



Report to: Development Services

Meeting Date: June 7, 2021

SUBJECT:	Heritage Easement Agreement Temporary Relocation of Heritage Dwelling (Arthur Wegg House), 10537 Kennedy Road Ward 6
PREPARED BY:	Regan Hutcheson, Manager-Heritage Planning, ext. 2080
REVIEWED BY:	Ron Blake, Senior Development Manager, ext. 2600

RECOMMENDATION:

- 1) THAT the staff report titled “Heritage Easement Agreement , Temporary Relocation of Heritage Dwelling (Arthur Wegg House), 10537 Kennedy Road, Ward 6”, dated June 7, 2021, be received;
- 2) THAT a by-law be passed to authorize the Mayor and Clerk to execute a Heritage Easement Agreement with the property owners of the Arthur Wegg House, and any other documents required to give effect thereto, in a form satisfactory to the City Solicitor in support of the temporary relocation of the building;
- 3) THAT Council has no objection to the temporary relocation of the Arthur Wegg House to facilitate grading work in support of the future development of the property;
- 4) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to obtain authorization from Council for the execution of a Heritage Easement Agreement and to secure approval for the temporary relocation of the Arthur Wegg House to facilitate grading work in support of the future development of the property.

BACKGROUND:

The building represents an early 20th century Edwardian Classical style farmhouse
The Arthur Wegg House, c 1922 is a two storey, brick, farmhouse constructed just after the First World War. The house exhibits typical features of the Edwardian Classical Style including a medium sloped hipped roof, a dark red, pressed brick, veneer cladding, an asymmetrical arrangement of windows and doors, and a generous veranda composed of sturdy classical half columns atop brick piers and a decorative patterned brick railing. Farmhouses of this period and style reflected the growing prosperity of the local farming community and were the first built for modern conveniences such as central heating, plumbing and electricity. The house is believed to have been constructed by a prominent

local builder (John Miller) who is credited with building many of the red brick Edwardian Classical style houses in Unionville.

The property is designated under the Ontario Heritage Act

The subject building is located at 10537 Kennedy Road north of Major Mackenzie Drive and was individually designated under Part IV of the *Ontario Heritage Act* in 2014 (By-law 2014-16).

The property is currently subject to development applications under review

The City is in receipt of a Zoning By-law Amendment and Draft Plan of Subdivision applications from Kennedy MM. Markham Ltd. in support of an urban residential subdivision comprised of single detached dwellings and townhouses, a neighbourhood park, a school, a stormwater management facility, and a mixed use block (File 20 129597 PLAN)

The applicant is proposing to retain the Arthur Wegg House at the corner of Kennedy Road and new Street F very close to its original location, but on a new foundation matching the proposed new grading for the subdivision. See Appendix “C” for the concept plan.

The applications have been reviewed by Heritage Markham Committee.

Staff noted the importance of retaining the Wegg House on or very near its original site and the desirability of the existing corner location for enhanced visibility. However, it was noted that the proposed grading is to be substantially raised due to existing road conditions (Kennedy Road) and servicing requirements. The need for this has been confirmed by the City’s Engineering staff. If the heritage resource was retained on its original site at its current grade, the house would be in a “bath tub” situation with surrounding land at a much higher elevation.

On January 13, 2021, Heritage Markham indicated that it supports the revised option proposed for the Arthur Wegg House which includes retaining the heritage resource near its original site (corner of Kennedy Road and future Street F), but on a new foundation and at the proposed grade of the adjacent subdivision lands. The committee further recommended that the City’s standard heritage requirements be conditions of draft approval for the plan of subdivision and/or included in the Subdivision Agreement.

Owner wishes to undertake earthworks in spring 2021

Staff were contacted in April 2021 and notified that the owner proposes to begin its earthwork program in the spring of this year. The owner proposes to carefully lift the Arthur Wegg House off of its foundation and temporarily relocate it for the purposes of completing grading work. The relocation project will involve the removal of the front brick veranda. The owner has indicated that replacement bricks have been sourced and the veranda has been carefully photographed to permit a faithful reconstruction.

OPTIONS/ DISCUSSION:

The development applications for the property are still under review

Staff from the North District team are processing the development applications for the subject property. The following is a summary of the applications' status:

- The applications from Kennedy MM. Markham Ltd. were deemed complete on November 12, 2020
- A Preliminary Report went to Development Services Committee on February 22, 2021
- The applications were presented at a Statutory Public Meeting on March 23, 2021
- Staff provided 1st submission comments to the applicant in February 2021. Staff are awaiting a resubmission to address their comments
- A Site Alteration Permit has been approved for the site.

Additional approvals are required to undertake the proposed temporary relocation of the heritage dwelling

As this is a designated property and Council has yet to approve the development applications for the property (including the Plan of Subdivision application), in order to remove the building from its foundation and relocate it, the owner will need to undertake the following:

- 1) Secure a demolition permit to break the building from its foundation (Building Department)
- 2) Submit a Temporary Building Relocation Plan to be approved by the City showing where the building will be temporarily relocated to, who is doing the work, and how the building will be protected while in storage (fencing, heating, boarding etc.). This should also include measured drawings of the brick veranda that will be removed and reconstructed when the house is placed on a new foundation. A letter of credit will be required to ensure the protection and maintenance of the building.
- 3) Enter into a Heritage Easement Agreement with the City that would permit the temporary relocation of the building and identify how it will be protected, as well as the legal description of the temporary storage location. The Temporary Building Relocation Plan will be included in this Agreement.

By-law Requirement

Section 37 (1) of the *Ontario Heritage Act*, R.S.O. 1990 c.O.18 authorizes the Council of a municipality to pass by-laws providing for the entering into heritage easements with owners of real property or interests in real property for the conservation of property of cultural heritage value or interest. A by-law is attached to this report (See Appendix "B").

FINANCIAL CONSIDERATIONS

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection and preservation of cultural heritage resources is part of the City's Growth Management strategy.

BUSINESS UNITS CONSULTED AND AFFECTED:

Heritage Markham has been consulted. The Legal Services Department works closely with the Heritage Planning Section to prepare and process the necessary Heritage Easement Agreements.

RECOMMENDED BY:

Ron Blake, M.C.I.P., R.P.P.
Senior Development Manager
Planning & Urban Design

Biju Karumanchery, M.C.I.P., R.P.P.
Acting Commissioner of
Development Services

ATTACHMENTS:

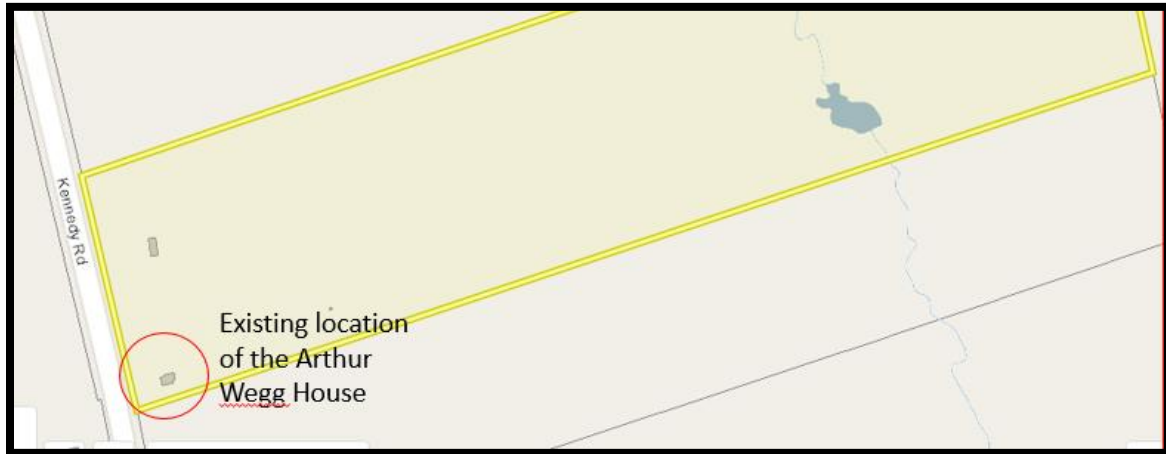
Appendix "A" - Photographs
Appendix "B" - Draft By-law
Appendix "C" – Concept Plan for Arthur Wegg House

APPLICANT/AGENT

Joel Seider, *B.Eng. Land Development Manager*
Forest Hill Homes / State Building Group
2700 Dufferin Street, Unit 34
Toronto, Ontario M6B 4J3
Cell: 416-399-7958
jseider@statebuild.com

Location

10537 Kennedy Road



Attachment “A” - Photographs



Above: The Arthur Wegg House shown in Google Street View in 2009
Below: City of Markham Photo c.2014



Appendix “B”



BY-LAW 2021-XXX

Being a By-law to authorize the execution
of Heritage Easement Agreements

WHEREAS section 37 (1) of the *Ontario Heritage Act*, R.S.O. 1990 c.O.18 authorizes the Council of a municipality to pass by-laws providing for the entering into heritage easements with owners of real property or interests in real property for the conservation of property of cultural heritage value or interest;

AND WHEREAS it has been determined that the property identified on Schedule “A” attached to this by-law is a property of cultural heritage value or interest;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. THAT the Mayor and Clerk be authorized to execute a Heritage Easement Agreement between the City of Markham and the property owner as set out on Schedule “A” attached to this by-law, for the lands described in Schedule “A”, and any other documents required to give effect thereto in a form satisfactory to the City Solicitor.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
XX DAY OF XX, 2021.

KIMBERLEY KITTINGHAM,
CITY CLERK

FRANK SCARPITTI, MAYOR

Schedule “A” to By-law XXXX-XXX
Being a By-law to authorize the execution
of Heritage Easement Agreements

PROPERTY OWNER	MUNICIPAL ADDRESS	LEGAL DESCRIPTION
Kennedy MM Markham Ltd.	10537 Kennedy Road	CON 6 PT LOT 24 64R3831 PT 1

APPENDIX “C” – Concept Plan for Arthur Wegg House



The Heritage Building would be temporarily relocated and then returned to the existing site and placed generally in the same location (see below)

