



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 25 Normandale Crescent

Date:	May 6, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 25 – Don Valley West
Reference Number:	IBMS No. 10 157451

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 a fence exemption to Chapter 447 of the Toronto Municipal Code, Fences, to allow a non-approved type of swimming pool fence enclosure and to allow two wooden gates which exceed the 2.0 meters maximum height limit.

RECOMMENDATIONS

Municipal Licensing and Standards, North York District, recommends that:

- 1. The North York Community Council refuse the exemption from Chapter 447 – Fences, for the property at 25 Normandale Crescent.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

The owner's agent submitted plans and received a building permit to install a swimming pool and swimming pool fence enclosure on August 6, 2009. A second building permit addressing a revision to the plans was issued on April 6, 2010, but inspection found a

tempered glass and aluminium frame swimming pool enclosure and a Notice of Violation was issued on April 6, 2010. An additional revision application for the current tempered glass and aluminium frame swimming pool fence enclosure was applied for on April 14, 2010, but a Building Permit Refusal Notice was sent to the owner on April 22, 2010. The owners have subsequently applied for a fence exemption.

ISSUE BACKGROUND

This is a single family detached dwelling located in a fourth density residential (R4) zone in the former City of North York – Zoning By-Law 7625. (*See Attachment 1*).

This application seeks to allow tempered glass and aluminium frame swimming pool fence enclosures around each of the three access doors leading to the rear swimming pool area because this Chapter does not recognize these materials in a swimming pool fence enclosure. With regard to the two wooden gates, any fence or gate located in the side or rear yard of a property, shall not exceed the height of 2.0 metres pursuant to Section 447-2.B. Chapter 447, Fences, of the Toronto Municipal Code.

The first section of tempered glass and aluminium frame has 2 sides with a single self closing and latching gate and is located on top of a deck serving the first floor level and has an overall length of 5.20 metres. (*See Attachment 5*)

The second section of tempered glass and aluminium frame has 3 sides with a single self closing and latching gate and serves a basement door at grade and has an overall length of 2.71 metres. (*See Attachment 6*)

The third section of tempered glass and aluminium frame has 3 sides with a single self closing and latching gate and serves a double sliding door at grade and has an overall length of 3.71 metres in length. (*See Attachment 7*)

The first self closing and self latching wooden gate is located at the northwest side of the property is 2.45 metres in height and has a width of 0.89 metres. (*See Attachment 8*)

The second self closing and latching gate is located at the southwest side of the property and is 2.45 metres I height and is 1.07 metres in width. (*See Attachment 9*)

COMMENTS

The owner(s) wish to maintain the three tempered glass and aluminium fence enclosures because they feel it would be allowed as a guard in residential construction and does not reduce the openness or the overall safety of the enclosure.

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

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Zoning map.
2. Letter submitted with Fence Exemption application.
3. Site Plan of property.
4. Detail of tempered glass and aluminium frame fence enclosure.
5. Photo of rear tempered glass pool enclosure on deck serving first floor level.
6. Photo of rear tempered glass pool enclosure at grade serving single door.
7. Photo of rear tempered glass pool enclosure at grade for double sliding door.
8. Photo of wooden gate for pool enclosure at the north-west side of the property.
9. Photo of wooden gate for pool enclosure at the south-west side of the property.