



Report to Council

Department: Development Services
Division: Planning
Date: August 12, 2024
Prepared by: Rita Jabbour, RPP, Manager, Planning Services
Report Number: Planning-2024-21
Subject: Heritage Designation for Various Properties within the Town of Essex
Number of Pages: 9 including attachments

Recommendation(s)

That Planning report Planning-2024-21 entitled Heritage Designation for Various Properties within the Town of Essex prepared by Rita Jabbour, RPP, Manager, Planning Services dated August 12, 2024, be received, and

That the following By-Laws, being By-Laws to designate certain properties within the Town of Essex under Part IV of the Ontario Heritage Act as properties of cultural heritage value or interest, be read a first, second and third time and finally passed on August 12, 2024:

1. **By-Law Number 2350**, being a By-Law to designate the property municipally known as 190 Bagot Street (Christ Church in Colchester)
2. **By-law Number 2351**, being a By-Law to designate the property municipally known as 0 Sullivan Street (Christ Church Cemetery in Colchester)
3. **By-Law Number 2352**, being a By-Law to designate the property municipally known as 179 County Road 50 (John Snider House)

4. **By-Law Number 2353**, being a By-Law to designate the property municipally known as 120 Talbot Street North (Grace Baptist Church in Essex)
5. **By-Law Number 2355**, being a By-Law to designate the property municipally known as 54 Talbot Street South (Dr. Robert B. Potts House in Essex Centre)
6. **By-Law Number 2356**, being a By-Law to designate the property municipally known as 138 Albert Street (Charles Roberts House in Essex Centre)
7. **By-Law Number 2357**, being a By-Law to designate the property municipally known as 0 County Road 12 (African Methodist Episcopal/New Canaan Cemetery)
8. **By-Law Number 2359**, being a By-Law to designate the property municipally known as 4005 County Road 11 (Central Grove African Methodist Episcopal Church)
9. **By-Law Number 2360**, being a By-Law to designate the property municipally known as 11 King Street West (**E.F. Darby's Drugstore in Harrow**)
10. **By-Law Number 2361**, being a By-Law to designate the property municipally known as 3 King Street west (**John McAfee's General Store in Harrow**)
11. **By-Law Number 2362**, being a By-Law to designate the property municipally known as 44 King Street East (Former Harrow Municipal Building)

That **By-Law Number 2354**, being a By-Law to designate the property municipally known as 49 Talbot Street South (Essex United Church in Essex Centre) under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest, be read a first and second time and be provisionally adopted on August 12, 2024.

That **By-Law Number 2358**, being a By-Law to designate the property municipally known as **103 King Street West (John McIntyre's Harness Shop in Harrow)** under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest, be read a first and second time and be provisionally adopted on August 12, 2024.

Purpose

A By-Law approved by Council is required to designate a property under Part IV of the Ontario Heritage Act as being a property with cultural heritage value or interest. Prior to designating

a property, the Council shall consider any Notice of Objection to the designation served on the Municipality by a property owner.

The purpose of this report is to inform Council of the Notice of Objection served on the Municipality by the owner(s) of 49 Talbot Street South (Essex United Church) and 103 King Street West (John McIntyre's Harness Shop in Harrow) and to recommend designation for eleven (11) properties within the Town of Essex.

Background and Discussion

On June 17, 2024, Council directed administration through resolution (R24-06-254) to issue a Notice of Intention to Designate fourteen (14) properties within the Town of Essex that were found to be of significant cultural heritage value or interest. A description of the properties and their cultural heritage value or interest is described in Planning report Planning-2024-16. and accompanying presentation **attached to this report.**

Publication of the Notice was completed in accordance with the process set out in subsection 29 (3) of the Ontario Heritage Act. Accordingly, individual notices were served on the Owner(s) of the properties and the Ontario Heritage Trust, and notice was published in the Harrow News and Essex Free Press (newspapers having general circulation in the Municipality). Notice was also published on the Town of Essex website.

Additional Notification Efforts

To ensure property owners received the Notice, all notices were delivered by registered mail. **All notices were confirmed as "received". Planning staff does not have telephone contact** information for individual property owners, however, with the support of Finance staff, Planning obtained telephone numbers for five (5) of the fourteen (14) property owners. Planning staff attempted a call with all five owners and was able to communicate with three (3). Planning staff was also directly contacted by phone, letter or email because of receipt of the Notice by four (4) property owners. In total, Planning has had direct contact with seven (7) **out of fourteen (14) property owners. Since all notices were confirmed as "received", no**

further action was attempted by Planning Staff to contact the individual property owners. Legislatively, Planning staff has exceeded the requirements for notification.

Notice of Objection(s) Received

A property owner who objects to a Notice of Intention to Designate may serve on the Clerk of a Municipality, a Notice of Objection setting out the reasons for the objection and all relevant facts. If a Notice of Objection is served, Council must consider the Notice and decide as to whether or not the Notice of Intention to Designate should be withdrawn within 90 days after the end of the 30-day objection period.

49 Talbot Street South (Essex United Church in Essex Centre)

The Town of Essex is in receipt of a Notice of Objection for the Essex United Church at 49 Talbot Street South. **A copy of the Notice is attached to this report.** The reasons for the objection are related to the divestiture (sale) of the building and lands. The owners of the lands have been confronted with the financial aspects of a designation as fewer buyers are interested and those that are expect lower value because of the designation. As indicated in the letter, fewer buyers seem less willing to navigate the rules and regulations for a designated property. As a result, the owners feel it is important for them to object to the designation of the property. However, they recognize the historical significance of the building and its place in the community.

The Notice of Objection has been considered by the Essex Municipal Heritage Committee (EMHC) at their regular meeting on Thursday July 25. The EMHC continues to recommend that the lands and building be designated under the Ontario Heritage Act as the property meets the criteria for designation under Ontario Regulation 9/06 and is an important historical resource and landmark in the Essex community.

Comments: When reviewing a Notice of Objection, Council should consider whether any new or relevant information has come to light about the cultural heritage value or interest of the property since the Notice was given and if there are any concerns, inaccuracies or

discrepancies or some other issue with the property evaluation or other documentation related to the Notice of Intention to designate raised by one or more objections.

With respects to the Notice of Objection served by the owners of Essex United Church, the Notice does not provide any new or relevant information about the cultural heritage value or interest and does not raise any concerns, inaccuracies or discrepancies with the property evaluation or other documentation related to the Notice.

A property/building should be designated based on its cultural heritage value. The inability to sell a property could be affected by many factors including zoning and building condition, and not its heritage status alone. The Town of Essex Planning Division is available to provide prospective purchasers with more clarity on the designation process and the process for alteration of a designated property. To date, no prospective purchasers have contacted Planning staff to discuss. The Planning Division has also implemented grant programs to assist financially with repair and restoration work and has delegated approval authority on alteration to the Manager of Planning Services to better streamline the alteration process. Failure to designate the property places this historic building at a great risk for alteration or demolition to which the Town will have no means to control. Loss of the resource will have a very visible impact on the streetscape of Essex Centre and the community. Therefore, staff is recommending that By-Law 2354 be provisionally adopted for two (2) readings to allow for further consideration.

103 King Street West (John McIntyre Harness Shop in Harrow)

The Town of Essex is in receipt of a Notice of Objection for the commercial building located at 103 King **Street West in Harrow's main street. A copy of the Notice is attached to this report.** The owner objects to the designation because there have been several changes to the building such as cedar shake siding, awning installed on the building, updated windows and door frames. The owner believes that the business of harness-making is still vibrant across the Country and is not a trade of a bygone era. The Owner also states that the style of building is common throughout the country and is not unique to other buildings from that era.

The Notice of Objection was received following the July 25 regular meeting of the Heritage Committee therefore the Notice has not been considered by the Essex Municipal Heritage Committee (EMHC), however, the EMHC did recommend the building for designation at their regular meeting on May 30, 2024 as it meets the criteria for designation under Ontario Regulation 9/06 and is an important historical resource in the Harrow community.

Comments: When reviewing a Notice of Objection, Council should consider whether any new or relevant information has come to light about the cultural heritage value or interest of the property since the Notice was given and if there are any concerns, inaccuracies or discrepancies or some other issue with the property evaluation or other documentation related to the Notice of Intention to designate raised by one or more objections.

With respects to the Notice of Objection served by the owner of 103 King Street West, the Notice does not provide any new or relevant information about the cultural heritage value or interest and does not raise any concerns, inaccuracies or discrepancies with the property evaluation or other documentation related to the Notice.

The building has many heritage attributes that still define it as a built heritage resource, including its mass, form and style, the red brick cladding in common brick bond on all building elevations and the window and door openings and toppings. It is expected that most heritage buildings will have had some alterations over the years to accommodate new uses, maintenance purposes, and building code regulations. The exterior alterations to the building are considered minor and do not detract from the original form of the building. The building derives its cultural heritage value from its historical/associative and contextual value, **not its use as a harness shop. John McIntyre was important in the development of Harrow's commercial district in the late 19th century, alongside being a renowned harness maker. The building's overall architectural style is reflective of Harrow's commercial district and help** maintain and support that character through its architectural style and building material. The building must be unique to the community and not to the country. Failure to designate the property places this historic building at a great risk for alteration or demolition to which the

Town will have no means to control. Loss of the resource will have a very visible impact on the streetscape of Harrow and the community. Therefore, staff is recommending that By-Law 2358 be provisionally adopted for two (2) readings to allow for further consideration.

9567 County Road 11 (St. Clement Church)

The Owners of the lands located at 9567 County Road 11 (St. Clement Church) have requested an extension to review and provide comments on the Notice of Intention to Designate.

Planning staff has consented to the extension as it will not impact the legislated timeline for designation (120 days after Notice of Intention is served). **Their request is attached to this Report.**

Next Steps

Following adoption of the eleven (11) By-Laws for three (3) readings, notice will be served on the Owner and the Ontario Heritage Trust and will be published in the local newspapers. The Owner will have the ability to appeal the By-Law to the Ontario Land Tribunal (OLT) within thirty (30) days of receiving notice. These eleven (11) By-laws will be registered against title of the property at the Land Registry Office following the 30-day appeal period, at no cost to the property owner.

Regarding the Notices of Objection received for the two (2) properties, being the Essex United Church and 103 King Street West, Council may:

- Provisionally adopt **By-Law Number 2354 and By-Law Number 2358**, being a By-law to designate. The By-Laws will be brought back for final adoption at a regular Council meeting in September. The owners may appeal the designation to the Ontario Land Tribunal (OLT) following final adoption of the By-Law, or,
- Withdraw its Notice of Intention to Designate for 49 Talbot Street South and 103 King Street West. Withdrawing the Notice effectively removes the properties from the Heritage Register. As a result, **the property cannot be listed on the register again for a period of five (5) years.** The buildings will not be afforded any protection from

alteration or demolition within this period. Notice of the Withdrawal must be posted in the local newspapers and served on the owner and Ontario Heritage Trust.

Regarding the property seeking an extension, being St. Clement Church, Planning Staff will prepare a report outlining the Notice of Objection, if one is received, and include recommendations on designation or withdrawal.

Financial Impact

There are costs associated with serving and publishing notice on the Owners and in the local newspapers, and for registering the By-Laws at the land registry office. Costs have been considered in the 2024 budget and will be recouped through the Planning and Zoning and Heritage Committee Operating Budget.

Consultations

Essex Municipal Heritage Committee

Link to Strategic Priorities

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's** competitive advantages to promote jobs and economic investment.
- Take care of our natural environment and strengthen the sense of belonging to everyone **who makes Essex "home"**.
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	Heritage Designation - Planning-2024-21.docx
Attachments:	<ul style="list-style-type: none"> - Notice of Objection (49 Talbot Street).pdf - Notice of Objection (103 King Street) _Redacted.pdf - RE_ St. Clement Church, 9567 County Road 11, McGregor, Heritage Act _Redacted.pdf - Bylaw 2350 (Chirst Church).pdf - Bylaw 2351 (Christ Church Cemetery).pdf - Bylaw 2362 (Former Harrow Municipal Building).pdf - Bylaw 2353 (Grace Baptist Church).pdf - Bylaw 2354 (Essex United Church Building).pdf - Bylaw 2355 (Dr Robert B Potts House).pdf - Bylaw 2356 (Charles Roberts House).pdf - Bylaw 2357 (AME Cemetery).pdf - Bylaw 2358 (John McIntyre Harness Shop).pdf - Bylaw 2359 (Central Grove Church).pdf - Bylaw 2360 (EF DARBY DRUGSTORE).pdf - Bylaw 2361 (John McAfee General Store).pdf - Bylaw 2352 (John Snider House_).pdf
Final Approval Date:	Aug 7, 2024

This report and all of its attachments were approved and signed as outlined below:



Lori Chadwick, Director, Development Services - Aug 7, 2024 - 12:07 PM

A handwritten signature in black ink, appearing to read "Doug Sweet". The signature is stylized with a large, looped "D" and a long, sweeping horizontal stroke extending to the right.

Doug Sweet, Chief Administrative Officer - Aug 7, 2024 - 1:38 PM