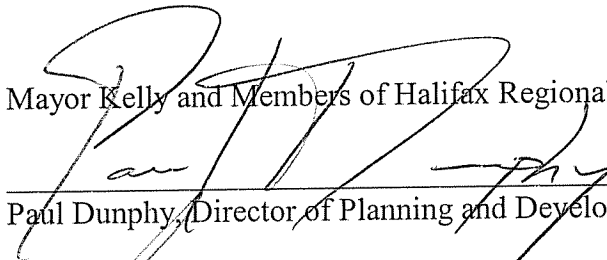





PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
January 25, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Paul Dunphy, Director of Planning and Development Services


Bob Nauss, Acting Director of Recreation, Culture and Heritage

DATE: January 10, 2004

SUBJECT: Internal Review - 1137 Ketch Harbour Road, Ketch Harbour, a Municipally Registered Heritage Property.

INFORMATION REPORT

ORIGIN

A petition submitted to Regional Council on July 6, 2004 requesting a review of:

- the basis for designating the above property as a municipally registered heritage property;
- the appropriateness of recent modifications made to the building relative to the Heritage Property building alteration guidelines; and
- the use of municipal funding through heritage incentive grants by the owner to undertake building alterations.

A copy of the petition is provided as Attachment A of this report.

BACKGROUND

The property at 1137 Ketch Harbour Road was approved as a municipally registered heritage property by Regional Council on February 26, 2002. Council's decision was in response to a January 9, 2002 report from its Heritage Advisory Committee and November, 2001 staff report which supported designation of this property.

Following is a brief chronology of events relating to this matter:

February, 2002: Regional Council approved a request by Mr. Gary Brown to register 1137 Ketch Harbour Rd, Ketch Harbour as a municipal heritage property. The initial staff report of the Heritage Advisory Committee is provided as Attachment B of this report.

- November, 2003: Regional Council approved an October 22, 2003, recommendation from the Heritage Advisory Committee, based on an October 16, staff report from Recreation, Tourism and Culture, to provide a Heritage Incentive Grant of \$5,000 to Mr. Brown for emergency repairs required to protect the house from further damage by the elements due to damage incurred from Hurricane Juan. The October 16 staff report is provided in Appendix C of this report.
- November 2003: Subsequent to the storm event, Mr. Brown made an application to obtain a building permit for renovations to 1137 Ketch Harbour Road. The building application was for “renovations including replacement of foundation, siding, facia, paint, floor joist system, wood sills, insulating, and entrance door”. The permit was issued for the repair work, and RTC issued cheque for grant funding after original permit was issued for the repairs listed above.
- November, 2003: Another permit was taken out for the additional alterations made to the property, and this permit was not approved by heritage staff as more information was required regarding the paint colours and the use of non traditional materials. Installation of a new door and window alterations required authorization by the Heritage Advisory Committee prior to the permit being issued.
- January, 2004: HRM staff became aware of work taking place on the site without a building permit. Inspection of the site determined that the work requested in the initial building permit application was completed, and that additional work had taken place without permits. This other work included a 5.6' x 17' addition at the rear of the building.
- January, 2004: A January 15, 2004 staff report recommended de-registration of the property. This report was followed up with a March 2004 supplementary report outlining alternatives to de-registration and the options for responding to unapproved works on the property. The January and March, 2004 staff reports are provided in Appendix D of this report.

DISCUSSION

The petition submitted to Council requests that this matter be reviewed in the following three respects:

- a) the basis for designation as a municipal heritage property;
- b) the disbursement to, and use of, Heritage Incentive Grant funding by the property owner;

- c) the appropriateness of building alterations undertaken by the property owner.

These matters are elaborated upon in the following section of this report.

Basis for Heritage Designation

The historical research upon which the heritage registration is based was prepared by an independent researcher at the time the registration was requested (Attachment B). This research was prepared for the Heritage Property Program and the individual who completed this research is a professional who has been preparing this type of historical research for many years. As is the practice, the research report clearly indicated areas where information was simply not available or not conclusive. Therefore, the Heritage Advisory Committee would have been aware of any missing information when the property was scored, using the Evaluation Criteria. The property scored 82 of a total of 100 points, and was given a positive recommendation to Regional Council.

The petition requests that this information be provided with the opportunity to review the information in question. Staff have reviewed the historical research provided at the time of registration and have found it to be adequate. Additionally, there is no record of any concerns raised by either the Heritage Advisory Committee or Regional Council regarding this research at the time of registration. This research information was contained in the staff report dated November 28, 2002 and was available to the public for review at that time. This information was attached to the petition presented to Councillor Adams, and this suggests the citizens who signed the petition were aware of the research.

Use of Heritage Incentive Grants

The petition requests a review of public funds allocated to the property be undertaken to ensure that recent modifications to the property meet the heritage criteria for alterations to heritage buildings. At the October 22, 2003 meeting of the Heritage Advisory Committee (HAC), shortly after Hurricane Juan, a request for emergency funding for 1137 Ketch Harbour Road was made by Recreation, Tourism and Culture (RTC). At that meeting, HAC passed a motion of recommendation to Regional Council on October 22, 2003 that a grant of \$5,000 *"be provided and assigned to repairs to enclose the main part of the house to protect it from the elements"*.

RTC staff followed the same procedure used for all heritage grants, and the owner was required to provide proof that cost incurred relate to approved work. RTC staff met the owner on November 7, 2003 and reviewed documents relating to the work, the costs, and the status of the building permit. RTC staff were satisfied that all was in order and released the grant cheque.

The grant provided assistance to the owner to repair the foundation, undertake sill repairs, and close up windows and door openings damaged during the storm as well as replace exterior sheathing and shingles. Heritage staff assigned a Level One review of the above noted repairs that were incurred due to the hurricane. The \$5,000 grant is the only funding HRM has ever approved for this property.

HRM's Business Systems and Control Group intends to review funding and disbursement processes as they relate to any spending of funds in Reserve Accounts which are the source for Heritage Incentive grants. It is hoped that this review will be completed and brought before Council early in 2005.

Staff are also aware that the Province has allocated funds to 1137 Ketch Harbour Road, but municipal staff have no authority over the spending of provincial funds. Therefore, staff cannot comment on the assignment or spending of any provincial funds relating to this property.

Alterations to 1137 Ketch Harbour Road

Two other staff reports have addressed the additional alterations that have occurred to the building without municipal approvals. The January 2004 staff report assessed the alterations and concluded that the alterations could not be recommended for approval by HAC as much of this work was inconsistent with the building conservation standards for Heritage Buildings but had already been undertaken. Staff initially recommended de-registration of the building as the owner was reluctant to undertake any work to bring the renovations into compliance with the Heritage By-law (H-200).

In response to a desire by HAC to examine the matter further, a March 2004 supplementary report concluded that the merits of maintaining the heritage registration for the building appeared to outweigh the issues associated with the unapproved alterations. Therefore, the Heritage Advisory Committee chose to take no position on the building alterations. Taking no action would result in the alterations being deemed approved after one year from the date of the alterations taking place under existing legislation. Section 18 of the Heritage Property Act provides that where an owner applies for permission to alter or demolish and the application is not approved, then the alteration or demolition may be carried out after one year. As the alterations occurred in October of 2003, and the alterations are deemed to be approved under the Heritage Property Act. While this is an unusual action for the Heritage Advisory Committee to take, it was believed to be in the best interests of both the property and the Heritage Property Program.

BUDGET IMPLICATIONS

There are no known budget implications for this permit application at this time.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

N/A

ATTACHMENTS

- Attachment A: Petition of July 4, 2004
Attachment B: January 9, 2002 report from Heritage Advisory Committee and Staff report of November 15, 2001 re: Heritage Designation
Attachment C: Staff report of Oct 22, 2003 re: Heritage Grant
Attachment D: Staff reports of January and March 2004 re: Building Alterations

Further information regarding the contents of this report may be obtained by contacting Maggie Holm, Heritage Planner, at 490-4419. For additional copies or for information on the report's status, please contact the Office of the Municipal Clerk at 490-4210 (tel) or 490-4208 (fax).

Mr. Dan Norris,
 Manager, Culture & Heritage
 Halifax Regional Municipality
 Po Box 1749, Halifax, NS
 B3J 3A5

July 4, 2002

Dear Mr Norris

Recent events in our community of Ketch Harbour have brought into question issues with regard to designated Heritage Property, known as the "... Mackey" hosue, located at, 1137 Ketch Harbour Road.




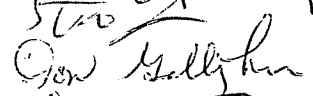
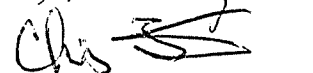
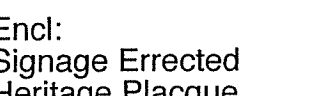
While we are in agreement that the property in question may fit the category of a Heritage Property, as per the HRM Heritage Criteria. Their does remain serious questions as to the accuarcy of the information submitted to regional council , for its approval , for Heritage Designation and recent renovations would appear to be contrary, to a dwelling so designated.

1) We request that a review of the historical information, contained in the report, known as Case # H00073, and as approved by the Heriatage Advisory Committe, dated November 28, 2001, and as approved by Regional Council, on February 26, 2002 be undertaken. This review must ensure the community is provided with the opportunity to review the historical, information and documentation on the home in question.

2) We request that an audit be undertaken to ensure that recent modificatgions, to the home in question, meet the required criteria, for renovations and materials used, and conformation, any publict funding provided, has be used as per your requirements.

Signed,

Residents of Ketch Harbour,

Signed	Name/Print	Address
	Ernie Glennan	10 Mountain Hill Rd.
	XERAS FLEMMING	150 KETCH HARBOUR EAST
	Andy Henry	5 School Rd.
	STEVE FARMER	2 Mountain Hill Rd. Ketch H
	DON GALLAGHER	1129 KETCH HBR RD.
	Chris Flemming	1090 Ketch HBR. Rd.

Encl:
 Signage Erected
 Heritage Placque

Attachments
 Report to Regional Council, Case #H00073
 Photograph of Signage erected, wt Heritage Plaque
 cc: Steve Adams



Halifax Regional Council
January 15, 2002

February 19, 2002
February 26, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

Allan MacLellan for

Allan MacLellan, Acting Chair, Heritage Advisory Committee

DATE: January 9, 2002

SUBJECT: Case H00073 Heritage Registration Hearing, 1137 Ketch
Harbour Road

ORIGIN

Application for heritage registration.

RECOMMENDATION

The Heritage Advisory Committee recommends that Regional Council set the date of February 19, 2002 to consider registration of 1137 Ketch Harbour Road under the HRM Heritage Property Program.

**PLEASE RETAIN REPORT
FOR HERITAGE HEARING**

BACKGROUND

Please see attached staff report to the HAC on November 28, 2001.

DISCUSSION

Please see attached minute extract.

ATTACHMENTS

- 1) Staff report to the Heritage Advisory Committee dated November 28, 2001
- 2) Minute extract from the November 28, 2001 meeting of the Heritage Advisory Committee

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Patti Halliday

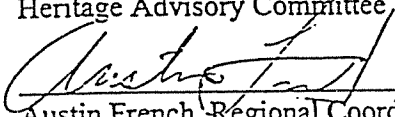
Report Approved by:

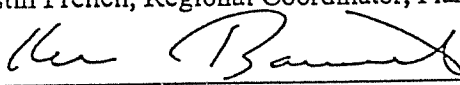


Allan MacLellan, Acting Chair, Heritage Advisory Committee

Heritage Advisory Committee
November 28, 2001

TO: Heritage Advisory Committee

SUBMITTED BY: 
Austin French, Regional Coordinator, Planning & Development Services


Kevin Barrett, Planner

DATE: November 15, 2001

SUBJECT: Heritage Case H00073 - Application by Gary and Brenda Brown to consider 1137 Ketch Harbour Road, Ketch Harbour, as a Registered Heritage Property.

STAFF REPORT

ORIGIN:

An application by the Brown's requesting the consideration of 1137 Ketch Harbour Road, Ketch Harbour, as a Heritage Property.

RECOMMENDATION:

It is recommended that should 1137 Ketch Harbour Road, Ketch Harbour, score more than 45 points, the Heritage Advisory Committee recommend to Regional Council that this property be registered under the HRM Heritage Property Program (Map 1).

BACKGROUND:

Mr. and Mrs. Brown have made an application to have their home at 1137 Ketch Harbour Road, Ketch Harbour, considered a heritage building under the HRM Heritage Property Program. The home is currently used as a single family dwelling.

Under the Heritage Property Program, all registration applications for heritage buildings are reviewed by the Heritage Advisory Committee (HAC). To provide a basis for the review, a Heritage Research Report (Attachment 1) is developed that is used to score the building against the former Halifax County's Heritage Property Evaluation System - Heritage Buildings (Attachment 2).

Should the building score more than 45 Points, a positive recommendation will be provided to the Regional Council, and notice of this recommendation will be provided to the registered owners of the building at least thirty (30) days prior to its registration.¹ An opportunity for the owners to be heard is provided before Council votes on the recommendation.² If the building is scored on November 28, 2001, Council cannot consider the registration earlier than January 22, 2002.

Please note that this property was previously considered by the HAC on July 22, 1998. At that time, the property was scored and recommended for consideration by Regional Council. With the staff changes and office moves that subsequently occurred, the file was misplaced by staff. Since a considerable amount of time has passed, and the composition of the Committee has changed, staff would request the HAC consider this as a new application.

BUDGET IMPLICATIONS:

There are no budget implications for this application.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES:

There are no alternatives to be considered for Heritage Registrations.

¹As per Section 14(2) of the Heritage Property Act

²As per Section 15(2) of the Heritage Property Act.

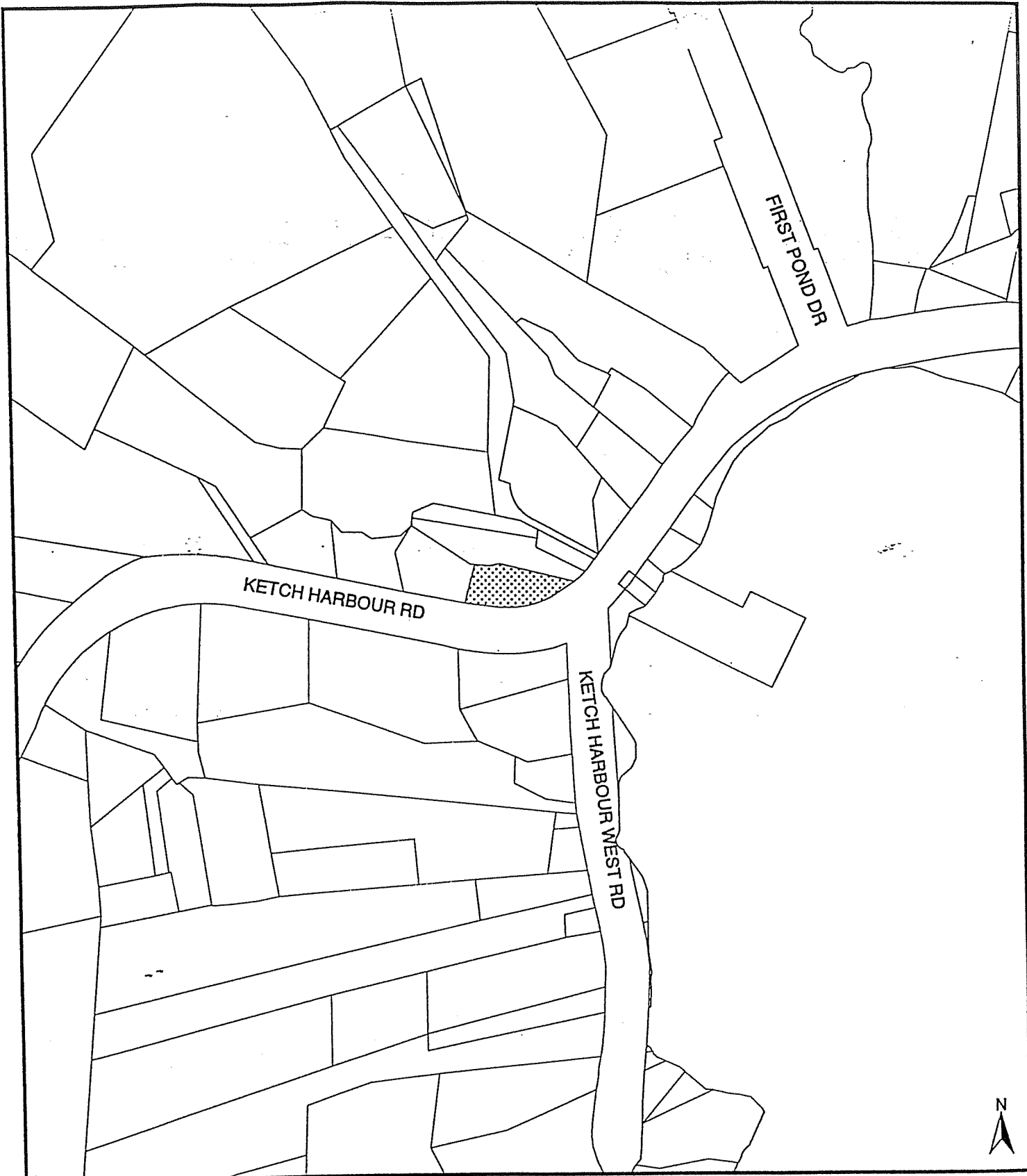
ATTACHMENTS:

Map 1: Site Plan - 1137 Ketch Harbour Road, Ketch Harbour


Attachment 1: Heritage Research Report for 1137 Ketch Harbour Road, Ketch Harbour.

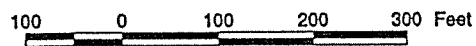
Attachment 2: The Halifax County's Heritage Property Evaluation System - Heritage Buildings.

Further information regarding the contents of this report may be obtained by contacting Kevin Barrett, Planner, at 490-4419. For additional copies or for information on the report's status, please contact the Office of the Municipal Clerk at 490-4210 (tel) or 490-4208 (fax)



Map 1 - Location Map
 1137 Ketch Harbour Road
 Ketch Harbour

 Subject area under consideration
 for heritage registration



HALIFAX
 REGIONAL MUNICIPALITY
 PLANNING AND
 DEVELOPMENT SERVICES

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

I. AGE OF PROPERTY -

In 1847, Emmanuel Mackey received a grant of land in the small community of Ketch Harbour, which is located on Route 349, not far from the former City of Halifax. The grant included 44 acres of land and was registered in Book 15, Page 201, Grant #1209. The style of the home indicates it is quite old and the home is visible on the Ambrose Church map for Halifax County, which was published in 1865.

II. HISTORICAL ASSOCIATIONS-

i) Relationship to important personages

This property was owned by the Mackey family for over a hundred years. After speaking with family members I discovered that there are different versions as to who really owned the property during the early to mid 1900's. It is known that Emmanuel Mackey was the original owner of the property, however his sons and/or grandsons resided in this home at one time or another until it was eventually sold in 1969 to a Kathleen Hill.

In an interview with the present owner, Gary Brown, he informed me he had been told that family members believe that Francis Mackey, a former Halifax pilot involved in the Halifax Explosion, had one time owned the property and was born and brought up there.

However, after speaking with Mr. John Mackey of Stewiacke, NS, he informed me that his father, Hansen Mackey resided in the Mackey homestead for 45 years as is stated in a Statutory Declaration discovered in the Registry of Deeds. (See Appendix I) I was not able to discover when Emmanuel Mackey died, nor a document stating who should inherit the property after his death. John Mackey also said that he was not aware of Francis Mackey ever residing or owning this property at anytime. I did discover deeds registered showing Francis Mackey owning land near the homestead which had been once part of the original land grant of Emmanuel Mackey.

In a telephone conversation with the daughter of Francis Mackey, Mrs. Mona Holmes of Halifax, she stated that she was told that Francis Mackey had been born in the house and resided there for a short period of time as a young child. He left home at a very young age and went to sea. By the early 1900's, Francis Mackey is living in Halifax.

After Hansen Mackey died, Emmanuel Clinton Mackey received the property and obtained ownership of the homestead from his sibling. (See Appendix II) He then in turn sold the property to Ronald Francis Mackey in 1957. Unfortunately Ronald Mackey could not have paid the taxes on the land during the time he owned the property because in 1965 we have Emmanuel Clinton Mackey of Philadelphia receiving the property back once more. Emmanuel died shortly afterwards, because his widow, Amelia Mackey sold the homestead to Kathleen Hill in 1969.

The historical significance of this particular property is associated with a member of the Mackey family who was originally blamed for causing the Halifax Explosion to occur. On the morning of December 6th, 1917 Francis Mackey was the pilot who was responsible for piloting the ship called the Mount Blanc from the Bedford Basin back out to the Atlantic. After speaking with his daughter Mona Holmes of Halifax, she informed me that her father had been born in 1872 on the Mackey homestead and was the son of Simon Mackey. He died in Halifax, in 1962, at 90 years of age and is buried in Mount Olivet Cemetery.

Around the turn of the century, Mr. Mackey was living on Robie Street, not far from the Queen Elizabeth High School. Shortly after arriving here, he married Lillian Wrayton of Halifax. They had six children and when the Halifax Explosion took place, his daughter Mona was only four years old, but she still can remember how hard they struggled after her father was charged for manslaughter. He had to hand in his Pilot's license in February 1918, but was promised he would have it returned to him if he was acquitted. Luckily for Francis Mackey, the courts felt there was not enough evidence available to convict him so he was acquitted. Documents found at the Public Archives stipulate that Mr. Mackey had to go to court in order to get his licence returned to him. This took him nearly four years to accomplish. Once he received his license Mr. Mackey was able to continue working as a harbour pilot until he retired.

In 1969, the home was purchased by Kathleen Hill, a prominent Nova Scotian author known as Kay Hill. She has written a number of children's books as well as books recounting the folklore of the Mi'kmaq people. She has also written biographies on such famous men as John Cabot. There is a room in the home which overlooks Ketch Harbour, where Kay Hill is said to have written her books during the twenty-five years she resided in the home.

Today, the property is owned by Gary and Brenda Brown who purchased the home last year in 1997. (See Appendix III) Mr. Brown is a self-taught woodcarver who has studied the history and carving techniques of ship carvers of the past. Through the use of his 200 year old carving tools, he hopes to bring back this dying art of carving replicas of figure heads once found on ships, as well as other types of wood carvings connected with a ships' structure, such as the sails and rigging. His expertise also includes carving such objects as three foot polar bears. A demand for Mr. Brown's work continuous to grow and he is often called upon to display his techniques and craftsmanship to tourists. Each summer you can find him working at the Maritime Museum of the Atlantic on Lower Water Street in Halifax, every Monday and Wednesday. This year he will be carving an eight foot sea horse which will be donated to his favourite charity, the children's hospital. Next door to the main house is a small wooden shed which is used as his work shop. (see picture #4)

III. RELATIONSHIP TO SURROUNDING AREA

The property is located on a turn and close to the main highway (Route #349), overlooking Ketch Harbour. At one time there were several older houses standing in the vicinity of the Mackey homestead, however this is the only dwelling still situated near the harbour, from the time when the community was a thriving fishing village. Today most of the people who reside in the community travel from their homes in Ketch Harbour to Halifax to work or shop, since

changes in the mode of travel has made it easier with the use of modern transportation. The property has an excellent view of the cove and is visible to those passing through the community on their way to Sambro.

IV. AESTHETIC AND ARCHITECTURAL MERIT -

i) Rarity of Architectural Type-

The house located at 1137 Ketch Harbour Road can be described as being constructed in the Cape Cod Style, which was a style basically used by fisherman and farmers in the rural areas. According to Allen Penney, in his book Houses of Nova Scotia he states that "as a form it can be found anywhere from Labrador to Virginia, but mostly in the states of Maine, Massachusetts, Rhode Island and Connecticut." (p.112) The style is a common design found throughout the communities of Nova Scotia, especially along the coast line. Mr. Penney also states that " the typical Nova Scotian house goes back to the 1750 or 1775" and ".....Nova Scotians have built storey and a half houses, often with small dormer windows...." (p. 112). However, in Ketch Harbour this particular styled home is one of the oldest structures being used for residential as well as for a commercial business. (See picture #1)

ii) Original Facade-

According to the owner of the property, Mr. Gary Brown, the facade of the structure is original except for changes being made over time to some of the windows and a new brick chimney being added. It has retained its steeply pitched gabled roof, with the dormers built close to the roof line. The summer kitchen is located at the rear of the structure and it now has a selkirk chimney, but it has retained its original six over six window. The small workshop is similar in style to the family residence, without the dormers, but has retained a wooden shingled gabled roof. (See picture #2 & #4)

iii) Example of Architectural Type-

This dwelling is a one and a half storey wooden structure constructed on a stone foundation, in a very plain Cape Cod or Vernacular Style. It is a typical style for the types of homes erected by families who earned their living by the land and sea. At one time there was a barn and the Mackey family raised farm animals and planted gardens as well as fished in the Harbour. The three bay facade with the off-centred entryway has no decorations except for the two dormers situated close to the roof line. Usually this architectural design would have the roof line extended down closer to the tops of the windows and entrance, similar to the way the small shed is designed. (See picture #4)

APPENDIX III -

The following is a list of the owners found at the Registry of Deeds:

<u>Owner/Resident</u>	<u>From-To</u>	<u>Occupation</u>	<u>Book-Page</u>
Emmanuel Mackey	1847-?	Fisherman	B. 15 - P. 201
Hansen Mackey	1912- 1957	Fisherman	B.2498 - P.883
Emmanuel C. Mackey	1957- 1957		B. 1486 - P.509
Ronald Francis Mackey	1957- 1965		B.1443 - P.645
Emmanuel C. Mackey	1965-1969		B.2162 - P.474
Kathleen Hill	1969-1997	Writer	B.2313 - P. 74
Gary and Brenda Brown	1997-1998	Woodcarver	B.6063 - P. 836

1137 Ketch Harbour Road

APPENDIX IV-

SOURCES OF RESEARCH -

Conducted interviews with the present owner and relatives of the previous owners:

1. Gary Brown owner of property May 12, 1998
2. John Mackey....son of a previous owner...May 25, 1998
3. Mona Holmes...daughter of F. Mackey.....May 26, 1998

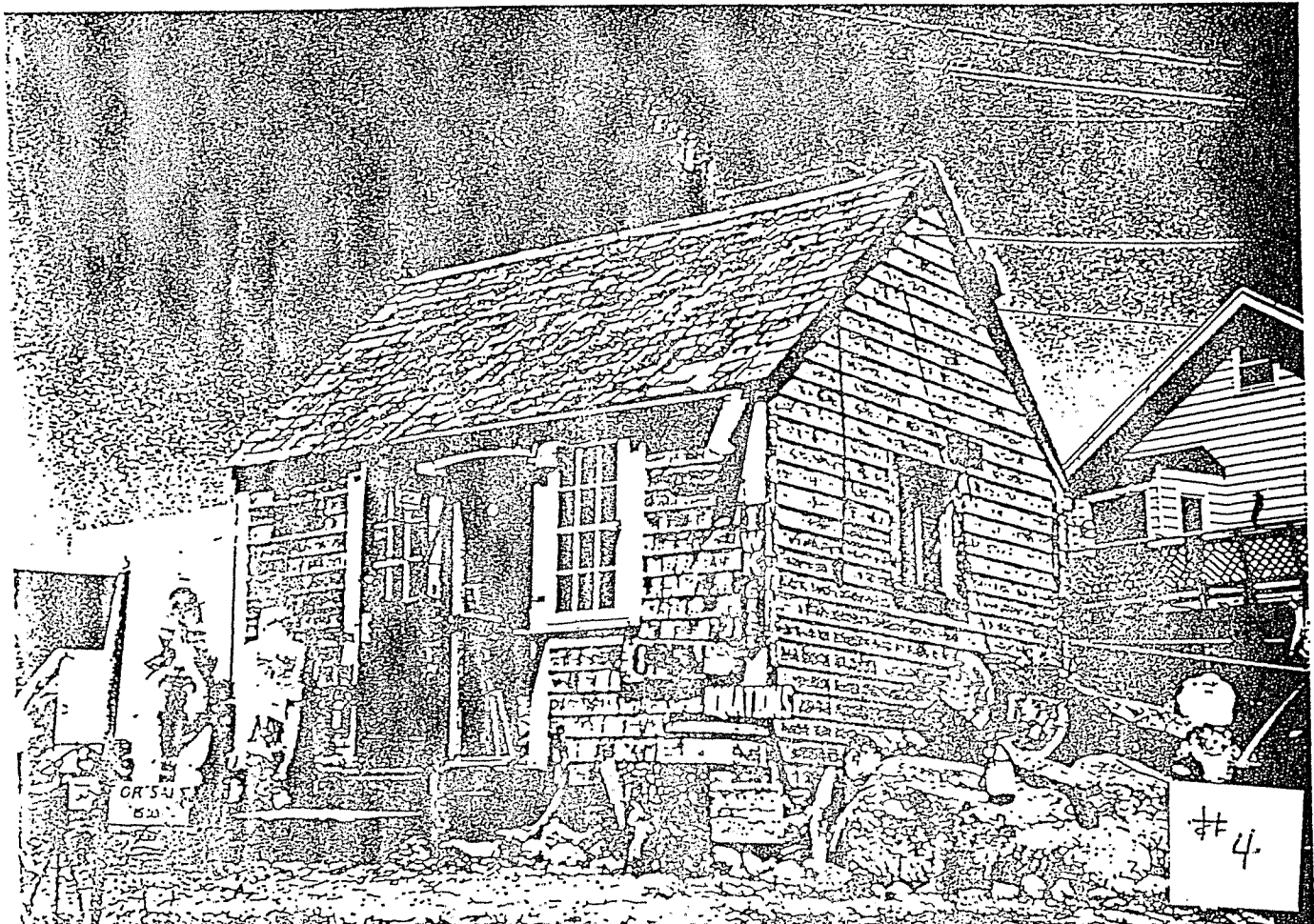
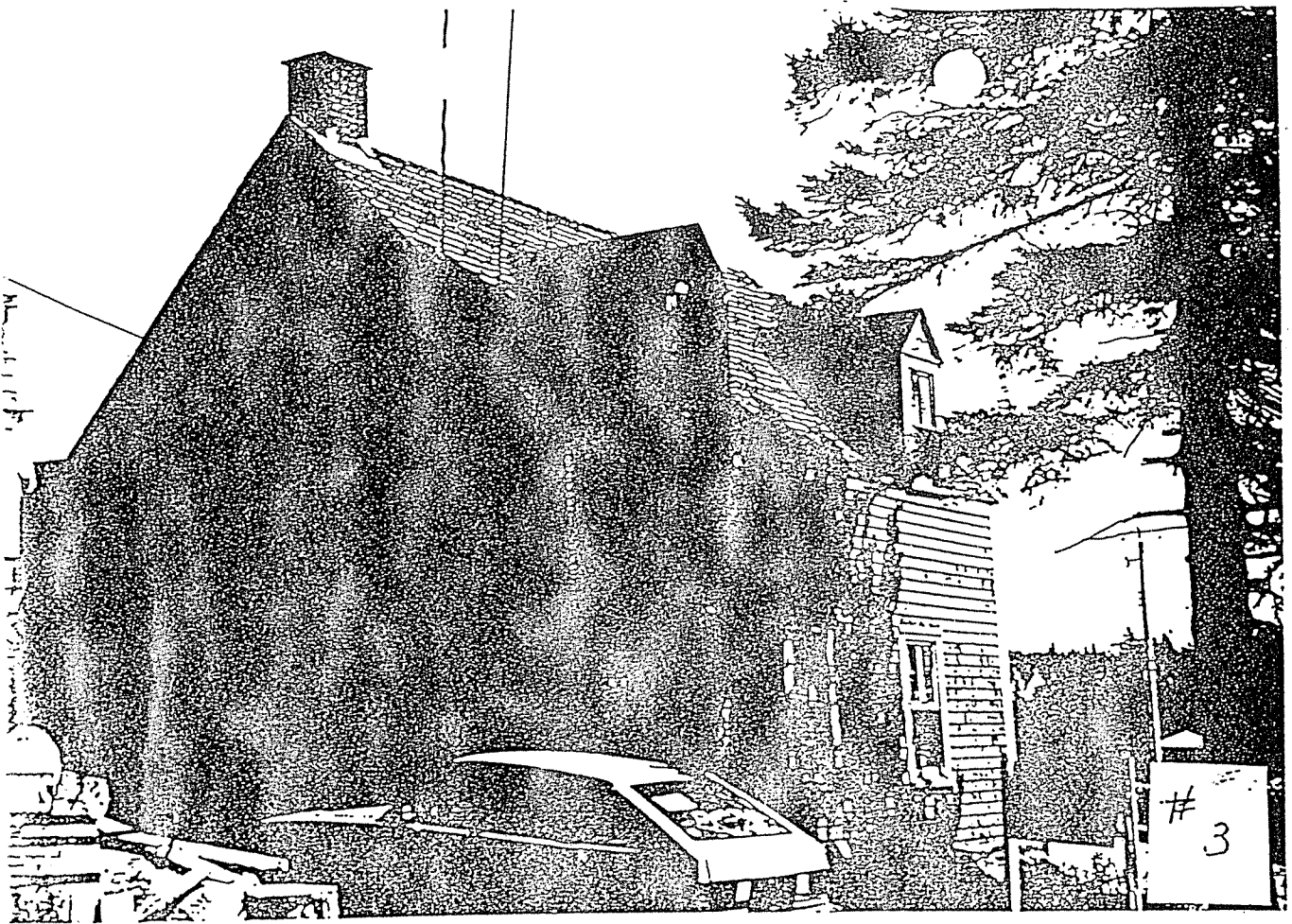
Registry of Deeds... See Appendix I, II & III

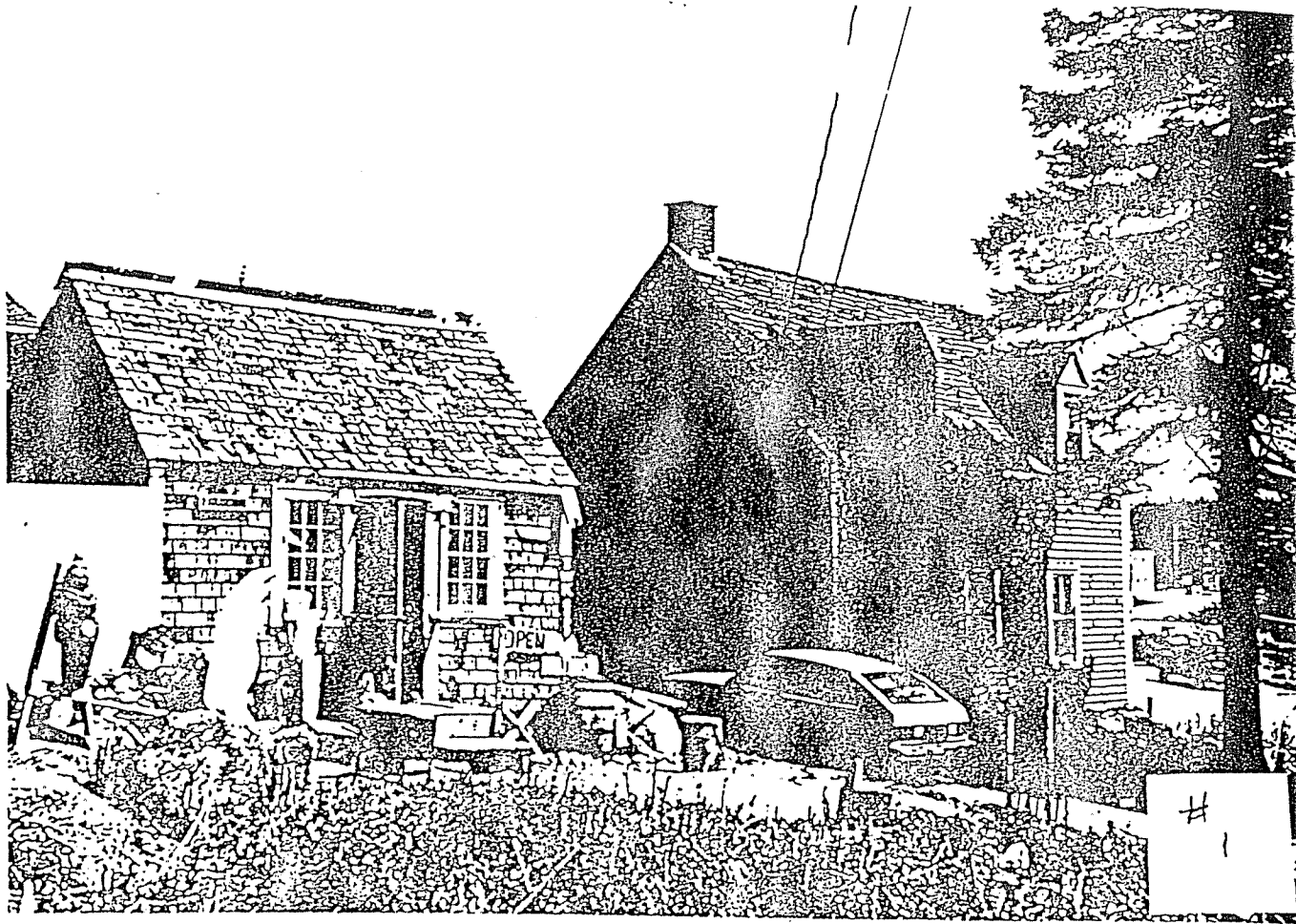
PANS - Biographical Index Cards Mackey family
MG 100 Vol. 183 #26 1921

Maps - Ambrose Church Map, Halifax County, 1865

Books: Kitz, Janet, Shattered City The Halifax Explosion The Road to Recovery,
Nimbus Publishing Ltd., 1989, p. 16

Penney, Allen, Houses of Nova Scotia. Formac Publishing Company and The Nova
Scotia Museum, Halifax, 1989





HALIFAX COUNTY MUNICIPALITY

Heritage Property Evaluation System

On October 18, 1983 Council approved this Evaluation System for designating Heritage Properties in the Municipality. For a property to be considered for designation, it must score a minimum of 45 points out of 100.

CRITERIA	POINTS
1. Age (when built)	
----- 1840	15
1841 - 1867	12
1868 - 1880	10
1881 - 1895	8
1896 - 1914	7
1915 - 1933	5
2. Relationship to Important Occasions, Institutions, personages (early settlers)	
(a) Local Importance	20
(b) Provincial Importance	15
(c) National Importance	10
3. Relationship to surrounding area	
(a) Excellent (building is a definite asset to surrounding buildings and area)	10
(b) Good (building is very compatible with surrounding buildings and area)	7
(c) Fair (Building is in keeping with the character of the area)	5

CRITERIA	POINTS
<p>4. Aesthetic / Architectural Merit</p> <p>(i) (a) Rarity (Only or rare example of particular Architectural type in Halifax County)</p> <p>(b) Only or rare example in local area (size of School Board district)</p> <p>(ii) (a) Original Facade (facade is not altered in a major way)</p>	<p>20</p> <p>10</p> <p>5</p>
<p>5. Quality of architectural type</p> <p>(a) Excellent example of architectural type</p> <p>(b) Good example of architectural type</p> <p>(c) Fair example of architectural type</p>	<p>20</p> <p>15</p> <p>10</p>
<p>6. Extra points</p>	<p>15</p>

**EXTRACT FROM NOVEMBER 28, 2001 HERITAGE ADVISORY COMMITTEE
MINUTES:**

4.2 Heritage Case H00073 - Application by Gary and Brenda Brown to consider 1137 Ketch Harbour Road, Ketch Harbour, as a Registered Heritage Property

- A staff report prepared for Austin French, Regional Coordinator, Planning & Development Services, regarding the above, was before Council for its consideration.

Mr. Barrett noted the original score for this property was 82 points. The Committee concurred with this score.

1.	Age	12 pts.
2.	Relationship to Important Occasions, Institutions, personages	20 pts.
3.	Relationship to surrounding area	10 pts.
4.	Aesthetic/Architectural Merit	10 pts.
5.	Quality of Architectural Type	15 pts.
6.	Extra Points	15 pts.
	TOTAL	82 pts.

MOVED by Councillor Meade, seconded by Wallie Brannen, that the Heritage Advisory Committee recommend to Council that 1137 Ketch Harbour Road, Ketch Harbour, be registered under the HRM Heritage Property Program. MOTION PUT AND PASSED UNANIMOUSLY.



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Heritage Advisory Committee
October 22, 2003

TO: Chair and Members of Heritage Advisory Committee

A handwritten signature in black ink, appearing to be "Lew Rogers".

SUBMITTED BY:

For: Lew Rogers, Director, Recreation, Tourism and Culture

DATE: October 16, 2003

SUBJECT: Special Request- Heritage Grant- Hurricane Juan

ORIGIN

Application from the owner of the MacKey House, a municipally registered heritage property located at 1137 Ketch Harbour Road, for a Heritage Incentive Grant to address emergency repairs required after Hurricane Juan to protect the heritage house from further damage by the elements.

RECOMMENDATION

It is recommended that :

1. The Heritage Advisory Committee recommend to Council that the emergency repairs required to ensure that the MacKey House, located at 1137 Ketch Harbour Road, be conducted to protect this municipally registered heritage property from further damage by natural elements until a plan can be prepared for the long term repair and rehabilitation;
2. The Heritage Advisory Committee recommend to Council that a grant of \$5000, be provided and assigned as follows: a) up to \$2500 for repairs to enclose the main part of the house to protect it from the elements; b) up to \$2500 for a a professional assessment and schedule of repairs to bring the property back to state of habitation, reflective of the status as a municipally registered heritage property in Ketch Harbour, Halifax Regional Municipality.

BACKGROUND

The Mackey House, located at 1137 Ketch Harbour Road, is a municipal heritage property, located in Halifax Regional Municipality. Staff were notified on October 10th, 2003 by the owner of the property that it had experienced significant damage due to Hurricane Juan. At the present time, staff are forwarding this report to the HAC to advise them of the extent of the damage and to recommend that work be allowed to be carried out to protect the resource from further damage from the natural elements.

DISCUSSION

The MacKey House came before the HAC for evaluation on November 28, 2001. At that time the significance of the house included its age (built before 1865); historical association (with the MacKey family) and architectural style (typical of a fisherman's home).

Staff conducted a site visit on October 15th, 2003 and as stated by the owner, discovered that there has been significant damage from Hurricane Juan. The tall spruce shown in a Photograph taken in 2001 (see Attachment # 1) came down during the storm and damaged the structure of the roof of the main body of the house. The summer kitchen shown in Photograph #2 (smaller building to the right) was significantly damaged by the hurricane. The east wall (shown), west wall and roof were literally blown out, leaving only the framing for these walls and the north wall in the summer kitchen.

At the time of the site visit, staff informed the owner that the house could no longer be occupied in its current condition. The house was open to the elements where the summer kitchen had once been attached and the structural stability of the main house needs to be assessed. The purpose of this report is to recommend that emergency work be allowed to be carried out to enclose and protect the main part of the house from further damage. This will include boarding to close the gap where the summer kitchen was at one time attached and roof repairs to the house and an adjacent shop.

It is the view of the staff that the building has been significantly compromised. It is, however, sited at a prominent location in the community (see attachment # 2). It is a rare example of a fisherman's house and equally importantly, the property is both municipally and provincially registered. Staff are proposing that the funds be applied to make emergency repairs and to pay for a professional assessment and list of repairs to bring the property back to a state of rehabilitation.

BUDGET IMPLICATIONS

The owner has made application for the maximum grant of \$5000. This will be assigned as follows:

- 1) up to \$2500 for repairs to enclose the main part of the house to protect it from the elements;
- 2) up to \$2500 for a professional assessment and list of repairs to bring the property back to a state where an occupancy permit can be issued.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

There is one alternative, not to offer assistance at this time and to see the building further damaged by being open to the elements. This is not recommended. The building is municipally registered and provincially registered and therefore viewed as a significant asset to the community.

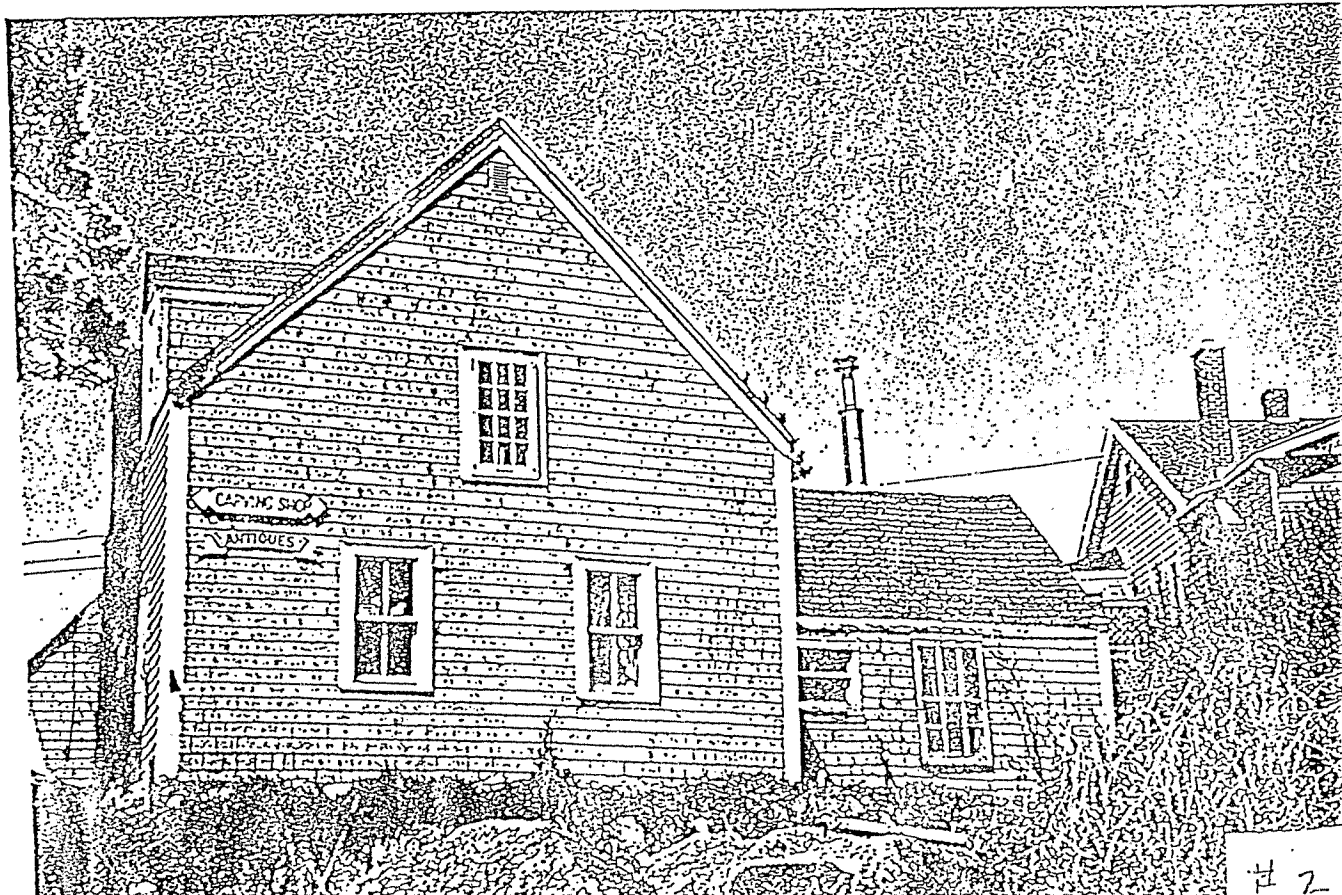
ATTACHMENTS

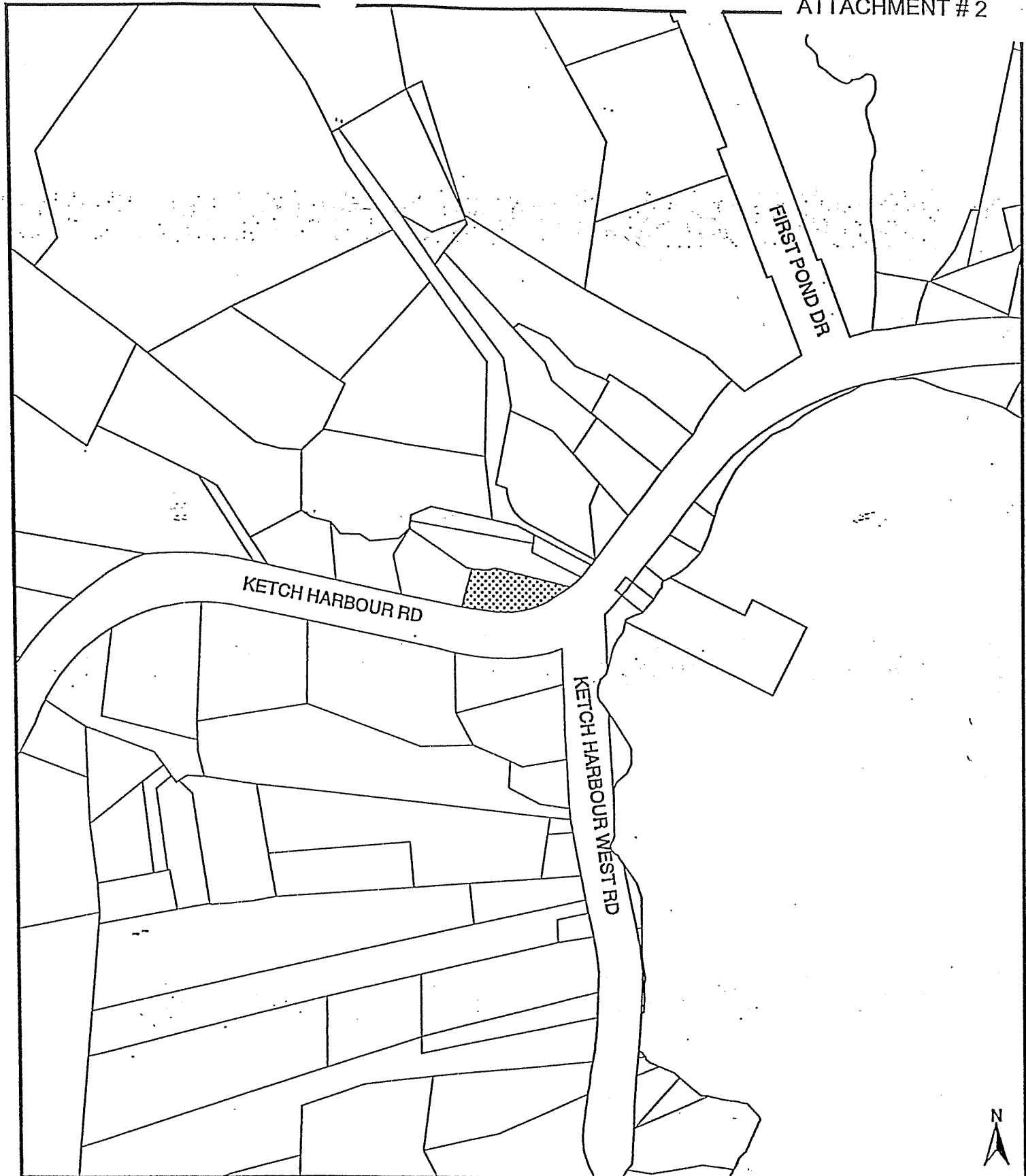
- Attachment # 1: Photographs of property taken in 2001
- Attachment # 2: Map of community showing location of property

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.


Report Prepared by: Dan Norris, Manager, Culture & Heritage

Report Approved by: _____
Lew Rogers

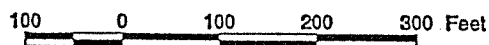




Map 1 - Location Map
 1137 Ketch Harbour Road
 Ketch Harbour

 Subject area under consideration
 for heritage registration

HALIFAX
 REGIONAL MUNICIPALITY
 PLANNING AND
 DEVELOPMENT SERVICES



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

Mr. Dan Norris,
 Manager, Culture & Heritage
 Halifax Regional Municipality
 Po Box 1749, Halifax, NS
 B3J 3A5

July 4, 2002

Dear Mr Norris:

Recent events in our community of Ketch Harbour have brought into question issues with regard to designated Heritage Property, known as the "... Mackey" hosue, located at, 1137 Ketch Harbour Road.




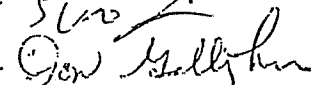
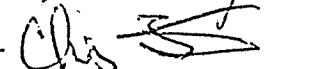
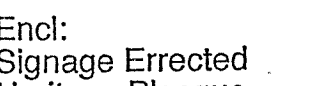
While we are in agreement that the property in question may fit the category of a Heritage Property, as per the HRM Heritage Criteria. Their does remain serious questions as to the accuarcy of the information submitted to regional council , for its approval , for Heritage Designation and recent renovations would appear to be contrary, to a dwelling so designated.

1) We request that a review of the historical information, contained in the report, known as Case # H00073, and as approved by the Heriatage Advisory Committe, dated November 28, 2001, and as approved by Regional Council, on February 26, 2002 be undertaken. This review must ensure the community is provided with the opportunity to review the historical, information and documentation on the home in question.

2) We request that an audit be undertaken to ensure that recent modificatgions, to the home in question, meet the required criteria, for refyations and materials used, and conformation, any publict funding provided, has be used as per your requirements.

Signed,

Residents of Ketch Harbour,

Signed	Name/Print	Address
	Ernie Glennan	10 Mountain Hill Rd.
	KERAJ FLEMMING	150 KETCH HARBOUR E.
	Andy Henry	5 School Rd.
	STEVE FARMER	2 MOUNTAIN HILL RD. KE
	DON GALLAGHER	1129 KETCH HAR
	Chris Flemming	1090 Ketch HBR. Rd.

Encl:
 Signage Erected
 Heritage Placque

Attachments
 Report to Regional Council, Case #H00073
 Photograph of Signage erected, wt Heritage Placque
 cc: Steve Adams

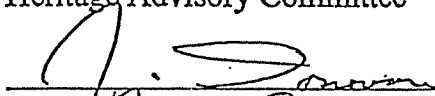


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Heritage Advisory Committee
January 28, 2004

TO: Heritage Advisory Committee

SUBMITTED BY:



Jim Donovan, Manager, Planning Applications



Maggie Holm, Heritage Planner

DATE: January 15, 2004

SUBJECT: Heritage Case H00124 - Alterations to 1137 Ketch Harbour Road, the Mackey House, (a municipal heritage property), Ketch Harbour, NS.

STAFF REPORT

ORIGIN:

A permit application by Mr. Gary Brown requesting alterations and an addition to a registered heritage property at 1137 Ketch Harbour Road.

RECOMMENDATION:

It is recommended that the Heritage Advisory Committee not approve the building alterations described in this report and recommend that:

1. Halifax Regional Council not approve the addition to 1137 Ketch Harbour Road, as described in this report;
2. Regional Council schedule a public hearing pursuant to the Heritage Property Act to consider deregistration of 1137 Ketch Harbour Road, Ketch Harbour as a Municipal Heritage property; and that
3. Regional Council approve deregistration of 1137 Ketch Harbour Road, as a Municipal Heritage property.

BACKGROUND:

- Mr. Gary Brown has made an application to obtain a permit for renovations to 1137 Ketch Harbour Road, a municipal registered heritage property. The building application was for “renovations including replacement of foundation, siding, fascia, paint, floor joist system, wood sills, insulating, and entrance door”.
- The requested permit was not approved by heritage staff as more information was required regarding the paint colours and the use of non traditional materials. Additionally, the doors and windows required prior authorization by HAC.
- The scope of work described on the permit application did not accurately reflect the work done on the property. This is attributed in part, to damage the house sustained during Hurricane Juan and in part, to confusion over permit applications
- On October 22, 2003 Mr. Brown was issued a Heritage Incentive Grant of \$5,000 to address emergency repairs required to protect the house from further damage by the elements.
- On January 5th HRM staff observed a considerable amount of work had taken place on site without a permit having been issued. Inspection of the site determined that the original work had been completed, but additional work outlined above had also taken place, all without permits.
- Consequently, the proposed addition has already been constructed, except for exterior finishes. Additionally, many of the alterations, including installation of a steel entrance door and vinyl windows have also already been undertaken.

Under the Heritage Property Program, all applications for additions to heritage properties are to follow the Level 3 Design Review Process. This process requires the proposal be reviewed by both staff and the Heritage Advisory Committee (HAC), with final approval by Regional Council. To provide a basis for the review, a staff report is developed that evaluates the proposal and provides a recommendation to the HAC. The evaluation for these applications is based on the “*Building Conservation Standards*” (See Attachment 1).

1137 Ketch Harbour Road - The Mackey House

In 1847 Emmanuel Mackey received a 44 acre grant of land in the small community of Ketch Harbour. The Mackey family owned the property for over one hundred years, later having grandchildren residing in the home, until 1969 when it was sold to an individual outside of the family. Built circa 1850's, the house can be described as being constructed in the Cape Cod Style, which was a style basically used by fishers and farmers in rural areas. This style is a common design found throughout communities of Nova Scotia, however in Ketch Harbour this particular style of home is one of the oldest structures in use for residential and commercial purposes. The structure is also one of the only homesteads still situated near the harbour dating back to the time when the

community was a thriving fishing village.

At the time the subject property was registered as a Heritage property, the owner indicated the facade of the structure was original except for changes being made over time to some of the windows and a new brick chimney being added. It had retained its steeply pitched gable roof, with dormers built close to the roof line. The summer kitchen, located at the rear of the structure, had a Selkirk chimney added, but at that point had retained its original six over six window. The small workshop on the property is similar in style to the family residence, without the dormers, but has retained a wooden shingled gabled roof. The house has been registered since March of 2002 (see Attachment 2).

DISCUSSION:

Addition and Alteration Proposal

The work on the original permit application included replacement of windows in the main portion of the house, with new wooden windows of the same size and in the same location. Other work included re-shingling of the main portion with new wood singles and replacing the front door with a steel door.

The rear portion of the house had its roof and walls partially removed during the hurricane, and in the time since the rear portion has been fully demolished and rebuilt including work to the foundation. During this rebuilding further changes to the rear facades have taken place as follows:

- The original six over six kitchen window was removed;
- Two windows on the rear facades have been replaced with vinyl windows of approximately the same sizes as follows:
 - a) a single double hung has been replaced with a six over six of approximately the same dimensions; and
 - b) a two over two double hung window has been removed altogether.
- A 5'6" x 17' addition has been constructed at the rear of the house. This addition has a roof line in keeping with the house and the home owner has indicated that wooden shingles similar to the rest of the house will be used on the exterior.
- The location and orientation of the rear door has also changed, and a wooden front entrance door has been replaced with a steel door. The home owner has indicated that a wooden screen door will be installed in front of the steel door to soften its visual impact.
- Work undertaken on the main portion of the house includes:
 - a) Woodframe two over two double hung windows on the main level of the front facade have been replaced with woodframe six over ones.
 - b) Two over two double hung windows on the main level and a six over six on the second storey on the side facade facing the street have been replaced with woodframe

four over one double hung on the main level, and a wooden two over two double hung on the second storey. It is unclear when the second storey window was changed.

The proposed renovations, along with those already undertaken, have been evaluated against the *Building Conservation Standards* (see Attachment 1), and summarized in the following table:

1. Historic purpose and changes to characteristics, site and environment.	The current (residential) use has been maintained. Changes to the building have focused on the rear facades. The addition is in keeping with the scale of the structure. The majority of materials match the existing building.
2. Historic character and alteration of features and spaces.	The detailing is of similar materials to the existing structure, with the exception of the vinyl windows and steel doors. The loss of the rear kitchen six over six window is of particular concern as it was original to the building.
3. Sense of historical development.	The property has seen changes, and the placement, scale and design of the addition is in keeping with the overall structure.
4. Preservation of historical changes.	A six over six window in the kitchen has been removed.
5. Preservation of distinctive features, finishes and techniques.	The addition is in keeping with the features of the original building (such as roof line and wooden shingles). The new vinyl windows and steel doors are not reflective of historic materials or features.
6. Repair of deteriorated and missing features.	Deteriorated features have been removed and some replaced. Windows on the ground level of the front facade were replaced with traditional materials, but the window type has been changed. Two windows have been removed: the original six over six in the kitchen and a double hung two over two on the rear facade.
7. Surface cleaning.	No surface cleaning is planned.
8. Significant archaeological resources.	No such resources have been identified. Appropriate measures will be taken should such resources be encountered during construction.
9. Retention of characterizing materials, differentiation from historic structure and compatibility of massing, size, scale and features.	The addition is compatible with the massing, size, scale and architectural features of the building. The removal of the two windows, and the change in other window types is a loss of significant historic features of the structure.
10. Reversibility to essential form and protection of historic integrity.	The addition to this building will retain the essential form, but the many other changes to the structure do not retain the historic integrity of the structure.

Summary

The changes to the building have been evaluated against the "Building Conservation Standards." The changes include:

1. a small addition at the rear of the building,
 2. replacement of two exterior wood doors with steel doors,
 3. removal of two original windows,
 4. replacement of six windows with alternative styled windows (two of non-traditional materials).
- The addition (5.6' x 17') is in keeping with the form and scale of the structure and can be considered consistent with the existing building.
 - The removal of two original windows would be considered a significant change to the building.
 - The changes in window type and non-traditional door materials would be also be considered significant. Combined with the two window which have been removed creates a false sense of historical development.
 - The steel doors and vinyl windows can be considered minor items. The two vinyl windows are in the rear of the property, and one of the two steel doors is to be covered with a wooden screen door.
 - The colours proposed for the house have yet to be provided to staff by the property owner.

Analysis and Conclusions

It is the opinion of staff that the cumulative effect of the above changes significantly undermine the historic integrity of the structure that was registered as a Municipal Heritage property in 2002. Had staff been made aware of these various alterations prior to their being constructed, the property owner would have been advised to consider alternatives which are more in keeping with the *Building Conservation Standards* and that some aspects of the work required prior approval by HAC and/or Regional Council.

HRM's Heritage Property program is based on a spirit of cooperation between the Municipality and property owners and relies on voluntary compliance by property owners for its success. A property is registered with the consent of the property owner. Once registered, all applications to alter that property are reviewed as per the process defined under the Alteration Guidelines (Heritage Property Program).

In most cases, applications for Heritage properties can be reviewed and approved by the Heritage Office provided any alteration is in keeping with the period and style of the property. Generally such reviews and approvals are granted within three days. However, there may be delays, particularly where a property owner does not provide sufficient information to enable staff to undertake a review.

The current status of the proposed alterations poses somewhat of a dilemma. If the proposed alterations are approved, then the historic integrity of the building as a heritage property is undermined. On the other hand, if the application for the addition is not approved, then the owner cannot obtain permits for construction which has already been undertaken. Given the circumstances, three courses of action can be considered:

1. Pursue legal action to remove those elements of the building which have been constructed and/or installed without municipal approval.
2. Deregister the property, thereby enabling the property owner to undertake the various renovations without having to adhere to the *Building Conservation Standards* of the Heritage Property program.
3. Approve the proposed alterations recognizing that they are representative of the heritage of the subject building.

It is the opinion of staff that, given the nature of the alterations, deregistration is an appropriate course of action. According to the Heritage Property By-law (H-200), the Heritage Advisory Committee must advise Regional Council on any deregistration of a Heritage property. In this regard, Section 16 of the Heritage Property Act states that:

“(1) On the application of an owner of a municipal heritage property or on its own motion, the council may deregister a municipal heritage property where

- (a) the property has been destroyed or damaged by any cause; or
- (b) the continued registration of the property appears to the council to be inappropriate, after holding a public hearing to consider the proposed deregistration.”

Given the nature of the changes that have taken place, it would appear that continued registration of the building as a registered heritage property is no longer appropriate.

BUDGET IMPLICATIONS:

There are no budget implications for this application.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES:

Staff recommend that the addition and alterations to 1137 Ketch Harbour Road as outlined in this report not be approved and that the property be deregistered. However, should the Heritage Advisory Committee disagree with this recommendation, this report will be forwarded to Regional Council for consideration. Regional Council may consider any of the alternative courses of action identified

in the preceding sections of this report.

ATTACHMENTS:

Attachment 1: "Building Conservation Standards"

Attachment 2: Photos - 1137 Ketch Harbour Road

Attachment 3: Specification for the Proposed Addition

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

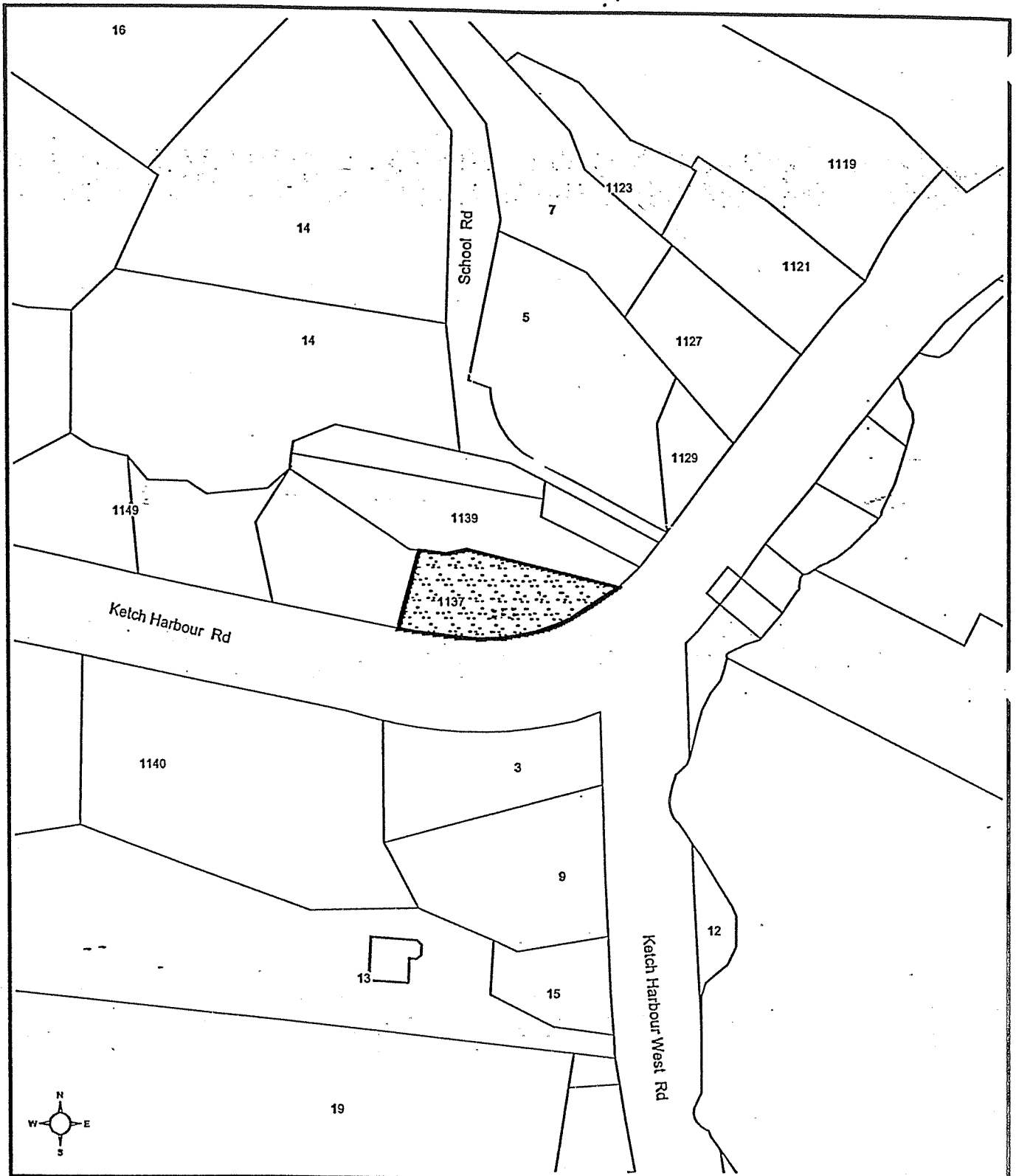
Report prepared by: Maggie Holm, Heritage Planner, 490-4419

BUILDING CONSERVATION STANDARDS


The following standards will be used to assess all applications for property alteration and financial assistance. The historic character of a heritage resource is based on the assumptions that (a) the historic materials and features and their unique craftsmanship are of primary importance and that (b) in consequence, they are to be retained, and restored to the greatest extent possible, not removed and replaced with materials and features which appear to be historic, but which are in fact new.

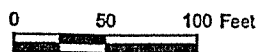
- 1) The property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building, its site and environment.
- 2) The historic character of the property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the property shall be avoided.
- 3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding hypothetical features or architectural elements from other buildings, shall not be undertaken.
- 4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.
- 6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design in colour, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- 7) The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials, shall not be used.
- 8) Significant archaeological resources affected by the project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 9) New additions, exterior alterations, or related new construction shall not destroy materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The above-noted standards are based on the Conservation Standards used by the United States Secretary of the Interior (36 CFR 67) (1991). They are generally in keeping with most Conservation principles, including the Venice Charter (1964).



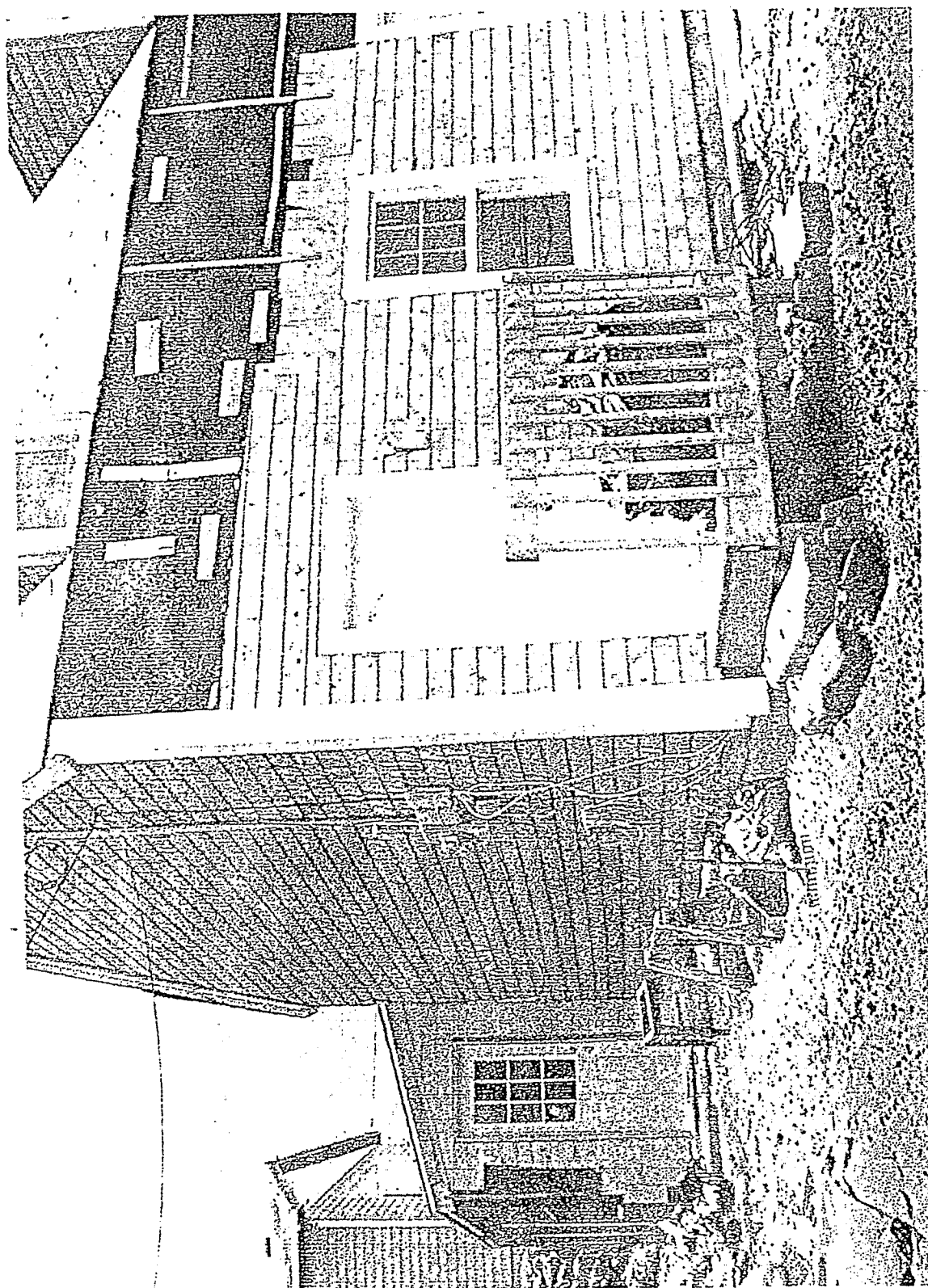
Map 1 - Location Map
 1137 Ketch Harbour Road
 Ketch Harbour
 Chebucto Plan Area

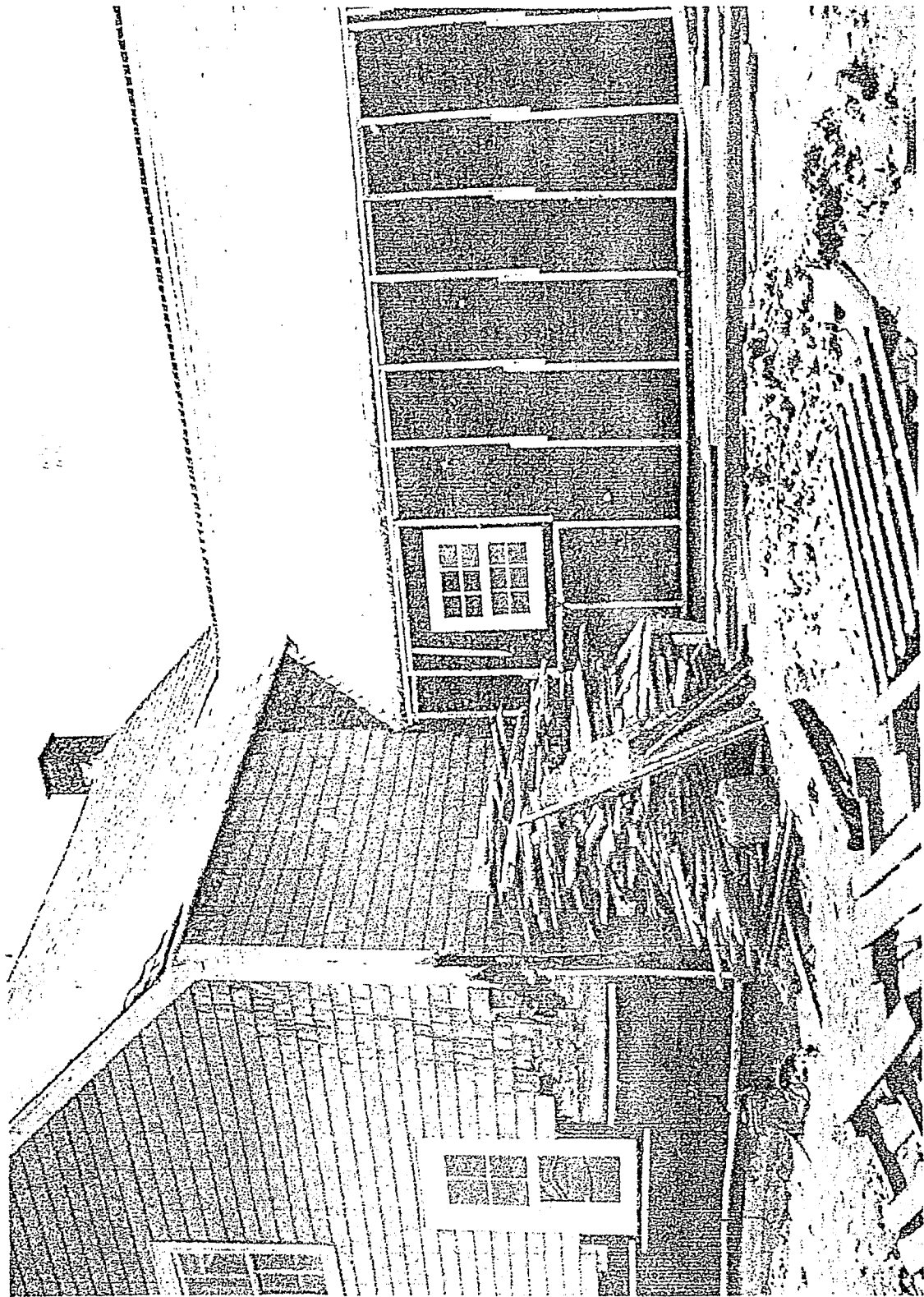
 Subject area under consideration
 for heritage de-registration

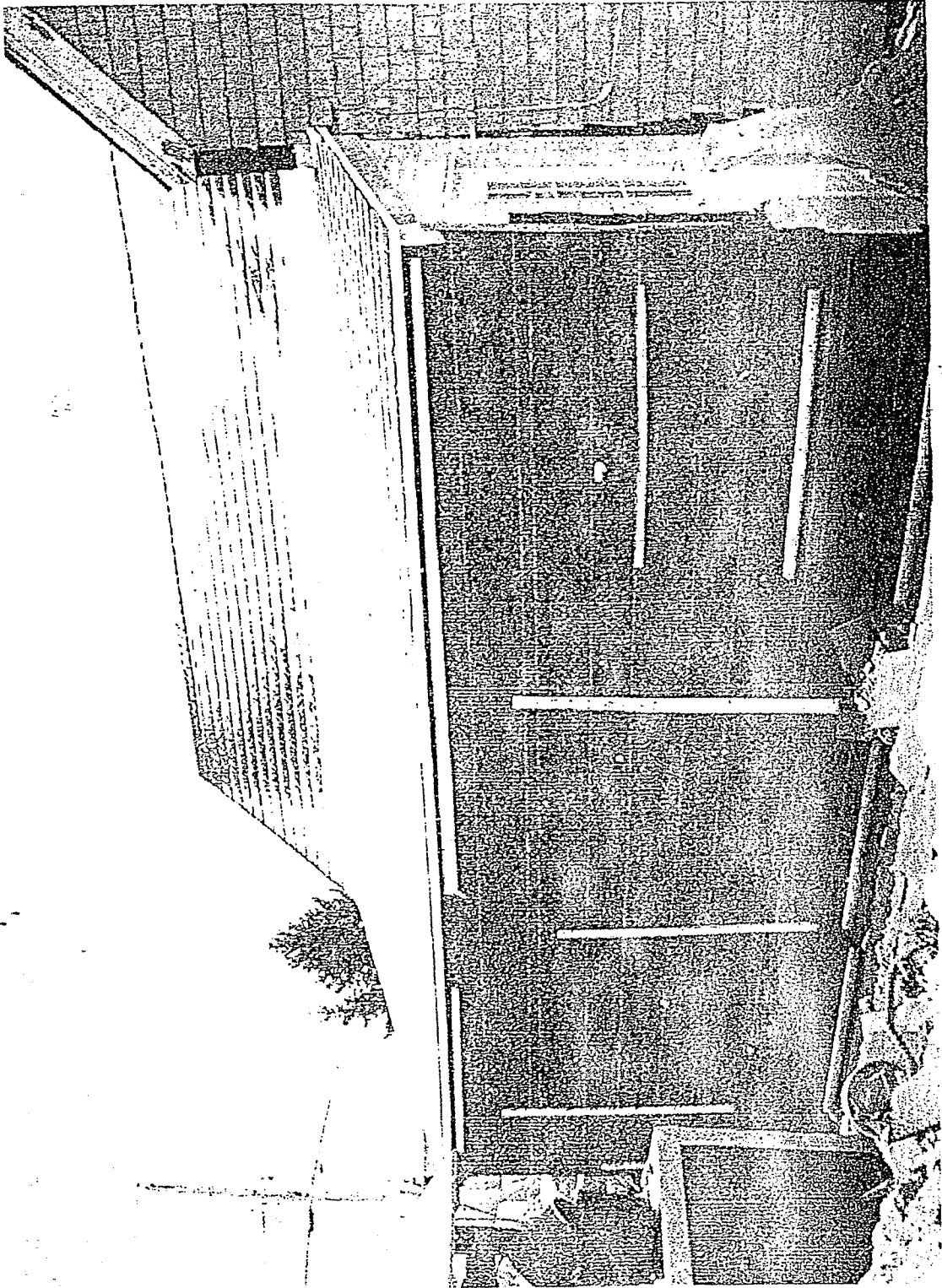


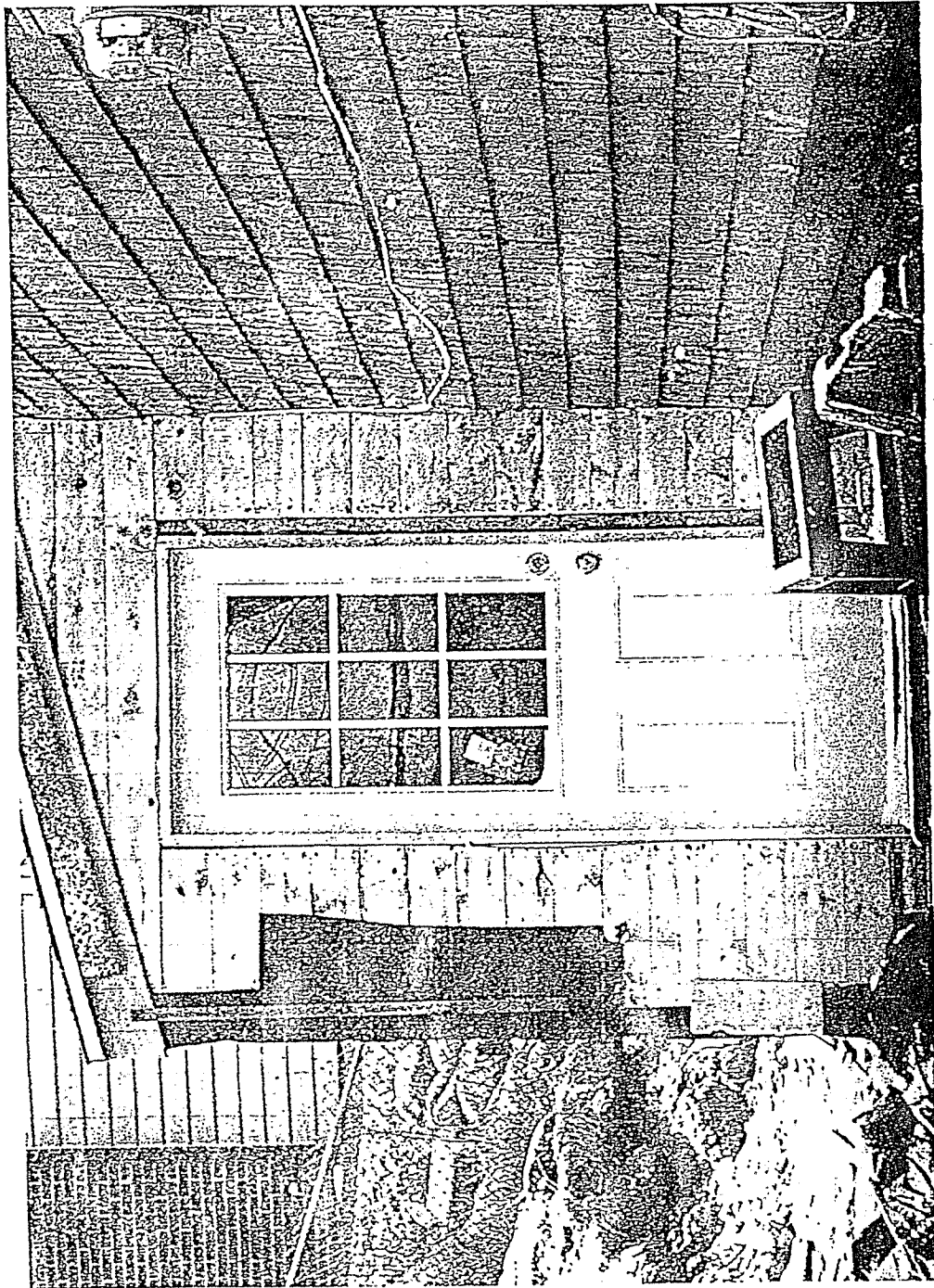
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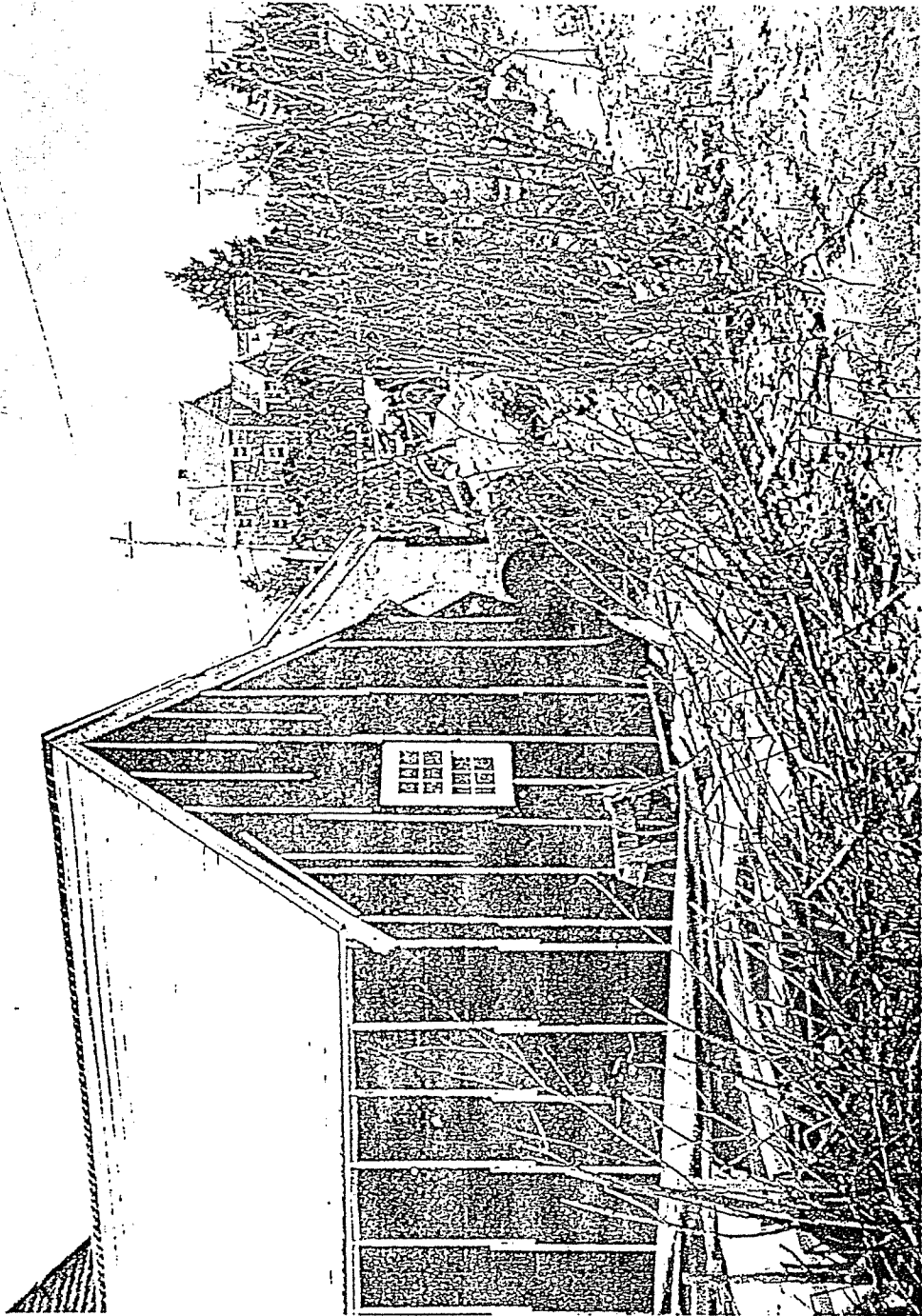
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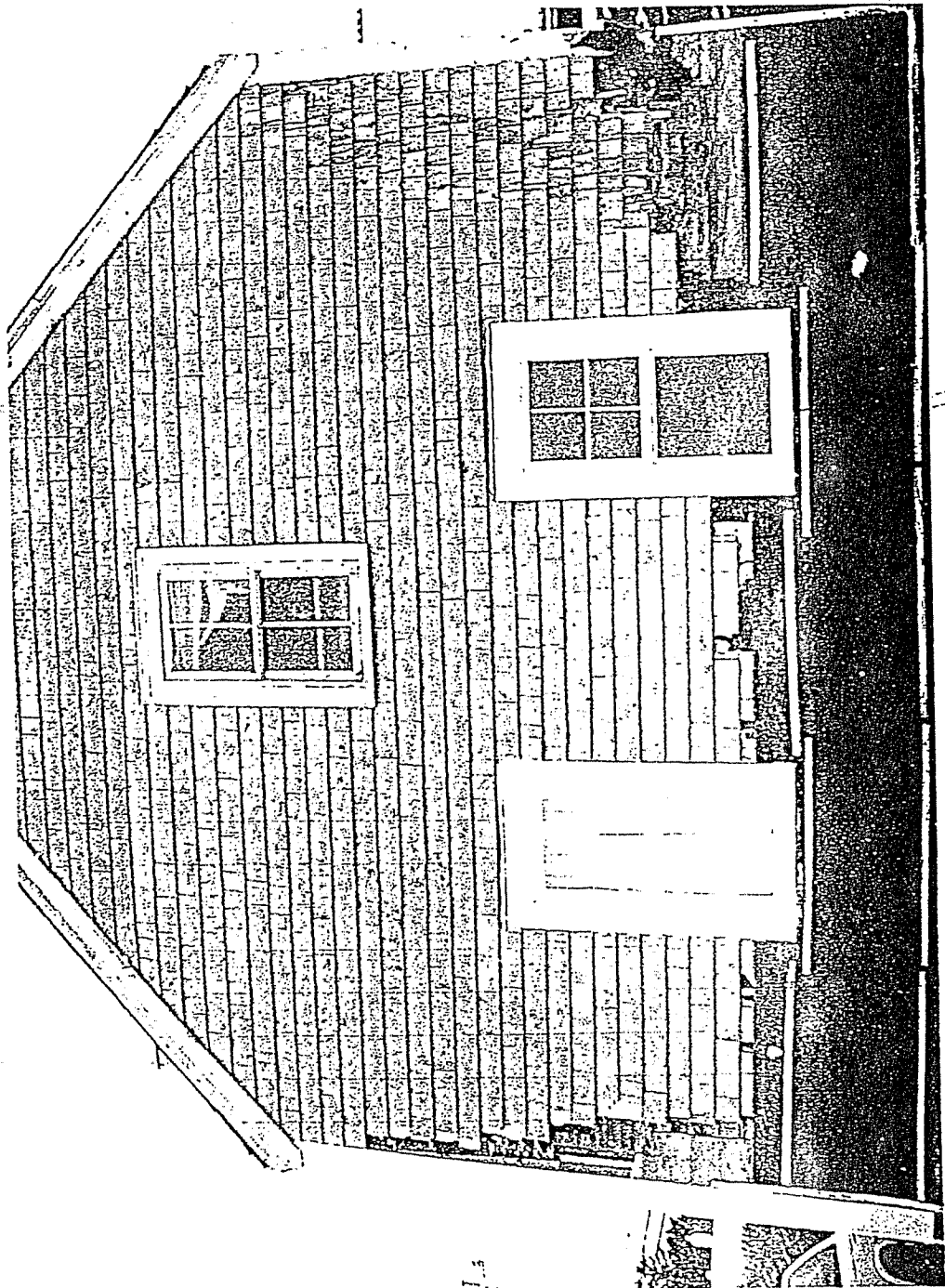


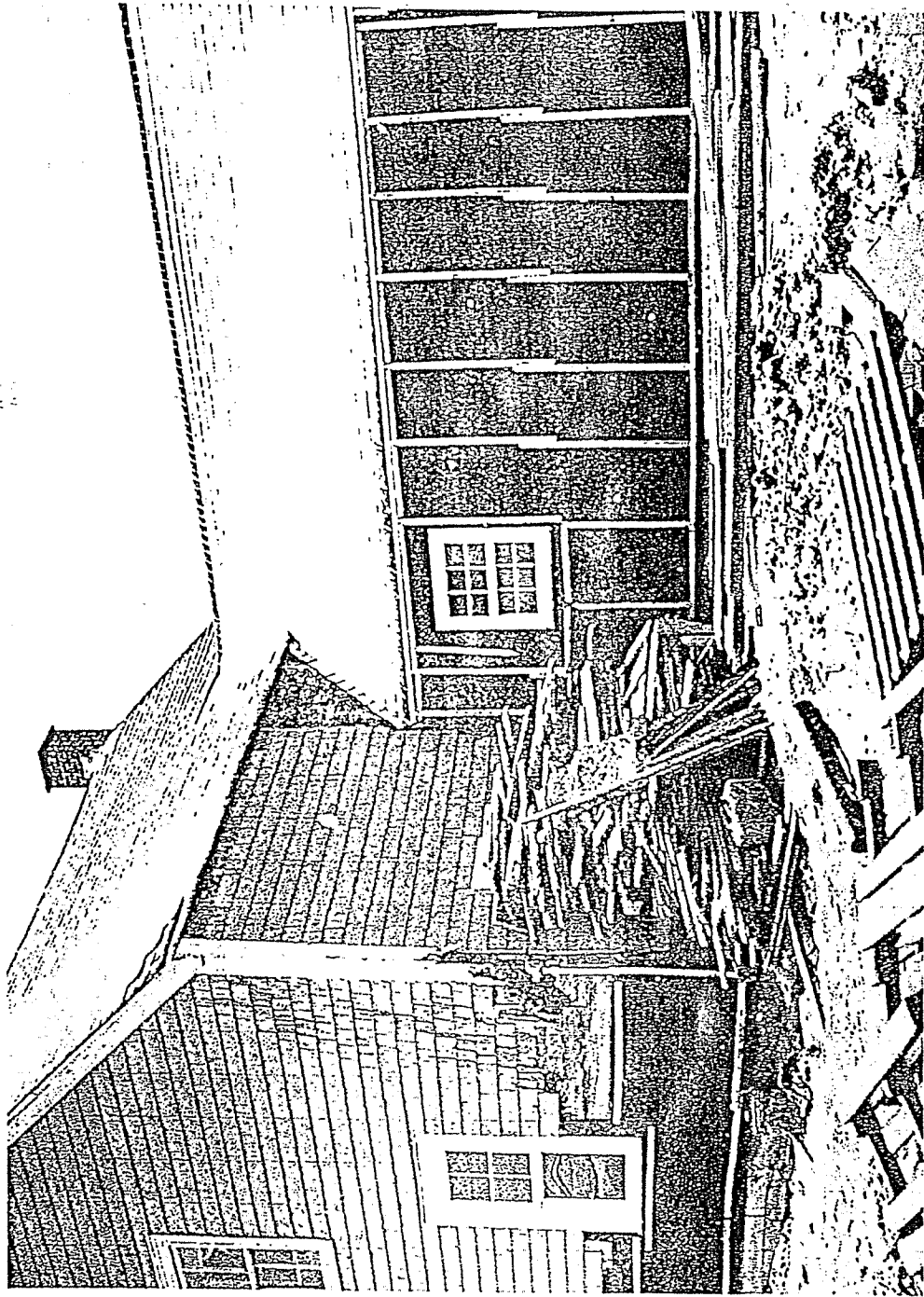


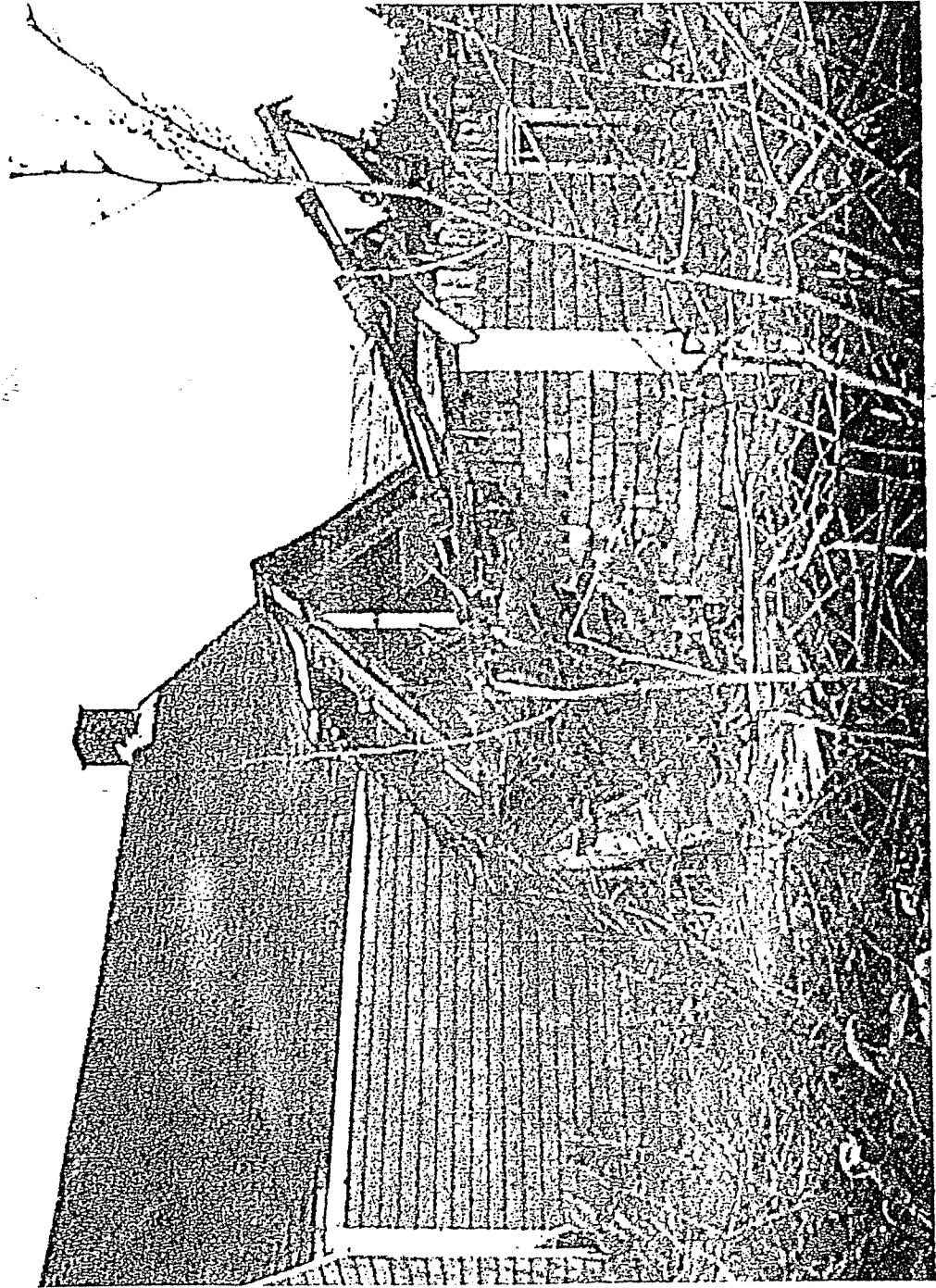


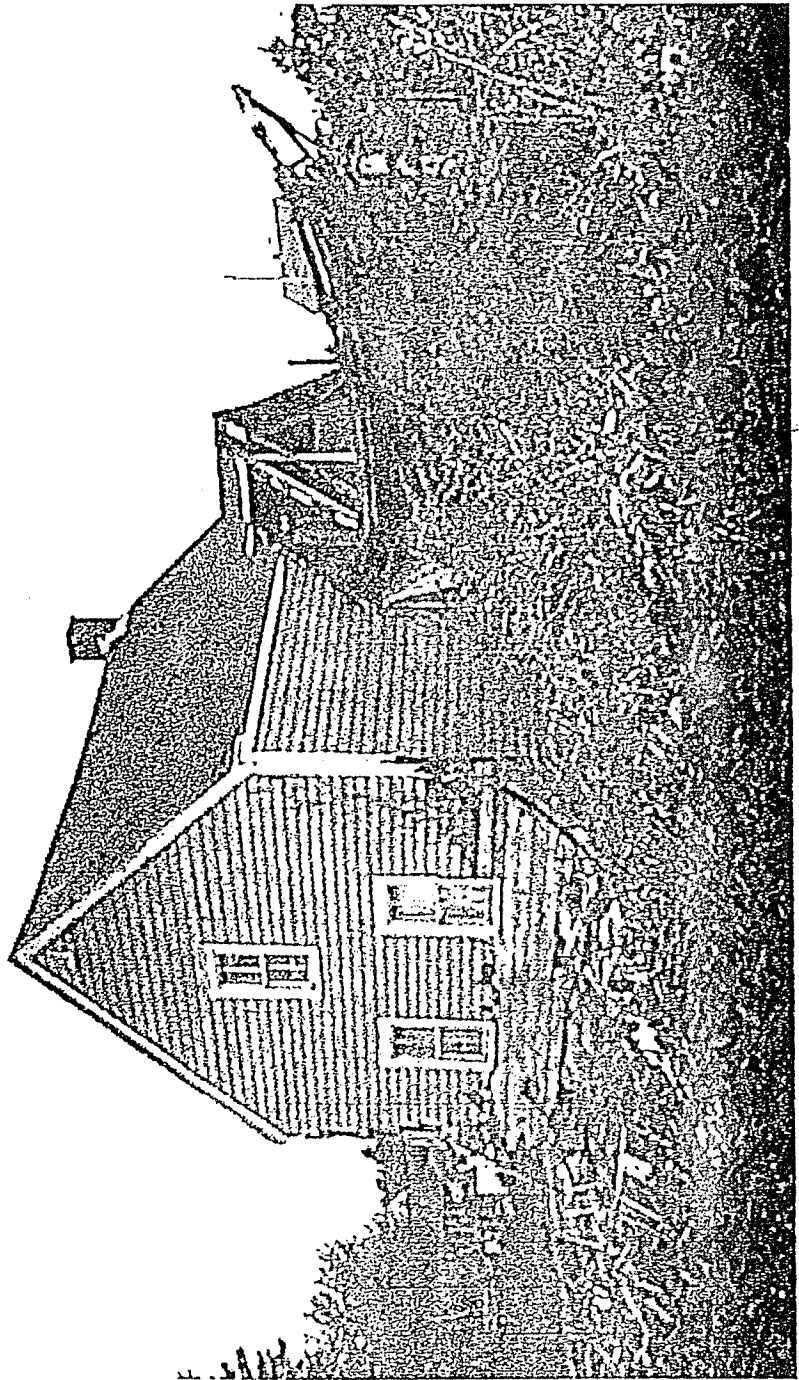




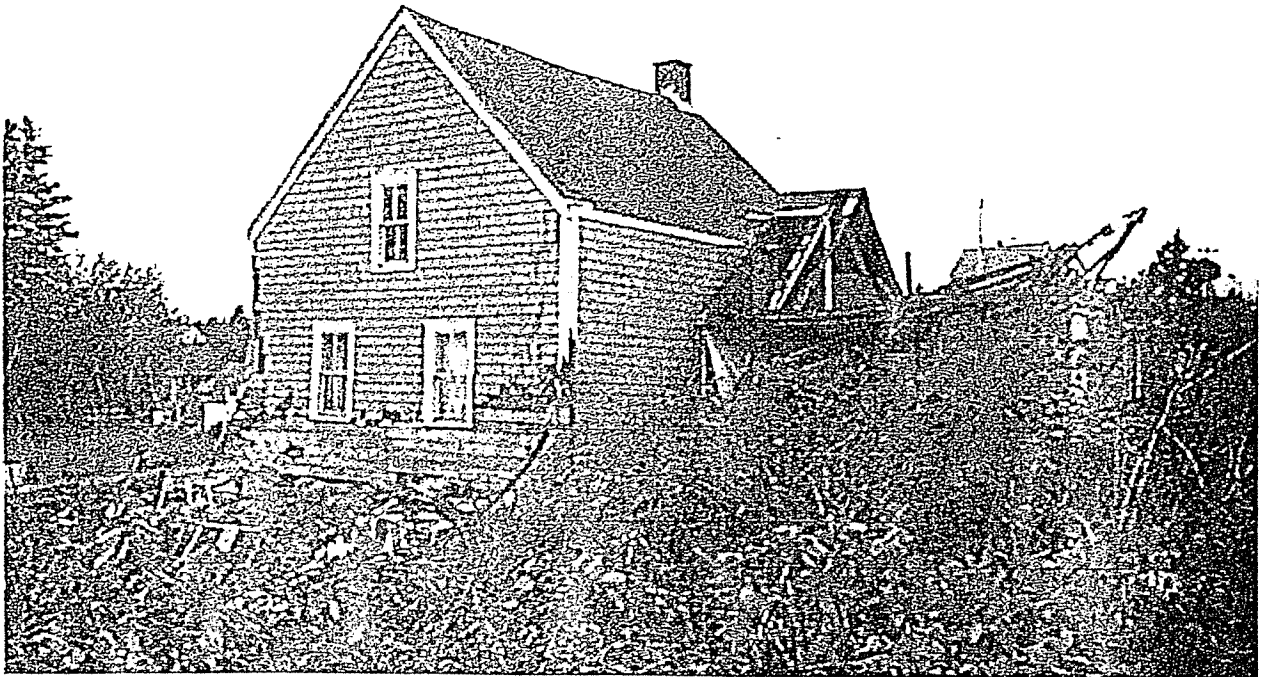
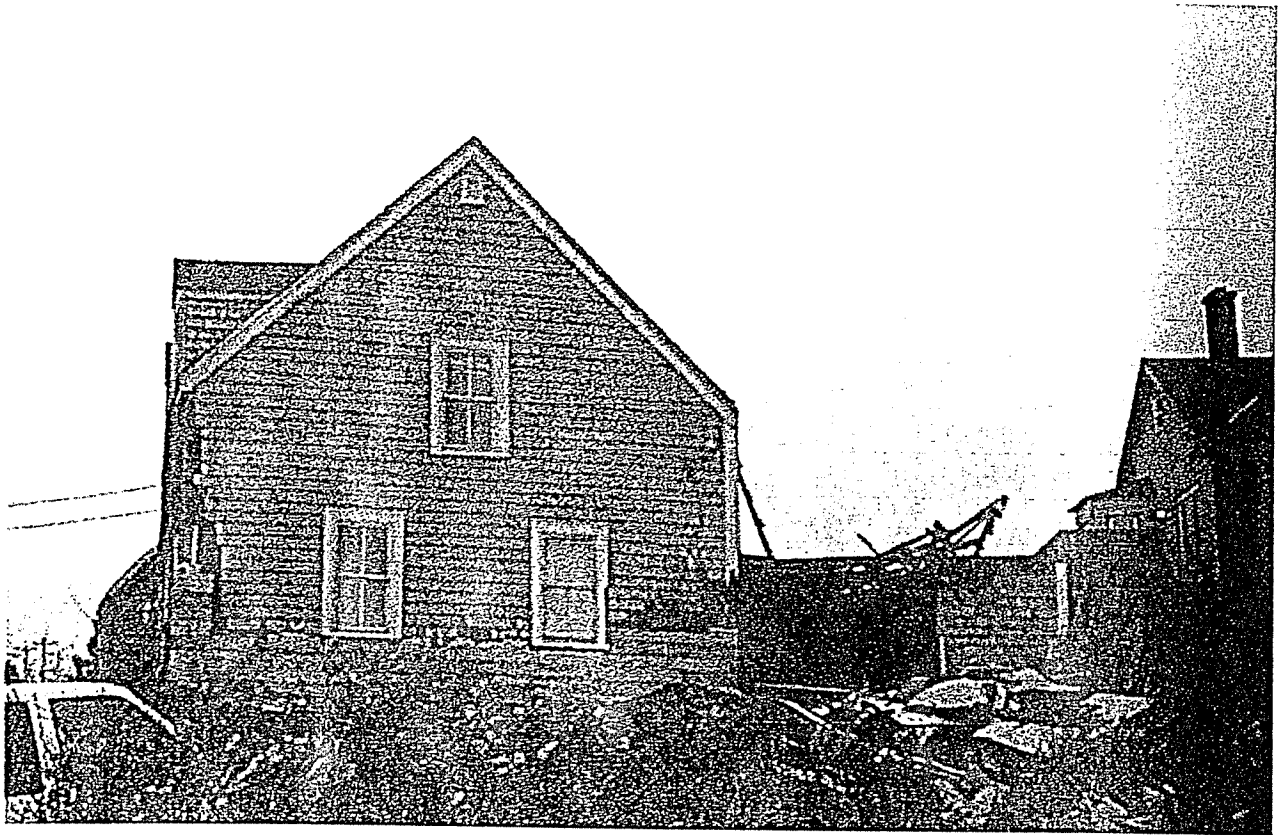






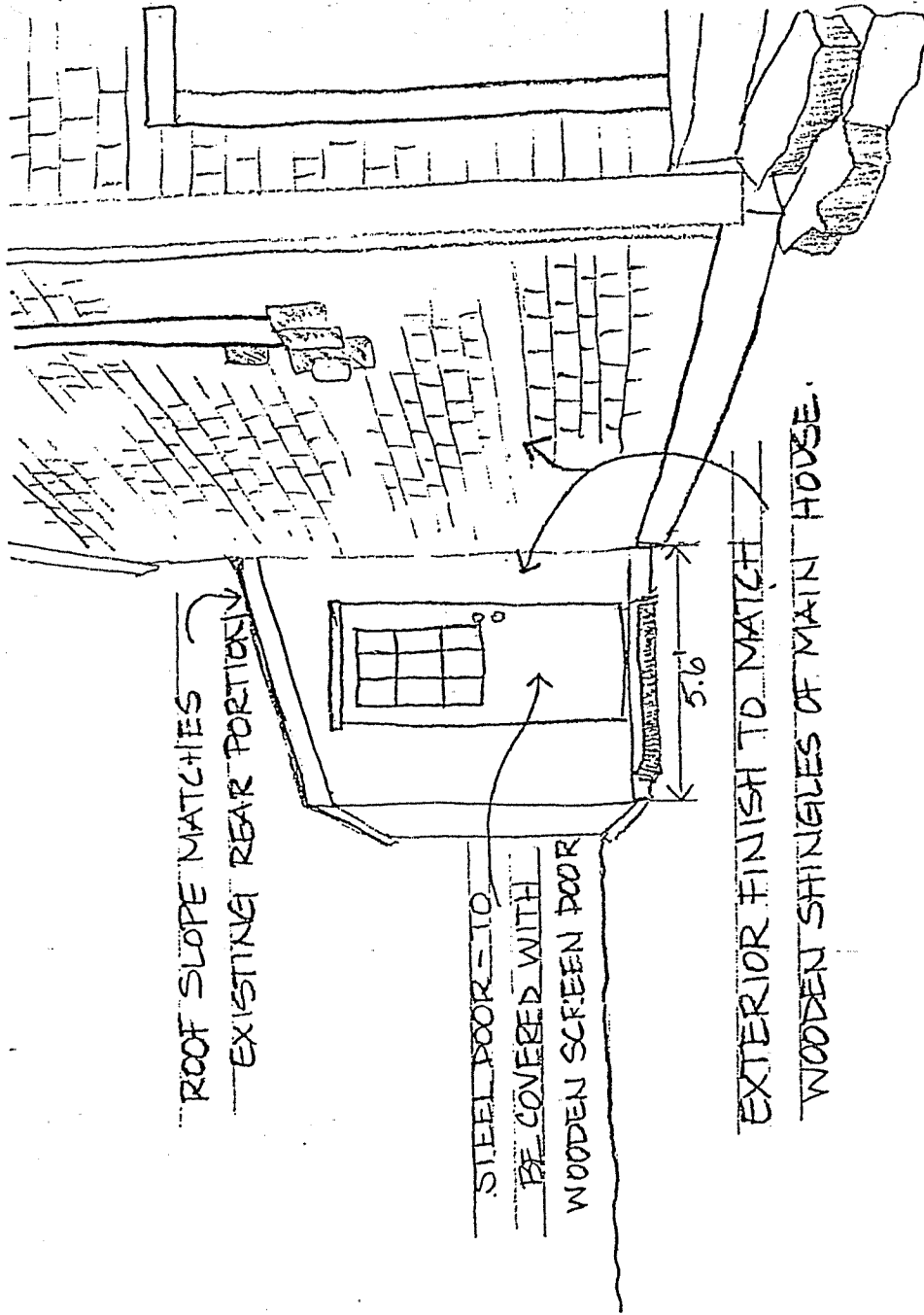








1131 KETCH HARBOUR ROAD - REAR ADDITION (5.6' x 17')



ROOF SLOPE MATCHES
EXISTING REAR PORTION

STEEL DOOR TO
BE COVERED WITH
WOODEN SCREEN DOOR

EXTERIOR FINISH TO MATCH
WOODEN SHINGLES OF MAIN HOUSE

5.6'

4.2 1137 Ketch Harbour Road - Heritage Grant - Dan Norris

- A staff report prepared for Lew Rogers, Director, Recreation, Tourism and Culture, regarding the above, was before the Committee for its consideration.

Mr. Dan Norris, Manager, Culture and Heritage, presented the staff report to the Committee, noting it was a situation of some urgency. Colour photographs illustrating the damage to the property caused by Hurricane Juan were circulated. Mr. Norris stated the staff recommendation is that a grant of \$5,000 be provided, of which, \$2500 be assigned for repairs and \$2500 be assigned for a professional assessment and schedule of repairs. Mr. Norris noted the applicant is requesting that the entire \$5000 be allocated to repairs as the Province has already indicated the work to be done, and it would be wasteful to pay someone to look at it again.

Following a brief discussion, the following motion was put forth:

MOVED by Mr. Tom Creighton, seconded by Mr. Mark Pothier, that:

1. **The Heritage Advisory Committee recommend to Council that the emergency repairs required to ensure that the MacKey House, located at 1137 Ketch Harbour Road, be conducted to protect this municipally registered heritage property from further damage by natural elements until a plan can be prepared for the long term repair and rehabilitation.**
2. **The Heritage Advisory Committee recommend to Council that a grant of \$5,000 be provided and assigned to repairs to enclose the main part of the house to protect it from the elements. MOTION PUT AND PASSED UNANIMOUSLY.**

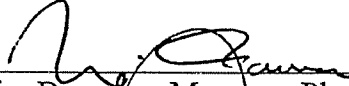


PO Box 1749
Halifax, Nova Scotia
B3J 3A5


**Heritage Advisory Committee
March 3, 2004**

To: Heritage Advisory Committee

Submitted by:



Jim Donovan, Manager, Planning Applications



Maggie Holm, Heritage Planner, Planning & Development Services

Date: March 3, 2004

Subject: **Heritage Case H00124 - Alterations to 1137 Ketch Harbour Road, the Mackey House, (A Municipal Heritage Property), Ketch Harbour, NS.**

SUPPLEMENTARY REPORT

ORIGIN

Application by Mr. Gary Brown requesting alterations and an addition to a registered heritage property at 1137 Ketch Harbour Road.

RECOMMENDATIONS:

It is recommended that Heritage Advisory Committee:

1. Take no position on the alterations to 1137 Ketch Harbour Road which have been found to be inconsistent with heritage building elements; and
2. Recommend to Regional Council that the building addition to 1137 Ketch Harbour Road be approved.

BACKGROUND

At its January 28th meeting, Heritage Advisory Committee reviewed a January 28, 2004 staff report with a proposed recommendation that Regional Council consider de-registration of a heritage property at 1137 Ketch Harbour Road. The recommendation was in response to staff discovering that a number of significant alterations were made to the building and that these alterations were not reviewed and approved under the Heritage Property By-law. The alterations consisted of a small addition at the rear and changes to windows and doors on the side and front of the building using non-traditional materials and styles. The alterations were made at the same time as repairs and restoration of damage from Hurricane Juan, particularly damage to the roof.

At its January 28th meeting, the HAC provided the property owner, Mr. Gary Brown, with an opportunity to address the committee concerning information in the report which he perceived as incorrect. With regard to the windows, Mr. Brown explained that the wrong ones were delivered but the correct ones have since been ordered, and they will be installed once the cold weather has broken. In the meantime, two vinyl windows were temporarily installed to allow the house to be inhabited following damage from the hurricane. He also explained that steel doors had been installed to comply with the requirements of a grant that he had received from Nova Scotia Housing, but it was his intention to cover the one on the front with a wooden storm door.

HAC passed a motion to recommend to Regional Council that the addition be approved. The committee deferred making a decision on the use of non-traditional materials for windows and doors and other heritage aspects of the building to its next meeting in order to examine the matter further.

DISCUSSION

Staff have attempted to contact Mr. Brown to discuss his concerns with the staff report and to request supporting documentation which he indicated that he would provide. Staff have not been able to contact Mr. Brown and no drawings or photographs further to this matter have been submitted to Planning and Development Services.

Since the January 28th meeting, staff have had the opportunity to re-examine this situation and wish to advise HAC of options to consider in rendering a recommendation on this application. As indicated in the previous staff report, the alterations made to the building were evaluated under HRM's *"Building Conservation Standards"*. The staff assessment concluded that the alterations made to the building could not be recommended for approval by HAC as they were inconsistent with the conservation standards. The property owner has not provided staff with any additional information to warrant a change of this initial assessment.

HAC has discretion in this matter and has recommended the use of non-traditional building elements like vinyl windows and steel doors for some applications in the past. In this instance, however, the

committee is being asked to approve building alterations that have already been made, some of which may be inconsistent with traditional heritage materials.

Under other circumstances, the alterations which have been made to the building would be considered minor. Under the stricter standards of the Heritage Property By-law, however, these are considered substantial alterations which require approval on a number of administrative levels, including Regional Council's approval of the minor addition.

Staff have reconsidered the implications of its earlier recommendation to de-register the subject property. The merits of maintaining the heritage registration for the building would appear to outweigh the issues associated with de-registration due to inconsistencies presented by the introduction of non-traditional building elements which were not reviewed under the heritage planning process.

An argument could be made for extenuating circumstances given the storm damage to the property and that this was exacerbated by a misunderstanding about the level of information required to be provided by the property owner at the time that permit applications to undertake the renovation and restoration work were filed. The initial recommendation by staff to de-register was based in part on the property owner's apparent reluctance to comply with the heritage review process and building conservation standards.

The compliance issue has been complicated by the fact that the owner has received financial assistance towards the cost of emergency repairs from both the Nova Scotia Heritage Trust and from HRM's Heritage Incentives Program. In the latter case, HAC recommended the grant on the understanding that a proper plan would be prepared for repair and restoration of the building to a condition that "is reflective of its status as municipally registered heritage property" (*see HAC minutes and supporting report from HRM Recreation, Tourism and Culture, October 22, 2003*).

Options for Consideration:

Staff feel that the Heritage Advisory Committee should not be placed in a position where it feels compelled to recommend after-the-fact building alterations which are found to be inconsistent with HRM's *Building Conservation Standards* and which were undertaken without HAC's consent. However, if the committee agrees that the circumstances warrant approval of these building elements, then approval is certainly an option. Approval would result in no further action being taken other than a recommendation on the rear building addition to Regional Council.

The committee may also choose to not approve the building alterations. This could give rise to two possible scenarios:

- a. Prosecution could be sought pursuant to Section 25 of the Heritage Property Act;
- b. An application could be made to the Courts to require the property owner to install building features which are compatible with the heritage aspects of the building

The above measures appear to be somewhat stringent under the circumstances, and may be contrary to the philosophy of the Heritage Property Program to seek voluntary compliance from property owners who have agreed to have their properties registered. Staff therefore do not recommend this as an option.

Alternatively, the Heritage Advisory Committee may choose to take no position on the building alterations. The committee may decide to choose this option in order to avoid setting a precedent in similar matters which may come before the committee. Section 18 of the Heritage Property Act provides that where an owner applies for permission to alter or demolish and the application is not approved, then the alteration or demolition may be carried out after one year. Taking no action would result in the alterations being deemed approved after one year under the legislation.

Staff recommend that the Committee take no position on the building alterations which have been identified as being inconsistent with the "*Building Conservation Standards*". As the construction of the minor addition to the building is not an issue of major concern, the committee should recommend to Regional Council that this be approved as a substantial alteration. This approval, once granted, could be communicated to the applicant with a letter encouraging him to carry out his stated intention of installing the correct windows and a wooden storm door when the weather warms up, in order to minimize any negative effects on the historical integrity of the registered heritage property. This approach would be a reasonable compromise in the circumstances of this application.

BUDGET IMPLICATIONS

There are no known budget implications for this permit application at this time.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-year Financial Strategy, the approved operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating Reserves, as well as any relevant legislation.

ATTACHMENTS

- Attachment 1: Staff Report to HAC (January 28, 2004) regarding alterations to 1137 Ketch Harbour Road.
 - Attachment 2: Extract from HAC minutes, October 22, 2003.
 - Attachment 3: Report from HRM Recreation, Tourism & Culture re: Heritage Grant Special Request, October 22, 2003.
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Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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