

Request for Fence Exemption – Rear yard – 36 Old Colony Rd.

Date: May 21, 2019.

To: North York Community Council

From: Elena Sangiuliano, District Manager, Municipal Licensing & Standards, North York District

Wards: Ward 15 (Don Valley West).

SUMMARY

This staff report is in regards to a matter for which the North York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider an application submitted by the owner(s) of 36 Old Colony Rd for a site-specific Fence Exemption, pursuant to the Toronto Municipal Code, Chapter 447- Fences. The property owner(s) is seeking Council's permission to retain an existing fence which forms part of their tennis court, to form one side of the swimming pool enclosure and therefore be exempt from Chapter 447-1.3.E(2)(a) – Chain link mesh size and Chapter 447 – 1.3.E(2)(a) – spacing of posts.

The subject property 36 Old Colony Rd is located in Ward 15, on a residentially zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
Rear Yard	Fence along north edge of property forming part of the pool enclosure.	Existing chain link mesh size too large. (50.8mm).	Chapter 447-1.3.E(2)(a) – mesh size larger than 38mm.
Rear Yard	Fence along north edge of property forming part of the pool enclosure.	Existing post spacing between 3.0 to 3.2 metres. (with exception of post beside gate where distance is 1.7m)	Chapter 447-1.3.E(2)(a) – Spacing of posts greater than 2.4 metres.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the North York Community Council give consideration to the exemption application and decide to:

1. Refuse to grant the application for an exemption permit, by the owner(s) of 36 Old Colony Rd, for failing to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences, namely:- Chain link mesh size and maximum post spacing.

OR

2. Grant the application for the swimming pool enclosure to be retained with chain link mesh size, and spacing of fence posts in excess of that permitted by the bylaw, without conditions. Direct and require that the installation be maintained in good repair without alteration. Direct and require that at such time as replacement of the fence 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 was issued with a Notice of Violation (reference 18 223799 FEN 00 IV) on September 13, 2018 addressing the items detailed in this exemption application. As a result they submitted a fence exemption application, in writing, November 2, 2018 to request to retain their pool enclosure fence with Section 447-1.2.B(1), chain link mesh size and spacing between posts - Chapter 447-1.3.E(2)(a), as reasons for the application.

As required by Section 447-1.5.(B)(5), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for North York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that North York Community Council will consider the application.

COMMENTS

The proposed fence / swimming pool enclosure would violate Toronto Municipal Code, Chapter 447- Fences requirements with respect to openings in the chain link and the spacing between posts being too large. This is due to it forming part of a swimming pool enclosure, there is no requirement specific to a tennis court fence. The Height of it (3 metres) is permitted because it forms part of a tennis court. It would not contravene any other provisions of the bylaw.

CONTACT

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SIGNATURE

Elena Sangiuliano
Manager, Municipal Licensing and Standards, North York District

ATTACHMENTS

Appendix 1 – Location of Subject Property from iView.
Appendix 2 - Elevation photo taken from rear yard of 36 Old Colony Rd, showing existing swimming pool / tennis court fence.
Appendix 3 - Elevation photo showing gate and chain link size of existing swimming pool / tennis court fence.
Appendix 4 – Elevation photo showing swimming pool and fence between pool and tennis court.

Appendix 2 – Location of Subject Property from iView.



Appendix 2 - Elevation photo taken from rear yard of 36 Old Colony Rd, showing existing swimming pool / tennis court fence.



Appendix 3 - Elevation photo showing gate and chain link size of existing swimming pool / tennis court fence.



Appendix 4 – Elevation photo showing swimming pool and fence between pool and tennis court.

