



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: July 14, 2021

SUBJECT: Heritage Permit Application/ Heritage Easement Agreement
233 Main Street, Unionville
Rear Yard Sports Pad

Property/Building Description: 1 ½ storey frame dwelling that was originally constructed as the Raymer Cheese Factory, c.1870.

Use: Single Detached Dwelling

Heritage Status:

- Individually Designated under Part IV of the Ontario Heritage Act (By-law 79-90)
- Class A Heritage Property in the Unionville Heritage Conservation District
- Heritage Easement Agreement

Application/Proposal

- The introduction of a rear yard, concrete sports court/hockey rink. Plans indicate a trellis frame surround.
- A Heritage Permit Application was submitted by the owner on May 27, 2021.
- Plans for a rear yard cabana for use associated with the existing pool and for changing skates in the winter (see concept site plan)
- Future concept plans for a structure/building to cover the rink.(concept plans attached)

Statistics

Size of Rink 60' (18.29m) by 80' (24.38)

South Side setback of Rink from property boundary – 2'8" (0.82m)

North Side setback of Rink from property boundary – ranges from 5'5" (1.66m) to 4'3" (1.3m)

Rear Yard setback of Rink from property boundary – ranges from 6'8" (2.04m) to 13'5" (4.09m)

Size of Cabana – 30.33 m²

Background

- Work has already been undertaken by the owner to introduce the proposed backyard sports pad. See attached photos of the work prior to the pouring of concrete.
- According to staff, property re-grading has occurred and the removal of trees.

- As to the appropriate approval process for the work, Building staff has noted that a concrete pad alone would not be regulated under the Building Code. Should a building eventually be constructed on the concrete pad, the entire concrete pad and the building will require a building permit/heritage. Building staff have also indicated that a building permit is required for any building larger than 10m² (108 sq ft) (calculated as the area of the building's footprint) or any new building that contains plumbing, irrespective of size.
- The owner has indicated that in the future, a building may be proposed to cover the sports pad (see elevations attached). No application has been made at this time.
- On May 21, 2021, By-law Enforcement issued an 'Order to Comply' in response to *"building construction and/or alteration of land without required Heritage permits and approvals contrary to the applicable Heritage Easement Agreement and The Ontario Heritage Act"*. The Heritage Permit application was submitted in response. The owner was also informed of the requirement to secure municipal approval as per the requirements of the Heritage Easement Agreement.
- Tree Removals
 - The property has been inspected for reported tree violations. The inspection found three (3) regulated trees, one (1) Siberian elm and two (2) Manitoba maples had been cut at the base. Also additional trees were removed ahead of a subsequent Tree Permit application issuance. One (1) Norway maple, Two (2) Siberian elms and One (1) Manitoba maple, all of which were to be granted a permit were removed before the permit was issued.
 - The destruction of the trees without a permit is in contravention of Tree Preservation By-law 2008-96, as amended, Section 6.0.
 - There were some hazardous trees requiring removal.
 - For the removal of 6 trees, the owner is required to plant twenty four (24) trees on 233 Main St Unionville, Markham, or pay to the City of Markham cash-in-lieu for each tree not planted.
 - For two additional trees, five (5) deciduous shade trees, each with a minimum calliper (diameter) size of 50 mm at time of planting, or five (5) coniferous trees 250cm in height are to be planted anywhere on the subject site or alternatively a cash-in-lieu payment may be made.

Staff Comment

- **Individual Designation By-law**
 - The Designation By-law is an older by-law from 1990 that does not include a listing of specific heritage attributes, but does include this statement as the reason for designation:

THE RAYMER CHEESE FACTORY

The Raymer Cheese Factory located on Part of Lot 13, Concession 6, more particularly described as Part 5 on Registered Survey 65R-5574, being 233 Main Street Unionville, is recommended for designation for its historical and architectural importance as it dates to circa 1859 and was inhabited by one of Markham's most prominent families. The house is typical of Upper Canadian Vernacular architecture in the 19th century. The structure served as the Unionville Cheese Factory from 1870 to 1874 and, as such, has historical and contextual heritage merit.

- The focus of the designation by-law is primarily on the heritage house.
- **Heritage Easement Agreement (HEA)**
 - The HEA was obtained in 2004 from a previous owner. See attached excerpt from the Agreement.
 - Section 2.8 of the Agreement notes that changes to the property require municipal permission – **see sections (b) which refers to erection of buildings or structures of any type whatsoever, (d) which refers to any change to the general appearance and topography of the lands, and (g) which refers to the removal, destruction or cutting of trees, vegetation and shrubs**
 - The Statement of Reasons for the Heritage Easement focus on the historical and architectural reasons associated with the heritage building, and includes a list of significant architectural features..
 - **Through the provisions of the HEA, permission from the City is required for the identified work as it is a change to the general appearance of the lands, involves a small building (cabana) and involved the removal of trees.**
- **Unionville Heritage Conservation District**
 - A Heritage Permit is used when no other municipal permits are required in the District and change is to be undertaken.
 - The overall goal of the District is:
 - *“to ensure the retention and conservation of the District’s heritage resources and to guide change so that it contributes to and does not detract from, the District’s architectural, historical and contextual character”.*
 - One of the Plan’s objectives is to encourage the preservation of trees and mature vegetation (3.2.2). From a landscape treatment perspective, the Plan notes that landscape features can help express the character of both the specific building and the heritage environment (4.6) and that the conservation of existing historical landscapes...will be encouraged”. Guidelines for landscape and building features are provided in Section 9.4.10.1 of the Plan (attached).

- Typical projects that require heritage review/approval involve changes to the building (s) on the property or the introduction of front yard patios/ mechanical equipment that can be seen from the street.
- Projects that don't typically require a Heritage Permit include "backyard patios, garden and tool sheds, gazebos, dog houses and other small outbuildings that are not readily visible from the street".
- The identified work (cabana and rink/sports pad feature) are in the backyard and not visible from the public realm.

- **Conclusion**

- Any proposed change on the property should be viewed through a heritage lens to assess whether the changes are detrimental to the objectives to be achieved through the Unionville Heritage Conservation District or the HE Agreement.
- The loss of trees from the rear yard section of property is regrettable and this is being addressed through enforcement by the City. Mature trees are one of the contributing heritage attributes found in heritage conservation districts.
- Although not a typical backyard feature, it is challenging to argue that the permanent rink/sports pad itself and small cabana alone have a negative impact on the cultural heritage value of the property given distance of these features from the heritage dwelling and the absence of any landscape features identified in the designation by-law. The lack of visibility from the street also mitigates impact on the District.
- The applicant has indicated that the rink/sports pad is for use by family/friends and is not a commercial venture (which is not permitted in a residential area).
- If the cabana is larger than 10 m², then a Building Permit will be required. The plans indicate the cabana to be 30.33m².
- The proposal for a future building to cover the entire rink surface would appear to have an impact and be out of character with typical outbuildings in rear yards of residential properties. To proceed with that type of project would require a Site Plan Control Application and legal Agreement (prior to Building Permit issuance) as well as likely requiring variances through the Committee of Adjustment.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham Committee is disappointed and saddened by the loss of the mature vegetation from the rear yard apparently without prior authorization or approval, but given that this has transpired and enforcement is underway, the Committee has no objection from a heritage perspective to the introduction of a rear yard concrete sports pad and small cabana structure given the location and lack of visibility from the public realm;

THAT the Committee recommends that the replanting of trees on the property is preferably to the payment of cash-in-lieu in order to enhance the heritage conservation district's tree canopy;

THAT if the cabana structure requires a Building Permit, the Heritage Markham review be delegated to Heritage Section staff;

AND THAT Heritage Markham does not support the introduction of a rear yard building to enclose the rink/sports pad as it would be out of character with typical rear yard accessory buildings found in the City's heritage conservation districts.

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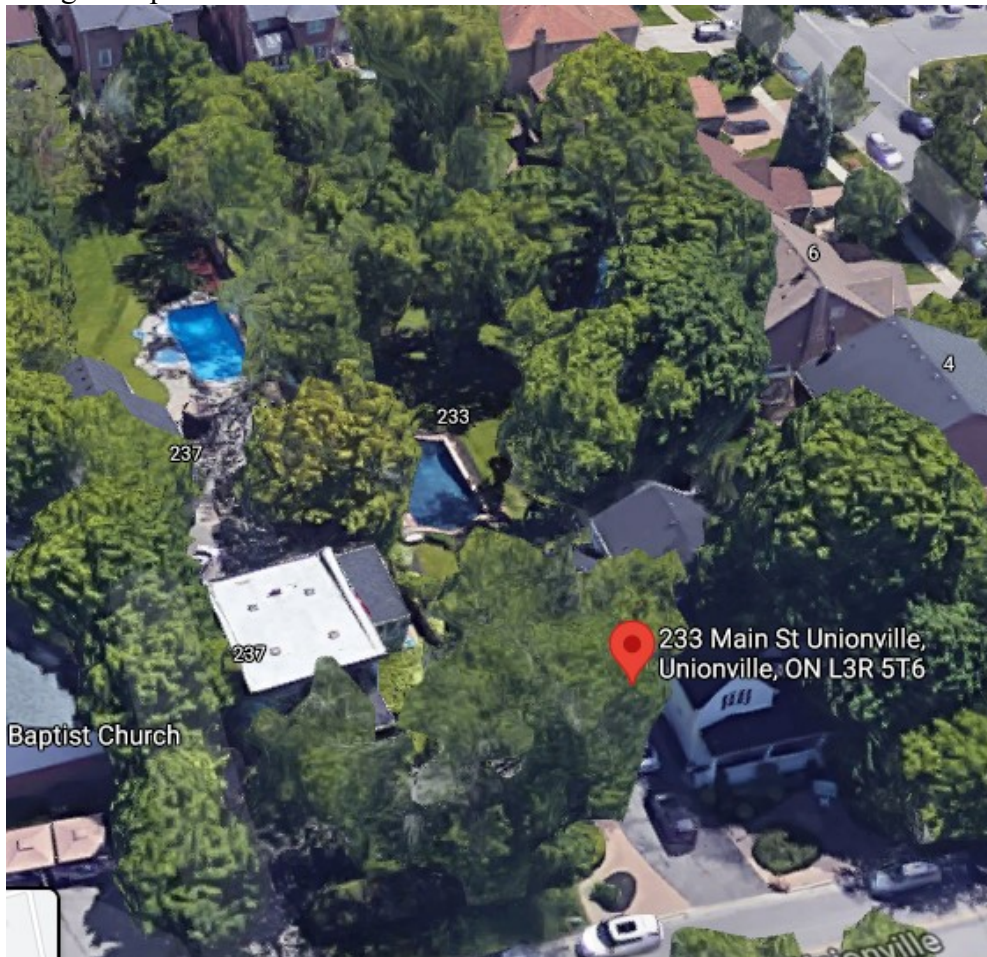
Location Map



Photographs
Front of the Property



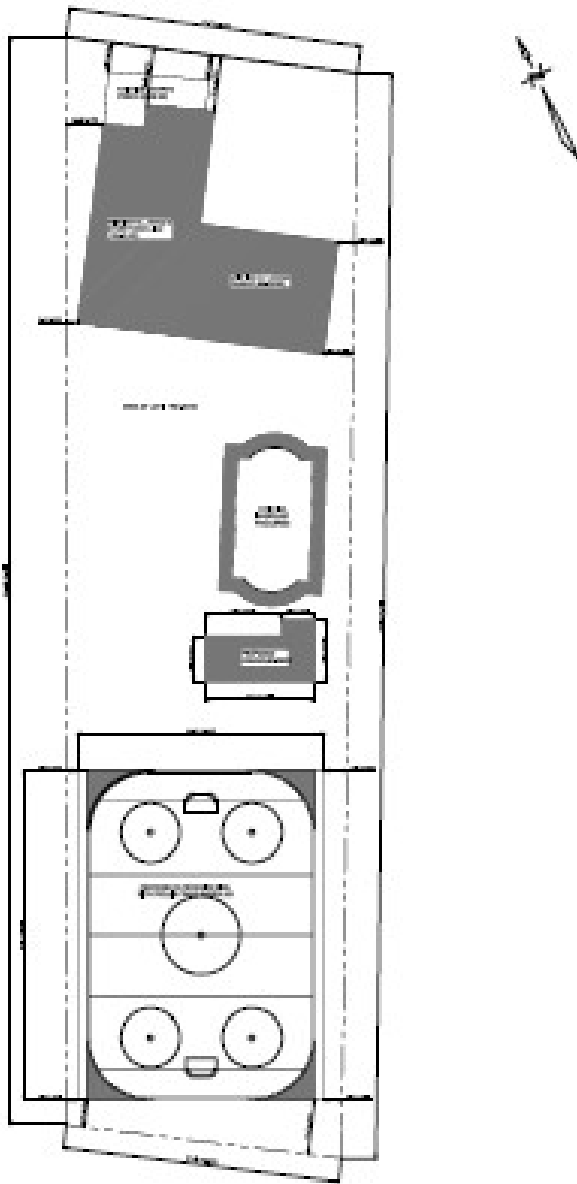
Google Maps



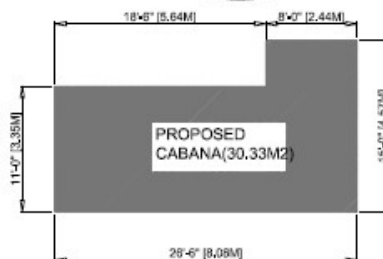
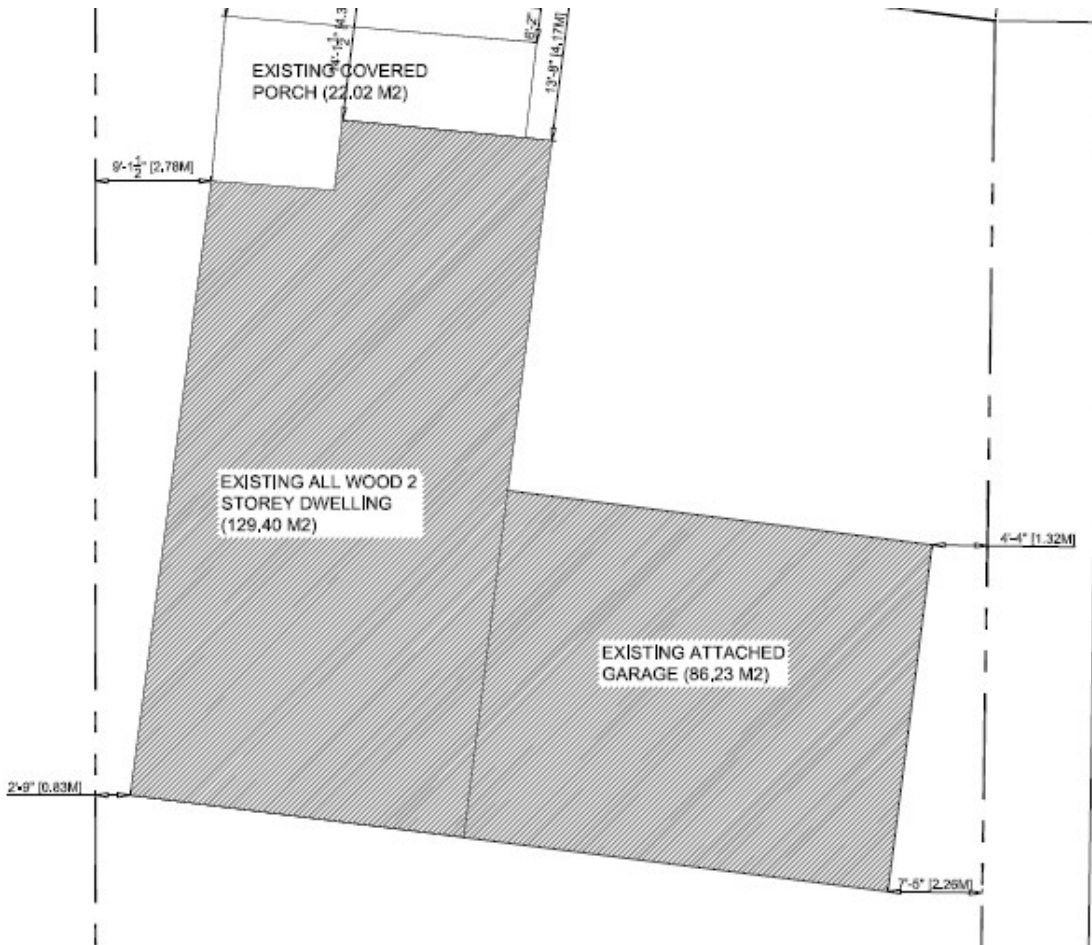
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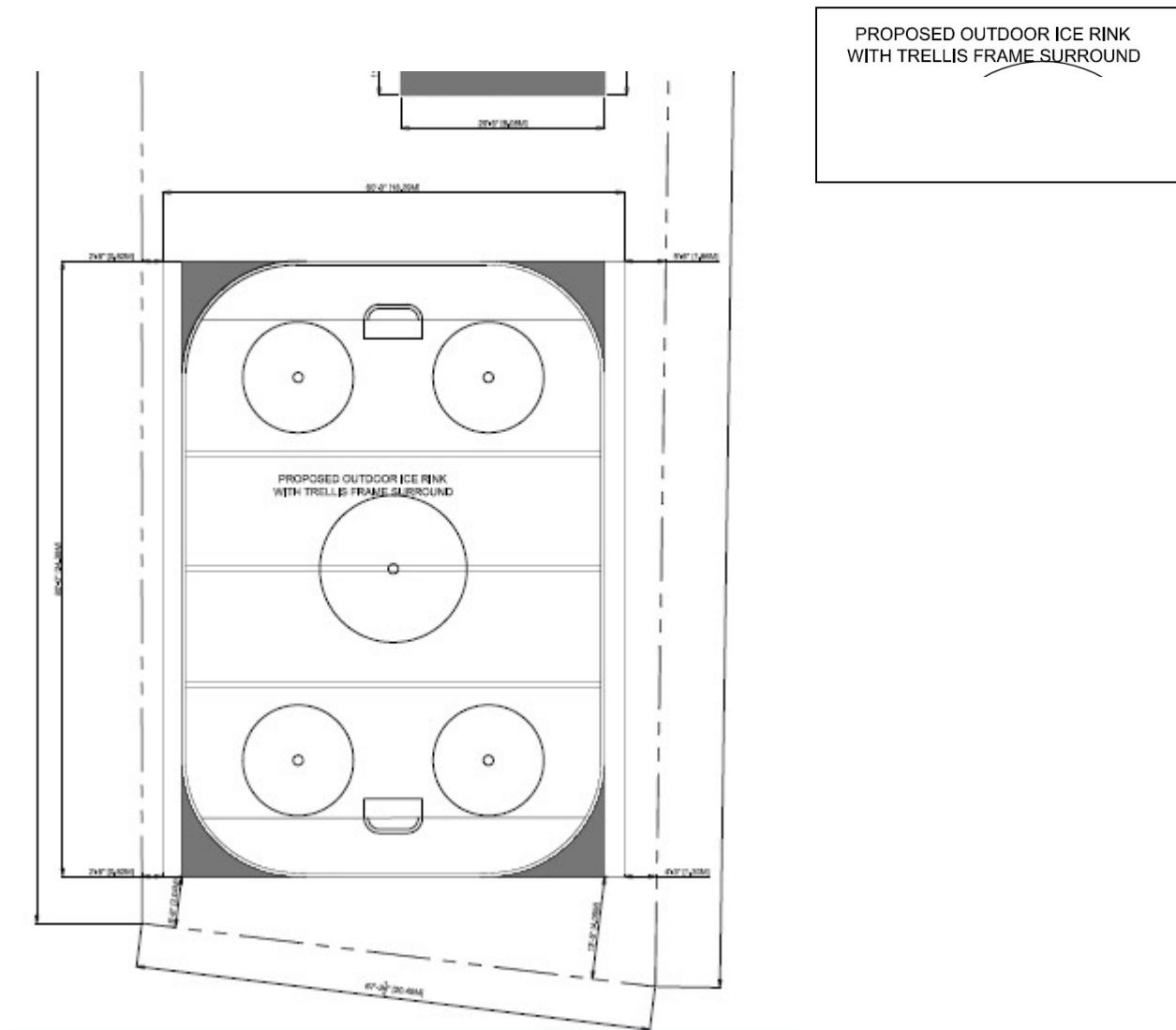
Site Plan Drawing

- Existing House
- Existing Pool
- Proposed Cabana
- Proposed Sports Court/Ice Pad



Enlargement of each section on the following pages





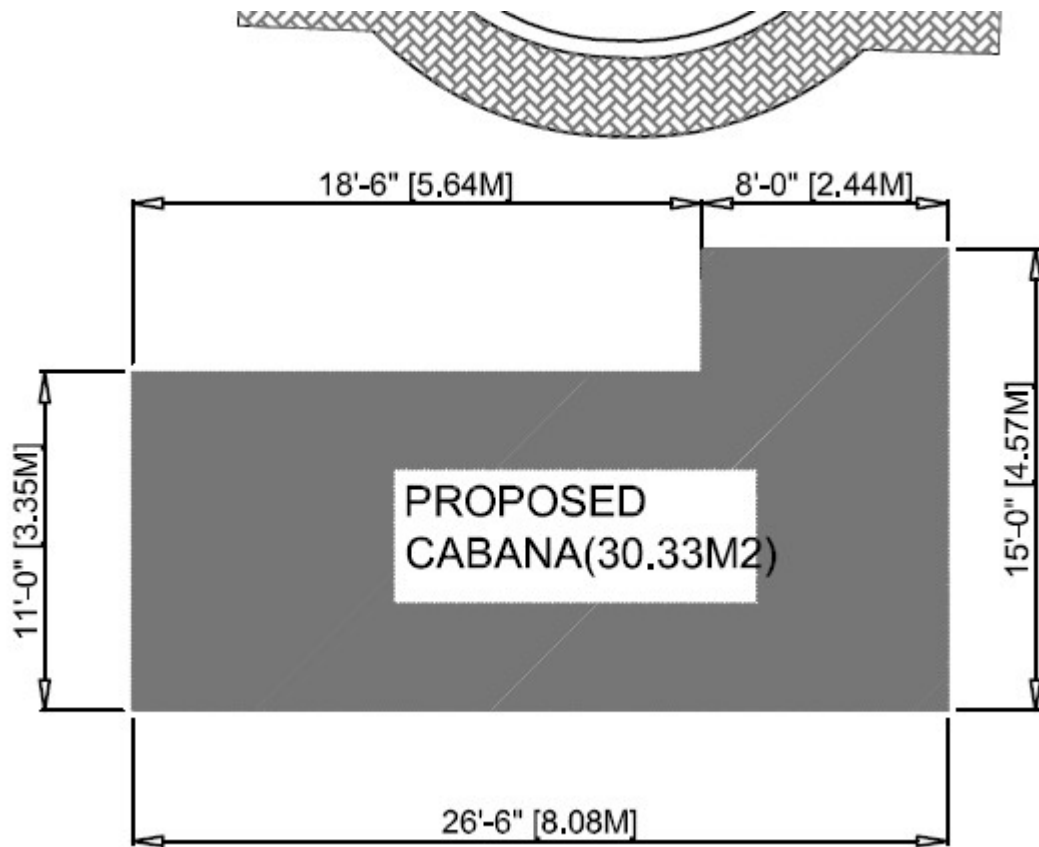
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No elevation were provided.

Work in Backyard – photos from City of Markham Building Inspector





Looking East



Foundation for future Cabana

Exerpt from the Heritage Easement Agreement

2.8 No Act of Waste

The Owner shall not commit or permit any act of waste on the Property. In respect to the subject lands, the Owner shall not, except with the prior written approval of the Town:

- (a) grant any easement or right-of-way which would adversely affect the easement hereby granted;
- (b) erect or remove or permit the erection or removal of any building, sign, fence or other structure of any type whatsoever;
- (c) allow the dumping of soil, rubbish, ashes, garbage, waste or other unsightly, hazardous or offensive materials of any type or description;
- (d) except for the maintenance of existing improvements, allow any changes in the general appearance or topography of the lands, including and without limiting the generality of the foregoing, the construction of drainage ditches, transmission towers and lines, and other similar undertakings as well as the excavation, dredging or removal of loam, gravel, soil, rock, sand or other materials;
- (e) allow the planting of trees, shrubs or other vegetation which would have the effect of (i) reducing the aesthetic value of the Building or the Property or (ii) causing any damage to the Building;
- (f) allow any activities, actions or uses detrimental or adverse to water conservation, erosion control and soil conservation; and
- (g) allow the removal, destruction or cutting of trees, shrubs or vegetation except as may be necessary for (i) the prevention or treatment of disease or (ii) other good husbandry practices.

Section 1.1 of Heritage Easement Agreement

Statement of Reason

The Owner and the Town agree that for the purposes of this Agreement the following statement (hereinafter called the "Reasons for Identification") sets out the reasons why the Building has been identified by the Town as having historic and architectural significance:

Historical and Architectural Reasons:

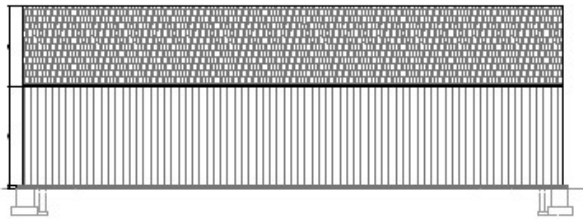
An Indenture of Bargain and Sale dated 1859 refers to an existing structure on this site. In 1868, John N. Ramer, a member of a prominent Pennsylvania German family, purchased the property and one or two years later added the gabled wing on the front of the older building. In 1870, John and his brother, Martin, opened the Ramer Cheese Factory here and introduced Unionville to Ramer cheese, which at the time had outlets in Markham Village and the Ramers' home community of Box Grove. The business didn't last long, as tragically, the brothers contracted small pox in 1874 and died within 10 days of each other. Since the building as it stands is clearly built in the form of a dwelling, it may have served as the cheese maker's residence rather than the cheese making factory itself, which could have been located in an outbuilding that no longer stands.

The Ramer Cheese Factory house was designated under Part IV of the Ontario Heritage Act in 1990. The building is an example of the vernacular Picturesque style, distinguished by its L-shaped plan and wrap-around verandah. The house has evolved over time, exhibiting four periods of development which include the main section that runs on a north-south axis (c.1859), the projecting front wing (c.1870) the Edwardian Classical front verandah (c.1910), and the most recent additions from the 1980s of a double entrance door, attached side garage and rear wing. The vertical tongue and groove wood siding is characteristic of Markham Township, and the paired, round-headed windows in the street facing gable wall are seen in other Unionville houses dating from the 1870s period. The segmentally-headed two over two windows are also commonly seen on buildings of the 1870s, not only in Unionville but throughout Southern Ontario.

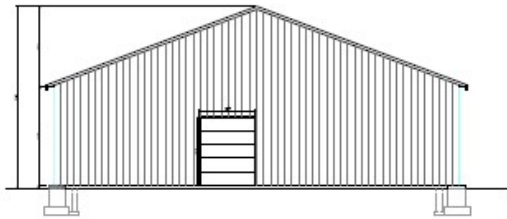
Significant Architectural Features to be Conserved:

- Overall form of the c.1859 and c.1870 portions of the house;
- Vertical wood tongue and groove siding;
- Gable roof with overhanging eaves and single stack brick chimney at the south gable end;
- Wrap around verandah with wooden Edwardian Classical columns on moulded concrete block pedestals, wooden handrail, and curved wooden balusters;
- Segmentally-headed 2 over 2 wooden windows with their associated wooden frames and projecting wooden sills; and
- Paired round-headed 1 over 1 wooden windows on the street facing gable, with their associated wooden frames and projecting wooden sills.

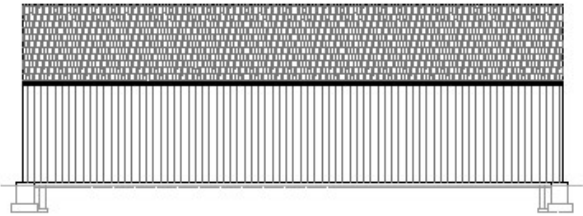
Proposed Future Building



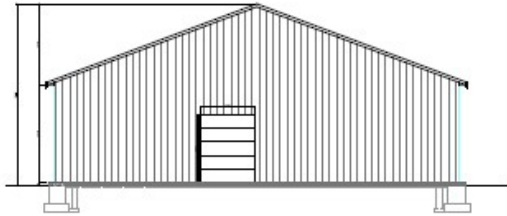
PROPOSED RINK SOUTH ELEVATION



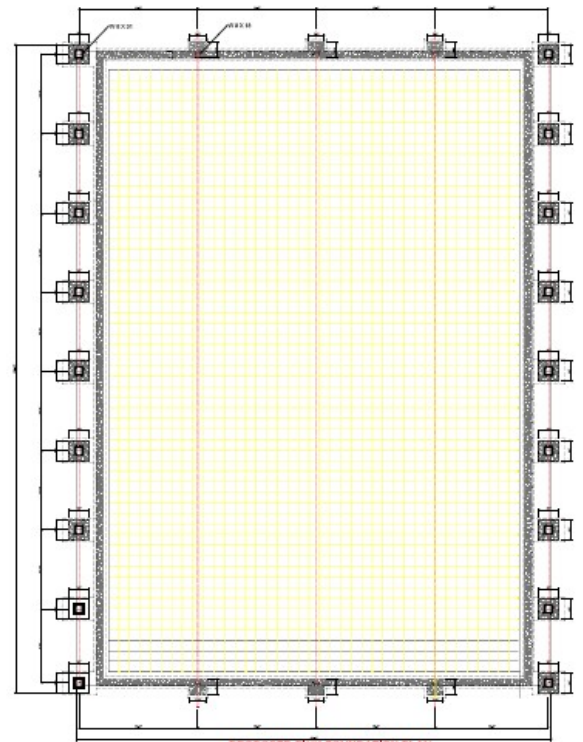
PROPOSED RINK EAST ELEVATION



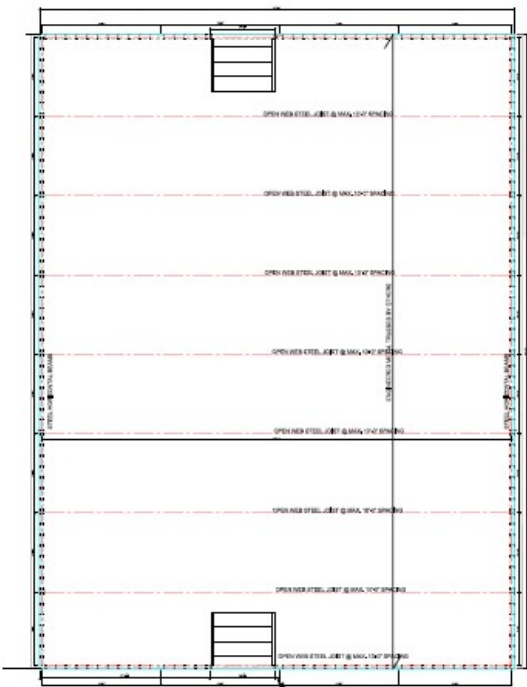
PROPOSED RINK NORTH ELEVATION



PROPOSED RINK WEST ELEVATION



PROPOSED RINK FOUNDATION PLAN



PROPOSED FLOOR PLAN



The undersigned hereby certifies that the foregoing is a true and correct copy of the original as the same appears in the records of the undersigned. _____ Notary Public for the State of _____ My Commission Expires _____ My Office is located at _____ My City and State is _____ My Commission No. is _____		DIGITECH DESIGNS INC 6044 S. 10th Street Suite 100 Mesa, AZ 85206 Phone: (480) 966-1111 Fax: (480) 966-1112		2 PRINTED TITLE: REGISTERED BY STATE HISTORY WITH AFD OF AZ CARVAL CLIENT: MR. GARCIA ROSS DATE: MAY 2002 CHARGE BY: A. GARCIA SIGNATURE: _____ 100% = 1.00	CHARGES: _____ A.
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