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Item No. 9.1.1
Heritage Advisory Committee
July 22, 2020

TO: Chair and Members of the Heritage Advisory Committee

SUBMITTED BY: **-Original Signed-**

Kelly Denty, Director Planning and Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: June 16, 2020

SUBJECT: **Case H00477: Application to Demolish 64 Wentworth Street (John Misener House), Dartmouth, a Registered Municipal Heritage Property**

ORIGIN

On October 1, 2019, Ekaterine Keramiris, submitted a complete application to demolish the registered municipal heritage property at 64 Wentworth Street, Dartmouth, known as the John Misener House.

LEGISLATIVE AUTHORITY

Heritage Property Act, R.S.N.S. 1989, c. 199

Halifax Regional Municipality Charter, Part VIII

By-law H-200, Heritage Property By-law

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that Regional Council refuse the application to demolish the registered heritage building at 64 Wentworth Street, Dartmouth.

BACKGROUND

On June 17, 1986, the former City of Dartmouth registered 64 Wentworth Street, the John Misener House, as a municipal heritage property (Attachment A). The family of the current owner purchased the property in 1990 and operated it as a residential income property. The owner now wishes to demolish the heritage building to construct a new dwelling on the property.

The purpose of the *Heritage Property Act* and municipal heritage programs are to evaluate and protect properties that have significant heritage value. When considering a proposal for demolition of a registered heritage property, the municipality seeks to consider the heritage value and integrity of the property, the present structural condition of the building, its potential for repair and continued use, and municipal heritage policy.

Nova Scotia Heritage Property Act

HRM's Heritage Property Program receives its authority from the Heritage Property Act which seeks:

"...to provide for the identification, designation, preservation, conservation, protection and rehabilitation of buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value, in both urban and rural areas, and to encourage their continued use".

Section 17 of the Act allows property owners to apply for approval to demolish their registered municipal heritage building. Regional Council may deny or approve the application with or without conditions based on the advice of its Heritage Advisory Committee. Section 18 of the Act allows the municipality up to three years to consider the application. However, the property owner has the right to demolish the registered heritage building after three years but not more than four years after the date of the application (Attachment B).

Heritage Value

The Heritage Property Act defines "heritage value" 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."*

The building at 64 Wentworth Street was constructed on reserved burial land for the abutting Episcopal Cemetery between 1830 and 1840 by Reverend Mather Desbrisay of Christ Church (1828-1834). John Misener purchased the property in 1857 and it remained in the Misener family for four generations until it was sold in 1913. The John Misener House is a Cape Cod building which is rare in Dartmouth, but there are a few examples including the prominent Thomas Boggs/Lawrence Hartshorne buildings at the northwest corner of Ochterloney Street and King Street.

Refer to Attachment A for a complete description of heritage value for the subject property including an explanation of Cape Cod architecture, photos, and a list of character defining elements.

Structural Condition

An HRM Building Official conducted an inspection of the building at 64 Wentworth Street, Dartmouth in November 2019. They made several visual observations of the building's interior and exterior and determined that the structure is in reasonable condition. However, repairing this structure would require a structural engineer to assess and approve the structural elements which are mostly covered and were not visible to the inspector. The building foundation is a combination of concrete, stone, and masonry blocks, all in fair condition. Asphalt shingles are intact but are near the end of their serviceable life.

In addition to the Building Official's observations, heritage staff conducted a visual inspection in November 2019, and found that the character defining elements of the building are in generally good condition but some of these elements (including the wooden windows) require repair or maintenance.

Demolition Process

The intent of the *Heritage Property Act* is to provide for the identification, designation, preservation, conservation, protection and rehabilitation of buildings. However, the Act includes a demolition provision under Section 17 and a limitation to the preservation, conservation and protection of designated properties under Section 18 (Attachment B).

Municipal policy requires that the Heritage Advisory Committee hold a Public Information Meeting (PIM) to review and discuss the application to demolish a registered municipal heritage building. The intent of the PIM is to review and discuss alternatives to demolition. This PIM was held on November 13, 2019 (Attachment C).

After the PIM is held, staff are required to prepare a report which goes to HAC for a recommendation to Regional Council which decides on the application. If Regional Council refuses the application, then Section 18 allows for the property owner to demolish the building, regardless of Council's decision, after three years but not after four years from the date of application. The Municipality received a complete application on October 1, 2019. Therefore, the property owner can legally demolish the heritage building between October 1, 2022, and October 1, 2023.

Development Potential

The footprint of the original building at 64 Wentworth Street was originally approximately 65 square metres (700 square feet) in area, but it was almost doubled in size in the 1960s with a large two-storey addition at the rear. The building sits on a very large property which is approximately 1,000 square metres (12,000 square feet) in size with a 50 metre (165 feet) rear yard abutting the Christ Church cemetery. Under the current land use policies and regulations, the following development potential exists:

As-of-Right Potential

The property is in the Downtown Neighbourhood Zone of the Downtown Dartmouth Land Use By-law. The goal of the Downtown Neighbourhood Zone is to protect the integrity and character of existing residential neighbourhoods by limiting the type, scale and design of new development, renovations, and home-based businesses. The Zone allows for the construction of townhouses by site plan approval, one and two-unit dwellings, and three-unit converted dwellings.

Discretionary Approval Potential

Policy H-10 of the Downtown Dartmouth Secondary Municipal Planning Strategy allows property owners to apply for a development agreement for the adaptive reuse of registered heritage buildings. This agreement can allow for "an increase in development rights for registered heritage properties, where it can be demonstrated that the current use is an impediment to its reuse".

The policy lists certain criteria for the agreement including the provision that no additions of greater than ten percent (10%) of the footprint area of the building are proposed and that adequate measures are proposed to ensure the continued protection of the building as a registered heritage property.

Substantial Alteration

Alterations to registered heritage buildings which are considered substantial require review by the Heritage Advisory Committee and approval by Regional Council. The term *substantial alteration* is defined in the *Heritage Property Act*. It usually applies to significant changes to the exterior appearance of the property such as modifications to character defining elements or changes to the form or volume of the building. Applications for substantial alterations to a heritage property follow the same process, under the *Heritage Property Act*, as applications for demolition (Attachment B). However, there is no municipal requirement to hold a Public Information Meeting for a substantial alteration application.

DISCUSSION

The applicant is seeking to redevelop the property with a higher density development by demolishing the current heritage building to achieve more development potential than enabled under its current form. Under

existing land use policy and regulations, the Municipality provides for additional development potential on the property as follows:

Current As-of-Right Potential

The Downtown Neighbourhood Zone requires lots to have 9 metres (30 feet) of street frontage. The subject property includes approximately 16.4 metres (54 feet) of street frontage which falls short of the 18 metres (60 feet) required for it to be subdivided into two lots. The height limit for new construction in this area is 9 metres (30 feet) or potentially three storeys. The minimum lot area requirement is 279 s/m (3,000 s/f) and a new building footprint cannot exceed 40% lot coverage. The existing building includes a footprint which is approximately 121 s/m (1,300 s/f) or 11% lot coverage.

Since the lot area is very large at 1,115 s/m (12,000 s/f), the existing building can include a 325 s/m (3,500 s/f) addition which could bring the total building footprint of the building to 445 s/m (4,800 s/f). Further, the property owner could demolish the existing building and construct a new building with a footprint of 445 s/m (4,800 s/f) and three storeys in height.

Discretionary Approval Potential

Under the existing adaptive re-use policy (H-10), the property owner can apply for a development agreement to increase the footprint of the heritage building by 10% which is less than permitted as-of-right. If the 445 s/m (4,800 s/f) addition were connected to the heritage building prior to the application for the development agreement, then this process may consider a structure that is up to 10% greater than the 445 s/m in footprint area.

The Regional Centre Secondary Municipal Planning Strategy (Centre Plan Package 'B') is proposing to replace Policy H-10 when it is adopted in this area of Downtown Dartmouth. The development agreement option under this Policy would potentially allow for larger additions to the registered heritage property, potentially over 500 s/m (5,380 s/f) on this property, as well as more flexibility for a heritage-sensitive redevelopment of the property. If Regional Council refuses the application to demolish the registered heritage building, the property owner could not carry out the demolition until October 1st, 2022, at the earliest, which gives the owners the opportunity to evaluate the new policy or request consideration of their development options under Centre Plan Package B which is planned to be presented to Regional Council for consideration in 2021.

The property owner has not expressed an interest in pursuing a development agreement application for this property at this time.

Substantial Alteration

The property can accommodate a 325 s/m (3,500 s/f) addition or more at the rear of the heritage building. This alternative development scenario will likely require a substantial alteration to the heritage building. The addition from the 1960s can potentially be removed as part of the substantial alteration process to preserve only the original 65 s/m (700 s/f) Cape Cod house. Furthermore, structural and exterior conservation work on the heritage building is eligible for grants under the HRM Heritage Incentives Program.

Financial Incentives

The HRM Heritage Incentives Program can provide additional value and assistance to property owners by providing matching grants of up to \$15,000 for residential properties to complete exterior conservation work on their heritage property. The Program requires properties to be privately-owned, registered as Municipal Heritage Property, and in residential or commercial use. Applications to the program can be made twice in any four-year period.

Conclusion

The structure is in reasonable condition and the integrity of the character defining elements of this heritage building is quite high. The building does require some maintenance and conservation work which can be cost-shared with matching grants through the HRM Heritage Incentives Program.

If Regional Council refuses the application to demolish the registered heritage building, the property owner may still carry out the demolition between October 1, 2022, and October 1, 2023. In the interim, municipal staff are working with the property owner to consider options for adaptive re-use. If Regional Council approves the demolition application, then the heritage building can be demolished in accordance with the *Heritage Property Act*.

Staff recommend that the Heritage Advisory Committee recommend the refusal of the demolition application since the property has maintained its significant heritage value.

FINANCIAL IMPLICATIONS

The HRM costs associated with advertising and processing of this application can be accommodated within the approved 2020/21 operating budget for C340 – Heritage and Social Policy.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this Report. The risks considered, rate Moderate due to the potential for affected property owners to object to the recommendations outlined in this report. These risks would be mitigated by appropriate public and stakeholder engagement in-keeping with the Municipality's current policies and procedures.

To reach this conclusion, consideration was given to operational, financial, and/or strategic risks.

COMMUNITY ENGAGEMENT

The community engagement process for this project is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation achieved through a Public Information Meeting on November 13th, 2019, and information sharing achieved through public access to the required Heritage Advisory Committee and Community Planning and Economic Standing Committee meetings. As a provision of the *Heritage Property Act*, no registration of a municipal heritage property shall take place until Regional Council has given the owner of the property an opportunity to be heard.

ENVIRONMENTAL IMPLICATIONS

Regional Council only gets involved with the issuance of demolition permits regarding registered heritage buildings or buildings within heritage conversation districts. The loss of these existing buildings can negatively affect the environment by adding several tonnes of demolition material into the waste stream, as well as through the draw on resources required for new construction. Due to the scale of this impact and associated embodied carbon (the carbon footprint of the material), it is almost always environmentally and historically beneficial to retain and rehabilitate existing heritage structures, rather than replace them.

ALTERNATIVES

1. The Heritage Advisory Committee may recommend approval of the demolition. If Regional Council approves the demolition application, then the property can be demolished in accordance with the *Heritage Property Act*.
2. The Heritage Advisory Committee may recommend approval of the demolition with conditions. A condition could be the documentation of the building prior to demolition.

ATTACHMENTS

Map 1: Location Map

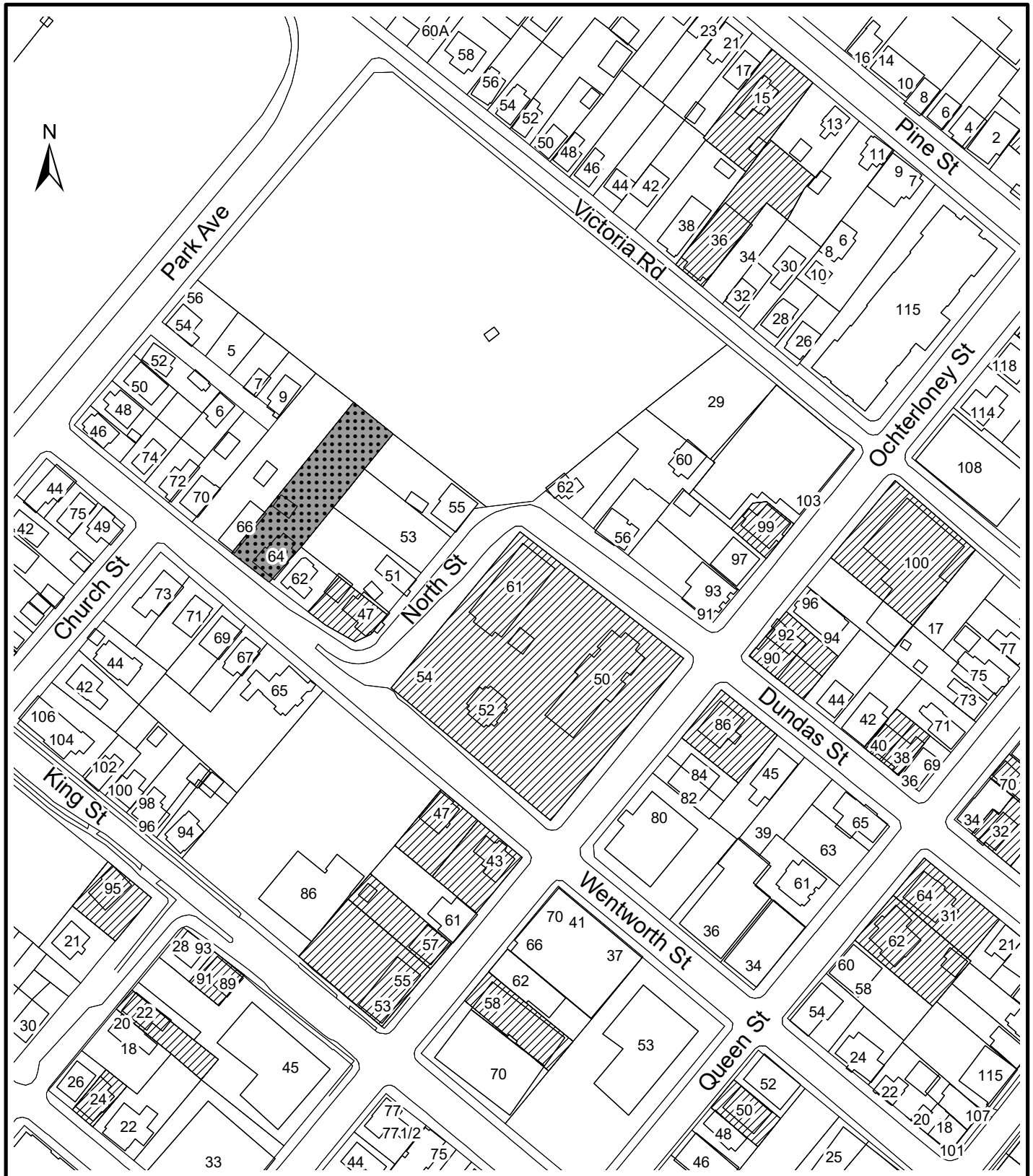
Attachment A: Description of Heritage Value and Photos of Subject Property

Attachment B: *Heritage Property Act*, Sections 17 and 18

Attachment C: HAC Public Information Meeting Minutes



A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

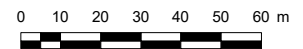
Report Prepared by: Seamus McGreal, Planner III, 902.717.1568



Map 1 - Location Map

64 Wentworth Street,
Dartmouth

-  Registered Heritage Property
-  Subject Property



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

ATTACHMENT A
Description of Heritage Value and Photos of Subject Property



Figure 1: Front, south, elevation of the heritage building with large central dormer extending through the roof installed in 1962

The building at 64 Wentworth Street was constructed on reserved burial land for the abutting Episcopal Cemetery between 1830 and 1840 by Reverend Mather Desbrisay of Christ Church (1828-1834). John Misener purchased the property in 1857 and it remained in the Misener family for four generations until it was sold in 1913. The John Misener House is a Cape Cod building which is rare in Dartmouth, but there are a few examples including the prominent Thomas Boggs/Lawrence Hartshorne buildings at the northwest corner of Ochterloney Street and King Street.

Cape Cod houses originated in New England in the 17th century, as colonists brought traditional British building techniques to North America and modified them in response to their limited means and harsh weather they encountered. A rectangular footprint simplified the construction process and allowed for easy additions. The steeply pitched roof helped in shedding snow, and low ceilings with central hearth and chimney provided effective heating during long and cold winters. The modest houses that emerged from this process were practical and sturdy¹. This architectural tradition was brought to Nova Scotia with the New England Planters who arrived on the invitation of the Governor to take up the dyke lands after the

¹ <https://housemethod.com/inspiration/architectural-basics-cape-cod-houses/>

Deportation of the Acadians in the mid-18th century. New England Planter farmers settled in the Annapolis Valley and Planter fishermen settled in Dartmouth and along the south shore of the Province where they were already acquainted with the local fisheries.

Original Cape Cod houses were built throughout New England and in parts of the Maritimes up until the mid-19th century. In the 1930s, the Cape Cod house was revived as part of the larger Colonial Revival movement. World War II era architects sought modest solutions to meet the booming housing needs as the end of the war approached. The Cape Cod house became more popular and widespread than ever before and its revival style was reproduced well into the 1960s. Revival "Capes" retained many of the original elements of the original Cape Cod house but were modernized in some ways to better meet the needs of 20th-century families. Original Cape Cod houses were also altered during the Colonial Revival period for this same reason.

The character-defining elements of the John Misener House, which is typical of Cape Cod houses include the following:

- Compact, rectangular footprint, with the front of the house oriented on the broad side of the rectangle;
- simple, symmetrical design with central doorway flanked by two windows for "full-capes"²;
- one-and-a-half storeys in height;
- low-lying but steeply pitched roof with end gables;
- large, central chimney reflecting the centrality of the hearth (capped at the roof ridge);
- low ceiling height, with windows often hugging the roofline; and
- wooden shutters.

Elements of the Colonial Revival period resulting in alterations to the original Cape Cod house include the following:

- Large extended dormer to increase second-storey light and living space, designed to give the house a Georgian character with seven-metre width and three windows; and
- roof with overhanging eaves supported by Arts and Crafts style triangular brackets.

² Three-quarter-capes with three windows, half-capes with two windows, and "quarter-capes" with one window include asymmetrical window and door arrangements on the front face of the building



Figure 2: West side elevation showing steeply pitched gable roof with overhanging eaves supported by brackets installed in the 1960s



Figure 3: East side elevation showing a portion of the rear addition installed in the 1960s



Figure 4: Rear, north, elevation showing the facade of the rear addition and the large rear yard

ATTACHMENT B
Heritage Property Act, Sections 17 and 18

The Act includes the following section as it pertains to applications for demolition:

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.

The Act also includes the following section as it pertains to applications for demolition:

18 (1) The municipality may take up to three years to consider an application under Section 17.

(2) In its consideration of the application, the municipality may require public notice of the application and information meetings respecting the application to be held.

(3) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application.

(4) Where the property owner has made the alteration or carried out the demolition in accordance with this Section, the municipality may deregister the property if the municipality determines that the property has lost its heritage value. 2010, c. 54, s. 14.



**HERITAGE ADVISORY COMMITTEE
PUBLIC INFORMATION MEETING
MINUTES
November 13, 2019**

PRESENT: Jenny Lugar, Chair
Councillor Sam Austin
William Breckenridge
Patrick Connor
Marisha Caswell
Jennifer Clarke-Hines
Jim Ballinger

REGRETS: Lois Yorke, Vice-Chair
Councillor David Hendsbee
Derek Bellemore
Stephen Smith
Paul Cole

STAFF: Seamus McGreal, Planner III (Heritage), Planning and Development
Aaron Murnaghan, Principal Heritage Planner, Planning and Development
Sharon Chase, Legislative Support, Office of the Municipal Clerk

*The following does not represent a verbatim record of the proceedings of this meeting.
The agenda, reports, supporting documents, and information items circulated are online at halifax.ca.*

The meeting was called to order at 6:06 p.m. and adjourned at 6:49 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:06 p.m.

The Chair welcomed members of the public and reviewed the process for the Public Information Meeting.

The Chair acknowledged members of the Committee in attendance, and introduced Seamus McGreal, Heritage Planner, HRM Planning and Development.

2. Case H00477 – Application for the demolition of a Municipal Registered Heritage Property known as the John Misenor House at 64 Wentworth Street, Dartmouth, NS

Seamus McGreal, Heritage Planner, reviewed the application for demolition. A copy of the presentation is online and on file.

McGreal's presentation included the following points of reference:

- Review of the Nova Scotia *Heritage Property Act*, sections 17 and 18
- Maps and photos of the subject property and other heritage properties in the neighbourhood
- Reviewed the characteristics of Cape Cod Architecture
- Highlighted the subject property's architectural features
- Reviewed the current Land Use By-law, Downtown Neighbourhood Zone (DN) and its provisions
- Noted that zoning will be updated under Package B of the Centre Plan covering established neighbourhoods in Downtown Dartmouth
- Noted the location of potential Heritage Conservation Districts in Downtown Dartmouth
- Reviewed Policy H-10 of the Downtown Dartmouth Secondary Municipal Planning Strategy 5.9 in the Centre Plan for adaptive re-use of registered heritage buildings
- Explained that Substantial Alteration is an alternative to demolition to preserve the original Cape Cod cottage
- Reviewed HRM's Heritage Incentives Program and available conservation grants
- Noted that HRM adopted environmental impact as a consideration in all staff reports and building reuse almost always yields fewer environmental impacts than demolition and new construction

McGreal concluded his presentation by reviewing the application process for a demolition, highlighting key dates.

The Chair invited the Applicant or the Applicant's representative to address the meeting at this time.

Peter Coulthard spoke on behalf of the Applicant, Ekaterine Keramaris.

Coulthard highlighted the following for consideration:

- The property is a part of the applicant's husband's estate
- It is in a significant state of disrepair and has been vacant for the last year and a half
- It had previously been a rental property
- An inspection company has completed a report, highlights of which were shared and a copy of the report was submitted to HRM Staff present
- The applicant would welcome an HRM inspector to view the property
- The applicant plans to build a new home centred on the lot which is consistent with the design of the existing neighbourhood

**Heritage Advisory Committee Public Information Meeting Minutes
November 13, 2019**

The Chair opened the floor for members of the public to speak regarding the application.

Linda Forbes, Five Corners Dartmouth, noted that this property is located within a proposed Heritage District. Forbes highlighted the funding opportunities available to owners of heritage properties.

Frances Howard, neighbour Dartmouth, renovates old homes and considered this property in 1991. Howard shared her observations of the poor condition of the property at that time.

Gloria McCluskey, Dartmouth, endorses the preservation of the community's heritage but acknowledged that in some instances the property's condition can be beyond restoration which places a burden on the property owner.

There being no further speakers, the Chair thanked all that attended.

McGreal summarized the process and the next steps and also thanked those in attendance.

3. ADJOURNMENT

The meeting adjourned at 6:49 p.m.

Sharon Chase
Legislative Support