



Report to: Development Services Committee

Meeting Date: February 13, 2017

SUBJECT: Eligibility of Reverend Jenkins House for Relocation
to Markham Heritage Estates
11022 Kennedy Road

PREPARED BY: Peter Wokral, Heritage Planner, ext. 7955

REVIEWED BY: Regan Hutcheson, Manager of Heritage Planning, ext. 2080

RECOMMENDATION:

- 1) THAT the staff report entitled "Eligibility of Reverend Jenkins House for Relocation to Markham Heritage Estates dated February 13, 2017 " be received;
- 2) THAT the Heritage Markham Committee recommendation of December 14, 2016 indicating that Heritage Markham does not support the relocation of the Reverend Jenkins House from its current site and the owners are requested to take immediate action to protect and stabilize the building on-site be received;
- 3) THAT as recommended by Heritage Section Staff, the Reverend Jenkins House at 11022 Kennedy Road be declared eligible for relocation to Markham Heritage Estates, due to its cultural heritage value, its threatened state, the absence of either short or long-term uses by the owner, and the length of time before development will occur in the area;
- 4) THAT the structure of the Reverend Jenkins House be partially restored and structurally stabilized in its current location so that it may be relocated to Markham Heritage Estates as an intact building;
- 5) AND THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable

PURPOSE:

To recommend to Council that the "Reverend Jenkins House" at 11022 Kennedy Road be declared eligible for relocation to the Markham Heritage Estates subdivision.

BACKGROUND:

The Reverend Jenkins House is a significant, protected heritage resource

The Reverend Jenkins House is located at 11022 Kennedy Road north of Elgin Mills Road and is both individually designated and listed on the *Markham Register of Property of Cultural Heritage Value or Interest*. It is a one and a half storey, frame, Classic Revival style dwelling, constructed circa 1830. In 1994, the Town of Markham

designated the Reverend Jenkins House under Part IV of the Ontario Heritage Act, due to its architectural and historic significance. Reverend Jenkins was the first Presbyterian Minister to permanently settle in this part of Ontario and travelled by horseback ministering to early settlers from Pickering Township and Peterborough to the east, the Grand River in the west, and Lake Simcoe to the north. He was the only non-Catholic priest or non-Anglican minister permitted to solemnize marriages at the time, and he organized Presbyterian congregations in Richmond Hill, Scarborough and Cashel. His outspoken political views regarding religious equality and separation of church and state placed him in conflict with the government of Upper Canada prior to the Rebellion of 1837.

The house is vacant and located outside of the current urban boundary

According to the owners, the Reverend Jenkins house has been vacant for approximately twenty two years. The home is prominently located on the west side of Kennedy Road just north of the crossroads community of Cashel and the land is being held as an investment by the owners. This portion of Markham is located outside of the current urban boundary, and is not within the Future Urban Area 2031.

The property owners do not intend to re-tenant the house

The property is owned by several members of the Spataro family who have inherited the property from their parents. The owners claim that it was difficult to retain tenants in the house without making significant financial investments into the building, and they have no viable use for the building. The owners have performed minimal maintenance on property, and have complied with various property standards orders issued by the City's By-law Enforcement department over the past few years. The owners have also signed a letter of intent giving Mr. Ruben de Leon the permission to relocate the Reverend Jenkins to Markham Heritage Estates.

The Reverend Jenkins House is at serious risk of being lost

In the autumn of 2016, a noticeable sag appeared in the ridge of the roof of the Reverend Jenkins house. By November of 2016, a large portion of the roof had collapsed along with the portions of the first and second floor structure. The damage was the result of a large hole in the rear slope of the roof which had gone undetected by the owners or City By-law officers.

A Property Standards Order was issued by the City's By-law Department requiring the owners to return the Reverend Jenkins House to a habitable state. This Order was appealed by the owners and a hearing was held on November 23, 2016 by the Property Standards Committee. The Committee recommended that the owners obtain a structural report on the condition of the building, and that the roof be repaired and made water tight by December 23, 2016. The report commissioned by the owners, prepared by an engineering and planning consulting firm, concludes that the structure is not safe to be entered, and too far deteriorated to be restored or relocated without completely being demolished or carefully disassembled. (See Engineer's report Appendix 'A'). Since that time, the owners have enclosed the Reverend Jenkins House with a temporary fence to prevent trespassing, but have not restored the roof. The owners also want to know if

Council will support Mr. de Leon's request to relocate the Reverend Jenkins House to Heritage Estates prior to investing any money in the building.

The Reverend Jenkins House was identified as a threatened building in the Markham Heritage Estates Study, 2004

The Reverend Jenkins House was included as a threatened building in the Markham Heritage Estates Study completed in 2004. Although it is always preferred from a heritage perspective to retain significant houses like the Reverend Jenkins House on their original foundation and location, the study did recommend relocation of the Reverend Jenkins House to Markham Heritage Estates if the building ever became threatened from falling into a state of disrepair. (See applicable page from Heritage Estates Study 2004 Appendix 'B').

Heritage Markham does not support relocation of the Reverend Jenkins House to Markham Heritage Estates

On December 14, 2016 Heritage Markham considered Mr. Ruben de Leon's request to relocate the Reverend Jenkins House to Markham Heritage Estates. Despite being made aware of the building's significant heritage and threatened status, the Heritage Committee did not support relocation to Heritage Estates, preferring to see it restored onsite because of its role as a significant local heritage landmark, and because Mr. de Leon indicated that the building could not be moved to Heritage Estates intact and would have to be carefully disassembled and put back together again. (See Heritage Markham Extract of December 14, 2016 Appendix 'C').

OPTIONS/ DISCUSSION:

Staff is of the opinion that on-site preservation is unlikely

Staff is of the opinion that on-site preservation of this significant heritage building is unlikely due to the structural condition of the building outlined in the Engineer's report, the current owner's lack of a viable use, and that new development is not planned to occur in this portion of Markham within the time horizon of the Official Plan (2031). Despite Heritage Markham's recommendation to preserve the Reverend Jenkins House on site, Heritage Section Staff is of the opinion that relocation to Heritage Estates may be the only realistic option of preserving this significant heritage resource.

The house meets the eligibility criteria for Markham Heritage Estates

The Reverend Jenkins House meets all the City of Markham's criteria for eligibility for relocation to Markham Heritage Estates. The building is located within the current boundaries of the municipality, it is not in a heritage conservation district, it is both historically and architecturally significant and designated under Part IV of the Ontario Heritage Act, and it is gravely threatened.

The City of Markham does not permit heritage buildings to be disassembled for reconstruction at Heritage Estates

The City only permits heritage buildings to be moved intact into Markham Heritage Estates. This provision contained in the Markham Heritage Estates Administrative Guidelines is intended to ensure the maximum possible retention of original building components, to prevent the building from having to comply with policies of the current Ontario Building Code, which may negatively impact the heritage features of the building, and to ensure that buildings are not modified in an insensitive way when they are reconstructed. (See extract from Heritage Estates Administrative Guidelines Appendix 'D'). However, both the engineering consultant hired by the owners, and the building mover consulted by Mr. de Leon, are of the opinion that the building cannot be moved intact in its current physical state. One option would be to require the structure of the Reverend Jenkins house to be partially restored and structurally stabilized in its current location so that it may be relocated to Markham Heritage Estates intact.

There are 6 lots remaining available in Markham Heritage Estates

There are 6 lots remaining in Markham Heritage Estates. One lot on the south side of Aileen Lewis Court (Block 39, Plan 65M-2761) currently contains a topsoil stockpile. This property has the potential to be divided into two building lots, which would result in a total of 7 lots remaining available for the relocation of threatened heritage buildings. (See map of remaining lots in Heritage Estates Appendix 'E').

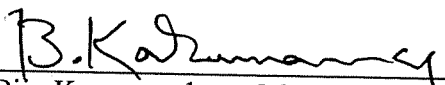
FINANCIAL CONSIDERATIONS**The relocation and restoration of the heritage house will be the financial responsibility of a future purchaser**

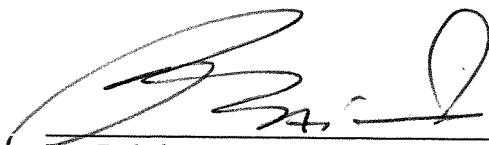
All costs for the relocation of the house to Markham Heritage Estates and its restoration will be the financial responsibility of a future purchaser. As with the other heritage houses approved for relocation to Markham Heritage Estates, the owner will sell the vacant building to a buyer of their choice. The City of Markham's role from that point will be to implement the lot selection and carry out a financial capability assessment for the new owner, sell the building lot within Heritage Estates to them if they qualify, and process a restoration plan and site plan control application.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This report aligns with the Corporate Direction of Managed Growth and Environment by ensuring that significant cultural heritage resources are preserved within the context of the changing urban landscape.

RECOMMENDED BY:


Biju Karumanchery, M.C.I.P., R.P.P. -
Acting Director of Planning & Urban Design


Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Figure 1: Owner/Applicant and Location Map

Figure 2: Photographs of the Reverend Jenkins House

Appendix 'A': Engineer's report prepared by LEA Consulting Ltd.

Appendix 'B': Extract from 2004 Heritage Markham Study

Appendix 'C': Heritage Markham Extract of December 14, 2016

Appendix 'D' Extract from Heritage Estates Administrative Guidelines

Appendix 'E' Map of remaining lots at Markham Heritage Estates

File Path:

Q:\Development\Heritage\PROPERTY\KENNEDY\11022\DSC January 2017.doc

Figure 1:

Owners:

The Spataro family

Location Map:



Figure 2: Photographs of the Reverend Jenkins House



The Reverend Jenkins House in March 2004



The Reverend Jenkins House December 1, 2016

**LEA Consulting Ltd.**

Consulting Engineers & Planners

425 University Avenue, Suite 400, Toronto, ON M5G 1T6 CANADA
Tel: 905-572-1784 Fax: 905-470-0030 www.LEA.ca**RECEIVED**

DEC 12 2016

DEVELOPMENT SERVICES
CITY OF MARKHAM

December 8, 2016

Our Ref.: 17251

Sebastian Spataro in care of the landowners.

69 SINGLETON RD.

TORONTO, ON M1R 1H8

ssspataro@sympatico.ca

Re: Property Standards Order #16 134214
11022 Kennedy Road, Markham, Ontario
Structural Condition Evaluation

Dear Sebastian,

As requested, we visited the site on December 3, 2016 to carry out a review of the house at 11022 Kennedy Road. The building is a two-storey wood framed structure with a basement. Our visit was visual from outside of the house since the building was not safe to enter.

Limitations

- No party other than the Client shall rely on the Consultant's work without the express written consent of the Consultant. The scope of work and related responsibilities are defined in the report. Any use which a third party makes of this work, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. Decisions made or actions taken as a result of our work shall be the responsibility of the parties directly involved in the decisions or actions. Any third-party user of this report specifically denies any right to any claims, whether in contract, tort and/or any other cause of action in law, against the Consultant (including Sub-Consultants, their officers, agents and employees).
- The work reflects the Consultant's best judgement in light of the information reviewed by them at the time of preparation. Unless otherwise agreed in writing by LEA Consulting Ltd., it shall not be used to express or imply warranty as to the fitness of the property for a particular purpose. This is not a certification of compliance with past or present regulations. No portion of this report may be used as a separate entity; it is written to be read in its entirety.
- This work does not wholly eliminate uncertainty regarding the potential for existing or future costs, hazards or losses in connection with a property. No physical or destructive testing and no design calculations have been performed unless specifically recorded. Conditions existing but not recorded were not apparent given the level of study undertaken. Only conditions actually seen during examination of representative samples can be said to have been appraised and comments on the balance of the conditions are assumptions

based upon extrapolation. We can perform further investigation on items of concern if so required.

- Only the specific information identified has been reviewed. The Consultant is not obligated to identify mistakes or insufficiencies in the information obtained from the various sources or to verify the accuracy of the information.
- LEA Consulting Ltd. is not investigating or providing advice about pollutants, contaminants or hazardous materials. This work is included only in the mandate of the environmental consultant.

1.0 General

We understand that the house was constructed in early 1800's. There appears to be additions built in different eras. The building has been vacant for sometime and there are obvious signs of excessive structural damage. Portions of the roof was collapsed, most of second floor and ground floors were also collapsed.

Due to the condition of the structure, the review was carried out through windows at ground level and entrance to the basement. It is unsafe to enter the building without major temporary bracing and shoring.

2.0 Observations

2.1 Roof

The roof is a traditional pitched, roof sloping in the EW direction. The framing most likely consisted of joist rafters relying on balloon construction system where the walls and second floor joist provide bracing to the roof rafters. There are brick debris on the roof and ground which is most likely from collapsed chimney. There are large openings in the roof structure near the centre and the east side of the roof. The ridge had dropped considerably indicating the loss of the horizontal bracing at the second-floor level.

2.2 Second Floor Level

The second-floor joists had also collapsed. Joists and beams can be seen hanging or at ground floor level. It was hard to determine the structural framing due to the debris and not being able to review from close. The wood appears to have suffered damages due to moisture and freeze and thaw cycles.

2.3 Ground Floor

The ground floor was in similar condition. There were debris from the second floor and in some areas near the north east side of the house, there were holes in the floor into the basement. The structure could not be reviewed due to safety concerns.

2.4 Foundation Walls

The basement walls are constructed with rubble and brick foundations. We were not able to see large areas of the basement due to safety concerns. Portions of the wood structure from above

ended up in the basement. Brick debris can be seen near the centre of the house, most likely from the brick chimney that collapsed.

2.5 Perimeter Building Walls

The walls are wood framed and are clad with wood siding. The east wall had bowed out and has lost the support at the roof and second floor. The north and south walls also were out of plumb. The west wall was braced by one storey structure and as a result had not moved similar to the other three sides.

3. Discussion

It is hard to tell what caused the collapse. It is possible that the brick chimney collapsed and caused the framing around it to collapse. We can only speculate the reasons which could include frost heave or deterioration of the bricks and stones. It is also possible that the floor had collapsed and took the chimney down with it.

The extent of the damage and deterioration of the structure makes it unfit for repairs. The walls have moved to a point that cannot be restored. The foundation walls were not reviewed but it is highly likely that they have suffered frost heaving since the house was not heated for number of years.

These factors have made the structure unfit to withstand any movements. The floor diaphragm is non-existent making the walls unstable.

5. Conclusion

The building structure has suffered considerable damage. It is our opinion that the damage is too extensive to be able to restore without complete demolition as the house is unfit to be moved as in one piece as a whole.

In addition, no one should be allowed to enter the house without proper precautions taken.

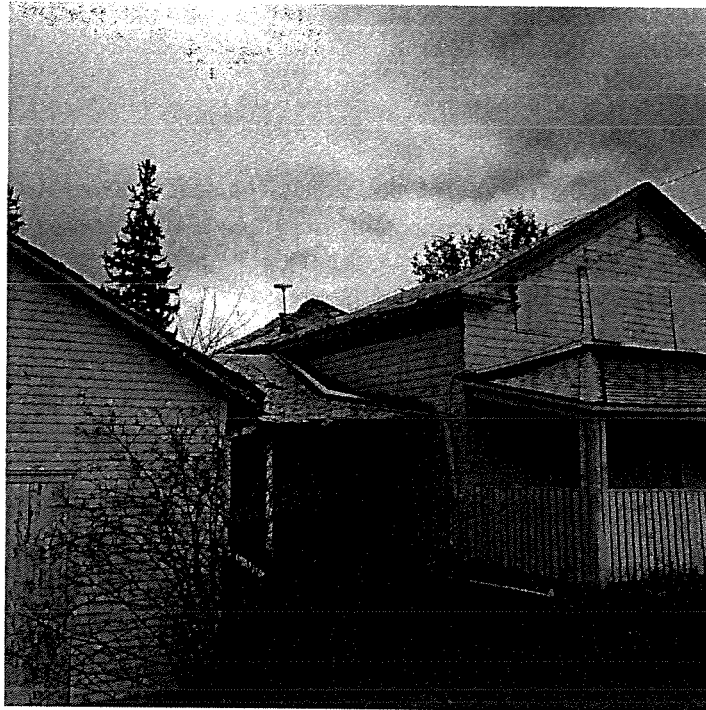
We trust this is sufficient, please do not hesitate to contact us for any further information.

Yours very truly
LEA Consulting Ltd.

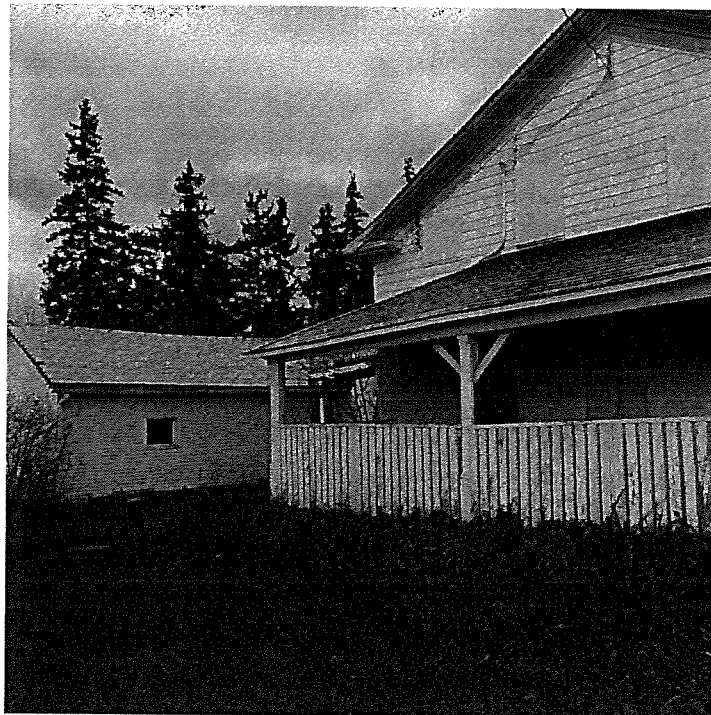


Shahe Sagharian, P. Eng.
Project Manager

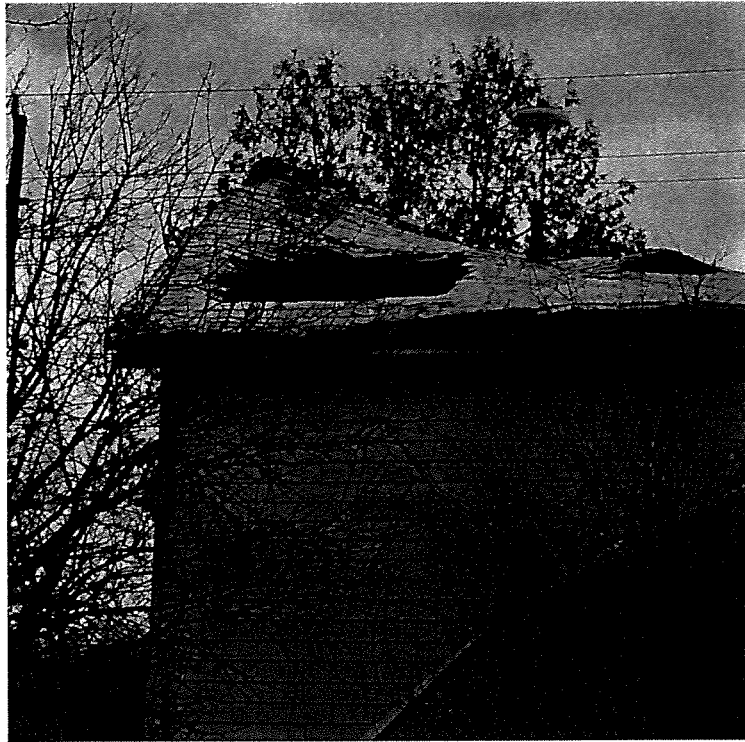
Attachment: Plans, Photographs



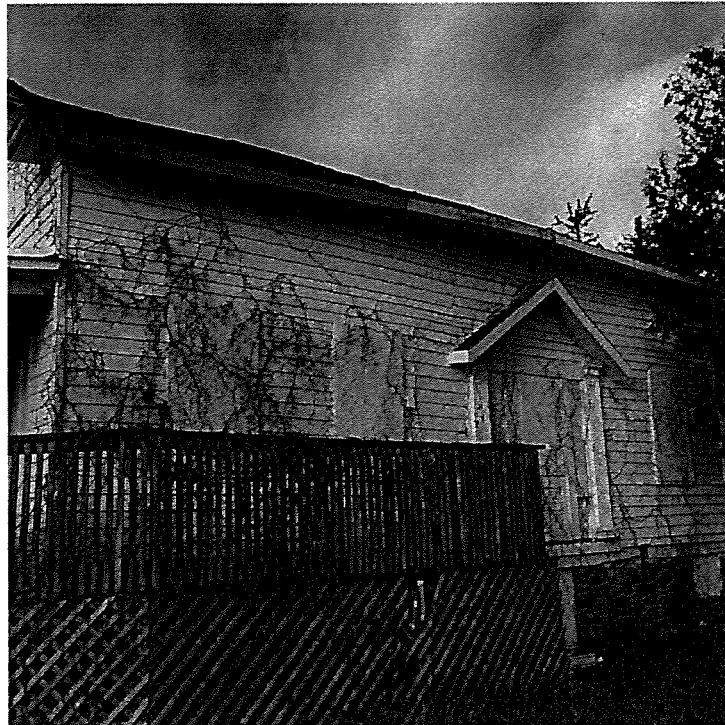
SW View



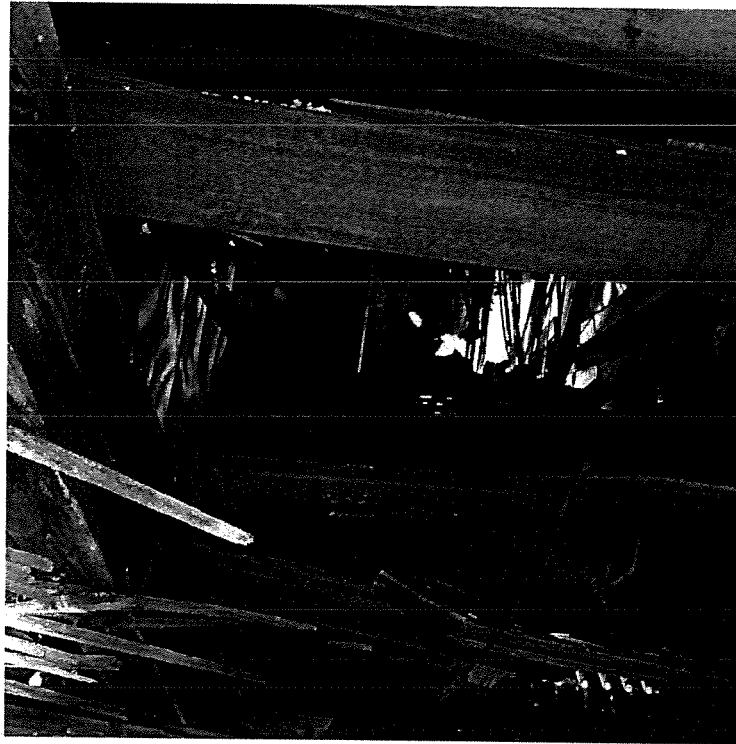
South Elevation



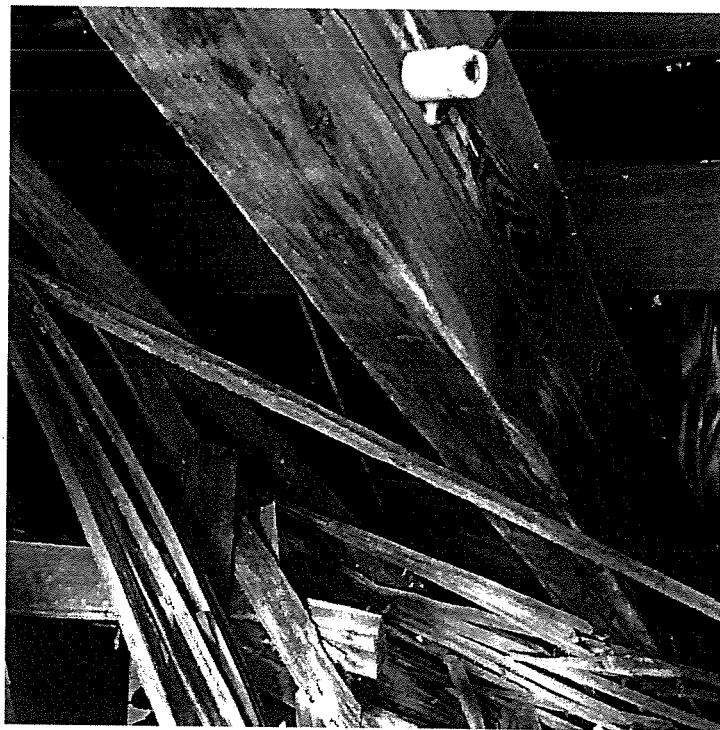
West Elevation



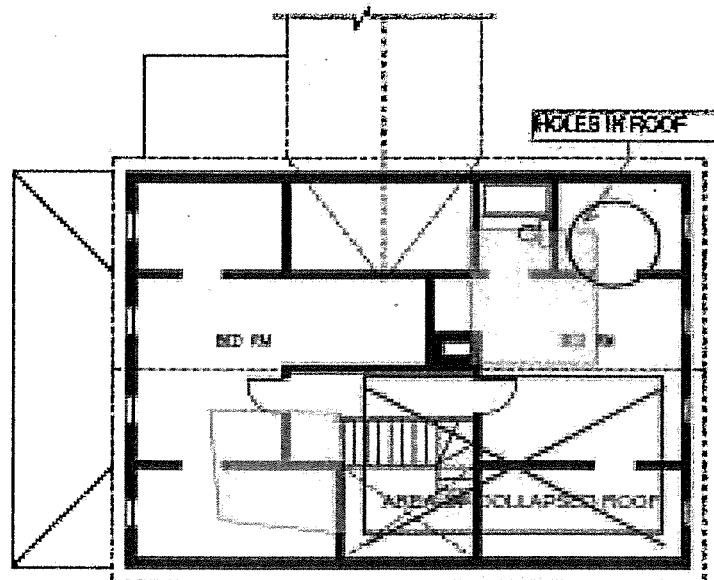
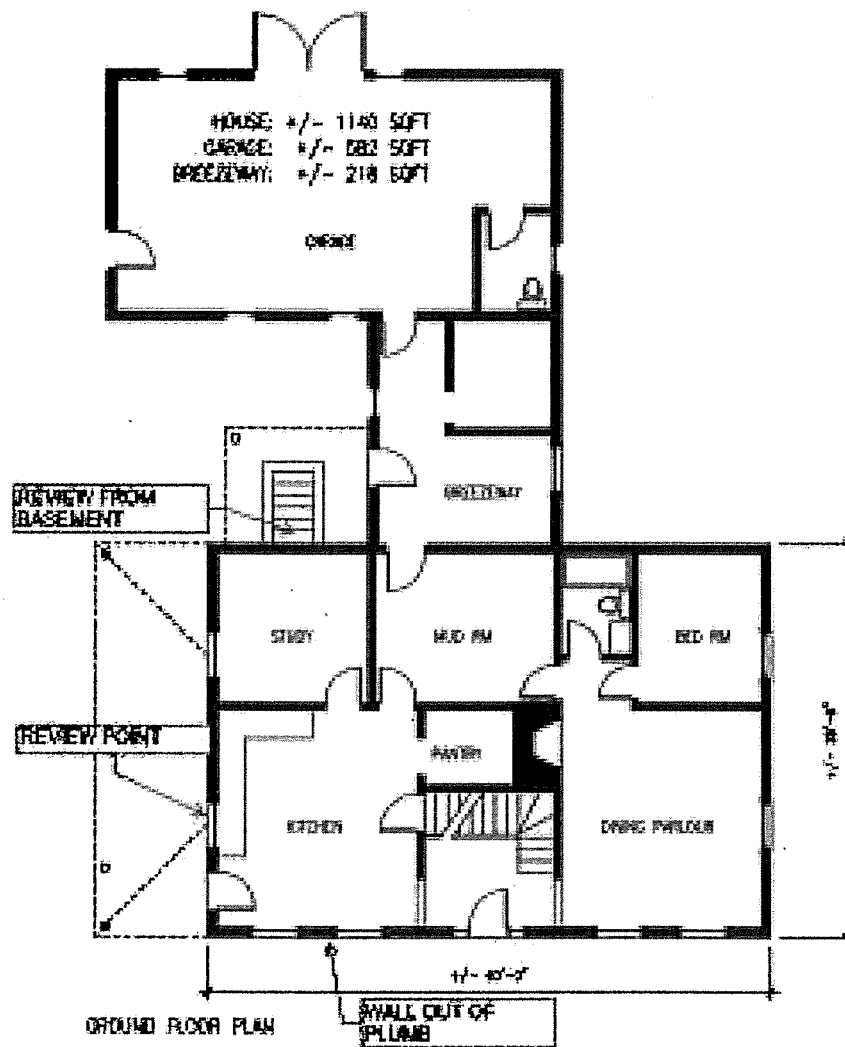
East Elevation



Collapsed ground floor (hole in roof can be seen)



Deterioration of basement wall

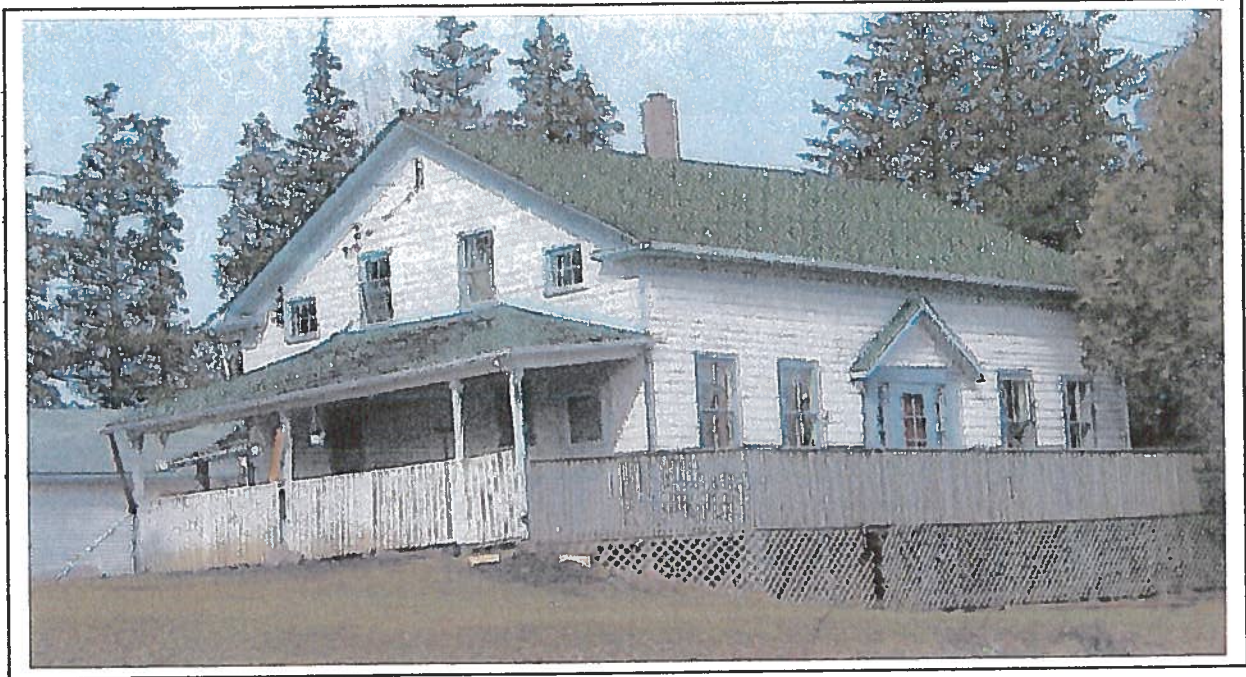


** ALL PLANS ARE APPROXIMATE T.S.C.

Markham Heritage Estates Study 2004

Municipal Address: 11022 Kennedy Road

Photograph:



Legal Description: Lot 27, Concession 5

Building Name: The Reverend William Jenkins House

Date of Construction: c. 1845

Current Owner: Teresa, Riccardo and Sebastian Sparto, 62 Marchington Cir. Scar.

Inventory Code: E2 - 4

Roll Number: 02016077000000

Architectural Style: Georgian

Style Description: A unique – 1 ½ storey Georgian farmhouse with a 5-bay façade. The house is of a very early date of construction and was the home of a prominent citizen: The Reverend William Jenkins

Exterior Wall Material: Wood - Clapboard

Type: Residential

Preliminary Rating: "A+"

Markham Heritage Estates Study 2004

Status:

Occupied – Tenants
Designated under Part IV of Act
Owners hostile to designation

Conclusions:

The Reverend William Jenkins House is a building of considerable heritage significance and should be preserved.

The house continues to be occupied and maintained despite earlier opposition to designation under Part IV of the Act.

Designation offers the building a measure of protection against unsympathetic alteration.

The area where the house sits is not scheduled for development for a number of years.

Significant: Yes

Threatened: Moderately

Recommendations:

The Reverend William Jenkins House is a significant heritage building and should be preserved and maintained.

The house should be monitored for possible irreversible neglect as years go by.

As a frame house if the house is seriously neglected, the house could be considered for relocation on grounds of its major historical and architectural significance.

At this time, the house should not be eligible for relocation to the Markham Heritage Estates.

APPENDIX C

HERITAGE MARKHAM EXTRACT

DATE: December 21, 2016

TO: File
R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner

EXTRACT CONTAINING ITEM #4 OF THE TWELFTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON DECEMBER 14, 2016.

- 4. Request for Feedback,
11022 Kennedy Road,
Potential Relocation of Reverend Jenkins House to Markham Heritage Estates
(16.11)**
- Extracts: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner
-

The Heritage Planner reviewed a request for feedback for a potential relocation of the Reverend Jenkins House from its current location at 11022 Kennedy Road, Markham to the Markham Heritage Estates. The property is a 1½ storey Classic Revival frame house built in 1830 and designated under Part IV of the Ontario Heritage Act. He further advised that the house is in an advanced state of deterioration, the current owners have no immediate use for the building, there are safety issues, and redevelopment of the land is several years away. The current owners have been ordered to repair the building by the City's By-law Enforcement Department, but the building is not currently safe to work on. A Property Standards Order has been issued by the City requiring the owners of the property to hire an engineer to provide a report recommending remedial work and to repair all damage to the building. The current owners have signed a letter of intent with a party interested in relocating the Jenkins House to Markham Heritage Estates.

Mr. Sebastian Spataro, one of the owners of the property, addressed the Committee and advised the dates when the pictures of the property were taken.

Mr. Ruben de Leon, addressed the Committee and advised his desire to relocate the Reverend Jenkins house to the Markham Heritage Estates.

Committee members discussed how the building could be stabilized on site and whether severance of a small development lot was possible.

David Nesbitt, Chair, advised that correspondence dated December 8, 2016, with respect to Structural Condition Evaluation received from LEA Consulting Ltd., was circulated to the Committee by Heritage Staff.

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Heritage Markham recommends:

That the depositions by Mr. Sebastian Spataro, one of the owners of the property and Mr. Reuben de Leon, the party interested in relocating the Reverend Jenkins House, be received;

That correspondence from LEA Consulting Ltd., Consulting Engineers & Planners, University Avenue, Toronto, dated December 8, 2016, with respect to Structural Condition Evaluation be received;

That Heritage Markham does not support the relocation of the Reverend Jenkins House from 11022 Kennedy Road to Markham Heritage Estates; and

That the owners, or representatives of the owners, take immediate action to protect and stabilize the building on-site.

CARRIED

7.0 RELOCATION, RESTORATION AND LANDSCAPING

7.1 Relocation

The process of relocating a building, as discussed in Section 4.1.2; Moving Costs, involves a number of different factors that are unique to each building. It is recommended that the applicant consult a number of different building movers to obtain quotes and review past examples of their work. The applicant should ensure that the mover has some past experience working with the particular demands of heritage buildings. Generally, the building relocation season is short, and movers are very busy. A notice period of four to six months is common. The Directory of Contacts provided in this guide includes the names of area building movers who are known to have relocated heritage buildings in Markham.

Prior to obtaining a quote from a building mover, it is recommended that the applicant have the home inspected by a qualified professional, such as an architect or engineer. They will be able to comment on how the structural integrity of the building will be affected by the relocation, and may be able to predict difficulties. **The City of Markham will not consider the dismantling of heritage buildings for reconstruction in Markham Heritage Estates.**

As such expertise will be necessary later on in the restoration process; it is recommended that this inspection be carried out by the professional you have chosen for the entire project. This provides the ideal opportunity for the professional to become familiar with the building prior to its relocation.

The building owner is responsible for the coordination of all of relocation services such as:

- obtaining the necessary permits
- service connections
- arranging for all necessary wire and traffic signal lifts, and
- police escort on the moving day.

Applicants should note that only the wire owner is authorized to lift the wire (ie. Powerstream will not lift Hydro One lines). Careful planning is required to facilitate a smooth move. York Region officials, have indicated that the relocation of buildings using Regional roads should be undertaken during non peak times (certain times of the day and certain day of the week). Included in the Directory of Contacts is a list of contact names for most of the services required.

Incoming buildings must be deemed (or made) structurally sound when placed on lots. Once on the lot, the owner is expected to secure the building by way of temporary fencing and to make frequent inspections of the structure to ensure safety. Once excavation of a foundation has commenced, the affected area must be secured by way of temporary fencing.

APPENDIX G – SUBDIVISION PLAN

