

June 15, 2026

ATTN: Town Of NOTL
FROM: Darren & Sharon Michlik, 275 Gage Street
RE: Request for fence variance and an extensively documented explanation of our fence and property

It is through this letter and variance application that we are requesting allowance for our fence to remain as is and a minor variance granted. The current fence replaced what was the original fence constructed by us and completed in 2003 / 2004. A detailed explanation below highlights many details of both the original fence and the current fence we had no choice but to replace. Included in the package of information provided is also a signed document from neighbouring property owner Wayne Vent at 267 Gage St., attesting he has no issue with the fence. Also of notable mention is our diligence working with the NPCA over the last 2 years with retained engineering firm Upper Canada Consultants senior engineer Adam Keane to provide evidence through multiple studies that the fence has no adverse affects on the floodplain of One Mile Creek

My wife Sharon and I have resided at 275 Gage St for 25 years since 2001. During the years of 2003 & 2004 we constructed a wooden fence along our side of the east facing property line for the intention of privacy, security, and a planned swimming pool for the future (2006). This also involved installing stone retaining wall in the same vicinity to replace the rotting wood that has been used previously. Due to the elevation of our property in relation to neighboring property grade changes and the level of Mississauga Street the fence was constructed to a height of 8 feet to achieve a moderate level of privacy. As seen in various supplied photographs from early 2000's to current the grade of the back of our lot is up to 3 meters lower than the neighbouring properties and the major artery of Mississauga St. Our neighbors all agreed to the fence and it stood there complaint free from completion in 2004 till it had to be replaced in 2024. The reason for replacement in 2024 is fully detailed below. It was in June or July of 2024, about a month after completion, that apparently

someone developed an issue with it, even though it had stood there for over 2 decades, and filed a complaint to the town.

The neighboring property of 267 Gage Street changed ownership 3 times in the last 6 years and none of the owners presented any problems with the existing fence of 8 feet. Unfortunately the ultimate reason for my fence being replace in 2024 was because of a major renovation that was done to the west side concrete foundation and land between our properties of 267 Gage Street and ours, 275 Gage St. This took place in January 2019 while we were away on vacation (see picture folder January 2019) The fence posts and fence structure eventually leaned over where they did the damage and the post bases were covered up with excavated dirt which created a major change in the grade of the land which caused water to sit and enter my property. This damaged and left the original fence posts unrepairable. This was due to a change in the grade level of their property during construction, and the fact that they piled excavation material against our fence which eventually led to water entering our property from theirs and the premature failure of our existing fence posts. I have pictures documenting the work, grade changes and damage to my fence. I was not financially prepared to battle an out of town owner in court over this as he was a wealthy landowner from Toronto Michael Weinberg who completely disregarded the damage his construction trades did to my property. Michael Weinberg never did actually live in this residence, to him it was just another way of making money by renting it out. Approximately 40% of the fence needed to be replaced by 2023 but financially we had to wait until 2024 to take on the project.

During reconstruction in 2024 it was decided it would be best to replace the entire fence as mixing the old with new looked esthetically unattractive, and would lead to a second partial replacement in the near future when the originally fence reached life expectancy. This job was very complicated because it was in the area of armour stone type retaining walls so we need to use the exact same post location holes for approximately 75% of the new fence. Myself, and the crew that performed the work, ensured the job was performed impeccably to the standards of what the NPCA would request and all debris and excess fill was removed daily.

As mentioned above Sharon and I have resided at 275 Gage Street for almost a quarter century, and Sharon been and raised in NOTL just around the corner on Dorchester Street. It may not be 100 years, as the

One Mile Creek floodplain is based, but it is enough time to have experienced many extreme torrential downpours that have proved the fence did not in anyway lead to any damage since its' beginning in 2003. For this reason I feel the new fence of 2024, that replaced the old fence from years 2003-2024, will not negatively impact the surrounding areas. If anything we went the extra mile to ensure the post construction was to the best of standards for longevity and strength formed with sono-tube concrete installation slightly above ground level and a waterproof membrane wrapped around each wood post to 4 inches above ground level. This method reduces ground level water contact with the wood that is almost always responsible for premature failure.

Darren & Sharon Michlik