

**Extract From  
Heritage Richmond Hill Meeting  
HRH#04-18 held June 4, 2018**

**2. Request for Amendment to Heritage Designation By-law 94-13 –  
10971 Bayview Avenue – File Number D12-07048 – (Staff Report  
SRPRS.18.145)**

Moved by: M. Behrooz

**Recommendation 1**

**That the Heritage Richmond Hill Committee recommends to Council:**

- a) That the Town Clerk provide the owner of the designated property, described in Town of Richmond Hill By-Law No. 94-13, written notice of the proposed amendment to correct the legal description of the said property in accordance with section 30.1 of the *Ontario Heritage Act*, on or before June 8, 2018, by personal service;**
- b) That, pending no objection from the owner during the 30 day post-notification period, the amending by-law substantially in the form as set out in Appendix 'A' to staff report SRPRS.18.145 be adopted by Council at its meeting on July 9, 2018;**
- c) That the Town Clerk provide a copy of the amending by-law to the Ontario Heritage Trust, cause the amending by-law to be registered against the property, and update the Municipal Heritage Register, in accordance with the requirements of the *Ontario Heritage Act*.**

Carried



## Staff Report for Heritage Richmond Hill Meeting

Date of Meeting: June 4, 2018  
Report Number: SRPRS.18.145

Department: Planning and Regulatory Services  
Division: Policy Planning

Subject: Request for Amendment to Heritage  
Designation By-law 94-13; 10971 Bayview  
Avenue (File No. D12-07048 - SRPRS.18.145)

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### Purpose:

The purpose of this staff report is to seek Heritage Richmond Hill's consideration of the Chief Administrator's direction, under Section 2 of Town of Richmond Hill's Delegation By-law (By-law 255-81), to reduce the extent of the designated area surrounding the heritage attribute (the Jacob Heise III House) and to amend the legal descriptions of Designation By-Law No. 94-13.

### Recommendation(s):

- a) Heritage Richmond Hill recommends that the Clerk provide the owner of the designated property, described in Town of Richmond Hill By-Law No. 94-13, written notice of the proposed amendment to correct the legal description of the said property in accordance with section 30.1 of the *Ontario Heritage Act*, on or before June 8, 2018, by personal service;
- b) That, pending no objection from the owner during the 30 day post-notification period, the amending by-law substantially in the form as set out in Appendix A to SRPRS.18.145 be adopted by Council at its meeting on July 9, 2018; and
- c) That the Clerk: provide a copy of the amending by-law to the Ontario Heritage Trust; cause the amending by-law to be registered against the property; and update the Municipal Heritage Register, in accordance with the requirements of the *Ontario Heritage Act*.

### Contact Person:

Isa James, Senior Urban Designer, phone number 905-771-5529 and/or  
Joanne Leung, Manager Heritage and Urban Design, phone number 905-771-5498.

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### **Submitted by:**

"Signed version on file in the Office of the Clerk"

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Kelvin Kwan

Commissioner of Planning and Regulatory Services

### **Approved by:**

"Signed version on file in the Office of the Clerk"

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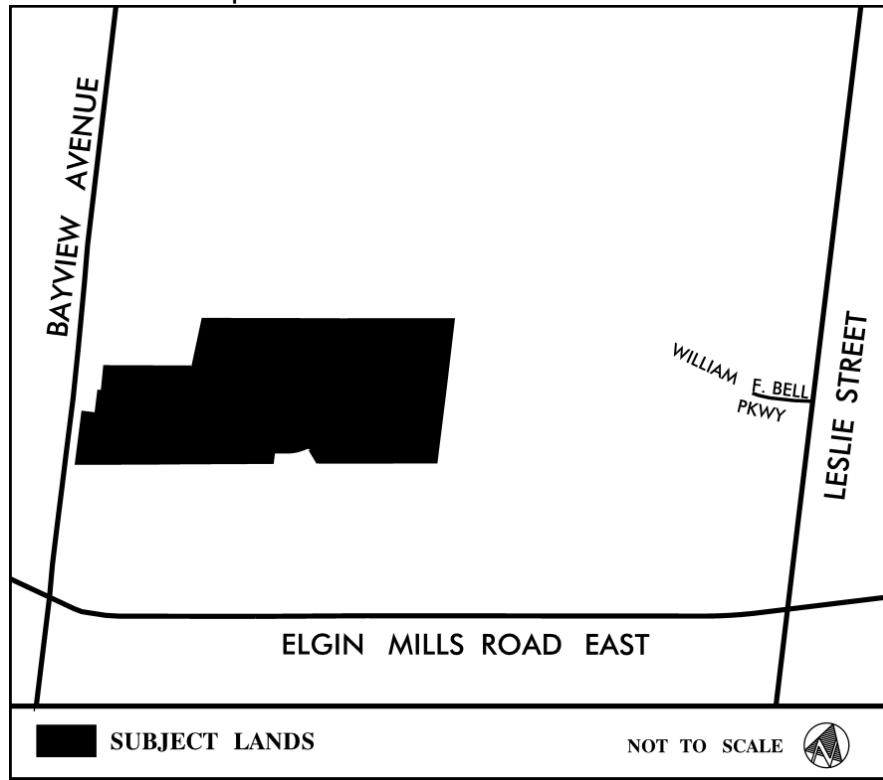
Neil Garbe

Chief Administrative Officer

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### Location Map:

The map below depicts the property location. Should you require an alternative format, call the contact person listed in this document.



### Background:

10971 Bayview Avenue, described as being the West Half of Lot 27. Concession 2, Parts 1 and 2 RP65-15058, is located on the east side of Bayview Avenue between Elgin Mills Road East and 19<sup>th</sup> Avenue. The subject lands have a total area of under 35 hectares (86 acres). The lands contain a heritage building and the property was designated in accordance with Section 29 of the *Ontario Heritage Act* by Council in 2013. The designating By-law No.94-13 is attached as Appendix B.

Raki (South) Holdings Inc., the owner of 10971 Bayview Avenue (outlined in red in Diagram 1), proposes to develop a low and medium density residential subdivision on the site and its neighbouring lands. The Town and Raki (South) Holdings Inc. have worked together to create a plan of subdivision that accommodates the Jacob Heise III House in an appropriate manner on draft plan Lot 105 (see Diagram 1). The draft plan of subdivision was approved by the Town on June 27, 2016.

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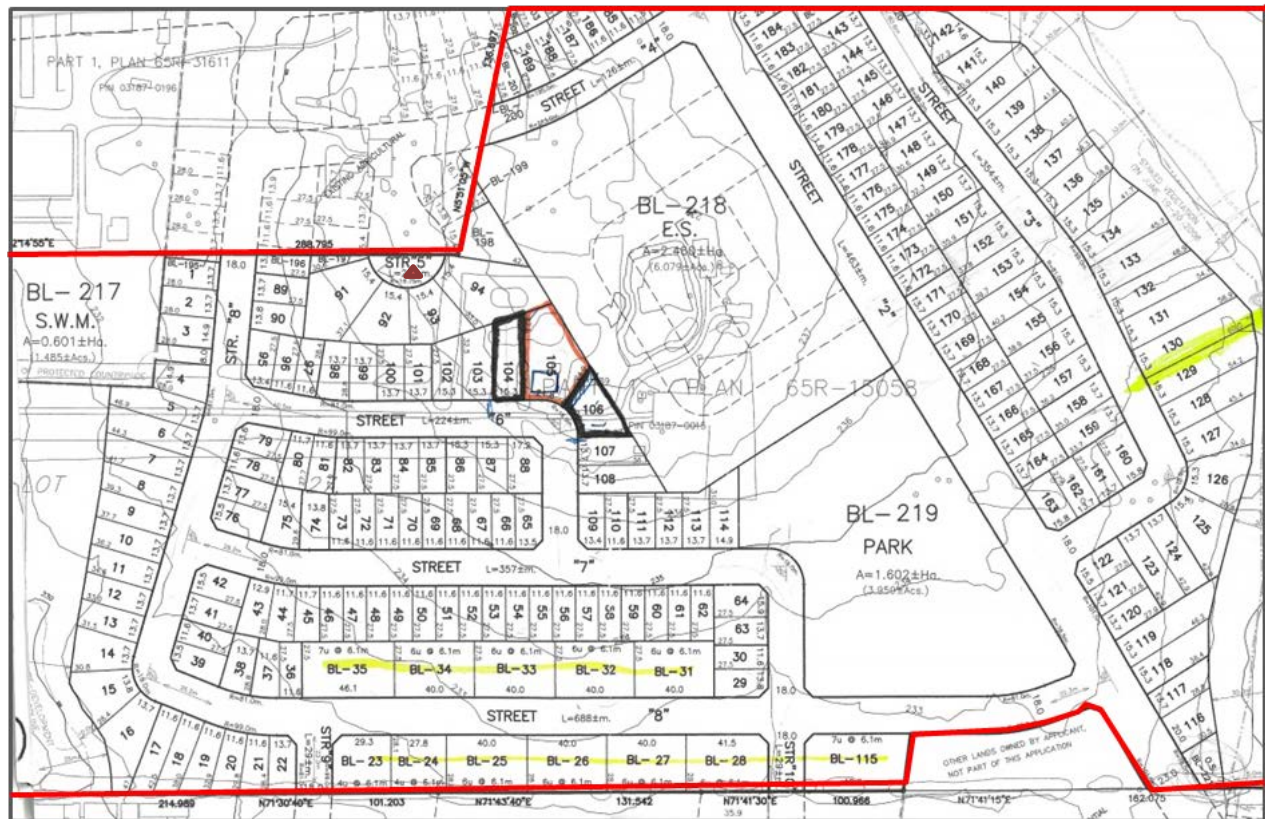


Diagram 1 – Raki (South) Holdings Inc. Draft Plan of Subdivision

## Discussion

The 2013 Heritage Designation By-Law (94-13) currently includes the entirety of the lands formerly known as 10971 Bayview Avenue. The newly configured Lot 105 (defined by draft R-Plan attached as Appendix C) provides adequate areas to accommodate the Jacob Heise III House in an appropriate manner. By amending the legal description of the property to the area immediately surrounding the Jacob Heist III House, the remaining areas of the residential development and the lands to be conveyed to the Town for roads and infrastructure can now be excluded from heritage designation.

The approved conditions of draft plan approval include provisions requiring restoration of the Jacob Heise III House. Prior to registration of the final plan of subdivision the owner must enter into a heritage restoration agreement with the Town. The agreement must include the submission of a security deposit to ensure the required work is completed. Staff are confident that the heritage house will be rehabilitated to the Town's satisfaction.

An amendment to the Designation By-law is now appropriate to:

1. Exclude areas of new residential development and the lands to be conveyed to the Town for roads and infrastructure that should not be encumbered by the designation; and

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2. Revise the legal description in the designation by-law to match the smaller lot identified for the Jacob Heise III House on the Plan of Subdivision.

In order to meet the impending dates related to the registration of this subdivision, the Chief Administrative Officer (CAO) reviewed the request to amend the Designation By-law and directed that By-law 94-13 be amended to correct the legal description identifying the lands to which the By-law applies (see Appendix D).

This staff report seeks Heritage Richmond Hill's consideration of the CAO's direction to provide written notice, by personal service, of the proposed amendment to enact By-law 68-18 (as provided in Appendix A) to amend Designation By-law 94-13 under Section 30.1 of the *Ontario Heritage Act*.

### Financial/Staffing/Other Implications:

There are no financial or staffing implications at this time.

### Relationship to the Strategic Plan:

A detailed consideration of the heritage merits of the subject property is in keeping with Goal 3 – Outcome 1 of the Strategic Plan which is to “Respect the past through promoting the awareness of the Town’s heritage.”

### Conclusion:

The owner of the property has worked with the Town and created a plan of subdivision which will continue to protect the heritage attribute (the Jacob Heise III House) identified in the Designation By-law No.94-13. To complete the development process, the legal descriptions of the heritage property need to be updated to reflect the revised extent of the protected property. Staff recommend that the draft Amending Designation By-law as provided in Appendix A to this report be approved. Upon there being no objection filed within the 30 day period prescribed by the *Ontario Heritage Act*, and at such time that the draft R-Plan is deposited, the By-law may be passed by Council.

### Attachments:

The following attached documents may include scanned images, with maps and photographs. If you require an alternative format, please call the contact person listed in this document.

- **Appendix A**      **Draft Amending By-Law (68-18)**
- **Appendix B**      **Designation By-Law (94-13)**
- **Appendix C**      **Draft Reference Plan defining Lot 105**
- **Appendix D**      **Memo from Chief Administrative Officer**

# **The Corporation of the Town of Richmond Hill**

## **By-law 68-18**

A By-law to Amend By-law 94-13  
10971 Bayview Avenue (*Jacob Heise III House - Braeburn Farm*)  
Under the *Ontario Heritage Act*

Whereas Section 30.1 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18 authorizes the Council of a municipality to enact a by-law to amend a by-law designating property under that Act;

And Whereas the owner of the property known municipally as 10971 Bayview Avenue, Richmond Hill has applied to have the heritage designation under the *Ontario Heritage Act* thereon amended in order to correct the legal description of the property;

The Council of The Corporation of The Town of Richmond Hill enacts as follows:

1. That By-law 94-13 is hereby amended by revising Paragraph 1 as follows:
  1. That the real property identified as Part 1, Reference Plan Number 65R-xxxxx, is hereby designated under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, as being of cultural heritage value or interest.
2. That the Town Clerk is hereby authorized to cause a copy of this By-law to be served on the owner of the property and on the Ontario Heritage Trust, and to cause the Register established under subsection 27 of the Act to be updated.
3. That the Town Solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule "A" in the Land Registry Office.

4. That Schedule "A" attached to By-law 68-18 is declared to form a part of this By-law.

Passed this \_\_\_\_\_th day of \_\_\_\_\_, 2018.

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Dave Barrow  
Mayor

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Stephen M.A. Huycke  
Town Clerk

File D12-07048



## **SCHEDULE “A” TO BY-LAW 68-18**

The real property located at 10971 Bayview Avenue is described as being the West Half of Lot 27. Concession 2, former Markham Township and Parts 1 and 2 RP65R-15058, now Town of Richmond Hill, Regional Municipality of York [PIN NO. 03187-0015 (LT)].

**THE CORPORATION OF THE TOWN OF RICHMOND HILL**

**BY-LAW NO. 94-13**

A By-law to Authorize the Designation of  
10971 Bayview Avenue (*Jacob Heise III House - Braeburn Farm*)  
under the *Ontario Heritage Act*

**WHEREAS** Section 29 of the *Ontario Heritage Act, R.S.O. 1990, c.0.18* authorizes the Council of a municipality to enact by-laws to designate real property to be of cultural heritage value or interest;

**AND WHEREAS** the Council of The Corporation of the Town of Richmond Hill has caused to be served on the owners of the lands and premises known as 10971 Bayview Avenue, Richmond Hill, and upon the Ontario Heritage Trust. notice of intention to so designate the aforesaid real property and has caused such Notice of Intention to Designate to be published in a newspaper having general circulation in the municipality;

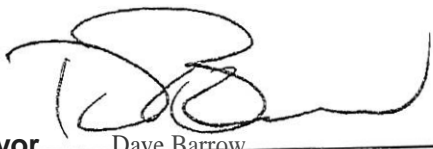
**AND WHEREAS** the Statement of Cultural Heritage Value or Interest and the Description of Heritage Attributes are set out in Schedule "A" and attached to By-law No. 94-13;


**AND WHEREAS** no Notice of Objection to the proposed designation has been served on the Town Clerk within the period prescribed by the *Ontario Heritage Act*;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF RICHMOND HILL ENACTS AS FOLLOWS:**

1. That the real property located at 10971 Bayview Avenue, being the West Half of Lot 27. Concession 2, former Markham Township and Parts 1 and 2 on RP6515058, now Town of Richmond Hill, Regional Municipality of York [PIN NO. 03187-0015 (LT)], is hereby designated under Part IV of the *Ontario Heritage Act, R.S.O 1990, Chapter 0.18*, as being of cultural heritage value or interest.
2. That the Clerk is hereby authorized to cause a copy of the By-law, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property to be served on the owner of the property and on the Trust, and publish a notice of the By-law in a newspaper having general circulation in the municipality.
3. That the Town Solicitoris hereby authorized to cause a copy of this By-law to be registered against the property in the Land Registry Office.
4. That Schedule "A" attached to By-law No. 94-13 is declared to form a part of this By-law.

PASSED THIS 9<sup>TH</sup> DAY OF SEPTEMBER. 2013.

  
**Mayor** Dave Barrow  
Mayor

  
Town Clerk  
Donna L. McLarty

## **SCHEDULE "A" TO BY-LAW NO. 94-13**

### **REASONS FOR DESIGNATION**

**Jacob Heise III House - Braeburn Farm  
10.971 Bayview Avenue**

#### **Statement of Cultural Heritage Value or Interest**

Jacob Heise was among several family members who came to Canada from Pennsylvania in 1805. The Heises were of German descent, Tunker faith, and important to the early and continuing development of Markham Township. The property known as 10971 Bayview Avenue (part. west half, Lot 27, Concession 2, former Markham Township) was sold by George Pexton to Jacob's son ("Jacob II") on November 1, 1853. On January 10, 1860, Jacob II's son married Margaret Smith and moved to this farm property. The house on site was built about 1859-1860. Jacob and Margaret took ownership of the property in 1867. They sold in 1904 to a local butcher, Albert E. Williams. The property was in farm use under successive owners, until early in the 21<sup>st</sup> century.

The architecture of the c.1859 Heise house follows the Georgian tradition adopted by the Pennsylvania Germans from their English origin neighbours in the United States. This "Mennonite Georgian" adaptation was transported to Markham Township through the immigration of Pennsylvania German settlers in the first decade of the 19<sup>th</sup> century. The substantial, full two storey form, with its gable roof and pairs of small square windows on the gable walls, is characteristic of the finest farmhouses built by families of Pennsylvania German lineage in Southern Ontario. A c.1907 photograph indicates it had the traditional two storey verandah across the front facade (since removed).

The Heise house shares some similarities with the 1828 Eyer house at 1045 Elgin Mills Road East. The Eyers are also of Pennsylvanian German origin. Both are full storey structures, oriented to the south, with two storey verandahs, and the characteristic attic windows. The Eyer example differs from the Heise house in its use of identical entrance doors on the front and rear, interior evidence of a *daddy haus*, and fireplaces for cooking and heating. Some of these differences can be attributed to the later period of the Heise house. Together they illustrate the evolution of the design of Pennsylvania German dwellings over the 19<sup>th</sup> century.

The Heise house is positioned on a height of land or knoll. This choice of setting is characteristic of farmhouses as it gives the advantages of good drainage away from the structure, an all round viewscape of the farm operation, and utilizes an area that would be difficult to cultivate. With the Heise example, it also permitted a usable basement. This was a working farmstead composed of the house, barn, outbuildings, apiary, orchards, fields, planted windbreaks, house gardens, laneway, and associated infrastructure. The house is the only surviving building or structure.

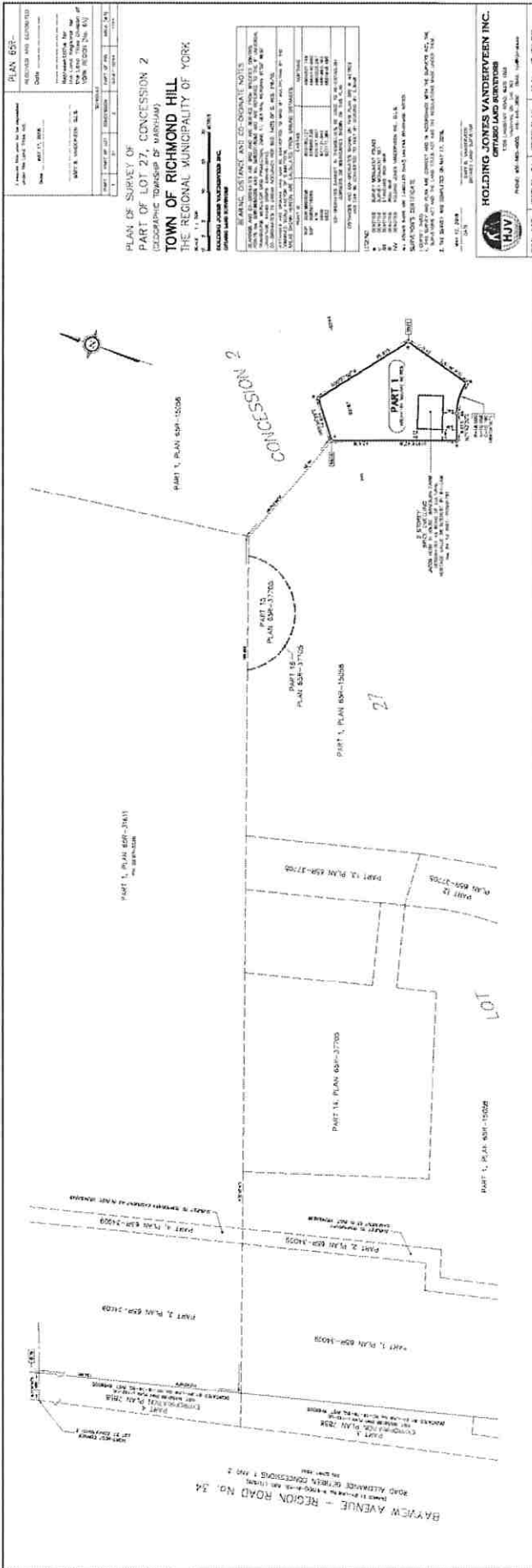
#### **Description of Heritage Attributes**

The heritage attribute of this property is the two storey, brick, Mennonite Georgian style dwelling built about 1859 for Jacob Heise III. This includes the exterior only of the main structure. It does not include any additions or outbuildings, except for any original materials and components within those additions or outbuildings that can be salvaged for use on the main structure. Those elements important to the cultural heritage value or interest of the property, with the dwelling as the only heritage attribute, include the following:

- form, massing, and rectangular plan oriented to the south
- raised fieldstone foundation that provides a usable basement
- all original components of the side by side entryways on the east facade (size, placement, materials, doors, frames, sills, hardware, voussoirs or headers, sidelights and transoms where they exist. etc.)
- all original components of the bellcast-roofed verandah sheltering the side by side entryways on the east facade
- all original components of the entryways on the ground and second levels of the south facade (size, placement, materials, doors, frame, sills, hardware, voussoirs or headers, sidelights and transoms where they exist, etc.)

- all original components of the original window openings (size, placement, frames, voussoirs or headers, lugs, etc.)
- all original components of the original window sashes (materials, frames, glazing, muntins bars, hardware)
- all original turned support posts for verandahs
- the masonry, including all red coloured brick; buff coloured accent brick; the decorative pattern of plinths, alternating quoins (corners), and voussoirs or headers over door and window openings; Flemish bond brickwork on the south facade. and common bond brickwork elsewhere
- the masonry section at the side by side entryways of the east facade that documents an early wall treatment with red bricks, an applied red dye, and slightly raised, black mortar lines
- the existence of a medium pitched, gable type roof, with boxed. projecting eaves
- the original placement and form of the single stack, corbelled chimneys
- all original cornice moulding, bedmoulding at the eaves, and frieze boards. in salvageable condition
- the placement of the dwelling on a higher elevation
- any original materials and components within the additions or outbuildings that can be salvaged for use on the main structure

## File #12-07048





May 30, 2018

**MEMO TO:** Heritage Richmond Hill Committee

**COPY TO:** Kelvin Kwan  
Commissioner of Planning Regulatory Services

**FROM:** Neil Garbe  
Chief Administrative Officer

**SUBJECT:** Amendment to Heritage Designation By-law 94-13  
File D12-07048

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Pursuant to Section 2 of By-law 255-81, being a by-law to delegate authority to the Chief Administrative Officer to recommend the approval of by-laws to Committees and Council, I hereby recommend approval of By-law 68-18 which has the effect of reducing the aerial extent of By-law 94-13 which designates lands under Part IV of the *Ontario Heritage Act*.

A handwritten signature in blue ink, appearing to read "Neil Garbe".

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Neil Garbe  
Chief Administrative Officer

