



**STAFF REPORT
ACTION REQUIRED**

**Fence Exemption Request
197 Franklin Avenue**

Date:	May 5, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing & Standards – North York District
Wards:	Ward 23 - Willowdale
Reference Number:	IBMS No. 10-169672

SUMMARY

This staff report is about a matter for which the Community Council has delegated authority from City Council 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 fence exemption to Chapter 447 of the Toronto Municipal Code - Fences, to permit the use of a glass panel barrier as part of a swimming pool enclosure.

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 197 Franklin Avenue.**

FINANCIAL IMPACT

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

DECISION HISTORY

The owner(s) agent submitted plans and received a permit to install a swimming pool fence enclosure in November 2009, with the approved plans indicating a 1.80m high wood fence enclosing the swimming pool along with a self closing and latching gate (*Attachment #1*).

In late April 2010, the owner(s) contacted a Municipal Licensing and Standards Officer indicating that they wished to use a 6mm thick tempered glass barrier for part of the enclosure in order to have a clear view of the swimming pool. A specification drawing was provided and was found to not be in compliance with regard to materials used and gaps in the fence.

ISSUE BACKGROUND

The property is a detached single-family dwelling located in a R6 zoning district. (*Attachment 2*)

The owner(s) submitted a Fence Exemption application in May 2010 and are requesting that they be allowed to use an aluminium and glass barrier to separate the pool area from the rest of the yard. (*Attachment 3 & 5*)

The Fence Exemption application seeks approval to erect a 1.2m aluminium frame, glass panel pool enclosure. In addition to the glass panels, the specification provides for 5.08cm gaps between the panels and the vertical posts. (*Attachment 4*)

COMMENTS

Toronto Municipal Code, Chapter 447 – Fences, only permits pool enclosure fences to be constructed of wood, chain-link or metal pickets (Sec. E 3 (2)). Gaps in the fence are restricted to a maximum of 3.8cm.

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

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Application Plan
2. Zoning Map
3. Proposed Fence Location
4. Fence Specification
5. Letter from Owners