

Request for Fence Exemption – Rear Yard – 89 Overbrook Place

Date: August, 16/2019

To: North York Community Council

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

Wards: Ward 6 – York Centre

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 89 Overbrook Place 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 be exempt from Chapter 447 1.3.Sec C (3) If the wall of any building, or any portion of it, forms part of the pool enclosure, there shall be no access to the enclosed pool area through the wall.

The subject property **89 Overbrook Place** is located in Ward 6 – York Centre, on a residentially zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
Rear Yard	Rear Yard	B 1.3.Sec C (3) If the wall of any building, or any portion of it, forms part of the pool enclosure, there shall be no access to the enclosed pool area through the wall. Pool Enclosure is required to prevent entry to the pool area from the main dwelling	Chapter 447 1.3.Sec C (3) If the wall of any building, or any portion of it, forms part of the pool enclosure, there shall be no access to the enclosed pool area through the wall.

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, **89 Overbrook Place** Fence for failing to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and that a second un-appealable Notice of Violation be issued under the City of Toronto Municipal Code Chapter 447 Fences
OR

2. Grant the application for the Fence 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 owner(s) submitted a fence exemption application, in writing, on June, 28/2019 for an existing fence in the Rear Yard Chapter 447 of Toronto Municipal Code – 1.3.Sec C (3) If the wall of any building, or any portion of it, forms part of the pool enclosure, there shall be no access to the enclosed pool area through the wall.

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 violates Toronto Municipal Code, Chapter 447- 1.3.Sec C (3) If the wall of any building, or any portion of it, forms part of the pool enclosure, there shall be no access to the enclosed pool area through the wall. as it relates to construction and/or materials permitted by the by law, it does not contravene any other provisions of the bylaw.

CONTACT

Jean-Paul Nadeau, Acting Supervisor,
Municipal Licensing & Standards Division
North York District
Tel. # 416-396-7311
Fax (416) 395-7056
E-mail: JeanPaul.Nadeau@toronto.ca

SIGNATURE

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

ATTACHMENTS

Appendix 1 – Location Subject Property from Iview.

Appendix 2 – View of notification area in relation to **89 Overbrook Place**

Appendix 3 – View of the windows facing North **89 Overbrook Place**

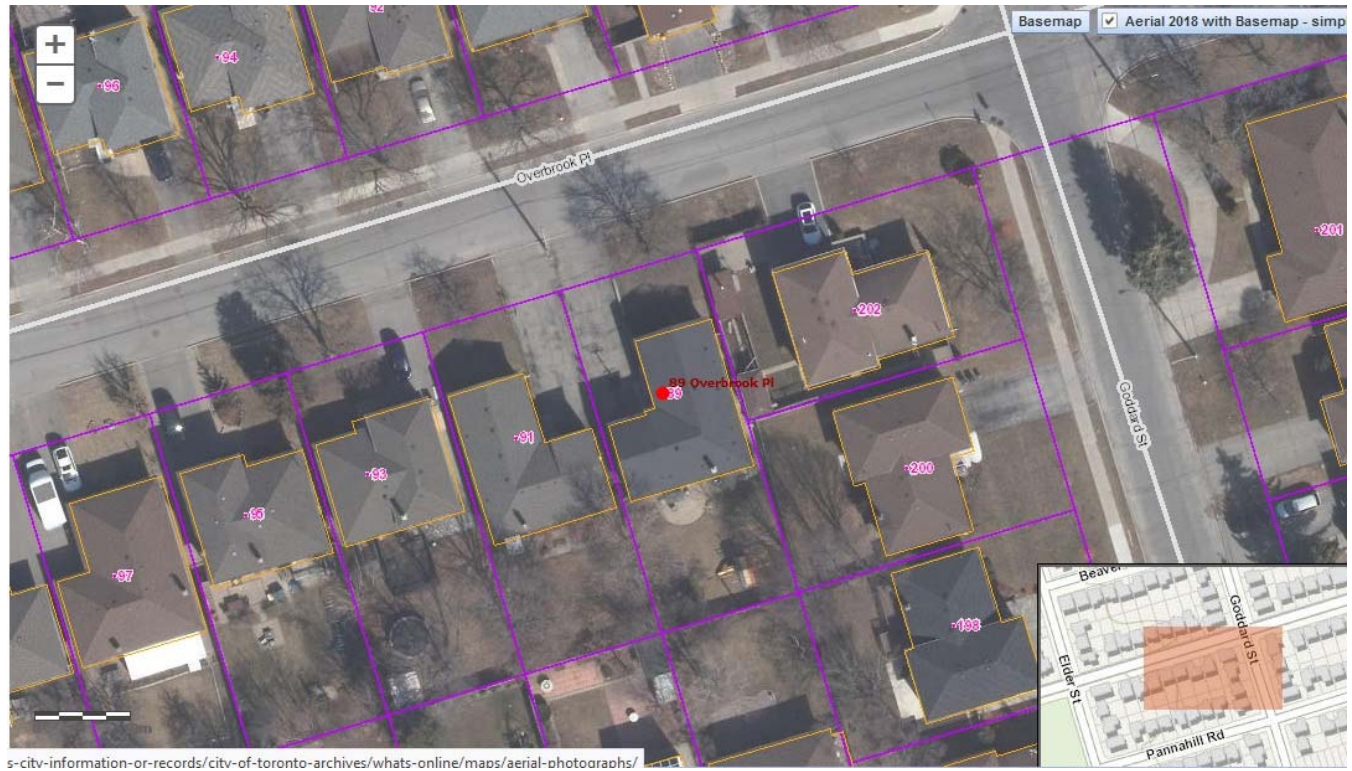
Appendix 4 – View of the windows facing North **89 Overbrook Place**

Appendix 5 – View of the windows from inside dwelling **89 Overbrook Place**

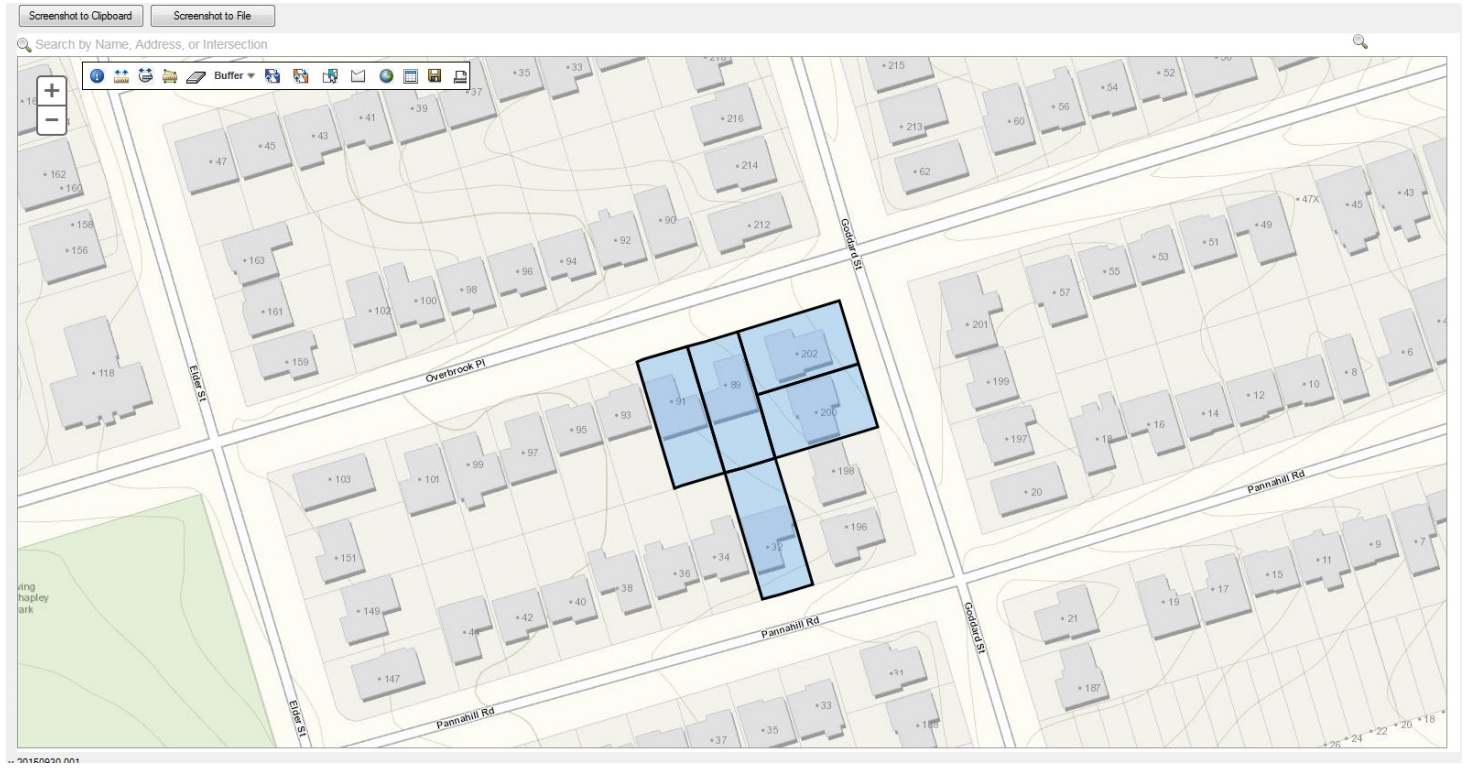
Appendix 6 – View of the windows from inside dwelling **89 Overbrook Place**

Appendix 1 - Location Subject Property from Iview.

Location of subject property from [iView](#):



Appendix 2 – View of notification area in relation to **89 Overbrook Place**



Appendix 3 – View of the windows facing North
89 Overbrook Place



Appendix 4 – View of the windows facing North
89 Overbrook Place



Appendix 5 – View of the windows from inside dwelling

89 Overbrook Place



Appendix 6 – View of the windows from inside dwelling

89 Overbrook Place

