

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 - 524 Melrose Ave

Date: May 7, 2024

To: North York Community Council

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

Wards: Ward 08 - Eglinton - Lawrence

SUMMARY

This staff report concerns 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 Community Council concerning an application by the property owner of 524 Melrose Ave for a site-specific Fence Exemption, pursuant to Section 447- 1.5 (B) of the Toronto Municipal Code, Chapter 447 - Fences. The property owner is seeking Community Council's permission to keep the existing tempered glass fence which measures 1.05m in height. This fence is located along the perimeter of the rear deck which encloses the access points from the home to the pool area. This fence does not comply with the standards stipulated by section 447- 1.3(D)(1). The applicant is seeking permission to keep the existing tempered glass fence which is 0.15m short of the required minimum height of 1.2m.

RECOMMENDATIONS

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

1. Refuse the application for property owner of 524 Melrose Ave as the proposed fence would fail to comply with the provisions of Toronto Municipal Code, Chapter 447 Fences and to direct staff to issue a notice to the property owner to bring the swimming pool enclosure into compliance

FINANCIAL IMPACT

There is no anticipated Financial Impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on April 7, 2024, regarding a fence exemption application for an existing fence 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 North York Community Council consideration, and, the City Clerk has sent all requisite notifications of the date that North York Community Council will consider the application.

The subject property, 524 Melrose Ave, and is located in Ward 8. The property is a detached residential home.

See the table below for the dimensions of the fence to be maintained.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear yard.	Rear yard, around perimeter of deck.	Height of the fence does not meet the minimum height permitted by the Chapter.	Chapter 447-1.3D (1) The minimum height of a swimming pool enclosure shall be 1.2 metres.

COMMENTS

On April 7, 2024, property owner at 524 Melrose Ave submitted an application for a fence exemption.

The applicant is seeking permission to keep the height of the existing fence in the rear around the perimeter of the deck. The fence is constructed of tempered glass with aluminum posts and forms part of their pool enclosure. The existing fence measures 1.05m in height. The applicant is requesting the exemption as the fence in question was existing prior to the pool being installed.

*Alternate recommendation is to grant the application for a fence exemption permit (with or without conditions) to the property owners of 524 Melrose Ave, thereby allowing the property owners to keep the height of the existing fence at 1.05m. Direct and require that the fence 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.

CONTACT

Christina Savella, Supervisor
Municipal Licensing and Standards
Investigation Services – West District
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Email: Christina.savella@toronto.ca

SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment A – GIS MAP
Attachment B – Photos submitted by applicant.
Attachment C – Site Plan
Attachment D - Letters from neighbours

Attachment A - GIS MAP



Attachment B - Photo taken by applicant.



Photo taken by staff at pool enclosure inspection.



Attachment D - Letters from neighbours

April 7, 2024

City of Toronto

RE: 524 Melrose Avenue

I have been informed of the Fence Exemption Application at 524 Melrose Avenue and am **not opposed**.

Sincerely,



Signature

Nancy Mankaiyas
(Name)

522 Melrose Ave
(Address)

April 7, 2024

City of Toronto

RE: 524 Melrose Avenue

I have been informed of the Fence Exemption Application at 524 Melrose Avenue and am **not** **opposed**, ~~opposed~~ in regard to the height of The glass railing on the deck.

Sincerely,

Adam Blankenstein

(Name)

524 Melrose Ave

(Address)