



Report to: Development Services Committee

Meeting Date: December 12, 2022

SUBJECT:	Heritage Permit Application for Replacement Windows 307 Main Street North, Markham Village, File: HE 22 260674 (Ward 4)
PREPARED BY:	Peter Wokral, Senior Heritage Planner, ext. 7955
REVIEWED BY:	Regan Hutcheson, Manager of Heritage Planning, ext. 2080 Stephen Lue, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) That the December 12, 2022, Report titled, “Heritage Permit Application for Replacement Windows, 307 Main Street North, Markham Village, File: HE 22 260674 (Ward 4)”, be received;
- 2) That the Heritage Permit application HE 22 260674 seeking approval for the installation of replacement attic windows be denied;
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends denial of a Heritage Permit application requesting the approval of replacement attic windows installed without authorization at 307 Main St. North (the “Property”).

BACKGROUND:

A Heritage Permit application has been submitted for replacement attic windows

The Property is located on the east side of Markham Main Street North, in the Mount Joy community of the Markham Village Heritage Conservation District (the “District”). A Heritage Permit application was submitted on September 30, 2022 by the owner of 307 Main Street North (the “Owner”) seeking permission to retain two attic windows installed without obtaining a Heritage Permit. An architecturally significant, 2-1/2 storey, Type ‘A’, brick heritage dwelling is located on the Property (See Figures 1 and 2). The replacement attic windows are visible on the west elevation (facing Main Street) and south elevation (facing Pilkey’s Lane).

The Property is designated under Part V of the *Ontario Heritage Act* (the “Act”). Therefore, exterior alterations, including the replacement of windows, are subject to review and approval by the City to ensure that the proposed work complies with the policies of the District Plan.

The Owner replaced the original attic windows with new windows without obtaining approval

The new replacement attic window were noticed and photographed by Heritage Planning Staff on August 8, 2022, and a request was sent to the City's By-law Enforcement Department to investigate (see Appendix A).

In response to By-law Enforcement, the Owner submitted a Heritage Permit seeking approval for the unauthorized attic windows

By-law Enforcement staff advised the Owner to either install accurate replicas of the original historic windows, or submit a Heritage Permit application seeking approval of the new vinyl windows installed without authorization. The Owner has chosen to seek approval for the unauthorized attic windows. The City has 90 days from receipt of the Owner's Heritage Permit application to make a decision regarding the alteration of a property designated under the Act.

The Owner claims they did not know that approval was required to replace the attic windows

The Owner asserts that the historic attic windows needed to be replaced with new windows because they were in poor condition, and they were both damaged from a violent storm in May of 2022. The Owner also installed vinyl windows on the misunderstanding that the City permitted the previous owner to install new vinyl windows.

A previous Owner installed new vinyl windows without approval circa 2010

Based on images from Google Street view, some of the original wooden windows on the first and second floor of the house were replaced without authorization by a previous owner between April 2009 and August 2011. This unauthorized alteration was not reported to, or noticed by City staff as they were installed within the existing wooden frames, replacing previously fixed wooden windows. The interior plastic grilles (installed to provide a false appearance of age) are also thin and not easily seen through the glare produced by the large fixed vinyl windows, and difficult to detect due to interior horizontal blinds of the same colour installed behind the window grilles (Appendix B).

The District Plan policies and Heritage Markham Committee ("Heritage Markham") do not support the newly installed attic windows

The replacement attic windows do not comply with policies contained in the District Plan as they apply to Type 'A' heritage buildings and windows. These policies state that the retention of historical and architectural quality of Type 'A' buildings is integral to the success of the District, and that Type 'A' buildings should be restored to their original detailing. Where original windows have been removed, the replacements should be rebuilt in the original style and in the same materials using traditional construction methods (Appendix C).

The replacement windows do not comply with these policies as they are made of vinyl, not wood, they do not conform to the shape or pane configuration of the original window openings, and they are casement windows as opposed to single-hung in operation. The original, wooden, circular arched, single hung windows were highly visible, character defining attributes of this well constructed, and picturesque heritage dwelling.

Heritage Markham reviewed the Heritage Permit application on October 12, 2022, and recommended that the vinyl replacement windows be replaced with new windows reflecting the material, shape, and single-hung method of operation of the originals that were removed (Appendix D).

OPTIONS/ DISCUSSION:**The newly installed attic windows should not be supported**

The policies of the District Plan are clear as they apply to the windows of Type ‘A’ buildings. These policies seek to retain original building fabric and detailing, but when original windows have been removed, these policies require replacement in-like, in order to maintain the architectural integrity of these important historic buildings.

The District Plan does not require new wooden replacement windows to be single pane windows. Double glazed windows providing improved thermal performance could be installed by the Owner.

Although other historic windows of the house were regrettably replaced by a previous owner without City approval, this should not be used to justify the approval of inappropriate new windows installed without approval that would contribute to the further diminishment of the building’s architectural integrity, and the establishment of an undesirable precedent for other property owners in the District.

When the future replacement of the vinyl windows installed without approval by the previous owner becomes necessary, the policies of the District Plan will require the Owner, to install historically authentic replacement windows.

FINANCIAL CONSIDERATIONS

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

If Council denies the Heritage Permit, By-law Enforcement would be responsible for ensuring the removal of the vinyl attic windows and their replacement with appropriate wooden windows. If the Owner refuses to remove the unauthorized windows, the City could prosecute under the *Ontario Heritage Act* for the unauthorized alteration of a designated heritage property, which would be led by the City’s Legal Department.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This recommendation aligns with the Growth Management priority by acting to preserve the architectural integrity of heritage resources in order to create a high quality community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Heritage Permit application was reviewed by the Heritage Markham Committee.

RECOMMENDED BY:

Darryl Lyons, MCIP, RPP
Acting Director of Planning and Urban Design

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS:

- Figure 1 Location map
- Figure 2 Photograph of the Heritage House
- Appendix 'A' Photographs of Installed Windows Compared to Original Windows
- Appendix 'B' Google Streetview Photographs of Before and After Images – Windows
 Installed by Previous Owner
- Appendix 'C' Applicable Policies - Markham Village Heritage Conservation District Plan
- Appendix 'D' Heritage Markham Extract of October 12, 2022

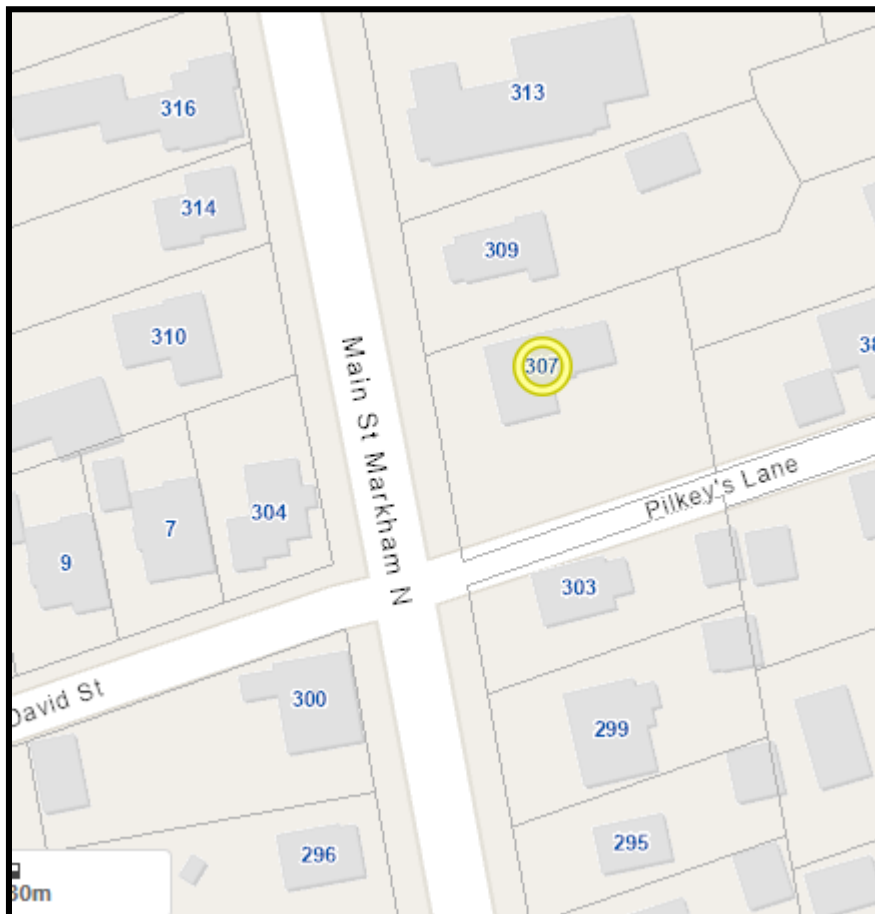
Figure 1: Location Map

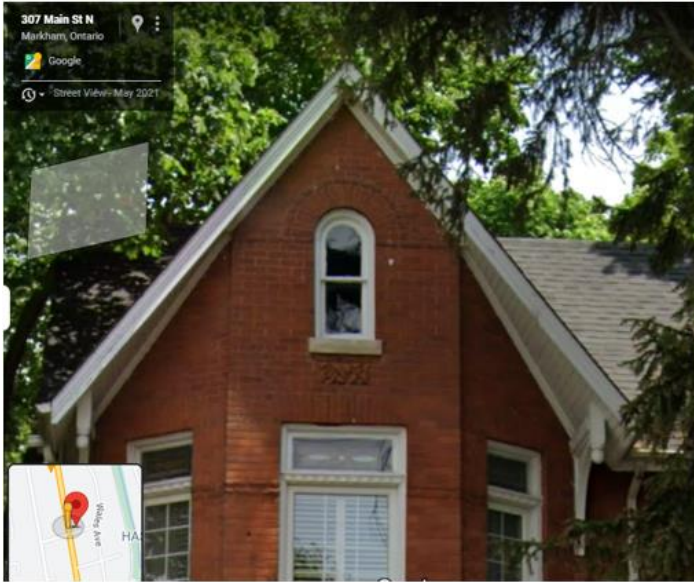
Figure 2: Photograph of the Heritage House

(prior to attic window change)



Appendix 'A': Photographs of Installed Windows Compared to Original Windows

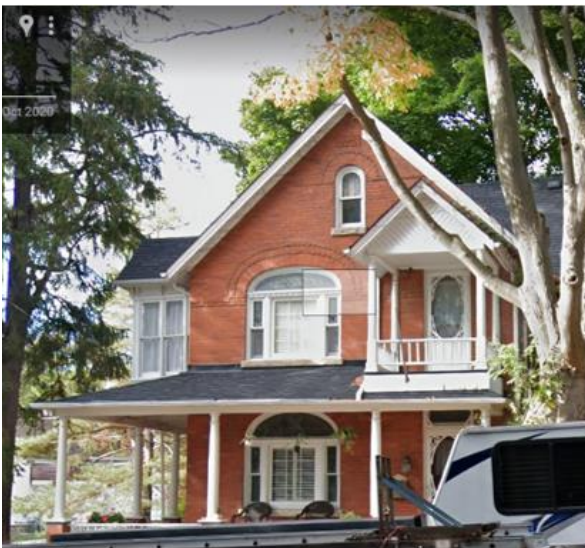
Photographs showing attic windows installed without authorization compared to the original historic attic windows).



Original west facing attic window Google Streetview May 2021



Unauthorized west facing attic window August 8, 2022



Original south facing attic window May, 2021



Unauthorized south facing attic window August 8, 2022

Appendix ‘B’: Google Streetview Photographs of Before and After Images Windows Installed by Previous Owner



Google Street view April 2009 showing original windows.



Google Street view August 2011 showing vinyl windows installed without authorization by previous owner of house.

Appendix 'C': Applicable Policies - Markham Village Heritage Conservation District Plan

3.3 POLICIES: TYPE A BUILDINGS (Figure 3)

These buildings are the most important and visible manifestation of the Heritage Conservation District.

The retention of the historical and/or architectural quality of these buildings is integral to the success of the Heritage District. The intent is therefore to conserve and restore A-Type buildings to their original detailing while retaining the historical fabric, and in accordance with the following criteria:

Fenestration (General)

Original windows and doors shall be conserved. Where these elements are missing, they should be rebuilt in the original style or the same as those of similar buildings on the street or in the district.

Materials

Original materials should be conserved. Where renewal is required, materials and methods shall be used that match the original materials and approximate the same methods used traditionally.

Appendix 'D': Heritage Markham Extract of October 12, 2022

HERITAGE MARKHAM EXTRACT

Date: October 18, 2022

To: R. Hutcheson, Manager of Heritage Planning

EXTRACT CONTAINING ITEM # 5.2 OF THE TENTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON OCTOBER, 12 2022

5.2 HERITAGE PERMIT APPLICATION

HERITAGE PERMIT APPLICATION TO RETAIN ATTIC WINDOWS
INSTALLED WITHOUT AUTHORIZATION
307 MAIN STREET NORTH, MARKHAM VILLAGE HERITAGE
CONSERVATION DISTRICT (16.11)

FILE NUMBER:

HE 22 260674

Extracts:

R. Hutcheson, Manager, Heritage Planning

P. Wokral, Senior Heritage Planner

Recommendations:

THAT Heritage Markham does not support the heritage permit application submitted by the owner of 307 Main St. N. to retain the recently installed rectangular, casement, vinyl windows into the west and south facing attic window openings because they do not comply with the policies regarding windows and materials for Type A buildings as contained in the Markham Village Heritage Conservation District Plan;

AND THAT Heritage Markham recommends that the owner submit a heritage permit application to install new wooden windows matching the shape, and method of operation of the original historic attic windows at 307 Main Street North.

Carried