

**Fence Exemption Request
20 Westgrove Crescent**

Date:	March 31, 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. 07-106709

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 a public complaint in 2006. As a result of the investigation the owner(s) were issued a Notice of Violation for failing to obtain a pool permit and other deficiencies. The Notice was complied with except for the existing chain link fence. They applied for a fence exemption for the remaining items in 2007.

This matter was previously before North York Community Council as Item NY23.7 (*Attachment 1*) at its meeting of February 9, 2009 at which time Council took no action on this matter.

ISSUE BACKGROUND

This is single family detached home built in 1953 located in a one-family third density (R3) zone (*Attachments 2 and 3*).

The maximum height for a side, or rear yard fence not including flankage yard, is limited to 2 metres pursuant to Section 447-2.B. Chapter 447, Fences, of the Toronto Municipal Code. Further, Section 447-3.E. states that the maximum opening for mesh in a chain link fence for a pool on single residential property is 38 millimetres.

The owner(s) have a pool in the rear yard and the existing chain link fence is located at the rear of the property along the north, south and west lot lines. This fence was part of a tennis court which has been removed. The fence is approximately 2.9 metres tall and 75.6 metres in length. The mesh in the chain link fence is 57 millimetres wide (*Attachments 4, 5 and 6*).

COMMENTS

The owner(s) state that they believe that the height of the fence is sufficient to provide a secure enclosure for the pool. They also wish to maintain the landscaping and vines which have grown into and through the chain link fence.

Should the recommendation not be accepted and the request approved, a condition of approval should include that when the fence 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. Previous Staff Report (October 27, 2008)
2. GIS plan for 20 Westgrove
3. Aerial view of 20 Westgrove
4. Photo of fence south side rear yard
5. Photo of fence southwest corner rear yard
6. Close up of mesh opening