

Martha A. Pettit
Acting City Clerk
City of Markham
Anthony Roman Centre
101 Town Centre Boulevard,
Markham, ON L3R 9W3

October 12, 2012

Regarding: The exemption granted by By-Law Enforcement and approved by the Development Services Committee for the fence at 104 John Street

Dear Ms. Pettit,

Please be advised that I am requesting an appeal of the decision granted by By-Law Enforcement and approved by the Development Services Committee (DSC) for the fence at 104 John Street in the Thornhill Heritage District.

My request is based on my belief that (1) By-Law Enforcement's decision to grant an exemption is ill-informed and puts the safety of local residents at risk, (2) A member of City Staff mislead the DSC on key points when this issue was discussed at the DSC meeting on September 11, 2012, and (3) Testimony by City Staff to the DSC, on September 11, failed to adequately address the concern raised by residents that the fence is in major violation of sections 4.3 and 6.5 of the fence By-Law: hence, the DSC was ill-informed, by City Staff, of the risk to the public of granting an exemption for the fence.

I request the opportunity to speak before the DSC to express my concerns, as outlined above, and to explain why the fence should not be granted an exemption from the fence By-Law.

Sincerely,

A handwritten signature in black ink, reading "James Makaruk". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

James Makaruk

HERITAGE MARKHAM EXTRACT

DATE: July 11, 2012
TO: R. Hutcheson, Manager of Heritage Planning

EXTRACT CONTAINING ITEM #11 OF THE SEVENTH HERITAGE MARKHAM COMMITTEE MEETING HELD ON JULY 11, 2012

11. HERITAGE PERMIT APPLICATIONS
HE 10 116013
HE 12 115718
104 JOHN STREET, THORNHILL
FENCE HEIGHT ISSUE
Extracts: R. Hutcheson, Manager of Heritage Planning
B. Wiles, Manager By-law Enforcement
-

The Heritage Planner provided background on this issue and reviewed the interpretation of the fence by-law. Correspondence was received from a neighbour, with safety concerns.

The Committee noted concerns for the appearance of the fence and had lengthy discussions regarding options.

HERITAGE MARKHAM RECOMMENDS:

THAT Heritage Markham supports the exemption from the provisions of the Fence By-law that requires a one foot lattice top for a 6 foot high privacy fence on a flankage yard, subject to the applicant adding decorative trim to relieve the plainness of the long runs of privacy fencing, to the satisfaction of Heritage Section staff and the Ward Councillor.

CARRIED



THE CORPORATION OF THE CITY OF MARKHAM

EXTRACT CONTAINING ITEM #0006 OF THE DEVELOPMENT SERVICES COMMITTEE OF (Sep 11, 2012)

6. HERITAGE MARKHAM COMMITTEE MINUTES - July 11, 2012 - August 8, 2012 (16.11)

July 11 Aug 8

Councillor Valerie Burke disclosed an interest with respect to the August 8, 2012 Heritage Markham minutes, regarding 26 Colborne Street, by nature of owning the subject property, and did not take part in the discussion of or vote on the question of the approval of this matter.

The Committee received a Staff Memo dated September 11, 2012, providing background information on Item # 11 of the July 11, 2012 Heritage Markham minutes.

James Makaruk, area resident, spoke of objections to the fence issue at 104 John Street in Item # 11 of the July 11 Heritage Markham minutes, with respect to safety issues and Fence By-law compliance. Mr. Makaruk responded to questions from the Committee regarding the history of the fence.

George Duncan, Senior Heritage Planner, discussed the heritage perspective and process and noted the fence is located closer to the street than permitted, but that this issue was supported by Heritage Markham. Bill Wiles, Manager of By-law Enforcement and Licensing, explained the By-law requirements, the circumstances surrounding construction of the fence, it is located on the owner's property, and the neighbours have no objection. The exemption process was reviewed. Additional background information was provided and it was noted that the owner had constructed the fence in accordance to the instructions of staff.

The Committee discussed options and expressed confidence in City staff and the Heritage Markham Committee; however, it was suggested that the process be reviewed on a go-forward basis. The Committee directed staff to consider safety issues for this fence.

Moved by: Councillor Carolina Moretti

Seconded by: Councillor Howard Shore

- 1) That the Staff Memo dated September 11, 2012, providing background information on Item # 11 of the July 11 Heritage Markham minutes be received; and,
- 2) That the deputation by James Makaruk regarding the fence issue at 104 John Street in Item # 11 of the July 11 Heritage Markham minutes be received; and,
- 3) That the minutes of the Heritage Markham Committee meeting held July 11, 2012 and August 8, 2012, be received for information purposes; and,
- 4) That the fence permit and variance process be referred to the Director of Planning for a best practices review, and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED