

Application for Fence Exemption – 16 Summerton Place

Date: January 6, 2023

To: Scarborough Community Council

From: Manager Municipal Licensing & Standards, East District

Wards: Ward 22 – Scarborough Agincourt

SUMMARY

This staff report concerns a matter for which the Scarborough Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider an application by the owner(s) of 16 Summerton Place to maintain a wood fence in the rear yard on the southeast corner of the property which exceeds the maximum allowable height of 2 meters.

As specified in the Toronto Municipal Code, Chapter 447-1.B 1 (2)

TABLE 1 MAXIMUM HEIGHT OF FENCES (9) Any Fences

A Notice of Violation was issued on September 9, 2022.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Scarborough Community Council:

1. Refuse to grant the application for an exemption permit, by the owner(s) of 16 Summerton Place, to allow to maintain a wood fence in the rear yard on the southeast corner of the property which exceeds the maximum allowable height of 2 meters. This does not comply with the Toronto Municipal Code, Chapter 447-1.B 1 (2)
TABLE 1 MAXIMUM HEIGHT OF FENCES (9) Any Fences

OR

2. Grant the application for an exemption permit, by the owner(s) of 16 Summerton Place, to allow to maintain a wood fence in the rear yard on the southeast corner of the property which exceeds the maximum allowable height of 2 meters. Direct and require that the existing fence be maintained in good repair without alteration. Direct and require that at such time as a 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 financial impact anticipated in this report.

DECISION HISTORY

As required by Section 447-1.5(B)(1), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Scarborough Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Scarborough Community Council will consider the application.

COMMENTS

The proposed fence violates Toronto Municipal Code, Chapter 447 – Fences requirements with respect to swimming pool enclosures/fence height.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear yard	Southeast Corner of Rear Yard	Current height exceeds allowable 2 Metres	447-1.2B.(1) TABLE 1 MAXIMUM HEIGHT OF FENCES (9) Any Fences

CONTACT

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Municipal Licensing & Standards Division
East District
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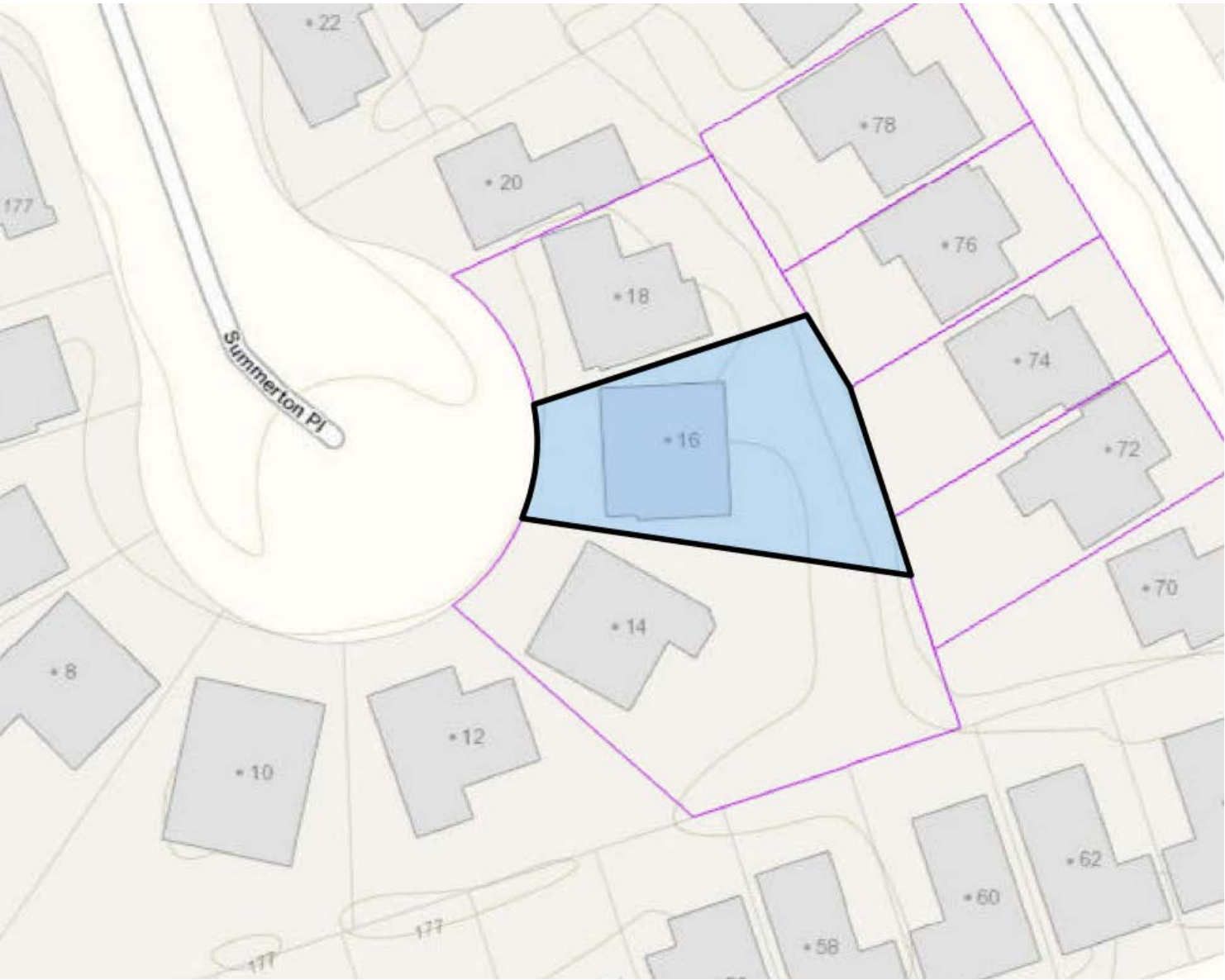
SIGNATURE

Terry Karabassis
Manager, Municipal Licensing and Standards, East District

ATTACHMENTS

- Attachment 1: iView Map of Property –16 Summerton Place
- Attachment 2: Letter of Submission from Applicant — 16 Summerton Place
- Attachment 3: Applicant Submitted "**Attachment A**"— 16 Summerton Place
- Attachment 4: Applicant Submitted "**Attachment B**"— 16 Summerton Place
- Attachment 5: Applicant Submitted "**Attachment C**"— 16 Summerton Place
- Attachment 6: Applicant Submitted "**Attachment D**"— 16 Summerton Place
- Attachment 7: Applicant Submitted "**Attachment E**" — 16 Summerton Place

Attachment 1: iView Map of Property –16 Summerton Place



Attachment 2: Letter of Submission from Applicant – 16 Summerton Place

November 16, 2022

Submissions

RE Application for Fence exemption- 16 Summerton Place, Toronto, ON MIT 2K7

We commenced the construction of our pool in late June of 2022, retaining the services of Robcon Pools Ltd. At the time of working out the design of the pool, we did not contemplate the need for a privacy screen to be constructed at the base of the pool. Generally, our backyard had been a well treed lot as many of the neighbouring properties had several mature trees that provided privacy for both the respective neighbouring properties as well as our property.

We chose the area to construct the pool in a specific location of our lot that contemplated not only the location of trees on our own property but also those situated in the neighbouring properties. Unfortunately, a number of these trees on the neighbouring properties have been removed over the last year with one tree being cut down as we commenced the construction our pool. Please see attached a photo depicting the landscape of the area where our pool was constructed prior to the removal of trees- **Attachment A**

Our lot is a pie shaped lot with various elevation when compared to the neighbouring properties at the back of our property. There are elevations that factored into the construction of the pool and the need for a privacy screen around the pool. Our home has a walkout to a deck that is approximately 1.98 m elevation from the ground level. To assist with understanding, please find attached photos depicting the elevation of our lot in relation to the neighbouring properties prior to the construction of the privacy screen- **Attachment B**

We determined a remedy for the now very open area around the pool was to build a privacy screen which in our view was a cost effective and aesthetically pleasing solution to our issue of a lack of privacy. Given the elevations in our property our pool was constructed at its base with a retaining wall which measures 1.22 meters in height. We are attaching photos as **Attachment C** which depicts the retaining wall.

The construction of this privacy screen was therefore built from the retaining wall which already had an elevation of 1.22 m and we constructed our privacy screen to address the lack of our privacy and address **safety** concerns for neighbouring properties with young children, with measuring length of 6.1 m by 3.35 m and height of 2.44 m. We incorrectly believed we would not be captured by the height restrictions for fencing under the By-law as we did not view this as 'fencing' but rather as a privacy screen. We are attaching photos as **Attachment D** which depicts the privacy screen/or fencing at the back of the pool.

The height restriction for our privacy screen was brought to our attention by the City of Toronto given a neighbour's complaint. We received guidance that a fence exemption would have to be obtained to permit the privacy screen to remain at its current height.

We are seeking a minor variance to the height of our privacy screen as 1.83 m.

We ask that you consider our request for variance as:

- The change is minor in both size and impact- we are seeking a variance of 1.83 m above the

height restriction established in the bylaw- The privacy screen sits approximately 3.66m or less from the property line and does not impact the privacy or create shadowing for the neighbouring properties- Please find attached photos depicting the **area** behind our privacy screen to the property line and the areas of our neighbouring properties. **Attachment E**

- The variance we are seeking would also creates privacy and safety for the neighbouring properties and includes various shrubs and other greenery to provide an aesthetic backdrop in the area- Photos in Attachment E depict the area.
- The variance does not seek to go beyond the general intended purpose for fencing.

We seek consideration for the minor variance of up to 1.83 m.

Submitted by Courtney and Pauline Walters
Owners- 16 Summerton Place, Scarborough, ON M1T 2K7

Many Regards,

A handwritten signature in black ink, appearing to read 'Courtney B. Walters'.

Courtney B. Walters

A handwritten signature in black ink, appearing to read 'P. Walters'.

Pauline A. Walters

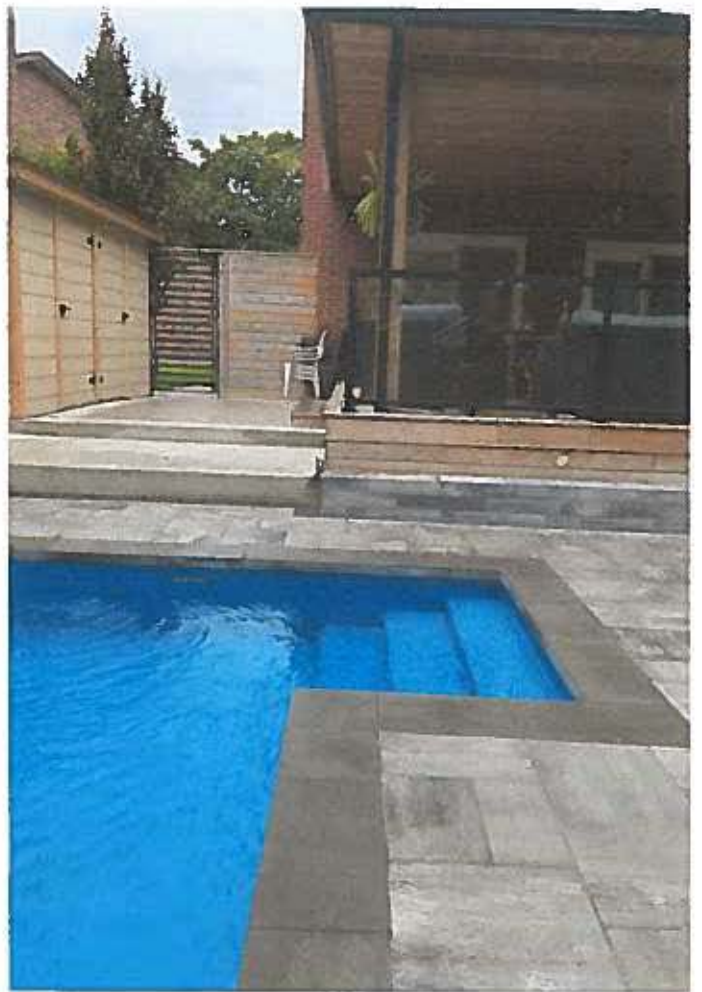
Attachment 3: Applicant Submitted "**Attachment A**"— 16 Summerton Place



ATTACHMENT

Attachment 4: Applicant Submitted "**Attachment B**"— 16 Summerton Place



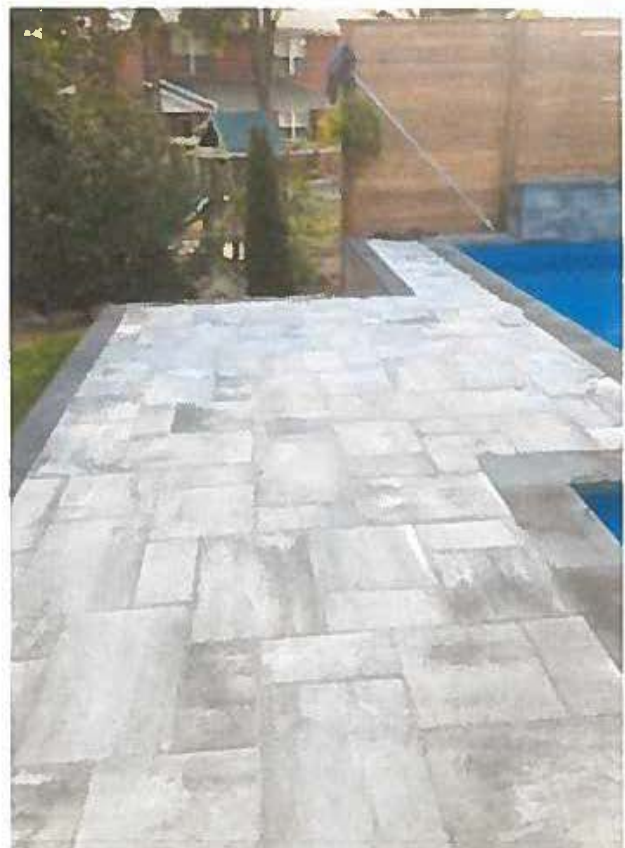
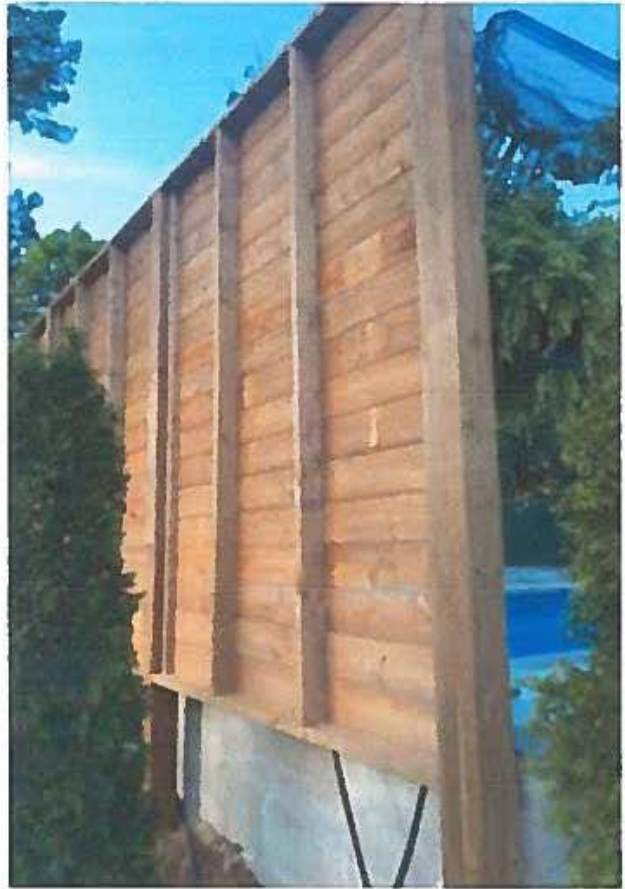




Attachment 5: Applicant Submitted "**Attachment C**"— 16 Summerton Place



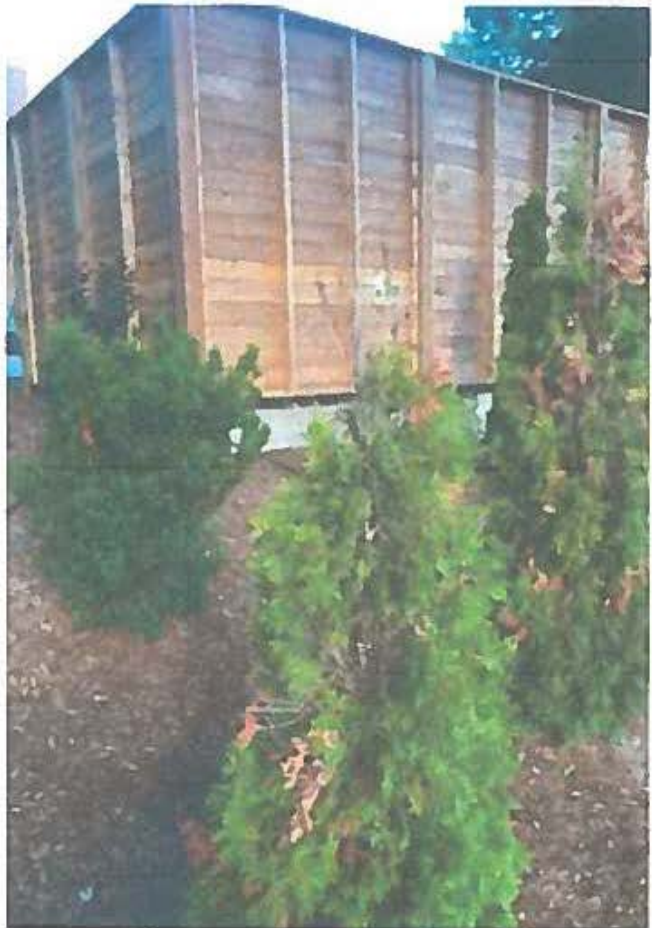
Attachment 6: Applicant Submitted "Attachment D"— 16 Summerton Place











Attachment 7: Applicant Submitted "**Attachment E**" – 16 Summerton Place

