

**Fence Exemption Request
2972 Bayview Avenue**

Date:	September 18, 2007
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 23 - Willowdale
Reference Number:	IBMS No. 07-253762

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 2972 Bayview Avenue, to be exempted from Chapter 447 – Fences, section 447-2(B). This section states that the maximum height of a fence in the front yard not within 2.4 metres of the front property line can be 1.2 metres.

The exemption request is for the fence in the front yard. The fence is a combination of retaining wall and wrought iron on the south side and brick base with wrought iron on the east and north sides. All of this fencing exceeds the maximum height of 1.2 metres. The Comments section further describes the physical characteristics of the fence.

RECOMMENDATIONS

- 1. Municipal Licensing and Standards recommends that the fence exemption not be granted.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

This matter arose as a public complaint. A Notice of Violation was issued on July 24, 2007. Subsequent to that an exemption request dated August 16, 2007, was received.

COMMENTS

The owner(s) are requesting this exemption for reasons of safety and aesthetics.

The fence is described starting with the south side of the property, at the southeast corner of the building as a wrought iron fence extending 2.85 metres in length and 1.94 metres in height on top of a retaining wall at grade for 2970 Bayview, and 1 metre above grade for 2972 Bayview. The next section on the south side is a wrought iron fence that is 5.1 metres long on top of a retaining wall that is 1 metre above grade for 2970, and 2 metres above grade for 2972 Bayview. The total height of that section ranges from 1.9 to 2.2 metres on the 2970 Bayview side, and 2.9 to 3.2 metres in height on the 2972 Bayview side.

The rest of the fence in the front yard is wrought iron with brick posts and base. The east fence parallel to the street line and starting from the southeast corner is 1.58 metres in length and 1.97 metres in height. The next section going north is 5.65 metres in length and 1.35 metres in height. Proceeding north there are two gates, one for foot traffic and one for vehicles that combined are 5.55 metres in length and ranging in height from 1.5 to 1.95 metres.

The north fence starting at the building face extends 9.9 metres and ranges in height from 1.97 to 2.25 metres.

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 b-law.

CONTACT

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SIGNATURE

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

ATTACHMENTS

1. Pictures