



Report to: Development Services Committee Date Report Authored: November 1, 2012

SUBJECT: Fence Exemption Appeal- 104 John Street
PREPARED BY: W. Wiles, Manager, By-law Enforcement & Licensing (x4851)

RECOMMENDATION:

- 1) That the report entitled “Fence Exemption Appeal- 104 John Street” be received; and,
- 2) That Council confirm the exemption for a 1.8m solid panel fence at 104 John Street for the reasons outlined in this report.

PURPOSE:

To provide the Committee with the background information in order to determine whether an appeal of a decision of the Manager, By-law Enforcement & Licensing (“Manager”) to grant an exemption to the Fence By-law should be confirmed by Council. Council is the final authority on this matter when an appeal has been filed in respect of a decision by the Manager.

BACKGROUND:

An application for an exemption to the Fence By-law for the property at 104 John Street, Thornhill was received by the Manager, By-law Enforcement & Licensing. Under the Fence By-law, the Manager has the authority to grant exemptions to the by-law in accordance with the by-law requirements, policies and procedures. The by-law also provides for an appeal of the Manager’s decision to grant or not grant an exemption to Council. This report provides the background information and the reasons for the granting of an exemption for the fence for consideration by Committee.

Fences in Markham are regulated by the Fence By-law (277-97, as amended). The erection of a fence does not require a municipal permit (heritage conservation districts are the exception), but does require the owner to comply with the provisions of the Fence By-law. In a heritage conservation district, a Heritage Permit is required for the erection of a fence. The District Heritage Plan for each district provides guidance on appropriate fence designs. The Fence By-law states that “any division fence constructed or repaired within an area designated as a heritage conservation district pursuant to Part V of the Ontario Heritage Act is subject to all requirements for obtaining a permit pursuant to such legislation” (section 13.1 of Fence By-law). The Manager of Heritage Planning has Council’s delegated approval to approve Heritage Permits on behalf of Council (By-law 2007-67). However, owners in heritage districts must still comply with all requirements of the Fence By-law unless an exemption is obtained.

OPTIONS/ DISCUSSION:**Exemption Request**

Clause 4.3.1 of the By-law limits the height of a fence erected in a rear yard running parallel to the street to a maximum height of 1.8 m (6') provided the top 0.2m (1') of the 1.8 m height is constructed of lattice. The fence at 104 John Street was constructed at a height of 1.8 m (6'); however, the fence consists of 1.8 m solid panels with no lattice on the top of the fence. An exemption is required to permit the fence to remain as constructed.

Inadvertent Approval of Fence without Lattice

The Fence By-law was amended in 2003 to incorporate a requirement that the portion of a fence in the rear yard, abutting a street on a flankage lot side, may have height of:

- (a) 1.8m (6') if constructed of lattice; or,
- (b) 1.5m (5') if constructed of solid board; or,
- (c) 1.8m (6') if of solid board to a maximum height of 1.52m (5') with 0.3m (1') of lattice on top of the solid board.

The amendment was made to address urban design concerns with the unattractiveness of 1.8m straight board fences in areas of the City with smaller subdivision lots.

In 2010, Heritage Committee reviewed and approved a Heritage Permit for the construction of the 1.8m straight board fence in question. Within the City's Heritage District Plan straight board fences are the design standard and lattice works on fences are not a listed option. The Fence By-law restriction on straight board fences was inadvertently overlooked at the time and the straight board fence was approved.

This spring the property owner built the fence in accordance with the Heritage Committee resolution and the By-law Division received a complaint about the height of the fence. By-law staff investigated and found that the fence did not comply with the By-law because of the 1.8m height with no lattice. Upon notification of the non-compliance, the owner inquired into the exemption process to permit the fence to remain as constructed. Subsequently, a Fence Exemption request was received from the property owner.

Considerations for Exemption Review

The by-law provides that the Manager shall take into account the following when considering the completed application for an exemption:

- (a) any special circumstances or conditions applying to the fence or privacy screen referred to in the application;
- (b) whether strict application of the provisions of this by-law would result in impractical difficulties or unnecessary hardship to the applicant; and,

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- (c) whether the fence or privacy screen may affect surrounding sight lines and create, or potentially create, a hazardous condition for persons or vehicles.

Information Reviewed by Manager in Considering Exemption Request

The following was considered by the Manager, By-law Enforcement & Licensing in the determination to grant the exemption:

Heritage Markham & Heritage Staff in Support of exemption - Heritage Markham approved the original fence design at 1.8m of straight board unaware of the By-law conflict. Heritage Markham was asked to review that matter again when the By-law conflict was discovered and on July 11, 2012 indicated that it has no objection to the approval of the fence with the 1.8m straight board construction provided that a decorative moulding be attached to the fence to the satisfaction of Heritage Staff and the Ward Councillor. Heritage Staff have reviewed the moulding and have advised the Manager of their and the Ward Councillor's approval.

Heritage Staff have advised that they inspected the fence as constructed for compliance with the Heritage Permit for the fence construction. Staff found that the fence is located 0.81m closer to the corner than shown on the permit. The setback is not a by-law requirement and staff has the discretion to approve as-built conditions. Heritage Staff advised they consulted with Heritage Markham on the corner distance on September 20, 2012. Heritage Markham indicated they have no objection to the fence as currently located and constructed, notwithstanding it is closer to the corner.

Advice from Operations that Fence Does Not Present a Safety Hazard- Operations has undertaken a "Sightline Visibility Study on Deanbank Drive at 104 John Street". The Study concluded that the minimum sightline visibility requirements are being met and the fence as currently located and constructed, does not present a safety hazard. Operations staff noted that laneways are uncommon in the area and they will be adding advisory signage on the laneway to encourage slower traffic. (Attachment 'B'- Operations Sightline Visibility Study on Deanbank Drive at 104 John)

Adjoining Property Owners Do Not Object to the Exemption- By-law staff contacted the adjoining property owners to the north, the south, and the west of the 104 John Street property. (Pomona Park is located to east). All three property owners have advised they do not object to the granting of an exemption for the fence as presently located and constructed.

Determination that the Fence Meets the General Intent of the Fence By-law- The requirement for the lattice on top of the fence was established for urban design reasons, related to modern subdivision construction rather than Heritage Districts. The subject property is in a Heritage District in which lattice on fences is not a desired condition. Straight board fences are the desired condition. Accordingly, it was determined that the straight board fence meets the intent of the Fence By-law in this circumstance.

Manager's Review of Considerations & Decision

Consideration 1- Any special circumstances or conditions applying to the fence or privacy screen referred to in the application? The fence is located in a Heritage District where a straight board fence is the desired construction method over the required lattice section at the top of the fence. The subject property is also on a corner lot and a 1.8m fence is the common height of a rear yard fence on a corner lot across the City.

Consideration 2- Whether strict application of the provisions of this by-law would result in impractical difficulties or unnecessary hardship to the applicant? Removing the top 0.3m of the constructed fence and replacing with lattice is impractical and the fence would likely have to be reconstructed, if the exemption is not granted.

Consideration 3- Whether the fence or privacy screen may affect surrounding sight lines and create, or potentially create, a hazardous condition for persons or vehicles? Operations staff reviewed the matter and reported no hazardous condition is created.

Also in accordance with the standard practice, all three of the adjoining neighbours to the subject property were contacted and none of the neighbours are objecting to the proposed exemption request. The property owner also has complied with a condition that decorative moulding be added to the fence.

Based on the above considerations; the neighbours not objecting to the exemption and the satisfactory addition of the decorative moulding, the Manager granted the exemption.

Appeal

Mr. James Makaruk has subsequently appealed the decision to grant the exemption. The reasons for the appeal are included in his Letter of Appeal (Attachment 'C'- Appeal Letter)

Committee Options with Appeal

Council has the authority to grant or deny an exemption to the Fence By-law, where an appeal of a decision of the Manager to grant an exemption has been received. Council has the authority to grant the exemption in whole or in part, with terms and conditions subject to the same considerations noted in the above "Manager Considerations for Exemption Review".

**RECOMMENDED
BY:**



Martha Pettit
Acting City Clerk



Trinela Cane
Commissioner
Corporate Services

ATTACHMENTS:

Attachment 'A' - Heritage Markham and Heritage Staff Information

Attachment 'B' - Operations "Sightline Visibility Study on Deanbank Drive at 104 John Street"

Attachment 'C' - Appeal Letter

HERITAGE MARKHAM
EXTRACT

DATE: September 20, 2012
TO: R. Hutcheson, Manager of Heritage Planning
B. Wiles, Manager of By-law Enforcement and Licensing

EXTRACT CONTAINING ITEM #16 OF THE NINTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON SEPTEMBER 10, 2012

16. HERITAGE PERMIT APPLICATIONS
104 JOHN STREET
THORNHILL HERITAGE CONSERVATION DISTRICT
Extracts: R. Hutcheson, Manager of Heritage Planning
B. Wiles, Manager of By-law Enforcement and Licensing
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The Senior Heritage Planner reviewed the issues relating to the new 6 ft. fence erected along the west property boundary at 104 John Street and advised that the fence is located 2 feet 8 inches closer to the street line than approved.

HERITAGE MARKHAM RECOMMENDS:

THAT Heritage Markham has no objection to the 2 foot 8 inch extension to the privacy fence at 104 John Street as it is a minor variation from the original approval and has no appreciable effect on the views to the heritage house.

CARRIED

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



MEMORANDUM

TO: Heritage Markham Committee

FROM: George Duncan, Senior Heritage Planner

DATE: September 10, 2012

SUBJECT: HERITAGE PERMIT APPLICATIONS HE 10 116013 & HE 12 115718
Issue with Privacy Fence Currently Under Construction
104 John Street
Thornhill Heritage Conservation District

Property/Building Description:

A one and a half storey stucco house, constructed in various stages beginning in 1845. Historically known as the Milbourn House.

Use:

Residence with home occupation.

Heritage Status:

A Class A heritage building in the Thornhill Heritage Conservation District.

Issue:

- As the result of staff's review of the existing privacy fence at 104 John Street, it has been discovered that the 6 foot high component of the fence has been constructed 2 feet 8 inches closer to John Street than originally approved. The approved Heritage Permit shows a distance of 29 feet 8 inches from the street line to the start of the 6 foot high fence. The as-built measurement is 27 feet.

Background

- The original Heritage Permit for a 6 foot high wood privacy fence along Deanbank Drive was approved by Heritage Section staff in consultation with the Ward Councillor, on July 2, 2010, after review by Heritage Markham at its May 12, 2010 meeting. Construction of the fence began in April of 2012.
- In May, 2012, the applicant amended his original approved Heritage Permit to close the gap in front of the barn with the same style of privacy fence, and install a 4 foot high

picket fence at the John Street frontage, to wrap around the corner to join the privacy fence.

- The amended Heritage Permit was approved by Heritage Markham at its May 9, 2012 meeting. Construction of the fence began this spring, resulting in numerous feedback to Town staff from neighbours concerned about this alteration to the property.

Staff Comment

- The 6 foot high privacy fence (all board, no lattice) in its existing design can remain as-built if By-law Enforcement allows an exemption to the requirements of the Fence By-law. They have requested this matter be referred to Heritage Markham for a recommendation.
- Staff is of the opinion that 2 feet 8 inches is a minor variation from the approval and has no appreciable effect on the views to the heritage house.
- If an exemption from the provisions of the Fence By-law is not supported by Heritage Markham, the applicant will be required to lower the height of the 2 foot 8 inch long run of the fence to 4 feet, which will look awkward, or remove it.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham has no objection to the 2 foot 8 inch extension to the privacy fence at 104 John Street as it is a minor variation from the original approval and has no appreciable effect on the views to the heritage house



MEMORANDUM

TO: Heritage Markham Committee

FROM: George Duncan, Senior Heritage Planner

DATE: July 14, 2010

SUBJECT: HERITAGE PERMIT APPLICATION HE 10 116013
Privacy Fence and Driveway Re-surfacing
Anthony Battaglia
104 John Street
Thornhill Heritage Conservation District

Property/Building Description:

A one and a half storey stucco house, constructed in various stages beginning in 1845. Historically known as the Milbourn House.

Use:

Residence with home occupation.

Heritage Status:

A Class A heritage building in the Thornhill Heritage Conservation District.

Application/Proposal

- The existing driveway, which is composed of fine gravel, will be re-surfaced with new granular stone, and edged with antique cobblestones. The size and shape of the driveway will remain as it was prior to construction.
- The temporary entrance onto Deanbank Drive, currently in place as an earthen driveway, will be removed.
- Sections of 6 foot high wood privacy fencing will be erected along the flankage yard. The fence design is from the Thornhill Heritage Conservation District Plan.
- A flagstone walkway will lead from the John Street sidewalk to the front door of the house.

Background

- At the May 12, 2010 meeting of Heritage Markham, the Committee delegated approval authority for the Heritage Permit for driveway resurfacing and privacy fencing to the Ward Councillor (Valerie Burke) and Heritage Section staff. The approval was to take into consideration the comments of neighbours and Heritage Markham committee members.
- A meeting with the property owner was held on site on May 26, with Valerie Burke and George Duncan in attendance.
- The previous driveway layout reviewed by Heritage Markham has been revised by the applicant to include only the original driveway, and not a new entrance onto Deanbank Drive. This change in design is due in part to the identification of the need for a Minor Variance application required to implement the layout that was formerly proposed.

Staff Comment

- The revised plan, showing the driveway layout, privacy fence, and flagstone walkway, was approved by Heritage Section staff, in consultation with the Ward Councillor, on July 2, 2010.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham receive the memorandum on the approval of the Heritage Permit for privacy fencing and driveway re-surfacing at 104 John Street, as information.

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MEMORANDUM

TO: Heritage Markham Committee

FROM: George Duncan, Senior Heritage Planner

DATE: July 11, 2012

SUBJECT: HERITAGE PERMIT APPLICATIONS HE 10 116013 & HE 12 115718
Issue with Privacy Fence Currently Under Construction
104 John Street
Thornhill Heritage Conservation District

Property/Building Description:

A one and a half storey stucco house, constructed in various stages beginning in 1845. Historically known as the Milbourn House.

Use:

Residence with home occupation.

Heritage Status:

A Class A heritage building in the Thornhill Heritage Conservation District.

Background

- The original Heritage Permit for a 6 foot high wood privacy fence along Deanbank Drive was approved by Heritage Section staff in consultation with the Ward Councillor, on July 2, 2010, after review by Heritage Markham at its May 12, 2010 meeting. Construction of the fence began in April of 2012.
- In May, 2012, the applicant amended his original approved Heritage Permit to close the gap in front of the barn with the same style of privacy fence, and install a 4 foot high picket fence at the John Street frontage, to wrap around the corner to join the privacy fence.
- The amended Heritage Permit was approved by Heritage Markham at its May 9, 2012 meeting. The applicant was asked by Heritage Markham to consider lowering the height of the privacy fence, but he declined on the basis that the purpose of the fence was to provide privacy on a very exposed corner lot.

- Construction of the fence began this spring, resulting in numerous calls and emails to Town staff from neighbours concerned about whether or not the applicant had obtained a permit, and voicing objections to the design and placement of the fence.
- See attached email message from James Makaruk, former Heritage Markham member, in opposition to the current fence design, placement and interpretation of the by-law.
- By-law Enforcement investigated and determined that on a flankage yard, the fence could only be 6 feet high if the upper one foot was made of open lattice.
- The use of lattice on top of a board fence is not a recommended treatment in the Thornhill Heritage Conservation District Plan. The applicant followed one of the recommended designs (dog-eared fence top).

Staff Comment

- The 6 foot high privacy fence in its existing design can remain if By-law Enforcement allows an exemption to the requirements of the Fence By-law. They have requested this matter be referred to Heritage Markham for a recommendation.
- Staff recommends that if the existing fence remains at its current height, the owner be requested to add horizontal moulding to break up the large area of plain surface, and possibly decorative facing to line up with some of the main posts. This will enhance the appearance of the fence and relieve the plainness of such a long run of privacy fencing.
- If an exemption from the provisions of the Fence By-law is not supported by Heritage Markham, the applicant will be required to lower the height to 5 feet.
- The issues raised by Mr. Makaruk involve a difference in interpretation of what is the flankage yard and what is the rear yard from a by-law perspective. Staff will illustrate this at the meeting.

Suggested Recommendation for Heritage Markham

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.



MEMORANDUM

TO: Heritage Markham Committee
FROM: George Duncan, Senior Heritage Planner
DATE: May 9, 2012
SUBJECT: HERITAGE PERMIT APPLICATION HE 12 115718
Privacy Fence Extension and Picket Fence
104 John Street
Thornhill Heritage Conservation District

Property/Building Description:

A one and a half storey stucco house, constructed in various stages beginning in 1845. Historically known as the Milbourn House.

Use:

Residence with home occupation.

Heritage Status:

A Class A heritage building in the Thornhill Heritage Conservation District.

Application/Proposal

- The owner has amended his original approved Heritage Permit from July 2, 2010 for a 6 foot high privacy fence along the flankage side lot line on Deanbank Lane.
- In the original design, there was a gap in the centre section, in front of the barn, which the owner now wishes to fence with the same type of privacy fence. The pressure-treated wood will be painted or stained in a heritage green colour to coordinate with the green trim on the house. The fence will still have a gap where there is a mature pine tree.
- The owner also plans to install a four foot high white picket fence in the front yard, wrapping around the corner to join with the privacy fence.

Background

- The original Heritage Permit was approved by Heritage Section staff in consultation with the Ward Councillor on July 2, 2010, after review by Heritage Markham at its May 12, 2010 meeting. Construction of the fence began in April of 2012.

Staff Comment

- The placement and height of the privacy fence is in conformity with the Town's by-laws, and the design is based on the design guidelines of the Thornhill Heritage Conservation District Plan.
- The placement and height of the proposed picket fence is in conformity with the Town's by-laws, and the design is based on the design guidelines of the Thornhill Heritage Conservation District Plan.
- Staff recommend approval of the Heritage Permit. The addition of a picket fence will restore a landscape feature shown in a historical photograph of the same property (attached).

Suggested Recommendation for Heritage Markham

THAT Heritage Markham has no objection to the Heritage Permit for the privacy fence extension and picket fence for 104 John Street.

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Sightline Visibility Study

On

Deanbank Drive

at

104 John Street

Operations Department - Traffic
October 2012



1. Introduction

This report is in response to requests received from a local resident regarding concerns along the north-south portion of Deanbank Drive. Specifically, it was requested that the City of Markham investigate sightline visibility concerns for drivers traveling north on Deanbank Drive, as a result of a newly constructed fence along the western property line of 104 John Street. This report will provide the details of a site assessment conducted by Traffic Operations department with a recommended course of action.

2. Background

Deanbank Drive is located just north of John Street and east of Yonge Street, in the village of Thornhill (see Figure 1).

Figure 1: Deanbank Drive



Along its north-south alignment, Deanbank Drive is classified as a local residential laneway. Public laneways are primarily used to access property only, with traffic movement not being a priority. As such, design speeds along a laneway are quite low (30 km/h – 40 km/h), with average running speeds typically between 20 km/h – 30 km/h.

The limited functionality of a laneway is due in part to its intended design. Namely, a narrow right-of-way and pavement width is not conducive for higher running speeds and traffic volumes found on a typical local residential street. With a road width of 3.2 metres and a right-of-way of approximately 6.0 metres, the north-south alignment of Deanbank Drive is designated as one-way street in the northbound direction.

3. Sightline Visibility Study

A site assessment was conducted on Deanbank Drive to determine if minimum sightline requirements are being achieved at the private entrance to 104 John Street.

Table 1 shows the minimum stopping sight distances for roadways approaching intersecting streets and or driveways:

Table 1: Minimum Sight Stopping Distances

Design Speed (km/h)	Minimum Stopping Sight Distance (m)
25	25
30	30
35	35
40	45
45	55
50	65

Source: Transportation Association of Canada Geometric Design for Canadian Roads

Minimum stopping sight distance is the distance required for a driver to perceive a hazard, react to the hazard, and come to a full stop in order to avoid striking that hazard. Typical hazards are other vehicles and pedestrians unexpectedly entering the roadway. Given the road classification and a posted speed limit of 40 km/h, a minimum sight stopping distance of 45 metres would be required for all entrances along Deanbank Drive.

The residential property of 104 John Street has a private driveway that accesses Deanbank Drive. There is also a wood privacy fence along the western flank of the property line, adjacent to Deanbank Drive. This fence is the apparent cause of the perceived sightline concerns expressed by the resident.

Photo 1 shows a driver's visibility of approaching traffic on Deanbank Drive as they depart the private driveway at 104 John Street.

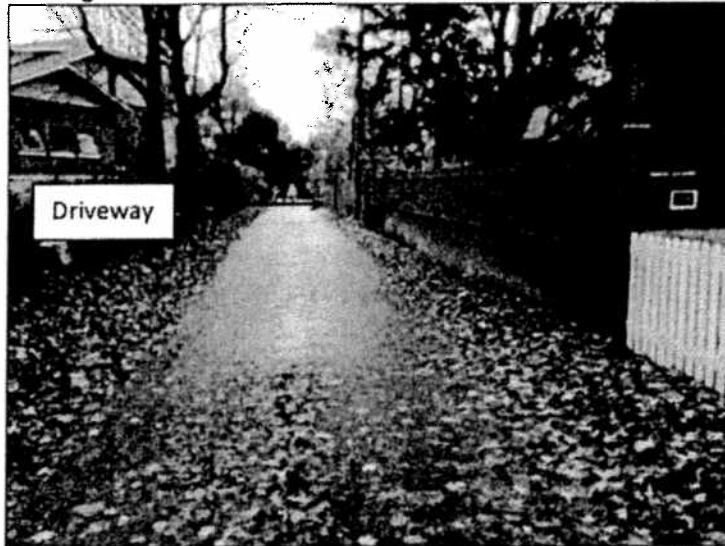
Photo 1: Looking south on Deanbank from the private driveway at 104 John St.



At this position, the driver has a clear view of Deanbank Drive that exceeds the 45-metre required distance. However, the front-end of the vehicle may encroach the paved portion of Deanbank Drive.

Photo 2 shows the upstream view of the private driveway on Deanbank at the minimum 45-metre distance.

Photo 2: Looking north on Deanbank Drive, 45m from the driveway at 104 John St.



At a distance of 45 metres and a traveling speed of 40 km/h, an attentive driver would have sufficient sightline visibility to perceive, react and stop, should a vehicle suddenly exit the driveway and enter Deanbank Drive.

It should be noted that at this distance, a driver would have just turned into Deanbank Drive from John Street, and therefore is likely to be traveling at a slower speed than the prescribed 40 km/h posted speed limit. Recognizing this, **Photo 3** shows an upstream view of Deanbank, assuming a travel speed of 30 km/h and a 30-metre sightline distance.

Photo 3: Looking north on Deanbank Drive, 30m from the driveway at 104 John St.



At a speed of 30 km/h and at a distance of 30 metres, an attentive driver would have sufficient time and distance to perceive, react, and stop before reaching the driveway. **Photo 4** shows a typical laneway in Angus Glen, featuring a narrow pavement width and right-of-way.

Photo 4: Typical laneway profile in new residential communities in Markham



Laneway designs of this type are found in new residential communities throughout the City of Markham, particularly in Angus Glen and Cornell. The laneways are intentionally designed to create an environment that promotes low running speeds and traffic volumes, thereby allowing drivers to react and avoid imminent hazards entering the laneway.

Parking pads, privacy fencing and garage structures all contribute to limited sightline visibility. Nonetheless, minimum requirements are being achieved if drivers travel within the intended design speed.

4. Collision History

As part of this investigation, a review of reported collisions over the past five years was conducted on the laneway portion of Deanbank Drive to determine if there is an existing pattern of collisions or incidents that would indicate a deficiency or safety hazard on the roadway.

Through this review, it was determined that there has been one reported collision over the past five years. The collision occurred in December 2011 and involved a northbound vehicle striking a vehicle parked on the shoulder. There is no indication that poor sightline visibility was a factor.

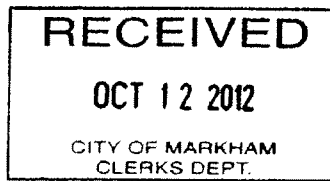
5. Conclusions & Recommendations

In light of the findings of this report, minimum sightline visibility requirements are being achieved. However, recognizing that laneways in this particular area of Markham are uncommon, providing advisory signage (see **Figure 2**) would be beneficial in encouraging slower traffic.

Figure 2: "Hidden Entrance" and "20 km/h" advisory tab



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 misled 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, appearing to read "James Makaruk". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

James Makaruk