

## **Alterations to a Designated Heritage Property - 90 Burndale Avenue**

**Date:** January 9, 2017  
**To:** Toronto Preservation Board  
North York Community Council  
**From:** Chief Planner and Executive Director, City Planning Division  
**Wards:** 23 - Willowdale

### **SUMMARY**

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This report recommends that City Council refuse the proposed alterations to the designated heritage property at 90 Burndale Avenue, which is designated under Part IV of the Ontario Heritage Act. The applicant is requesting retro-active approval of three eyebrow dormers on the roof of the heritage building that have been constructed without a heritage or building permit. City Council's consent is required for the alteration to the designated heritage property under Section 33 of the Ontario Heritage Act.

### **RECOMMENDATIONS**

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The Chief Planner and Executive Director, City Planning Division recommends that:

1. City Council refuse the alterations to the heritage property at 90 Burndale Avenue, in accordance with Section 33 of the Ontario Heritage Act for the three eyebrow dormers constructed on the east elevation of the existing roof, in accordance with plans and drawings dated May 2016, prepared by Guitberg Group Inc., date-stamped received by Heritage Preservation Services May 3, 2016 and on file with the Senior Manager, Heritage Preservation Services.

### **FINANCIAL IMPACT**

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There are no financial implications resulting from the adoption of this report.

### **DECISION HISTORY**

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The property at 90 Burndale Avenue was designated by City Council on June 22, 1994 by By-law 32310 under Part IV of the Ontario Heritage Act.

<http://www.toronto.ca/legdocs/pre1998bylaws/north%20york%20-%20city%20of/32310.pdf>

## **BACKGROUND**

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### **Heritage Property**

The property at 90 Burndale Avenue is the site of the Joseph Shepard house, constructed circa 1835 in the Georgian style with Loyalist components. Built by miller, Joseph Shepard, it is one of the few surviving structures in the City with 1837 Rebellion connections. It is in this house that Joseph Shepard's wife Catherine sheltered William Lyon Mackenzie and Colonel Anthony Van Egmond after the skirmish at Montgomery's Tavern. The house was owned by Joseph Shepard's son until 1895.

The Joseph Shepard House is in its original location set back from the street with the front elevation facing east and perpendicular to the street, while later houses along the street are oriented south towards Burndale Avenue. It is a unique historical building within a contemporary context on Burndale Avenue.

### **Application History**

In December 2015 it came to the attention of City Staff that alterations had been completed at the heritage property at 90 Burndale Avenue. Toronto Building and Heritage Preservation Services (HPS) staff contacted the applicant in December 2015 and have been working with them since that time to review the alterations to the heritage property.

### **Proposal**

HPS and Toronto Building staff have worked with the property owner to review the alterations to the property that was completed without a building or heritage permit, including the construction of a rear gazebo and patio, window replacement to match existing, siding replacement to match existing, and other interior and exterior repairs. It should be noted that the applicant has done a significant amount of repair to the existing building with the intention of restoring its heritage significance. However, this work was undertaken outside of the legislated approvals process.

HPS staff is unable to support the introduction of three eyebrow window dormers on the east elevation of the existing roof. While undergoing structural repairs, the property owners identified two openings beneath the existing roof that they believe were dormers, and also found an un-dated sketch that shows three new eyebrow dormers on the east slope of the roof of 90 Burndale Avenue. However, staff is unable to confirm the previous roof condition as the dormers have already been constructed.

## **POLICY FRAMEWORK**

### **Provincial Policy Statement and Planning Act**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Planning Act and associated PPS guide development in the Province and they include provincial interests regarding heritage resources as described in the PPS issued under the authority of Section 3 of the Planning Act. The Planning Act requires that all decisions affecting land use planning matters "shall be consistent with" the PPS. The PPS provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system.

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

### **Official Plan**

The revised heritage policies in the City of Toronto's Official Plan provide the policy framework for heritage conservation in the City. The following Official Plan policies apply to the proposed alterations:

3.1.5.4: "Properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and adopted by Council."

3.1.5.5: "Proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City."

3.1.5.26: "New construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it."

### **Standards and Guidelines for the Conservation of Historic Places in Canada**

In 2008 Toronto City Council adopted the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) as the official document guiding planning, stewardship and conservation approach for all listed and

designated heritage resources within the City of Toronto. The General Standards (1-9) and the Standards for Rehabilitation (10-13) apply to this project.

<http://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

## **COMMENTS**

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Without historical evidence that the three dormers introduced on the east elevation of the existing roof previously existed on the Joseph Shepard House, and without the benefit of investigation of the roof structure by City Staff prior to construction, staff feel that these dormers are not an appropriate intervention on the existing roof, and should be removed. While dormers have been used in architecture for hundreds of years, this particular style of eyebrow dormer is not typical of Georgian construction but became popular later in the 19th century, often found in Queen Anne and Shingle style architecture. Section 4.3.1.24 of the Standards and Guidelines for the Conservation of Historic Places in Canada speaks to reinstating a building's exterior form from the restoration period, based on documentary and physical evidence. Staff feel that there is insufficient evidence to support that these three eyebrow dormers are a restoration of an earlier historic condition.

The 1835 Joseph Shepard House is an important reminder of North York's history and is one of the few remaining structures in the City associated with the 1837 Rebellion. Staff acknowledge the good intentions of the property owners of 90 Burndale Avenue as they have endeavoured to restore the Joseph Shepard House to ensure the long term conservation of this heritage property. The property owners have also done significant historical research on the property and have expressed their appreciation for the rich history of the site. However, staff's opinion is that the three roof-top eyebrow dormers have a negative impact on the heritage attributes of this important heritage property as the style of dormer is not typical of or compatible with the Georgian style of construction. Staff recommend that this alteration be refused by City Council.

## **CONTACT**

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## **SIGNATURE**

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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director

**ATTACHMENTS**

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Attachment No. 1 – Location Map: 90 Burndale Avenue

Attachment No. 2 – Photographs: 90 Burndale Avenue

Attachment No. 3 – As-built West Elevation: 90 Burndale Avenue

Attachment No. 4 – Reasons for Designation: 90 Burndale Avenue



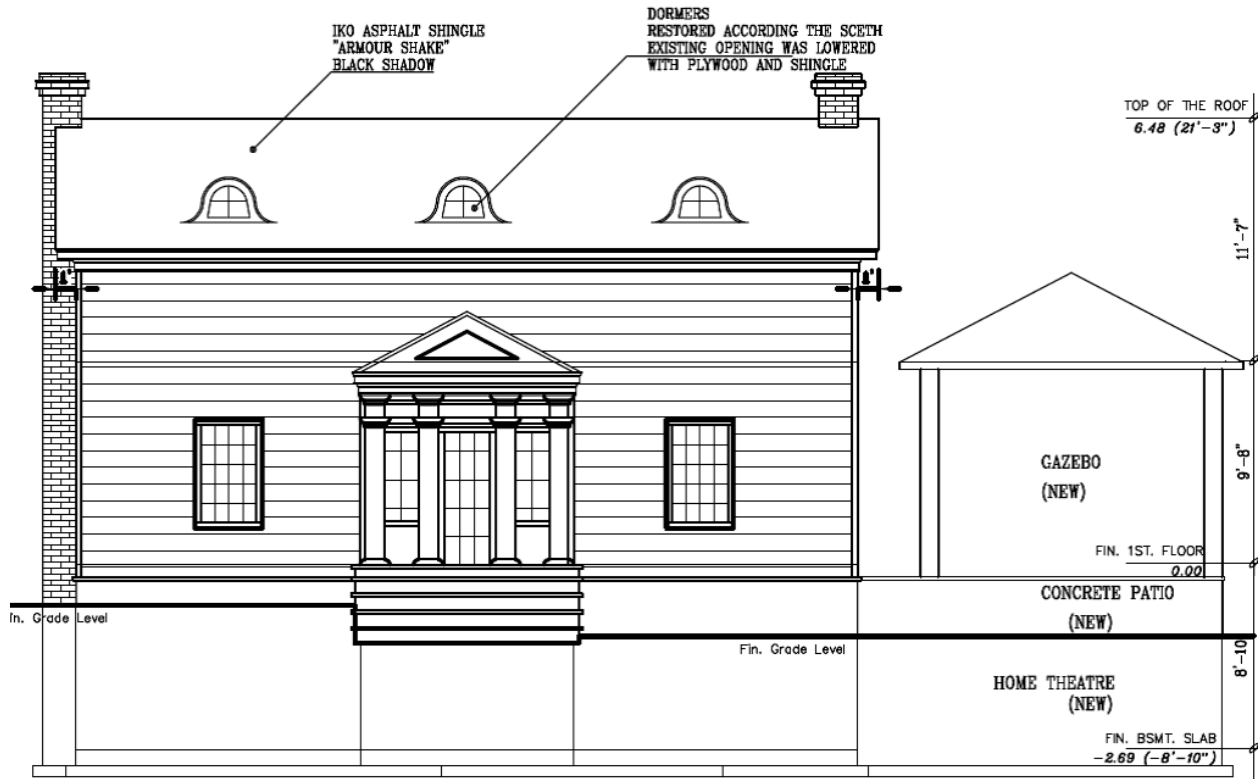
The arrow marks the location of the property at 90 Burndale Road. This location map is for information purposes only. The exact boundaries of the property are not shown.



(Heritage Preservation Services, May 20, 2016)



(Heritage Preservation Services, May 20, 2016)



West Elevation (As-Built)  
(Provided by the Applicant)



Architectural and historical reasons for the designation of the Joseph Shepard House, 90 Burndale Avenue, City of North York.

This well-proportioned c1835 house exhibits many characteristics of the vernacular Georgian style fashionable in Upper Canada, in particular the three-bay east façade and low-pitched gable roof with deep cornice returns. However, the gable frieze and some of the mouldings echo the Loyalist neo-classical taste. Original windows and exterior trim have characteristic Loyalist sharpness. The east façade has two large, twelve-over-twelve double-hung windows with narrow wooden frames. The six-panel door, set in a panelled embrasure with six-over-four sidelights, is framed by fluted pilasters and decorated frieze. The north and south gable ends each have two twelve-over-twelve windows on the ground floor and two six-over-six windows above.

The interior configuration is little changed. The addition of the basement and remodelling to make a kitchen have preserved the typical centre hall plan. Much of the interior woodwork also survives including the straight staircase with string brackets, slender balusters and heaver, tapered newel posts. The east front windows on the ground floor have panelled window aprons. The south front room is particularly noteworthy. The door trim is wide and symmetrical with boxed corner rosettes, a typical high-style development of the 1830s. As well, the room contains two types of baseboard dating from the 19th century.

Built by Joseph Shepard, head of a remarkable North York pioneer family, the Joseph Shepard House is one of very few surviving structures with 1837 Rebellion connections. During the Rebellion, Joseph Shepard's widow, Catherine, sheltered William Lyon Mackenzie and one of the rebel leaders, Colonel Anthony Van Egmond, after the skirmish at Montgomery's Tavern. She delayed the militia long enough for Mackenzie to escape, but Van Egmond was captured. Charred raters attest to the fact that the soldiers attempted to burn the Joseph Shepard House, but Catherine was able to extinguish the flames.

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