



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption – Rear Yard 91 Victoria Park Avenue

Date:	January 29, 2016
To:	Scarborough Community Council
From:	Elena Sangiuliano, Acting District Manager Municipal Licensing & Standards, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Number:	IBMS No. 15-265897

SUMMARY

This staff report concerns 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 advise Council concerning an application by the property owner of 91 Victoria Park Avenue for a site-specific Fence Exemption, pursuant to Section 447-5.C of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to install a video surveillance system to monitor the swimming pool from the interior of house as there is a garage erected between the house and the rear yard. The garage restricts visibility of the pool from the rear door and rear window of the house and does not comply with Section 447-3. E (4) of the bylaw.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Scarborough Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 91 Victoria Park Avenue, for a proposed pool enclosure that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for a fence exemption permit, thereby allowing the pool enclosure to be constructed as proposed. Direct and require that the installation be maintained in good repair without alteration. Direct and require that at such time as replacement of the pool enclosure is required that such installation will comply with Municipal Code Chapter 447, or its successor by-law.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The property owner submitted a Building Permit Application #15 228376 to Toronto Building for the construction of a Pool Fence Enclosure in the rear yard of 91 Victoria Park Avenue on September 25, 2015. Toronto Building refused to issue the proposed pool fence enclosure as it did not comply with Section 447-3. E (4) of the Toronto Municipal Code, Chapter 447- Fences. The property owner submitted a fence exemption application, in writing, on December 20, 2015 in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, stating a video surveillance system will provide a continuous view of the pool enclosure to the interior of the house.

As required by Section 447-5(C), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Scarborough Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Scarborough Community Council will consider the application.

ISSUE BACKGROUND

The subject property, 91 Victoria Park Avenue, is a two story semi-detached residential dwelling. It's located in Ward 35, in a Residential Zoned Area south of Kingston Road and north of Queen St.

Toronto Building's review of the Application #15 228376 for a Pool Fence Enclosure Permit revealed the proposed pool fence enclosure will not comply with visibility requirements for a pool enclosure set out in Section 447 3. E (4) of the Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*

Rear Yard	Rear Yard	1. Garage located between the house and the proposed pool fence enclosure	Section 447 3. E (4) Nothing shall be erected, planted or otherwise placed in such a way that the visibility of the pool is restricted from any door or window that is located on the access level of a residential building on the same property, and which has a line of sight to the pool.
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The proposed pool enclosure is behind the garage in the rear yard of 91 Victoria Park Avenue.

COMMENTS

While the proposed pool enclosure violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to the garage restricting the visibility of the proposed pool enclosure it does not contravene any other provisions of the bylaw.

CONTACT

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SIGNATURE

Elena Sangiuliano
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APPENDICES

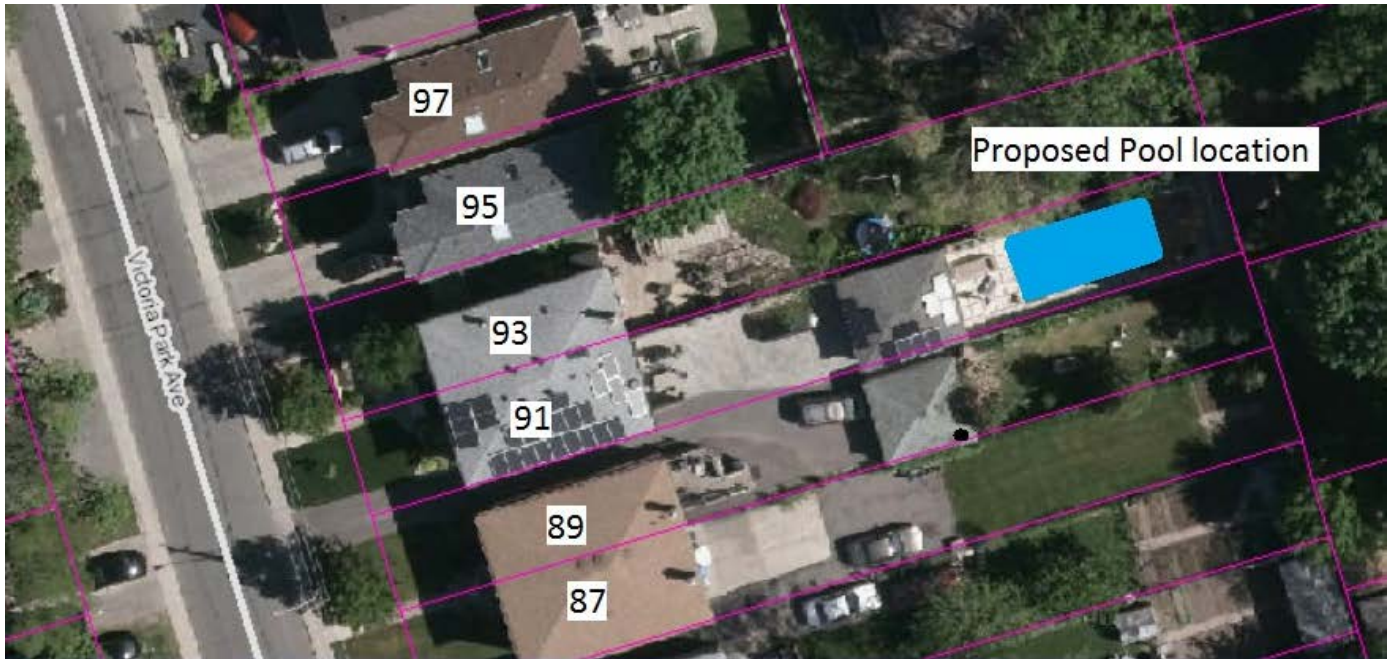
Appendix 1- Location of 91 Victoria Park Avenue

Appendix 2 - Location of Proposed Pool in rear yard of 91 Victoria Park Avenue

Appendix 3 - Rear Yard Photos of 91 Victoria Park Avenue



Appendix 1 - Location of 91 Victoria Park Avenue



Appendix 2 - Location of Proposed Pool in the rear yard of 91 Victoria Park Ave.



View of the proposed pool enclosure from the rear of the house



View of the rear of the house from the proposed pool enclosure

Appendix 3 - Rear yard photos of 91 Victoria Park Avenue