

**COMMITTEE OF THE WHOLE (WORKING SESSION) MAY 28, 2002**

**CITY-OWNED HERITAGE STRUCTURES  
CITY-INITIATED AMENDMENT TO THE ZONING BY-LAW  
FILE 3.9**

**Recommendation**

The Commissioner of Planning recommends the following:

THAT Council direct staff to schedule a Public Hearing to consider a City-initiated amendment to the Zoning By-law to recognize the existing setbacks at the Arnold House and John Charlton House, and to legalize the existing setbacks of the legal non-conforming City-owned heritage structures.

**Purpose**

To review the compliance of City-owned heritage structures with Zoning By-law 1-88, in response to concerns expressed by a local resident regarding the City's use of the Arnold House for recreation programming.

**Background - Analysis and Options**

The City owns 15 heritage structures throughout the City, in the Thornhill, Kleinburg, Woodbridge, Maple and Concord communities. These heritage structures were primarily preserved through the development process, either on site or relocated to City-owned lands. They are important to both their communities and to the City, providing a connection to the past.

Currently, the City operates recreational programming out of some heritage structures, while others are used for meeting facilities and interpretative centres. Utilizing these heritage structures for these public services provides a means to integrate them into the community; connect the community with its heritage; facilitate their restoration and discourage vandalism.

**Official Plan Policies**

OPA 600 for the new urban villages encourages the protection and preservation of significant existing heritage features and buildings, and values preservation and incorporation of significant heritage and archeological sites into public and commercial environments and public open spaces.

OPA 601 (Kleinburg-Nashville Community Plan) also contains specific policies for preserving and protecting the rich cultural heritage of the Kleinburg-Nashville Community, and encouraging the incorporation of heritage buildings in redevelopment projects and public open spaces.

OPA 210 (Thornhill-Vaughan Community Plan), as well as recognizing the importance of preserving heritage buildings, emphasizes developing viable uses for the structures.

OPA 350 (Maple Community Plan) and OPA 240 (Woodbridge Community Plan) also place importance on preserving, protecting, and maintaining heritage resources.

**Zoning**

By-Law1-88, Section 3.10, Public Uses, states;

“The provisions contained in this By-law shall not apply to the use of any lands or the erection or use of any building or structure for the purposes of public service by the City

... provided that where such land, building, or structure is located in any Zone,... the lot coverage and yard requirements described in the Zone shall be complied with.”

All of the heritage structures owned by the City are used for some form of public service, such as recreational programming, community meeting rooms, interpretative centers, etc. The yard and coverage requirements for these structures are set out in the By-law, under the category of Institutional/Recreational Uses in All Zones (see Table A attached).

These requirements are 15m for all yards, and 20% coverage, unless otherwise provided by an amendment to the by-law. Five of the heritage buildings have site specific amendments permitting yards less than the standard 15m requirement. The use of the land and the use of the City-owned structures are exempt from all other provisions in the By-law, including parking, building height, and lot area.

### Present Use

Use of the heritage structures owned by the City varies at each facility. Currently, only Arnold House and Vellore School and Hall have recreation programs scheduled for the Spring 2002 season. Charlton House is used in the summer for day camps, and J.E.H. MacDonald House is used intermittently for arts programming, and throughout the summer for arts camps. A number of the other heritage structures are used for meeting facilities, including Kleinburg Railway Station (Scout House), and Kline House. The Beaverbrook Activity Centre is used for the Small Business Centre, operated by the City.

### Compliance

#### a) Original Locations

Out of the 15 heritage structures, 10 are currently in their original locations. Of those 10, there are 3 which conform to the provisions of the Zoning By-law, and 7 which have setbacks less than required in the By-law. However, as they existed in their locations prior to the enactment of the By-law, the deficient setbacks are recognized as legal non-conforming.

In best practices, when heritage buildings are to be acquired through the development process and a zoning amendment is required to facilitate the development, the existing yards of heritage buildings would be recognized in the by-law for the development. However, the final setbacks are not always known at the time of by-law enactment, and this aspect has been inadvertently not included at times.

#### b) Moved Locations

Five of the heritage structures have been moved to their current locations from elsewhere in Vaughan. Of these, there are 2 that do not comply with the By-law, as detailed below:

##### (i) Arnold House: 21 Spring Gate Blvd., Thornhill

Arnold House is located at the southeast corner of Spring Gate Blvd, and Springfield Way in Thornhill and was moved to this location in 1981. A Georgian brick structure, the Arnold House was constructed circa 1871 and is a Group 1 heritage structure, designated under the *Ontario Heritage Act* in 1982 for its architectural and historical significance.

Arnold House is located in Gallanough Park, and is used throughout the year for arts and crafts programs, including children’s summer arts camps, and day and evening classes. Notwithstanding the minimum 15 m front and exterior side yard requirements, the front yard is 5.84m and the exterior side yard is 11.46m.

(ii) John Charlton House: 220 Charlton Ave., Thornhill

John Charlton House was moved to its location at Charlton Ave. and Gayla Street in Thornhill in 1985. Charlton House was constructed circa 1870 and is a Group 1 heritage structure, designated in 1985 under of the Ontario Heritage Act. Charlton House is indicative of the Georgian style with patterned brick work.

Charlton House is not used for extensive recreation programming, and is used primarily for children's day camps in the summer. Notwithstanding the minimum 15 m front and exterior sideyard requirements, the front yard is 7.7m and the side yard is 4.5m.

Parking

Public Uses are specifically exempt from parking requirements of the By-law. In comparison, private recreational facilities require a parking standard of 1 space for every 3 persons designed for maximum capacity.

Planning Staff have examined the parking situation at the 15 City-owned heritage structures, in consultation with Community Services and Recreation and Culture, based on the use of the facility. In most cases, parking is accommodated on-site, and Community Services Staff are satisfied that existing parking is sufficient based on the use and programming in the building.

Three of the heritage buildings, being the Arnold House, Wallace House and J.E.H. MacDonald House, have no parking facilities on site. In each case, however, parking is available nearby in City-owned parking lots or on-street. The Arnold House is close to the Gallanough Library; the Wallace House is close to the City parking lot at Market Lane and on-street parking along Woodbridge Ave.; and the J.E.H MacDonald house is close to City-owned parking at the Holy Trinity Anglican Church site.

**Conclusion**

The City's Official Plan policies recognize the significant contribution of heritage structures to the City, in connecting the City's present to its historical and architectural past. The use of heritage structures for public services ensures that the heritage structures are integrated and provide value to the community, and that the buildings are restored and remain in good maintenance.

In review of the compliance of the City's 15 heritage structures with the Zoning By-law, it has been determined that the Arnold House and the Charlton House have front and exterior sideyards less than the required 15 m. Another seven of the heritage structures have deficient yards and/or coverage, but with legal non-conforming status. To legalize the existing setbacks of the Arnold House and the Charlton House, and to bring the seven legal non-conforming structures into compliance, an amendment to the zoning by-law would be required. Should Council concur, Staff should be directed to schedule a public hearing to consider a City-initiated amendment to the by-law.

**Attachments**

1. Table A: By-law Compliance Review: Heritage Structures Owned by the City of Vaughan

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**Attachment No.1**

**Table A: City-Owned Heritage Structures: City-Initiated Amendment to Zoning By-law**

Heritage Building	Location	Property Info	Zoning	Exceptions	By-law Permitted Coverage	Existing lot Coverage	Use	Existing Setbacks			By-law required setbacks			
								Front	Rear	side	Front	Rear	Side	
1 Kleinburg Railway Station/Scout House <sup>1</sup>	10415 Islington Ave.	Conc.8, Lot 23	R1	None	20%	8.5%	Scouts/Guides	30*	>150*	18 N*	15	15	15	
2 Beaverbrook Activity Centre	9995 Keele St.	Conc.3, Pt Lot 20	R1	None	20%	3%	Small Business Centre	10	>45*	11* N 7.1* S	15	15	15	
3 Kline House	8 Nashville Road	RP 210, Pt Lt 18 Pt. 2, 65R5897	C1	9(171)	20%	37%*	Interpretive Centre/Rec. Facility	5.4	3.01	0 2.05	5.4	3.01	0 2.05	
4 John Arnold House <sup>2</sup>	21 Spring Gate Blvd.	Conc.1 Pt Lot 29	OS2	9 (471)	20%	0.8%*	Recreation Programs	5.84	> 80	11.46	15	15	15	
5 JEH MacDonald House	121 Centre St.	Conc.1, Pt Lot 30 Lot 32 R2273	R1V	9(662)	20%	0.6%*	Recreation programs	>50*	>100*	>20*	15	9	15	
6 a) Vellore School b) Township Hall c) Drive Shed	9541 Weston Rd.	Conc.5, Pt Lot 17	A	None	20%	3%	Recreation Programs	A	8.5	>100	7.5	15	15	15
								B	6.5	>100	64			
								C	42	>100	0.55			
7 John Charlton House <sup>3</sup>	220 Charlton Ave.	65M2299 Block 237	OS2	9(491)	20%	2%*	Recreation Programs	7.7	>40	E 19.9 4.5	15	15	15	
8 Michael Cranny House	439 Glenkindie Ave.	65M2943 Pt Bk. 73	OS2	9(840)	20%	3.7%*	Recreation Programs	4.9	>100*	16.2	15	15	15	
9 Wallace House	137 Woodbridge Ave.	RP1200 Pt Lot F	RA2	9(929)	20%	17%	Future Interpretive Centre	2.9	6.3	8.5 W 7.2 E 9(929)	0	6	8.5W 6.2E	
10 a) Baker House <sup>4</sup> b) Cottage <sup>4</sup> & c) Sugar shack	No registered address	Block 408 65M-3521 Pt. Lot 11, Conc. 2	OS2	9(1063)	20%	1%	Recreation Use	A	>50	27	>15*	15	15	15
								B	>50	>15*	9.7	15	15	9
								C	>50	>15*	8.9	15	15	8
11 a) 42 Old Yonge b) Garage	42 Old Yonge St.	Lots 9, 10, 11 RP 328	R1V	9(662)	20%	7%	Use to be determined	A	3.94	>40*	2.85	15	15	15
								B	0.28	>50*	1.13	15	15	15

\* denotes figures which were scaled from drawings

<sup>1</sup> Moved to current location in 1976.

<sup>2</sup> Moved to current location in 1981.

<sup>3</sup> Moved to current location in 1985.

<sup>4</sup> Moved to current location in 2000/2001