



MEMORANDUM

TO: Heritage Markham Committee

FROM: Evan Manning, Senior Heritage Planner

DATE: March 13, 2024

SUBJECT: Relocation of a Heritage Resource within a Draft Plan of Subdivision
3575 Elgin Mills Road East
“Lyon-Schell-Frisby House”

FILE: N/A

Property/Building Description: One-and-a-half storey dwelling constructed c.1850 as per municipal records

Use: Residential (currently vacant and secured)

Heritage Status: Part IV-Designation in process (currently in the appeal period)

Application/Proposal/Background

- The heritage resource, municipally-known as 3575 Elgin Mills Road East, (the “Subject Property” is located within a development site owned by Berczy Elgin Holdings Inc. (the “applicant”);
- The heritage resource currently faces north in close proximity to Elgin Mills Road East;
- Development approvals exist for the Subject Property including a Council-adopted Zoning By-law Amendment and approved Draft Plan of Subdivision. Within the draft plan of subdivision, the heritage resource was originally contemplated for in-situ retention within “Block 202” fronting Elgin Mills Road East. This Block is slated for mid-rise residential construction as part of the first phase of development. At this time, however, the block is undifferentiated with the lotting pattern and road network not yet known;
- The applicant has proposed to relocate the heritage resource from Block 202 to a corner lot within the future subdivision as the perspective owners, descendants of one of the prior owners of the home, would prefer it to be located within a Block containing lower density residential uses;
- The proposed location of the heritage resource would place it adjacent to new low-rise residential development of a compatible scale while also retaining it within the Phase I development lands.

Previous Consideration by the Heritage Markham Committee

- Redevelopment of the Subject Property was previously considered by the Heritage Markham Committee at its meetings in January and May 2019. At these meeting, the aforementioned *Planning Act* applications were considered as well as the proposed retention and placement of the heritage resource within the new development;
- As the currently proposed location of the heritage resource differs from the location last considered by Heritage Markham (its original site), Heritage Section staff (“Staff”) has returned to seek feedback from the Committee on the revised proposal. Feedback from the Committee is also being sought in accordance with the heritage approval conditions for the development site;
- The proposed relocation of the heritage building was previously considered by the Committee at its meeting on February 21, 2024. The Committee recommended deferral of the item until such time as the applicant is able to produce a dimensioned concept plan in cooperation with Staff (refer to Appendix ‘E’ for the meeting extract).

Policy Context

Official Plan 2014

Official Plan policies on retention and relocation.

- **Retention**
4.5.3.12 *To retain and conserve cultural heritage resources and consider the following options, in order of priority:*
 - a) retention of the resource in its original location and its original use (i.e., a heritage dwelling retained on its own lot in residential use in a new plan of subdivision); or*
 - b) retention of the resource in its original location, but in an adaptive reuse (i.e., a heritage dwelling converted into a day care centre).*

In considering planning applications under the Planning Act and applications under the Ontario Heritage Act and other legislation, there will be a presumption in favour of retaining the cultural heritage resource in its original location and maintaining its three dimensional integrity as opposed to only retaining a façade incorporated into new development.

Relocation

4.5.3.13 *To consider the following options in order of priority, for relocation of a cultural heritage resource in its entirety, where it has been demonstrated that retention of the resource in its original location is neither appropriate nor viable:*

- a) within the area of development, preferably on the development site or former property; or*
- b) to a sympathetic site within Markham which may include a heritage conservation district or hamlet.*

Berczy Glen Secondary Plan

- The Subject Property is contained within the Berczy Glen Secondary Plan.
- Section 5.4.3 of the Secondary Plan states “*that the retention and/or relocation of cultural heritage resources where required by Section 4.5 of the Official Plan will be*

considered in accordance with Section 4.5.3.12 and 4.5.3.13 of the Official Plan, and reflected in the Community Design Plan required in Section 6.2 of this Secondary Plan.”

- Section 5.4.4 of the Secondary Plan states: *“that development of a significant cultural heritage resource itself, or development on adjacent lands is designed, sited or regulated so as to protect and mitigate any negative visual and physical impact on the heritage attributes of the resource, according to policy 4.5.3.11 of the Official Plan, including considerations such as scale, massing, height, building orientation and location relative to the resource. The strategy for integrating cultural heritage resources where required shall be outlined in the Community Design Plan”.*

Berczy Glen Community Design Plan

- Section 5.4 of the Community Design Plan (‘Cultural Heritage Resources’) provides guidelines for the incorporation of heritage resources into new development. Refer to Appendix ‘D’ of this memo for a discussion of these guidelines and their applicability to the proposed relocation of the heritage resource.

Conditions of Draft Plan Approval

- Proposed Draft Plan of Subdivision 19TM-18010 has been approved, subject to conditions which must be met before final registration and the approved draft plan is endorsed to this effect. The plan is comprised of approximately 788 units (295 ground orientated dwelling units), a 1-hectare park block, two (2) school blocks and the supporting road and laneway network.
- Condition 14.3 indicates that the Owner covenants and agrees to retain the Heritage Building (Lyon-Schell Frisby House), known municipally as 3575 Elgin Mills Road, in situ or in another location within the Plan of Subdivision to be determined prior to Registration through consultation with the Heritage Markham committee and Heritage Section staff, to the satisfaction of the Director of Planning and Urban Design

Staff Comment

- Staff acknowledge that in-situ retention of a cultural heritage resource is the most appropriate and acceptable approach to conservation as it maintains the resource in its original location and helps explain the history of the property. However, due to various circumstances, relocation of heritage resources have been supported, and this consideration is reflected in our OP Heritage Policies.
- When the Block on which the heritage resource is currently located is developed, the zoning by-law will permit the following types of dwellings: townhouse, triplex, fourplex, multiple, and apartment dwellings with a maximum height of 4 storey, but 6 storeys along the arterial road. Also given the underlying zoning, it would appear that an adaptive (non-residential) use would not be permitted as of right.
- Staff have no objection to the proposed relocation of the heritage resource to the identified corner lot zoned R2 S-634 which permits single detached dwellings. While this precludes in-situ retention, the heritage resource would be sited on a prominent corner in a manner that retains its historic orientation (northwards) to Elgin Mills Road East (refer to Appendix ‘G’). As the existing orientation would be conserved, impact on the relevant

heritage attribute as identified in the appended Statement of Significance (“SOS”) is mitigated (refer to Appendix ‘C’ for a copy of the SOS);

- Staff has worked with the applicant to secure a lot of sufficient size to accommodate the dwelling, a potential garage, and amenity space (refer to the drawing in Appendix ‘G’);
- The properties to the east of the proposed lot are zoned Residential 2- Lane Access 635 and permit townhouses with a maximum height of 3 storeys. Properties to the north only allow single detached dwellings;
- While Staff appreciate that retention of the heritage building in closer proximity to Elgin Mills Road East maximizes visibility of the resource from the public realm, the location as proposed in this memo prioritizes the enjoyability of the heritage resource by the end user while still providing for a prominent location within the future subdivision. As such, Staff believe that a supportable balance between visibility and functionality is achieved by the proposed relocation;
- Staff also note the desirability of an end user who has a familial connection to one of the previous property owners, and who have expressed interest in the property at this relatively early stage of the development process.

Suggested Recommendation for Heritage Markham

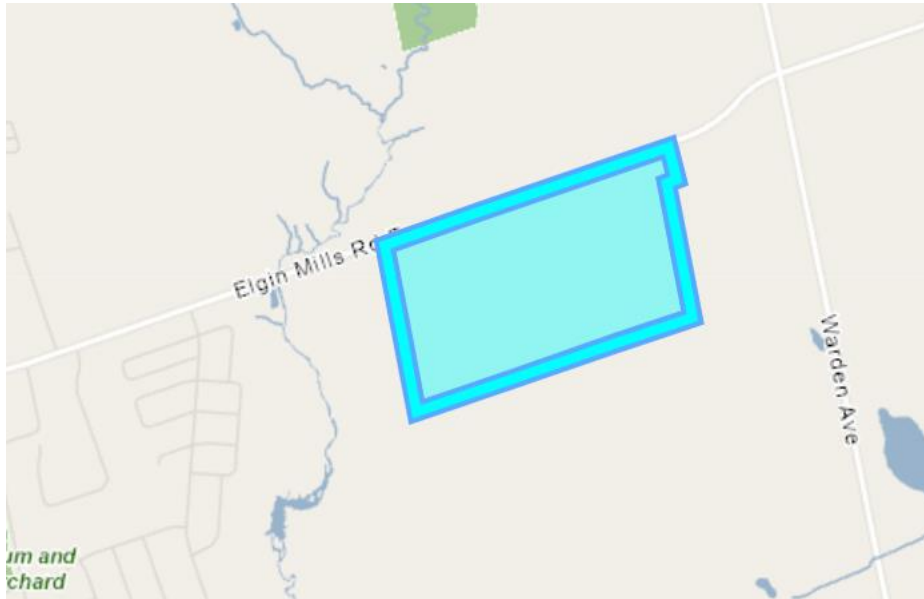
THAT Heritage Markham has no objection from a heritage perspective to the relocation of 3575 Eglin Mills Road East from its previously contemplated location within Block 202 to a prominent corner lot within Phase I of the future subdivision.

ATTACHMENTS:

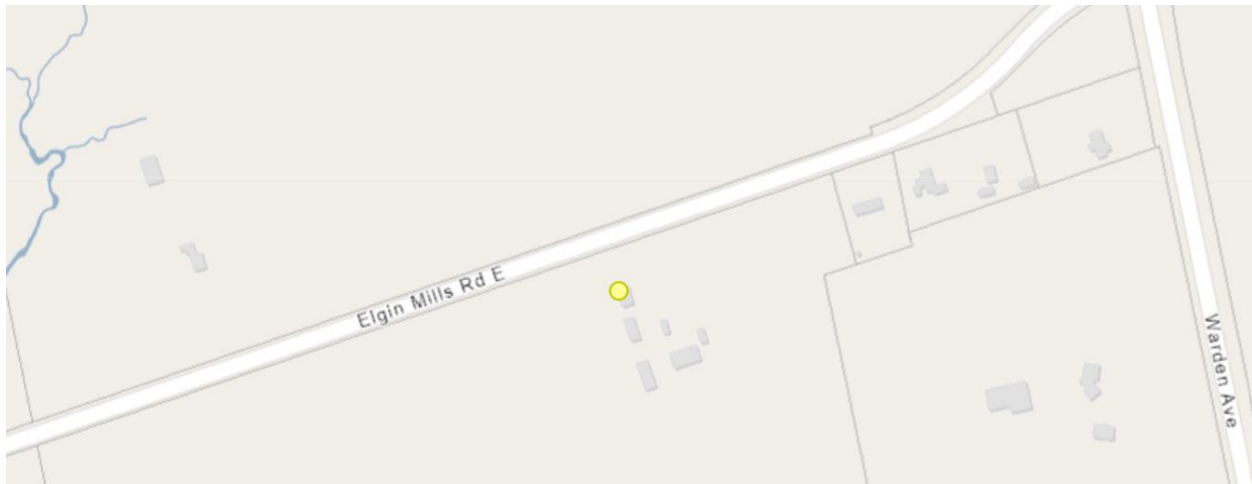
Appendix ‘A’	Property Map
Appendix ‘B’	Images of the Subject Property
Appendix ‘C’	Statement of Significance for 3575 Elgin Mills Road East
Appendix ‘D’	Community Design Guidelines
Appendix ‘E’	Heritage Markham Extract
Appendix ‘F’	Proposed Location for the Lyon-Schell-Frisby House
Appendix ‘G’	Concept Plan for the Lyon-Schell-Frisby House

Appendix 'A'

Property Map



The Subject Property as currently configured is outlined in blue (Source: City of Markham)



The Subject Property's heritage dwelling (yellow dot) (Source: City of Markham)

Appendix 'B'

Images of the Subject Property



The primary elevation of 3575 Elgin Mills Road East in c.2023 [above] and an archival image of the primary elevation prior to removal of the verandah [below] (Source: Google Earth and City of Markham))

Appendix ‘C’

Statement of Significance

STATEMENT OF SIGNIFICANCE

Lyon-Schell-Frisby House

3575 Elgin Mills Road East
c.1846

The Lyon-Schell-Frisby House is recommended for designation under Part IV, Section 29 of the Ontario Heritage Act as a property of cultural heritage value or interest, as described in the following Statement of Significance.

Description of Property

The Lyon-Schell-Frisby House is a one-and-a-half storey brick dwelling located on the south side of Elgin Mills Road East, east of the historic crossroads community of Victoria Square. The house faces north.

Design Value and Physical Value

The Lyon-Schell-Frisby House has design and physical value as a good representative example of a mid-nineteenth century brick farmhouse designed in the vernacular Classic Revival style, and for being a locally rare example of a brick farmhouse with a five-bay façade. The rational form of the building, following the strict symmetry of the Georgian architectural tradition but with details reflecting the Classic Revival style, is typical of mid-nineteenth century residential construction in Markham Township. The front doorcase, with its flat-headed transom light and sidelights, is the focal point of the façade. The large flat-headed windows that flank the entrance are noteworthy for their size.

Historical Value and Associative Value

The Lyon-Schell-Frisby House has historical and associative value for its association with Robert Lyon, a local builder, and for its association with the Schell and the Frisby families, prominent in Victoria Square and vicinity. Further, the property has historical and associative value as it reveals the progression of the agricultural community past the early settlement phase into a later period of prosperity where more sophisticated residential construction took place. The existing house on the property was constructed c.1846 by Robert Lyon on a portion of the eastern quarter of Markham Township Lot 25, Concession 4. Lyon sold to John F. Schell in 1854, a farmer who was a member of a family from New York State that came to Markham in the late 1790s. The local crossroads was once known as Schell’s Corners. From 1888 to the 2010s, the farmhouse was home to multiple generations of the Frisby family, a family of English origin that were prominent members of the Victoria Square community.

Contextual Value

The Lyon-Schell-Frisby House has contextual value as the farmhouse that once served the Schell and Frisby farms to the east of the historic crossroads community of Victoria Square. It is historically linked to the former farm property where it has stood since c.1846, and to both the Thomas Frisby Jr. House at 83 Thomas Frisby Jr. Crescent and the Lucy Frisby House at 15 Victoria Street, Victoria Square.

Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the Lyon-Schell-Frisby House are organized by their respective Ontario Regulation 9/06 criteria, as amended, below:

Heritage attributes that convey the property's design value or physical value as a good representative example of a mid-nineteenth century brick farmhouse designed in the vernacular Classic Revival style:

- Rectangular plan;
- Five bay configuration of the façade;
- One-and-a-half storey height;
- Red brick walls with Flemish bond on the façade and splayed brick arches over door and window openings;
- Medium pitched gable roof with projecting boxed eaves and remnants of eave returns;
- Front doorcase with wood six-panelled door, flat-headed transom light and sidelights with panelled aprons;
- Flat-headed window openings with projecting lugsills;
- Wood single-hung windows with a two-over-two configuration on the ground floor and altered six-over-six configuration on the second floor.

Heritage attributes that convey the property's historical value for its association with Robert Lyon, a local builder, and the Schell and the Frisby families who were prominent in Victoria Square and vicinity:

- The dwelling is a tangible reminder of Robert Lyon, who built the house, and the Schell and Frisby families that historically resided here after him.

Heritage attributes that convey the property's contextual value as a building that is physically, functionally, visually and historically linked to its surroundings:

- The location of the building facing north, east of the historic crossroads community of Victoria Square, where it has stood since c.1846.

Attributes of the property that are not considered to be of cultural heritage value, or are otherwise not included in the Statement of Significance:

- Garage and rear and east side additions;
- Brick chimney;
- Screen door.

Appendix 'D'

Community Design Guidelines

The following guidelines have been excerpted from Section 5.4 ('Cultural Heritage Resources') of the Community Design Plan for the Berczy Glen Secondary Plan. Following each guideline is a Staff response regarding conformity of the proposal:

- *Where feasible, heritage dwellings shall be sited on prominent lots within the Berczy Glen community, such as corner lots, focal lots, or lots adjacent to parks or open spaces.*
Staff response: the heritage resource is proposed to be relocated to a prominent corner lot in satisfaction of this guideline.
- *Where feasible, heritage dwellings shall be integrated into the street/block pattern to respect and retain the relationship between the front door and the street.*
Staff response: the siting of the relocated heritage resource conserves its historic orientation to Elgin Mills Road East, and the relationship between the front door and the street. As such, the proposed relocation adheres to this guideline.
- *Where feasible, lot layout and grading shall have regard for existing heritage structures and existing significant vegetation.*
Staff response: N/A
- *Lots designated for heritage structures should be of a sufficient size and shape to accommodate existing significant structures, potential building additions if appropriate, required tree preservation, and associated landscape features.*
Staff response: As illustrated by the conceptual site plan in Appendix 'G', the proposed lot is of a sufficient size to accommodate a modestly-scaled addition and garage in a position that maintains the visual prominence of heritage resource as viewed from the street. Note that there are no trees or landscape features remaining to conserve. As such, the proposed relocation adheres to this guideline.
- *Where feasible and appropriate, cultural landscapes and other cultural heritage features, such as ancillary buildings, may be considered for retention to reinforce local identity. Such retention may be best placed within park blocks.*
Staff response: there are no extant ancillary structures to conserve.
- *Retained heritage structures may be considered for residential and non-residential uses.*
Staff response: The heritage resource is proposed to remain residential in use.
- *All new development adjacent to or incorporating a cultural heritage shall, from an urban design and functioning perspective, be respectful of the resource and have regard for scale, massing, shadows, setbacks, complementary building materials and design features.*
Staff response: townhouses are proposed immediately to the east of the Subject Property at a maximum height of three storeys (a road borders the Subject Property to the west).

This relationship will be compatible in scale and massing with the relocated heritage resource. As such, the proposed relocation adheres to this guideline.

Additional Information provided in the Community Design Plan

Sections 5.4.1 to 5.4.4 describe each heritage property in further detail and provide conceptual examples of how they could be incorporated into the community's lot configuration. The Plan notes that "further options for incorporating these houses in situ or nearby will be explored, advanced, and finalized at the Draft Plan and/or Site Plan stage".

5.4.2 Schell-Frisby House

The Schell-Frisby House is located at 3575 Elgin Mills Road East. It is a Classic Revival style house, built in 1860. There is an opportunity to preserve this house in its current location, while framing a gateway into the community from Elgin Mills Road East along Street C. As a prominent corner, the view of the front of the dwelling from Elgin Mills Road East is maintained. With an entryway and garage oriented toward the east, the proposed alignment of Street C will ensure the relationship between the dwelling's functional doorway and the street is respected and retained. Existing vegetation to the north may be retained by creating a parkette north of the dwelling. Refer to Figure 5.4.2 for a vignette example demonstrating the heritage dwelling's integration into the community's lot fabric.



Figure 5.4.2 - Conceptual demonstration plan example illustrating the integration of the Schell-Frisby House into the community's lot fabric (DRAFT - For illustrative purpose only).

Appendix ‘E’

Heritage Markham Extract

HERITAGE MARKHAM EXTRACT

Date: February 27, 2024

To: R. Hutcheson, Manager of Heritage Planning
D. Brutto, Senior Planner, North District
E. Manning, Senior Heritage Planner

EXTRACT CONTAINING ITEM # 6.3 OF THE SECOND HERITAGE MARKHAM
COMMITTEE MEETING HELD ON February 20, 2024

6. PART FOUR - REGULAR

6.3 PLAN OF SUBDIVISION APPLICATION

RELOCATION OF A HERITAGE RESOURCE WITHIN A DRAFT PLAN OF SUBDIVISION

3575 ELGIN MILLS ROAD EAST “LYON-SCHELL-FRISBY HOUSE” (16.11)

File Numbers:

N/A

Evan Manning, Senior Heritage Planner, introduced this item as a request to relocate a heritage resource within a draft plan of subdivision, noting that this property was in the process of being designated in satisfaction of the overall project’s approval conditions . Mr. Manning shared images of the property in its current state and advised that a Conservation Plan would be required as a condition of approval for a future Major Heritage Permit application in order to return the building to a more historically accurate condition. Mr. Manning advised that the Applicant was contacted by a descendant of one of the previous owners of the home who wishes to purchase and restore the home. The potential purchaser has requested that the heritage building be relocated with the subdivision so as to be adjacent to low-rise residential properties.

The Committee provided the following feedback:

- Expressed concerns with the proposed lot size for the heritage building. Andrew Zappone, DG Group, advised that the proposed lot

is approximately 85 ft. in depth with a 56 ft. frontage, noting that a land surveyor would be needed to confirm the exact dimensions.

- Noted a preference for seeing a conceptual site plan with the building shown on the lot to better understand how it would be situated on the property along with a conceptual garage structure, amenity space and an outline of the re-instated veranda feature.
- Inquired if, in addition to a conceptual site plan, renderings or a coloured elevation could be provided to better understand the the visual connection between property and future development to be constructed adjacent to the relocated heritage building. Mr. Zappone advised that as the project is in its initial stages, they would only be able to show the building situated on the lot in its current state as restoration plans have not yet been completed. Mr. Zappone also noted that a home must be marketable and affordable to the end user, noting that a larger lot could increase the cost to the end user.
- Noted a preference for its current location as being more visible to the general public.

Recommendation

THAT this item be deferred to the March meeting or a future Heritage Committee meeting so that the applicant can work with Heritage Section Staff on illustrating the building and associated conceptual features on the proposed lot or an alternate location which could permit a larger lot size.

Carried

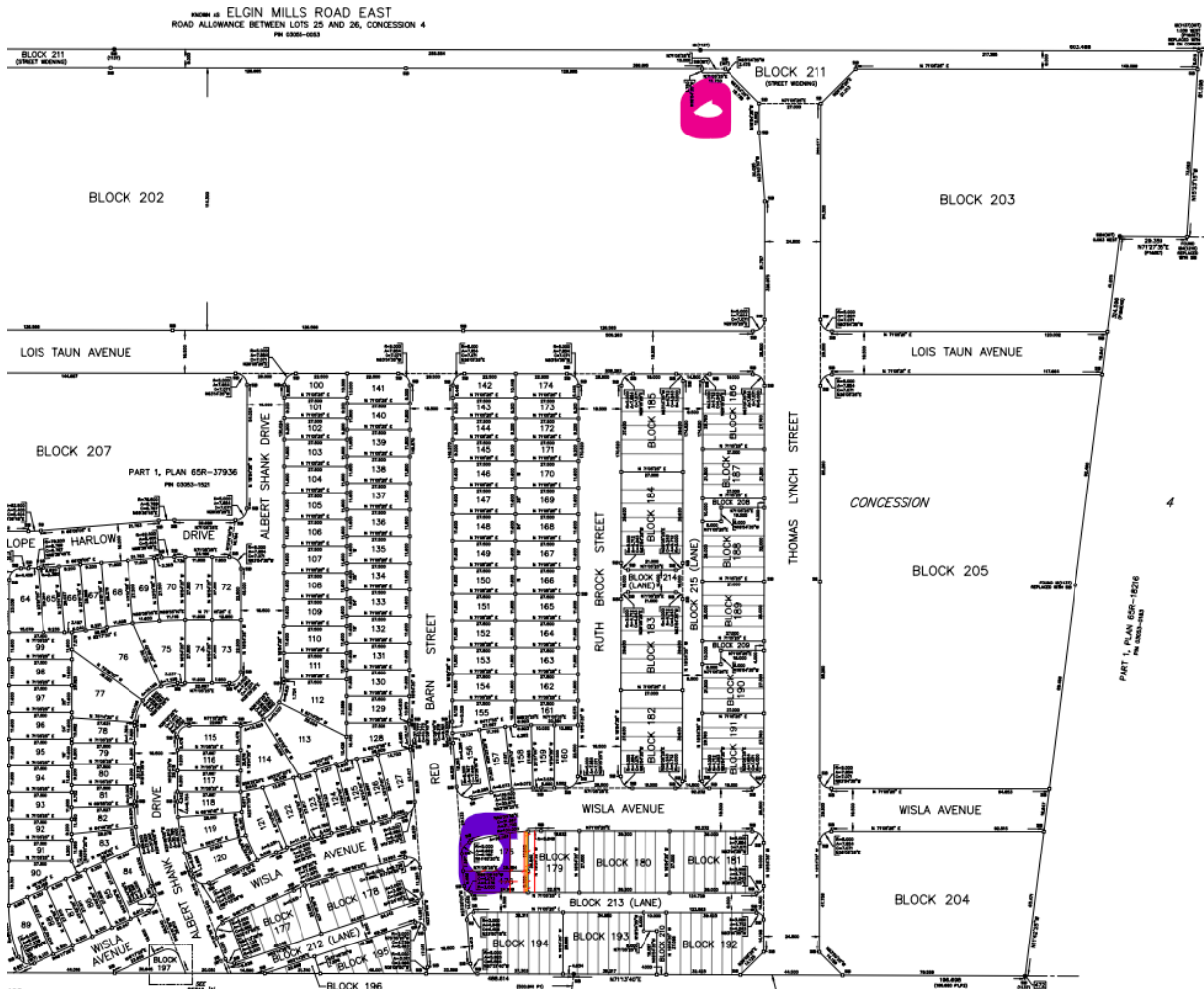
The Committee had before them this original recommendation which was not voted on at this time:

Recommendation:

THAT Heritage Markham has no objection from a heritage perspective to the relocation of 3575 Eglin Mills Road East from its previously contemplated location within Block 206 to a prominent corner lot within Phase I of the future subdivision.

Appendix 'F'

Proposed Location for the Lyon-Schell-Frisby House



Pink is original site; Blue is proposed location

Appendix 'G'

Concept Plan for the Lyon-Schell-Frisby House

