

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 14 Bearwood Dr

Date: November 03 2021

To: Etobicoke York Community Council

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

Wards: Ward 2 - Etobicoke Centre

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 14 Bearwood Dr 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 alter the installation of a pool enclosure fence, which would not comply with the restrictions stipulated by Section 447-1.3 of the bylaw.

The pool will be located in the rear yard of the property. Applicant is applying for an exemption to eliminate a fence between the home and the pool. The pool permit application included a glass fence that was to be installed across the rear yard. The pool enclosure permit was granted as it did indicate a glass enclosure across the rear yard.

RECOMMENDATIONS

The Manager recommends:

1. Refuse to grant the application for an exemption permit, by the property owner of 14 Bearwood Dr, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for a fence exemption permit (with or without conditions) to the property owners of 14 Bearwood Dr, thereby allowing the proposed fence to be installed. 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, Fences, or its successor by-law

FINANCIAL IMPACT

There is no anticipated Financial Impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on Sept 27 2021, regarding a proposal for a swimming pool enclosure installation, in accordance with Section 447-1.5(B) of Toronto Municipal Code, Chapter 447- Fences. The applicant has stated that the original pool (prior to removal) did not have a fence between the pool and the house. The pool and fence are being replaced, through insurance, due to damages beyond the applicant's control.

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, 14 Bearwood Dr, is located in Ward 2. 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	Pool enclosure fence between house and pool	Proposal would not enclose the area in which the swimming pool is located	Section 447-1.3(A)(2)

COMMENTS

While the 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 – 14 Bearwood Dr
Attachment 2: Pool Fence Enclosure Drawing
Attachment 3: Rear Yard (photo taken facing North)
Attachment 4: Letter from Neighbour



Attachment 1: iView Map of property – 14 Bearwood Dr

PROPERTY RESTORATION - POOL ENCLOSURE PLAN 14 BEARWOOD DRIVE, ETOBICOKE, ON



PHONE: 905.418.5551 | FAX: 905.418.5552
1000 SHEPPARD AVENUE EAST, SUITE 100, SCARBOROUGH, ONTARIO M1S 1T6

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REV.	DATE	DESCRIPTION
1	JAN 2021	ISSUED FOR PERMIT
2	MAR 2021	ISSUED FOR CONSTRUCTION
3	JAN 2021	ISSUED FOR PERMIT REVISION
4	JAN 2021	ISSUED FOR CONSTRUCTION
5	SEP 14/21	ISSUED FOR CONSTRUCTION

POOL ENCLOSURE GENERAL NOTES:

REFER TO LEGAL TOPOGRAPHIC SURVEY COMPLETED BY ROUSE SURVEYORS INC., DATED APRIL 21, 2021, FOR SUPPLEMENTAL INFORMATION ON PROPERTY HARDSCAPES AND SOFTSCAPES, PROPERTY LINE LOCATIONS, MEASUREMENTS, AND OFFSETS TO STRUCTURES.

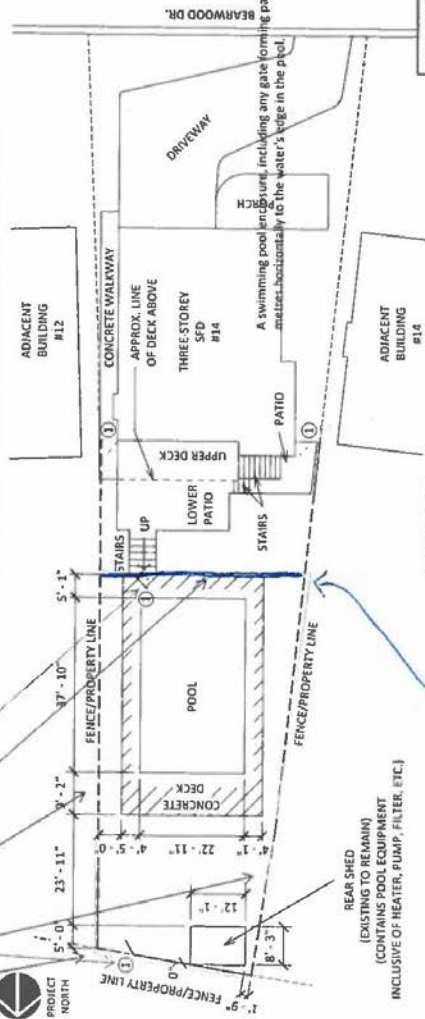
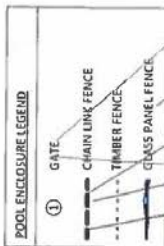
ALL FENCES AND POOL ENCLOSURES SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE TORONTO MUNICIPAL CODE FENCE BY-LAW (CHAPTER 447) AND ARTICLE 447-1.3 OF THE BY-LAW (CHAPTER 447), RESPECTIVELY.

ALL GATES SHALL BE CONSTRUCTED WITH SIMILAR CONSTRUCTION AND HEIGHT OF THE ADJOINING FENCE. GATES MUST BE SUPPORTED ON SUBSTANTIAL HINGES AND BE LOCKED AT ALL TIMES. GATES MUST BE SELF-CLOSING AND EQUIPPED WITH A SELF-LATCHING DEVICE PLACED AT TOP AND ON THE POOL SIDE OF THE GATE OF A MINIMUM 1.5M ABOVE GRADE.

THE MINIMUM HEIGHT OF ALL FENCES AND GATES COMPRISING THE POOL ENCLOSURE SHALL BE 1.2M (4').

GLASS PANEL FENCES SHALL HAVE NO OPENING OF MORE THAN 38MM BETWEEN THE PANEL AND POST WHERE HORIZONTAL ELEMENTS ARE SPACED LESS THAN 1.2 METRES APART. ADDITIONALLY, THERE SHALL BE NO OPENING NOT MORE THAN 100 MM APART WHEN THE HORIZONTAL ELEMENTS ARE MORE THAN 1.2 METRES APART.

REFER TO TABLE 3 OF THE BY-LAW (CHAPTER 447) FOR THE MINIMUM STANDARDS FOR CHAIN-LINK FENCE CONSTRUCTION.



SITE PLAN NOTES:
REFER TO LEGAL SURVEY BY ROUSE SURVEYORS INC., DATED APRIL 21, 2021, FOR PROPERTY LINE LOCATIONS, DIMENSIONS, AND OFFSETS.

1 SITE PLAN
1" = 20'-0"

Toronto ML&S FOR CONSTRUCTION
PERMIT REVIEWED FOR COMPLIANCE WITH THE
Chapter 127 of the Fire Code, 93-511 & other applicable legislation.
21 194492 FEN 00 IR
SEP 14/21

FENCE	Theresa Mann	15-SEP-2021
OTHER		

ADDRESS
14 BEARWOOD DR. ETOBICOKE, ON

CLEAR
ALLSTATE INSURANCE COMPANY OF CANADA

TITLE
TITLE SHEET

FILE
2000-2509-BL

SHEET
0.01

NOTE: ENCLOSURE SHALL HAVE NO FLUVENT OR AT-TAKING MATERIALS WITHIN 1.2 M ABOVE GROUND THAT MAY FACILITATE CLIMBING FROM THE OUTSIDE OF THE ENCLOSURE!

Exemption Request is to Decorate Glass Wall

Attachment 2: Pool Fence Enclosure Drawing



Attachment 3: Rear Yard (photo taken facing North)

September 21, 2021

To: The City of Toronto

From: Danica Nekic, 16 Bearwood Drive, Toronto

Re: Support for Application for Fence Exemption at #14 Bearwood

I, Danica Nekic own the property at #16 Bearwood Drive. I am writing in support of the application for fence exemption at #14 Bearwood Drive by Nadia Rossi and Walter Lowes. They are requesting that they be allowed to construct a new fence 4' high in chain link along the lot line enclosing their rear yard. This is replacing the existing fence that has been damaged. I am informed that the exemption requested is to not construct a new fence that would block access to the pool from the rear of the house. I do not object to this fence exemption.

Sincerely,



Danica Nekic

Attachment 4: Letter from Neighbour