Fence Exemption Request
41 Bevdale Road

Date: September 18, 2013
To: North York Community Council
From: District Manager, Municipal Licensing and Standards, North York District
Wards: Ward 23 – Willowdale
Reference Number: IBMS No. 13-228149

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 permit fencing for a pool enclosure along the north and east sides of the pool to have an attachment between 100 millimetres and 1.2 metres above grade that may facilitate climbing which is in violation of the 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 41 Bevdale Road.

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

As a result of an inspection for a pool enclosure, the Municipal Standards Officer issued a Notice of Violation. The owner subsequently applied for a fence exemption.

ISSUE BACKGROUND

This is a single family detached home located in the former City of North York (Attachments 1 and 2). The construction standards for a swimming pool enclosure
require that there be no element or attachment between 100 millimetres and 1.2 metres above grade that may facilitate climbing, pursuant to Section 447-3.E (c) Chapter 447, Fences, of the Toronto Municipal Code. The construction standards for a metal picket fence used in a swimming pool enclosure require that the vertical pickets shall be spaced not more than 38 millimetres apart where horizontal rails are spaced less than 1.2 metres apart and not more than 100 millimetres apart where horizontal rails are spaced at least 1.2 metres apart.

The existing metal picket fence is constructed with a horizontal top rail measured at 1.2 metres above grade; a second horizontal rail measured at 1.1 metres above grade and a bottom rail measured at 100 millimetres. The spacing in between the vertical metal pickets is 100 millimetres. There is a section of metal picket fence running 2.6 metres along the east side of the property that has been raised to 1.5 metres in height to compensate for the climbable feature (the elevated rear yard patio).

COMMENTS

The owner wishes to maintain the existing metal picket fencing that encloses the pool area.

Should the recommendation not be accepted and the request approved, the following conditions of approval should include that when the fence is replaced it should be constructed in compliance with Chapter 447 or its successor by-law.

CONTACT

Mauro Calabrese, Municipal Standards Officer
Municipal Licensing and Standards, North York District
Tel: 416-395-7057, Fax: 416-395-7056, E-mail: mcalabr@toronto.ca

SIGNATURE

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Michael Carey, Acting District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. iView of 41 Bevdale Road
2. iView of 41 Bevdale Road – close up view
3. Photo of metal picket fence – north side
4. Photo of metal picket fence with gate – north side
5. Photo of metal picket fence – east side
6. Photo of metal picket fence with gate – east side
7. Photo of metal picket fence – raised section