



Report to: Development Services Committee

Meeting Date: June 17, 2014

SUBJECT: Alterations to Property
7703 Kennedy Road
Violetta Fitzsimmons and Vera Belchevski

PREPARED BY: Regan Hutcheson, Manager, Heritage Planning, ext 2008

RECOMMENDATION:

- 1) That the report titled "Alterations to Property, 7703 Kennedy Road, Violetta Fitzsimmons and Vera Belchevski", dated June 17, 2014 be received;
- 2) That the recommendation from the Heritage Markham Committee be received;
- 3) That the Mayor and Clerk be authorized to enter into an agreement with the property owners, to the satisfaction of the City Solicitor, based on the owners' proposal and any additional conditions required by City staff.
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The obtain Council's direction on alterations which have occurred to the property at 7703 Kennedy Road, and Heritage Markham Committee's recommendation for designation pursuant to the Ontario Heritage Act.

BACKGROUND:

Property is listed on the Heritage Register – the Noble House

The subject property is in the former hamlet of Hagerman's Corners and is listed on the Markham Register of Property of Cultural Heritage Value or Interest. The building on the property is 260.99 sq m in size and was a former dwelling, but is now used as a bridal salon. The lot size is 0.211 ha.

The building was constructed c. 1855 with a c.1880 re-modeling. There are modern additions at the rear. The 1861 census lists Jesse Noble, his wife Susannah, and their son, William Alfred on this property (the west half of Lot 5, Concession 6) in a 1 ½ storey frame house. This is the house that still stands at 7703 Kennedy Road. The house is described as a unique 1 ½ storey Gothic Revival dwelling, clad in white board and batten siding with picturesque influences. The building features louvred wood shutters, trapezoidal window and door hoods, bargeboard trim and traditional wood windows. In a 2004 study of Markham's heritage resources, it was noted as one of the most significant, non-designated heritage buildings in Markham and the pursuit of designation was recommended.

Zoning Amendment permitted commercial use

In the early 1990's, an amendment to the zoning by-law permitted the bridal salon use to be added as an exception to the residential use. The heritage structure has been used as a bridal salon for approximately the past 30 years.

Work undertaken without municipal approvals

In 2009, Planning Department staff was in discussion with the owners on an appropriate second storey addition to the rear wing of the existing structure. The proposed addition was found not to be compatible with the existing heritage structure and a revised design was requested, but none received.

In March 2011, it was noted that the owners had removed an attached 2-car garage and proceeded to replace it with a two storey addition attached to the north of the main structure without any approvals from the municipality. See Appendix 'A' for photographs. The new addition, clad in plywood was build almost to the property boundary and immediately adjacent to two mature trees. The owners received an 'Order to Comply' from the Building Department on December 7, 2010 which later led to the filing of a site plan application and a minor variance application in an effort to obtain a building permit. The variance application was to permit a reduced side yard setback and to allow the bridal salon use in the addition as the previous by-law amendment only permitted a bridal salon and flower shop within the existing building.

As part of the review of the two applications, the Heritage Markham Committee recommended specific design changes to the plans for the addition that was partially constructed, that a traditional front veranda be added to the existing building, and that the property be subject to a Heritage Easement Agreement and designated by the City pursuant to the Ontario Heritage Act to further protect the heritage resource. The Region of York had also identified the need for a 3 m road widening along the Kennedy Road frontage.

Owners do not support the identified conditions of approval at this time

Through their planning consultant, the owners have advised that they are not developers and do not support the proposed approval conditions related to designation, heritage easement and property conveyance to the Region. The owners have indicated that they propose to continue their retail operation for an additional 7-8 years and then sell the subject property, along with adjacent properties they own, to others for future development. It is their contention that the identified conditions being sought by the City should be applied in the future when a comprehensive development proposal can be considered by the City and Region.

OPTIONS/ DISCUSSION:**The Owners have presented a proposal**

Rather than proceed with their site plan and minor variance applications for the illegal construction, the owners have offered the following proposal for consideration:

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- a) Removal of the existing partially constructed two-storey addition (the subject of the Order to Comply).
 - b) Re-instate the former 42 m² attached garage in its original location (attached near the rear of the building). This would require a Building Permit, but would be exempt from Site Plan Control due to its size.
 - c) Raise the roof over the attic space (70 m² that is currently used for storage purposes) which is located in the rear wing of the existing building to a full storey to increase the usability of this storage area. This would not increase the original building footprint, but would facilitate an efficient use of the space by creating a second storey. This would require a Building Permit. It is suggested by the owner's planning consultant that Site Plan Control would not be required as the proposal does not substantially increase the size or usability of the building.
 - d) Construction of a veranda on the front of the original heritage building as suggested by Heritage Markham. This would require a Building Permit.

The owners would prepare the necessary plans and drawings for the above work which would form the basis for a Building Permit Application. The above proposal would also be conditional upon the City not proceeding with the designation of the property or the Heritage Easement Agreement at this time.

Staff response to proposal is generally favorable subject to certain conditions

The benefits of the proposal are that the illegally constructed addition which is not compatible in scale or design with the original building would be removed and that the proposed new construction would be to the rear of the heritage resource. The constraints are that the City would not obtain additional protection to the heritage building through designation and/or heritage easement agreement, and that the Region will not secure its land for a future road widening at this time. The following comments are offered concerning the individual components of the proposal:

- a) Removal of Illegal Addition - Repairs will be required to the existing building where the addition was attached. A deadline for the removal of the addition would need to be confirmed and consequences identified if not removed within the timeframe.
- b) Re-instate the former garage – staff would want to ensure that the cladding material is complementary to the heritage resource and that the side yard setback requirements are respected.
- c) Raise the roof over the rear wing - staff would have to ensure that the new roof is of a height that does not overwhelm the heritage resource and that the connection of the new roof does not damage the heritage building roof.
- d) New Veranda – the veranda would have to be of a traditional wood design that is appropriate to architecture and age of the former dwelling. There should be a deadline established for preparation of the drawings and construction of the veranda.

An agreement would need to be executed between the City and the owners to identify the work to be undertaken, deadlines for the removal of illegal work and the construction of the new veranda, the consequences should the deadlines not be met and under what conditions could the City pursue designation or other protection mechanisms (i.e. if any work is undertaken on the exterior without City approval or the property is sold to others without notifying the City). The Agreement should also include a requirement for the property owner to obtain approval from the City (Heritage Section) for any external alterations to the building (i.e. windows, cladding) whether a Building Permit is required or not.

Recommendation

Staff recommends that Council receive the recommendation for designation from the Heritage Markham Committee for information, and authorize staff to finalize terms of an agreement with the property owners, to the satisfaction of the City Solicitor, based on the owners' proposal and the additional conditions requested by City staff.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

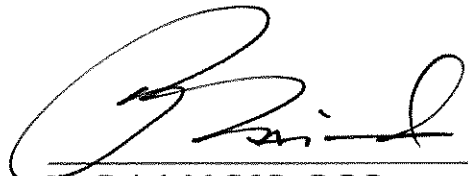
Not Applicable

BUSINESS UNITS CONSULTED AND AFFECTED:

Legal Services

RECOMMENDED BY:


Rino Mostacci, M.C.I.P., R.P.P.
Director of Planning & Urban Design


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

ATTACHMENTS:

Appendix 'A' Photographs of the Addition

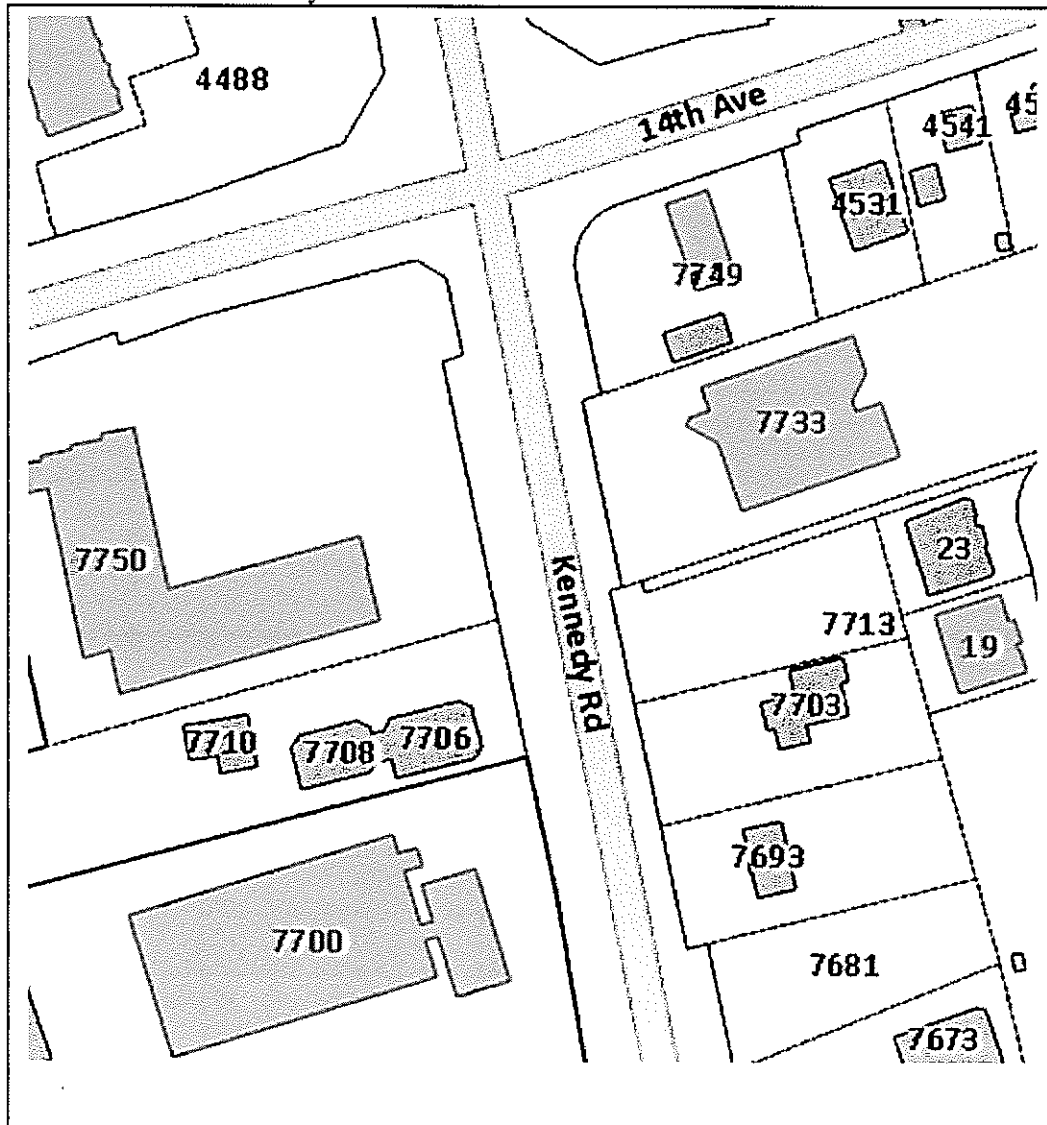
Appendix 'B' Heritage Markham Extract

File No. Q:\Development\Heritage\PROPERTY\KENNEDY\7703 Jesse Noble House\DSC report June 17 2014.doc

Owners: Violetta Fitzsimmons
Vera Belchevski

Agent: QX4 Investments Limited Consulting Services
17 Bauer Crescent
Markham, ON L3R 4H3
Fax 905-479-4517
Attention: Ben Quan

Map: 7703 Kennedy Road



Appendix A
Photographs of the Property

Building Prior to Addition



Illegal Addition- April 2011 – North Side Elevation



Addition Adjacent to Trees on Property Boundary



Q:\Development\Heritage\PROPERTY\KENNEDY\7703 Jesse Noble House\Appendix A to June 2014 DSC.doc

HERITAGE MARKHAM
EXTRACT

APPENDIX B

DATE: October 15, 2012
TO: R. Hutcheson, Manager of Heritage Planning
M. Fry, Planner II

EXTRACT CONTAINING ITEM #12 OF THE TENTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON OCTOBER 10, 2012

12. SITE PLAN CONTROL APPLICATION
FILE NUMBER: SC 12 114376
7703 KENNEDY ROAD
ADDITION TO EXISTING HERITAGE BUILDING
(SUPERIOR BRIDAL) (16.11)
Extracts: R. Hutcheson, Manager of Heritage Planning
M. Fry, Planner II
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The Committee had before it the notes and recommendation from the Architectural Review Sub-Committee held on September 19, 2012. The Manager of Heritage Planning provided details of the two storey addition to an existing heritage building which is used for retail purposes. The building is now under a Stop Work Order. Several recommendations were outlined, including that the property be subject to a Heritage Easement Agreement and designation pursuant to the Ontario Heritage Act.

HERITAGE MARKHAM RECOMMENDS:

THAT Heritage Markham supports the design comments provided by the Architectural Review Sub-Committee and requests the applicant to revise the plans accordingly;

THAT as a condition of any site plan approval, the applicant be required to enter into a Heritage Easement Agreement and to designate the property pursuant to the Ontario Heritage Act to further protect the heritage building;

THAT the proposed addition be subject to the applicant entering into a Site Plan Agreement with the City containing conditions concerning material, window treatment, colours, etc.;

AND THAT Heritage Markham recommends to Council that the Jesse Noble House at 7703 Kennedy Road be designated under Part IV of the *Ontario Heritage Act* as a property of cultural heritage value or interest.

CARRIED