

**Fence Exemption Request
34 Beechwood Avenue**

Date:	October 16, 2007
To:	North York Community Council
From:	Bryan Byng, District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 25 – Don Valley West
Reference Number:	IBMS No. 06-148846

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 34 Beechwood Avenue to be exempted from Chapter 447 - Fences, section 447-2(B). This section says that a fence in the flankage yard within 2.4 metres of the side lot line and 2.4 metres of a driveway can be 2 metres for an open mesh chain link or equivalent that does not restrict sight lines otherwise the maximum height can be 800 millimetres. Any other fence except in the front yard can be 2 metres.

The subject of this exemption request is three sections of existing lattice wood screening in the rear yard that has been installed inside and beside an existing board on board fence. The section on the east side is 2.4 metres in height extending from the rear of the house north 4.3 metres. The section on the west side is 3 metres in height extending from the rear of the house north 3 metres. The section on the north side of the property beside the garage driveway is 2.47 metres in height and extends from the garage to the right of way for approximately 8 metres.

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

The owner(s) applied for a permit to construct a pool. During the inspection of the pool fence enclosure the violations of the fence bylaw were noted. An exemption application was received.

It was also noted that some portions of the fence on the north and east side of the property were constructed within the right of way. An encroachment application is still in process.

COMMENTS

The owner(s) of the property are requesting the fence exemption for reasons of privacy and sound buffering from bus and vehicle traffic.

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. Site plan
2. Photos