

**Request for a Fence Exemption
45 Citation Drive**

Date:	March 6, 2007
To:	North York Community Council
From:	Bryan Byng, Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	IBMS No. 07-177118

SUMMARY

This staff report is about a matter that the community council has delegated authority to make a final decision [provided that it is not amended so that it varies with City policy or by-laws].

The purpose of this report is to consider a request by the owner(s) of 45 Citation Drive to be exempted from Chapter 447 - Fences, section 447-2(B). This section states that the maximum height of a fence in the rear yard can be 2 metres.

The subject of this exemption request is an existing board on board fence with lattice extension that forms part of the pool enclosure in the rear yard of the property. The maximum fence height varies from 2.36 metres to 2.41 metres including post and caps. The section of fence in question extends west from the southwest side of the house, along the west, south and east property lines up to the east side of the house connecting to a legal fence for a distance of 81.6 metres.

RECOMMENDATIONS

- 1. Municipal Licensing and Standards recommends that the provisions of Chapter 447 be supported by not granting the exemption request.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

This matter arose as part of the inspection process for a pool enclosure permit and a notice of violation was issued for this. A subsequent public complaint was received. The construction process for the pool and landscaping was open for an extended period. A fence exemption request was received after final construction.

COMMENTS

The owner(s) state that they are requesting the exemption for reasons of privacy, security, safety and aesthetics.

The pool enclosure was signed off as in compliance with Chapter 447.

Should the recommendation not be accepted and the request approved, a condition of approval should include that when the fence is replaced it should be constructed in compliance with Chapter 447 or its successor bylaw.

CONTACT

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SIGNATURE

Bryan Byng, District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. Fence exemption letter
2. 3 Photos