



## STAFF REPORT ACTION REQUIRED

### Fence Exemption Request 165 Rumsey Road

<b>Date:</b>	December 14, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 26 – Don Valley West
<b>Reference Number:</b>	IBMS No. 09-177032

#### **SUMMARY**

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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 front yard which is in violation of the By-law.

#### **RECOMMENDATIONS**

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- 1. Municipal Licensing and Standards recommends that the fence exemption for 165 Rumsey Road not be granted.**

#### **FINANCIAL IMPACT**

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There is no financial impact anticipated in this report

#### **DECISION HISTORY**

The owner(s) existing fence is part of a pool fence enclosure permit taken out in June 2009. Subsequent to this the height of the fence forming part of the pool enclosure was the subject of a public complaint in September 2009. After the fence was inspected by a Municipal Licensing and Standards Officer a notice of violation dated September 3, 2009 was issued regarding the height of the fence. On October 8, 2009 the owner(s) applied for a fence exemption.

## **ISSUE BACKGROUND**

This is a single family detached home located in a low density residential (R1B) zone in the former Borough of East York – Zoning By-Law 1916 (*Attachments 1, 2 and 3*).

The maximum height for a fence in the rear yard is 2 metres. Further a fence when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence shall not exceed the height of 2 metres pursuant to Section 447-2.B. Chapter 447, Fences, of the Toronto Municipal Code.

The owner(s) existing cedar fence encloses the rear yard and forms part of their pool fence enclosure. Due to the grade in the rear yard lowering towards the rear lot line the owner(s) installed retaining walls on three sides. As indicated in the fence relief diagram (*Attachment 4*) some of the fences installed on the three sides measured from the top of the retaining wall and the new higher grade are over 2 metres in height. The new grade difference between the properties when measured past the initial slope ranges from 0.6 metres to 1 metre. When measured down to the lower grade levels on the outside of the fence the height of the fence ranges from 2.6 metres to 3 metres (*Attachments 5, 6, 7 and 8*).

## **COMMENTS**

The owner(s) wish to maintain the fence for their pool enclosure.

The minimum height for a fence for a pool enclosure is 1.2 metres.

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**

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

## **ATTACHMENTS**

1. Zoning map
2. Survey of lot
3. Survey enlarged showing rear lot
4. Pool and fence relief diagram
5. Photo of fence from 163 Rumsey upper grade
6. Photo of fence from 163 Rumsey lower grade
7. Photo of fence from 167 Rumsey lower grade