



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 238 Strathallan Wood

Date:	June 4, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 16 - Eglinton Lawrence
Reference Number:	IBMS No. 10 104319

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 allow fences in the front and rear yards which exceed the maximum height limits and to permit the use of horizontal board fencing in a swimming pool fence 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 238 Strathallan Wood.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

The owners agent submitted plans and received a building permit to install a swimming pool and swimming pool fence enclosure on December 9, 2008. Inspection revealed that one fence in the front yard and several fences in the side and rear yards are not in compliance with Chapter 447 of the Toronto Municipal Code and as a result, a Notice of

Violation was issued to the owners who have subsequently applied for a Fence Exemption.

ISSUE BACKGROUND

This is a single family detached dwelling located in third density residential (R3) zone under the former City of North York Zoning By-Law 7625. (*See Attachment 1*)

The only type of wood fences allowed to be used in a swimming pool fence enclosure must have vertical boards. With respect to height, the maximum height for private fences 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 1.20 metres in front yards and 2.0 metres in rear yards, pursuant to Section 2.B. of Toronto Municipal Code Chapter 447 – Fences.

The following fence sections located in the front, side and rear yards were found to be in non-compliance with the By-Law:

(1) On the front side of the property abutting the east property line, a stepped retaining wall with wood fences on top, with an overall height measuring 1.90 metres and for a length of 3.50 metres. (*See Attachments 3 & 4*)

(2) On the side yard of the property abutting the east property line, a stepped retaining wall with wood fences on top, with an overall height ranging in from 1.89 metres to 2.05 metres and for a length of 10.50 metres. (*See Attachment 5*)

(3) On the rear yard of the property abutting the east property line, a wood fence on top of a retaining wall and planter box ranging in height from 2.10 metres to 2.19 metres and for a length of 13.63 metres. (*See Attachment 6*)

(4) On the rear yard of the property abutting the north property line, a wood fence ranging in height from 1.90 metres to 2.35 metres and for a length of 12.75 metres. (*See Attachment 7*)

(5) On the rear yard of the property abutting the north property line fence, a storage area fence enclosure with door opening measuring 2.20 metres in height and for a length of 1.95 metres. (*See Attachment 8*)

(6) On the rear yard of the property abutting the west property line, a wood fence measuring in height at 2.20 metres and for a length of 17.52 metres. (*See Attachments 9 & 10*)

(7) On the west side yard of the property, a wood fence and gate entrance opening ranging in height from 2.33 metres to 2.52 metres and for a length of 4.27 metres. (*See Attachment 11*)

(8) On the rear yard, the wood fencing on the east, north and west property lines forming the swimming pool fence enclosure, is constructed with horizontal boards consisting of tongue and groove lumber.

COMMENTS

The owner(s) wish to maintain the fences as their contractor was not aware of the height limits for the front, east and north side fences and the rear yard fence on the west side was existing when they purchased the property.

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 to be 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. Site Plan of property showing dwelling and swimming pool located at rear.
3. Photo at front yard showing the end of the retaining and fence abutting the east property line.
4. Photo taken from the front yard showing the front yard fence and retaining wall.
5. Photo looking north showing the side yard fencing abutting the east property line.
6. Photo taken from the rear yard showing the fence adj. to the pool on the east property line.
7. Photo looking north showing the fence and storage area abutting the north property line.
8. Photo of storage area fence enclosure adjacent to the north property line.
9. Photo looking west showing the northerly portion of the west property line fence.
10. Photo looking west showing the southerly portion of the west property line fence.
11. Photo looking south showing the west side yard fences and gate opening.