

Request for a Fence Exemption - 86 Wembley Road

Date: April 17, 2023

To: North York, Community Council

From: District Manager, Municipal Licensing and Standards

Wards: Ward 08 – Eglinton-Lawrence

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 advise Council concerning an application by the property owner of 86 Wembley Road for a site-specific Fence Exemption, pursuant to Section 447-1.3.(C) 3 of the Toronto Municipal Code, Chapter 447, Fences. The property owner is seeking Council's permission to allow for a juliette gate, which does not comply with the standards stipulated by Section 447-1.3.(C) 3 of the bylaw.

RECOMMENDATIONS

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

1. Refuse to grant the application for an exemption, by the property owner of 86 Wembley Road, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to issue a second notice to the property owner to bring the fence into compliance.

or

2. Grant the application for a fence exemption by the property owner of 86 Wembley Road, thereby allowing the erected fence to be maintained as constructed. 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

No previous decision history.

COMMENTS

The subject property, 86 Wembley Road, is a single family detached residential home situated in Ward 8.

The fence is located in the rear yard as a part of a future pool enclosure separating pool area from rear yard access points. The gate material will be made of wrought iron. It will be 2.1m in height, self-closing, self latching with a latch at 1.8m high above rear exiting door sill. Gate will cover the entire rear-existing door frame and be attached to rear-existing door frame.

The application was not based on a complaint from the public; it resulted as part of the findings in the pool fence preliminary review.

The property owner is seeking relief from the by-law regulations to be able to use a juliette style gate to prevent access into the pool area.

As required by Section 447-1.3 (C). 3; Municipal Licensing & Standards has responded to the fence exemption application Toronto Municipal Code on by preparing this report for North York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that the North York Community Council will consider the application.

Municipal Licensing Standards' reviewed the proposed application and determined that it does not comply with the Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

General Location	Specific Location	Deficiency	By-Law Section
Rear Yard	Rear Yard	Pool enclosure includes the wall of the home as part of the pool enclosure using juliette style gate	447 - 1.3 (C) 3 Access Protection

The property owner(s) seek this exemption for safety purposes.

CONTACT

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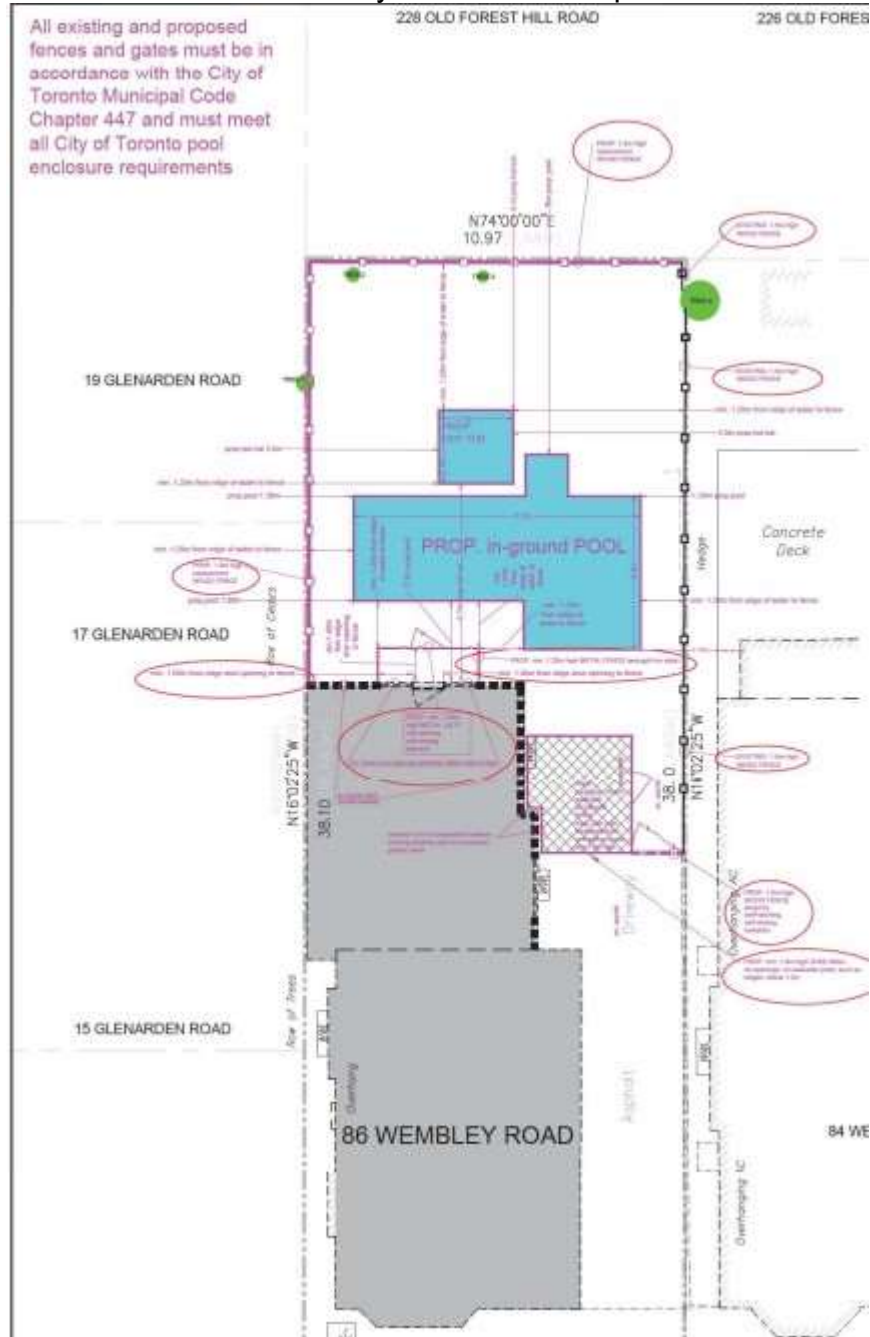
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Joe Magalhaes
District Manager

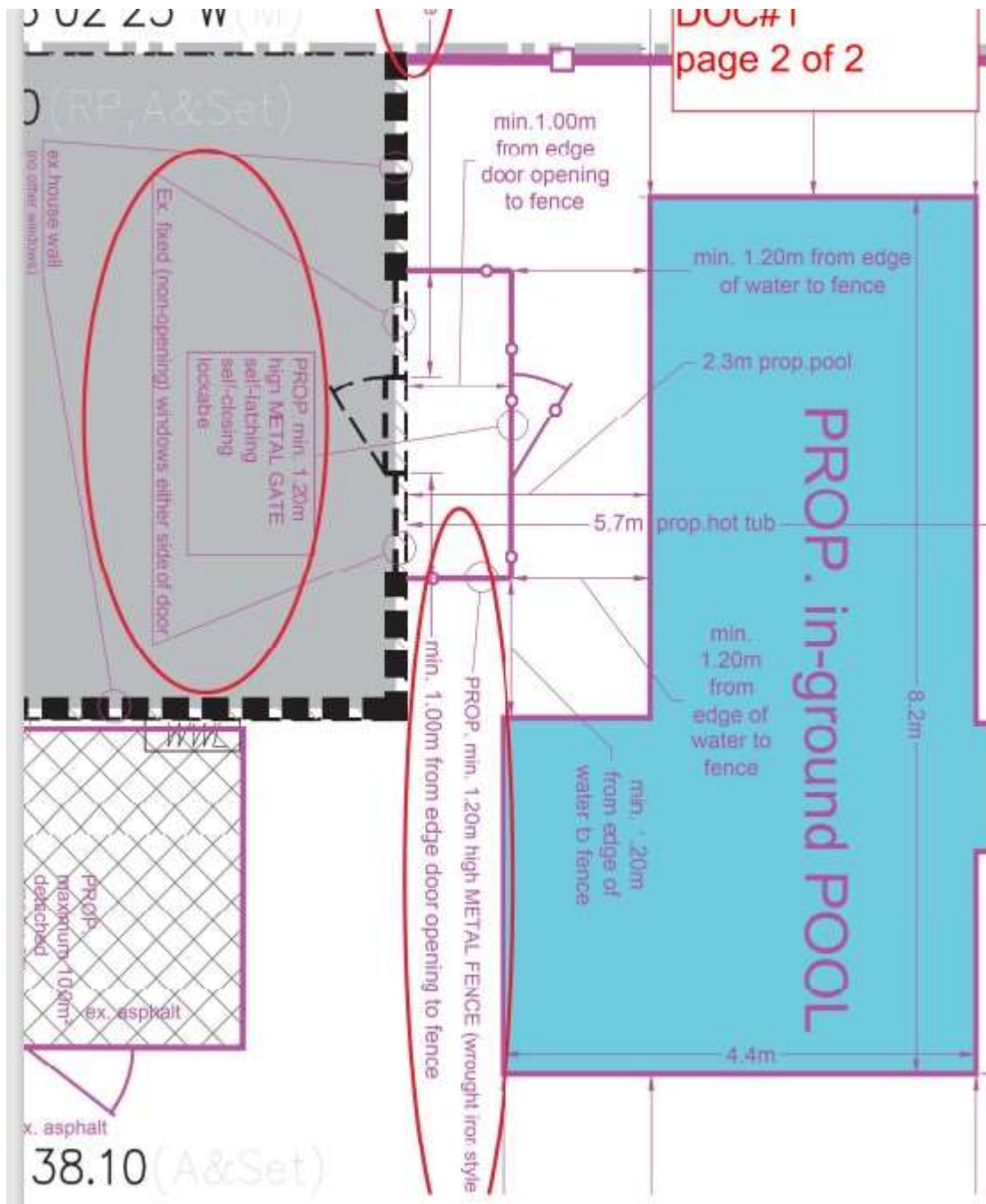
ATTACHMENTS

- Attachment 1 - Rear Yard - 86 Wembley Road - Site map
- Attachment 2 - Rear Yard -86 Wembley Road - Closer look at location of gate and dimensions
- Attachment 3 - Rear Yard -86 Wembley Road - Photo of location of proposed gate
- Attachment 4 - Rear Yard -86 Wembley Road - GIS map
- Attachment 5 - Rear Yard -86 Wembley Road - Photo of rear deck and access from home
- Attachment 6 - Rear Yard -86 Wembley Road - Photo of rear yard

Attachment 1 -86 Wembley Road - Site map



Attachment 2- 86 Wembley Road - closer look at location of gate and dimensions

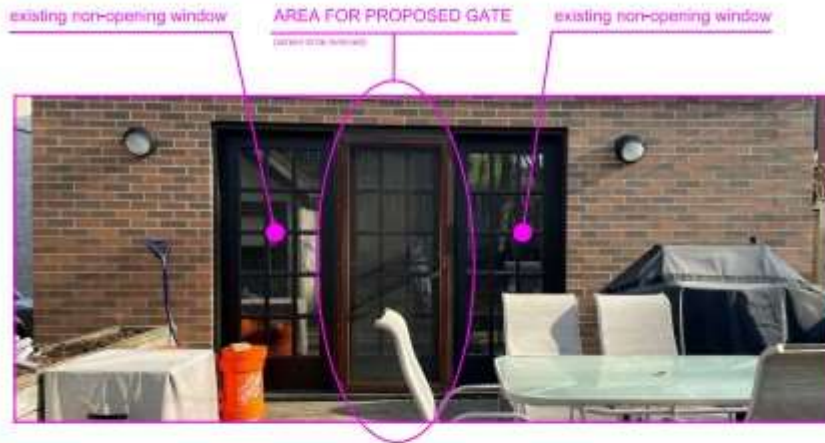


Attachment 3-86 Wembley Road - Photo of location of gate

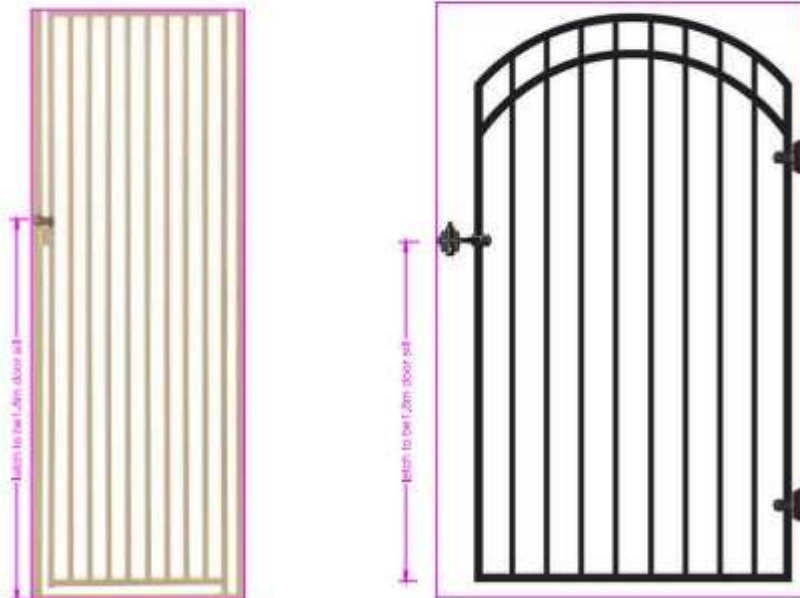
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FENCE EXEMPTION REQUEST

86 WEMBLEY ROAD, TORONTO, ON - VIEW OF REAR OF HOUSE



PREFERRED GATE TYPE - two examples
2.1m high covering width of door



Attachment 4- 86 Wembley Road - GIS map



Attachment 5- 86 Wembley Road - Photo of rear deck and access from home



Attachment 6- 86 Wembley Road - Photo of rear yard

