



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 97 McRae Drive

Date:	June 1, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing & Standards – North York District
Wards:	Ward 26 Don Valley West
Reference Number:	IBMS No. 10-170027

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 tempered safety glass as a material in the required swimming pool fence enclosure in non-conformance with the Fence By-Law.

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 97 McRae Drive.**

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 building permit to install a swimming pool fence enclosure in August 2009. A subsequent inspection revealed non-conformities with Chapter 447 of the Toronto Municipal Code. As a result, a Notice of Violation was

issued in April 2010. Subsequent to the issuance of the Notice of Violation, an application for an exemption to the Chapter was received.

ISSUE BACKGROUND

The property is a detached single family dwelling located in an R1B zone in the former Borough of East York Zoning By-law 1916 and is on the south side of McRae Drive between Millwood Road and Hanna Road (*Attachment 1*).

The owners are requesting that an exemption be granted to permit the construction of a swimming pool enclosure utilizing tempered glass and horizontal wood with 0.57cm horizontal openings surrounding the patio area (*Attachment 2*).

The owners also propose the use of a double self closing and latching gate system leading from the patio to the pool area. The gate system would utilize a keyed lock pin imbedded in the concrete.

An existing self closing and latching gate on the south side of the property straddling the property line would also form part of the enclosure.

A number of letters of support from neighbours have been included in the submission by the owners of the property.

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

COMMENTS

Chapter 447 of the Toronto Municipal Code provides for three types of materials for use in a swimming pool enclosure including wood, chain link and metal picket. As a result, glass panels are not acceptable. In addition, the legislation requires that wood fencing material be installed vertical so as to not create a potential means of climbing into the pool area.

The existing gate on the south side of the property raises a concern as half of the width straddles the property line calling into question the owner's control over their swimming pool fence.

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. By-law 1916 map excerpt
2. Pool enclosure Building Permit site plan issued under IBMS folder #09-154453.
3. Proposed fence design.
4. Fence enclosure location