



Town of Niagara-on-the-Lake

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REPORT #: CDS-24-066 **COMMITTEE DATE:** 2024-05-01
REPORT TO: Municipal Heritage Committee **DUE IN COUNCIL:** 2024-05-28
SUBJECT: 187 Queen Street – Review of Heritage Impact Assessment – (File No. ZBA-05-2024) – HER-13-2024

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Municipal Heritage Committee provide input to Staff on the *Planning Act* application for Zoning By-law Amendment (ZBA-05-2024), as it pertains to impacts to cultural heritage resources;
- 1.2 The Municipal Heritage Committee endorse, in principle, the recommendations contained within the Heritage Impact Assessment prepared by Megan Hobson, dated March 5, 2024 (**Appendix I**);
- 1.3 The applicant considers landscaping as a means to screen the new two-storey garage addition;
- 1.4 The applicant proposes the design of future single detached dwellings on the severed lots to be in keeping with the existing streetscape on Simcoe Street;
- 1.5 The applicant ensures that any proposed development is sympathetic to the existing massing, scale and setbacks of the adjacent properties; and
- 1.6 The recommendations proposed within the HIA be considered for implementation through conditions of any future *Planning Act* application for severance.

2. EXECUTIVE SUMMARY

- An application under the *Planning Act* has been submitted for a Zoning by-law Amendment (File No. ZBA-05-2024) with respect to lands municipally addressed as 187 Queen Street.
- The application requests to rezone the subject lands to “Established Residential (ER) – Site Specific” zones with provisions for lot frontage, reduced front yard, rear yard, and exterior side yard setbacks, an increase in maximum lot coverage, and encroachment permissions for covered porches. This application is required to facilitate future Consent applications to create a total of three lots for residential use. If approved, the proposal would result in the eventual creation of two (2) new vacant lots for future single-detached dwellings fronting Simcoe Street. The existing house would remain on the third lot.
- 187 Queen Street (subject property) is a Part IV designated property under the *Ontario Heritage Act* and is locally known as the Chrysler-Burroughs House. The property is also located in the vicinity of the Queen-Picton Heritage Conservation District (HCD).
- The subject property is located within the Downtown Character Area in the Town’s 2019 adopted Official Plan (“OP”). The Town’s 2019 adopted OP is not in force and, as such,

the policies and objectives outline Council's general intent for the conservation of cultural heritage resources.

- A Heritage Impact Assessment ("HIA") has been provided by the applicant with the *Planning Act* application to assess impacts to the heritage value of 187 Queen Street and adjacent cultural heritage resources as a result of the proposed development.
- Staff have reviewed the HIA and provided suggestions for the applicant's consideration regarding conservation of heritage value on the subject property. A Heritage Permit would be required for any changes to the designated heritage property at 187 Queen Street that are likely to affect the heritage attributes.
- The comments of the Municipal Heritage Committee ("MHC") will inform the Staff Report to Council for the *Planning Act* application.

3. PURPOSE

The purpose of this report is to review the submitted Heritage Impact Assessment ("HIA"), and proposed development plans submitted with the *Planning Act* application and provide input on potential impacts to the heritage value of 187 Queen Street and adjacent cultural heritage resources.

The HIA is attached as **Appendix I**. The proposed site plan, elevation drawings, and concept renderings are attached as **Appendix II** and **Appendix III**, respectively. The Tree Inventory and Preservation Plan Report is attached as **Appendix IV**. The designation By-law for 187 Queen Street is attached as **Appendix V**.

4. BACKGROUND

4.1 Site Description and Surrounding Context

The subject lands are located at the northeast corner of the intersection of Queen Street and Simcoe Street within the Old Town Urban Area (**Figure 1**). The historic structure is oriented facing inward to property with the façade facing towards the east. The pedestrian access to the subject property is from Queen Street, while a driveway is located on Simcoe Street. The subject lands a total area of 2,728.5 square metres.

The property contains the Crysler-Burroughs House, which has elements of both Neo-Classical Revival and Greek Revival styles. The two-storey residence was constructed in 1822 by Ralph Morden Crysler and contains later additions dating from 1840 and 1895. The house occupies the southwest section of a large corner lot at Queen Street and Simcoe Street. The fenced lot, with its garden, contains numerous trees and shrubs that create a private enclave. The house is built close to the lot line and the south elevation abuts the sidewalk. Apart from the historic residence, the subject property also contains a single-storey detached garage towards the northeast of the site, which is accessed from Simcoe Street, and a lean-to garden structure.

There are various Part IV designated properties located in the vicinity of the subject property. Directly to the east of the subject property is 175 Queen Street, known as the Cottage Hospital and Nurses Residence, west of the subject property at 209 Queen Street is the Richardson-Kiely House, and further east are the McDougal-Harrison House at 165 Queen Street and the Rogers Blake-Harrison House at 157 Queen Street.



Figure 1: Location of Study Area

4.2 Current Planning Act Application

A *Planning Act* application for a Zoning By-law Amendment was submitted by the property owner and deemed complete on April 2, 2024.

The Zoning By-law Amendment proposes to rezone the lands to “Established Residential (ER) Site-Specific Zone” to facilitate the severance of two (2) new residential lots fronting Simcoe Street for single-detached dwellings. The requested site-specific provisions pertain to minimum lot frontages, reduced front yard, rear yard and exterior side yard setbacks, an increase in maximum lot coverage and additional encroachment permissions for covered porches.

An Open House was held on April 15, 2024. The statutory Public Meeting will be held on May 7, 2024. The Staff report on the development proposal will proceed to a Council meeting in the future for a decision.

The Town’s Official Plan establishes specific requirements for severance applications. The policies require that a Zoning By-law Amendment application is to be processed prior to acceptance of an application for Consent to sever.

4.3 Policy Context

A more fulsome list of applicable policy and legislation is included in **Appendix VI**.

4.3.1 Provincial Policy Statement 2020

The Provincial Policy Statement (PPS) provides the following policies in section 2.6 as it relates to conservation of built heritage resources, cultural heritage resources and archaeological resources:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The PPS provides the following relevant definitions:

“Built heritage resource” refers to any listed or designated building, structure, monument, installation, or any manufactured or constructed part or remnant that contributes to a property’s cultural heritage value or interest as identified by a community.

“Conserved” means the identification, protection, management, and use of built heritage resources, cultural heritage landscapes, and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted, or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

“Cultural heritage landscape” means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites, or natural elements that are valued together for their interrelationship, meaning, or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

“Heritage attributes” means the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).

“Protected heritage property” means property designated under Parts IV, V, or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts

II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites

4.3.2 Ontario Heritage Act

The property at 187 Queen Street is designated under Section 29, Part IV of the OHA. Municipal approval is required for alterations that are likely to affect the property's heritage attributes.

4.3.3 Town of Niagara-on-the-Lake Official Plan (OP) 2017 Consolidation

Section 18.2 of the Town OP provides the following objectives and policies for heritage conservation within the Town:

- (1) To protect, preserve and encourage the restoration of the original architectural detail wherever feasible on all buildings having architectural and historical merit within the context of the Town of Niagara-on-the-Lake, as well as on all buildings contributing towards the heritage value of the Town of Niagara-on-the-Lake.
- (2) To encourage good contemporary building design by using sympathetic forms while avoiding simply copying historic architecture. To restrict building design that is not compatible with existing structures or unsympathetic alterations to buildings that would detract from the character of a Heritage Resource. Where lands or buildings have been designated pursuant to the Ontario Heritage Act the provisions of that Act regarding buildings and additions shall apply...
- (3) To prevent the demolition, destruction or inappropriate alteration or use of heritage resources.
- (5) To develop and encourage creative, appropriate and economically viable uses of heritage resources.
- (6) To support and encourage the voluntary designation of historic buildings and structures.
- (7) To recognize the importance of archaeological sites within the municipality that represent the physical remains of a lengthy settlement history and a fragile non-renewable cultural legacy.

4.4 Guidance Documents

4.4.1 Town of Niagara-on-the-Lake Official Plan adopted in 2019

The Town's intent with respect to the management of cultural heritage resources is reinforced within the Town's 2019 adopted Official Plan (not currently in force). The subject property is located within the Downtown Character Area which provides the following statement of heritage value for the cultural heritage landscape:

This character area contains a large portion of the cultural heritage resources in Old Town and forms the core of the National Historic District. For design/physical significance, it has the square block pattern established from the earliest days of settlement and contains evidence of all periods of development from the Loyalist occupation to the present. There are many well-conserved examples of pre-1850 building types, architectural styles, and materials. Conservation of more recent properties is also evident. One Mile Creek is visible throughout the area, on private as well as public property. The early street grid and widened main thoroughfares remain, as do some grassed verges with open gutters. Mature trees are a feature of the public realm as well as in private properties. Varied front and side yard setbacks characterize the residential streets. The area has historical/associative value for its evidence of all phases of Old Town's evolution. Key properties and landscapes provide contextual significance. There are many landmarks within the area: it is also where the key cultural, public institutional, and commercial properties are found.

Heritage attributes with design/physical value include:

- Mix of uses
- Predominance of styles within British Classical tradition
- Varied lot frontages
- Mature street trees and private gardens
- Varied built form
- Limited range of building materials
- Varied, but often generous side yard setbacks in the residential areas
- Varied front yard setbacks

Heritage attributes with historical/associative value include:

- Associations with significant events (Loyalist settlement, military survey, War of 1812, burning and rebuilding of Newark, designation of heritage conservation districts)

Additional relevant policy direction states:

- i. The Town may request, as part of any site alteration or development, a commemoration plan;
- ii. Any proposed site alteration or development must demonstrate how it will conserve the specific heritage values and attributes of the area as a cultural heritage landscape;
- iii. Any new development or site alteration must be sympathetic, ensure the conservation of the area's heritage values & attributes, and not be taller than any surrounding structures on the same block;
- iv. The Town will review the area for its potential as a Heritage Conservation District;
- v. The Town will encourage and require replanting along Queen Street to ensure the maintenance and enhancement of the existing Street Tree canopy. A tree plan should be developed for this area;
- vi. The Town will cooperate with the Federal Government to ensure conservation of the broader area (including the golf course and Fort Mississauga).

4.4.2 The Standards and Guidelines for the Conservation of Historic Places in Canada (S&Gs)

The S&Gs are considered best practice guidance for heritage conservation across Canada. The recommended conservation approach for this project is “Rehabilitation,” where alterations to a historic place are planned for a new or continued use. Rehabilitation involves the sensitive adaptation of a historic place or individual component for a continuing or compatible contemporary use while protecting its heritage value. The Standards for Preservation, Rehabilitation, and Restoration applicable to this development include:

1. Conserve the heritage value of a historic place. Do not remove, replace, or substantially alter its intact or repairable character-defining elements. Do not move a part of a historic place if its current location is a character-defining element.
2. Conserve changes to a historic place that, over time, have become character-defining elements in their own right.
3. Conserve heritage value by adopting an approach calling for minimal intervention.
4. Recognize each historic place as a physical record of its time, place, and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for a historic place that requires minimal or no change to its character-defining element.
6. Protect and, if necessary, stabilize a historic place until any subsequent intervention is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.

Additional Standards related to rehabilitation include the following:

11. Conserve the heritage value and character-defining elements when creating any new additions to a historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to, and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of a historic place will not be impaired if the new work is removed in the future.

5. DISCUSSION / ANALYSIS

5.1 Heritage Value of 187 Queen Street

Designation By-law 3633-02 (attached as **Appendix V**) concludes that the property contains heritage value in relation to the following:

- Historical significance for its association with prominent citizens of Niagara and some Americans.
- The Neo-Classical and Greek Revival characteristics of the house.
- The residence is part of the remarkable residential streetscape at the west end of Queen Street.

The Designation By-law concludes that the designation applies to:

The lands and more particularly to the entire exterior façade and structure of the house, the exterior doorcase and entrance portico and to interior features including

the early trim and doors on the first and second floors, all existing fireplaces and mantels, original pine floors and both the main and rear staircases.

In 2005, the province set out specific requirements for Designating By-laws. Any by-laws that do not conform to such requirements are to be updated. The HIA includes a list of heritage attributes that are missing in the original Designating By-law. The list of heritage attributes within the HIA does not substantially alter the evaluation of heritage value from Designating By-law 3633-02.

Heritage attributes identified in the HIA include:

- Exterior elements:
 - the 2-storey, 3-bay form with a hipped roof and a 2-storey rear wing that once housed a kitchen
 - the exterior clapboard
 - the elaborate modillion cornice with built-in cornice gutter and console brackets below
 - the finely worked pilasters with carved ionic caps
 - the 4 brick end chimneys
 - the covered side porch with square pillars decorated with stylized anthemion
 - the magnificent Greek Revival doorcase by master carpenter John Davidson
- Interior elements:
 - the entrance hall and oak staircase with turned balusters and monstrous seahorse newel
 - original marble fireplace mantles in the front parlour, former dining room, and former double bedchamber on the 2nd floor
 - large double-folding doors and Greek Revival door frame
 - original 6-panel doors and hardware
 - original pine floors, baseboards, and trim
 - the original cooking fireplace remains in the rear addition
 - the walnut servant's staircase in the rear wing installed in the late 19th century

5.2 Impacts to Heritage Value of 187 Queen Street

5.2.1 Proposed Severance of the Rear Yard

The applicant has proposed to sever the rear portion of the lot to create two new residential lots that would front on Simcoe Street. The lots are proposed to contain single-detached dwellings. The severance would also result in the removal of the existing driveway on Simcoe Street, and the demolition of the single-storey garage and the garden structure.

Based on the findings of the HIA, there are no significant heritage concerns with the proposed severance of the rear portion of the lot because:

- the heritage house will remain in situ and will be retained on a generous-sized lot that provides adequate amenity spaces for the house and maintains large frontages on Queen and Simcoe Streets.
- there are no significant heritage structures or features in the rear portion of the lot and an archaeological assessment has been completed.
- the landscaping on the property predominantly dates from the late 20th century and is

not identified as a heritage attribute in the Designation By-law. An arborist has inventoried the trees for removal and provided protection measures for the London Plane Tree on Queen Street during construction.

- the retained portion of the subject lands is large enough to maintain contextual values associated with the heritage property and retains outdoor amenity spaces that support its ongoing use. Therefore, if a new driveway and garage are provided on the retained lot for the heritage house, there are no heritage concerns with the proposed severance.

5.2.2 Proposed Garage and Driveway

To ensure the continued use of the retained lot with the heritage-designated property, the applicant has proposed to build a new 2-storey garage and a new driveway accessed from Queen Street. According to the HIA, the design is sensitive to the heritage context and the following design measures have been successfully employed:

- the proposed garage is set back from Queen Street and attached to the rear addition of the heritage house.
- the height of the garage is lower than the roof of the heritage house and the setback will further reduce the impact of the height and massing from Queen Street
- the new driveway layout allows for a portion of the south side yard near Queen Street to be retained for landscaping and to protect two existing trees in this area and to avoid impacts to large London Plane Tree on Queen Street
- the shallow slope of the garage roof matches the roof slope of the heritage house
- the cement board siding references the wood cladding of the heritage house
- the 2-over-2 sash style windows reference the multi-pane sash of the heritage house
- the one-storey garage link avoids impacts to the roofline of the heritage building and will be attached to the rear addition utilizing the existing door into the coatroom and retaining the existing exterior wall and wood casement window in the coatroom
- the flat roof and glazing used for the 1-storey link and the glass balcony railings on the 2nd floor of the garage are contemporary design elements that subtly distinguish the addition from the heritage building, adding a respectful contemporary layer

5.2.3 Staff's Assessment

From Staff's assessment, the proposed development, overall, would focus new construction on the subject lands to the side and rear of the historic structure, retaining many of the identified heritage attributes. Minimal direct alteration to the exterior of the built heritage resource is proposed. As such, an overall understanding of 187 Queen Street as part of the Downtown Character area is conserved, as are the Neo-Classical details of the building; however, the open space setting that currently exists on Simcoe Street and towards the east of the heritage building on Queen Street would be impacted.

Concerning impacts to trees, the Tree Inventory and Preservation Plan Report assessed impacts on 24 trees located in the study area, and the Town's land. The study area contains 60 trees in total, 36 of which would be retained within the proposed development and are being proposed to be protected through the recommendations of a Tree Preservation Plan. The heritage designation by-law does not identify trees in on the subject lands as heritage attributes. However, the Downtown Character study provides guidance to maintain mature street trees and private gardens. Furthermore, the Town's By-law department will be providing

detailed input to the Tree Inventory and Preservation Plan Report as part of the concurrent *Planning Act* application.

The Crysler-Burroughs House is currently the focal feature of the property at 187 Queen Street. Visually, the house faces inwards and its structure is partially covered through the mature trees that line Queen Street. The exterior elevations of the Crysler-Burroughs House are not proposed to be altered as a result of the development proposal. The architectural character of the residence will be conserved. The location where the single storey link is proposed to be attached appears to be a later addition to the historic structure. The existing doorway is proposed to be utilized to connect the new spaces. Connection from the Crysler-Burroughs House to the new garage is proposed through a link. The connection is proposed to be through modest, but contemporary, glass links, which provides a visually tenuous connection that allows the historic buildings to still appear independent.

The garage addition itself is proposed to be of cement board siding material to be visually compatible with the heritage building. The height, massing, and scale of the proposed garage addition is sympathetic to the historic structure. It is proposed to have a substantial setback from Queen Street so as to not interfere with the inward-facing façade of the Crysler-Burroughs House. With respect to design, the two-storey garage addition is proposed in a contemporary style with a muted color scheme. The design of the garage complements the existing historic structure and utilizes modern elements to distinguish it from the Neo-Classical house. Further information as to the details of the connection between the heritage building and the new addition would be required as part of the heritage permit application.

5.3 Impacts to Heritage Value of Adjacent Cultural Heritage Resources

The HIA does not evaluate the impacts to the cultural heritage value or interest of the adjacent Part IV designated properties. Staff anticipates that the Part IV designated property at 175 Queen Street, towards the east of the subject property, would not have any negative impacts. The proposed garage addition has a moderate setback from Queen Street and a 5-meter setback from the side and, therefore, would not interfere with the integrity of the property at 175 Queen Street.

Staff anticipates that the Part IV designated property at 209 Queen Street, towards the west of the subject property, would not have any negative impacts either as a result of the proposed development. There are no changes proposed in close proximity to the heritage structure on this site.

Further study of the impact on the Queen Street streetscape would be required with the future heritage permit application.

5.4 Recommendations in the HIA

The HIA recommends the approval of the proposed alterations, with the following conditions:

1. that the wooden gate and brick piers on Queen Street be retained on the Queen Street frontage

2. that the bronze heritage plaque remains affixed to the brick pier of the Queen Street gate
3. that the London Plane Tree on Queen Street be protected during construction as outlined in the Tree Protection Plan
4. that clearance of archaeological requirements be confirmed by the Ministry before the lot severance or any land disturbances are permitted

In addition to the recommendations in the HIA, Town Staff recommends the following:

- Plant additional trees on the eastern portion of the retained lot as a means to screen the new garage addition.
- That the design of the new development of single detached dwellings on the severed lots be in keeping with the existing streetscape on Simcoe Street and be sympathetic to the existing massing, scale and setbacks of the adjacent properties.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

7.1 Option 1: Support the Staff recommendations as proposed or as amended.

(Recommended)

7.2 Option 2: Provide no input to Staff. *(Not Recommended)*

8. FINANCIAL IMPLICATIONS

Any costs associated with the *Planning Act* applications are borne by the applicant.

9. ENVIRONMENTAL IMPLICATIONS

Impacts to trees are outlined within the discussion section of this report.

10. COMMUNICATIONS

The recommendations of the MHC will be considered within the staff recommendation report for the *Planning Act* application. Heritage Permits are required for any alterations likely to impact the reasons for designation. At the time this report was prepared, no heritage permits had been submitted.

11. CONCLUSION

It is respectfully recommended that the MHC endorse the staff recommendations as it relates to the conservation of cultural heritage resources for the subject lands and adjacent properties, and provide additional input on conservation and mitigation measures.

12. PREVIOUS REPORTS

Not applicable

13. APPENDICES

- **Appendix I** – Heritage Impact Assessment
- **Appendix II** – Site Plan, Proposed Elevations, Renderings
- **Appendix III** – Severance Sketch
- **Appendix IV** – Tree Inventory and Preservation Plan Report
- **Appendix V** – Designating By-law for 187 Queen Street
- **Appendix VI** – Policy Context

Respectfully submitted:

Prepared by:

A handwritten signature in black ink, appearing to read 'Sumra', with a horizontal line underneath.

Sumra Zia
Heritage Planner II

B. Arch, Dipl. Heritage Conservation