

**Fence Exemption Request  
32 Bayhampton Court**

<b>Date:</b>	October 30, 2007
<b>To:</b>	North York Community Council
<b>From:</b>	Bryan Byng, District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 10 – York Centre
<b>Reference Number:</b>	IBMS No. 06-164985

**SUMMARY**

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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 32 Bayhampton Court, to be exempted from Chapter 447 – Fences, section 447-2(B). This section states that the maximum height of a fence in the side and rear yard can be 2.0 metres.

The exemption request is for the wood fence with lattice in the rear yard at the east and west side of the property and a gate located in the side yard at the rear south-west side of the dwelling. Sections of this fencing on both sides of the property exceed the maximum height of 2.0 metres. The “Comments” section further describes the physical characteristics of the fence.

**RECOMMENDATIONS**

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

**FINANCIAL IMPACT**

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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 August 17, 2006. Subsequent to that, an exemption request dated September 15, 2006, was received.

## **COMMENTS**

The owner(s) are requesting this exemption for reasons of privacy.

The fence is described as commencing at the rear face of the dwelling on the east side of the property, extending approximately 2.44 metres to a height of 1.87 metres, rises to a height of 2.41 metres for a distance of 7.32 metres, then decreases to a height of 1.87 metres for a distance of 2.44 metres to the rear lot line.

The fence on the west side of the property is described as commencing at the rear face of the dwelling, extending approximately 2.44 metres to a height of 1.87 metres, rises to a height of 2.34 metres for a distance of 7.32 metres, then decreases to a height of 1.87 metres for a distance of 2.44 metres to the rear lot line.

The wood gate located at the rear south-west side of the dwelling is approximately 2.18 metres high and approximately 1.52 metres wide.

Former City of North York Fence By-Law #30901, as amended, Section 3.1.7, permitted a fence to a height not exceeding 2.50 metres provided that the aggregate length of such portion or portions does not exceed 7.32 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 by-law.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

1. Pictures