



P.O. Box 1749
Halifax, Nova Scotia
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OFFICE OF THE MUNICIPAL CLERK

For Heritage Advisory Committee consideration on August 23, 2017

**Case H00451: Substantial Alteration to Finntigh Mara,
10 Kirk Road, Halifax, a municipally registered heritage property**

Item 7.1	Recommendation Report
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Heritage Advisory Committee Action Required:

Motion: That the Heritage Advisory Committee provide an alternative recommendation to the staff recommendation which was defeated on July 26, 2017.

Explanation:

At the July 26, 2017 Heritage Advisory Committee meeting, this matter was considered by the Committee.

The Committee voted on the staff recommendation to approve the substantial alteration and the motion was defeated.

The Committee discussed the alternatives but did not to put either on the floor. This leaves Regional Council without a recommendation from the Heritage Advisory Committee.

The Office of the Municipal Clerk is seeking clarification of the Committee's intent prior to moving this matter forward to Regional Council.



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 9.1
Heritage Advisory Committee
July 26, 2017

TO: Chair and Members of the Heritage Advisory Committee

Original signed

SUBMITTED BY:

Bob Bjerke, Chief Planner & Director, Planning and Development

DATE: June 19, 2017

SUBJECT: **Case H00451: Substantial Alteration to Finntigh Mara, 10 Kirk Road, Halifax, a municipally registered heritage property**

ORIGIN

An application by Solterre Design Inc. to substantially alter a municipally registered heritage property by subdividing the property. No substantial alteration or demolition of any structure is proposed.

LEGISLATIVE AUTHORITY

The Heritage Property Act

17 (1) Municipal heritage property shall not be substantially altered in exterior or public-building interior appearance or demolished without the approval of the municipality.

(2) An application for permission to substantially alter the exterior or public-building interior appearance of or demolish municipal heritage property shall be made in writing to the municipality.

(3) Upon receipt of the application, the municipality shall refer the application to the heritage advisory committee for its recommendation.

(4) Within thirty days after the application is referred by the municipality, the heritage advisory committee shall submit a written report and recommendation to the municipality respecting the municipal heritage property.

(5) The municipality may grant the application either with or without conditions or may refuse it.

(6) The municipality shall advise the applicant of its determination. R.S., c. 199, s. 17; 2010, c. 54, s. 13.

By-law H-200

4 The Committee shall, within the time limits prescribed by Council or the Act, advise the Region respecting:

...

(c) applications to substantially alter the external appearance of or demolish a municipal heritage property;

...

12 Applications for alteration of a registered heritage property shall be evaluated in accordance with the Standards for the Conservation of Historic Places in Canada, 2nd Edition as set forth in Schedule 'B-1'. The Guidelines for the Conservation of Historic Places in Canada, 2nd Edition shall be used to interpret and apply the Standards.

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that Regional Council approve the substantial alteration to Finntigh Mara, 10 Kirk Road, Halifax, as outlined in this report.

BACKGROUND

Solterre Design Inc. has requested consideration for a substantial alteration to #10 Kirk Road, also known as Finntigh Mara. This property had originally been registered in May of 2010. Following registration, a development agreement proposal to operate a bare-land condominium containing 10 lots was initiated and approved. Since that time the owner has had difficulty attracting interest for this type of development, and has reluctantly decided to subdivide the property with the aim of keeping the main portion of the former estate intact, along with most the major landscaping features and out-buildings.

Existing Site Context

Finntigh Mara consists of 3.5 acres (1.42 ha) fronting on the Northwest Arm in Jollimore. Between 1913 and 1929 Dr. R Evatt Mathers had begun a small-scale land assembly by purchasing several small parcels of land in an area known as Jollimore Village. To this end, Dr. Mathers was able to create a 3-acre parcel of land fronting on Kirk Road which extends 250 ft to the shore of the North West Arm. Today, the property consists of two parcels which increase the holdings to 3.5 acres (1.42 ha).

The main house is an Arts and Crafts styled building (also called a Craftsman Bungalow) designed by architect William Brown in 1914. This building is fully intact, both interior and exterior, and is exemplary of the Arts and Crafts movement. A complimentary addition to the south side of the building occurred in 1965.

While the main house holds the most significant heritage value, there are several other buildings and landscape features which add to the overall heritage value of the property:

- The Pool Shanty c.1865-72 is a simple vernacular building, it is now a pool house for the mid-century pool with fieldstone skirting;
- The Roost, early 1900, is a simple cottage design.
- The Gate House c. 1910 is a simple, two storey cottage.
- Other landscape features include several retaining walls and gardens adjacent to the main house.

DISCUSSION

The overarching term for protecting historic places in Canada is conservation, which is described by the *Standards and Guidelines for the Conservation of Historic Places in Canada* as: “all actions or processes aimed at safeguarding the character-defining elements of an historic place to retain its heritage value and extend its physical life (p.15)”. Conservation may specifically involve preservation, rehabilitation, restoration, or a combination of these actions. Applying the Standards and Guidelines to the development proposal requires an understanding of the approach to the project, and the character defining elements and heritage values for the property. The primary approaches for this proposal are rehabilitation and preservation.

Rehabilitation involves the sensitive adaptation of an historic place providing a continuing or compatible contemporary use, while protecting its heritage value. Rehabilitation can include the replacement of elements or components of the building with an accurate replica or a new design compatible with the style, era and character of the historic place. Rehabilitation projects can revitalize historical relationships and settings and is therefore more appropriate when heritage values related to the context of the historic place dominate. Rehabilitation projects are evaluated using general Standards 1 through 9, and three additional Standards 10 through 12 which relate specifically to rehabilitation. Staff have completed an evaluation of the proposal using the *Standards and Guidelines* which are summarized in Attachment C, and raise discussion for the severing of a portion of the property containing character defining elements.

Proposed Development

Currently there is an existing development agreement on the property to allow a bare-land condominium development. No development has taken place under this DA, and it is set to expire in the fall of 2017. The proponent would like to discharge the existing development agreement and subdivide the property to sell two of the resulting three lots. Subdivision of the land in this case is considered a substantial alteration as it will save a small number outbuildings and landscape elements from the main portion of the property. A successful approval of the substantial alteration, the subdivision and the discharge of the DA would allow the property owner to sell the subdivided lots.

The discharge and subdivision are being requested due to the inability of the property owner to attract interest in the bare-land condominium concept, and the retention of the property in its entirety has become untenable. The owner would like to subdivide the property into three lots, while retaining as much of the original estate as possible on one of the remaining parcel (Lot B). All resulting parcels would retain their registered heritage status, and no structures or landscape features are proposed to be demolished or altered through this application.

Substantial Alteration and Proposed Sub-Division

The requested alterations to the property include the subdivision of the former estate into three separate lots as shown on Attachment A. The property is a 3.5 acre (1.42 ha) former estate, and comprises several out-buildings, gardens, masonry walls and historic views. The result of the proposed subdivision would be the creation of three lots as follows:

- “Lot A” would comprise 1.0 acre (0.4 ha) on the northeast corner of the property including the entirety of the water frontage.
- “Lot B” would include most the former estate lands including most the character defining elements and the main residence. It is 2.0 acres (0.81 ha) in size.
- “Lot C” is currently a 0.5 acre (0.2 ha) vacant portion of the property which was never part of the former estate lands.

Following an approval to substantially alter the property, if the property is to be sub-divided the municipal heritage registration would remain in place on all resulting parcels of land.

Integrity of the Property

Finttigh Mara represents an early 20th century rural estate contemporary to the development of the Jollimore area, with a fine example of an arts and crafts style residence and several outbuildings. The ages

of each of the buildings varies, but their collective history is a record of the evolution of the estate (their age and condition is described in attachment D).

Dr. R. E. Mathers began assembling land in the community of Jollimore on the shores of the North West Arm in 1911, and by 1944 had purchased a 3 acre parcel of land commonly known as Finntigh Mara (Block A and B). This parcel had frontage on what was then School Road (later to be renamed Kirk Road) and ran some 250 feet to the North West Arm.

In 1966 Gerald Martin purchased an abutting ½ acre parcel of land (Block C) and the total land mass raised to 3.5 acres (1.42 ha).

The main house was designed in 1914 by well known local architect William M. Brown, and is believed to have been constructed in the early 1920's. The property carried a Gaelic name 'Finntigh Mara' which is believed to mean 'small house on the sea'.

The proposal as described includes the subdivision of the original estate into three lots which would remove the waterfrontage portion. It is the opinion of staff that the integrity of the property as it was assembled in the early 20th Century should be considered for discussion as part of this request.

Effects of Sub-division on Heritage Value

There are a small number of features, such as stone walls, structures and views of the Northwest Arm listed on the Heritage Property Plan (Attachment E), which would be severed from the rest of the original estate through the proposed subdivision. While most the more significant heritage elements are proposed to remain on Lot B with the main residence, one structure would be severed.

The "Roost" is a small, single storey cottage with wooden shingles, wooden windows and some decorative elements, but generally of simplistic styling. The exact age of this building is unknown, but it is believed to date to the early 1900s and pre-dates the creation of the Mathers estate. The structure is surrounded by some stone walls and a well.

The three lots resulting from the proposed sub-division would remain on the municipal heritage registry, however there is the possibility that through a separate process, these resulting parcels (A and C) could be de-registered in future, having lost their connection with the main estate property (Lot B).

Heritage Value & Character-Defining Elements

In order to determine the appropriateness of a substantial alteration, a full understanding of the property's heritage values and character defining elements is needed. As a point of reference, staff have prepared a heritage property summary which outlines the heritage values and character defining elements for Finntigh Mara (Attachment B). This information was created using information provided by the historical information contained in the HRM's heritage property file.

To perform the analysis of the appropriateness of a substantial alteration considering these details on Heritage Value and Character-Defining Elements the Standards and Guidelines for Historic Places in Canada (Standards and Guidelines) are used. The Standards and Guidelines help to ensure that careful consideration is given to how the proposed alteration may affect the heritage values and character defining elements of the property. The first nine Standards are to be considered for all proposals. An evaluation of the proposal as it pertains to the Standards and Guidelines is included in Attachment C.

Substantial Alteration Legislation

In accordance with Section 17 of the *Heritage Property Act* (HPA), and substantial alteration to a municipal heritage property requires Regional Council approval.

The HPA defines a substantial alteration as meaning "*any action that affects or alters the character-defining elements of a property*".

The character-defining elements of a property are defined as *“the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained to preserve heritage value.”*

Heritage value is defined as *“the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations and embodied in character-defining materials, forms, locations, spatial configurations, uses and cultural associations or meanings.”*

Therefore, a determination on the appropriateness of a substantial alteration lies in its effect on the property’s unique heritage value and character defining elements.

Regulatory Context and Approval Process

In this case, the property in question is regulated by a development agreement which is set to expire in the fall of 2017. The proposed subdivision of the property first requires an approval for substantial alteration, and a discharge of the existing development agreement. Once this agreement is discharged, any proposals for future development on the property would be required to be consistent with the following documents:

- The Halifax Municipal Planning Strategy;
- The Mainland Halifax Land Use Bylaw;
- The Halifax Regional Subdivision Bylaw

Should Regional Council approve the substantial alteration to the heritage property, then the permits necessary cannot be issued until the proposal meets the specific requirements for all departments involved in the review. If Council refuses the substantial alteration to the heritage property, the owners may choose to make the alteration, as shown on the plans, to the heritage property three years from the date of the application, but not more than four years after the date of the application, in accordance with section 18 of the *Heritage Property Act*. Should the plans require revision, a new substantial alteration application will be required which will start re-start the three-year date of application.

Conclusion

The 1944 Mathers Estate known as Finntigh Mara is a very good example of early 20th century suburban estates on the Northwest Arm. The construction of the arts and crafts style main residence is contemporary with the development of the community of Jollimore, and the Mathers estate is important in showing the history and evolution of the area through that time period.

The proposed subdivision would keep the main portion of the 3.5 acre (1.42 ha) estate intact, including the main residence and its major outbuildings, gardens and landscaping. The loss of the waterfrontage, as well as some other features and the “Roost” could be detrimental to the integrity of the property, but in the opinion of staff, will help to ensure the long-term viability of the remaining features on Lot B.

It is Staff’s recommendation that HAC approve the substantial alteration to Finntigh Mara to allow subdivision as generally described in attachment A.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing Case H00451 can be accommodated within the approved 2017/18 operating budget for Cost Centre C002, Urban Design. HRM is not responsible for construction and renovation costs.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report.

COMMUNITY ENGAGEMENT

The community engagement process for a heritage registration is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing achieved through public accessibility to the required Heritage Advisory Committee meeting.

ALTERNATIVE

1. The Heritage Advisory Committee may recommend that Council refuse the proposed substantial alteration to Finntigh Mara as outlined in this report. The *Heritage Property Act* does not include appeal provisions for decisions of Council regarding substantial alterations, however, the owners would be permitted to proceed with their proposal three years from the date of the application. This is not the recommended course of action as staff advise that the proposed alterations be approved for reasons outlined in this report.
2. The Heritage Advisory Committee may recommend that Council approve the proposed substantial alteration to Finntigh Mara with conditions and in so doing should provide reasons for the conditions based on applicable conservation standards.

ATTACHMENTS

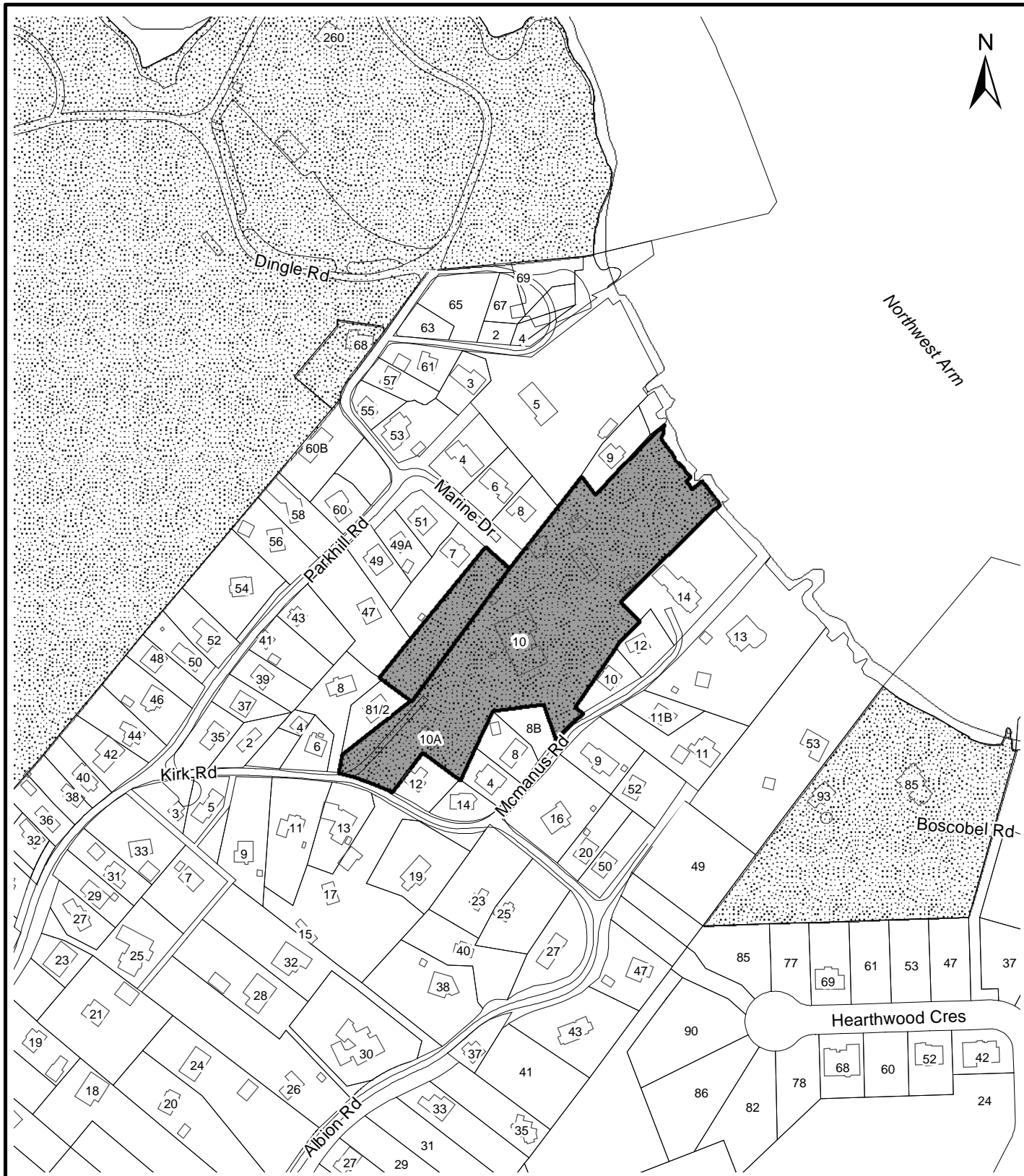
Map 1	Location Map
Attachment A	Property Boundary Location
Attachment B	Heritage Building Summary
Attachment C	Standards and Guidelines Evaluation
Attachment D	Significant Buildings and Features
Attachment E	Heritage Property Plan

A copy of this report can be obtained online at <http://www.halifax.ca> or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Aaron Murnaghan, Principal Planner, Heritage, 902.490.2470

Report Approved by: Original signed
Jacob Ritchie, Urban Design Manager, 902.490.6510

Map 1



Map 1 - Location Map

10 Kirk Road, Halifax



Registered Heritage Property

Subject Properties

HALIFAX

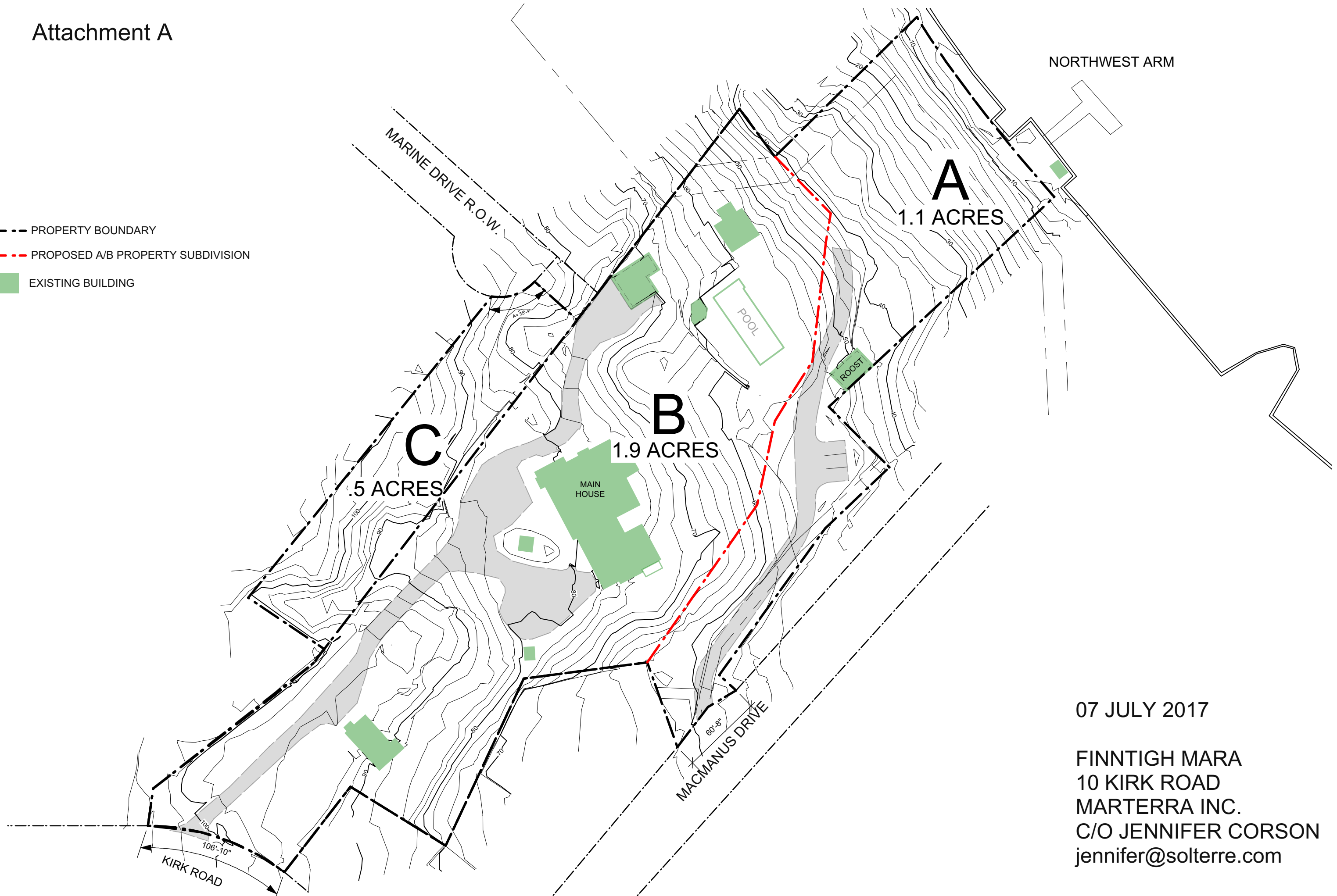
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HRM does not guarantee the accuracy of any representation on this plan.

Attachment A

- PROPERTY BOUNDARY
- - - PROPOSED A/B PROPERTY SUBDIVISION
- EXISTING BUILDING



07 JULY 2017

FINNTIGH MARA
10 KIRK ROAD
MARTERRA INC.
C/O JENNIFER CORSON
jennifer@solterre.com

Attachment B - Heritage Building Summary

Finntigh Mara: #10 Kirk Road (c.1914)



Main House (2010)



Finntigh Mara in 1955



Grounds

Character Defining Elements

- William Brown designed, arts and crafts style main residence (c1914);
- Prominent timber framing and wide, overhanging eaves typical of this architectural style;
- Fieldstone masonry structural elements and prominent brick chimney;
- Wooden six-over-six single-hung windows and wooden plank doors consistent with this architectural style;

Other Significant Features:

- Sprawling landscaped grounds with mature trees, rhododendron gardens and drystone retaining walls;
- The “Roost” – a small, simple classical-revival cottage with wooden windows and cedar shingles dating to the early 1900s;
- The Pool and Pool Shanty – c.1872 stick-built cottage and large mid-century pool with flagstone skirting;
- Gate House – Late 19th Century salt-box style local vernacular house, used as a guest house on the estate;
- Prominent views of the Northwest Arm

Heritage Value:

The main house is an Arts and Crafts styled building (also called an Craftsman Bungalow) was designed by architect William Brown in 1914. This building is fully intact, both interior and exterior, and is an exemplary example of the Arts and Crafts movement. A complimentary addition to the south side of the building occurred in 1965. The building contains many features true to its architectural style, including large overhanging eaves, timber framing, wooden double-hung windows and plank doors. It is exemplary of the early 20th century development and evolution of the Jollimore area of Halifax County.

While the main house holds the most significant heritage values, there are several other buildings and landscape features which add to the overall heritage value of the property which are noted above. While these features do add significant heritage value, they’re association to the main house and their role as possible character-defining elements are worth discussion. While these features are detailed in the original registration report, they are not identified as character defining elements in their own right. It is Staff’s Opinion that that majority of the heritage value is contained in the main house and it’s immediate grounds.

Attachment C: Standards & Guidelines Evaluation

Conservation is the primary aim of the Standards and Guidelines, and is defined by the Standards & Guidelines as ‘*all actions or processes that are aimed at safeguarding the character-defining elements of an historic place so as to retain its heritage value and extend its physical life. This may involve **Preservation, Rehabilitation, Restoration**, or a combination of these actions or processes.*’

Note: The Standards are structured to inform the type project or approach being taken.

- Preservation project apply Standards 1 through 9;
- Rehabilitation projects apply Standards 1 through 9, and Standards 10 through 12;
- Restoration projects apply Standards 1 through 9, Standards 10 through 12, and Standards 13 and 14.

Similar to the Standards, the base Guidelines apply to the approach being taken, and additional Guidelines may apply if the project includes rehabilitation and restoration. The Guidelines should be consulted only when the element to be intervened upon has been identified as a character defining element. The Guidelines should not be used in isolation. There may be heritage value in the relationships between cultural landscapes, archaeological sites, buildings, or engineering works. These values should not be compromised when undertaking a project on individual character defining elements of an historic place.

PRIMARY TREATMENT: PRESERVATION			
<i>Preservation is the action or process of protecting, maintaining, and/or stabilizing the existing materials, form, and integrity of an historic place, or of an individual component, while protecting the heritage value.</i>			
STANDARDS 1-10	Complies	N/A	Discussion
1. Conserve the <i>heritage value</i> of an <i>historic place</i> . Do not remove, replace or substantially alter its intact or repairable <i>character-defining elements</i> . Do not move a part of an historic place if its current location is a character-defining element.	X		The proposal does not seek to move, remove or replace character defining elements, however separation by subdivision could result in the eventual de-registration and loss of a small number of such features in the form of an outbuilding and landscaping located on Lot A. The majority of the character defining elements rests in the main residence building and its immediate grounds which will remain intact.
2. Conserve changes to historic places that, over time, have become <i>character-defining elements</i> in their own right.	X		All of the heritage features within the proposed Lot B are expected to remain intact.
3. Conserve <i>heritage value</i> by adopting an approach calling for <i>minimal intervention</i> .	X		As there are no physical changes proposed to the property or its character defining elements, staff are confident in their recommendation. The subdivision of the property is meant as a means to add viability to the majority of the property and its character defining elements.
4. Recognize each <i>historic place</i> as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the property that never coexisted.		X	

5. Find a use for an <i>historic place</i> that requires minimal or no change to its <i>character-defining elements</i> .	χ		The proposed end use of the main portion of the property (Lot B) will entail less change and intervention to its character defining elements than it's current permitted use.
6. Protect and, if necessary, stabilize an <i>historic place</i> until any subsequent <i>intervention</i> 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.		χ	
7. Evaluate the existing condition of <i>character-defining elements</i> to determine the appropriate <i>intervention</i> needed. Use the gentlest means possible for any intervention. Respect <i>heritage value</i> when undertaking an intervention.		χ	
8. Maintain <i>character-defining elements</i> 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 of character-defining elements, where there are surviving <i>prototypes</i> .		χ	
9. Make any <i>intervention</i> needed to preserve <i>character-defining elements</i> physically and visually compatible with the <i>historic place</i> and identifiable on close inspection. Document interventions for future reference.		χ	

PRIMARY TREATMENT: REHABILITATION			
<i>Rehabilitation is the action or process of making possible a continuing or compatible contemporary use of an historic place, or an individual component, while protecting its heritage value.</i>			
STANDARDS 10-12	Complies	N/A	Discussion
10. Repair rather than replace <i>character-defining elements</i> . Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the <i>historic place</i> .		χ	
11. Conserve <i>heritage values</i> and <i>character-defining elements</i> when creating new additions to an <i>historic place</i> or any related new construction. Make new work physically and visually compatible with, subordinate to and distinguishable from the historic place.		χ	

12. Create any new additions or related new construction so that the essential form and integrity of an <i>historic place</i> will not be impaired if the new work is removed in the future.		<i>χ</i>	
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Attachment D - Significant Buildings and Features

The Main House



Main house, 1955.



Main house, 2009.



Main house (side), 2009,



Main house (side), porch profile 2009.

Main House - Details



Main house - Art & Crafts exposed rafter detail



Main house - porch column.



Original external Arts & Crafts light fixtures.



Main house - secondary entrance on front elevation.

The Pool Shanty



Pool Shanty, 1955.



Pool Shanty, 1973.



Pool Shanty, 2009.

The Roost



The Roost, 1973.



The Roost, 2009.



The Roost (rear), 2009.

The Gate House



The Gate House, 1955.



The Gate House, 2009.

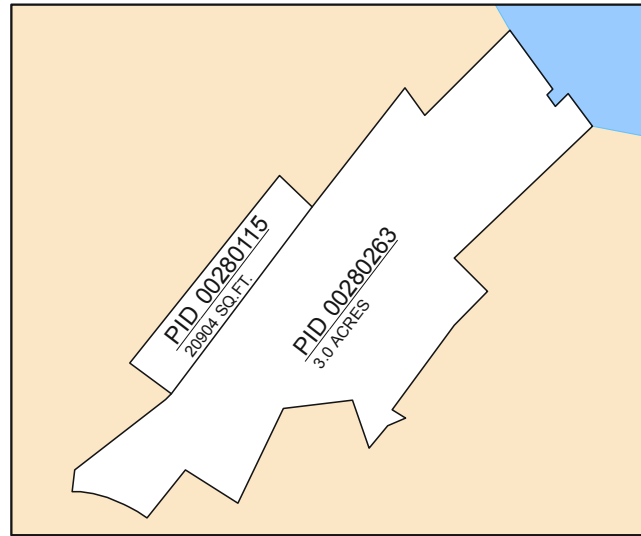
Landscape Features



5' high dry stone wall (near main house).

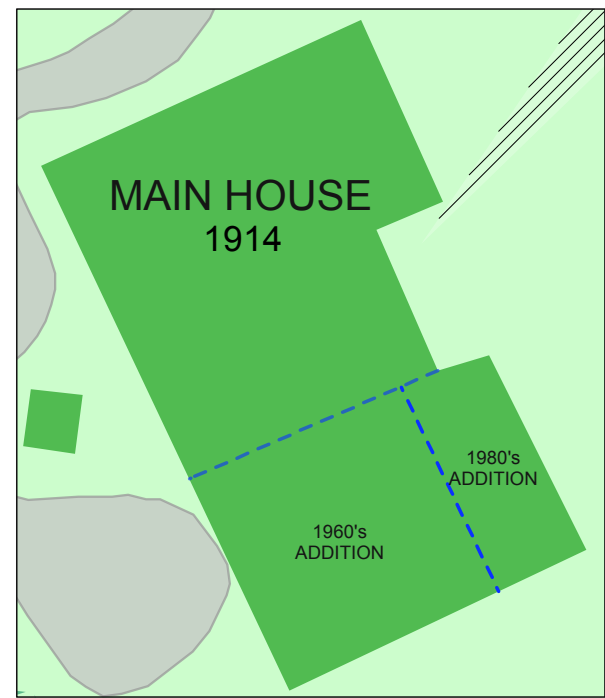
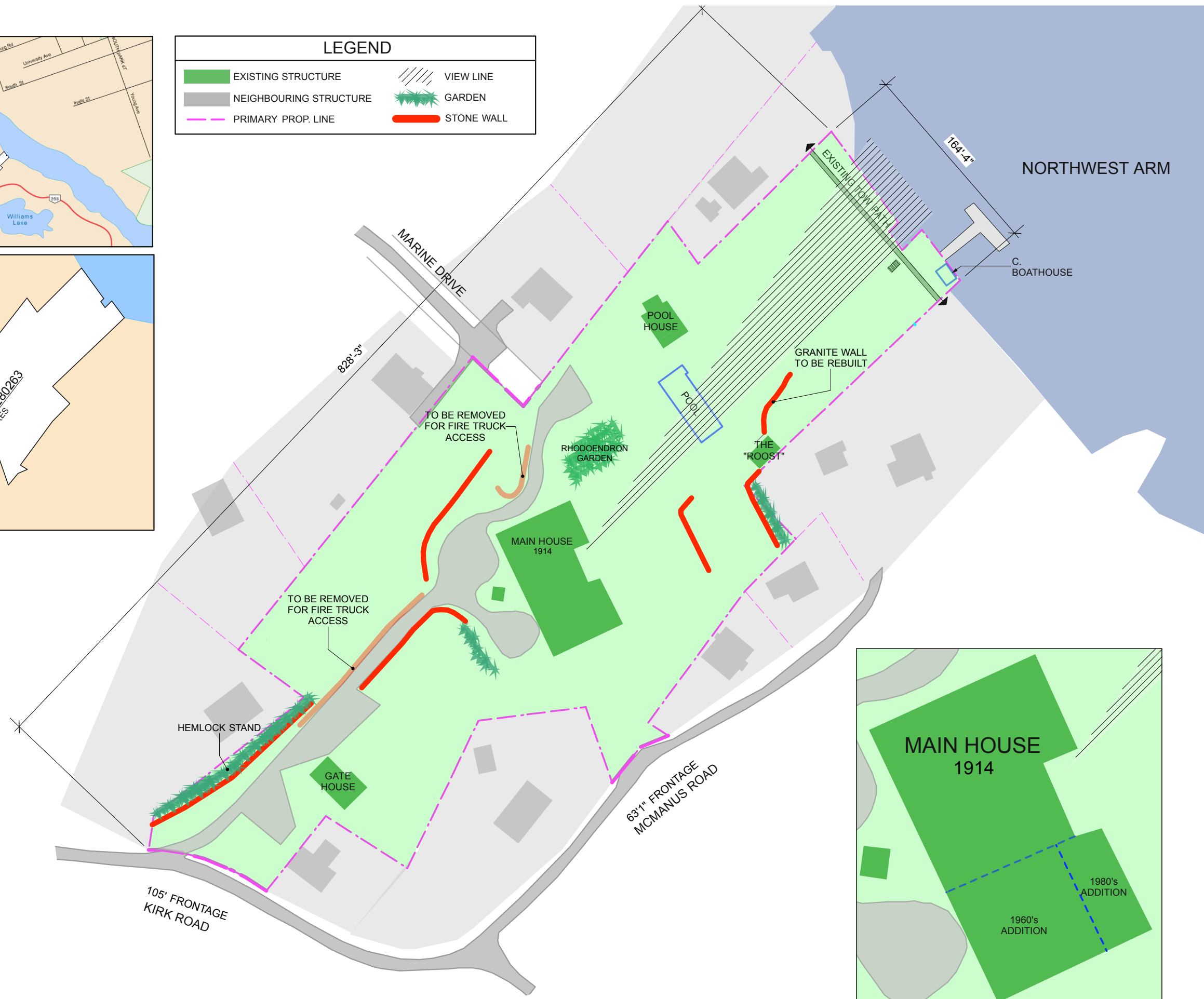


2' dry stone walls lining the driveway entrance (from Kirk Road).

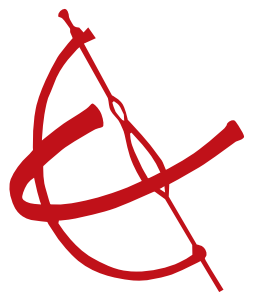


KEY PLAN

LEGEND	
	EXISTING STRUCTURE
	NEIGHBOURING STRUCTURE
	PRIMARY PROP. LINE
	VIEW LINE
	GARDEN
	STONE WALL

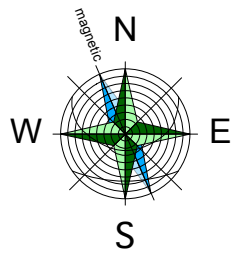


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FINNTIGH MARA

DRAFT
NOT TO SCALE

REVISIONS:	

Project:
10 KIRK ROAD
HALIFAX, NOVA SCOTIA

HERITAGE PROP. PLAN

Scale:	1:1000	Drawing No.:	
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Project No.:	0924		