



Report to: Development Services Committee

March 26, 2024

SUBJECT: RECOMMENDATION REPORT
Objections to Notices of Intention to Designate – Phase V Properties

PREPARED BY: Evan Manning, Senior Heritage Planner, ext. 2296

REVIEWED BY: Regan Hutcheson, Manager of Heritage Planning, ext. 2080
Stephen Lue, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) THAT the Staff report, dated March 26, 2024, titled "RECOMMENDATION REPORT, Objections to Notices of Intention to Designate – Phase V Properties", be received;
- 2) THAT the written objection to designation under the *Ontario Heritage Act* as submitted on behalf of the property owner of 11120 Highway 48 (Ward 6), be received as information;
- 3) THAT the written objection to designation under the *Ontario Heritage Act* as submitted on behalf of the property owner of 11274 Highway 48 (Ward 6), be received as information;
- 4) THAT Council affirm its intention to designate 11120 Highway 48 (Ward 6) under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 5) THAT Council affirm its intention to designate 11274 Highway 48 (Ward 6) under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of its cultural heritage significance;
- 6) THAT the Clerk's Department be authorized to place designation by-laws before Council for adoption;
- 7) THAT the Clerk's Department be authorized to publish and serve notices of Council's adoption of the designation by-laws as per the requirements of the *Ontario Heritage Act*;
- 8) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report provides information on objections submitted for two properties (11120 and 11274 Highway 48) for which Council has stated its intention to designate under Part IV, Section 29 of the *Ontario Heritage Act* (the "Act"), in accordance with the Staff recommendations adopted by Council on December 13, 2023, and noted in the recommendations of this report.

BACKGROUND:

Notice of Council's Intention to Designate has been provided to the Property Owners

On December 13, 2023, Council stated its intention to designate twelve properties under Part IV, Section 29 of the Act. A notice of intention to designate was provided to the property owners and the Ontario Heritage Trust, and was published in accordance with the Act. The objection period ended on January 13, 2024.

The City Clerk received notices of objection on behalf of the owners of three of the twelve properties within the timeframe as set out in the Act: 10737 Victoria Square Blvd (Ward 6), 11120 Highway 48

(Ward 6), and 11274 Highway 48 (Ward 6) as shown in Appendix 'A'. The objection submitted by the owner of 10737 Victoria Square Blvd was considered by Council on February 20, 2024 while consideration of the objections submitted for 11120 and 11274 were delayed at the request of the owner to allow for discussions with Staff.

The Act requires that Council consider and make a decision on an objection within 90 days from the end of the objection period. Council may decide to withdraw, amend, or affirm its intention to designate and has until April 12, 2024, to make a decision on the objection (see Appendix 'C'). If Council decides not to withdraw a notice of intention to designate a property, Council may pass a by-law designating the Property. Council has 120 days from after the date of publication of the notice of intention (December 14, 2023) to pass a designation by-law. Should Council not act within this timeframe, a notice of intention to designate is deemed to be withdrawn. As noted, the deadline is April 12, 2024.

Properties are to be assessed using Provincial Designation Criteria

Ontario Regulation 9/06, as amended, ("O.Reg. 9/06") prescribes criteria for determining a property's cultural heritage value or interest for the purpose of designation. The regulation provides an objective base for the determination and evaluation of resources of cultural heritage value, and ensures the comprehensive, and consistent assessment of value by all Ontario municipalities. Municipal councils are permitted to designate a property to be of cultural heritage value or interest if the property meets two or more of the prescribed criteria (excerpted from O.Reg. 9/06):

- 1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.*
- 2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.*
- 3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement*
- 4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.*
- 5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.*
- 6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*
- 7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.*
- 8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.*

OPTIONS/ DISCUSSION:***Heritage Section Staff (“Staff”) considered the reasons for objection and continue to support the designation of the properties located at 11120 and 11274 Highway 48***

Aird Berlis LLP submitted letters of objection on behalf of the property owner of the above-referenced properties. Concerns were raised that the heritage consultants retained by their clients were unable to complete “basic due diligence on this matter such as a site visit or archival research” since receiving notice of the proposed designations on November 27, 2023. Further, concerns were identified with the contents of the Statements of Significance. Staff contacted Aird Berlis LLP with an offer to discuss their clients concerns and potentially delay by-law adoption to provide time to revise the Statements of Significance. Staff met with the property owner in early March to address their concerns while ensuring that the significant heritage features of both properties are conserved. Staff recommended that the designation of the two properties proceed.

The protection and preservation of heritage resources is consistent with City policies

Markham’s Official Plan 2014 contains cultural heritage policies related to the protection and conservation of heritage resources that are often a fragile gift from past generations. They are a non-renewable resource, and once lost, are gone forever. Markham understands the importance of safeguarding its cultural heritage resources and uses a number of mechanisms to protect them. Council’s policy recognizes their significance by designating individual properties under the Act to ensure that the cultural heritage values and heritage attributes are addressed and protected.

Provincial planning policies support designation

The Provincial Policy Statement, 2020, issued under Section 3 of the *Planning Act* includes cultural heritage policies that indicate significant built heritage resources and significant cultural heritage landscapes shall be conserved. Designation provides a mechanism to achieve the necessary protection.

Designation acknowledges the importance of a cultural heritage resource

Designation signifies to an owner and the broader community that the Property contains a significant resource that is important to the community. Designation does not restrict the use of the Property or compel restoration. However, it does require an owner to seek approval for property alterations that are likely to affect the heritage attributes described in the designation by-law. Council can also prevent, rather than just delay, the demolition of a resource on a designated heritage property.

The Process and Procedures for Designation under Part IV of the Act are summarized below

- Staff undertake research and evaluate the property under O.Reg. 9/06 to determine whether it should be considered a significant cultural heritage resource worthy of Part IV designation;
- Council is advised by its municipal heritage committee with respect to the cultural heritage value of the Property;
- Council may state its Intention to Designate the property under Part IV of the Act and is to include a statement explaining the cultural heritage value or interest of the Property and a description of the heritage attributes of the Property;
- Should Council wish to pursue designation, notice must be provided to the owner and the Ontario Heritage Trust that includes a description of the cultural heritage value of the Property. A notice,

either published in a local newspaper or posted digitally in a readily accessed location, must be provided with the same details (i.e. the City's website);

- **Following the publication of the notice, interested parties can object to the designation within a 30-day window. If an objection notice is received, Council is required to consider the objection and make a decision whether or not to withdraw the notice of intention to designate;**
- Should Council proceed with designation, it must pass a by-law to that effect within 120 days of the date in which the notice was published. There are notice requirements and a 30-day appeal period following Council adoption of the by-law in which interested parties can serve notice to the municipality and the Ontario Land Tribunal ("OLT") of their objection to the designation by-law. Should no appeal be received within the 30-day time period, the designation by-law comes into force. Should an objection be received, an OLT hearing date is set to examine the merits of the objection and provide a final decision.

FINANCIAL CONSIDERATIONS:

External heritage consultants may be required to provide evidence at the OLT in support of designation if property owners appeal. External legal services may also be required in the event of any appeals to the OLT. This constitutes a potential future financial cost.

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection and preservation of cultural heritage resources is part of the City's Growth Management strategy.

BUSINESS UNITS CONSULTED AND AFFECTED:

Heritage Markham, Council's advisory committee on heritage matter, was consulted on the designation proposals. Clerks and Planning and Urban Design Department (Heritage Section) will be responsible for future notice provisions. An appeal to the OLT would involve staff from the Planning and Urban Design (Heritage Section), Legal Services, and Clerks Departments.

RECOMMENDED BY:

Giulio Cescato, RPP, MCIP
Director of Planning and Urban Design

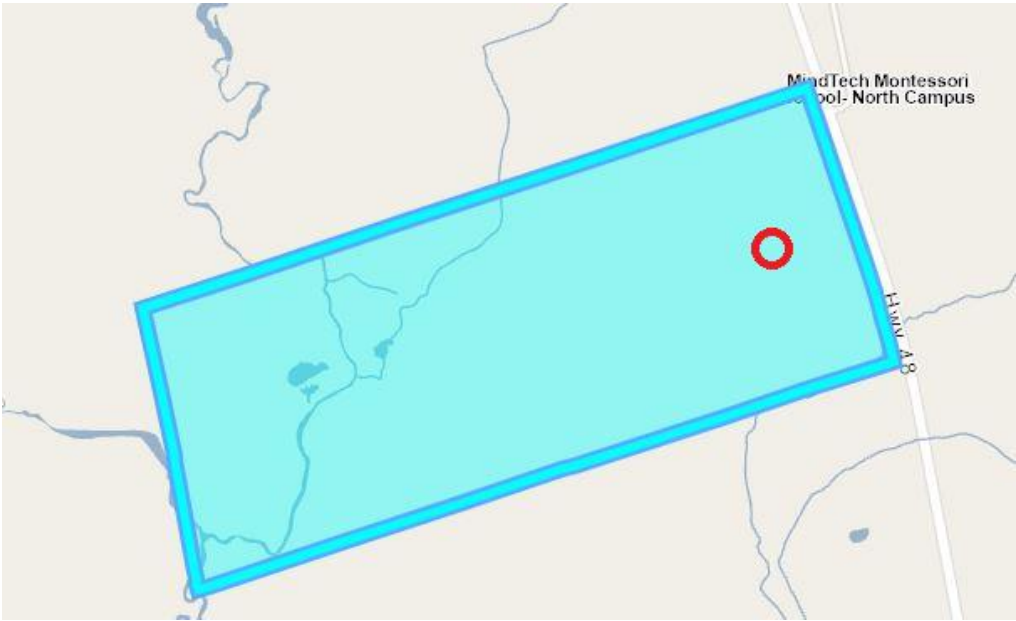
Arvin Prasad, MPA, RPP, MCIP
Commissioner of Development Services

APPENDICES:

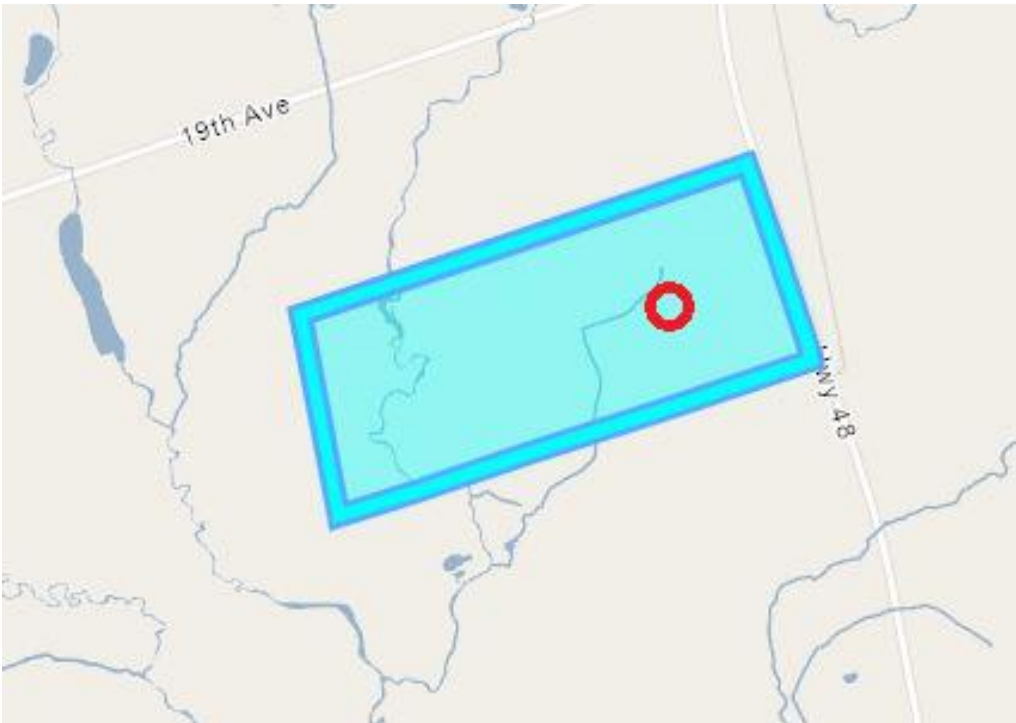
Appendix 'A': Locations and Images of the Properties
Appendix 'B': Statements of Significance
Appendix 'C': Letters of Objection

APPENDIX ‘A’
Locations and Images of the Properties

11120 Highway 48 (Ward 6): “Henry Wideman House”
Primary Elevation and Property Map



11274 Highway 48 (Ward 6): “Christian Hoover House”
Primary Elevation and Property Map



APPENDIX 'B': Statements of Significance

STATEMENT OF SIGNIFICANCE

Henry and Elizabeth Wideman House

11120 Highway 48
c.1865

The Henry and Elizabeth Wideman 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 Henry and Elizabeth Wideman House is a one-and-a-half storey fieldstone dwelling located on west side of Highway 48, in the historic community of Dickson Hill. The house faces east.

Design Value and Physical Value

The Henry and Elizabeth Wideman House has design and physical value as a representative example of a vernacular fieldstone farmhouse designed in the Georgian architectural tradition. The squared, multi-coloured fieldstone of the façade, and the cut stone voussoirs above the main entrance and window openings contrast with the less sophisticated coursed random rubblework of the other walls, speaking to the original owner's concern about construction costs. The small, square knee wall windows on the second storey of the facade are uncommon in Markham and are a feature sometimes associated with the Classic Revival and Regency architectural styles.

Historical Value and Associative Value

The Henry and Elizabeth Wideman House has historical and associative value, representing the locally significant theme of Pennsylvania German Mennonites being attracted to Markham Township in the early nineteenth century. Further, it is representative of the nineteenth trend whereby farmsteads were improved as the agricultural community progressed past the early settlement phase. Henry Wideman Jr. was an American-born son of Reverend Henry Wideman (originally spelled 'Weidman') and Catherine Van Hoben who came to Markham from Buck's County, Pennsylvania in 1803. The Reverend Henry Wideman was one of the first ordained Mennonite ministers in Upper Canada and the first in Markham Township. Henry Wideman Jr. purchased the eastern half of Markham Township Lot 28, Concession 7 from King's College in 1837. The family initially resided in a frame dwelling on the property and later replaced it with a new farmhouse of local fieldstone sometime after the 1861 census. An estimated date of construction is c.1865. The farm remained in the ownership of the descendants of Henry Wideman Jr. and Elizabeth (Hoover) Wideman until 1954.

Contextual Value

The Henry and Elizabeth Wideman House has contextual value as one of a number of nineteenth century farmhouses located in the general vicinity of the historic rural community of Dickson Hill, and is historically linked to the farm property where it has stood since c.1865.

Heritage Attributes

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

Heritage attributes that convey the property's design value and physical value as a representative example of a vernacular fieldstone farmhouse designed in the Georgian architectural tradition:

- T-shaped plan;
- One-and-a-half storey height;
- Fieldstone walls with squared stone front wall, coursed random rubblework on side and rear walls, and cut stone voussoirs over door and window openings;
- Medium-pitched gable roof with projecting, open eaves;
- Three-bay facade;
- Flat-headed front door opening with rectangular transom light;
- Flat-headed, rectangular window openings.

Heritage attributes that convey the property's historical value and associative value, representing the locally significant theme of Pennsylvania German Mennonites being attracted to Markham Township in the early nineteenth century, and the trend whereby improvements were made to nineteenth century farmsteads as the agricultural community progressed past the early settlement phase:

- The dwelling is a tangible reminder of the three generations of the Wideman family that historically resided on this property and invested in its improvement.

Heritage attributes that convey the property's contextual value as being physically, functionally, visually or historically linked to its surroundings:

- The location of the building facing south within the historic rural community of Dickson Hill where it has stood since c.1865.

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

- Modern doors and windows within original openings;
- Brick chimney;
- Accessory buildings.

STATEMENT OF SIGNIFICANCE

Christian and Anna Hoover House

11274 Highway 48
c.1860

The Christian and Anna Hoover 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 Christian and Anna Hoover House is a two-storey fieldstone dwelling located on the west side of Highway 48 in the historic community of Dickson Hill. The house faces south and is set well back from the road near the Little Rouge Creek.

Design Value and Physical Value

The Christian and Anna Hoover House has design and physical value as a locally rare example of a two-storey, mid-nineteenth century fieldstone farmhouse in the Mennonite Georgian architectural tradition. The small attic windows and kitchen siding are distinctly Pennsylvania German Mennonite features that have been applied to a vernacular Georgian design. The general character of the house is formal and conservative with a simple front entrance rather than a more elaborate Classic Revival doorcase seen in many mid-nineteenth century farmhouses in Markham. The presence of a doddy house enhances the dwelling's traditional Pennsylvania German Mennonite character. The two-storey height is locally unusual and noteworthy because the majority of rural dwellings in Markham Township built before 1900 were one-and-a-half storeys in height.

Historical Value and Associative Value

The Christian and Anna Hoover House has historical value as it makes legible the impactful early nineteenth century immigration of Pennsylvania German Mennonites to Markham Township, and for its association with the nineteenth century trend whereby farmsteads were improved as the agricultural community progressed past the early settlement phase. Daniel Hoover was one of three Pennsylvania German Mennonite brothers who came to Markham Township in 1804. The brothers were sons of Ludwig Hoover and Margaretha Graff of Lancaster County, Pennsylvania. In 1811, Daniel Hoover purchased the eastern half of Markham Township Lot 29, Concession 7. One of his sons, Christian Hoover, became owner of the property in 1832. The family of Christian Hoover and Anna (Barkey) Hoover first resided in a one-storey log house. The log house was replaced by a fine fieldstone farmhouse which was completed in 1860. The farm remained in the Hoover family for four generations. Samuel Carl Hoover and Howard A. Hoover, great-grandsons of Christian and Anna Hoover, were the last of the family to farm the property.

Contextual Value

The Christian and Anna Hoover House has contextual value as one of a number of nineteenth century farmhouses located in the general vicinity of the historic rural community of Dickson Hill, and because it is physically, functionally, visually and historically linked to the farm property where it has stood since 1860.

Heritage Attributes

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

Heritage attributes that convey the property's design or physical value as a locally rare example of a two-storey mid-nineteenth century fieldstone farmhouse in the Mennonite Georgian architectural tradition:

Main Block

- Rectangular plan of the main block;
- Two-and-a-half storey height of the main block;
- Fieldstone walls trimmed with red brick quoins and red brick splayed arches and quoin-like margins around door and window openings;
- Medium-pitched gable roof with projecting boxed eaves and modified eave returns;
- Single-stack red brick chimney at west gable end;
- Three-bay configuration of the facade;
- Single-leaf front door with three-paned rectangular transom light;
- Rectangular single-hung windows with six-over-six panes;
- Small rectangular attic windows in the east and west gable ends;
- Early twentieth century hip roofed front porch supported on square Classical columns resting on a fieldstone base with concrete copings.

Sidewing

- Rectangular plan of sidewing;
- One-storey height;
- Fieldstone walls trimmed with squared stone quoins and red brick splayed arches and quoin-like margins around door and window openings;
- Medium-pitched gable roof with projecting boxed eaves and modified eave returns;
- Single-stack red brick chimney at the east gable end;
- Full-width shed roofed veranda on south side, supported on turned wood posts;
- Three-bay configuration of the front elevation;
- Single-leaf front door;
- Rectangular single hung windows with two-over-two panes.

Frame Wing

- Rectangular plan of frame wing;
- One-and-a-half storey height;
- Vertical tongue and groove wood siding;
- Medium-pitched gable roof with projecting, open eaves;
- Three-bay front;
- Single-leaf door;
- Rectangular single hung windows with two-over-two panes;
- Diamond-shaped window in south gable end;
- Square window in knee wall.

Heritage attributes that convey the property's historical value, making legible the impactful early nineteenth century immigration of Pennsylvania German Mennonites to Markham Township, and the property's association with the nineteenth century trend whereby farmsteads were improved as the agricultural community progressed past the early settlement phase:

- The design and configuration of the dwelling is a tangible reminder of the four generations of the Pennsylvania German Mennonite Hoover family that historically resided here, and the family's transition from a log house to a fine two-storey fieldstone farmhouse in 1860.

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 south, within the historic rural community of Dickson Hill, where it has stood since 1860.

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

- Aluminum soffits and fascia;
- Aluminum door and screens on front porch;
- Barn.

APPENDIX ‘C’: Letters of Objection

Provided under separate cover