

Hau, Lucy

Subject: FW: Illegal Gate at 149 John St.

From: Valerie Tate

Sent: Monday, April 10, 2017 11:59 AM

To: Mayor&councilors@markham.ca; Kitteringham, Kimberley

Subject: Illegal Gate at 149 John St.

Mr. Mayor and Members of the Council,

The gate at 149 John St. was put up without permission by homeowners who were well aware of the restrictions within the heritage district. Whatever one may think of the appearance of the gate, the rules state that driveway gates are not permitted within the district. It has been suggested that since, at some time in the past, there was a driveway gate there, that should 'grandfather' a gate for this property. However, the homeowners did not use the existing hardware on the pillars from the original gate which would allow for only a low, wooden gate. Instead, they installed new supports. This should negate the 'grandfather' clause since the new gate is not the style or size of the long ago gate and is unsuitable in size and appearance for the heritage district.

The rules about driveway gates are clear and are there to protect the heritage appearance of the streets in the district. If these rules are not enforced, we will find these streets looking like Elgin St., one block south, where high fences and huge driveway gates abound.

Preserving the heritage district in Thornhill is a constant battle. Each small inroad made in defying the regulations weakens them and encourages other people to do the same. Please hold fast to the heritage plan and order the illegal gate at 149 John St. to be removed.

Sincerely,

Valerie Tate

2

Hau, Lucy

Subject: FW: Council Meeting - April 11, 2017

From: DIANE BERWICK

Sent: Monday, April 10, 2017 3:13 PM

To: Kitteringham, Kimberley

Cc: Councillor, Valerie Burke - Markham; Hutcheson, Regan; Duncan, George; Wokral, Peter

Subject: Council Meeting - April 11, 2017

To: Members of Markham Council

149 John Street - Gate

This property is within the Thornhill Markham Heritage Conservation District. I don't understand why there is any debate about this issue. A driveway gate should not be allowed at 149 John Street for the following reasons:

The Thornhill Markham Heritage Conservation District Plan contains two significant entries about gates:

Ref. Pg. 26: 4.0 - District Policies - Buildings and Sites - 4.5.4 - c):
"Driveway entrances will not be gated"

Ref. Pg. 175: 9.6 Landscape Features: 9.6.6 Driveways - 5.
"Driveway entrances are not to be gated"

There is no excuse for property owners not knowing the regulations:

- . The historic district boundaries are clear.
- . Heritage staff are available at the City of Markham for guidance.
- . The Thornhill Markham Heritage Conservation District Plan is readily available online and in hard copy.

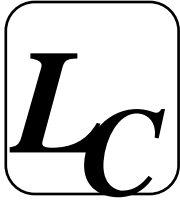
If one property owner is allowed a gate, other requests will follow;
149 John Street will be quoted as the example ... "they did it, why can't I?".
Allowing this gate would set a very wrong precedent.

The addition of driveway gates will change the face ("streetscape") of the historic area. As well, the gate in question, to me, is a modern design and clearly not compatible with the historic area, even if gates were allowed.

Any driveway gate that already exists in the heritage area (they are rare), would have been long grandfathered.

Sincerely,

Diane Berwick



LEPEK CONSULTING INC.
LAND USE PLANNING AND DEVELOPMENT CONSULTING

Helen Lepek, Hon. B.A., M.C.I.P., R.P.P.

April 11, 2017

E-mail: lhau@markham.ca
Clerk's Department
City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Attention: L. Hau

Dear Ms. Hau

Re: 149 John Street, Thornhill, Owners: Massood Mashadi and Shakiba Dilmaghani
Heritage Permit Application **Fence Gate**, File Number: HE 15 169425 (16.11)
Building Permit No: 13 109420, issue date Apr 16, 2013. Occupancy permit No:
C.O. (H) 651387, date: Sep 17, 2014
April 11, 2017 Council Agenda Permit for Gate

As per our telephone conversation, I am advising that I wish to appear as a deputation regarding the above-noted matter and that secondly, I would like this letter received as a communication by the Council.

I, first of all, want to thank Council for the time they have taken to discuss a matter which in the larger scheme of things may not seem important but it is very important to these residents. The attention and time taken by both the Council and the staff is very much appreciated. We support the proposed resolution.

Over the course of the two meetings, a number of important points have been made which bear repeating so that there is no misunderstanding.

1. The Owners' motives

The owners have intended from the very beginning to be respectful of the heritage character of the area. **There was never anything underhanded or deceitful.** They used City-approved contractors and the fact that the gate was erected without a permit was an oversight and omission. They are proud to live in Markham and proud to live in the Heritage District.

2. The Existing Posts and Hinges

There are two existing posts with rusted hinges indicating that in the past there was a gate in this location. While there has been much discussion about the fact that this was historically a farm type wooden gate, a wrought iron metal gate is considered to be a historical gate based on research and internet images of “historical gates”. It is the same type of gate used to gate the John Street cemetery. Staff have supported the metal gate design shown as Option 2.

3. The Neighbourhood Context and Specific Character of this Property

This property is at the east end of the District. It is one of the largest properties in the District and is set 37 metres back from the street. It is across from Pomona Mills Park. It is not a smaller lot in District closer to Yonge Street. The gate will provide for additional security when needed.

4. The Gate Design

The gate design has been carefully considered. The idea being a desire for low visibility and to maintain the *'neighbourhood character' in an area* where no other property has a wooden gate. There are other gates. (See point 5.)

The final address in that list in point 5, is the city-owned cemetery located just around the corner from 149 John which has a metal gate with a design very similar to the proposed design. If the location, size, etc. of the cemetery can justify a metal gate, the location, size and setting of 149 John Street can too. This is called making decisions based on site specific circumstances.

The closest gate installed a few lots down is a metal gate located at 185 John St, which formed the foundation of Option 2-Appendix "c" of the report. Based on the staff's request, the design was even further simplified (picture provided at the meeting today).

5. Precedent and the Approved Heritage Policies.

There has been considerable discussion concerning the fact that there is an approved Heritage policy regarding gates. As Council members, you know that approved policies are subject to review and there are mechanisms and requirements for Council to do so. That is precisely why this matter was brought before Development Services Committee. Council can make a case by case decision. The policies are subject to review. They are not cast in stone.

That said, because the circumstances warrant it at this location on John Street, neighbouring property owners have indicated their support in an attached document which is an extract of a petition in support of a metal gate at 149 John Street.

There are existing gates which can be seen as precedents which include the following addresses:

37 Colborne St

104 John Street

133 John Street

15 Church Lane

Decisions should be made on a case by case basis.

Based on the following reasons:

- 1. There appears to have been a gate at this property in the past.**
- 2. There are existing gates including wrought iron ones which appear to have been historically there or approved on a case by case basis.**
- 3. Allowing a gate in this portion of the District will not compromise long-term goals for the District. This property is at the eastern periphery of District which has a much more isolated character unlike the “village character” closer to Yonge Street.**
- 4. The owners have worked with staff to come up with a compatible gate design which has been modified in accordance with feedback from both Staff and Council.**

We, therefore, support the following resolution:

Now therefore be it resolved:

- 1) That the metal gate illustrated in Option 2 in Appendix ‘C’ as proposed by the applicant is supported; and,
- 2) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Yours truly,

LEPEK CONSULTING INC.



per: Helen Lepek, M.C.I.P., R.P.P.

encl.

copy: Owner

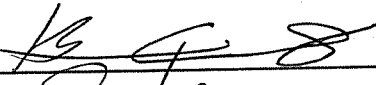
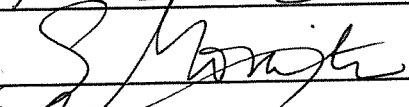


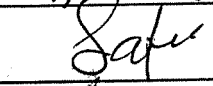



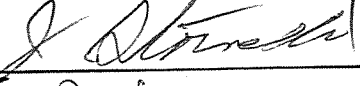
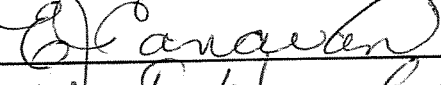
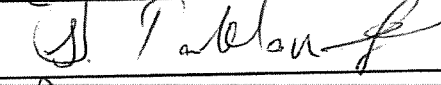
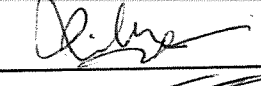


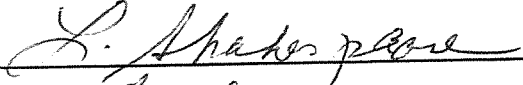
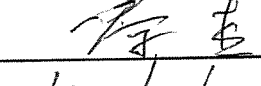


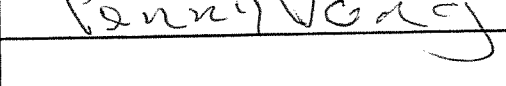
**Local Petition in Support of OR Have No Objection to:
Metal Gate installed at 149 John Street**

<--Check off one or both boxes-->

House #	Name	Signature	Support	No Objection
146	Ivy Hong	<i>Ivy Hong</i>	✓	✓
148	SIEGI MONITA	<i>S. Monita</i>	✓	✓
145	Russell Hydari	<i>Russell Hydari</i>	✓	✓
151	Bernie Reddick	<i>B. Reddick</i>	✓	✓
150	Goharhaj safaie	<i>Goharhaj safaie</i>	✓	✓
179	Yalda Dargahi	<i>Yalda Dargahi</i>	✓	✓
169	John Carrington	<i>John Carrington</i>	✓	✓
49	PAUL HELDS	<i>Paul Helds</i>	✓	✓
77	JUSTIN STORNELH	<i>Justin Stornelh</i>	✓	✓
107	E. CANAVAN	<i>E. Canavan</i>	✓	✓
97	Sousan Taklan	<i>Sousan Taklan</i>	✓	✓
old 34 34 Thompson	by Lau	<i>by Lau</i>	✓	✓

**Local Petition in Support of OR Have No Objection to:
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House #	Name	Signature	Support	No Objection
146	Ivy Hong		✓	✓
148	SIEGI MONITA		✓	✓
145	Russell Wydan		✓	✓
151	Bernie Redolish		✓	✓
150	Gohartaj safaie		✓	✓
179	yalda Dvazhi		✓	✓
169	John Carrington		✓	✓
49	PAUL HELPS		✓	✓
77	JUSTIN STORNELL		✓	✓
107	E. CANAVAN		✓	✓
97	Sousan Taklou		✓	✓
34 ^{old} Thornhill	Ly Lam		✓	✓
170	NORMAN HANWICK		✓	✓
166	PAUL CARSON		✓	✓
171	LUCI SAKESPEAR		✓	✓
175	Tie Qin		✓	✓
177	Maria Bitzalanis		✓	✓
172	Shima Heidari		✓	✓
174 159	Penny Kong		✓	✓

Local Petition in Support of OR Have No Objection to: Metal Gate installed at 149 John Street

<--Check off one or both boxes-->

[illegible]