

Application for Fence Exemption 309 Bessborough Drive

Date: March 16, 2021
To: North York Community Council
From: East District Manager Municipal Licensing and Standards
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 of 309 Bessborough Drive to maintain an existing tempered glass pool enclosure fence in the rear yard. The existing tempered glass fence does not meet the requirements specified in City of Toronto Municipal Code, Chapter 447, Fences.

RECOMMENDATIONS

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

1. Refuse the application for an exemption submitted by the owner of 309 Bessborough Drive, to maintain an existing tempered glass pool enclosure fence in the rear yard, which does not comply with provisions of City of Toronto Municipal Code, Chapter 447, Fences, and direct that an unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences; or
2. Grant the exemption to the owners of 309 Bessborough Drive to have the existing tempered glass pool enclosure fence in the rear yard to be maintained in the same condition without alteration. At such time as replacement of the fence is required that the replacement fence will comply with Municipal Code Chapter 447, Fences, or its successor by-law.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

An application for a fence exemption was submitted by the property owner based on the By-law violation with the existing tempered glass pool enclosure fence in the rear yard. In the same manner, all required notifications have been sent in accordance with Municipal Code Chapter 447, by the City Clerk's office the application for exemption will be considered by North York Community Council. (Attachment 1)

COMMENTS

It was determined by the Officer that the subject property's existing tempered glass pool enclosure fence in the rear yard does not comply with the provisions of Toronto Municipal Code Chapter 447- Fences. As a result of an inspection a Notice of Violation was issued to the Homeowners.

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Rear Yard	Upper deck gate and guard	Tempered glass pool enclosure fence is below the minimum height permitted. The permitted height is 1.2 meters or 4 feet.	1.2E. (2)
Rear Yard	Walkout gate	Tempered glass pool enclosure fence is below the minimum height permitted. The permitted height is 1.2 meters or 4 feet.	1.2E. (2)

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Rear Yard	Rear Yard Entire tempered glass fourth fence	Fourth tempered glass pool enclosure not installed as per the approved drawings submitted. Owner is to submit a new pool enclosure layout.	1.3A. (1)
Rear Yard	East side of Property	No water shall collect or remain in swimming pool without approved permanent pool enclosure in place.	1.3B. (7)

In response to the Notice Of violation the Property Owners of 309 Bessborough Drive submitted a Fence Exemption Application, on the grounds that the fence provides privacy, security and is aesthetically pleasing.

However, should North York Community Council decide to grant the owner the exemption, the owner will be subject to the conditions for compliance as set out in recommendation 2.

CONTACT

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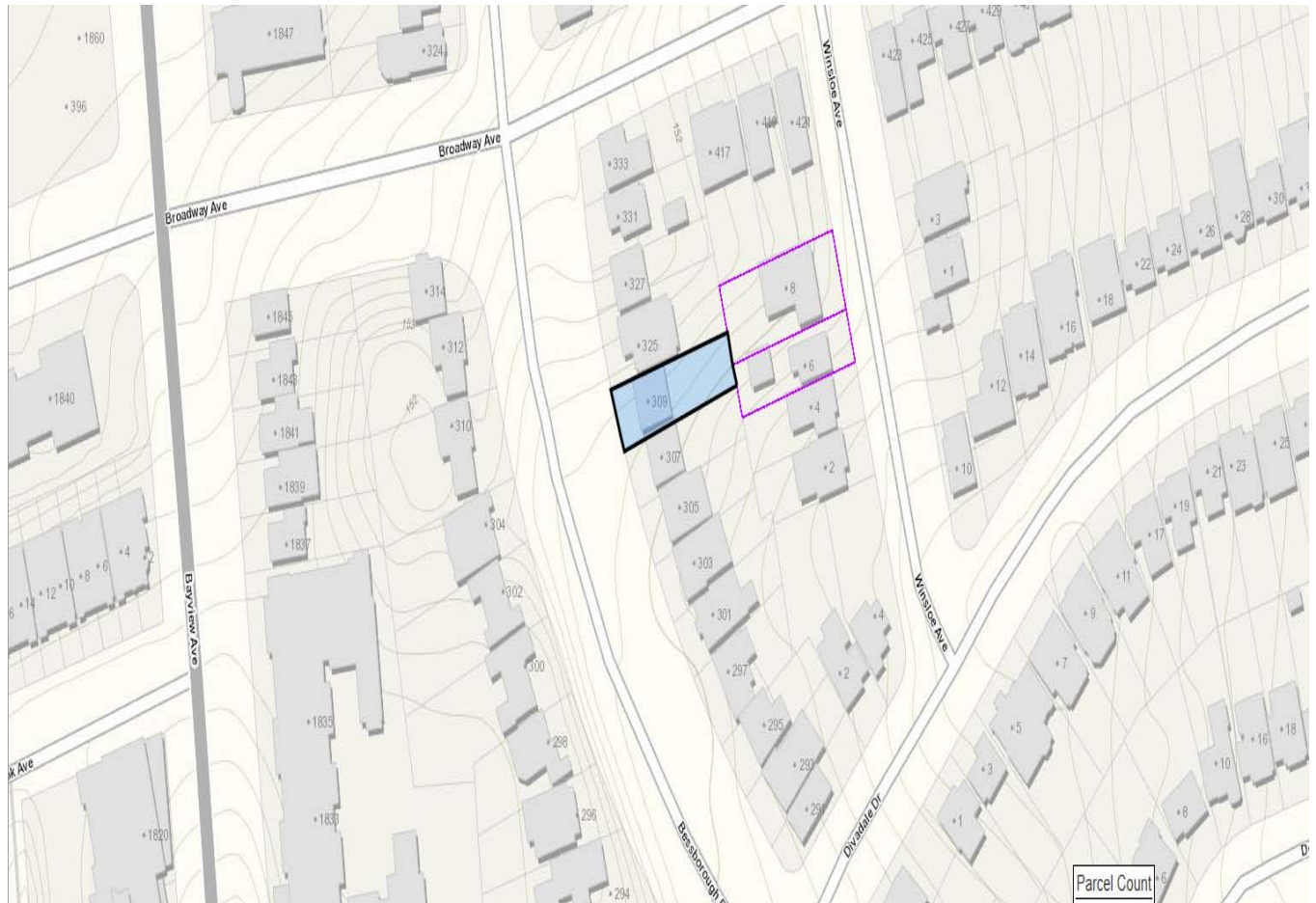
SIGNATURE

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ATTACHMENTS:

1. View of properties adjacent to 309 Bessborough Drive
2. Front view of 309 Bessborough Drive.
3. Walkout from the basement guard.
4. Walkout from basement gate.
5. Staircase to Upper deck.
6. Staircase to Walkout to the basement and guard.

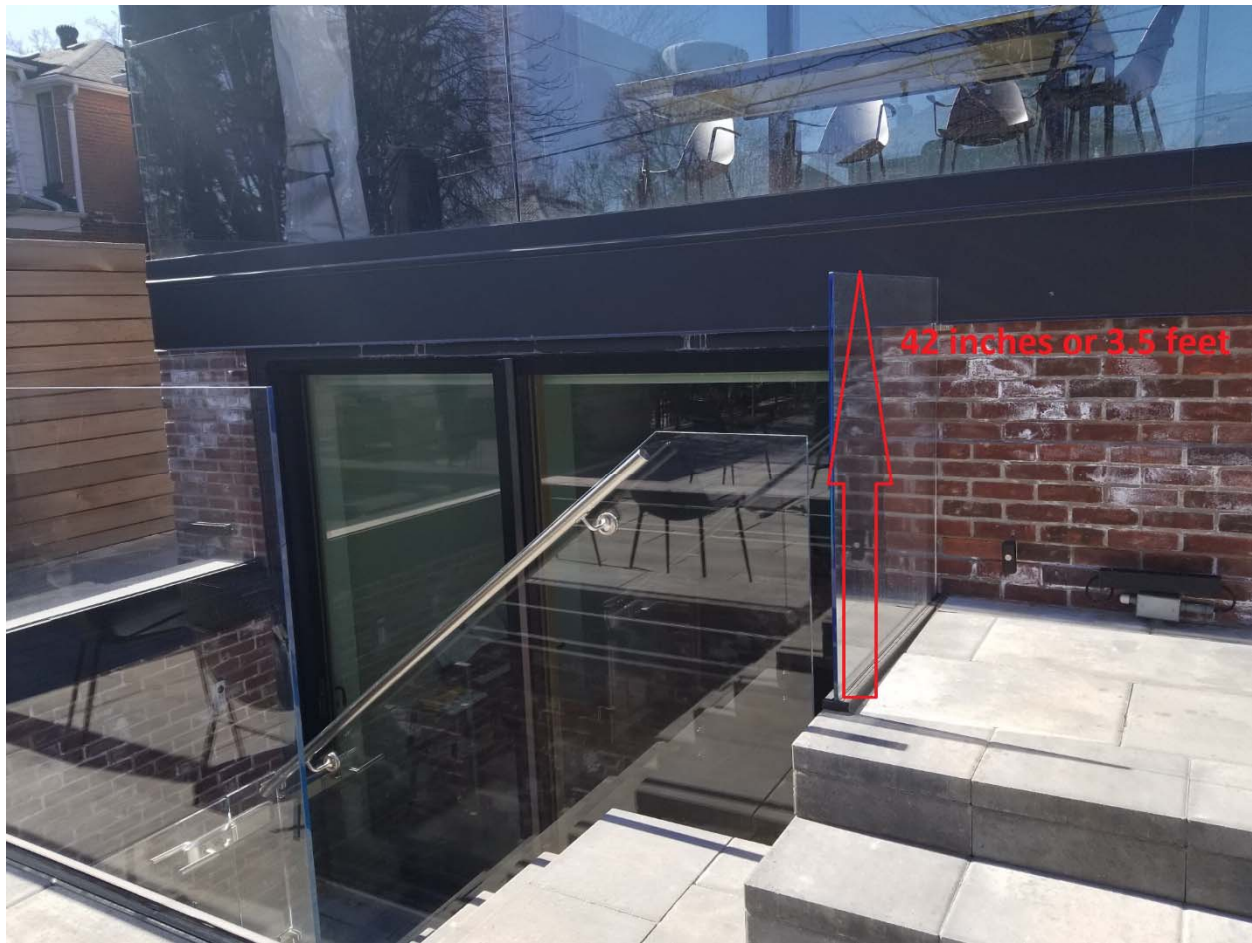
Attachment 1: View of properties adjacent to 309 Bessborough Drive.



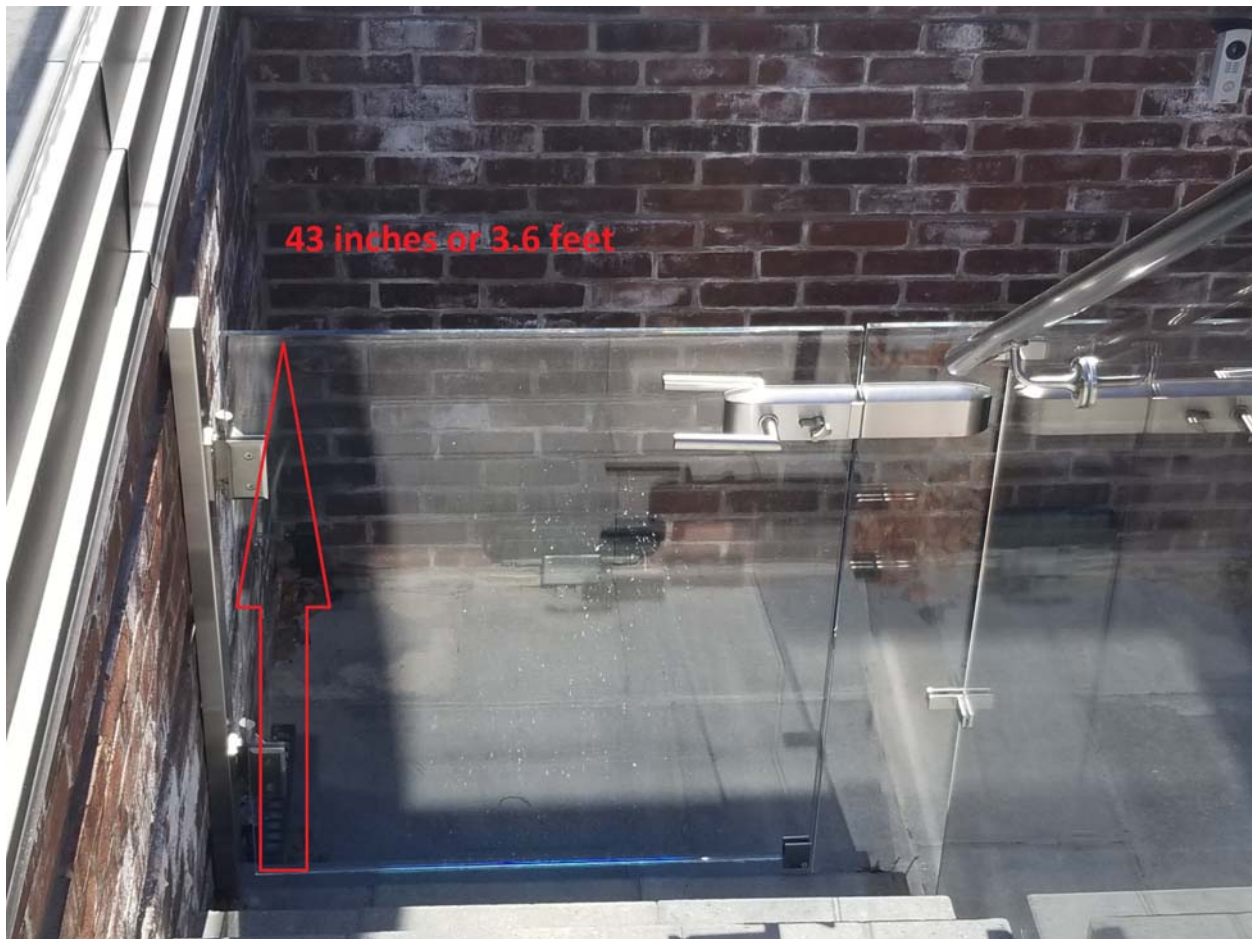
Attachment 2: Front view of 309 Bessborough Drive.



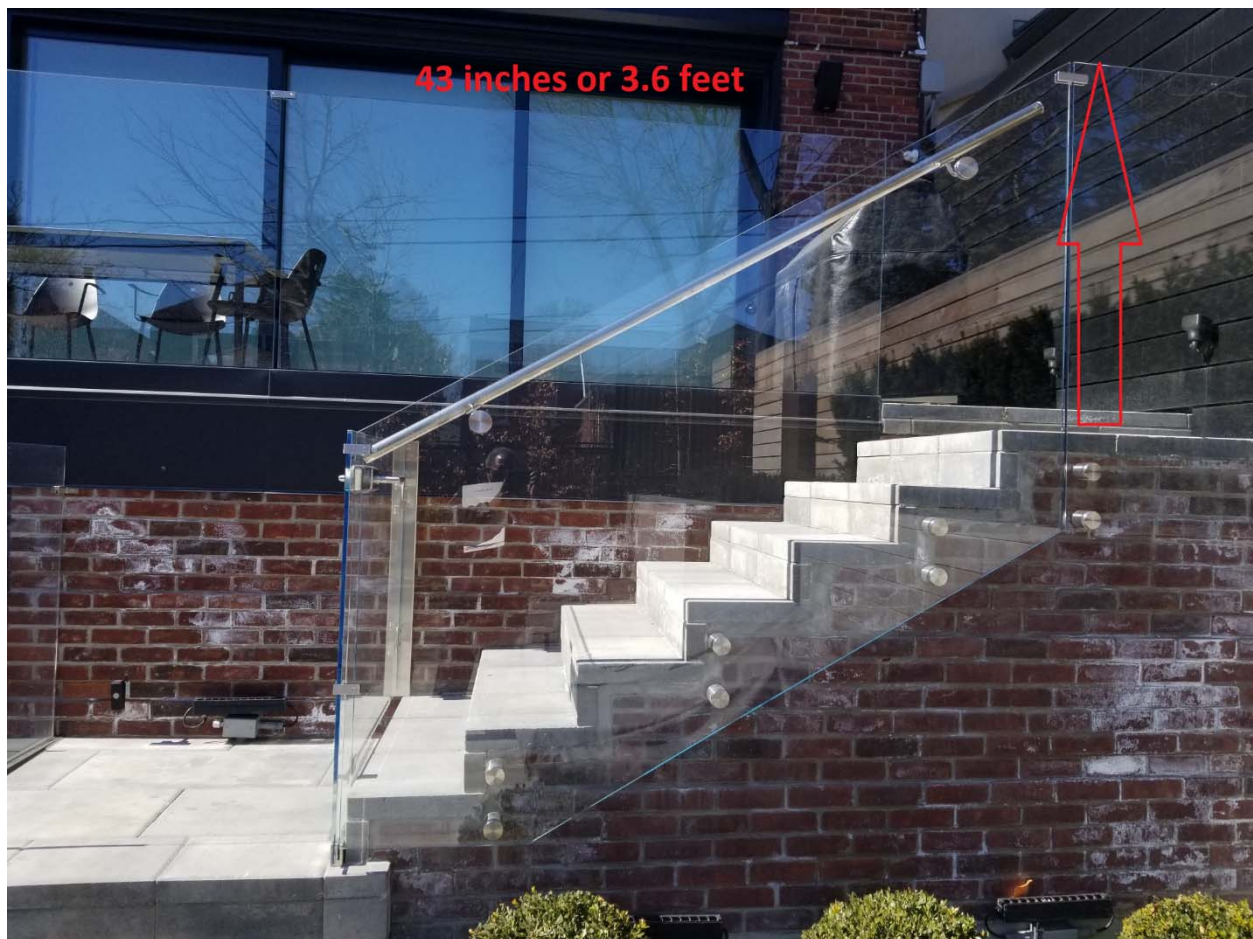
Attachment 3: Walkout from the basement guard.



Attachment 4: Walkout from basement gate.



Attachment 5: Staircase to Upper deck.



Attachment 6: Staircase to Walkout to the basement and guard.

