June 13, 2013

To:  Etobicoke York Community Council

Re:  97 Rockcliffe Boulevard – Fence Encroachment

SUMMARY:

The subject site has a history of complaints from the neighbouring properties regarding the installation of cedar hedges, and the maintenance of the City Boulevard. Following a number of meetings with the property owner, and the adjoining property owners, it was agreed upon that the situation could be rectified by replacing the cedar hedges with a fence and restoring the boulevard area.

The City's Municipal Code, Chapter 743 "Use of Streets and Sidewalks", provides permission for the property owner of 97 Rockcliffe Boulevard to enter into an encroachment agreement with the City. The encroachment agreement would allow for the fence in the flankage boulevard area to be up to a maximum of 1.8 metre in height providing that the property owner meets required conditions as they are set out.

The property at 97 Rockcliffe Boulevard can meet all of the stipulated conditions except for one condition set out at Chapter 743-34(2) (ii) as, "No solid screen fence, privacy fence . .... located within 70 metre of the intersection of any two or more streets shall exceed a height of one metre, with the height measured from the surface of the intersecting road". However, upon review of the request, staff members are confident that the fence will not cause a sight restriction.

RECOMMENDATIONS:

Etobicoke York Community Council allows:

1. The property owner of 97 Rockcliffe Boulevard to enter into an encroachment agreement with the City for maintaining a 1.8 metre high, solid screen fence in the boulevard area adjoining the north flankage of the property;
2. The fence must be constructed with 0.50 metre setback from the rear edge of the sidewalk, and with a 3 metre clear sight line triangles at the adjoining driveways; and,
3. The fence to be installed and the boulevard fully restored by August 23, 2013.

Councillor Frances Nunziata
Council Speaker
Toronto City Council
Ward 11, York South-Weston