



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 259 Brooke Avenue

Date:	January 19, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	IBMS No. 07-265869

SUMMARY

This staff report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws. The subject matter is an application for an exemption to Chapter 447 of the Toronto Municipal Code, Fences, to maintain an existing fence in the rear yard which is in violation of the By-law.

RECOMMENDATIONS

- 1. Municipal Licensing and Standards recommends that the fence exemption not be granted.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

The owner(s) existing fence was the subject of an application for a pool fence enclosure permit. As a result of the inspection a notice of violation was issued. The owner(s) subsequently applied for a fence exemption.

ISSUE BACKGROUND

This is a new single family detached home for which construction began in 2006. It is located in a one family sixth density (R6) zone (*Attachments 1 and 2*).

A fence used as part of a swimming pool enclosure shall be no closer than 1.2 metres to the water's edge, pursuant to Section 447-3. E. Chapter 447, Fences, of the Toronto Municipal Code.

The owner(s) existing horizontal board fence on the west side of the rear yard is approximately 1.14 metres away from the water's edge. (*Attachments 3, 4 and 5*).

COMMENTS

The owner(s) state that the pool as per the approved plan was supposed to be constructed in accordance with the Chapter 447 so that the required minimum of 1.2 metres was maintained (*Attachment 6*). They wish to maintain the distance of 1.14 metres due to the expense of having to reconstruct the pool.

Should the recommendation not be accepted and the request approved, a condition of approval should include that when the pool is replaced it should be constructed in compliance with Chapter 447 or its successor by-law.

CONTACT

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SIGNATURE

Bryan Byng, District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. Aerial view of 259 Brooke
2. Zoning diagram for 259 Brooke
3. Photo of fence location 1
4. Photo of fence location 2
5. Photo of fence location 3
6. Submitted plan of construction