

**Fence Exemption Request
15 Feldbar Court**

Date:	April 13, 2008
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	IBMS No. 08-108224

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 15 Feldbar Court, 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 lot line can be 1.2 metres. Within 2.4 metres of the front lot line the maximum height can be 1.2 metres provided it is open mesh chain link or an equivalent that does not restrict sight lines otherwise the maximum height of the fence can be 1 metre. This section further states that the maximum height for any other fence is 2 metres.

The existing solid wood fence in the front yard extends out from the northeast corner of the house along the east side of the driveway for a distance of approximately 9.1 metres. It ranges in height from approximately 1.6 to 2.0 metres. The maximum height for this type of fence in this location can be 1.2 metres except within 2.4 metres of the property line where it can be 1 metre. Note that the fence continues past the property line onto City property and that issue is the subject of a separate encroachment report.

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 was a staff initiated investigation. This exemption request was submitted after our contact with the owner(s).

COMMENTS

The owner(s) are requesting this exemption for reasons of privacy, security and safety.

The rest of the fencing that runs along Feldbar Court and Bayview Avenue is located on City property and that issue is the subject of a separate encroachment agreement report. The fence by-law is only applicable to fences on private property.

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

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

ATTACHMENTS

1. Pictures.
2. Survey