

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 21 King George's Rd

Date: August 23 2021

To: Etobicoke York Community Council

From: District Manager, Municipal Licensing and Standards, West District

Wards: Ward 3 - Etobicoke Lakeshore

SUMMARY

This staff report concerns a matter for which the Etobicoke-York 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 21 King George's Rd for a site-specific Fence Exemption, pursuant to Section 447-1.5(B) of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to construct a swimming pool enclosure, which does not comply with the standards stipulated by Section 447-1.3(E)(3) of the bylaw.

The swimming pool enclosure is located in the rear yard and does not meet requirements for distance between the pool and the enclosure. The enclosure uses a garage wall as part of the construction.

Application Review Notice was issued to property owner.

RECOMMENDATIONS

The Manager recommends:

1. Refuse to grant the application for an exemption permit, by the property owner of 21 King George's Rd, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to issue a notice to the property owner to bring the fence into compliance.

OR

2. Grant the application for a fence exemption permit (with or without conditions), thereby allowing the fence to be installed as. Direct and require that the installation be

maintained in good repair without alteration. 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 anticipated Financial Impact from this report.

DECISION HISTORY

An agent for the property owner submitted a fence exemption application, in writing, on July 15 2021, in regards to the pool fence enclosure installation, in accordance with Section 447-1.5(B) of Toronto Municipal Code, Chapter 447- Fences.

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

The subject property, 21 King George's Rd, is located in Ward 3. The property is a 2 storey detached residential home.

See the table below for the dimensions of the fence in question.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	South side of the yard	The swimming pool enclosure is made of wood and incorporates the garage wall as part of the fence. The garage is not a minimum of 1.2 metres from the water's edge in the pool	Section 447-1.3(E)(1)(a) A swimming pool enclosure, including any gate forming part of the enclosure shall be no closer than 1.2 metres horizontally to the water's edge in the pool.

COMMENTS

While the proposed fence violates Toronto Municipal Code, Chapter 447- Fences with respect to height, it does not appear to contravene any other provisions of the bylaw.

CONTACT

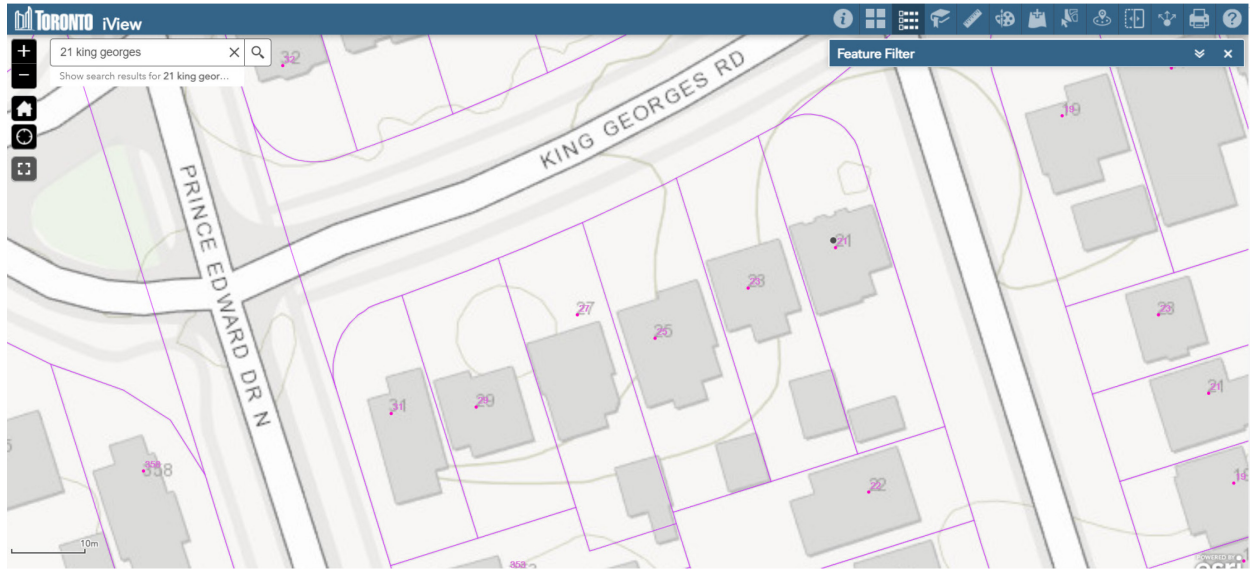
Gurminder Purba, Supervisor,
Municipal Licensing & Standards
West District
Tel. (416) 392-7610
E-mail: gurminder.purba@toronto.ca

SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment 1: iView Map of property – 21 King Georges Rd
Attachment 2: Pool enclosure permit plans
Attachment 3: Photo submitted by applicant showing the garage door from the street
Attachment 4: Photograph submitted by applicant indicating side property line
Attachment 5: Photograph submitted by applicant indicating the location of the pool
Attachment 6: Letter submitted by applicant
Attachment 7: Letter submitted by applicant (cont.)



Attachment 1: iView Map of property – 21 King Georges Rd



Attachment 3: Photo submitted by applicant showing the garage door from the street



Attachment 4: Photograph submitted by applicant indicating side property line



Attachment 5: Photograph submitted by applicant indicating the location of the pool



40 Shields Court, Markham, Ontario L3R 0M5 Tel: 905 475-6980 • Fax: 905 475-7076 • Toronto Line: 416 490-6980

August 17, 2021

Etobicoke York Community Council
Etobicoke Civic Centre, Main Floor, 399 The West Mall
Toronto, Ontario M9C 2Y2
Attention: Nancy Martins, Secretariat Contact

Dear Ms. Martins:

**Re: Fence Exemption Application
21 King Georges Road, Etobicoke**

We represent Larissa Derzko (the "Owner"), the registered owner of the property municipally known as 21 King Georges Road, Etobicoke (the "Site"). The Site is located east of Prince Edward Dr. N., north of Bloor St. W.

Fence Exemption Request

We submit the enclosed fence exemption application to seek relief from Section 447-1.3.E.(1)(a) of the Toronto Municipal Code. The Owner proposes to use their separate garage building to form part of the pool enclosure and locate the swimming pool 0.30m from the back wall of the garage. Section 447-1.3.E.(1)(a) of the Fence ByLaw stipulates that *"A swimming pool enclosure... shall be no closer than 1.20m horizontally to the water's edge in the pool;"* We are seeking relief for the 0.90m discrepancy.

Factors for Consideration of the Request

- The request maintains compliance with all other sections of the Fence ByLaw with respect to Swimming Pool Enclosures, namely 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 enclosed pool area through the wall."*
- The street-facing walls of the garage building (the portions of the building that actually form the Pool Enclosure) are all well over 1.20m away from the water's edge in the pool.
- The proposed swimming pool is fully accessible from the other three sides and is designed to be a small plunge pool. It is only 3.66m (12') wide, and will have a water depth of just 1.67m (5'6") at its deepest point.

Reason for Exemption Request

This property is situated on the corner of King Georges Road and Kings Lynn Road and is not a large parcel of land. Being what they are, the Zoning Setback requirements for corner lots are fairly restrictive, and do not leave much space left for the addition of a swimming pool to this family's backyard. Nestling the pool up next to the garage is the only realistic way to allow this to happen.

Customer Initial _____

Attachment 6: Letter submitted by applicant



40 Shields Court, Markham, Ontario L3R 0M5 Tel: 905 475-6980 • Fax: 905 475-7076 • Toronto Line: 416 490-6980

Application Support Documents

In support of this application, we enclose the following:

1. A copy of the Permit Plan indicating the Pool Enclosure, and showing the pool located next to the Garage Building, highlighting the 0.90m discrepancy between the wall of the garage and the water's edge of the pool.
2. Photographs of the Garage Building.

Should you have any questions or require any further information, please do not hesitate to contact the undersigned.

Yours truly,

BonaVista Pools Limited

Peter Brown

Vice President

peter@bonavistapools.com

(416)707-2671

Attachment 7: Letter submitted by applicant (cont.)