



**STAFF REPORT
ACTION REQUIRED**

Request for a fence exemption to the Toronto Municipal Code, Chapter 447-Fences at 93 Old Forest Hill Road

Date:	January 22, 2008
To:	Toronto East York Community Council
From:	Municipal Licensing and Standards Division, Toronto East York District
Wards:	Ward 22 – St. Paul’s
Reference Number:	IBMS No. 07-264318

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 Project Manager for the owners of 93 Old Forest Hill Road, is seeking approval for a fence exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), to permit a proposed fence of solid wood construction to provide privacy, security, sound barrier and to act as a pool enclosure. The proposed flankage yard fence along the west property line fronting Vesta Drive, will be constructed on the private property of 93 Old Forest Hill Road with a approximate height of 1.9 metres (6 feet 3 inches) and a length of 36.3 metres (119 feet 1 inches).

RECOMMENDATIONS

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

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Municipal Licensing & Standards Division received a request from the Project Manager for the owners of the subject property for an exemption to Toronto Municipal Code, Chapter 447-Fences, Section 447-2(B) to permit the construction of a fence in the flankage yard area of 93 Old Forest Hill Road. The proposed fence construction height of 1.9 metres, (6 feet, 3 inches) would not be in compliance with the provisions of the by-law which restricts the height of a flankage yard fence built of solid construction to 800 millimetres (2 feet 6 inches) in height. This fence is intended for a pool enclosure therefore the minimum required height for open or solid construction fence is 1.2 metres (4 feet) in height.

ISSUE BACKGROUND

The Municipal Licensing and Standards Division conducted a pool enclosure inspection on October 25, 2007 and met with the Project Manager representing the owners advising that the proposed fence did not meet the bylaw requirements for a flankage yard fence. Upon review it was determined that the proposed fence in the flankage yard area measured at a height of 1.9 metres, (6 feet, 3 inches) which was not in accordance with the by-law provisions that restricts the maximum height of an solid construction flankage yard fence to 800 millimetres. The remainder of the existing perimeter fence is in accordance with the by-law provisions.

On November 2, 2007 the Project Manager representing the property owners submitted a fence sketch (Attachment 1), landscape layout (Attachment 2) and an application for a fence exemption to permit a 1.9 metre high fence in the flankage yard for the purpose of ensuring the security and privacy of the owners. Attachment 3, 4 & 5 are photographs of flankage yard and the site of the proposed fence.

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, Section 447-2(B) provides that the maximum permitted height of a solid fence construction in a flankage yard should not exceed 800 millimetres (2 feet 6 inches) in height.

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager
Toronto East York District

ATTACHMENTS

1. Sketch of proposed fence
2. Landscape Layout
- 3-5 Photographs of 93 Old Forest Hill Rd (flankage yard)