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Item No. 9.1.4
Heritage Advisory Committee
October 8, 2024

TO: Chair and Members of the Heritage Advisory Committee

FROM: Cathie O'Toole, Chief Administrative Officer

DATE: 09-20-2024

SUBJECT: HRTG-2023-00650 – [Supplementary Report] Proposed Demolition of a Municipally Registered Heritage Property at 1259 South Park Street, Halifax

SUPPLEMENTARY REPORT

ORIGIN

February 27, 2024 Heritage Advisory Committee motion (item 9.1.3):

MOVED by Councillor Hendsbee, seconded by Councillor Lovelace

THAT the Heritage Advisory Committee recommend that Regional Council:

1. To refuse the application by the Archdiocese of Halifax-Yarmouth under the Heritage Property Act to demolish the registered heritage property at 1259 South Park Street, Halifax; and
2. To refuse the associated application under the Schmidt Ville Heritage Conservation District Plan and By-law for a Certificate of Appropriateness for the demolition of a contributing heritage resource.

MOTION PUT AND PASSED

March 19, 2024 Regional Council motion (Item No. 15.4.4):

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Regional Council set a public hearing date to consider the proposed demolition of the registered heritage property and contributing heritage resource at 1259 South Park Street, Halifax, in accordance with Attachment G of the staff report dated January 31, 2024 and By-law H-700 (the Schmidville Heritage Conservation District By-law).

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Item 15.4.4 HRTG-2023-00650 – Proposed Demolition of a Municipally Registered Heritage Property at 1259 South Park Street, Halifax be deferred to a future meeting Regional Council pending a

supplementary report regarding the process and implications to restore the property at 1259 South Park to Holy Cross Cemetery and rezoning the property to PCF.

MOTION TO DEFER PUT AND PASSED UNANIMOUSLY.

EXECUTIVE SUMMARY

- This report provides information regarding the need, process, and implications of restoring (i.e. consolidating) the subject property at 1259 South Park Street, Halifax (The Cemetery Keeper's House) to the surrounding Holy Cross Cemetery lands and rezoning the property to Parks and Community Facilities (PCF) zone.
- This report also addresses the applicant's amended application for demolition of a registered heritage property / contributing heritage resource, which now proposes demolition with conditions for the partial conservation and re-use of the property, including the conservation of the northern stone masonry wall and the conservation, daylighting, and interpretation of the 1846 stone foundations of the Cemetery Keeper's House.
- In consideration of these amendments, staff's recommendation for this demolition application has changed from recommending refusal, to recommending approval with conditions.

RECOMMENDATION

It is recommended that Heritage Advisory Committee:

1. Rescind the motion passed on February 27, 2024 as item 9.1.3.
2. Recommend that Halifax Regional Council:
 - a) Set a public hearing date to consider the proposed demolition of the registered heritage property and contributing heritage resource at 1259 South Park Street, Halifax, in accordance with Attachment G of the staff report dated January 31, 2024 and By-law H-700 (the Schmitville Heritage Conservation District By-law);
 - b) After the public hearing, approve the application by the Archdiocese of Halifax-Yarmouth under the *Heritage Property Act* to demolish the registered heritage property at 1259 South Park Street, Halifax, subject to the following conditions:
 - i. The stone masonry wall on the northern boundary of the subject property must be retained in-situ;
 - ii. The original 1846 stone foundations of the Cemetery Keeper's House (1259 South Park Street) must be retained in-situ and daylighted (made visible to the public);
 - iii. Interpretive signage explaining the heritage significance of the foundations must be installed by the applicant near the foundations;
 - iv. Any columbaria or other structures to be erected on the property must be built within and/or around the foundations without removing or unduly obscuring the foundations; and
 - v. The applicant must comply with Schmitville HCD By-law requirements for a Certificate of Appropriateness for any new buildings or structures, including columbaria; and,

- c) Direct the Heritage Officer to issue a Certificate of Appropriateness in accordance with the Schmidville Heritage Conservation District Plan and By-law for the demolition of the contributing heritage resource.

BACKGROUND

The Cemetery Keeper's House (1259 South Park Street, Halifax) was added to the municipal registry of heritage properties in 1982. When the Schmidville Heritage Conservation District (HCD) was established in 2018, the Cemetery Keeper's House was additionally identified as a contributing heritage resource for the district. The Cemetery Keeper's House has housed successive generations of cemetery superintendents since its construction in 1846. The house has remained vacant since 2015, as the present cemetery superintendent does not require lodging, and the house has significantly deteriorated from disuse.

Considering the house's deteriorated state, its limited utility to the property owner, and the high cost to rehabilitate it to a habitable standard, the applicant has applied to demolish the registered heritage property / contributing heritage resource. Staff previously brought forward a report dated January 31, 2023 to the Heritage Advisory Committee and Regional Council recommending the refusal of this application to demolish. On February 27, 2024, Heritage Advisory Committee recommended that Regional Council refuse the application to demolish. On March 19, 2023, at first reading, Regional Council deferred the motion to set a public hearing and requested a supplementary report addressing questions regarding rezoning and consolidation / subdivision. Since that deferred motion, HRM staff have worked with the applicant to develop an approach for the partial conservation and re-use of the registered heritage property / contributing heritage resource, and the applicant has accordingly amended their demolition application to include conditions to that effect (see Attachment A). In addition to addressing the questions raised by Regional Council at first reading, this supplementary report will address the amended scope and nature of the applicant's demolition application.

To consider the amended demolition application, Heritage Advisory Committee must rescind the previous motion that recommended that Regional Council refuse the demolition application.

DISCUSSION

Rezoning:

The subject property is presently zoned Schmidville Heritage Conservation District (HCD-SV) under the Regional Centre Land Use By-law (RC-LUB). As outlined in Table 1D of said Land Use By-law, the HCD-SV zone permits religious institution use, among other uses. Religious institution use is defined in the RC-LUB as follows:

***Religious Institution Use** means a place of worship, a place of religious gathering, or a columbarium, including accessory uses that are on-site, such as a rectory, a convent, a private school, a meeting hall, offices for administration of the institution, a daycare use, and a shelter use.*

Whereas the present zoning of HCD-SV permits a columbarium use as-of-right under the definition of religious institution use, staff find that the rezoning of the subject property is not required to enable the columbarium use desired by the applicant.

If the applicant were to apply for and successfully rezone the property to Parks and Community Facilities (PCF) to match the abutting Holy Cross Cemetery property, it would not remove the subject property from the Schmidville Heritage Conservation District, and the property would still be subject to the requirements of the Schmidville HCD Plan and By-law. In addition to the columbarium use already permitted under the existing HCD-SV zoning, PCF zoning would permit cemetery use, such as use of the land for burials of the dead and accessory purposes (excluding crematorium use). However, this is not necessary to enable the desired columbarium use.

Consolidation / Subdivision:

The subject property (1259 South Park Street) is located directly abutting the Holy Cross Cemetery property (1249 South Park Street) and historical mapping suggests that it was originally part of the cemetery grounds conveyed to trustees on behalf of Halifax's Roman Catholic population in 1843 by an Act of Assembly (see Attachment B). Historical mapping also shows the subject property was subdivided from the greater cemetery lot sometime between 1914 and 1918. It remained a separate and distinct lot from the neighbouring cemetery at the time of its municipal heritage registration in 1982 and into the present.

The applicant may, if they so wish, apply for subdivision to consolidate the subject property with the abutting Holy Cross Cemetery property or to adjust the property boundaries. Consolidation or boundary adjustment of these two lots is not required to enable the desired columbarium use and will not impact the zoning of either lot as the zoning boundaries remain unchanged by subdivision. As with rezoning, the consolidation or boundary adjustment of the subject property and the neighbouring cemetery property would not remove the subject property from the Schmidville Heritage Conservation District, and the property would still be subject to the requirements of the Schmidville HCD Plan and By-law. The consolidation or boundary adjustment of these two properties would also not negatively impact their status as registered heritage properties.

Amended Demolition Application:

In consultation with HRM heritage planning staff, the applicant has explored options for partial conservation and adaptive re-use of the registered heritage property / contributing heritage resource. In the time since Regional Council's motion requesting this supplementary report, the applicant has amended their demolition application via a letter submitted to the Municipality on August 21, 2024 (see Attachment A). This letter establishes a series of conditions to which the applicant is prepared to commit, in order to secure the support of HRM staff and Regional Council in this demolition application. Council is enabled by Section 17 of the *Heritage Property Act* to approve an application for demolition of a registered heritage property with conditions. The conditions proposed by this amended demolition application constitute a partial conservation, interpretation, and re-use approach for the Cemetery Keeper's House. Such an approach is generally used as a last resort for heritage resources which cannot be conserved and adaptively re-used in whole.

The Cemetery Keeper's House was originally a small, 1-storey home in the vernacular style, with a square plan and hipped roof (see Figure 1). The home was greatly modified and expanded in the 1910s, becoming the two-storey, Late Victorian plain style dwelling it remains today. The partial conservation approach proposed (see Figure 2) would see the applicant retain and conserve the property's most historically valuable character-defining elements, including the mid-1800s stone masonry wall running along the northern bound of the property, and the original 1846 stone foundations, while demolishing the rest of the building whose character-defining elements date from the 1910s renovation. The applicant would infill the basement with dirt, preserving the foundations in-situ and daylight the tops of these foundations, so they may be viewed by the public. The applicant would also install interpretive signage next to the daylighted foundations explaining their significance and the history of the cemetery. The historical foundations would remain as a landscape element around which a new columbarium use could be constructed.



Figure 2: A 3D model providing a conceptual example of how the 1846 stone foundations and the northern stone masonry wall can be sensitively incorporated into the design of a new columbarium. *Note:* Conceptual only; not a final design proposal.

1843 Act of Assembly and Limited Adaptive Re-Use Potential:

While it is atypical for heritage planning staff to recommend the approval of a demolition application in response to the poor condition of a registered heritage property / contributing heritage resource, there is a unique legislative context surrounding this application, which lends justification for such an approach.

The General Assembly of the Province of Nova Scotia (Legislative Assembly) established Holy Cross Cemetery by an Act of Assembly in 1843 (see Attachment B). This Act, which directed the conveyance of lands formerly of the Halifax Common to the trustees for Halifax's Roman Catholic population, restricts the landowner from using these lands for non-cemetery uses. The terms of this Act of Assembly remain in-effect today and thus hinder the property owner's ability to adaptively re-use the Cemetery Keeper's House as a residence, commercial office, or other income-generating non-cemetery use that might financially support the significant expense of its total rehabilitation from its present state.

Conclusion:

Given the Cemetery Keeper's House's poor condition, its limited potential for adaptive re-use due to the 1843 Act of Assembly, and the extensive modification of the house from its original 1846 vernacular form and style to its present c.1910s form and style, staff find that the proposed approach of partial conservation and interpretation as well as the proposed new columbarium use to be an appropriate mitigative strategy which respects the significant heritage value of the original 1846 foundations and the stone masonry wall running the northern bound of the property. This columbarium use is permitted as-of-right, without any requirement for rezoning or subdivision. Staff therefore recommend approval of this demolition application with conditions, as laid out in the recommendations section of this report, to ensure that the proposed partial-conservation, interpretation, and re-use measures are carried out.

FINANCIAL IMPLICATIONS

No financial implications were identified.

RISK CONSIDERATION

No risk considerations were identified.

COMMUNITY ENGAGEMENT

A Public Information Meeting was held June 7th, 2023, at Halifax Hall in City Hall. Notes from this public information meeting and public submissions received at this meeting can be found in Attachment I and Attachment H of the original staff report dated January 31, 2024.

A Public Hearing to consider the proposed demolition of the registered heritage property and contributing heritage resource at 1259 South Park Street, Halifax, shall be held by Regional Council in accordance with Attachment G of the original staff report dated January 31, 2024 and By-law H-700 (the Schimidville Heritage Conservation District By-law).

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. The Heritage Advisory Committee could choose to recommend that Regional Council refuse the

application under the *Heritage Property Act* to demolish the registered heritage property at 1259 South Part Street, Halifax; **and** refuse the associated application under the Schmitville Heritage Conservation District Plan and By-Law for a Certificate of Appropriateness for the demolition of a contributing heritage resource.

2. The Heritage Advisory Committee could choose to recommend that Regional Council approve (without conditions) the application under the *Heritage Property Act* to demolish the registered heritage property at 1259 South Part Street, Halifax; **and** approve the associated application under the Schmitville Heritage Conservation District Plan and By-Law for a Certificate of Appropriateness for the demolition of a contributing heritage resource.

LEGISLATIVE AUTHORITY

The *Heritage Property Act* of Nova Scotia, Sections 17 (Approval to alter or demolish municipal heritage property) and 18 (Consideration by municipality of application to alter or demolish).

ATTACHMENTS

Attachment A – Letter from Applicant Amending their Application

Attachment B – 1843 Act of Assembly Establishing Holy Cross Cemetery

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