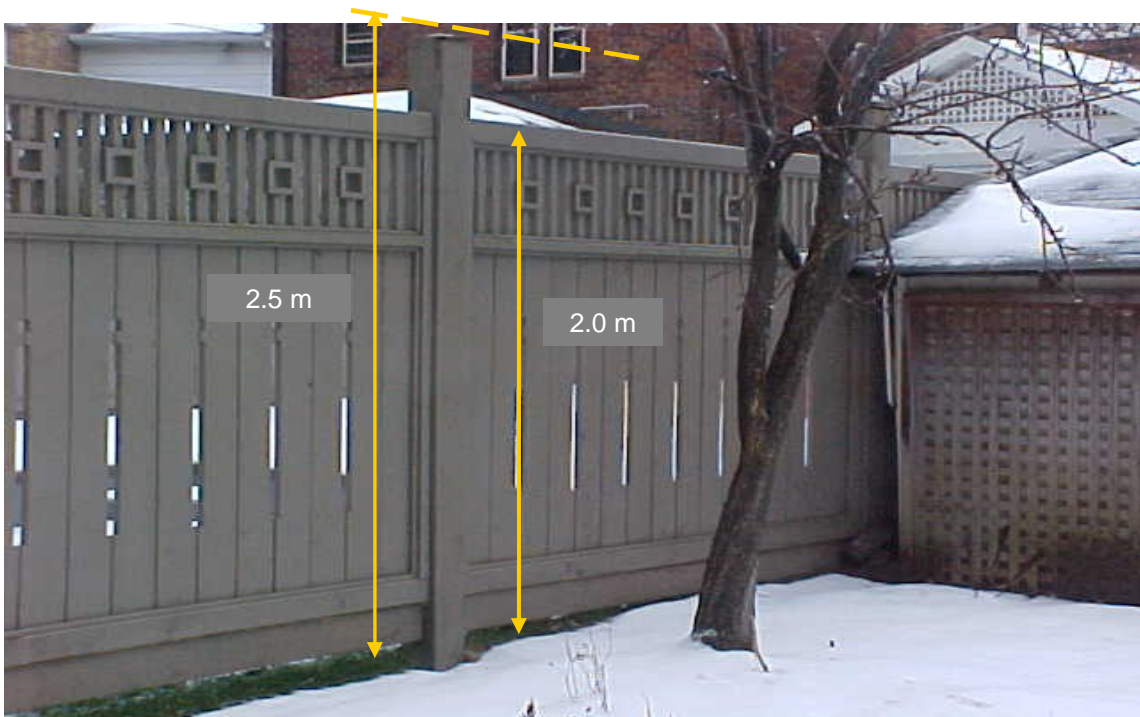


Photo of a typical section of the Fence at the rear yard
(Note: certain sections are stepped up for another 0.5 metres as described in the report)

Attachment 4: Photos of Gate and Fence(s)