



Conservation
Review Board

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Ministry of
Culture and
Communications

Ministère de la
Culture et des
Communications

**RE: TOWN OF GEORGINA - INTENTION TO DESIGNATE
153 HIGH STREET (THE MANOR HOUSE), SUTTON**

Judith Godfrey, Vice-Chairman
M. E. Burnham, Member

January 28, 1991

Hearing pursuant to Section 29(8) of the Ontario Heritage Act, R.S.O. 1980, Chapter 337 of the Notice of Intention to Designate given by the Council of the Town of Georgina to designate 143 High Street as a property of historic and architectural value or interest.

Appearing for the Town of Georgina:

Joseph Kreppner
Chairman of LACAC

Appearing for the Objector:

Michael Smith, Planning Consultant
representing Ed-Rae Investments
Limited, owners of the "Manor House"

Mr. John Hastings, Georgina Historical Society
Helen Cuthbertson - Member of LACAC and the Historical Society

On Monday, January 28, 1991, the Conservation Review Board held a hearing at the Civic Centre, Town of Georgina, to determine whether or not the property at 153 High Street, Sutton, known as "the Manor House" should be designated as being of historic or architectural value or interest.

FINDINGS OF FACT

It was acknowledged by all parties present that the registered owner of 153 High Street is Ed-Rae Investments (Exhibit 2, assessment 080058000000, part lot 53, plan 69), and that all procedures stipulated by the Statute had been complied with. Affidavit of publication of Notice of Hearing was filed (Exhibit 1).

The Board was satisfied that the owner was properly notified of the intention to designate. A Notice of Intention was published in the Georgina Advocate September 5, 12 and 19, 1990. A letter of objection, dated September 28, 1990, by Mr. Karl D. Jaffary, solicitor, Houser, Henry, Loudon & Syron, was filed. The subject property, assessment roll #08-00580, contains 1.223

acres, with dimensions 158.00 on High Street, 311.81 feet on one side and 178.88 feet on the rear. It is zoned C1-8 under by-law 911-80-119 (PL-5) replacing by-laws 911-80-115 (PL-5) and 911-78-4 (PL-5) which were repealed under a by-law amending by-law 911 passed by Council August 14, 1980. C1-8 zoning allows only the following uses:- an antique shop or craft shop

- a boutique
- a business or professional office
- a clinic
- a commercial school
- a nursing home
- a restaurant
- a studio
- an accessory building or use

Surface and access driveways shall not be required to be bounded by curves; the maximum width of the driveway shall not exceed 8 metres and the minimum width of parking aisles shall not be less than 6 metres. In addition to the above uses, a printing shop may be permitted in the brick building near the northeasterly corner of the lot.

The parcel marked C1-8 on Exhibit 9 includes more than the subject property, part of which has been conveyed to Mr. Bill Bond who is also planning a development on the site. The property is situated adjacent to the Georgina Public Library with which it presently has an agreement for parking access and egress and which is under consideration (Exhibit 9, July 20, 1990 page 5; September 20, 1990, page 3, January 18, 1991, page 3) and is across the street from a new commercial development called Bouchier's Mill on the site of the former Leacock family house which was demolished.

There is presently an application for redevelopment of the property to incorporate a use of commercial and professional condominiums of somewhere between 11,841 (Exhibit 9, September 20, 1990, page 2); 14,000 (Exhibit 9, July 20, 1990, page 2); and 21,670 square feet (Exhibit 24).

The subject property contains two buildings, one a two-storey brick house with a verandah; and kitchen additions to the back upon which a bell tower is situated; the other is a high, large, red brick two-storey barn or stable.

The first witness was Mr. Joseph Kreppner, Chairman of LACAC. He stated that LACAC and the owner have had extensive discussions regarding the proposed designation and are very close to agreement, and that the major issue is not designation itself but the specific wording of the Reasons for Designation.

He led evidence to show the long and important background, both architecturally and historically, of the subject property which support the Reasons for Designation. Architecturally he described

the house and barn, built c.1846 showing photographs (Exhibits 5 a), b), c)), as an example of the Loyalist Georgian style. The house is very refined and well-preserved and has a symmetrical facade which had 12/12 panel windows. It is surrounded by a low graceful verandah with a bell-cast roof. There is a large brick kitchen wing on which sits one of the two remaining bell towers in Georgina, "a delightfully ambitious piece of architecture" (Exhibit 13).

The interior is of centre hall plan which contained a room behind the front living room on the right (the former had served as a school room for the Bouchier girls and two Leacock girls).

The property, including what was originally considered the most important house in Sutton (Exhibit 13), is finely scaled and encompassed a carriage house, barn, smoke house, hen house and gardens, of which only the red brick barn or stable remains, and the house and verandah. A railing and handicapped ramp have been added to the verandah and the original 12/12 windows have been replaced.

The large property on which the house and stable presently sit was heavily treed with large maples and other mature trees, some of which were recently cut down, and a prominent Eastern Cottonwood tree which is located beside the rear kitchen wing. The house is viewed through a long landscaped foreground suitable for the house of a prominent citizen of the 1840's.

Mr. Kreppner led evidence from several published and unpublished sources indicating the importance of the property (Exhibits 10, 11, 12, 13, 14, 15, 17 and 18 and the community interest surrounding it, Exhibit 21 a) and b)). He also indicated how it complies to criteria for heritage conservation and municipal planning as established by the Ministry of Culture and Communications, (Exhibit 6, Sept. '85), and referred to the Heritage provision of the Planning Act, 1983, Section 2B.

He then referred to the long term interest this municipality has had in the heritage of this property, from its inclusion in the first heritage inventory, (prior to the institution of a LACAC), by the Georgina Historical Society; and referred to an agreement by council that the Georgina Planning and Development Department consult with LACAC prior to demolition or building permits for any property on the inventory. The subject property is listed on page 6. For some reason, a building permit was issued without this consultation. A stop work order was issued January 3, 1991, at which time LACAC was consulted and made a site inspection. At this time, LACAC recommended the building permit be subject to: retention unaltered of all hall trim, present wood floor, all existing original windows and existing exterior and interior window trim; all original door trim and hardware in centre hallway, original main entrance way and existing staircase and trim. No mention was made of existing fireplaces or old kitchen bake ovens, shape or covering of roof or porch shape or coverings. They also recommended sealing the red

brick barn to prevent vandalism.

The witness then proceeded to outline the procedures followed by LACAC to recommend designation to Council, starting October 1989 and culminating in report TC-90-03C, Exhibit 10, of LACAC for council consideration of designation. Council recommended in CW-90-49 that the report be received for information. The report was brought back to council for disposition and the passage of Notice of Intention to designate was dated September 3, 1990. The letter of objection was dated September 28, 1990. Several meetings took place regarding a series of development proposals for the site. The main issues of contention were:

- the preservation of the interior of the manor house
- the preservation of the remaining mature trees
- the preservation of the red brick stable after an engineering report as to whether the structure could take a brand new second floor without structural reinforcement
- the view of the Manor House from High Street

Mr. Kreppner then elucidated the background for the historical reasons for designation. According to the evidence, the importance of the house is due to the fact that it was the home of James O'Brien Bourchier, the founder of Bourchier's Mills which became the village of Sutton. In listing he significant dates in the history of Sutton (Exhibit 14) he indicated that James O'Brien Bourchier was instrumental in the founding of the saw and grist mills, general store and roads (Bourchier was pathmaster). Bourchier also served as Justice of the Peace (see Exhibit 20), first postmaster, shareholder in first Lake Simcoe steamer (the "Simcoe"), and played an active role in upholding the government during the 1837 rebellion; supporter of St. James Anglican church, as well as the donor of the land for the erection of the Presbyterian church and the land for the school (Exhibit 15). With the death of James O'Brien Bourchier, Sutton's first leading citizen, the pioneering era closed (Exhibit 14). The York Pioneers recognized his extraordinary talents by lowering the flag on top of the St. Lawrence Hall in Toronto upon his death in 1872 (Exhibit 15).

Mr. Bourchier, who married Jean Lyall, June 24, 1821, was a military man born in December, 1797 at Ipswich, England. He came to join his brother Captain William Bourchier and received 700 acres from his brother of the 2,000 acres granted to William when he settled in Upper Canada c.1812.

Mr. Kreppner stated his opinion, as Chairman of LACAC, that this building is an important "period piece" which accurately represents the role it played in its period, and felt the property should appear as it did when James Bourchier lived there as the town's founder and leading citizen in the latter half of the 19th century, known far and wide in the early days. The fact that the bell in the bell tower of the house functioned as "the town bell" is evidence of

this fact.

In quoting Napier-Simpson, he felt the house is worthy of designation on architectural grounds alone as an excellent example of Loyalist Georgian style. He believed any new development should not block or demean the prominent view of this important house with its gracious foreground, and that the house should retain its "presence" and importance visually.

Regarding the red brick stable, he indicated that it was mentioned as part of the property in many of the exhibits, and that there had been no barn or stable yet designated in the municipality. According to evidence there has been some discussion of possible demolition of the brick stable.

Cross-examination centred on public information regarding the designation procedure in which Mr. Kreppner indicated that a public information meeting was held, with council and Mary Lou Evans of the Ministry of Culture and Communications, which Michael Smith attended. Mr. Kreppner elaborated on the prioritization of the LACAC inventory, indicating that property threatened by demolition or development was a high LACAC priority. He indicated there is a mechanism, which has been in place in the municipality since 1986, whereby properties on the inventory are included on a computer code to help flag the property but there may not yet be a clear-cut automatic way in which potential owners can determine if a particular property is indeed "flagged", but felt that would be a good idea.

With regard to his interpretation of "alter" under the Ontario Heritage Act, he stated anything which is an integral part of the property or a component of the house should have LACAC input prior to the alteration.

In reply to the limited resources and volunteer nature of LACAC, Mr. Kreppner indicated LACAC had sought the advice of the Architectural Conservancy of Ontario (Exhibit 26). He reiterated in that context that there is support that both the house and brick stable are of architectural significance, good condition, sympathetically maintained and the relationship of house and barn is important. A major concern was the visual blocking of the view from High Street.

The witness for the objector, Ed-Rae Investments, was Michael Smith, planning consultant. Mr. Smith was hired in the fall of 1989. He indicated that the property is indeed worthy of designation and that the main conflict is not with designation itself, but with specific wording in the "Reasons for Designation". He itemized the zoning status of the property and indicated that at the time of purchase there was no formal knowledge that an Intention to Designate was anticipated. He then proceeded to review a series of meetings regarding various development proposals between the

owner, LACAC, Historical Society, site plan and development services (Building and Planning Departments), which took place July 20, 1990, September 20, 1990, November 7, 1990 and January 18, 1991. During this time the original proposal (Exhibit 25), which is still formally under consideration by the municipality, was substituted by a new plan (Exhibit 9) the configuration of which did not take up the land in the foreground of the Manor House and which is, in fact, a "matched pair" to match the existing house down to the verandahs surrounding the proposed commercial condominiums.

One of the issues raised in evidence in Exhibit 9 was a structural report of AD Structural Services, produced at the request and in accordance with the instructions of the architect of the proposed development, to determine whether "the possibility of additional loads being brought on by a new second floor office", as part of its being converted into a commercial office development, would be structurally possible.

The report could not give a conclusive opinion on the roof, the interior walls, the loft floor framing or the rubble exterior foundations. Much of the report's negative advice was based on its re-use with additional loads.

The report did not mention any major stress cracks in interior or exterior masonry, mentioning only cracks in mortar joints and mortar losing its bond. It did not indicate whether closing the unsupported openings in the interior would correct those structural faults. Its statement that the earth floor would need to be replaced for use as a commercial space (the proposed occupancy) would be a matter of course. The report stated merely that "due to the anticipated construction" the existing building would serve as an "envelope" rather than a structural system.

The conclusions and recommendations of the report, which recommended demolition, were based solely on the requirements of the proposed second storey commercial use. It did not report on its structural adequacy as a barn or stable which functions merely as an "envelope" to house animals, carriages or other agricultural uses. Nor did it report on its adequacy as a single storey structure.

The witness discussed the barn with reference to its relationship to the library; the possibility of a land trade with the town for cash in lieu of two parking spots; and the securing of a legal opinion as to the best way of conveying it to the town with a maintenance easement; to the lot grading and drainage plans. He also discussed the possibility of proposing it as part of a commercial condominium development. He did not, however, lead any evidence as to the architectural or historical value or lack of value of the barn but indicated that if it is not acquired by the town the owner will apply for a demolition permit.

With regard to the "setting" of the house, the witness agreed that

the remaining mature tree, the Eastern Cottonwood tree, should be maintained, and that the owner is proposing a "site easement for a green courtyard" to be given to the municipality to assure the view toward the Manor House remains unobstructed.

In cross examination, Mr. Smith stated that the second plan (Exhibit 9) is the plan which the owner is now acting on despite the fact that it is Plan 1 (Exhibit 25) which is still actively under consideration by the municipality. He reiterated that much of his evidence was related to Plan 2 which shows two buildings with verandahs "Manor Centre Court", on each side of the Manor House, which did not receive LACAC's disapproval to the same degree as Plan 1.

He indicated that, according to Exhibit 24, the "old carriage house" (the red brick barn), is included in the proposal and promotional literature as unit #212 "second phase" to include 1,485 square feet commercial on the ground floor and 1,485 square feet professional, a total of 2,970 square feet. This proposal, which is projected to rent for \$29,700 per year or sell for \$297,000 despite the engineer's report stating his opinion it should be demolished rather than being converted to commercial condominium use.

Mr. Smith admitted that the engineering report was a preliminary study and more thorough study was needed as the report was done on the basis of "adding loads for new second floor offices". He admitted that the conclusion might be different if the second floor was not added. In cross examination he stated that the new proposal (Exhibit 9) is drawn to scale.

With regard to the proposed changes the owner is willing to accept to the wording of the reasons for designation (Exhibit 27) which states:

"For greater certainty, the reasons for designation of the Manor House property are the following:

- i) the preservation of the facade of the house
- ii) preservation of an unobstructed view of the House from High Street
- iii) the preservation of the entrance hall and first floor staircase
- iv) the preservation of the barn
- v) the preservation of the Eastern Cottonwood tree

He enlarged further on these points to include under i) exterior brick work, roof, doors and verandah, the kitchen addition and all the external envelope of the Manor House, including the bell tower which he stated is in a bad state of repair; ii) the tree is nearing the end of its life and would be cordoned off during construction and that landscape plans for new trees would be submitted to replace the last mature trees.

He indicated that the proposal is to have one main sign only at the entrance to the development.

In cross examination Mr. Smith stated that he would like to see more specific reasons for designation including all of the five points listed above. He stated his opinion that the property is indeed worthy of designation.

Regarding the roof of the red brick stable, he stated the shape of the roof is to be kept. Evidence was led that the developer did consider placing the development behind the house but that parking in front might prove unsightly and that better rent is paid for more exposure.

In summation, Michael Smith stated that the major concern of the objector was for specific clarification of what is specifically being included in the "Reasons" for the knowledge of future condominium owners so they would be in a position to advise purchasers. Otherwise he reiterated there is no objection to designation itself.

In summation, Mr. Kreppner stated that the Ontario Heritage Act itself is in place to ensure preservation of heritage property and that the Act is, in itself, a land use constraint.

The Board had the opportunity to view the interior and exterior of the property with both parties subsequent to the hearing. A measured drawing of the proposal was presented to the Board showing 56 feet between the two proposed new structures forming "Manor Centre Court", not including the proposed new verandahs which are to be approximately six feet wide each leaving a total opening of approximately forty two feet minus the eaves of the two verandahs which would add approximately three more feet leaving the actual visual aperture at approximately thirty nine feet.

In pacing out the existing Manor House, including the verandah on each side, the Board measured a distance of approximately sixty feet which did not include the eaves of the verandah which would add two or three additional feet i.e. the "Manor House" needs a span of more than sixty-three feet to achieve an unimpeded perspective of the entire width of the "manor house and verandah".

This measurement also does not conform to the drawing as presented in the promotional literature presented by the objector as "the Manor Centre Court" (Exhibit 24) which shows the entire Manor House clearly through the viewing aperture between the proposed new structures. This drawing is not as it will actually appear from High Street when constructed, as the visual edges of the proposed new verandahs will fall somewhere on the Manor House in a line drawn through the walls adjacent to the left and right outside windows on the front facade. Thus, a viewer will be unable to see the edges of the house or any of its verandah, if this proposal is built.

The viewing aperture of the new proposal will actually be very similar to that seen through the opening in the wall in the first proposal (Exhibit 25), except that the upper portion of the house will be visible. The Board finds the siting of both proposals will negatively affect the reasons for designation i.e. "a clear view of the exterior of the house and verandah from High Street".

The LACAC, whose responsibility is laid out in the Ontario Heritage Act, had seriously considered the Manor House as valuable for a long time, an evaluation which the community had expressed as early as the sale of the Pugsley estate. The LACAC, fully aware that it is used and zoned commercially, has attempted to carry out its duty and formulate specific reasons for designation, both architectural and historical, which will preserve the important elements of the property. Both sides had indicated they would benefit from possible direction from the Board in the wording of the "reasons for designation", and that the wording "as well as a bake oven in the kitchen" be excluded from the wording if there is no evidence that it still exists.

FINDINGS OF FACT: SUMMARY

The Board concludes that the Manor was the home of the founder of Sutton and it is particularly important that it be carefully preserved. The Board finds that the barn or red brick stable is a unique structure representative of the agricultural link in the life of a prominent family of those times.

There was uncontroverted evidence that the Manor House and barn are both of architectural and historical significance. The objection was to the vagueness of some details in the reasons for designation, and to the fact that the context of the Manor House is such that the proposed new construction may be inferred as an "alteration which may affect the reasons for designation", and therefore cause constraints on site plans as well as architectural detail of the house itself, particularly the interior which the owner plans to modernize.

RECOMMENDATIONS

In view of the request made of the Board by both parties, regarding the wording of specific architectural details in the "Reasons for Designation", the Board's recommendation will be partly in the form of "Reasons for Designation". They are as follows:

The Manor House property is of significance for both architectural and historical reasons.

The Manor, built in 1846 by J. O'Brien Bourchier as his second house, is one of the finest pioneer homes in the Town. Two storeys in height and built of brick, with a hip roof, it's symmetrical facade is surrounded by a low graceful verandah with a bell cast roof. It is built in the Loyalist Georgian style.

The exterior envelope of the house is of classical proportions with a large brick kitchen wing and wooden summer kitchen beyond. One of the two remaining bell towers in Georgina rises over the kitchen wing.

The exterior design results in excellent fenestration with its trim, which is typical of the style (which originally had 12/12 windows); and includes a period front door and doorcase with sidelights and transom.

The interior is a centre hall plan, the upper and lower hall containing many of the original doors, door hardware and door casings, baseboards and trim as well as much of the original wood flooring, the staircase, railing and stair trim. Much interior window trim remains, as well as a fireplace (note location).

A fine red brick stable with a gambrel roof still stands as the last of the original outbuildings and represents a unique and excellent example of period style.

The Manor House is placed in the context of a picturesque setting, sitting in an imposing manner on its lot, completely and clearly viewed from Hight Street, sited in a manner which suitably focuses the attention of passers-by on the house and stable, which reflects the status of the village's most important citizen who lived at the heart of the old Village of Sutton.

In addition, long associated with the property and forming part of the grounds, is a large, mature Eastern Cottonwood tree which is the last of a number of large mature trees which complemented the property.

The Board recommends that the Historical Reasons remain as published in the Intention to Designate. The Board suggests the designation and wording of the "bell" should be placed in a designation of the Knox United Church, as that is the property on which it is located.

The Board refers the municipality to the Runnymede Theatre report of the Conservation Review Board, October 19, 1989, pages 11 and 12, regarding the revisions to the Reasons for Designation subsequent to a Conservation Review Board hearing.

In view of the fact of the architectural and historical value of this house to the town, it is suggested that, in order to ensure a complete and appropriate view of the Manor House from High Street, a review of the siting of the proposal be undertaken and that the siting of the two (almost parallel) structures forming the court, be no closer together at either inside court edge than 65 feet from the tip of one verandah roof eave on the left building to the tip of the roof eave on the right building.

In addition, the Board suggests serious reconsideration of the use of verandahs on the new construction as both a costly and difficult to maintain feature, but more importantly, as an unnecessary feature which will encroach visually to a large degree on one's view of the house within the viewing aperture. With the porches removed, the structures could be moved so that the actual walls of the condominium units were 65 feet apart.

With the porches removed, a second look at the design of the proposal might be undertaken so as not to copy or "match" exactly an important piece of mid-19th century architecture but rather to complement its design in a simple fashion, possibly using Georgian proportions and conventions, but leaving the heritage house as a distinctive prominent visual feature. The Board refers as illustration to the Guidelines of the "Standards for Building Conservation Projects Grant-Aided by the Ontario Heritage Foundation", which are enclosed as Appendix A, regarding suitable additions to heritage structures, particularly #6.

Another siting option which could be considered in view of the importance of the Manor House to the town, would be to leave the house with its existing visual presence by placing the entire new proposal on one side of the house and to the rear only, preferably to the library side. This would eliminate an access problem to the units on the left, (as one faces the development), from the parking area, making parking and loading universally accessible to all units. Consideration might also be given to the provision of parking in front of the development with, for example, combining excavation with berming near the front perimeter as well as appropriate landscaping, which could visually eliminate parked cars and provide a clear and prominent view of the house and new development.

Regarding the stated concern of the river flood plain conservation approvals, for such excavation one would anticipate such approvals regardless, as a requirement for the construction of either existing proposal.

Upon consideration of the evidence given at the hearing, and taking into account what was said in summary by the representatives for the Town of Georgina and on behalf of the owner, it is the considered view of this Board that the Council of the Town of Georgina has acted in the best interest of the citizens of the community in designating 153 High Street (the Manor House).

We therefore recommend that the property in question should be designated by by-law under Part IV of the Ontario Heritage Act, as being of architectural and historical value and interest, to ensure its preservation.

(Original Signed by)

Judith Godfrey, Vice-Chairman

Elizabeth Burnham, Member