



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 143 Alexandra Boulevard

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 176245

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 which are higher than 2.0 metres in the side and rear yard and changes to the 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 143 Alexandra Boulevard.**

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 a swimming pool fence enclosure on May 12, 2009. Inspection revealed that private fences in the rear and east side yards exceed the maximum height limit of 2.0 metres and the swimming pool fence enclosure is not in conformance with Chapter 447 of the Toronto Municipal Code – Fences and as a result, the owners have applied for a Fence Exemption.

ISSUE BACKGROUND

This is a single family detached dwelling located in a residential R1 Z0.35 zone by Toronto Zoning By-Law No. 438-86, as amended. (*See Attachment 1*)

The maximum height of a rear or side yard 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 2.0 metres, pursuant to Section 2.B. of Toronto Municipal Code Chapter 447 – Fences.

The following fences in the rear and east side yard were found to be in non-conformance with the Chapter and a Notice of Violation dated March 5, 2010, was issued to the owners:

- (1) On the private driveway on the east side of the property, a fence and overhead support for a people door measuring between 2.60 metres in height and for a length of 3.20 metres. (*See Attachment 4*)
- (2) On the east side of the yard, two double gates to the pool area have been installed, without each gate being independently self closing and self latching. (*See Attachments 5, 6 & 7*)
- (3) On the west side of the former double garage located in the rear southeast corner of the property and forming a part of the swimming pool fence enclosure, 2 existing windows have not been secured with a permanent guard or limiting device to prevent the windows from opening more than 100 millimetres. (*See Attachment 8*)
- (4) On the south side of the property abutting the south property line, a wood fence measuring 2.50 metres in height for a length of approx. 15.20 metres.. (*See Attachment 9*)
- (5) On the rear west side of the swimming pool, there is no required swimming pool fence enclosure for a distance of 5.10 metres on the same property and the neighbouring garage containing a window at 147 Alexandra Boulevard, is being used to continue the west side of the swimming pool fence enclosure. (*See Attachment 10*)
- (6) On the west side of the rear yard between the dwelling and the neighbouring garage, one section of fence measuring 2.17 metres in height for a length of 5.10 metres and another section of fence measuring 3.05 metres in height for a length 3.65 metres. (*See Attachment 11*)
- (7) On the rear wall of the dwelling, a double entrance door leading from the dwelling has been converted into a large window by the installation of plexi-glass. (*See Attachment 12*)

COMMENTS

The owner(s) wish to maintain the higher fences as they believe they provide additional security for the pool and privacy to the property and that the changes to the swimming pool enclosure provide an equivalent degree of safety.

In addition to the height considerations, one identified issue of concern centres on the owner not providing a swimming pool fence enclosure on his own property for a distance of 5.10 metres at the south end of the west property line.

Should the recommendation not be accepted and the request approved, in addition to a new building permit being required for the new swimming pool fence enclosure, 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. Survey plan with swimming pool fencing approved under Building Permit #09-136538.
3. Plot plan submitted by owner showing changes to swimming pool fence enclosure.
4. Photo at front showing fence with overhead support for passage door on private driveway.
5. Photo at rear showing open side of first double gate with secured slide bolt into deck.
6. Photo at rear showing secured second set of double gates with secured slide bolt into yard.
7. Photo showing padlocked slide bolt common for both double gates.
8. Photo at rear showing plywood on 1 of 2 windows for accessory bldg. forming pool enclosure.
9. Photo of south fence abutting the south property line forming pool enclosure.
10. Photo at rear of west property line showing neighbours vine covered garage as pool enclosure.
11. Photo at rear showing west swimming pool fence enclosure taken from neighbour's property.
12. Photo from back yard deck showing plexi-glass window sealing off access to pool enclosure.
13. Photo from rear deck looking south showing the entire swimming pool layout and yard area.