

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 7 Colchester Court

Date: Jun 9 2022

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 Community Council concerning an application by the property owner of 7 Colchester Court 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 Community Council's permission to keep a fence constructed in the rear yard of the property. The fence is being used as part of a swimming pool enclosure. The fence does not comply with Toronto Municipal Code, Chapter 447-1.3(E)(2) material used for fence and gate construction.

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, West District recommends that Etobicoke York Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 7 Colchester Court, 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 7 Colchester Court, thereby allowing the fence as constructed. 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 May 5 2022, in regards to an existing fence 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 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, 7 Colchester Court, is located in Ward 2. The property is a 2 storey residential single family dwelling.

The perimeter pool enclosure fence is constructed of vinyl, which is a material not recognized by the bylaw for use as part of the enclosure.

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	Perimeter fencing used for swimming pool enclosure	Vinyl fencing – 1.8m in height	Ch. 447-1.3(E) (2) Every fence and gate used in a swimming pool enclosure shall be constructed to the standards listed.

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.

If the exemption is refused, a notice of violation will be issued to the property owner.

CONTACT

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

SIGNATURE

Joe Magalhaes
District Manager

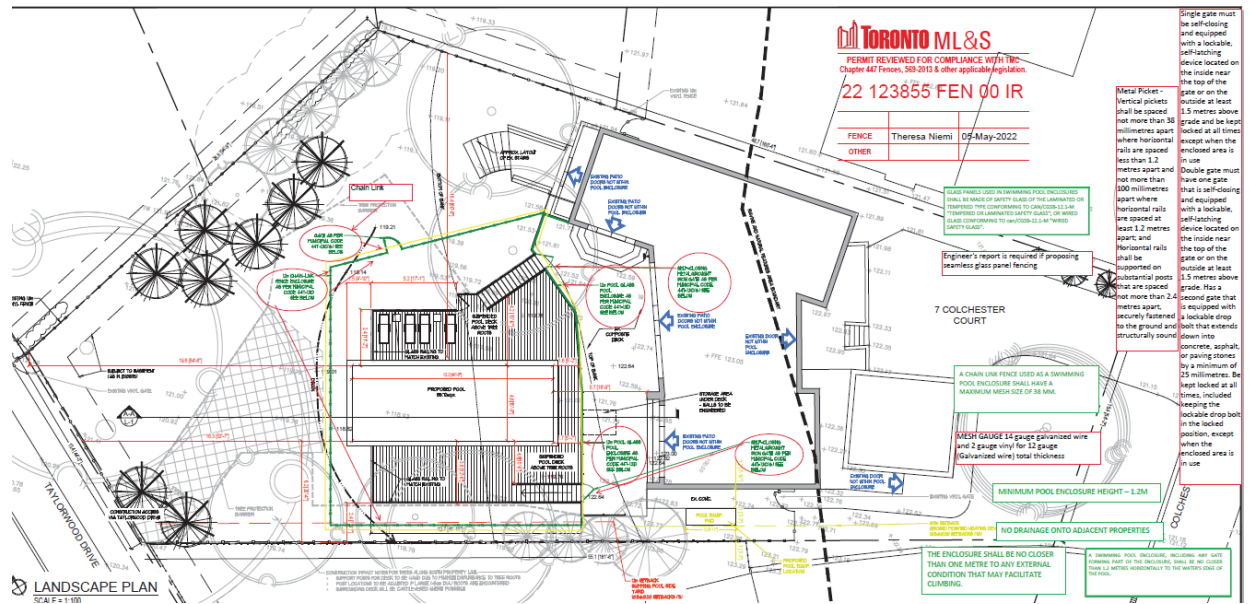
ATTACHMENTS

Attachment 1: iView Map of property – 7 Colchester Court
Attachment 2: photograph of lock on pool enclosure
Attachment 3: Photo of vinyl fence with gate
Attachment 4: Photo of vinyl fence on perimeter of property
Attachment 5: Photo of vinyl fence on perimeter of property
Attachment 6: Photo gate on perimeter of property
Attachment 7: Support letter from 6 Colchester Court
Attachment 8: Support Letter from 3 Woodvalley Drive
Attachment 9: Support Letter from 7 Woodvalley Drive
Attachment 10: Support Letter from 8 Colchester Court

Attachment 1: iView Map of property – 7 Colchester Court



Attachment 2: photograph of lock on pool enclosure



Attachment 3: Photo of vinyl fence with gate



Attachment 4: Photo of vinyl fence on perimeter of property



Attachment 5: Photo of vinyl fence on perimeter of property



Attachment 6: Photo gate on perimeter of property



Attachment 7: Support letter from 6 Colchester Court

May 5th, 2022

Dear Councilors / City Agent:

My name is Terra Attard from 6 Colchester Court in Etobicoke Ontario. I am the neighbour adjacent to Elena and Patrick Sikorski who reside at 7 Colchester Court.

Both of our properties share a white PVC vinyl fence which connects them. I was responsible for the installation of the fence. The fence was chosen for its thick PVC walls, heavy duty rails and steel concrete installed posts. This fence was chosen for its life expectation; no rust, rot, splitting, slivers, bugs and/or chalking.

Please accept this letter as confirmation that I support the Sikorski's objection to the fence by-law and seek to accommodate vinyl as an approved fencing material. This material is safe and sturdy as per the above specifications.

In addition, there is benefit for a unified curb appeal with matches fences along our street property lines. The change of this material is non-sensical and provides no benefit to the neighbourhood. It does add monetary costs, unnecessary extra work and inconvenience for everyone with a less ideal aesthetic.

Should you have any questions or concerns, I may be reached at terraattard@outlook.com or (416) 419-9150.

Trusting this is satisfactory,

A handwritten signature in black ink, appearing to read 'Terra Attard', with a stylized flourish at the end.

Terra Attard
Home Owner - 6 Colchester Court, Etobicoke, Ontario

Attachment 8: Support Letter from 3 Woodvalley Drive

May 15th, 2022

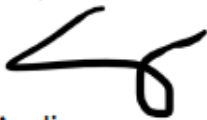
Dear Council Members,

My name is Sam Avolio and I am homeowner of 3 Woodvalley Drive located in Etobicoke.

7 Colchester Court backs on to our property and we share a property line with them. I understand the Sikorski's are putting a pool in their backyard.

I understand that their vinyl fence is not listed as an approved material for a fence. However, I feel it is strong and sturdy material. I am writing to show I support them in keeping their vinyl fence as this fence is made of a hard material and also matches the aesthetic of the other homes around us.

Regards,

A handwritten signature in black ink, appearing to be 'S Avolio', with a stylized flourish at the end.

Sam Avolio
Homeowner
3 Woodvalley Dr.
4169188244

Attachment 9: Support Letter from 7 Woodvalley Drive

ROBERT ALPINELLI
7 WOODVALLEY DR.
ETOBICOKE, ON
416 - 891 - 5374

May 6th 2022

Dear Councillors,

My name is Robert Alpinelli and I am homeowner of 7 Woodvalley in Etobicoke.

We are neighbors to 7 Colchester Court. We understand the Sikorski's are looking to put a pool in their backyard.

We are writing to confirm that we approve their current vinyl fence as an adequate fencing material.

We have no objection to their current fence and feel it matches the aesthetic of our neighborhood. We also feel very safe for our young family as it is very tall and sturdy.

If you need further information, you can reach out to me.

Regards,



ROBERT ALPINELLI
HOME OWNER
7 WOODVALLEY DR.

Attachment 10: Support Letter from 8 Colchester Court

Anthony Faciano

8 Colchester Crt.

Etobicoke, ON

May 6th, 2022

Dear Councillors,

My name is Anthony Faciano and I own my property at 8 Colchester Court in Etobicoke.

I share a property line next to 7 Colchester Crt where the Sikorski family reside.

I understand they are looking to build a pool soon and are having some issues with their fencing permit.

I am writing this letter to acknowledge the fact that I approve their current vinyl fence as an adequate fencing material. It is strong and sturdy and I feel safe and protected by it.

I would not like the fence changed.

Regards,



ANTHONY FACIANO

HOME OWNER

8 COLCHESTER CRT.