

CERTIFIED A TRUE COPY
"Kimberley Kitteringham" c/s
KIMBERLEY KITTINGHAM, CITY CLERK
THE CORPORATION OF THE CITY OF MARKHAM



By-law 2023-xxx

A BY-LAW TO AMEND BY-LAW 177-98 BEING A BY-LAW TO DESIGNATE
THE NICHOLSON HAGERMAN HOUSE, 4438 FOURTEENTH AVENUE

WHEREAS the *Ontario Heritage Act* authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS by By-law No. 117-98, “The Nicholson Hagerman House” was designated as being of historic and/or architectural value or interest;

AND WHEREAS authority was granted by Council to designate the property at 4438 FOURTEENTH AVENUE as being of cultural heritage value or interest;

AND WHEREAS the By-law requires amendment to correct the legal description of the property and the Statement of Cultural Heritage Value or Interest;

AND WHEREAS section 30.1 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended (OHA) authorizes the Council of a municipality to amend a by-law designating property made under section 29 of the OHA to clarify or correct the statement explaining the property’s heritage attributes; correct the legal description of the property; or otherwise revise the language of the by-law to make it consistent with the requirements of the OHA or the regulations; and

AND WHEREAS Schedule “A” of By-law No. 117-98 contains an incorrect legal description and a correction is required; and

AND WHEREAS Schedule “B” of By-law No. 117-98 contains a Statement of Cultural Heritage Value or Interest that requires amendment; and

AND WHEREAS the owner of the Property was provided with notice of this by-law in accordance with the requirements of the *Ontario Heritage Act*, Section 30.1(3) and (4) and no notice of objection was filed;

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

1. General

- 1.1. That By-law No. 117-98 be amended to correct the legal description of the Heritage Property formerly municipally-known as 4438 Fourteenth Avenue from Part of Lot 6, Concession 5, Markham, as in R528135 to York Region Condo Plan 948 Level 1 Unit 42, City of Markham, Regional Municipality of York; and
- 1.2. That the legal description contained in Schedule “A” of By-law No. 117-98 be replaced with the legal description as contained in Schedule “A” of this By-law; and
- 1.3. That By-law No. 117-98 be deleted from the title of the properties described in Schedule “B”; and,
- 1.4. That the Statement of Cultural Heritage Value or Interest contained in Schedule “B” of By-law No. 117-98 be replaced with the Statement of Cultural Heritage Value or Interest as contained in Schedule “C” of this By-law;

2. Schedule(s)

- 2.1. Schedule “A” – Legal Description
- 2.2. Schedule “B” – Legal Description
- 2.3. Schedule “C” – Statement of Cultural Heritage Value or Interest

Read a first, second and third time and passed this December 13, 2022.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

**SCHEDULE “A” TO
BY-LAW 2023-xx**

REVISED LEGAL DESCRIPTION OF LAND

The Nicholson Hagerman House

In the City of Markham in the Regional Municipality of York, property description as follows:

YORK REGION CONDO PLAN 948 LEVEL 1 UNIT 42, CITY OF MARKHAM, REGIONAL
MUNICIPALITY OF YORK

PIN: 29479-0042 (LT)

SCHEDULE “B” TO BY-LAW 2023-xx

02988-0225 (LT)		PT LT 6 CON 5 MARKHAM PTS 4 & 5, 65R21326; S/T R742252 ; S/T R731066 MARKHAM		
29479-0001 (LT)	1 MAPLE PARK WAY, MARKHAM	UNIT 1, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT 6		
29479-0002 (LT)	3 MAPLE PARK WAY, MARKHAM	UNIT 2, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT 6		
29479-0003 (LT)	5 MAPLE PARK WAY, MARKHAM	UNIT 3, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT 6		
29479-0004 (LT)	7 MAPLE PARK WAY, MARKHAM	UNIT 4, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT 6		
29479-0005 (LT)	9 MAPLE PARK WAY, MARKHAM	UNIT 5, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. S/T EASEMENT FOR 2 YEARS AS IN LT1582174. THE		
29479-0006 (LT)	11 MAPLE PARK WAY, MARKHAM	UNIT 6, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT 6		
29479-0007 (LT)	13 MAPLE PARK WAY, MARKHAM	UNIT 7, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT 6		
29479-0008 (LT)	15 MAPLE PARK WAY, MARKHAM	UNIT 8, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT 6		
29479-0009 (LT)	17 MAPLE PARK WAY, MARKHAM	UNIT 9, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST.S/T RT FOR 2 YEARS AS IN LT1582339 THE DESCRIPTION OF THE		
29479-0010 (LT)	19 MAPLE PARK WAY, MARKHAM	UNIT 10, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0011 (LT)	21 MAPLE PARK WAY, MARKHAM	UNIT 11, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0012 (LT)	23 MAPLE PARK WAY, MARKHAM	UNIT 12, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0013 (LT)	25 MAPLE PARK WAY, MARKHAM	UNIT 13, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		

29479-0014 (LT)	27 MAPLE PARK WAY, MARKHAM	UNIT 14, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0015 (LT)	29 MAPLE PARK WAY, MARKHAM	UNIT 15, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0016 (LT)	51 MAPLE PARK WAY, MARKHAM	UNIT 16, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0017 (LT)	53 MAPLE PARK WAY, MARKHAM	UNIT 17, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0018 (LT)	55 MAPLE PARK WAY, MARKHAM	UNIT 18, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0019 (LT)	57 MAPLE PARK WAY, MARKHAM	UNIT 19, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0020 (LT)	59 MAPLE PARK WAY, MARKHAM	UNIT 20, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0021 (LT)	61 MAPLE PARK WAY, MARKHAM	UNIT 21, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0022 (LT)	63 MAPLE PARK WAY, MARKHAM	UNIT 22, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0023 (LT)	65 MAPLE PARK WAY, MARKHAM	UNIT 23, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0024 (LT)	67 MAPLE PARK WAY, MARKHAM	UNIT 24, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0025 (LT)	69 MAPLE PARK WAY, MARKHAM	UNIT 25, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0026 (LT)	75 MAPLE PARK WAY, MARKHAM	UNIT 26, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0027 (LT)	77 MAPLE PARK WAY, MARKHAM	UNIT 27, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0028 (LT)	79 MAPLE PARK WAY, MARKHAM	UNIT 28, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		
29479-0029 (LT)	81 MAPLE PARK WAY, MARKHAM	UNIT 29, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT		

29479-0030 (LT)	83 MAPLE PARK WAY, MARKHAM	UNIT 30, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT
29479-0031 (LT)	85 MAPLE PARK WAY, MARKHAM	UNIT 31, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. S/T EASMENT IN LT1582143 FOR TWO YEARS. THE DESCRIPTION
29479-0032 (LT)	87 MAPLE PARK WAY, MARKHAM	UNIT 32, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT
29479-0033 (LT)	120 MAPLE PARK WAY, MARKHAM	UNIT 33, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT
29479-0034 (LT)	122 MAPLE PARK WAY, MARKHAM	UNIT 34, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT
29479-0035 (LT)	124 MAPLE PARK WAY, MARKHAM	UNIT 35, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT
29479-0036 (LT)	126 MAPLE PARK WAY, MARKHAM	UNIT 36, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT
29479-0037 (LT)	128 MAPLE PARK WAY, MARKHAM	UNIT 37, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST.S/T RT. FOR 2 YEARS AS IN LT1582331. THE DESCRIPTION OF
29479-0038 (LT)	130 MAPLE PARK WAY, MARKHAM	UNIT 38, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT
29479-0039 (LT)	132 MAPLE PARK WAY, MARKHAM	UNIT 39, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT
29479-0040 (LT)	10 MAPLE PARK WAY, MARKHAM	UNIT 40, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT
29479-0041 (LT)	12 MAPLE PARK WAY, MARKHAM	UNIT 41, LEVEL 1, YORK REGION CONDOMINIUM PLAN NO. 948 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT LT

SCHEDULE “C” TO BY-LAW 2023-xx

The Nicholson Hagerman House 60 Maple Parkway

The Nicholson Hagerman House is recommended for designation under Part IV, Section 29 of the Ontario Heritage Act for its design, historical, and contextual value.

DESCRIPTION OF PROPERTY

The Nicholas Hagerman House is a one and a half storey brick dwelling located at the centre of a residential subdivision accessed from Fourteenth Avenue. The property is within the community historically-known as Hagerman’s Corners.

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST

Design Value

The Nicholas Hagerman House is a representative example of an Ontario farmhouse with picturesque detailing displaying a high degree of craftsmanship. The one and a half storey red brick farmhouse is three bays wide and two bays deep under a medium pitched gable roof. Brick chimneys exist at the gable ends.

The front gable is centrally located on the east elevation and contains a wood framed lancet window. The other windows in the original red brick house are double hung sash with four-over-four panes (ground floor window openings have two windows separated by a centre mullion frame). All windows on the house are wood framed with true divided lights and real wood muntin bars. A number of the windows also have external wood storm windows.

The north and south elevations on the main house each have two ground (centrally placed together), double hung, four-over-four pane windows with windows on the second floor containing double hung, four-over-over pane windows. The basement windows contain 3 pane divided wood windows with true divided lights and real muntin bars.

A one-storey wing, immediately to the rear of the main house, is clad in board and batten siding and likely housed the original kitchen.

Wooden bargeboard with an inverted trefoil pattern trims most of the eaves both on the main house and the rear addition. The features on the main house may have been manufactured at the Unionville Planing mill which was a major producer of this type of trimwork in Markham Township. The eaves, soffits and fascia are made of wood and are original to the house.

The front door is a significant original feature of the house. The doorway features six paned sidelights, with lower wood panels, and a picturesque cross patterned transom. The front door is solid wood with a rectangular pattern.

The brick on the house is red and yellow clay of a traditional size. The foundation is fieldstone. An ox blood dye appears to have been added to the red brick to create a more uniform appearance. This was typical of many houses in Markham Township as a result of the varied nature of the local clay. The bricks above the windows are yellow (buff) and are angled in a traditional manner as voussoirs.

Historical Value

The property has direct association with a person who is significant to the local community. The Nicholas Hagerman House was historically located on Part Lot 6, Concession 5 northwest of the community known as Hagerman's Corners, which is situated at the intersection of Kennedy Road and Fourteenth Avenue. The house was built c.1858 by Nicholas Hagerman and is one of the last remaining heritage buildings in the vicinity of Hagerman's Corners.

Nicholas Hagerman Senior, originally from Hamburg, Germany, travelled with the Berczy settlers until his death in 1799 at Niagara Falls, Upper Canada. Nicholas Sr. had 2 children by his wife (name unknown), Nicholas Jr., and a daughter (name unknown).

Nicholas Jr. was granted Lot 6, Concession 5 on the 14th of December, 1819. Born in 1780, he was first married in 1809 to Polly Ketchum (1784-1810), who it is believed died from complications of giving birth to their first son, Oliver. His second wife was Polly Press (1793-1882).

Nicholas Jr. had 11 children by his second wife. After the death of Nicholas Jr. in 1838, the land was willed to his four sons, Henry (fourth child of Nicholas), Nicholas (8th child), John (11th child) and Sinclair (9th child). Nicholas Hagerman (1827-1902) inherited the property and had the attractive brick house located at 4438 Fourteenth Avenue built in about the year 1858.

Nicholas was married to Jane Clew (1833-1918) and had ten children. Nicholas Hagerman farmed this lot until he was forced to retire due to a disablement in the later years of his life.

After Nicholas' retirement, the Hagerman farm was worked by the Couperthwaite family. The farm was sold following the death of Nicholas Hagerman in 1902.

Contextual Value

As one of the last remaining original Hagerman family houses, the Nicholas Hagerman House is of contextual significance as an extant feature of the community of Hagerman's Corners.

DESCRIPTION OF HERITAGE ATTRIBUTES

Character-defining attributes that embody the cultural heritage value of the Nicholson Hagerman House include:

- Rectilinear massing and roof profile punctuated by a prominent gable along the east (primary) elevation;
- Wood soffit and fascia;

- Composition of the primary and side elevations consisting of three and two bays, respectively;
- Fieldstone foundation and dichromatic brick masonry consisting of red and buff brick;
- Buff brick detailing including a string course, quoining, lintels and a segmental arch set within the gable;
- Wooden bargeboard with an inverted trefoil pattern running as trim along the eaves;
- Window placement and configuration consisting of four-over-four wooden window units on the ground and second floor, and fixed units with divided lites providing daylighting to the basement;
- Configuration of the main entrance consisting of a panelled wood door flanked by sixpaned sidelights with lower wood panels and tracery with an intricate cross pattern set within the transom;
- Brick chimneys at the gable ends.