



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: August 11, 2021

SUBJECT: 146 John St. Thornhill
Model Train Diorama

Property/Building Description: 2 storey single detached dwelling constructed in 1998
Use: Residential
Heritage Status: Designated under Part V of the Ontario Heritage Act and classified as a Group C building, or contributing or non-contributing modern buildings within the Thornhill Heritage Conservation District.

Application/Proposal

- The owner is seeking approval of a model train diorama introduced on the front and west side yard of the private residential property.

Background

- Originally, part of the model train diorama was on City property, but those diorama features have been removed from the public boulevard area in front of the property.
- The matter of the model train diorama on the private property was originally considered at the July 14, 2021 Heritage Markham meeting and was deferred. See Attachment 'A'.
- The Committee recommended to defer the item to the next meeting in order to obtain additional feedback from the City's Legal and By-law Enforcement departments before making a recommendation on the matter.

Staff Comment

- City staff have discussed this issue and upon further consideration and a review of the policy regarding heritage permits, have come to the conclusion that a heritage permit is not required for this feature as currently constructed, as it is considered temporary in nature, and not a permanent fixture.
- The heritage permit approval process as per the Thornhill Heritage Conservation District Plan is for permanent alterations to a building/property. This is demonstrated by the type of projects identified in the District Plan as requiring a heritage permit (Section 8.3.1).

- The model train diorama, as currently constructed, by its nature, materials and construction, as well as its ability to be easily removed and reconfigured supports its non-permanent status.
- Notwithstanding the above assessment, the model train diorama feature still is required to comply with any applicable municipal by-laws or other requirements as determined by the City or other authorities.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham receive as information the update from staff on the model train diorama issue as it relates to the heritage permit process.

File Q:\Development\Heritage\PROPERTY\JOHN\146\Heritage Permit for Railway\HM August 11 2021 model railway diorama issue.doc

Location Map



Attachment 'A' - Heritage Markham Extract – July 14, 2021

4.1 HERITAGE PERMIT APPLICATION

146 JOHN STREET, THORNHILL MODEL TRAIN DIORAMA (16.11)

FILE NUMBER: 21 125806 HE

Extracts:

R. Hutcheson, Manager, Heritage Planning
J. Rahim, By-Law Enforcement
T. Wilkinson, By-law Enforcement
C. Storto, City Solicitor

Peter Wokral, Senior Heritage Planner, addressed the Committee and provided a summary of the staff memorandum. Mr. Wokral advised that the applicant is seeking a heritage permit in support of a model train diorama on his property (primarily front and side yard), and that the consideration of the feature needs to be made through a heritage lens. Staff have no objection to the heritage permit, as the feature can generally not be seen from the public view. .

Weesh Pacheco and Ivy Hong, owners of the property advised that they are seeking approval from the Committee for a heritage permit to allow for a model train diorama on their property. The train has been shared with the community for the last few years and was designed to reflect the time period of the historic Thornhill Heritage District. They contended that the train display is not a business and that it has been installed to provide members of the community with something to enjoy during the pandemic. They confirmed that the train diorama has been removed from City property and that no admission fee has, or is being charged to see the train, They also indicated that a member of the public has tagged the train on Google as a historic attraction.

The following deputations were made regarding the heritage permit application for the train diorama located at 146 John Street:

Homeria Shahsavand expressed concern that the train diorama is causing a lot of disruption to the community and that too many pedestrians are being permitted on the property to view the diorama. Concern was also expressed that the diorama has increased traffic in the area, that the diorama is a distraction to pedestrians and drivers, and that the homeowner has a donation box and a cotton candy machine on his property.

Mr. Heidari expressed concern that the train diorama is being promoted as an attraction and that it is a business for the homeowner. Mr. Heidari was also

concerned that his family's privacy was being impacted by the train diorama, and that his family was being threatened online for contacting the authorities regarding the diorama. Further concern was expressed about perceived lack of conformance with landscape guidelines in the Thornhill HCD Plan.

Allison Duncan advised that she did not think that the homeowner's yard was a suitable location for the train diorama, as the house is located on the corner of a busy intersection, and traffic increases when the train diorama is running.

Barry Nelson spoke in regards to how the train diorama has played a therapeutic role for many residents in the community during the pandemic. Mr. Pacheco was also invited to showcase his train diorama on City-TV's Breakfast Television, and his yard is being recognized for its horticultural display. Mr. Nelson noted that thousands of cars drive on John Street every day, and that he did not think the train diorama has led to an increase in traffic volume.

Zhia Heidari expressed concern regarding the location of the train diorama, suggesting it should be placed in a more suitable location.

Shima Heidari expressed concern regarding the location of the train diorama, did not feel it had heritage significance and questioned if the train is permitted without a heritage permit.

The Committee provided the following feedback on the train diorama located at 146 John Street:

- Noted that the train was creating issues in the neighbourhood, but did not feel that the train diorama negatively impacted the cultural heritage value of the property, or the overall historic character of the district;
- Noted that the train diorama does not appear to be a permanent structure, as it has been reconfigured several times by the owner since receiving complaints and likened the distraction it creates to that of a talented gymnast practicing on a private trampoline visible from the public realm;
- Suggested cyberbullying is a matter for York Region Police and should not be considered from a heritage perspective;
- Expressed concern that the City's By-Law Enforcement Officers may be less inclined to enforce the permitted uses of the property if the Heritage Markham indicates support of the heritage permit application and it is approved;
- Questioned why they have a cotton candy machine on their property.

The Committee recommended and voted to defer the item to the next meeting in order to obtain feedback from the City's Legal and By-law Enforcement departments before making a recommendation on the matter.

Recommendation:

THAT the deputations by Homeria Shahsavand, Mr. Heidari , Allision Duncan, Barry Nelson, Zhia Heidari and Shima Heidari regarding agenda item No. 4.1 – Heritage Permit Application, 146 John Street, Thornhill Model Train Diorama, be received

That the written submissions by David Mather, Homeria Shahsavand, and Zhia Heidari regarding agenda item No. 4.1 – Heritage Permit Application, 146 John Street, Thornhill Model Train Diorama, be received.

THAT Heritage Markham defer Item No. 4.3 - Heritage Permit Application, 146 John Street, Thornhill Model Train Diorama; and,

AND THAT Heritage Markham Councillor Liaisons and Heritage staff meet with City's Legal and By-law Enforcement staff to obtain feedback on the matter.

Carried

Attachment 'B' – Photos of the property in July



Train Diorama



Train Diorama



View from the south side of John Street

Model Train Diorama (front yard of private property- behind the hedging)

