

# 507 Butler Street, Town of Niagara-on-the-Lake

## Cultural Heritage Impact Assessment

Prepared for:

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LOS 1J0



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Heritage & Land Use Planning Services



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# Introduction

This Cultural Heritage Impact Assessment (CHIA) is produced as a requirement for a proposed severance and zoning by-law amendment to create a lot and to construct a new house at 507 Butler Street, Part of Lot 337, Part of John Street, Part of Butler Street, Registered Plan TP-86, in the Town of Niagara-on-the-Lake. The assessment provides historical background for both the Town and the subject property, identifies significant heritage resources and cultural heritage landscapes on and adjacent to the property, and analyses the impact of the proposed development on these protected and identified heritage resources and its impact on potential cultural heritage landscape and streetscape features and resources on these properties.

The Town has requested that the CHIA include a Regulation 9/06 analysis (*Criteria for Determining Cultural Heritage Value or Interest*) for 507 Butler Street. Although the property is designated under Part IV of the Ontario Heritage Act (OHA), it was designated in May 2003 before the major amendments to the OHA, which occurred in 2005, as well as additional amendments, including those that came into effect in July 2021. It was also designated before Regulation 9/06 came into force and the Ontario Heritage Toolkit afforded direction with respect to the process of designation and the recommended contents of a designation by-law.



*Figure 1: 507 Butler Street, Facade from Butler Street Looking West*





*Figure 2: 507 Butler Street, North Elevation from John Street*



*Figure 3: 507 Butler Street, North Elevation Looking South from John Street*

## Subject Lands

The subject property occupies an irregularly shaped lot on the northwest corner of Butler and John Streets. The property contains a small frame one and a half storey saltbox in a simple vernacular Neo-classical style. The house was, at one time, located almost entirely in the Town owned road allowance. **(Figs. 1, 2 & 3)**. This situation was rectified in 2008 when the Niagara Foundation, which owned the building at the time, successfully applied to acquire the Town road



allowance on which the house was sitting. A small board and batten shed occupies the west side of the lot adjacent to the neighbouring property at 511 Butler Street.

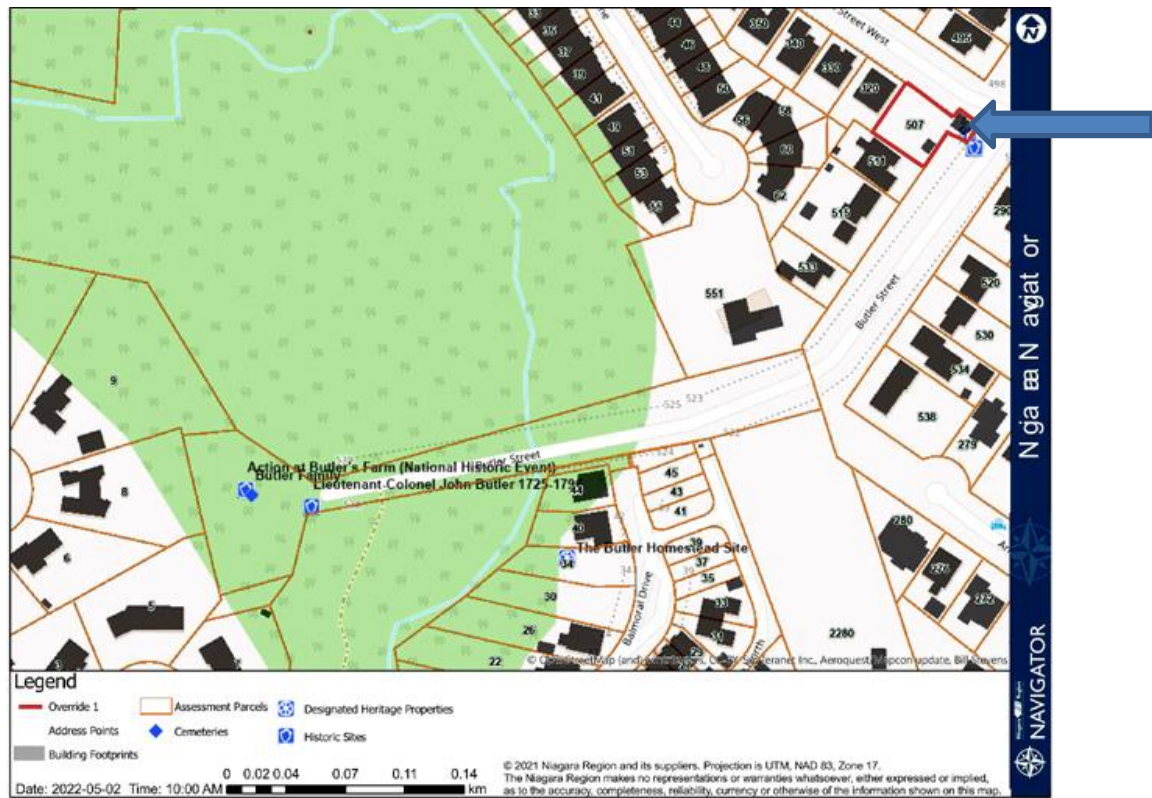


Figure 4: Location Map, Niagara Navigator (APPENDIX III)



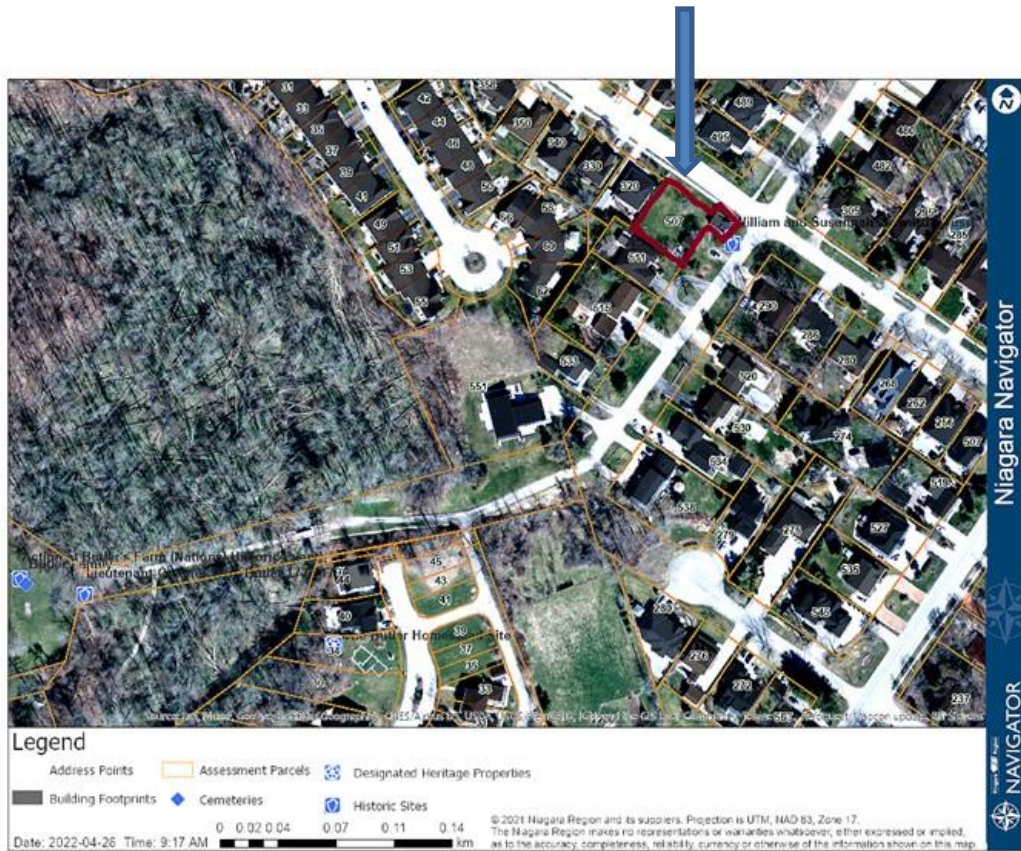


Figure 5: Aerial Photograph, 2018 - Location, Niagara Navigator (APPENDIX III)

## Surrounding Land Uses and Heritage Properties

The surrounding land uses as determined on a site visit and by consulting aerial photographs and the zoning by-law are predominantly residential. The properties along Butler Street to the west contain dwelling units of varying sizes and design. All were constructed in the mid to late 20<sup>th</sup> century and are visible on the 2000 aerial photograph. The properties along John Street to the north contain newer single storey residences of varying design constructed in the early 21<sup>st</sup> century. The townhouses along Bayberry Lane, which is located behind John Street slightly to the west, were also constructed in the early 21<sup>st</sup> century sometime between 2000 and 2006.

A large swath of woodland and Two Mile Creek are located to the west at the end of Butler Street. This area is accessed via a multi-purpose trail which is closed to motorized vehicles. The area is administered by the Niagara Region Conservation Authority although Parks Canada also has jurisdiction over Butler's Burying Ground which is located at the termination of Butler Street.

There is (1) property designated under Part IV of the OHA located in proximity to the subject property, though it is not adjacent to 507 Butler Street. **(Figs.6,7)**. This is the Butler Homestead Site at 34 Balmoral Street in the St. Andrews Glen development. Access to this site is either on foot from the Butler Street multi-purpose trail or from Niagara Stone Road **(APPENDIX III)**.





*Figure 6: 34 Balmoral Street, the Butler Homestead*



*Figure 7: Plaque at the Butler Homestead, 34 Balmoral Street, Outline of the House Marked on the Ground to the Rear*

While they are not designated under Part IV of the OHA, there are two properties of significance in proximity to 507 Butler Street. These are the Black Burial Ground, known locally as the Negro Burying Ground, located on the east side of Niagara Stone Road near the intersection with Mary Street; and Butler's Burying Ground at the terminus of Butler Street. This property is maintained and administered by Parks Canada. Both sites contain graves and are marked by Provincial and



Federal Plaques that relate to the sites and to events of significance in the history of Niagara-on-the-Lake. (Figs. 6-15)



Figure 8: Butler's Burying Ground Viewed from Terminus of Butler Street

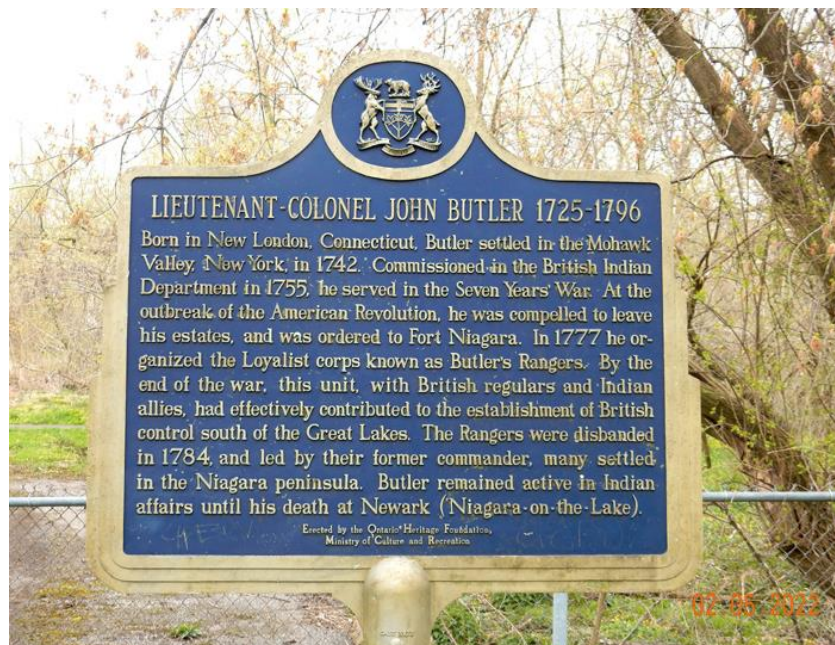


Figure 9: Provincial Plaque, John Butler, Butler's Burying Ground





Figure 10: Federal Plaque, Action at Butler's Farm, Butler's Burying Ground



Figure 11: Black Burial Ground, Looking Towards Mary Street from Niagara Stone Road





Figure 12: Black Burial Ground from Niagara Stone Road

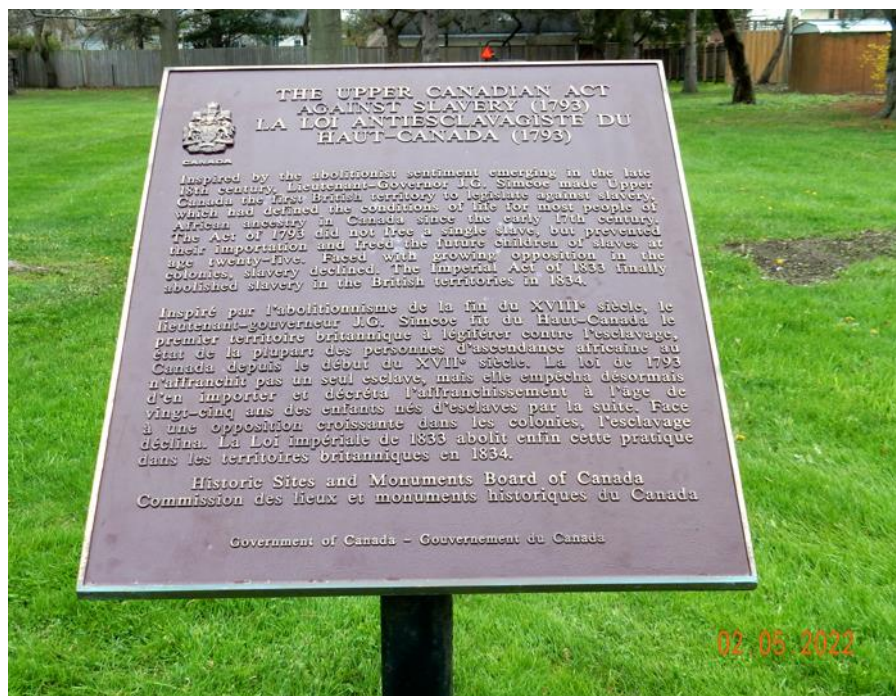
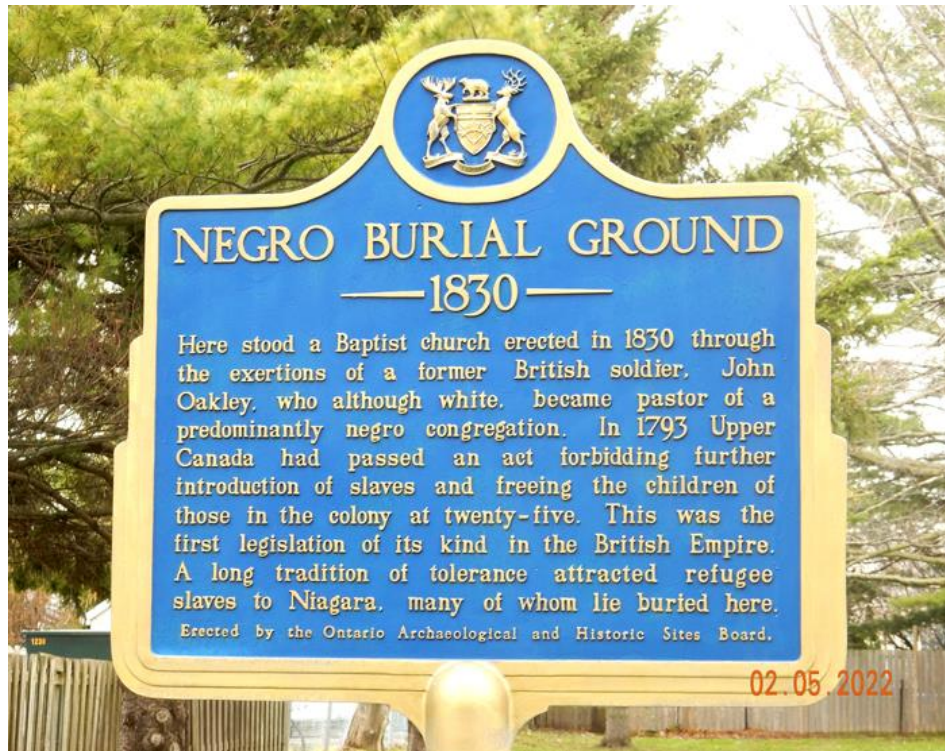


Figure 13: Federal Plaque, the Upper Canada Act Against Slavery, Black Burial Ground





*Figure 14: Provincial Plaque, Negro Burial Ground, Located on the Black Burial Ground*





Figure 15: Significant Cultural Heritage Sites Located in Proximity to 507 Butler Street (APPENDIX III)



# Proposal

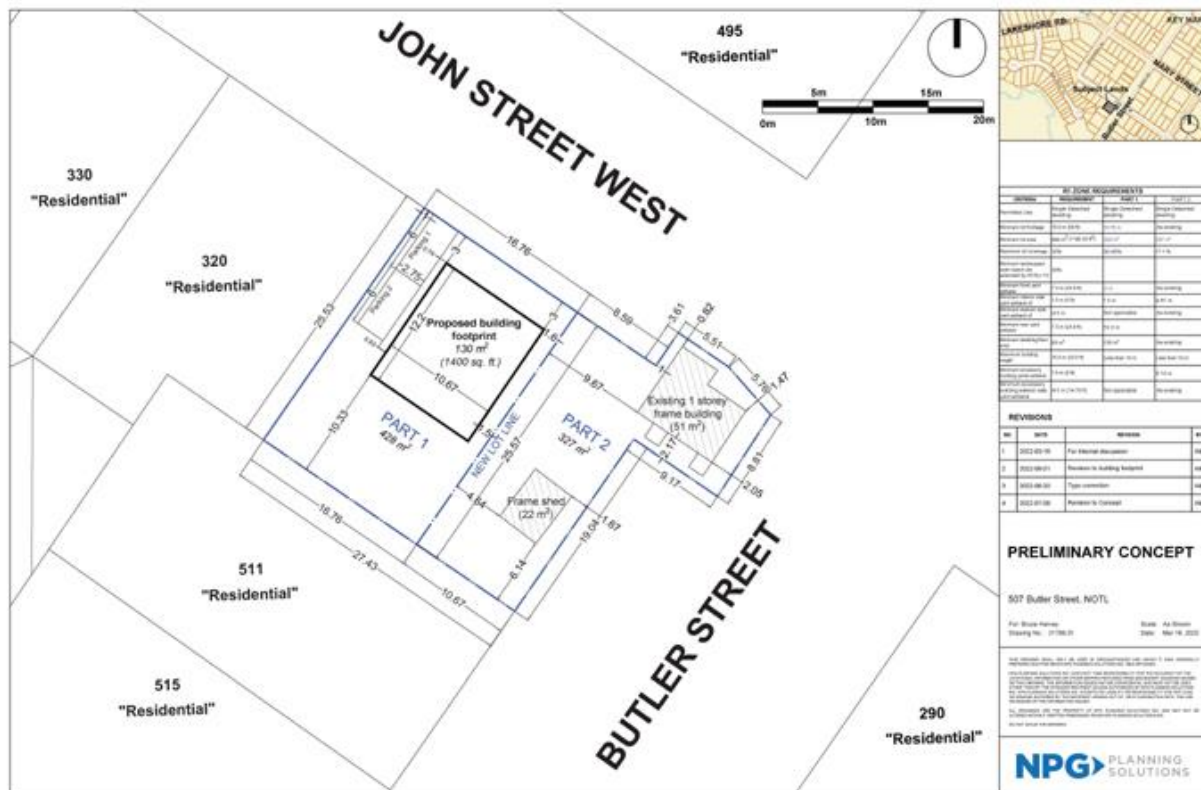


Figure 16: Severance Concept Option, NPG Planning Solutions (APPENDIX II)

The applicant is applying for consent to sever a lot from the rear of the property. The existing house and shed are accommodated in situ on the lot at the corner of Butler and John Streets. The new lot has frontage on John Street West of 16.76m (54.99ft) and depth of 25.53m (83.76ft). Stacked parking is accommodated at the northwest corner of the lot adjacent to the property at 320 John Street West. **(APPENDIX I)**.



# Existing Heritage Policy Context

## The Planning Act

Part 1 of the Planning Act includes a list of matters of provincial interest. Section 2(d) states that the Minister, the council of a municipality and the Ontario Municipal Board, in carrying out their responsibilities shall have regard to:

- The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

In 2015, an additional clause, Section 2(r), was added. This clause provides for the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

## Provincial Policy Statement (PPS) 2020

A new Provincial Policy Statement came into force on May 1, 2020. The following policies cultural heritage policies are relevant and in effect.

Section 2.6 of the PPS, Cultural Heritage and Archaeology, contains the following policies for both built heritage resources and cultural heritage landscapes.

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

Policy 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*.

Policy 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* is evaluated and it has been demonstrated that the **heritage attributes** of the **protected heritage property** will be *conserved*.

Policy 2.6.4: Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and **archaeological resources**.

The PPS provides the following definitions which assist in understanding and applying these cultural heritage and archaeology policies.



**Significant** means in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the province under the authority of the OHA.

Criteria for determining significance are recommended by the province, but municipal approaches that achieve or exceed the same objective may also be used.

**Built heritage resource** means a 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, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act (OHA), or that may be included on local, provincial, federal and/or international registers.

**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 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 OHA or have been included on federal and/or international registers, and protected through official plan, zoning by-law, or other land use planning mechanisms.

**Protected heritage property** means a 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 OHA; property identified by the province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for the Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

**Adjacent lands** mean those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

**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.

**Development** means creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.



**Site alteration** means activities such as grading, excavations and placement of fill that would change the landform and natural vegetative characteristics of a site.

**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 visual setting (e.g., significant views or vistas to or from a protected heritage property).

**Archaeological resources** include artifacts and archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of these resources are based on archaeological fieldwork undertaken in accordance with the OHA.

**Significant cultural 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. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts, villages, parks, gardens, battlefields, main streets, neighbourhoods, cemeteries, trailways, view sheds, natural areas and industrial complexes.

**Protected heritage property** means a property designated under Parts IV, V or VI of the Ontario Heritage Act.

**Adjacent** means those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

**Development** means creation of a new lot, a change in land use, or the construction of buildings and structures requiring Planning Act approval.

**Site alteration** means activities such as grading, excavations and placement of fill.

**Heritage attributes** means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest. These may include the property's built elements as well as natural landforms, vegetation, water features and visual setting including views or vistas to or from a protected heritage property

**Archaeological resources** include artifacts and archaeological sites as defined under the Ontario Heritage Act. Identification and evaluation of these resources are based on archaeological fieldwork undertaken in accordance with that Act.

The subject property is listed on the Town of Grimsby's Register but is not designated under Part IV of the OHA. There are three (3) designated properties in close proximity to 292 Main Street West. These are 262, 271 and 268 Main Street West. The properties at 242, 266, 282, 322 and 326 Main Street West are listed on the Town's *List of Properties Council Believes to be of Cultural Heritage Value or Interest* and are considered to be of significant cultural heritage value



## Growth Plan for the Greater Golden Horseshoe

A new Growth Plan for the Greater Golden Horseshoe came into effect in May 2019. It contains guiding principles including the conservation and promotion of cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.

The GGH contains important cultural heritage resources that contribute to a sense of identity, support a vibrant tourism industry, and attract investment based on cultural amenities. The Growth Plan acknowledges that accommodating growth can put pressure on these resources through development and site alteration and recognizes that it is necessary to plan in a way that protects and maximizes the benefits of these resources in order to make communities unique and attractive places to live.

Policy 4.2.7 states that:

1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.
2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.
3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.

The heritage impacts of the proposed development will be assessed in accordance with Growth Plan policies in the PPS and the Regional and local official plans.

## Ontario Heritage Act (OHA)

Amendments to the *Ontario Heritage Act* and implementation Regulation 385/21 came into force on July 1, 2021, bringing into play amendments made through Bill 108, the *More Homes, More Choices Act*, 2019 (Bill 108). Corresponding updates to the Ontario Heritage Toolkit are also underway. The OHA amendments are intended to improve processes and increase consistency in heritage designation, including providing for appeals to the Ontario Land Tribunal (OLT).

### **1. The OHA Amendments**

The key additions to the OHA now in force include:

- Properties newly subject to a notice of intention to designate and applications to repeal a designation or alter a property made on or after July 1, 2021, are now subject to new appeals and binding decisions from the OLT.



- Owners whose properties are newly included in a heritage register will now get notice and may object, and where an objection is made, council must consider the objection in deciding whether to continue to list the property
- New applications for alteration or demolition are deemed approved if council does not make a decision within specified time periods
- Municipalities have 90 days to issue a notice of intention to designate a property upon notice of a complete official plan amendment, zoning by-law amendment, or plan of subdivision application, subject to exceptions in the Regulation
- Designations must occur within 120 days of a notice of intention to designate, subject to exceptions in the Regulation

Not all OHA amendments were proclaimed on July 1, 2021. The proposed amendment to the definition of “alter” and to Section 42, demolition of heritage attributes in a Heritage Conservation District (HCD), are not being proclaimed at this time.

## 2. Regulation 385/21

The Regulation streamlines Ontario’s heritage regulation process. The Regulation includes the following:

- Mandatory standards for designation by-laws
- Prescribed exceptions to the 90-day timeline for issuing a notice of intention to designate
- Prescribed exceptions to the 120-day timeline to pass a designation by-law after a notice of intention to designate has been issued
- The process of amending or repealing a designation by-law following a consent for demolition has been amended to require notification to property owners if no changes are made to the designation by-law
- Minimum requirements for complete applications for alteration, demolition or removal, of heritage properties, which include photographs, reasons for the proposal and potential impacts, and all technical cultural heritage studies that are relevant to the proposal
- Transition provisions, which include:
  - As referenced above, July 1, 2021, is now the key date to determine whether a matter or proceeding will be dealt with under the OHA as it stood prior to July 1, 2021, or the OHA as amended and now in force



- Generally, notices published, by-laws passed, and applications made prior to July 1, 2021, proceed under the old OHA
- In the cases of an outstanding notice of intention to designate, municipalities have until June 30, 2022, to pass the by-law, after which the notice is deemed withdrawn and any designation will be subject to the OHA as amended (though this deadline may be extended by agreement)
- The prohibition on notices of intention to designate after 90 days of certain *Planning Act* applications does not apply if notice of the complete application was given prior to July 1, 2021.

### 3. Ontario Heritage Toolkit

The province has released for consultation five draft guides which will form part of the updated Ontario Heritage Toolkit, which assists stakeholders in understanding the heritage conservation framework in Ontario. The five draft guides are as follows:

1. Designating Heritage Properties
2. Heritage Conservation Districts
3. Heritage Property Evaluation
4. Your Community, Your Heritage, Your Committee
5. Heritage Places of Worship

A sixth guide on Cultural Heritage Resources in the Land Use Planning Process is expected to be released soon. <sup>1</sup>

Despite the considerable changes to the Act noted above, the OHA still provides policies and regulations for the protection of built heritage resources, cultural landscapes such as heritage conservation districts, and archaeological resources through the process of identifying, listing and designating those resources.

Regulation 9/06 under the OHA, which provides criteria for determining cultural heritage value or interest, continues to be the only tool available for establishing cultural heritage value or interest.

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<sup>1</sup> <https://cassels.com/insights/ontario-heritage-act-amendments-now-in-force>  
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## Standards and Guidelines for Conservation of Historic Places in Canada

The *Standards and Guidelines for the Conservation of Historic Places in Canada* were first published in 2003 and updated in 2010. These standards and guidelines, while they have no legislative authority, are a tool to help users decide how best to conserve historic places, their heritage value and character defining elements. They are used in partnership with statements of the significance of heritage resources, such as designation by-laws. Anyone carrying out an intervention that may impact the heritage values and character defining elements of a heritage resource must be mindful of the impacts on that resource.

The Standards and Guidelines indicate that it is important to know where the heritage value of the historic place lies, along with its condition, evolution over time, and past and current importance to its community.

Planning should consider all factors affecting the future of a historic place, including the needs of the owners and users, community interests, the potential for environmental impacts, available resources and external constraints. The most effective planning and design approach is an integrated one that combines heritage conservation with other planning and project goals and engages all partners and stakeholders early in the process and throughout. For historic places, the conservation planning process also needs to be flexible to allow for discoveries and for an increased understanding along the way, such as information gained from archaeological investigations or impact assessments.

Any action or process that results in a physical change to the character-defining elements of a historic place must respect and protect its heritage value. A historic place's heritage value and character-defining elements can be identified through formal recognition, such as designation under the OHA and by nomination to the *Canadian Register of Historic Places*. In assessing a proposed alteration to a designated property or any property of cultural heritage value and interest, the 14 *Standards for the Conservation of Historic Places in Canada* will be addressed. The heritage value and character-defining elements of the property at 209 Queen Street must be conserved when the new hotel addition and underground parking are constructed.

Any physical attributes of the property at 262 Main Street West will also be analyzed and assessed for its cultural heritage value or interest and the potential impact of proposed development on these attributes.

## Niagara Regional Official Plan

The Niagara Regional Official Plan, Section 10C, contains objectives and policies for the protection of built heritage resources and cultural heritage landscapes and requires a heritage



impact assessment where development, site alteration and/or public works projects are proposed on, or adjacent to, a significant built heritage resource or cultural heritage landscape.

Objectives include:

- Supporting the identification and conservation of significant built heritage resources and significant cultural heritage landscapes;
- Recognizing the aesthetic, cultural and economic value of open space and parks;
- Recognizing the importance of quality design; and
- Conserving significant built heritage resources and cultural heritage landscapes within the unique community context of every site.

Policy 10.C.2.1.6 encourages local municipalities to establish cultural heritage landscape policies in their Official Plans and identify significant cultural heritage landscapes for designation in order to conserve groupings of features with heritage attributes that together form a significant type of heritage form, distinctive from that of its constituent elements or parts.

## **Town of Niagara-on-the-Lake Official Plan**

### **1. Built-up Area and Established Residential Designation**

The property at 507 Butler Street is designated “Built-up Area and Established Residential in the Niagara-on-the-Lake Official Plan as are the lands immediately surrounding the subject property. The designation permits single detached dwellings and accessory structures.

Policy 9.3.3(3) states:

*Due to the wide variety of lot sizes, frontages setbacks, and depths in the Established Residential designation that result in a varied and attractive streetscape, the implementing Zoning By-law may set requirements on a block by block basis that look to adjacent properties in establishing minimum and maximum requirements so as to maintain the unique character of the area.*

A detailed site and area planning analysis will be required demonstrating that there will be minimal impact on the surrounding residential uses, streetscapes; and the character of the area. This is in addition to the CHIA, which will analyse impacts on cultural heritage resources.

#### **Permitted Uses:**

Within the Established Residential designation, the permitted uses include:

#### **Main Uses:**

Low Density Residential uses such as single detached, semi-detached and duplex dwellings.

#### **Secondary Uses:**

Uses permitted with a Main Use:

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- roomers and boarders
- bed and breakfasts
- accessory apartments
- group homes
- home occupations
- accessory buildings and structures

**Uses permitted independent of a Main Use:**

Minor open space and community facilities subject to Section 15 of this Plan;

Medium density residential uses subject to; the relevant policies of Section 9, a site specific amendment to the Zoning By-law and provided that the development does not significantly impact on heritage resources or result in the removal or demolition of buildings of historic or architectural significance;

Accessory Apartments, rooming and boarding houses and the residential mix of single family, semi-detached and duplex dwellings may be placed in separate zoning categories and limited in the zoning by-law to locations deemed appropriate by Town Council.

Due to the wide variety of lot sizes, frontages setbacks, and depths in the Established Residential designation that result in a varied and attractive streetscape, the implementing Zoning By-law may set requirements on a block by block basis that look to adjacent properties in establishing minimum and maximum requirements so as to maintain the unique character of the area.

Within the Established Residential Designation applications for consent to sever will be accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding residential uses, streetscapes and the character of the area.

## 2. Heritage Conservation

Section 18 of the Town's Official Plan contains policies pertaining to the conservation of cultural heritage resources including archaeological resources. While these policies have been updated in a new Official Plan which was adopted by Council; it is not yet in force and effect.

Goals and objectives in the Plan include:

- (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. In the Queen-Picton Heritage Conservation District the design of new buildings and structures shall also be subject to the requirements of the Queen-Picton Street Heritage District Plan.*

*(3) To prevent the demolition, destruction or inappropriate alteration or use of heritage resources.*

*(4) To encourage appropriate character and uses adjacent to heritage resources in those areas designated as Heritage Conservation Districts.*

*(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.*

*A set of criteria has been established for the selection of sites, structures, buildings, areas and environments of heritage significance. The basis for selection is tied to the historical and architectural development of the Town of Niagara-on-the-Lake. Criteria are also included to address new development proposals in the municipality.*

### **Criteria for Individual Buildings**

*Council and LACAC shall consider the following criteria when evaluating individual buildings for designation under The Ontario Heritage Act. The buildings so designated should interpret the Town's heritage through architectural merit and/or historical association.*

*a) Has the building been associated with the life of an historic personage or has it played a role in an important historic event.*

*b) Does the building embody the distinguishing characteristics of an architectural type recognized for its style or period of construction or is it a notable example of workmanship by an early master builder, designer or significant architect.*

*c) Does the building or building type have special significance in that it forms an integral component of a particular neighborhood character within the community.*

*d) The potential for illustrating the heritage value should be such that it will be possible for visitors to gain from the building an appreciation for the architecture or history with which it is associated.*

*e) In considering the designation of a building, the extent of the original materials and workmanship remaining should be important to that designation.*

*f) Intangible elements such as feeling, association and aesthetics shall be considered as well as the physical appearance of buildings or structures.*

*g) Architectural character should be considered on the basis of style, plan and sequence of spaces, uses of materials and surface treatment and other details including windows, doors, lights, signs and other fixtures of such buildings and the relation of such factors to similar features of the buildings in the immediate surroundings.*



#### **(4) Criteria for Assessing New Development**

*Where a planning application has been received that proposes new development in the municipality, the Planning & Development Services Department for the Town shall include LACAC as a commenting agency to be given an opportunity to review the application and provide comments. The comments from all circulated agencies shall form part of the required planning report prepared by the Town. The review by LACAC shall address the following:*

- a) The impact of the development on existing heritage resources*
- b) The proposed building design and its effect on the historic character of abutting properties and the streetscape.*

The property was designated in 2003, before the criteria for designation in Regulation 9/06 came into force and before the 2005 amendments to the OHA. Therefore, an analysis based on the Regulation has been completed and a revised Statement of Significance is included with this report. Also, Because the property at 507 Butler Street is designated under Part IV of the OHA and a planning application is required to sever the lot, the Town may require that the proposal be reviewed by the Municipal Heritage Committee. However, since a heritage permit was issued for the proposed severance in August 2013, the review should be limited to the proposed design and placement of the new house and its impacts on surrounding cultural heritage resources and streetscapes.

### **Town of Niagara-on-the-Lake Zoning By-law No. 4316-09**

The property at 507 Butler Street is zoned Institutional (I-34) Special Exception to permit a museum, research facility and a single family residential dwelling with lot area, frontage and depth and lot coverage as existing. Lot coverage is limited to a minimum of 30%. This zoning was approved during the time that the property was owned by the Niagara Foundation and the house was intended for museum use. The owner is applying to rezone the property from Institutional to R1 (Residential) Zone.

Surrounding land uses are predominantly Established Residential (ER) Zone consisting of single dwelling units on relatively spacious lots. There are also pockets of townhomes zoned Residential Multiple (RM1) Zone in the area. As indicated, there is a large area of Open Space (OS) Zone surrounding Two Mile Creek which is also a Regional Conservation Area.



# Heritage Impact Analysis

## Description of Proposed Development and Site Alteration (APPENDIX I)

As previously described, the owner is applying to sever the property to create one new lot. On the subject lot. The new lot has a frontage of 16.76m; a depth of 25.55m and a lot area of 428m<sup>2</sup>. The new house is proposed to be a one and a half storey single-detached dwelling approximately 6.1m (20 ft.) in height. The existing house and shed will remain in situ though the rear yard of the existing home will be reduced from 25.53m (83.76 ft.) to 9.67m (31.73 ft.) to accommodate the size of the new lot. The retained lot a lot area of 367 m<sup>2</sup>.

The proposed house has a building footprint of 130.0m<sup>2</sup> (1400 sq. ft.). The front yard setback is 3m (9.84 ft.) and rear yard setback is 10.33m. (33.89 ft.) The side yard setback adjacent to the house at 320 John Street West is 3.49m (11.45 ft.). The side yard setback adjacent to the Butler House lot is 1.6m (5.25 ft.). Two stacked parking spaces are provided at the northwest corner of the lot.(APPENDIX I)

A site-specific zoning by-law amendment is required prior to the consent to rezone the Subject Lands from its current site-specific Institutional zoning to a site-specific Residential (R1) Zone. The site-specific provisions for Part 1 are related to lot frontage, front yard setback and lot area. The site-specific provisions for Part 2 are related to lot area, and to also recognize existing site conditions for the existing dwelling related to front yard setback, interior side yard setback, exterior side yard setback, dwelling floor area and accessory building exterior side yard setback.

Following approval of the application for Zoning By-law Amendment, an application for consent to sever will be submitted as shown on the concept sketch (APPENDIX I)

## Historical Research and Site Analysis

### 1. Early Indigenous History of Niagara<sup>2</sup>

The earliest archaeological evidence of human settlement in southern Ontario is about 11,000 years old and occurred just after the Wisconsin glacier retreated. These early people were nomadic. They hunted big game such as mastodon and mammoth. Between approximately 8000 and 1000 BCE the inhabitants began to coalesce into larger groups with smaller territories. They

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<sup>2</sup> Haudenosaunee Confederacy, Who We Are,  
<https://www.haudenosauneeconfederacy.com/who-we-are>



used polished stone tools, indicating an advance in tool-making technology. Artifacts found at their campsites provides evidence that they engaged in long-distance trade with other peoples

About 1000 BCE, at the commencement of the Woodland period, there was a change in subsistence patterns, burial customs and tool technology. Pottery making was also introduced during this period. The indigenous residents transitioned from foraging and hunting to cultivating maize and other crops such as squash, maize and beans. They also began to gather in villages consisting of long houses surrounded by palisades. In the 1500's the Iroquoian communities began to organize themselves into tribal confederacies. One such confederacy, located south of Lake Ontario was the Haudenosaunee Confederacy comprised of Mohawks, Oneidas, Onondagas, Cayugas and Senecas.

## 2. The Seventeenth and Eighteenth Centuries

Explorers and missionaries arrived in southern Ontario in the first half of the 17<sup>th</sup> century. The diseases they brought with them resulted in the collapse of the three southern Ontario Iroquoian confederacies, the Huron, Petun and Attiwandaron. The movement of the Haudenosaunee Confederacy into southern Ontario and the wars they waged on these groups further contributed to their collapse.

The Haudenosaunee began to threaten communities further from Lake Ontario including the Anishinaabe. The Anishinaabe allied with the Odawa and Potawatomi in the late 17<sup>th</sup> century and began a series of offensive attacks on the Haudenosaunee forcing them back to the area south of Lake Ontario. Oral tradition has given the Mississauga an important role in the attacks on the Haudenosaunee resulting in a large group of Mississauga establishing themselves in the area between Toronto and Lake Erie in the area the Neutrals called "Oniguahara", now known as Niagara. This land is part of the Upper Canada Treaties made between 1764 and 1862.<sup>3</sup> The first of these, in 1764, was an oral treaty negotiated with the Senecas by Sir William Johnson resulting in the ceding of a four mile strip of land along the east side of the Niagara River from the mouth at Lake Ontario to the Niagara Escarpment. It also included a strategic portage and corresponding two mile strip on the west bank of the river.<sup>4</sup>

## 3. First European Settlement

Etienne Brule was probably the first European to visit the area in 1615. Other French explorers used the Aboriginal portage around Niagara Falls for trade with the west. Beginning with LaSalle in 1679, the French constructed several buildings on the American side of the river to serve as links in the lucrative fur trade. One of these was Fort Niagara, across the river from Niagara-on-

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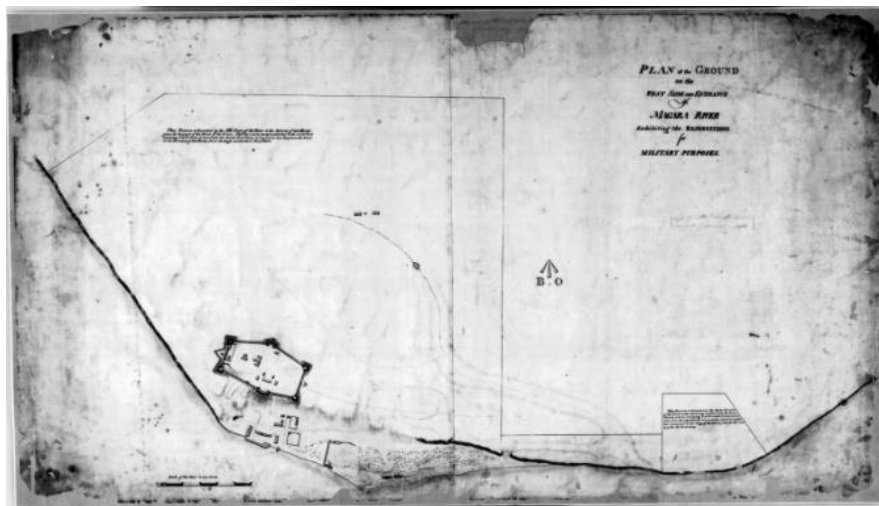
<sup>3</sup> Donna Duric, "Mississauga's Treaty at Niagara (1781)," Treaty Lands and Territory Mississaugas of the Credit, May 28, 2017, <http://mncfn.ca/mississauga-cession-at-niagara-1781>.

<sup>4</sup> Richard D. Merritt, *On Common Ground, The Ongoing Story of the Commons in Niagara-on-the-Lake*, Dundurn, 2012, p.22.



the-Lake. During the Seven Years War the British engaged in military action against the French at Fort Niagara. The provisions of the Treaty of Paris in 1763, gave the British the fort. William Johnson's oral treaty with the Senecas was one of the consequences of this treaty.

The Town of Niagara was founded as a direct result of the proximity of Fort Niagara on the east bank of the Niagara River, a strategic outpost responsible for provisioning distant garrisons such as Detroit and Michilimackinac. With the arrival of many refugees from the American Revolutionary War, who were housed at Fort Niagara, the situation became desperate. Governor-General Haldimand proposed to settle the Loyalists on the rich agricultural lands on the west bank. When Butler's Rangers was disbanded in 1784, 258 officers and men were assigned land with clear title to be granted after 10 years of satisfactory residence.



*Figure 17: Niagara, 1796, Brock University Map Library, Historical Maps Exhibit*

In 1791, a town plan was devised by Assistant Surveyor General D.W. Smith consisting of a military grid system of four (4) acre blocks divided into one (1) acre lots. Subsequently, the lots between Queen Street and the waterfront were reduced to a half acre. The main streets, now known as Queen, King, Mary, William, Missississagua and Butler, were laid out to a width of 99 feet with 66 foot wide secondary streets. An area towards the interior was designated as the town centre; but in practice commerce gravitated towards the waterfront with housing along Queen Street. The 1810 Gray Map of the Town from c.1810 shows a regular gridiron extending about five (5) blocks along the mouth of the Niagara River as it enters Lake Ontario and about seven (7) blocks inland from the river. Later plans include a square in the centre of the town adjacent to a large site reserved for the Anglican Church and a regular rectangular division of land outside the Town.<sup>5</sup>

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<sup>5</sup> James D. Kornwolf. *Architecture and Town Planning in Colonial North America*, Vol. 3, p.1296  
507 Butler Street, Town of Niagara-on-the-Lake, July 2022  
Leah D. Wallace, MA MCIP RPP



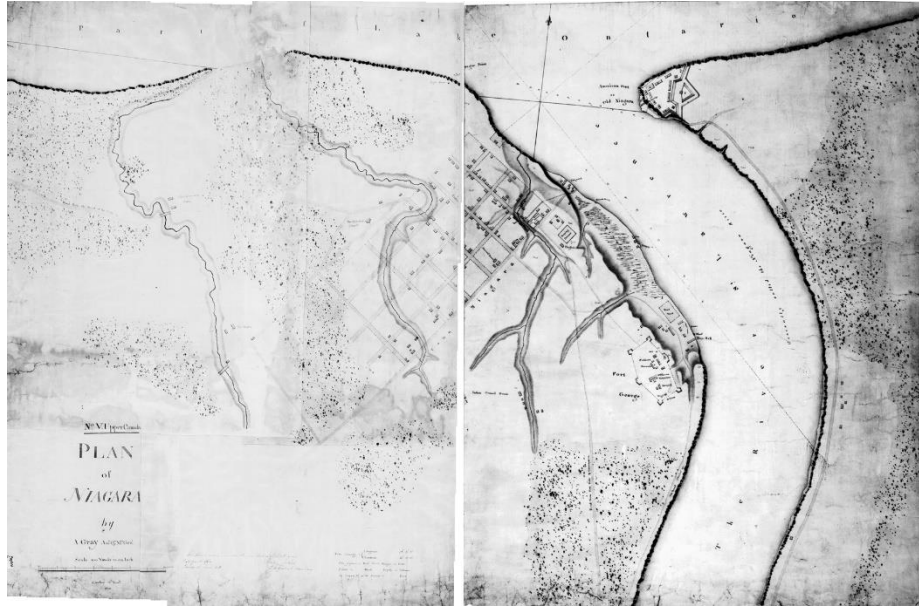


Figure 18: Gray Map, 1810, Brock University Map Library, Historical Maps of Niagara Exhibit

In 1792, Governor Simcoe chose the Town as the capital of Upper Canada. He named it Newark and set about reorganizing the territory for more efficient government. The former administrative districts were divided into counties and then into townships where lot plans were made ready for settlement.

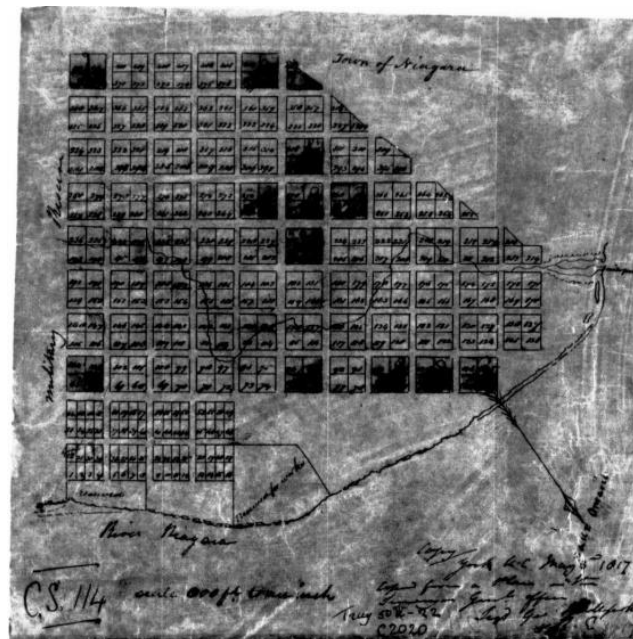


Figure 19: Niagara 1817, Brock University Map Library

The arrival of government officials and military personnel encouraged the establishment of businesses to supply their needs. Workmen skilled in the building trades were attracted to Newark, some from as far away as Lower Canada. The settlers brought with them their vision of



what a proper house should look like and many fine houses were erected during this period. In 1794, D.W. Smith reported there were about 150 houses in the Town. At that point, the original Town plot was enlarged to a plan of 412 lots including reserves.

Construction of Fort George began in 1796; but for reasons of security the capital was moved to York in 1797. Newark reverted to the role of county seat and the inhabitants applied to the legislature for their old name back. Niagara remained the legal name of the Town until Regional government was established in 1970.

## **4. War of 1812-1814 and Aftermath**

The War of 1812 – 1814 brought a halt to the Town's growth. American forces occupied the Town on May 27, 1813, and on December 10, 1813, before retreating across the Niagara River, put the Town of Niagara to the torch destroying virtually all the buildings and severely damaging others. The form of Niagara-on-the-Lake today is the result of the reorganization which took place during the reconstruction. Except for those enterprises directly connected with shipping, businesses tended to concentrate along Queen Street. Returning residents built their houses mainly between Queen Street and the waterfront and up King Street to the new Court House, which had been built, for safety's sake, at the upper end of the street. The first streets to be rebuilt were Prideaux, Front, Queen and Johnson running east-west, and the cross streets from King to Mississauga. A four (4) acre block south of Queen Street owned by D.W. Smith was sold back to the Crown and designated as a market square.

To compensate for lands expropriated to build Fort Miississauga, a new survey was opened east of King Street in 1826. Although the streets were a continuation of those in existence to the west, new names were assigned. Prideaux east of King Street became Byron Street, Queen became Picton Street and Johnson became Platoff Street.

## **5. The Niagara Harbour and Dock Company and the Welland Canal**

The evolution of the Town from the end of the War of 1812 -1814 onwards was affected by periods of boom and recession, with an attendant rise and fall in building construction.

Initially there was a period of rapid growth and commercial success, mainly because of Niagara's location at the end of Lake Ontario and the head of the portage route around Niagara Falls. It was also the government headquarters for the Niagara District for most of this period. Enterprises such as the Niagara Harbour and Dock Company, founded in 1831, provided many jobs and the increase in population led to new building construction.



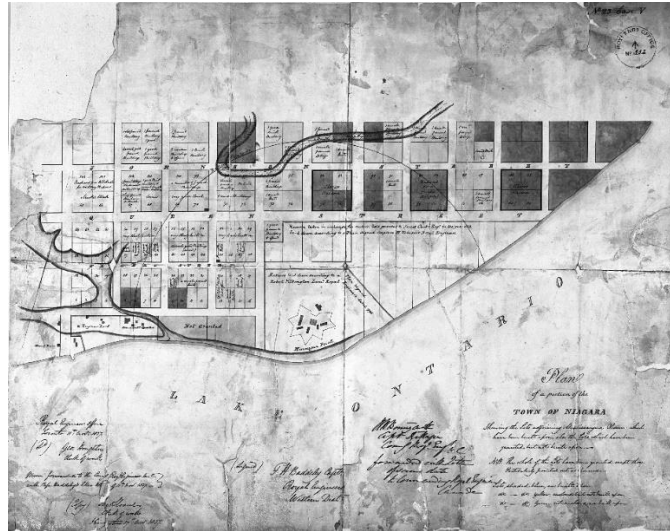


Figure 200: Niagara, 1837, Brock University Map Library, Historical Maps of Niagara Exhibit

In 1829 the first Welland Ship Canal was completed, replacing the overland portage route that was vital to the economy of Niagara. Despite this setback, the Town embarked on an era of economic diversification between 1830 and 1850. The Niagara Harbour and Dock Company, established in 1831, built sailing vessels, steamboats, docks and warehouses around the new harbour. Industry followed, including a tannery and a brewery. Fine commercial buildings were also constructed along Queen Street at this time.

This period of prosperity ended with the construction of the second Welland Canal in the mid 1840's and the ultimate failure of the Niagara Harbour and Dock Company. The situation was compounded when the county seat was relocated from Niagara to St. Catharines, despite the construction of the third Court House in 1847, designed by the eminent Anglo-Canadian architect, William Thomas. As a result, the population of the Town declined steadily throughout the second half of the nineteenth century.

## 6. African-Canadian Settlement

Although the Loyalist settlers in Niagara brought their slaves with them from the United States, slavery never took permanent root in Upper Canada. On July 9, 1793, Canada's first and only anti-slavery act was given royal assent by Governor John Graves Simcoe, fully 40 years before the British parliament abolished slavery throughout the Empire.

"An Act to prevent the future introduction of slaves and to limit the terms of contracts for servitude within the province" was a compromise in that it provided for freedom for future generations of slaves and effectively ended slavery in Canada.



African Americans had also been promised freedom and land in return for fighting on the British side in the American Revolution. Some of these soldiers settled in Niagara. During the War of 1812 – 1814, local black men volunteered to fight.

From the beginning, Niagara was the end of an Underground Railroad system and many escaped slaves who successfully made the perilous trip settled in the Town. By 1850 there was a significant African-Canadian community located predominantly near the Negro Burial Ground in an area bounded by Mary, Mississagua, Anne and King Streets. By 1837 it is estimated that ten percent of the local population of the Town was black with two churches, the Baptist Church and the African Methodist Episcopal Church, to serve their community.<sup>6</sup> Some of the remaining smaller, older homes in this area may have been owned by African-Canadian families though all of their descendants have since moved away. The William and Susannah Steward House is a significant remnant of the “coloured village”.

## 7. Summer Visitors

The survival of both the lake steamer service and the railroad line, and the construction of a network of electric railways across the peninsula laid the foundation for the revival of Niagara as an important resort area in the late nineteenth century. Though it was off the beaten path, the area was known for its fresh air, moderate climate and waterfront location. Wealthy American visitors came to stay for long summer vacations resulting in the enlargement of some of the older homes to accommodate extended families and servants. Large new summer residences were also constructed with balconies, verandahs, widows’ walks and large airy rooms. The Phillips, Thomas, Ketchum house in its current iteration is a product of this era.

A religious camp grew up in the Chautauqua area resulting in the construction of a hotel; an amphitheatre seating several thousand people; and a number of summer cottages of a distinctly picturesque Victorian design. When the Chautauqua Institute ceased to exist, the ensuing development took on a unique street design resembling the spokes of a wheel around a central circle, the remains of the amphitheatre.

The Queen’s Royal Niagara Hotel was constructed in what is now Queen’s Royal Park. It was frequented by summer vacationers before the arrival of the touring automobile and accommodated such distinguished visitors as the Duke and Duchess of York, the future King George V and Queen Mary. Tennis courts, a lawn bowling green and a pavilion for parties and dances attested to the popularity of Niagara as a summer resort.

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<sup>6</sup> Background Paper, William and Susannah Steward House, Ontario Heritage Trust, p.2  
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the-Lake, July 2022  
Leah D. Wallace, MA MCIP RPP



The resort era lasted until World War I. While Niagara-on-the-Lake was still on the steamer route in the 1920's and 1930's, the popularity of touring by car and the economic downturn took its toll on the type of long summer vacation that was the hallmark of the late 19<sup>th</sup> century.<sup>7</sup>

## 8. The Twentieth Century

In the mid 1970's, encouraged by the special climate of Niagara, Inniskillin winery began to plant vinefera vines and was producing wine from those grapes by the early 1980's. The switch to vinefera grapes resulted in a burgeoning wine industry that has seen tremendous growth and has resulted in the creation of a number of estate wineries in Niagara-on-the-Lake, many of which have introduced interesting and challenging modern architectural styles to the residents of the Town. These are becoming increasingly celebrated in Canada and around the world.

Cultural institutions such as the Niagara Historical Society Museum have always been important for Niagara-on-the-Lake's development. The founding of the Shaw Festival, the 1960's also saw growth of cultural institutions such as the Niagara Pumphouse Arts Centre. The festival has since grown to encompass three theatres; is open from April until November; and attracts over 300,000 patrons each year.

Tourism grew throughout the second half of the twentieth century and continues to grow in the twenty-first. The popularity of Queen Street and adjacent side streets as a visitor oriented shopping and dining area is confirmed by the crowds that flock there throughout the year.

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## 9. 507 Butler Street

Andrew Butler, son of Lieutenant John Butler, originally petitioned for the land in 1795 as a Loyalist settler. The land was officially patented in 1802 along with an additional 2,200 acres. Andrew

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<sup>7</sup> Peter Stokes Old Niagara on the Lake - Introduction  
507 Butler Street, Town of Niagara-on-  
the-Lake, July 2022  
Leah D. Wallace, MA MCIP RPP



Butler died in 1804 and the property, Lot 337, was inherited by his second son, Joseph Walter Butler. It can be seen on the Gray map of 1810. It was sold to Lewis Clement, one of Joseph Butler's cousins in 1828. Lewis Clement sold it to William Steward, a yeoman or labourer according to census records, in 1834. Steward severed and sold off portions of the property in the first half of the 19<sup>th</sup> century. The south half of the lot was severed in 1836 and sold it to Robert Baxter and the north half was sold to John Oliver, a labourer from Ireland, in 1847. The land was inherited by his second son, Mathew Oliver and then transferred to Alexander Oliver, John Oliver's third son who in turn sold the land to Henry Stephen Knapp in 1870. After than the property passed to a series of owners.

- 1874 – Knapp to Charles Hogg
- 1913 – Inherited by Henry Robert Hogg
- 1947 - Henry Robert Hogg (deceased) to Thomas Rudzinski
- 1950 – Thomas Rudzinski to George L. Lambert
- 1950 – George L. Lambert to Justine Rahn
- 1962 – Lot divided – Westerly half to Wasyl Kirejko
- 1999 – Justine Rahn (deceased) to Niagara Foundation
- 2010 – Niagara Foundation to Bruce Harvey<sup>8</sup>



*Figure 21: Gray Map, 1810, Location of Andrew Butler's Lot*

While the property has associations with the Butler family and was owned for a period of time by Andrew Butler, youngest son of Colonel John Butler, there is no evidence that he constructed

<sup>8</sup> Victoria Brooks-Elder, Stage 3 Archaeological Assessment, Horizon Archaeology Inc., April 2021, p.9  
 507 Butler Street, Town of Niagara-on-the-Lake, July 2022  
 Leah D. Wallace, MA MCIP RPP



any buildings on the lot. The significant period in the history of 507 Butler Street occurred under the ownership of William and Susannah Steward.

### *William and Susannah Steward*

William Steward and his wife Susannah entered Upper Canada in 1834. He was born in 1799 and was 35 years old at that time. His wife, born in 1809, was 10 years younger. William took the oath of allegiance to the Crown on February 16, 1842. He was not one of the African Americans who had been promised freedom and land if they fought on the British side in the Revolutionary War. He and his wife may have been fugitive slaves, though this has not been verified. They may have been free people living in the northern states since William could read and write and signed his naturalization papers. The couple also purchased the land in Niagara in 1834, indicating that they had money when they arrived in Canada. The couple resided in Niagara from 1834 to 1847. During that time, they sold portions of their property to other African American immigrants in what would become the “Coloured Village”. William is recorded as a Clerk to the Baptist Church in Niagara and was involved in a property dispute that resulted in the transfer of the church to the African Canadian membership.<sup>9</sup> He sold half of the lot to Robert Baxter, also “a man of colour” in 1836. Baxter was a carpenter and joiner. He in turn sold a portion of his lot to Robert Sands, a fugitive slave who operated a barbershop in Niagara. Sands was one of seven men who fled across the Detroit River in 1833 after being involved in the rescue of Thornton and Lucie Blackburn from and Michigan prison.

Thornton and Lucie Blackburn were freedom seekers, entrepreneurs, anti-slavery activists and community benefactors. After a dramatic flight from Kentucky slavery, their recapture in Detroit two years later in 1833 resulted in the Blackburn Riots. Demands for their extradition precipitated the first extradition dispute between Canada and the United States over the fugitive slave issue. This established Upper Canada’s first refugee reception policy and set a precedent regarding extradition policies into the future. Settling in Toronto, the Blackburns devoted their time and considerable wealth to anti-slavery and African Canadian community causes. Childless, and having never learned to read or write, their story was nearly forgotten until archaeologists unearthed the site of their former home in 1985. The Blackburns’ former property was the first Underground Railroad site ever dug in Canada.<sup>10</sup>

In 1837, Solomon Moseby was accused of horse theft and jailed in Niagara. This was a trumped up charge instigated by his Kentucky owner in a bid to have him returned to slavery. The American government demanded Moseby’s extradition. William Steward, along with other local African Americans signed a petition to Lieutenant Governor Sir Francis Bond Head supporting the prisoner’s release. Men and women from all over the region came to Niagara and camped at the jail to prevent the prisoner’s removal. After two weeks the jailor attempted to take Moseby

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<sup>9</sup> William and Susannah Steward House, Background Paper for Provincial Plaque, Ontario Heritage Trust, p.2-3

<sup>10</sup> [Thecanadianencyclopedia.ca/en/article/thornton-and-lucie-blackburn](http://Thecanadianencyclopedia.ca/en/article/thornton-and-lucie-blackburn)



away resulting in a riot. The rioters stood their ground and shots were fired. Two prominent local African Canadians were killed. Moseby fled to Montreal and then to Britain.<sup>11</sup>

## Identification and Significance and Heritage Attributes of Properties

### **1. 507 Butler Street**

The property at 507 Butler Street was designated under Part IV of the OHA in 2003 (By-law No.3723-03). Because the property was designated before the 2005 amendments to the OHA and before Regulation 9/06, which provides criteria by which to assess properties for their cultural heritage value or interest came into force, an analysis is provided in this assessment determine if the property still meets at least one (1) of the criteria for designation under the OHA. An updated Statement of Significance is also included for reference should the Town of Niagara-on-the-Lake decide to proceed to amend the current designation by-law. The Statement includes a list of heritage attributes that accord with the Regulation 9/06 analysis and the recent amendments to the OHA (**APPENDIX IV**).

#### *The House*



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<sup>11</sup> William and Susannah Steward House, Background Paper for Provincial Plaque, Ontario Heritage Trust, p.3



*Figure 212: William & Susannah Steward House, Facade facing Butler Street*



*Figure 223: William & Susannah Steward House, West Elevation facing John Street*



*Figure 234: William and Susannah Steward House, East Elevation Looking West on Butler Street*





*Figure 245: William & Susannah Steward House, Rear Elevation Looking South from John Street*

The house is a simple vernacular three-bay saltbox dwelling of a simple Neoclassical style. It is possibly post and beam, with a clapboard exterior and a side gable cedar roof. It is one and a half storeys in height. The windows are six over six single or double hung and are appropriate replacements added when the Niagara Foundation undertook a restoration. There are two windows at each gable end. There is a single storey addition on the east or John Street side of the house. It appears to be of early construction. There are two entrances to the house, the centred front door and a side door on the east side of the building. Access to the basement, which was excavated and finished by the Niagara Foundation, is through an exterior metal door also on the east side of the house. The building is singular not for its size or design; but for the fact that it is one of the few remaining houses in what constituted the “Coloured Village” **(Figs.22-25)**

It was not possible to view the interior of the building. However, the designation by-law refers to a number of interior features including the chair rail, baseboard and architraves to openings, enclosed stringers and cupboard doors for the stairway, six panel front door, chimney and fireplace, stovepipe thimble and the floor and deck structure. When the house was converted to residential use after it was sold by the Niagara Foundation these features were retained.

### ***The Accessory Building***

There is one small accessory building on the east side of the property. It is a one storey board and batten shed with a front facing gable. The shed is a facsimile of the one which stood in the same location on the site and which collapsed several years ago. It is currently used for storage **(Fig.26)**.





*Figure 26: Accessory Shed, East Elevation Looking West from John Street*

## **2. Ontario Heritage Act Regulation 9/06 Analysis**

As noted in the introduction to this report, the property at 507 Butler Street is designated; but the by-law is outdated and does not include a specific list of heritage attributes as now required. To confirm which criteria the property meets and to ensure that the by-law conforms with the requirements of Section 29(4) of the OHA (Notice of Intention to Designate), an Ontario Regulation 9/06 analysis is warranted.

Ontario Regulation 9/06 prescribes criteria set out in subsection (2) for the purposes of determining cultural heritage value or interest. These criteria include:

### ***Design or Physical Value***

1. It is rare, unique, representative or early example of a style, type, expression, material or construction method; or
2. Displays a high degree of craftsmanship or artistic merit; or
3. Demonstrates a high degree of technical or scientific achievement.

### ***Historical or Associative Value***

1. It has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community; or
2. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or



3. Demonstrates or reflects the works or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

#### *Contextual Value*

1. Is important in defining the character of an area; or
2. Is physically, functionally, visually or historically linked to its surroundings; or
3. Is a landmark.

#### *Regulation 9/06 Analysis – 507 Butler Street*

Design or Physical Value	<p>1.The house is a simple vernacular dwelling displaying some features of the Neoclassical style. It is small, unpretentious and reflects an early building style seen in other local houses constructed in the 1830's. It is of an unusual saltbox configuration which is rare in the Old Town. It is also the only surviving fully documented home of an early African American settler in the Town.</p> <p>2.The house does not display a high degree of craftsmanship. It is a simple, vernacular building with limited decorative details. It is, however, in excellent condition and has been well-maintained and appropriately restored.</p> <p>3.While the house is well built, it does not display a high degree of technical or scientific achievement.</p>
Historical or Associative Value	<p>1.The property is associated prominent members of the African-Canadian community and is one of the few remaining homes that were located in the thriving "Coloured Village".</p> <p>William Steward and his wife Susannah entered Upper Canada in 1834. He was born in 1799 and was 35 years old at that time. His wife, born in 1809 was 10 years younger. William took the oath of allegiance to the Crown on February 16, 1842. He was not one of the African Americans who had been promised freedom and land if they fought on the British side in the Revolutionary War. He and his wife may have been fugitive slaves, though this has not been verified. They may have been free people living in the northern states since William could read and write and signed his naturalization papers. The couple also purchased the land in Niagara in 1834,</p>



	<p>indicating that they had money when they arrived in Canada. The couple resided in Niagara from 1834 to 1847. During that time, they sold portions of their property to other African American immigrants in what would become the “Coloured Village”. William is recorded as a Clerk to the Baptist Church in Niagara and was involved in a property dispute that resulted in the transfer of the church to the African Canadian membership.<sup>12</sup> He sold half of the lot to Robert Baxter, also “a man of colour” in 1836. Baxter was a carpenter and joiner. He in turn sold a portion of his lot to Robert Sands, a fugitive slave who operated a barbershop in Niagara. Sands was one of seven men who fled across the Detroit River in 1833 after being involved in the rescue of Thornton and Lucie Blackburn from and Michigan prison.</p> <p>The significant association of the site with the African-Canadian community that flourished in Niagara in the early to mid 1800’s was acknowledged by the Ontario Heritage Foundation which erected a Provincial plaque on the property in 2005.</p> <p>2. The property yields information about the early development of “Coloured Village”, the Underground Railway and early Black settlers in the area. The property is also associated with a significant local event. In 1837, Solomon Moseby was accused of horse theft and jailed in Niagara. This was a trumped up charge instigated by his Kentucky owner in a bid to have him returned to slavery. The American government demanded Moseby’s extradition. William Steward, along with other local African Americans signed a petition to Lieutenant Governor Sir Francis Bond Head supporting the prisoner’s release. Men and women from all over the region came to Niagara and camped at the jail to prevent the prisoner’s removal. After two weeks the jailor attempted to take Moseby away resulting in a riot. The rioters stood their ground and shots were fired. Two prominent local African</p>
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<sup>12</sup> Willaim and Susannah Steward House, Background Paper for Provincial Plaque, Ontario Heritage Trust, p.2-3



	<p>Canadians were killed. Moseby fled to Montreal and then to Britain.</p> <p>3. There is no indication of the designer of the house. It does not reflect the works or ideas of an architect, artist, builder, designer or theorist who is significant to a community.</p>
Contextual Value	<p>1. The area surrounding the William and Susannah Steward House was redeveloped in the 20<sup>th</sup> century with adjacent buildings constructed in the early 21<sup>st</sup> century. The house, and grounds, while they are significant remnants of the coloured village, no longer define the character of the area which has taken on a suburban design and ambiance.</p> <p>2. The property is no longer important in defining the character of the area which is no longer retains any of the features or buildings associated with African-Canadian settlement in the first half of the 19<sup>th</sup> century. All other traces of early African-Canadian 19<sup>th</sup> century settlement in the vicinity are gone. This site and the former Negro Burial Ground on Niagara Stone Road are remnant sites though they are important survivors.</p> <p>3. There are several definitions of “landmark” in the Oxford Dictionary. Two are relevant.</p> <p><i>(a) a building or a place that is very important because of its history, and that should be preserved.</i></p> <p><i>(b) landmark (in something) an event, a discovery, an invention, etc. that marks an important stage in something.</i></p> <p>The William and Susannah Steward House and property is both a building and a place that is important because of its relation to the history of African Canadians, slavery and the Underground Railroad and to an historic event (Solomon Moseby) in the history of Niagara and African-Canadian settlement and the protection of African-American refugees. This is reflected in the Provincial Plaque which is dedicated to the Stewards, the settlement and growth of the African-Canadian community in Niagara and to the Solomon Moseby affair.</p>



The property meets three of the criteria for designation under Part IV of the OHA. It has considerable historical and associative value and contextual value as a landmark. Its design or physical value is more tenuous, though it is a rare surviving example of a building constructed by and for African Canadian settlers. Its saltbox configuration is also rare in the context of Niagara-on-the-Lake. The property has associations with the Stewards who came to Niagara in 1837, probably as free African Americans. William Steward had associations with the Baptist Church in Niagara as its Clerk. The property is also associated with two historic events of importance in relation to African-American and African-Canadian history before the American Civil War. A portion of the property was owned by Peter Sands who assisted in the escape of the Blackburns from a Michigan jail and then fled, along with them to Canada. Additionally, William Steward joined other prominent local African Canadians in signing the petition to Lieutenant Governor Sir Francis Bond Head requesting that Solomon Moseby be released and that he not be returned to his former owner in Kentucky.

A Statement of Significance is included in this CHIA that accords with the Regulation 9/06 evaluation and which contains a detailed list of heritage attributes associated with the property (**APPENDIX IV**).

### 3. Nearby Properties of Cultural Heritage Value or Interest

There are three properties located in the vicinity of the subject property which have cultural heritage value or interest. However, none are adjacent to 507 Butler Street and none are in view of the Butler Street property.

These properties are:

1. The Butler Burying Ground at the termination of Butler Street, administered by Parks Canada
2. The Negro Burial Ground, now the Baptist Church Burial Ground, Lot 315 Mississagua Street, listed on the Town's Municipal Register of Cultural Heritage Value or Interest; but not designated.
3. The Butler Homestead Site, 34 Balmoral Street (By-law 4003-06) (**APPENDIX II**)

#### *a) The Butler Burying Ground*

The Butler Burying Ground is situated at the end of Butler Street at the point where the road ends and the walking/cycling trail commences. It is currently administered by Parks Canada. It is not listed on the Town's Municipal Register of Cultural heritage Value or Interest (**Figs. 15, 27-31**). The surrounding lands are the jurisdiction of the Niagara Peninsula Conservation Authority. The site was originally a part of the land owned by Col. John Butler who was buried here in 1796. It is a family cemetery that includes the graves of Butler's relatives and descendants. There is also a mausoleum which has been half covered with earth to protect it from constant vandalism in addition to two plaques which do not refer directly to the Burying Ground. The Provincial Plaque



is dedicated to Lieutenant Colonel John Butler. The Federal plaque references the Engagement at Butler's Farm.

Janet Carnochan writes that "the will of Col. Butler directs that his body be interred in his family burying ground, and in the rooms of the Niagara Historical Society is a copy of the deed granted in 1832 to Warren Claus, John Claus, Ralfe Clench, Jas. Muirhead, Thomas Butler, Hugh Freel, giving the exact measurement from the boundary tree, of the half acre constituting the burial plot". She also transcribed some of the inscriptions on the gravestones and notes that Col. John Butler has no stone to mark the spot where he is interred.

Among those interred here are Deborah Freel; Butler Muirhead, barrister; James Muirhead, surgeon; Mary, daughter of James and Jane Butler; Ralf Clench; a number of members of the Richardson family; and two of Colonel Butler's sons, Thomas and Johnson, along with their wives.



*Figure 27: Butler Burying Ground Looking West from Termination of Butler Street Path*





Figure 28: Original Gravestones and Markers



Figure 29: Original Gravestones & Markers, James & Butler Muirhead



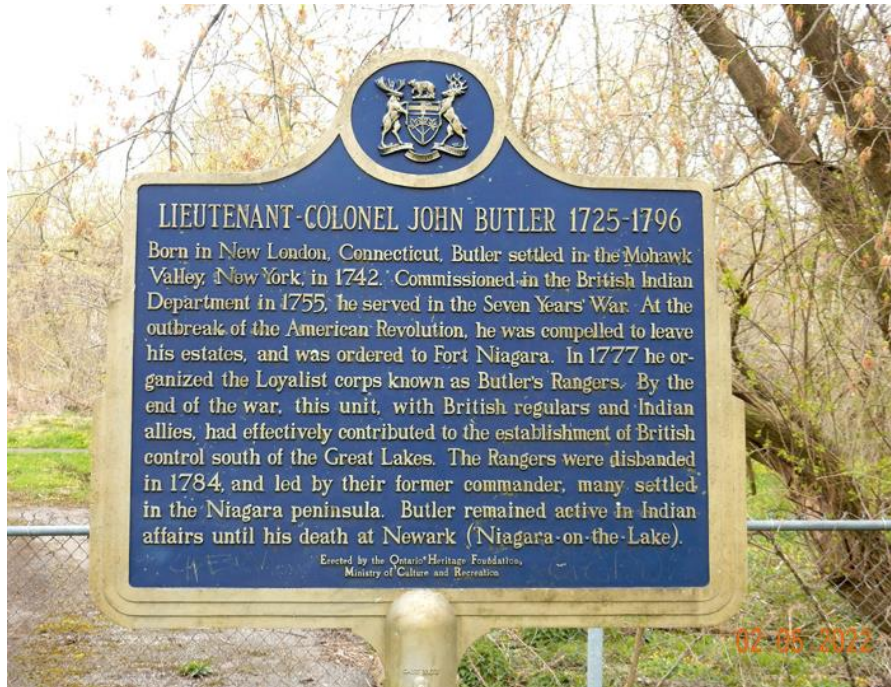


Figure 30: Provincial Plaque, Lieutenant Colonel John Butler



Figure 251: Federal Plaque, Action at Butler's Farm



### ***b) The Negro Burial Ground (Now the Baptist Church Burial Ground)***

This site is listed on the Town's Register of Properties: but is not designated under the OHA. The property is located on Lot 315 on the east side of Mississagua Street near the corner of Mary and Mississagua Street adjacent to a parking area and a strip plaza to the north. It consists of an open lawn containing a sparse number of mature trees of various species. There are two remaining grave markers which are badly weathered and are not legible. At this time a team is using ground penetrating radar in an effort to find graves and gravestones that may have been buried over the years **(Figs. 15, 32 - 35)**.

In addition, there are two plaques. The current Provincial plaque references the burial ground and the Baptist Church which once stood on the site and the Upper Canadian Act Against Slavery. The Plaque is scheduled to be replaced by a new one with appropriate wording. The Federal plaque refers directly the Upper Canadian Act Against Slavery.

The Baptist Church Burial Ground has a direct connection to William Steward who was a member of the congregation and is listed as a Clerk in the church records. However, it is some distance from the subject property and cannot be viewed from the William and Susannah Steward Homestead.



*Figure 262: Baptist Church Burial Ground Looking North from Mississagua Street*





Figure 273: Two Remaining Gravestones, Baptist Church Burial Ground

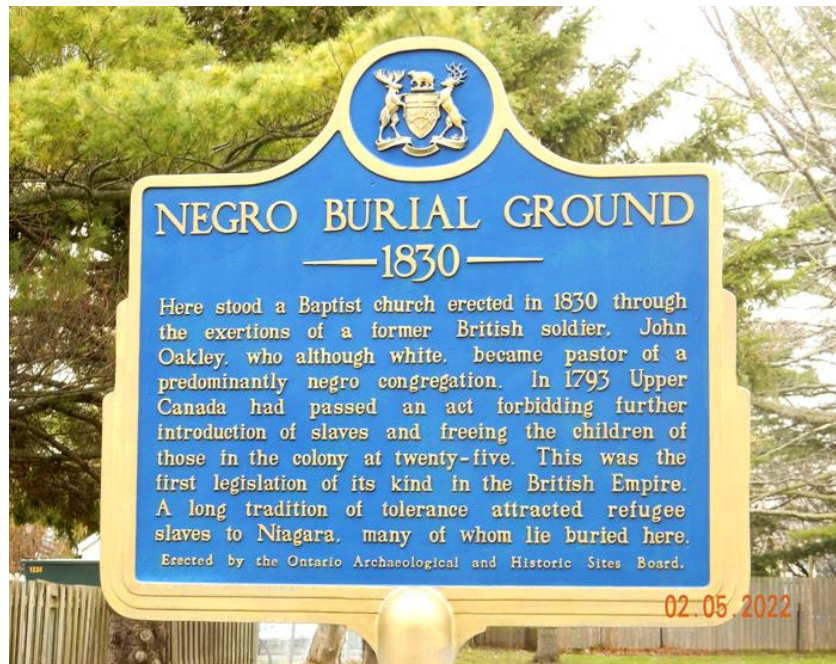


Figure 284: Provincial Plaque, Negro Burial Ground, to be replaced



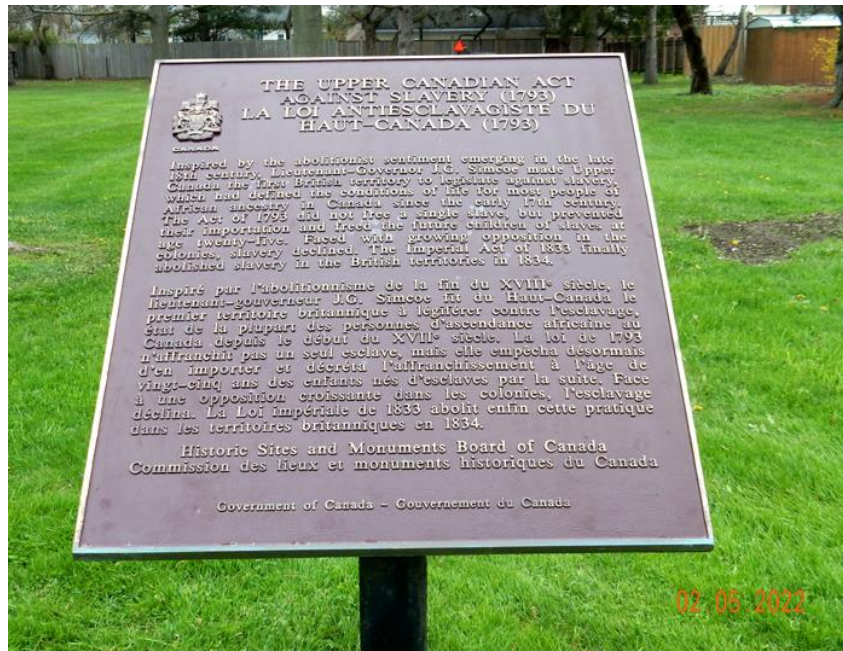


Figure 295: Federal Plaque, The Upper Canadian Act Against Slavery (1793)

### c. The Butler Homestead Site

The Butler Homestead Site is located at 34 Balmoral Street in the St. Andrew's Glen Subdivision (**Figs. 15, 36 – 38**). It can be reached from Niagara Stone Road or from the walking/cycling trail at the termination of Butler Street and is the site of Colonel Butler's home. His farm of approximately 200 acres extended into the surrounding area and encompassed Butler's Burying Ground. The property is designated under Part IV of the OHA and is the site of an extensive archaeological survey that uncovered the foundations of the house and many artifacts relating to Butler (**APPENDIX II**).

The property is in a secluded area and consists of a park-like setting of an open lawn with a stone cairn surmounted by a bust of Colonel John Butler. Plaques on the cairn explain the discover of the site; the archaeological survey and the life of Butler. The foundations of the house are marked by stones placed in the lawn. A plaque with an artist's rendering of the house and a drawing illustrating the plan of the house. This is an archaeological site of considerable significance as reflected in the wording in the designation by-law.

*The Butler Homestead property is a significant cultural heritage landscape and an archaeological site of national significance. The site is the first Canadian home of Lieutenant Colonel John Butler and his family c.1784.- 1813.*

*The Butler Homestead site is a rich source of archaeological artifacts that date to the founding of Niagara by the Loyalists who sought refuge in Fort Niagara. It is a significant associative cultural heritage landscape that has acquired a definite sense of time and place through its historical*



association with Important events and Lieutenant Colonel John Butler, a nationally significant Individual.<sup>13</sup>



Figure 306: The Butler Homestead Site Looking East with Cairn & Bust of John Butler



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<sup>13</sup> By-law 4003-06, Heritage Designation - The Butler Homestead, 34 Balmoral Drive  
507 Butler Street, Town of Niagara-on-the-Lake, July 2022  
Leah D. Wallace, MA MCIP RPP



Figure 317: Plaque, Artist's Concept of the Butler House with Outline of the Butler House in the Background

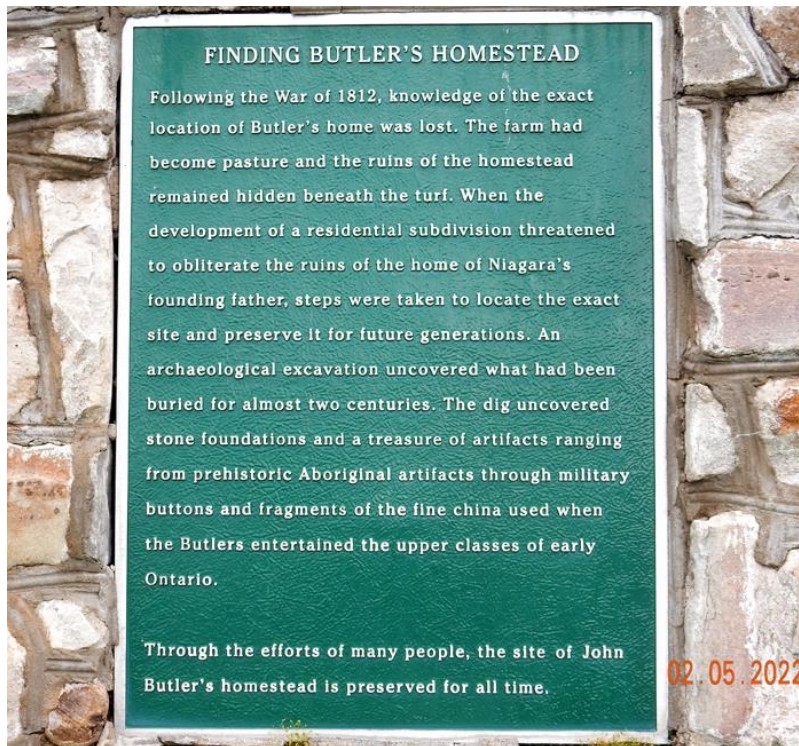


Figure 328 : Plaque on Cairn, Finding Butler's Homestead



#### *d. Butler and John Street Streetscapes*

Butler and John Street in the vicinity of 507 Butler Street present two different streetscape characters. Butler street has a more rural character with large lots and generous front yards. There is no curb and gutter. Houses, particularly towards Mary Street, were constructed at an earlier date than those along John Street to the north, though there are one or two later infill homes of modest size and height in keeping with the neighbourhood character. They tend to be small, modest single storey homes. Services are above ground and there is an abundance of telephone poles and electrical wires along the street (**Figs. 39-41**).

Along John Street to the south are a series of ranch style homes dating from the 1970's or 1980's. To the north the homes are relatively new and date from the early 21st century. These are also single storey dwellings, some with massive hip roofs. These houses are located close to the street which has full curb and gutter and underground services (**Figs. 42-46**).

In both cases, except for the William and Susannah Steward property, there is little evidence of the "Coloured Village" in the immediate area and the subject property is the only remaining remnant of this early period of the Town's development.



*Figure 39: Butler Street Looking Toward Mary Street and Lake Ontario*





*Figure 330: Butler Street Looking Toward Butler's Burying Ground & Walking/Cycling Trail*



*Figure 341: House, Northeast Corner of Butler & John Streets, Facing Butler Street*





*Figure 352: John Street Looking North*



*Figure 363: John Street Looking Towards Niagara Stone Road*





*Figure 374: View of Adjacent John Street House at 507 Butler Street*



*Figure 385: John Street Looking Toward Niagara Stone Road with 507 Butler Rear Yard*





*Figure 396: House Facing John Street, Southwest Corner of John and Butler Streets*

## 4. Summary

The property 507 Butler Street is designated under Part IV of the OHA and is further recognized by the Province of Ontario as a property of significance as is evidenced by the Provincial plaque. It is the sole surviving remnant of the “Coloured Village” in this area. The Stewards came to Niagara from the United States in 1837, probably as free African Americans and were associated with the local Baptist Church. They took an active part in the African Canadian community that grew up in the Town in the mid 19<sup>th</sup> century and were involved in a significant anti-slavery event, the Solomon Moseby affair.

The house, while modest, is characteristic of the simple homes built by African American settlers in the area and is the only remaining fully documented dwelling left in the Town. Its prominent position in the area makes it a landmark. It is both a building and a place that is important because of its relation to the history of African Canadians, slavery and the Underground Railroad and to an historic event (Solomon Moseby) in the history of Niagara; African American settlement; and the defence of African-American refugees who escaped to Canada on the Underground Railroad.

There are three properties in the vicinity of the William and Susannah Steward Homestead that are of cultural heritage value or interest, one of which, the Butler Homestead, is designated under Part IV of the OHA. The Baptist Church Burial Ground has a direct connection to William Steward. The Butler Burying Ground, while it is not listed on the Town’s Register, has national significance. However, none of these properties is adjacent to the subject property, nor will they be physically



or visually impacted by the proposed consent to sever the lot at 507 Butler Street. Impacts are confined to the William and Susannah Steward Homestead.

## Evaluation of Heritage Impacts

Policy 2.6.3 of the PPS states that planning authorities shall not permit development and site alterations on adjacent lands to protected heritage property unless the proposed development and any site alteration is evaluated and that evaluation demonstrates that the heritage attributes of the protected property will be conserved.

The Planning Act, the Growth Plan, 2019 and the Region of Niagara Official Plan also contain policies that encourage the conservation of significant and protected heritage properties. The Region's Official Plan includes additional policies for requiring heritage impact assessments to evaluate the impact of new development on cultural heritage resources.

The Town of Niagara-on-the Lake Official Plan includes planning policies for the identification of significant cultural heritage resources. Goals and objectives in the Plan include: the protection and preservation of original architectural details where feasible; to encourage good contemporary building design; to prevent demolition, destruction or inappropriate alteration of heritage resources; to encourage appropriate character and uses adjacent to heritage resources; to develop creates, appropriate and economically viable uses for heritage resources; and to protect archaeological sites.

The Town also includes criteria for assessing new development and includes Lacac as a commenting agency to address the impact of the development on existing heritage resources and the proposed building design and effect on the historic character of abutting heritage resources. *A set of criteria has been established for the selection of sites, structures, buildings, areas and environments of heritage significance. The basis for selection is tied to the historical and architectural development of the Town of Niagara-on-the-Lake. Criteria are also included to address new development proposals in the municipality.*

In addition, three properties in the vicinity are also of cultural heritage value or interest and one is designated under Part IV of the OHA and at least one is a significant archaeological site.

The *Standards and Guidelines for the Conservation of Historic Places in Canada* states that “any action or process that results in a physical change to the character-defining elements of an historic place must respect and protect its heritage value” and provides general standards for the preservation, rehabilitation and restoration of historic places in Canada.

The Ministry of Heritage, Sport, Tourism and Culture Industries has provided InfoSheet #5 to assist in the analysis of heritage impacts including destruction of significant heritage attributes; unsympathetic alterations; alterations that create shadows; isolation of heritage attributes,



obstruction of significant views; change in land use; new development in open spaces; land disturbances that may affect archaeological resources.

The impacts of the proposed development on the property at 507 Butler Street and neighbouring properties that are either designated under Part IV of the OHA or listed on the Register are assessed in relation to these policies and documents.

## 1. Provincial, Regional and Local Policies

With respect to the provincial, regional and local policies relating to the conservation of the heritage attributes of protected heritage property and the conservation of significant heritage properties that may not be designated under the OHA or may have archaeological significance; 507 Butler Street will be physically impacted by the proposed severances and is being evaluated before development occurs. While policies relating to the cultural heritage landscapes and cultural heritage impact assessments in the Town have not yet been implemented in the Official Plan the proposed development will be evaluated in accordance with general requirements for cultural heritage impact assessments found in the Provincial Heritage Toolkit.

## 2. Analysis of Heritage Impacts Based on Ministry of Tourism, Culture and Sport InfoSheet #5

1. Destruction of any, or part of any, significant heritage attributes or features.	None of the existing architectural features or structures on the property will be destroyed or altered. The buildings will not be altered because of the proposed severances. The setting of the house will be altered, however. The owner intends to sever a lot and construct a new home on what is now a large expanse of open lawn adjacent to the newer home on John Street. The new house will front on John Street. There are no mature trees or plantings on this portion of the lot. The majority of the impact on the streetscape will be confined to John Street which is lined with relatively new homes which have no cultural heritage value or interest.
2. Unsympathetic or incompatible alterations	The existing built heritage resources will not be altered. The appearance of the house and shed from Butler Street will not be altered although the side elevation of the new house will be visible. This is already the case with the adjacent house on John Street.



3. Alterations that create shadows that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings	<p>The major alterations will occur behind the existing house where the new house will be constructed once the lot is created.</p> <p>The distance of the new house from the existing house is unlikely to create shadows, especially if the height of the new house is limited.</p> <p>As noted, there are no mature trees or plantings in the rear yard at 507 Butler Street with the exception of some perimeter bushes and immature trees which will not be disturbed if a new dwelling is constructed.</p>
4. Isolation of a heritage attributes from the surrounding environment or context	<p>Significant heritage attributes will not be isolated from the surrounding environment once the new house is constructed. The house will retain its prominent position at the corner of Butler and John Streets. The surrounding developments and homes do not contribute to the context of the property which is the only remaining structure that has survived from the “Coloured Village” which once thrived in this area.</p>
5. Direct or indirect obstruction of significant views or vistas within, from or of built and natural features	<p>The subject property and the surrounding properties were analyzed in the field and images were taken of the subject property and the surrounding area. The on-site analysis determined that there will be no obstruction of views and vistas from Butler or John Street once the new house is constructed. There are no significant trees and shrubs or other significant landscape features in the rear yard at 507 Butler Street.</p>
6. Change in land use	<p>The property at 507 Butler Street is zoned Institutional (I-34) Special Exception to permit a museum, research facility and a single family residential dwelling with lot area, frontage and depth and lot coverage as existing. The property has never been used as a museum or research facility. The owner is applying to zone the property R1 (Residential) Zone. Essentially there will be no change in the use of the land which has been residential for many years.</p>
7. New development or site alteration to fill in formerly open spaces	<p>The severance and the house proposed for the new lot will fill a portion of the formerly open lawn at the rear of the existing house. However, a full 9.67m (31.73ft) of space will be maintained between the rear elevation of</p>



	the existing house and the new lot line. This ensures retention of a considerable amount of open space. However, the open space that currently exists will be reduced.
8. Land disturbances that may affect an archaeological resource	Stage 1, 2 and 3 archaeological surveys have been completed. However, if deeply buried archaeological resources are discovered during excavation, all work will stop and a licensed archaeologist will be engaged in accordance with Section 48(1) of the <u>Ontario Heritage Act</u> to carry out archaeological field work. This survey will be completed before construction recommences.

### 3. Analysis of Heritage Impacts Based on the General Standards for Preservation, Rehabilitation and Restoration, Standards and Guidelines for the Conservation of Historic Places in Canada

1. Conserve the heritage value of an historic place. Do not move, replace or substantially alter its intact or repairable character- defining elements. Do not move a part of an historic place if its current location is a character defining element.	Neither of the structures on the site will be moved, replaced or altered. The house will continue to be a landmark in the area. The property to the rear is not a character-defining element.
2. Conserve changes to an historic place that, over time, have become character-defining elements.	No changes that have occurred over the years that are now considered to be character-defining elements.
3. Conserve heritage value by adopting an approach calling for minimal intervention.	There will be Intervention as indicated above. It will be mitigated to the extent of ensuring that the new house is set back as far as possible from the existing house so that there is suitable separation between the existing house, which is a character-defining element, and the new house. This will also ensure that there is sufficient open space conserved to maintain views and vistas from all directions.
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	Not applicable.



features of the same property that never existed.	
5. Find a use for an historic place that requires minimal or no change to its character-defining elements.	The use for the property at 507 Butler Street will not change. It will continue to be used as a single detached dwelling.
6. Protect and, if necessary, stabilize an 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.	A temporary protection plan will be developed to ensure that William and Susannah Steward House is not damaged during construction. Stage 1, 2 and 3 archaeological surveys have been completed. However, if deeply buried archaeological resources are discovered during excavation, all work will stop and a licensed archaeologist will be engaged in accordance with Section 48(1) of the <u>Ontario Heritage Act</u> to carry out archaeological field work. This survey will be completed before construction recommences.
7. Evaluate the existing condition of the character-defining elements to determine the appropriate intervention. Respect heritage value when undertaking an intervention.	Not applicable. The house is currently well-maintained and will not be altered. During construction of the new house a temporary protection plan will ensure that the subject house and foundation are not damaged.
8. Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts where there are surviving prototypes.	Not applicable. The existing house and accessory structure are well-maintained and will continue to be well-maintained.
9. Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention.	The existing structures, which are cultural heritage attributes will remain and will be conserved. However, the setting of the site will be altered when the new house is constructed. Visual documentation of the site as it exists will be undertaken before construction commences.
10. Repair rather than replace character-defining elements.	The existing structure, which is a heritage attribute will not be replaced.
11. Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible	The new building will be designed to be visually compatible with the other homes fronting on John Street West and a heritage permit will be required to for the new house, ensuring that it will be compatible with surrounding buildings and distinguishable from the existing house.



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 an historic place will not be impaired if the new work is removed in the future.	It is unlikely that the new house, once it is constructed, will be removed.

#### **4. Impacts on the Niagara Baptist Church Burial Ground, the Butler Homestead Site and Butlers Burying Ground**

The three sites of cultural heritage value or interest that were identified above are all isolated from each other and from the subject property. None of these sites will be impacted by any alterations to the 507 Butler Street property either physically or as the proposed alterations relate to views and vistas and cultural landscapes.

## **Alternative Development Scenarios, Mitigation and Conservation Methods**

### **Alternative Development Scenarios**

#### **1. Do Nothing Approach**

This is an acceptable approach and would result in no changes to the property. It would maintain the setting of the house. However, the Stewards proceeded to divide and sell their property in the 1840's and modern development in the area had altered the character of the neighbourhood which now reflects late 20<sup>th</sup> and early 21<sup>st</sup> century building styles. The rear yard is currently not being utilized for any purpose other than as a lawn. The adjacent property has no cultural heritage value or interest and the proposed house will be set back sufficiently to maintain views and vistas to and from the William and Susannah Steward House which sits forward on Butler Street in the former road allowance. A sufficient amount of green space would be provided to conserve the streetscape character and the landmark status of the house.

#### **2. Alternate Severance Design**

The proposed lot line could be moved further north to provide for a more expansive rear yard and lawn for 507 Butler Street. However, because there would be less space to accommodate a new dwelling it may be necessary to increase the height of the structure to provide more interior space resulting in a building that looms over the subject house which is modest in both size and height.



It may also be necessary to locate the house closer to John Street to accommodate a larger building footprint which could impede sight lines from John Street to the rear elevation of the William and Susannah Steward House. Currently the house can be seen from all directions and its prominence should be maintained.

### **3. Sever the Lots as Proposed**

This scenario would result in alterations to the property. A new lot would be severed from the original lot to the rear of the subject dwelling and shed and a new house will be constructed on the vacant portion of the lot adjacent to the contemporary one storey dwelling on John Street. This would alter the appearance of the property from John Street but; due to the prominent position of the existing structure in the former road allowance, would not result in diminished views and vistas to or from the existing house which would remain as a prominent building at the intersection of Butler and John Streets. The rear portion of the property could then accommodate an additional new dwelling with no physical impact to either the existing structure or the shed. These buildings would remain situ as one of the few tangible remains of the “Coloured Village” and of historical events associated with William and Susannah Steward and early African American settlers in the area.



## Conclusion:

If the preferred option is Option 1 there will be no impacts on the property as it exists today. If the preferred option is Option 3, there will be impacts on the property that must be mitigated if the proposal receives approval. The location and design of the proposed house will require careful consideration and a detailed urban design review.

## Mitigation and Conservation Recommendations

Following are the mitigation and conservation recommendations for the proposed development.

1. An application for severance was brought forward to the Committee of Adjustment in 2008. A heritage permit and approval of Council was granted for the severance in 2013. At that time there was no time limit imposed on the issuance of a heritage permit.  
If the severance is approved, the designation under Part IV of the OHA should remain in place for the entire property as described in the current designation by-law until a heritage permit application is approved for the design and placement of the new dwelling. A revised Statement of Significance is attached to this document and provides text and a list of heritage attributes. Impacts on these attributes would have to be addressed before the heritage permit is issued.
2. A Stage 1, 2 and 3 archaeological survey has been completed. If deeply buried archaeological resources are uncovered during excavation for the new house, all construction will cease until resources on the site are either removed or protected.
3. All alterations to the property must be reviewed by planning and building staff and the municipal heritage committee to ensure compatibility with the surrounding neighbourhood and to ensure the conservation of the identified cultural heritage resources on the site. An urban design review is required.
4. The new dwelling should be of an appropriate and compatible height as determined during the heritage permit review to ensure that its mass and scale is limited and does not overwhelm the existing house at 507 Butler Street which is modest in size and scale. In addition, the design of the new dwelling should be as simple as possible to limit its impact on the existing dwelling.
5. As part of the heritage permit approval for the new house there should be requirements to develop landscaping that respects the overall character of the site. Any screening along the lot line between the new lot and the remnant lot must be natural in nature and composition. Tall board on board fencing should be avoided.
6. The rear yard of the property as it currently exists, should be visually documented before construction commences.
7. Excavation on the site to accommodate the new building will result in considerable disturbance of the property. A Temporary Protection Plan will be developed in concert with members of the construction team, the project management team, a structural engineer with a background in heritage conservation, a heritage conservation architect, a



heritage consultant and Town staff to ensure that excavation and other construction work does not adversely impact the significant built heritage on the site. Development on the new lot will not be undertaken until such time as the Temporary Protection Plan is completed and all parties have agreed to the process to ensure that the William and Susannah Steward House will be protected during excavation and construction of the new house.



## Implementation and Monitoring

a Heritage Permit for the new house on Lot 1 will be required before construction and will require approval of Council. The proposed development will be assessed, reviewed and monitored by local agencies and by the MHC throughout the planning and building process.

A Temporary Protection Plan will be required in advance of further work. It will form part of the heritage permit application. It will be monitored by the professional consultants involved and by Town of Niagara-on-the-Lake staff to ensure that proper mitigation and protection is carried out during construction and the views and vistas are maintained to the greatest extent possible.



## Conclusion and Conservation Recommendations

The PPS states that planning authorities shall not permit development and site alterations on adjacent lands and protected heritage property unless the development and site alterations have been evaluated and the heritage attributes of the property have been conserved.

The property at 507 Butler Street is designated under Part IV of the OHA and is a significant cultural heritage resource. A Regulation 9/06 analysis has been completed and has determined that the subject property meets all three criteria for designation under Part IV of the OHA. Three nearby properties have been identified as significant cultural heritage resources. One of these properties, the Butler Homestead at 34 Balmoral Drive, is also designated under Part IV of the OHA. The Niagara Baptist Church Burial Ground, though it is not designated, is listed on the Town's Register and has been afforded limited protection. As a graveyard, it is a site of archaeological significance warranting additional protection under the OHA. It also has connections to William and Susannah Steward and the Black community. Butler's Burying Ground is the internment site of Colonel John Butler and his descendants. However, these properties are not adjacent to 507 Butler Street and cannot be seen from that property. As such, they will not be visually or physically impacted by the proposal to sever the land at 507 Butler Street. Impacts are confined to the property itself.

The house at 507 Butler Street is not architecturally significant, though it is of an early date (c.1835) and has been appropriately restored and well-maintained. It is a modest vernacular building with simple Neoclassical details consisting, as described by Peter Stokes of *"a single large room occupying the ground floor of the main house, this with a fireplace, with the lean-to serving as an additional space, and latterly kitchen, as well as giving access via a narrow steep stair (since replaced) to the loft above"*<sup>14</sup>. Its significance lies in its association with William and Susannah Steward, early black settlers and most likely free African Americans who were active in the community of similar settlers and refugees in the first half of the 19<sup>th</sup> century. It is an early example of the type of house constructed by the inhabitants of the "Coloured Village" and a singular survivor from that period. The Stewards are also associated with two important local events involving Black refugees who escaped their owners along the Underground Railroad and sought freedom in Canada.

The existing house and shed, which is a reconstruction of an earlier structure, will not be physically impacted by the proposed severance and construction of a house on the new lot and any potential physical damage that could result from excavation for the new house will be monitored and mitigated in accordance with the Temporary Protection Plan that will be appended to the heritage permit for the house construction.

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<sup>14</sup> Peter Stokes, *Old Niagara on the Lake*, Toronto, University of Toronto Press, p.49  
507 Butler Street, Town of Niagara-on-the-Lake, July 2022  
Leah D. Wallace, MA MCIP RPP



The visual impacts which will occur once the new house is constructed are no more significant than those that have already occurred as a result of development in the surrounding area in the late 20<sup>th</sup> and early 21<sup>st</sup> centuries. The new development has virtually obliterated any trace of the early development in the area leaving the William and Susannah Steward House and property on which it sits as the only surviving remnant of early African American settlement in the area. Design control and the use of natural screening will assist in mitigating these impacts. Additionally, Option 1, which provides for a greater interior side yard setback for the new dwelling is recommended as the preferred option.

As recommended by planning staff, a revised Statement of Significance is included in this document for consideration by Council.

**NOTE:**

*The information, recommendations and opinions in this heritage impact assessment are for the sole benefit of the Town of Grimsby. Any other use of this report by others without permission is prohibited. Unless otherwise stated, the recommendations and opinions given in this report are intended only for the guidance of the Town of Grimsby and other approved users.*

*Please note that the policy review in this report is limited to information directly related to cultural heritage and is not a comprehensive planning review.*

Prepared by

A handwritten signature in black ink, reading "Leah D. Wallace". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Leah D. Wallace, MA MCIP RPP  
Consulting Heritage Planner

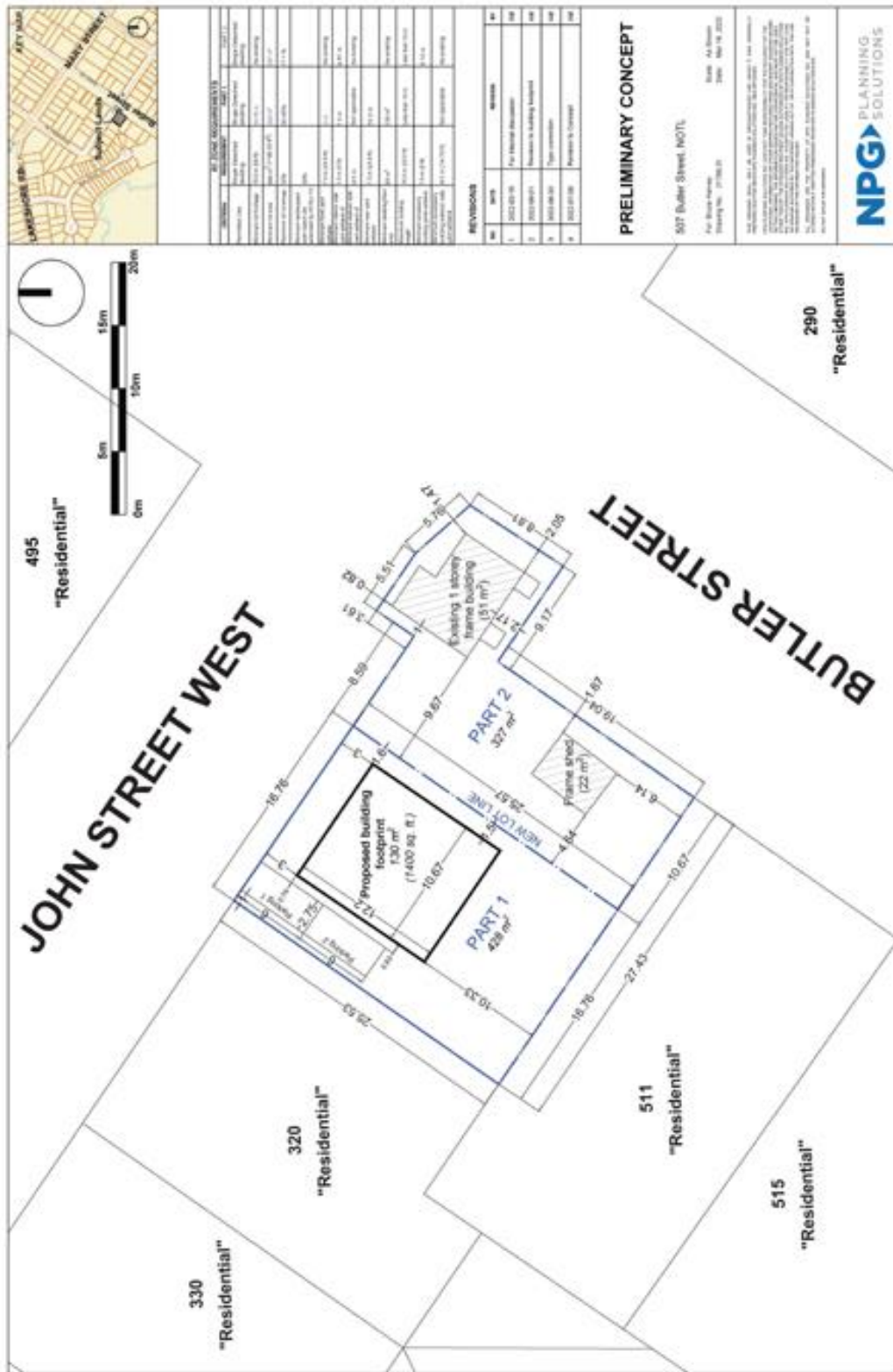


# Appendices




## APPENDIX I – Severance Sketch







## APPENDIX II – Designation By-laws

<p>Department of Planning &amp; Development Services TELEPHONE 905-468-3266 FACSIMILE 905-468-0301</p>	 <b>The Town of Niagara-On-The-Lake</b>	<p>1593 CREEK ROAD P.O. BOX 100 VIRGIL, ONTARIO L0S 1T0</p>
--	---	---

August 6, 2003

The Ontario Heritage Foundation  
10 Adelaide Street East  
Toronto, Ontario  
M5C 1J3

**REGISTERED MAIL**


**RE: 165 Queen Street, 507 Butler Street and 235 Simcoe Street  
Notice of Passing of By-law Nos. 3722-03, 3723-03, 3724-03  
Ontario Heritage Act, Part IV**

---

Pursuant to the provisions of Section 29(6)(a)(ii) of the Ontario Heritage Act,  
R.S.O. 1990, Chapter 0.18, please find enclosed copies of:

By-law No. 3722-03, being a by-law to designate 165 Queen Street  
By-law No. 3723-03, being a by-law to designate 507 Butler Street  
By-law No. 3724-03, being a by-law to designate 235 Simcoe Street

Sincerely yours



Holly Dowd  
Clerk

Enc.

✓ RA 12/14/03

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*First Capital of Upper Canada - 1792*



THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE

**BY-LAW NO. 3723-03**  
(Roll No.26-27-010-005-176)

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS THE WILLIAM STEWART HOMESTEAD, 507 BUTLER STREET, IN THE TOWN OF NIAGARA-ON-THE-LAKE, IN THE PROVINCE OF ONTARIO, AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST.

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake has caused to be served on the owner of the lands and premises known as the William Stewart Homestead at 507 Butler Street, in the Town of Niagara-on-the-Lake in the Province of Ontario and upon the Ontario Heritage Foundation, notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in a newspaper having general circulation in the municipality;

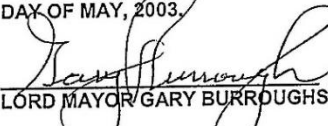
AND WHEREAS the reasons for designation are set out in Schedule 'B' attached hereto;

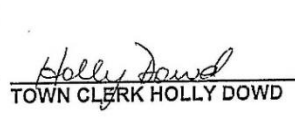
AND WHEREAS no notice of objection to the proposed designation has been served on the clerk of the municipality.

THEREFORE the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

1. There is designated as being of cultural heritage value or interest the real property known as the William Stewart Homestead at 507 Butler Street in the Town of Niagara-on-the-Lake in the Province of Ontario, more particularly described in Schedule 'A' hereto.
2. The municipal solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule 'A' hereto.
3. The Clerk is hereby authorized to cause copy of this By-law to be served on the owners of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this By-law to be published in a newspaper having general circulation.

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON THIS 12<sup>th</sup>  
DAY OF MAY, 2003.

  
LORD MAYOR GARY BURROUGHS

  
TOWN CLERK HOLLY DOWD



SCHEDULE A  
BY-LAW 3723-03  
507 BUTLER STREET DESIGNATION BY-LAW

Part of Lot 337, Township Plan 86, as in RO163436, Town of Niagara-on-the-Lake, Regional Municipality of Niagara

PIN #46392-0369 (R)

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Town of Niagara, in the County of Lincoln and Province of Ontario, and being composed of Part of Lot No. 337, as shown on Niven Plan, registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 86 for the said Town, more particularly described as follows:  
COMMENCING at the most Easterly angle of said Lot 337;  
THENCE North 55 degrees, 16 minutes West along the North-easterly boundary of said Lot, 90.0 feet;  
THENCE South 34 degrees, 44 minutes West, 84.2 feet;  
THENCE South 55 degrees, 16 minutes East, 90.0 feet to the South-easterly boundary of said Lot;  
THENCE North 34 degrees, 44 minutes East along said South-easterly boundary, 84.2 feet more or less to the point of commencement.



## SCHEDULE 'B'

### REASONS FOR DESIGNATION

The William Stewart Homestead, c.1835 – Part Lot 337, Plan 86  
507 Butler Street, Niagara-on-the-Lake

The William Stewart Homestead is recommended for designation primarily for historical reasons.

It is historically significant as one of the few surviving intact examples of houses built by and for Niagara-on-the-Lake's early Black settlers. William Stewart, a black teamster/yeoman was one of 17 Black men who signed a petition in 1837 asking that an escaped Black slave not be returned to the United States. The property is also associated with Andrew Butler, son of Colonel John Butler and with John Oliver, a pro-abolitionist farmer whose land became the site of the Black Baptist Church.

Architecturally, the house is best described as Neo-Classical in the simple vernacular style of the early 19<sup>th</sup> century, unpretentious, small and with a few characteristic but basic details of its period. It reflects the simpler dignified structures of the early Town and resembles other early house such as the Dover-Daly House on Platoff Street and the early part of the MacMonigle-Craik House on Gate Street.

### Site

The house occupies a spacious lot on the west side of Butler Street just south of John Street. The building sits close to the street on the extreme northeast corner of the lot. A simple wooden outbuilding and gardens occupy the rest of the property.

### Historical Background

The property, originally granted in 1802 to Andrew Butler, son of Lieutenant-Colonel John Butler, is located on the way to Butler's Burial Ground, straddling the John and Butler Street rights-of-way, sitting more off the lot than on it, but also partly on Lot 337, one of the original lots of the Town Plot.

In 1828, Andrew Butler's son, Joseph Walter Butler, sold the one acre lot to Niagara merchant Lewis Clement and in 1834 Clement sold the land to William Stewart, newly arrived in Niagara in the Fall of that year. Records indicate that Stewart, who was a black teamster/yeoman, was able to writ his name and that he was one of the 17 Black men who signed a petition in 1837, asking that Solomon Moseby, an escaped slave, not be returned to the United States.

It is probably that Stewart hired Robert Baxter, a Black carpenter who had just purchased a ½ acre lot on Butler Street from Thomas Butler, to help him build his house. He sold half of his lot to Baxter after the house was finished. Tax assessment records indicate that William Stewart lived in the house until 1847 when he sold his lot to John Oliver, a neighbouring pro-abolitionist farmer whose land eventually became the site of the Black Baptist Church. John Oliver's son, Matthew, inherited the house in 1867 and sold it to his son, Alex, the following year. Later owners include Henry Knapp (1870-74), [REDACTED] and descendants (1874-1949) and, finally, [REDACTED]. It is currently owned and is being rehabilitated by the Niagara Foundation.

### Architectural Features

Original surviving details on the ground floor include main room finishes and trim including the chair rail, baseboard and architraves to openings; enclosure, stringers and cupboard doors for the stairway; 6 panel front door; chimney complete with fireplace; the stovepipe thimble in the west wall; and the floor deck and structure.



Page 2 -- Schedule B 507 Butler Street, Designation By-law

Original surviving details on the second floor include the floor; the beaded board partition and small board and cleat door; the 6 paned sash and frame of the north end window and the frames of the south end windows.

**Designation**

This designation applies to the entire exterior façade and structure of the house including the exterior portion of the chimney.

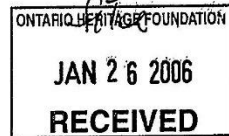
✓  
12/10/03  
RQ



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Niagara



Department of Planning  
& Development Services  
TELEPHONE 905-468-3266  
FACSIMILE 905-468-0301

# The Town of Niagara-On-The-Lake

1593 FOUR MILE CREEK ROAD  
P.O. BOX 100  
VIRGIL, ONTARIO  
L0S 1T0

January 24, 2006

The Ontario Heritage Trust  
10 Adelaide Street East  
Toronto, Ontario  
M5C 1J3

## REGISTERED MAIL

**RE: 34 Balmoral Drive, Plan 30M-283, Lot 65, St. Andrews Glen, The  
Butler Homestead Site  
Notice of Passing of By-law No.4003-06  
Ontario Heritage Act, Part IV**

Pursuant to the provisions of Section 29(6) (a) (ii) of the Ontario Heritage Act,  
R.S.O. 1990, Chapter 0.18, please find enclosed a copy of:

By-law No.4002-06, being a by-law to designate 34 Balmoral Street, Lot 65, Plan  
30M-283, The Butler Homestead Site.

Sincerely yours

Holly Dowd  
Town Clerk

Enc.

*First Capital of Upper Canada - 1792*

3/5/06  
JRA



**Properties**

PIN 46392 - 0586 LT  
Description LOT 65, PLAN 30M283, T/W NTP4974; S/T RIGHT OF ENTRY AS IN LT191466; N  
IAGARA ON THE LAKE  
Address 34 BALMORAL DRIVE  
NIAGARA TOWNSHIP

**Applicant(s)**

This Order/By-law affects the selected PINs.

Name THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE  
Address for Service 1593 Creek Road, P.O. Box 100, Virgil  
ON L0S 1T0

I, Acting Lord Mayor and I, Holly Dowd, Town Clerk, have the authority to bind the corporation.  
This document is not authorized under Power of Attorney by this party.

**Statements**

This application is based on the Municipality By-Law No. 4003-06 dated 2006/01/16.  
Schedule: See Schedules

**Signed By**

Monica Evelyn Wolfe 39 Queen St. P.O. Box 24022 acting for Applicant(s) Signed 2006 01 23  
St. Catharines L2R 7P7  
Tel 9056881125  
Fax 9056885725

**Submitted By**

DANIEL & PARTNERS LLP 39 Queen St. P.O. Box 24022 2006 01 23  
St. Catharines L2R 7P7  
Tel 9056881125  
Fax 9056885725

**Fees/Taxes/Payment**

Statutory Registration Fee \$60.00  
Total Paid \$60.00

**File Number**

Applicant Client File Number : 36765



**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE**

**BY-LAW NO. 4003-06**

(34 Balmoral Drive, Plan 30M-283, Lot 65, St. Andrews Glen)  
(Roll No. 2627-020-008-37400)

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN  
MUNICIPALLY AS THE BUTLER HOMESTEAD SITE, 34  
BALMORAL DRIVE, LOT 65, ST. ANDREWS GLEN IN THE  
TOWN OF NIAGARA-ON-THE-LAKE, IN THE PROVINCE OF  
ONTARIO, AS BEING OF CULTURAL HERITAGE VALUE OR  
INTEREST.

**WHEREAS** Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18, authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

**AND WHEREAS** the Council of the Corporation of the Town of Niagara-on-the-Lake has caused to be served on the owner of the lands and premises known as the Butler Homestead Site at 34 Balmoral Drive, Lot 65, St. Andrews Glen in the Town of Niagara-on-the-Lake in the Province of Ontario and upon the Ontario Heritage Trust, notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in a newspaper having general circulation in the municipality;

**AND WHEREAS** the reasons for designation are set out in Schedule 'B' hereto;  
**AND WHEREAS** no notice of objection to the proposed designation has been served on the clerk of the municipality.

**NOW THEREFORE** the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

1. There is designated as being of cultural heritage value or interest the real property known as the Butler Homestead Site at 34 Balmoral Drive in the Town of Niagara-on-the-Lake in the Province of Ontario, more particularly described in Schedule 'A' hereto.
2. The municipal solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule 'A' hereto.
3. The Clerk is hereby authorized to cause copy of this By-law to be served on the owners of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this By-law to be published in a newspaper having general circulation.

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON THIS 16<sup>th</sup>  
DAY OF JANUARY 2006

  
ACTING LORD MAYOR A. VIOLA

  
TOWN CLERK HOLLY DOWD



**SCHEDULE "A"**  
**TO BY-LAW 4003-06**

**HERITAGE DESIGNATION – 34 BALMORAL DRIVE**

Lot 65, Plan 30M-283, T/W NTP4974; S/T Right of Entry as in LT191466;  
Niagara-on-the-Lake

**PIN #46392-0586 (LT)**



## SCHEDULE 'B'

### REASONS FOR DESIGNATION

The Butler Homestead Site, c.1784-1813 – St. Andrews Glen, Registered Plan 30M-283, Part of Lot 206 – 34 Balmoral Drive, Lot 65 in the Town Niagara-on-the-Lake

**The Butler Homestead Site is recommended for designation under Part IV of the Ontario Heritage Act for its cultural heritage value or interest.**

**The Butler Homestead property is a significant cultural heritage landscape and an archaeological site of national significance. The site is the first Canadian home of Lieutenant Colonel John Butler and his family c.1784-1813.**

Butler's Rangers were an important component of the resistance to the American Revolutionary forces. Their successful guerrilla raids wiped out rebel centres and destroyed Washington's sources of food supplies. Butler's service as an Indian agent was vital. His ability to speak several Indian languages, his knowledge of the intricacies of Native diplomacy, his two decades of experience as interpreter for Sir William Johnson, combined with the trust the Six Nations placed in him gave him unparalleled influence with Native people. Finally, John Butler's role in the founding of the new settlement at Niagara was an important contribution to the development of the fledgling nation. As a judge and Superintendent of the Indian Department, he retained a leadership role in the community he helped to found.

The Butler Homestead site is a rich source of archaeological artifacts that date to the founding of Niagara by the Loyalists who sought refuge in Fort Niagara. It is a significant associative cultural heritage landscape that has acquired a definite sense of time and place through its historical association with important events and Lieutenant Colonel John Butler, a nationally significant individual.

### Site

The property is on the west side of Niagara Stone Road, east of Two Mile Creek at 34 Balmoral Drive (Lot 65) in the St. Andrews Glen Subdivision. The lot backs onto Two Mile Creek and is the location of a significant registered archaeological site consisting of the foundations of the Colonel John Butler Homestead.

### Historical Background

Before the American Revolution, John Butler was employed as interpreter at the most important Native Council meetings organized by both Sir William and Colonel Guy Johnson. His ability to speak aboriginal languages and understand their customs was inherited from his father, Walter Butler, who also worked in the service of Sir William Johnson until his death in 1760.

John Butler resided on a large estate in the Mohawk Valley and held the rank of Lieutenant Colonel in Guy Johnson's militia regiment. He was also a judge when the Tryon County Court was in session. He married Catherine Bradt around 1752. The couple had 4 sons and a daughter.



Page 2 – Schedule B

Along with many wealthy merchants, farmers and landowners in New York, John Butler made the decision to remain loyal to the Crown. Loyalist properties were seized and destroyed and hostages were taken when those opposed to the war refused to sign the Articles of Association against the Government which had been drawn up by the Continental Congress. To counter these seizures, the British government charged Sir Guy Carleton with organizing a raid on New York using both the Iroquois and a Loyalist Militia. Carleton directed Butler to join Colonel St. Leger at Oswego with as many aboriginal troops as he could muster. Butler in turn proposed to raise a corps of rangers who would fight a guerrilla war alongside the Iroquois against the Americans.

After Butler's success at the siege of Oriskany in the summer of 1777, Carleton furnished him with "beating orders" for the enlistment of 8 companies, including 2 formed of "people speaking the Indian language and acquainted with their customs and manner of making war". In the autumn of 1778, log barracks were constructed on the west bank of the Niagara River and 6 full companies of Butler's Rangers assembled at Fort Niagara in December to take up winter quarters at the barracks across the river. At Fort Niagara, Loyalist families continued to seek refuge, taxing the supplies that were meant for the Rangers, the garrison and the aboriginal troops.

In order to solve some of the supply problem, General Haldimand chose Niagara as a location for a small civilian settlement that could cultivate the land and supply the garrison. Lieutenant Colonel Butler anticipated that many more Loyalist refugees would have to be accommodated and suggested that a large tract of land be purchased from the Mississauga people. Colonel Guy Johnson negotiated the purchase in the spring of 1781. This was the first surrender of aboriginal lands to the British in Ontario.

As the war neared its end, Haldimand began to make plans to settle the Loyalists permanently in Canada. John Butler compiled the first census of the civilian population in 1782. He did not include his name among the 16 heads of household in 1782 nor did he include his name in the second census of 46 households compiled in 1783. To support the growth of the community, the government planned the construction of a gristmill and sawmill on Four Mile Creek in the autumn of 1783. The mills were operated by Daniel Servos in the areas now known as Palatine Hill.

In 1783-84 a map of the new settlement was drawn by Lieutenant Colonel Butler showing the settlers' names in Niagara Township along the river as well as a block of smaller lots north of the East West Line that separated the township from the lands reserved for the Crown.

John Butler's family eventually settled on a lot between Jacob Ball and John Secord. The lot was marked "vacant" in the early 1780's at that time probably because Butler's wife and family were being held hostage in New York and also because the Rangers were an active guerrilla force at that time. As an officer in that unit, Butler probably lived in the Rangers' barracks until the unit was officially disbanded in 1784.

Although the government intended to settle the Rangers on lots distributed under the supervision of the Surveyor-General, by the time an official survey was completed it was discovered that John Butler and several of his officers already occupied land that was intended to be reserved for the Crown. After fighting a long war and losing his home and property in New York it was not surprising that Butler refused to give up the land he had settled on and had already begun to make improvements to.



Page 3 – Schedule B

After settling in Niagara Township, Butler served as Superintendent of the Indian Department and continued to travel to council meetings as a representative of the Crown. He was appointed a Judge for the Nassau District Court of Common Pleas in 1789 and 1791 and Justice of the Peace in the District Court of Quarter Sessions in 1791. Because these courts were the only form of local administration at the time and the Province of Upper Canada was not created until 1791, Butler participated in local affairs at an extremely crucial and formative period in Upper Canada's development.

When Niagara was chosen to become the first capital of the new province, the Butler family was within the social circle of prominent citizens, government officials and soldiers living in the capital. Butler also helped to found St. Mark's parish and was a founding member of the Masons in Niagara.

Catharine Butler died in May 1793 and John Butler died in May 1796. His personal and real property was divided among his family. Thomas Butler received 300 acres of land in the vicinity of the Town of Newark. The legal description indicates that the northern boundary of this property ran through the St. Andrews Glen property and its eastern boundary lay on the town (Garrison) line.

Andrew Butler received 100 acres of land and three Town lots adjoining the property he was already living on. The southern boundary of this property extended through the St. Andrews Glen property and its eastern boundary lay on the town (Garrison) line. It included the location of the Butler Homestead site.

Johnson Butler received 100 acres of land adjoining the lands of John Secord Sr., but his property contained no buildings or other improvements. In addition to the land, John Butler's will indicated that he owned slaves. These were bequeathed to various family members until they attained the legal age of freedom. The household furniture was divided between his daughter and granddaughter. Another granddaughter received all of the cattle from his farm.

Archaeological Significance

The 1810 plan of the Town of Niagara by Andrew Gray indicates 4 buildings directly east of Two Mile Creek and north of Niagara Stone Road, two of which fronted directly on the highway and were most likely the homes of Thomas and Andrew Butler. The two houses set back from the road were marked "Col. Butler". Although John Butler had died in 1796, it is possible that this label denoted the residual memory of the man who helped found the loyalist settlement in Niagara and that, at the time, the house was occupied by Johnson Butler, who had received lands but no buildings when his father died.

The neighbourhood of the Butler farms witnessed repeated action during the War of 1812-14, beginning on May 27, 1813 when the Americans landed their troops at Crookston, the community on Two Mile Creek at the point where it emptied into Lake Ontario.

In the summer of 1813, the British skirmished with the Americans who had established piquets in the vicinity of the Butler farms. The map of the American piquets in the summer of 1813 illustrated No. 4 piquet at Thomas Butler's house. No. 3 piquet was located at Colonel Butler's house as indicated on the 1810 Gray map. These two houses were destroyed, along with the entire town, when the American occupiers retreated in December 1813.



Page 4 – Schedule B

Archaeological surveys carried out by Mayer Heritage Consultants Inc. and Archaeological Services Inc. in 1996 and 1999 respectively uncovered large quantities of significant late 18<sup>th</sup> century Euro-Canadian artifacts including early military bone buttons, Butler's Rangers metal coat buttons and pieces of ceramic tableware, teaware and glass that provided compelling evidence of the site's association with Lieutenant Colonel John Butler. Some of the wares were restricted in their manufacture and distribution to the period that the site was inhabited by John Butler. The presence of Chinese porcelain, an expensive ware, corresponded with Butler's status in the community as a town founder, Indian Agent and judge. The archaeologists found numerous glass and shell beads, including wampum, and at least one piece of trade silver, which are not commonly found on ordinary domestic site. Their presence on this site is entirely consistent with Colonel Butler's role as Superintendent of the Indian Department. The foundations of a house have also been located on the lot and are still in situ.

Designation

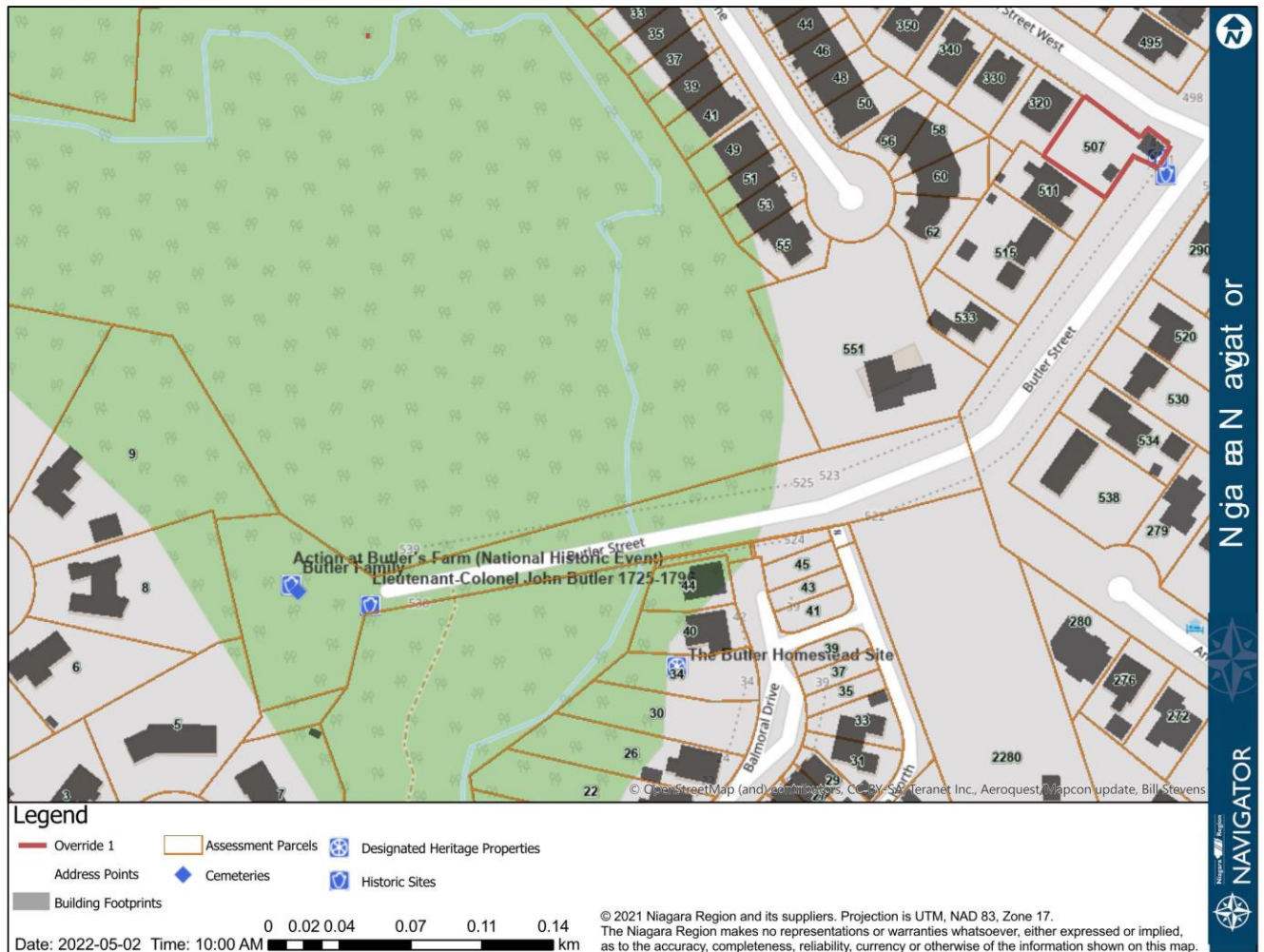
This designation applies to the lands known as Lot 65 (34 Balmoral Street) in the St. Andrews Glen Plan of Subdivision and more particularly to the archaeological remains, including the foundations of the Butler Homestead and any other artifacts, above or below ground, that are located on the site.







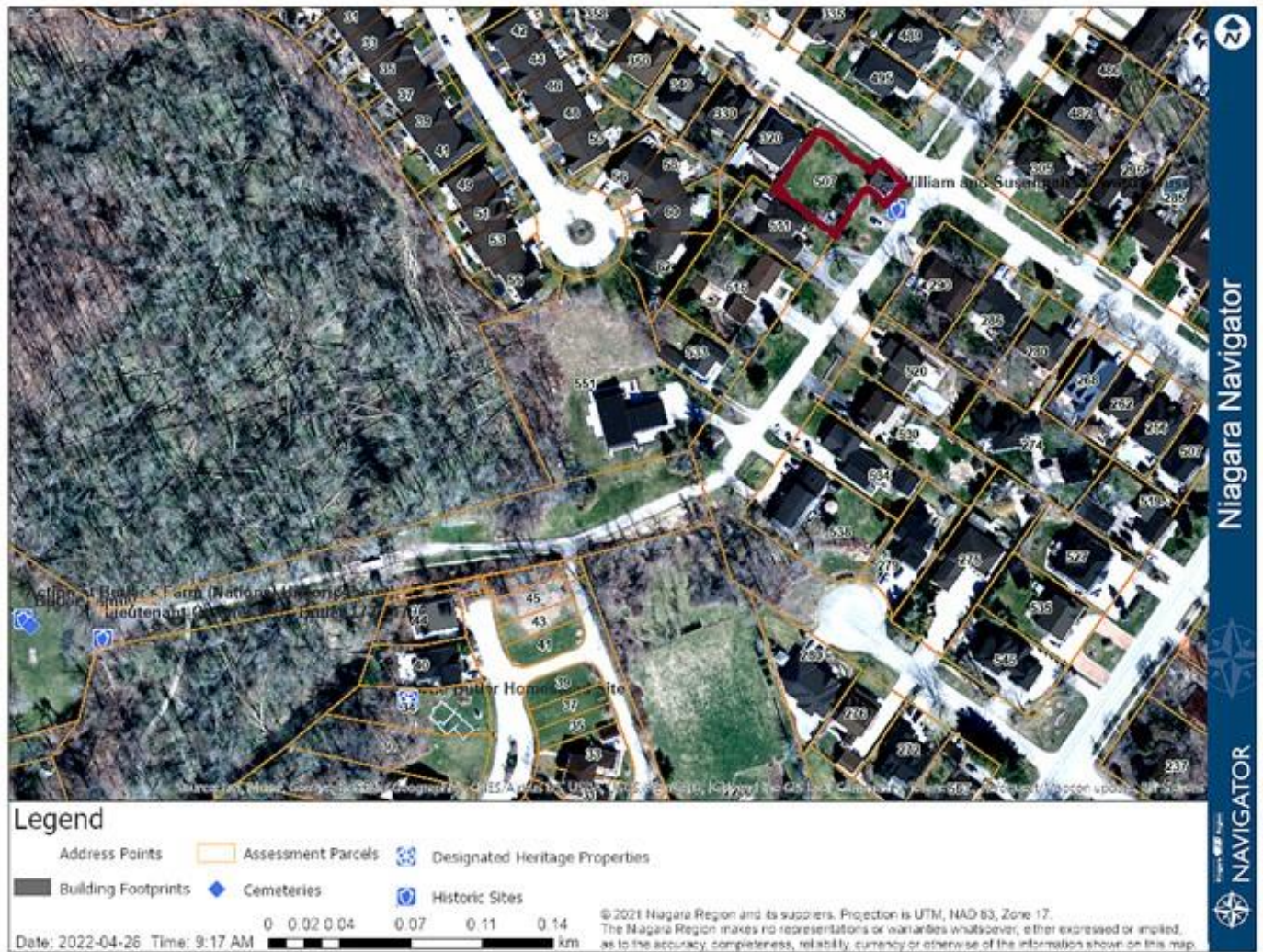
## APPENDIX III – Location Maps



507 Butler Street, Town of Niagara-on-the-Lake, July 2022  
Leah D. Wallace, MA MCIP RPP

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507 Butler Street, Town of Niagara-on-the-Lake, July 2022  
 Leah D. Wallace, MA MCIP RPP





507 Butler Street, Town of Niagara-on-the-Lake, July 2022  
 Leah D. Wallace, MA MCIP RPP



## APPENDIX IV – Statement of Significance

### Description of the Property – 507 Butler Street

507 Butler Street is located on Part of Lot 337, Part of John Street, Part of Butler Street, Register Plan TP-86 in the Town of Niagara-on-the Lake.

The subject property occupies an irregularly shaped lot at the northwest corner of Butler and John Streets. The dwelling on the lot is located within the Town's former road allowance. The property contains a small frame dwelling, c.1835, probably of post and beam construction in the vernacular Neoclassical style and a small board and batten shed which is a reconstruction of a similar shed which collapsed.

### Statement of Cultural Heritage Value or Interest

The cultural heritage value of 507 Butler Street, the William and Susannah Steward Homestead, is its association with prominent members of the African-Canadian community and as the only fully documented surviving home in what was once a thriving enclave known locally as the "Coloured Village". It has historical associations with William and Susannah Steward, prominent members of the local African-Canadian community who came to Canada, probably as free Black settlers, in 1834, and purchased land on which the house now stands. It is also associated with two significant events, the escape of Thornton and Lucie Blackburn from a Michigan jail and the Solomon Moseby affair.

The house has limited design value. It is representative of a simple vernacular dwelling displaying some features of the Neoclassical style. It is possibly post and beam, with a clapboard exterior and a side gable cedar roof. It is one and a half storeys in height. The windows are six over six single or double hung and are appropriate replacements added when the Niagara Foundation undertook a restoration. There are two windows at each gable end. There is a single storey addition on the east or John Street side of the house which appears to be of early construction. There are two entrances to the house, the centred front door, and a side door on the east side of the building. Access to the basement, which was excavated and finished by the Niagara Foundation, is through an exterior metal door also on the east side of the house. The dwelling has an unusual saltbox configuration which is rare for the area and is also a singular and expertly restored example of the simple dwellings constructed by African-Americans who settled in the Town in the first half of the 19<sup>th</sup> century.

A number of original interior features survive including the chair rail, baseboard and architraves to openings, enclosed stringers, six panel front door, chimney and fireplace, stovepipe thimble and the floor and deck structure.



The property has historical and associative value for its association with prominent members of the African Canadian community and is one of the few remaining homes originally located in the thriving “Coloured Village”.

William Steward and his wife Susannah entered Upper Canada in 1834. The couple resided in Niagara from 1834 to 1847. During that time they sold portions of their property to other African American immigrants in what would become the “Coloured Village”. William is recorded as a Clerk to the Baptist Church in Niagara. He sold half of the lot to Robert Baxter, also “a man of colour” in 1836. Baxter was a carpenter and joiner. He in turn sold a portion of his lot to Robert Sands, a fugitive slave who operated a barbershop in Niagara. Sands was one of seven men who fled across the Detroit River in 1833 after being involved in the rescue of Thornton and Lucie Blackburn from and Michigan prison.

The property yields information about the early development of “Coloured Village”, the Underground Railway and early Black settlers in the area. The property is also associated with a significance local event. In 1837, Solomon Moseby was accused of horse theft and jailed in Niagara., a trumped up charge instigated by his Kentucky owner in a bid to have him returned to slavery. The American government demanded Moseby’s extradition. William Steward, along with other local African Americans signed a petition to Lieutenant Governor Sir Francis Bond Head supporting the prisoner’s release.

The property has contextual value as a landmark. It is both a building and a place that is important historically because of its relation to the slavery and the Underground Railroad and to events in Niagara connected to African Canadian settlement and the protection of African American refugees in the period before the American Civil War.

### **Description of Heritage Attributes**

Key exterior elements that contribute to the heritage value of 507 Butler Street include:

- The entire exterior of the house
- The location of the house, close to the street
- Surviving original interior features including the chair rail, baseboard and architraves to openings, six panel front door, chimney and fireplace, stovepipe thimble and the floor and deck structure



## APPENDIX V – Images – Figure Numbers Correspond to Numbers in the Text



Figures 40 & 22: 507 Butler Street, Facade from Butler Street Looking West





**Figures 41 & 23: 507 Butler Street, North Elevation from John Street**



**Figures 42 & 24 : 507 Butler Street, North Elevation Looking South from John Street**





**Figure 43: 34 Balmoral Street, the Butler Homestead**



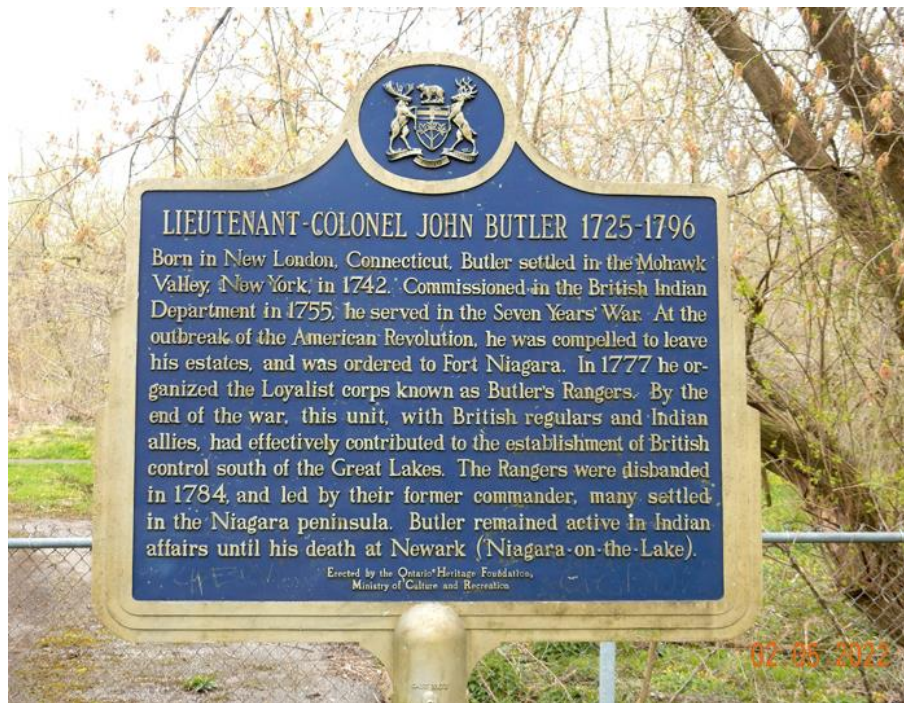


**Figure 44: Plaque at the Butler Homestead, 34 Balmoral Street, Outline of the House Marked on the Ground to the Rear**





Figures 45 & 27: Butler's Burying Ground Viewed from Terminus of Butler Street





Figures 46 & 30: Provincial Plaque, John Butler, Butler's Burying Ground



Figures 47 & 31: Federal Plaque, Action at Butler's Farm, Butler's Burying Ground



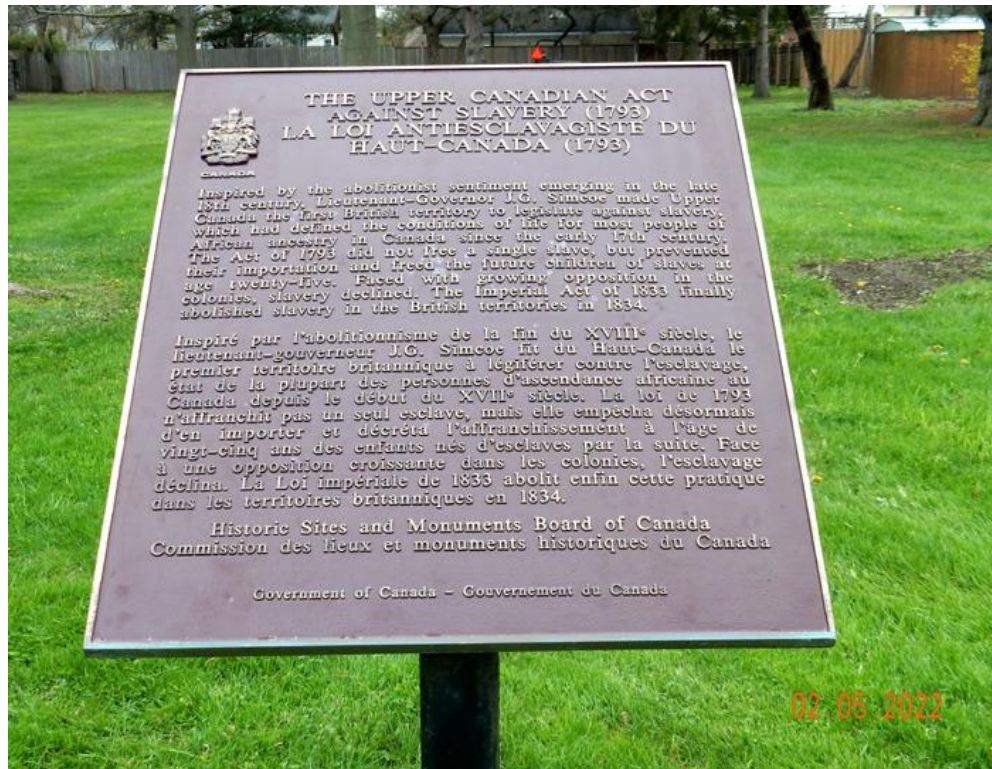


**Figures 48 & 32: Black Burial Ground, Looking Towards Mary Street from Niagara Stone Road**



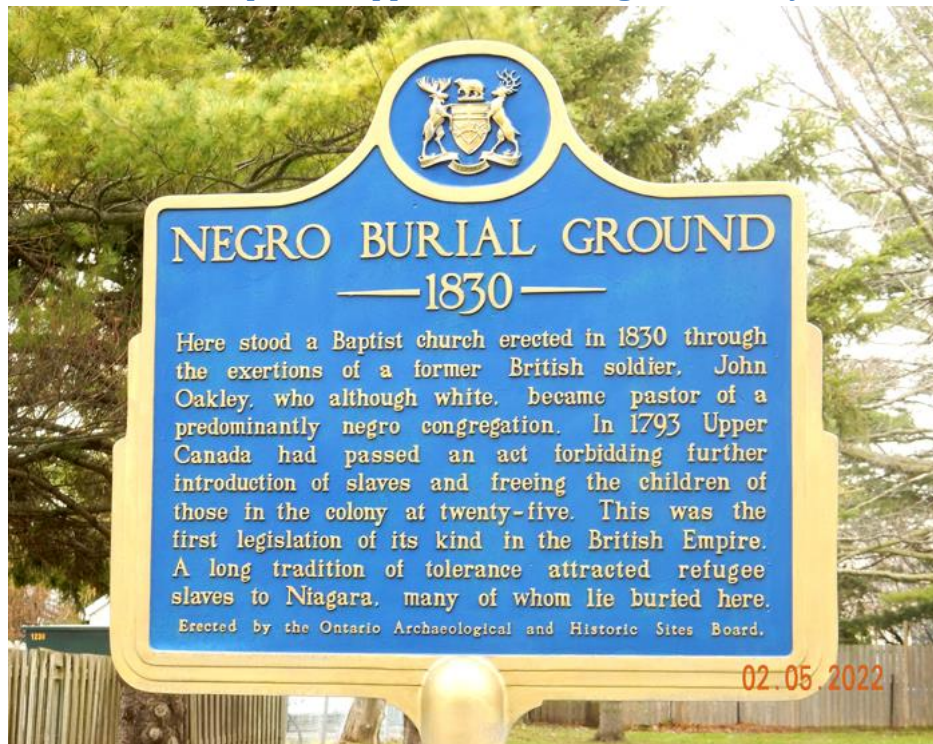


Figure 49: Black Burial Ground from Niagara Stone Road

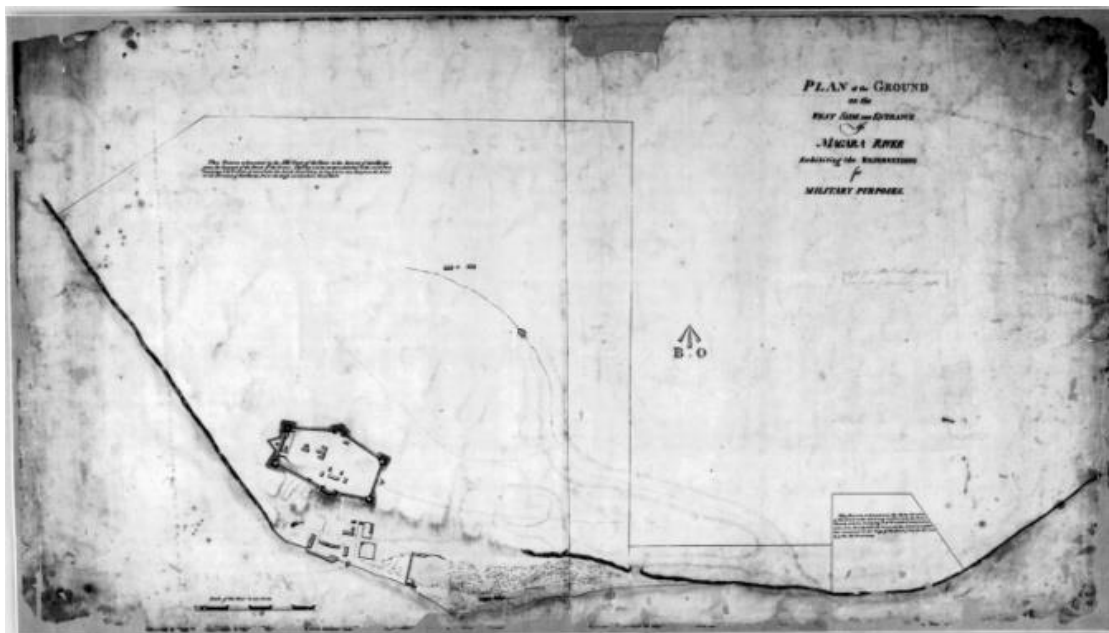




Figures 50 & 34: Federal Plaque, the Upper Canada Act Against Slavery, Black Burial Ground



Figures 51 & 35: Provincial Plaque, Negro Burial Ground, Located on the Black Burial Ground





**Figure 52: Niagara, 1796, Brock University Map Library, Historical Maps Exhibit**



**Figures 18 & 21: Gray Map, 1810, Location of Andrew Butler's Lot**



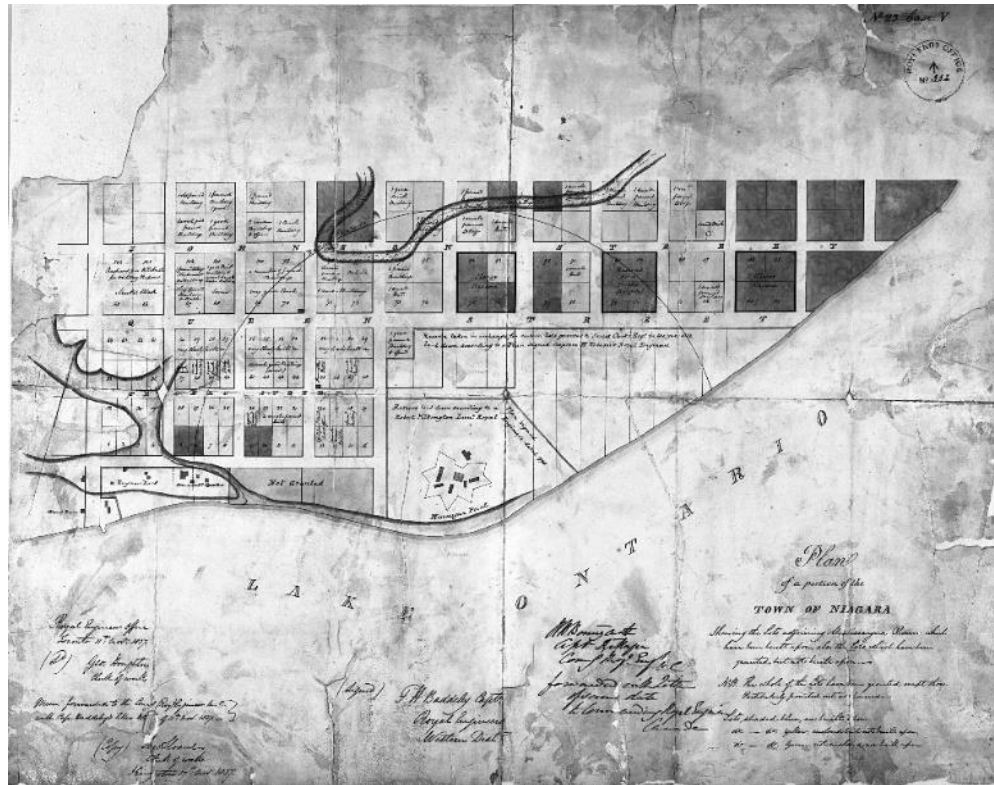


Figure 530: Niagara, 1837, Brock University Map Library, Historical Maps of Niagara Exhibit



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**Figure 545: William & Susannah Steward House, Rear Elevation Looking South from John Street**





**Figure 26: Accessory Shed, East Elevation Looking West from John Street**



**Figure 28: Original Gravestones and Markers**





Figure 29: Original Gravestones & Markers, James & Butler Muirhead





**Figure 553: Two Remaining Gravestones, Baptist Church Burial Ground**



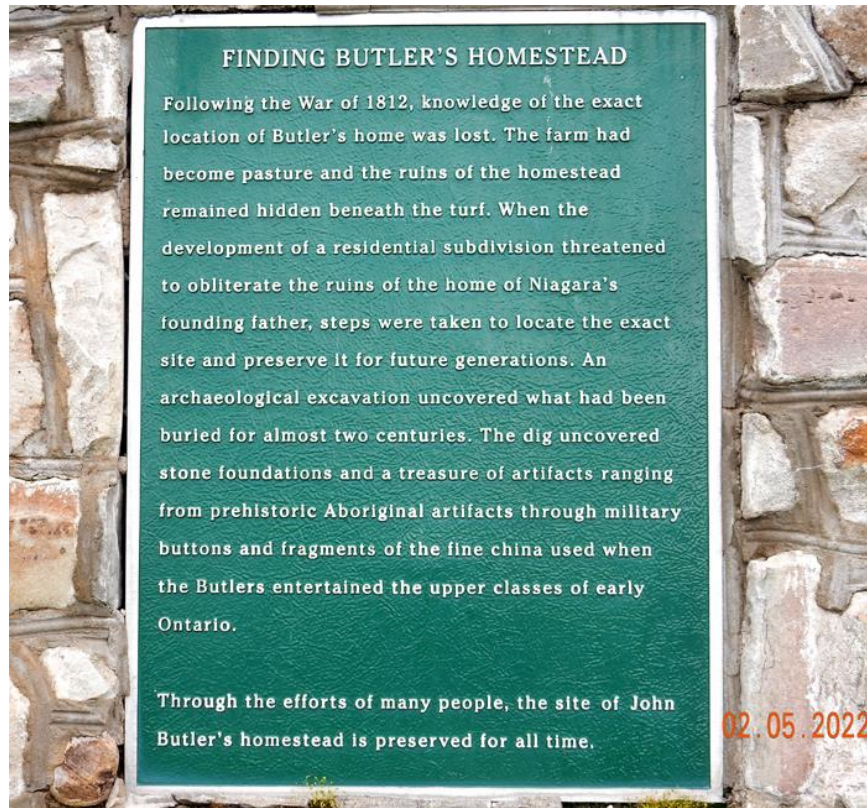


**Figures 6 & 566: The Butler Homestead Site Looking East with Cairn & Bust of John Butler**



**Figure 577: Plaque, Artist's Concept of the Butler House with Outline of the Butler House in the Background**





**Figure 588 : Plaque on Cairn, Finding Butler's Homestead**





**Figure 39: Butler Street Looking Toward Mary Street and Lake Ontario**





**Figure 590: Butler Street Looking Toward Butler's Burying Ground & Walking/Cycling Trail**



**Figure 601: House, Northeast Corner of Butler & John Streets, Facing Butler Street**





**Figure 612: John Street Looking North**





**Figure 623: John Street Looking Towards Niagara Stone Road**





**Figure 634: View of Adjacent John Street House at 507 Butler Street**



**Figure 645: John Street Looking Toward Niagara Stone Road with 507 Butler Rear Yard**





**Figure 656: House Facing John Street, Southwest Corner of John and Butler Streets**



# Bibliography

## Books

Blumenson, John, Ontario Architecture: A Guide to Style and Building Terms 1784 to the Present. Fitzhenry and Whiteside, 1990.

Fram, Mark. Well-Reserved – The Ontario Heritage Foundation's Manual of Principles and Practice for Architectural Conservation, Third Revised Edition. Boston Mills Press, 2003.

Kalman, Harold, A History of Canadian Architecture, Volume 2. Oxford University Press, 1994.

Kornwolf, James D., Architecture and Town Planning in Colonial America, Volume 3. The Johns Hopkins University Press, 2002

Merritt, Richard. On Common Ground – The On-going Story of the Commons in Niagara-on-the-Lake: Dundurn, 2012.

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## Articles and Reports

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Frost, Karolyn Smardz for the Ontario Heritage Trust, *William and Susannah Stewart House, Plaque Report, Historical Background*, 2005.

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Duric, Donna, "Mississauga Treaty at Niagara (1781), <http://mncin.ca/mississauga-cession-at-niagara-1781/>

Haudenosaunee Confederacy, Who We Are, <https://www.haudenosauneeconfederacy.com/who-we-are>



# Curriculum Vitae – Leah D. Wallace

## LEAH D. WALLACE, MA MCIP RPP

15 Brock Street, RR#3, NIAGARA-ON-THE-LAKE, ONTARIO LOS 1J0

### CURRICULUM VITAE

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**PRESENT POSITION** Consulting Heritage Planner  
Niagara-on-the-Lake

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**EDUCATION** University of British Columbia  
Master of Arts, 1978  
  
University of Guelph  
Honours B.A., 1973

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**PROFESSIONAL MEMBERSHIPS** Ontario Professional Planners Institute (OPPI)  
Canadian Institute of Planners (MCIP)

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### CAREER HISTORY

2016 – Present	Consulting Heritage Planner
2012 – 2016	Senior Planner, Town of Niagara-on-the-Lake
2000 – 2012	Planner, Heritage & Urban Design, Town of Niagara-on-the-Lake
1994 – 2000	Contract Heritage Planner Hynde Paul Associates Incorporated, St. Catharines
1984 – 1994	Planning Consultant, Robert J. Miller & Associates Ltd., Mississauga
1979 – 1984	Editor and Division Manager, Longmans Canada, Toronto

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## APPOINTMENTS AND AWARDS

2017	Member, Board of Directors, Lower Grand River Land Trust, Cayuga Ontario (Ruthven Park)
2007 - 2014	Member, Niagara-on-the-Lake Citizens' War of 1812 Bicentennial Committee and the Niagara Region Bi-national Bicentennial Working Group
2006 – 2018	Faculty Member, Willowbank School of Restoration Arts, Queenston
2002 – 2004	Municipal Sector Focus Group on Changes to the Ontario Heritage Act, Provincial Consultations, Ministry of Culture
2002	Member, Bi-national Coordinating Committee, First Bi-national Doors Open, Niagara Region
2000 – Present	Chair, Ruthven Park Building Conservation Committee Lower Grand River Land Trust
1999	Heritage Community Program Recognition Award, Ontario Heritage Foundation
1997 – 2000	Member, Ruthven Park Building Conservation Committee Lower Grand River Land Trust, Cayuga
1997 – 2002	Member, Bay Area Artists for Women's Art Hamilton-Burlington
1989 – 2000	Member and Chair (1991–1997), Local Architectural Conservation Advisory Committee Town of Flamborough



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## PUBLICATIONS AND PRESENTATIONS

Presenter, Ontario Heritage Conference (Ottawa), Municipal Grant Programs and Bill C323, Ontario Heritage Trust Session

Article, *Up in Flames*, Ontario Planning Journal, January/February 2015

Session Manager, National Trust for Historic Preservation (Buffalo, New York National Conference), Mobile Workshop – Adaptive Re-use of Culturally Sensitive Properties, Canadian Experiences

CIDA Sponsored Walking Tour and Public Planning Session, Niagara-on-the-Lake for Visitors from Xi'an, China Studying the Reconstruction of an Ancient Urban Area

Article, *Heritage Conservation Districts*, Heritage Matters Journal, March 2010

Presenter, Heritage Planning in Niagara-on-the-Lake in association with the Ministry of Culture and the Regional Municipality of Niagara, Association of Municipal Clerks and Treasurers of Ontario Conference

Restoration Case Study: Ruthven Park National Historic Site – Course Presented to Students at the School of Restoration Arts, Willowbank

Presenter, Heritage Conservation Districts – The Good, the Bad & the Ugly Canadian Association of Professional Heritage Consultants Conference

Presenter, Protecting Special Places: Tax Relief Incentives for Heritage Properties, OPPI/OALA Conference – Power of Place

Presenter, Co-curator, The Sacred Sites Tour, Art Gallery of Hamilton, An Architectural Evaluation of the Sacred Sites, The Art Gallery of Hamilton, Lecture Series

The Sacred Site Project, Research Project Exploring the Contemporary and Historical Relationships between Artists and Faith Communities in Hamilton-Wentworth, Art Gallery of Hamilton

Presenter, ARCHINET, An Interactive Guide to Canadian Building Styles Paper presented at Continuity with Change, the 1997 Community Heritage Ontario Conference, Huronia

Presenter, Flamborough and Its Community Identity, Wentworth North Riding Association Town Hall Meeting

Presenter, Suitable Housing for Arts Groups: The Planning Process, The Art of Coming Together Conference, Hamilton Artists Inc.

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## PROJECTS

ARCHINET, An Interactive Guide to Canadian Building Styles

Architectural and Historical Appraisal of the National Fireproofing Company of Canada (Halton Ceramics Limited) Burlington, Ontario, Architectural Conservancy of Ontario and the Burlington Local Architectural Conservation Advisory Committee

Municipal Register of Properties of Cultural Heritage Value or Interest (inclusion of non-designated properties), Town of Niagara-on-the-Lake, Project Manager

Community Vision Statement, Town of Niagara-on-the-Lake, Project Manager

Queen-Picton Streets Heritage Conservation District Expansion Study and Draft of Revised District Plan, Town of Niagara-on-the-Lake

Dock Area Public Realm and Urban Design Master Plan, Project Manager

Official Plan Review; Community Engagement Sessions, Background Reports, Heritage Policies, Third Draft of Official Plan, Project Manager

Heritage Impact Assessment, Plan of Subdivision, 1382 Decew Road, City of Thorold

Heritage Impact Report for Minor Variance, 32 Ivy Court (formerly 1382 Decew Road), City of Thorold

Heritage Impact Assessment, Hotel Expansion, 124 on Queen Hotel and Spa, Old Town, Town of Niagara-on-the-Lake

Heritage Permit and Minor Variance Application, 7 Queen Street (Exchange Brewery), Town of Niagara-on-the-Lake

Heritage Impact Assessment, Randwood Estate, Hotel Development, 144-176 John Street and Conservation Review Board Pre-hearing, Old Town, Town of Niagara-on-the-Lake

Heritage Impact Assessment, 200 John Street & 588 Charlotte Street, Proposed Plan of Subdivision and Conservation Review Board Pre-hearing and Hearing, Old Town, Town of Niagara-on-the-Lake

Heritage Impact Report, 1317 York Road, Consent Application, St. Davids, Town of Niagara-on-the-Lake

Heritage Impact Assessment, 240-246 Main Street East, Plan of Subdivision Application, Town of Grimsby



Heritage Impact Report, 705 Nashville Road, Proposed Demolition, (Kleinburg-Nashville Heritage Conservation District) City of Vaughan

Heritage Impact Assessment, 6320 Pine Grove Avenue, Severance Application, City of Niagara Falls

Built Heritage Assessment and Recommendations, 133 Main Street East (Nelles House), Town of Grimsby

Heritage Impact Assessment, 133 Main Street East, Application for Official Plan and Zoning By-law Amendments and Heritage Permit Application, Town of Grimsby

Heritage Impact Assessment, 95 Cline Mountain Road, Niagara Escarpment Commission Development Permit Application and Heritage Permit Application, Town of Grimsby

Peer Review of Cultural Heritage Impact Assessment, Proposed Development, Guelph Avenue, City of Cambridge

Heritage Designation Evaluation and Regulation 9/06 Review, 4105 Fly Road, Campden, Town of Lincoln

Heritage Impact Assessment, 4918 King Street, Beamsville, Town of Lincoln

Heritage Impact Assessment, Heritage Permit Application for Garage, 4918 King Street, Beamsville, Town of Lincoln

Cultural Heritage Assessment Report, 177 Byron Street, Town of Niagara-on-the-Lake

Heritage Impact Assessment Report, 3627 Campden Road, Town of Lincoln

Heritage Attribute Assessment, 1389 Progreston Road, Carlisle (Former Town of Flamborough), City of Hamilton

Heritage Impact Report, 17 Peel Street, City of St. Catharines (Port Dalhousie Heritage Conservation District)

Heritage Impact Assessment, 30 McLaughlin Road South, Brampton, Ontario

Conservation and Temporary Protection Plan, 9-11 Queen Street, Town of Niagara-on-the-Lake, Ontario

Heritage Impact Assessment, 262 Main Street West (Nixon Hall), Town of Grimsby, Ontario

Heritage Impact Assessment, 31 Queen Street South, Demolition and Construction of New Building, City of Mississauga (Streetsville)

Heritage Assessment Report for Owner, 491 Pearl Street, Burlington

Peer Review of Heritage Impact Assessment, 13 Mountain Street & 19 Elm Street, Proposed Development, Town of Grimsby



Peer Review of Heritage Impact Assessment, 140 Old Mill Road, Development Application for a Transportation Hub, Blair Heritage Conservation District, City of Cambridge

55-65 Park Street Heritage Report, Application for Zoning By-law, New Apartment Building, City of Brampton

Heritage Impact Assessment, 14 & 18a Lakeport Road, City of St. Catharines (Port Dalhousie)

Heritage Impact Assessment, 292 Main Street West, Application for Consent to Sever, Town of Grimsby

Cultural Heritage Evaluations Report, Statement of Significance, and Notice of Intention to Designate, 546 Ridge Road, Town of Fort Erie and Ontario Land Tribunal