Request for a Fence Exemption - 103 Winter Gardens Trail

Date: September 24, 2012
To: Scarborough Community Council
From: Bill Blakes, Manager, Municipal Licensing and Standards
Wards: Ward 44 Scarborough East
Reference Number: IBMS No. 12 193796

SUMMARY

This staff report is about a matter for which the Scarborough Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider a request by the owner(s) of 103 Winter Gardens Trail to be exempted from Chapter 447–Fences, Section 447-3 E (10 (a) Construction Standards. This section states; a swimming pool enclosure, including any gate forming part of the enclosure shall be no closer than 1.2 metres horizontally to the water's edge in the pool.

RECOMMENDATIONS

Municipal Licensing and Standards, Scarborough District, recommends that the Scarborough Community Council:

1. Approve the request for a setback exemption from Chapter 447-Fences, of the Toronto Municipal Code, as the property owner acquired approval from the Committee of Adjustment for zoning setbacks.

Financial Impact

There is no financial impact anticipated in this report.
DECISION HISTORY

The City of Toronto Council enacted the amalgamated By-Law 472-2000 on July 6, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned outdoor swimming pools to erect and maintain safety fences and gates around private swimming pools. This By-Law and the amendments are now found in the Toronto Municipal Code.

ISSUE BACKGROUND

The Municipal Licensing & Standards Division received an application for an exemption from the Fence Bylaw. The property owner of the subject property submitted a letter requesting exemption from the required setbacks for the side and rear lot lines to accommodate the 4.87 m x 7.31 m pool.

COMMENTS

The property owner has also submitted a copy of the decision rendered by the Committee of Adjustments approving a minor variance for the Zoning setbacks from 1.5 m to .76 m from the side lot lines and .91 m from the rear lot line.

However the Committee of Adjustments did not recognize Chapter 447– Fences, Section 447-3 E (10 (a) Construction Standards for which a swimming pool enclosure, including any gate forming part of the enclosure, shall be no closer than 1.2 metres horizontally to the water’s edge in the pool when rendering its decision.

An inspection by Municipal Licensing and Standards found the actual setbacks as per Ch 447, were 2.97m at gate, .83 m on west side, .87 m on south side and .93 m on east side. All other pool enclosure criteria complied.

CONTACT

Fiona Skurjat, Supervisor, Municipal Licensing and Standards Division
Scarborough District,
Tel. (416) 396-7731, Fax. (416) 396-5650, fskurja@toronto.ca

SIGNATURE
Bill Blakes, Manager
Scarborough District

ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: Photo of pool area
Attachment 3: Photo of setback, west side