

Request for Fence Exemption –Front yard and side yard 81 Shellamwood Trail

Date: Friday December 14, 2018
To: Scarborough Community Council
From: Manager Municipal Licensing & Standards, Scarborough District
Ward: 23 (Previously ward 41) - Scarborough East

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 owners of 81 Shellamwood Trail for a site-specific Fence Exemption, pursuant to Section 447 1.3 of Toronto Municipal Code, Chapter 447- Fences. The property owners are seeking Council's permission to be exempt concerning a proposed replacement of an existing pool enclosure in the rear yard which will not comply with restrictions contrary to Chapter 447 Section 1.3 of the bylaw as detailed below in the following chart:

The subject property 81 Shellamwood Trail is located in Ward 23, in a residential zone.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	Rear Yard	Proposed use of the back wall of the house as part of the pool enclosure	Section 447-1.3 (C)(1), A Swimming pool enclosure shall be designed and constructed so that all entrances to any building are located outside of the enclosure area.
	Rear Yard		Section 447-1.3 (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 end pool area through the wall.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Scarborough Community Council:

1. Refuse to grant the application for an exemption for 81 Shellamwood Trail, for a proposed pool enclosure for failing to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and direct that a second non appealable Notice of Violation be issued.

OR

2. Grant the application for the proposed exemption 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

On October 3, 2018 a Notice of Violation was issued to the property owners of 81 Shellamwood Trail. In response to the Notice of Violation the owners submitted a fence exemption application in writing, on October 19, 2018.

As required by Section 447 1.5(B)(5), 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.

COMMENTS

The existing Pool was installed in 1979 but the existing fence enclosure has deteriorated to an extent that requires its replacement.

The proposed replacement of the existing pool enclosure contravenes Toronto Municipal Code, Chapter 447-Fences in regards to the requirements for Chapter 447-1.3. Section C(1) and (3) with respect to the requirement that all entrances to a building shall be located outside of the enclosed area,-and if a wall of any building forms part of the enclose, there shall me no access to the enclosed pool area through the wall.

CONTACT

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SIGNATURE

Scott Sullivan
Manager, Municipal Licensing and Standards, Scarborough District

ATTACHMENTS

Appendix 1 – Location of Subject Property. iview

Appendix 2 – Site Plan

Appendix 3 – Inspection photo taken on applicant's property taken from the street

Appendix 4- Inspection photo taken of applicant's property from the side yard
(East side of property where temporary fencing is being used)

Appendix 5- Inspection photo taken from applicant's property in rear yard
(East side of property where temporary fencing is being used)

Appendix 6- Inspection photo taken from applicant's property in rear yard
(South side of property)

Appendix 7- Inspection photo taken from applicant's property in rear yard
(South side of property)

Appendix 8- Inspection photo taken from applicant's property in rear yard
(South West corner of property)

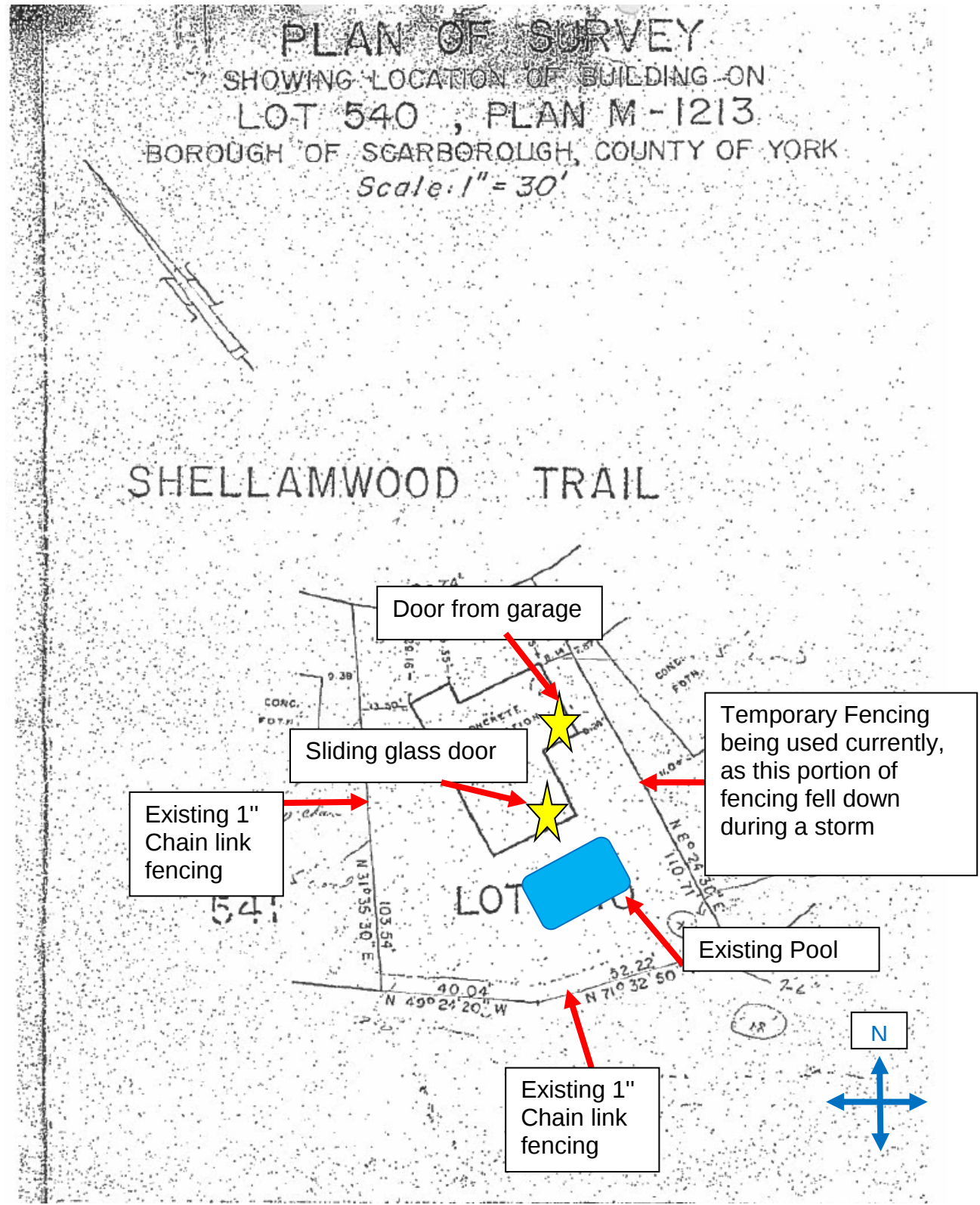
Appendix 9- Inspection photo taken from applicant's rear yard
(West side of property)

81 Shellamwood Trail fence exemption application
Folder # 18 246715

Appendix 1- Location of subject property from iView



Appendix 2 – Site Plan



Appendix 3 –Inspection photo of applicant's property taken from the street



**Appendix 4- Inspection photo of applicant's property side yard
(East Side of property where temporary fencing is being used)**



Appendix 5- Inspection photo taken of applicant's property in rear
(East side of property where temporary fencing is being used)



Appendix 6- Inspection photo taken from applicant's property in rear yard
(South side of property)



Appendix 7- Inspection photo taken from applicant's property in rear yard
(South side of property)



Appendix 8- Inspection photo taken from applicant's property in rear yard
(South West corner of property)



Appendix 9- Inspection photo taken from applicant's property rear yard
(West side of property)



Existing 4 foot
high 1" mesh
chain link fence