



STAFF REPORT ACTION REQUIRED

Application for Fence Exemption 41 Knowland Drive

Date:	April 20, 2009
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 4, Etobicoke Centre
Reference Number:	ML&S Folder Numbers 08-223969 and 09-119858

SUMMARY

This report is in response to an application made by the owner of the property for a fence exemption to maintain a tempered glass fence enclosure measuring 1.2 metres in height for a length of approximately 6.0 metres above a concrete deck within the rear yard separating the swimming pool from the residence. This is a matter in which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that Etobicoke York Community Council refuse the application, as the proposed fence does not comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

Financial Impact

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

ISSUE BACKGROUND

Municipal Licensing and Standards has received a request from the owner of the property for a fence exemption to maintain a section of the pool enclosure in tempered glass construction above a concrete deck, which separates the swimming pool from the residence (Attachments 1, 3 and 4).

Other than this section and the gated entrance to the pool area (which will be constructed in 1.2 metres high metal picket fence, Attachments 1, 2 and 5), the pool enclosure is predominantly made up of a 1.8 metres high close board wood fence with a lattice top.

The 1.2 metres high guard installed on top of the concrete deck is constructed of metal pickets on the east and west sides, and 6 millimetres tempered glass housed within metal channels on the side facing the pool over a length of approximately 6 metres.

There is also an existing 1.2 metres high temporary chain link fence built in between the residence and the pool area, which will be removed should this fence exemption be approved (Attachment 4).

There are windows on the rear wall of residence and a small window underneath the concrete deck which form part of the pool enclosure (Attachment 4).

COMMENTS

The installation of glass fencing is not permitted in the Municipal Code, Chapter 447, Section 447-2A.(5), which states, “No person shall erect, own or maintain, or cause or permit the erection of maintenance of any fence that uses materials not usually intended for the use in permanent fencing, unless specifically permitted by this or another by-law.” The fences permitted under the current edition of the Fence By-law include a chain link fence, a wood fence and a metal picket fence.

In addition, section 447-3C(3) prohibits no entrance to the enclosed pool area through the wall which forms part of the pool enclosure, and windows opening into this area that are less than 1.5 metres above grade shall be protected by window sash controlled devices or an approved guard with openings no exceeding 100 millimetres (Attachment 4).

Should the application be approved, it must comply with the following conditions:

1. The tempered glass fence shall be installed in accordance with the Manufacturer’s specification;
2. The rest of the pool enclosure shall be constructed in accordance with the Toronto Municipal Code, Chapter 447, Fences, and Ontario Building Code;
3. Windows sash control devices shall be installed at all windows that form part of the pool enclosure to restrict it from opening more than 100 millimetres, or such windows to be equipped with guards that do not have any openings exceeding 100 millimetres; and
4. Amended drawings shall be submitted and Fence Enclosure Permit to be obtained from Toronto Building Division.

CONTACT

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SIGNATURE

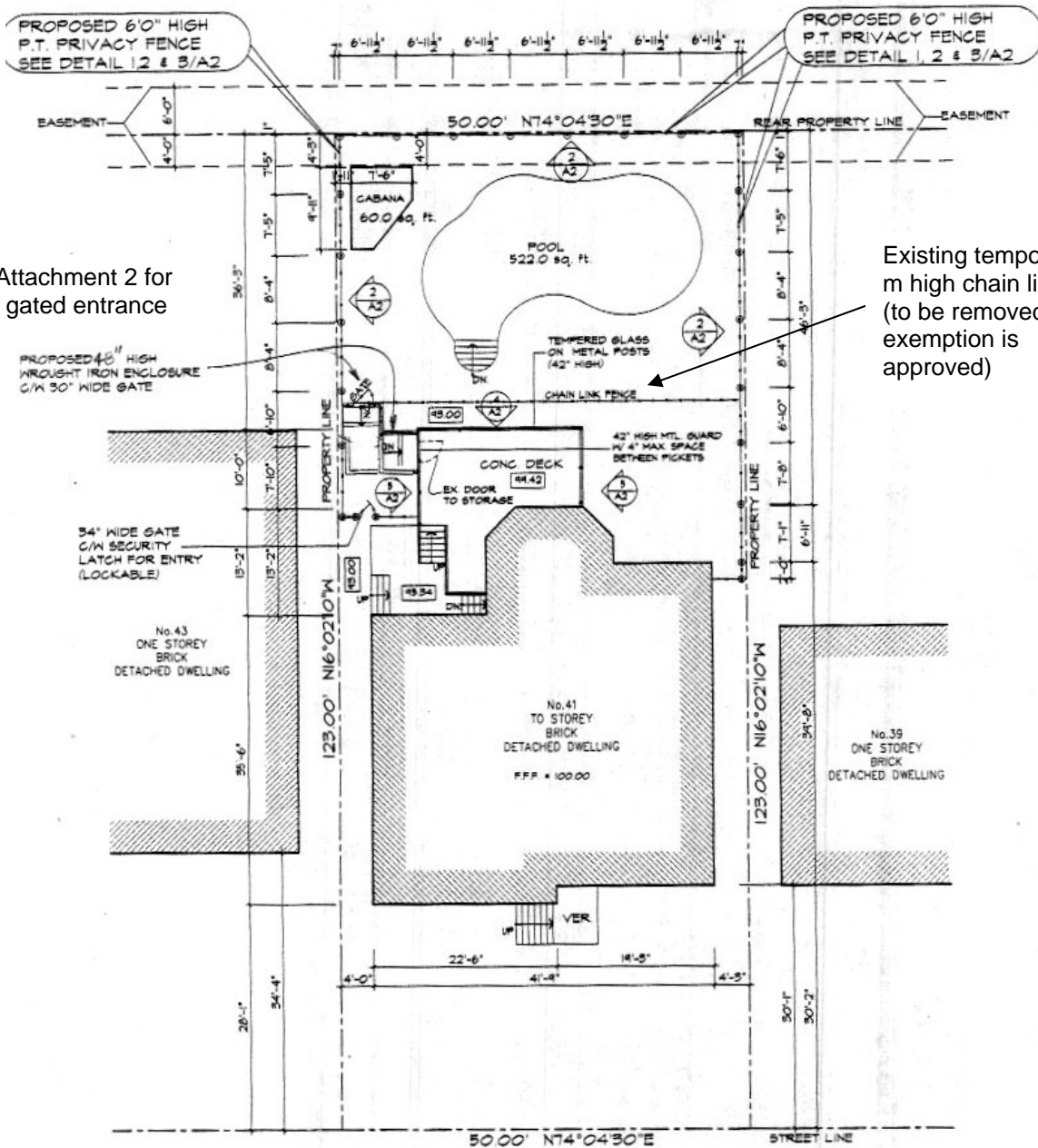
Curtis Sealock, District Manager
Municipal Licensing and Standards
Etobicoke York District

ATTACHMENTS

Attachment 1:	Plot Plan
Attachment 2:	Details of Proposed Gated Entrance to Pool Area
Attachment 3:	Fence Details
Attachment 4:	Photographs showing the Front and Rear Elevations
Attachment 5:	Photographs showing the proposed fence and gated entrance to the Pool Area

Refer to Attachment 2 for details of gated entrance

Existing temporary 1.2 m high chain link fence (to be removed if fence exemption is approved)

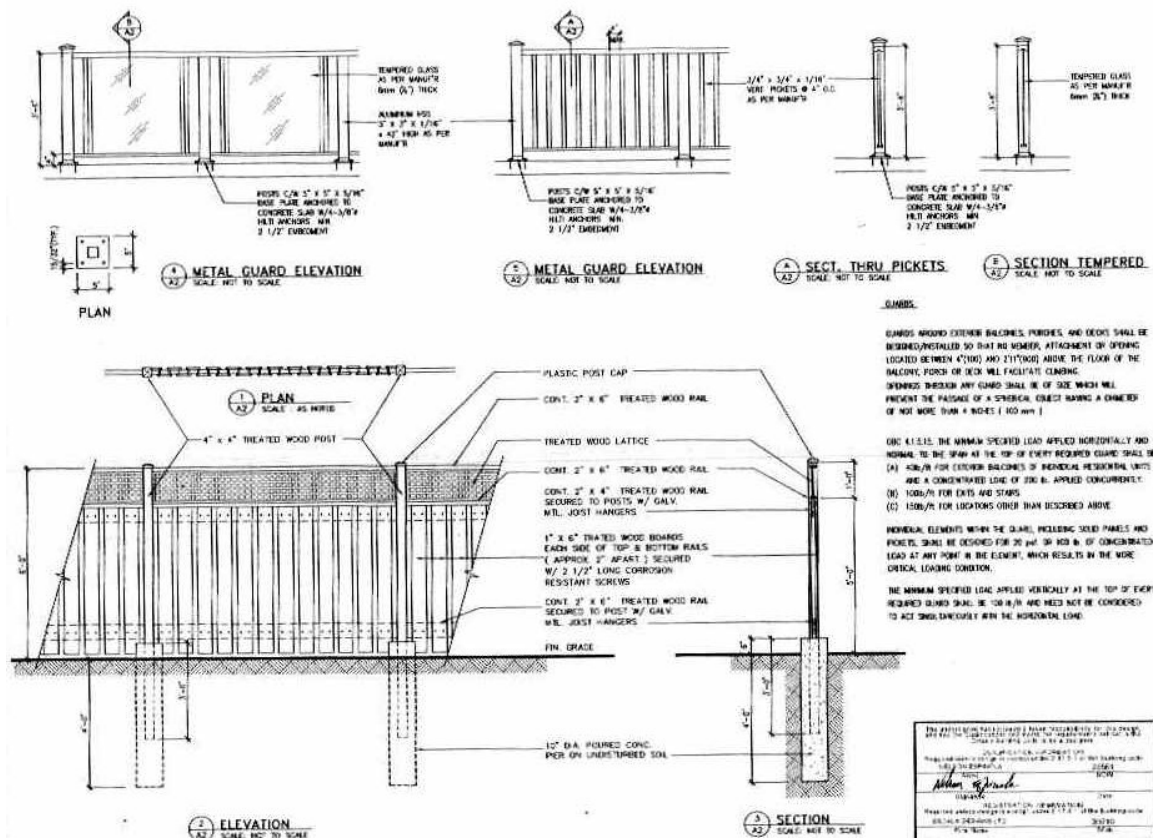


KNOWLAND DRIVE

1 PLOT PLAN
A1 SCALE: 1/16" = 1'-0"

ATTACHMENT 1





ATTACHMENT 3: FENCE DETAILS



ATTACHMENT 4: ELEVATION PHOTOS



**ATTACHMENT 5: NEW METAL PICKET FENCE AND GATED
ENTRANCE TO BE CONSTRUCTED ABOVE RETAINING WALL**