

Heritage Advisory Committee
March 27, 2013

TO: Chair and Members of the Heritage Advisory Committee
Original Signed

SUBMITTED BY: Brad Anguish, Director of Community and Recreation Services

DATE: March 4, 2013

SUBJECT: **Case H00378: Substantial Alteration to 5131 Morris Street, Halifax, a registered municipal heritage property**

ORIGIN

Application by Matt Ramsey and Jim Lawley.

LEGISLATIVE AUTHORITY

The Heritage Property Act

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that Halifax Regional Council approve the proposed substantial alteration to 5131 Morris Street as outlined in Attachments A through C of this report.

BACKGROUND

The property at 5131 Morris Street is a registered municipal heritage property (Map 1 and Attachment A). The subject property contains a single residential dwelling known as Andrew King House. On September 2, 2012, an application was submitted for a substantial alteration to the heritage property. The applicant wishes to construct a basement stairwell, refuse storage area, and associated retaining wall at the front of the property to allow a second access to a basement apartment. In accordance with Section 17 of the Nova Scotia *Heritage Property Act*, any substantial alteration to a municipal heritage building requires Regional Council approval.

On January 15, 2013, Regional Council approved an encroachment agreement required to complete the substantial alteration to the property. This encroachment is necessary to undertake the substantial alteration as the stairwell is to be located within a portion of the street right of way.

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 Andrew King House is valued for its architecture. A large part of the heritage value for this building lies in its relationship to the other buildings within the block. All of the buildings from Lower Water Street to Hollis Street, on the east side of Morris Street, were evaluated and registered as a Heritage Streetscape rather than as individual buildings. This group of buildings involves a series of three double row houses, which are of special interest as they all have matched five-sided Scottish dormers, and each set has a large multi-flue chimney.

While the buildings in this row have been modified over time, they have maintained their essential form and uniformity. Individually, these buildings are excellent examples of Georgian row houses; however, together are quite remarkable.

Character Defining Elements

Under the *Heritage Property Act*, the "character-defining elements" of a heritage building are defined as "*the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value.*" The following is a list of character-defining elements relating to the architectural significance of the Andrew King House:

- Georgian style of architecture;
- 2 ½ storey laid out in 3 bays, wood framed building clad in wooden shakes;
- Steeply pitched roof with substantial multi-flue chimney (at the rear) and a single chimney (on the front), and two Scottish dormers on the front façade;
- Vertically proportioned, six-over-six windows with decorative hood mouldings and decorative trim; and
- Classically designed entrance with transom and side lights, entablatures about and supported by simple pilasters.

Registration

This building was registered on February 25, 1982, by the former Halifax City Council for its value as part of a Streetscape.

Heritage Building Conservation Standards

Council's decision relative to the substantial alteration of registered heritage properties is to be considered within the context of the Heritage Building Conservation Standards. The Heritage Building Conservation Standards have been used by the Municipality on an informal basis since 1996 to evaluate substantial alterations to heritage properties relative to approval of financial grants.

With the approval of amendments to By-law H-200 in 2009, the Conservation Standards (Attachment D) became duly adopted and are to be used when evaluating proposed alterations to registered heritage buildings throughout the region. The Conservation Standards ensure careful consideration is given and that different strategies may apply in different contexts to better integrate new development with existing heritage buildings.

DISCUSSION

Proposal

The proposed development involves changes to the front of the Andrew King House through the construction of a basement entrance as shown in Attachment B. The removal of a portion of the sidewalk directly in front of the house is required to create a basement stairwell, refuse storage area and associated retaining wall. This will require an encroachment of 3 feet 10 inches into the sidewalk (Attachment C).

The new door and windows will be wooden and match the doors and windows presently on the building. The concrete retaining wall will be topped with decorative metal handrails similar to those on the abutting property, 5133 Morris Street. Due to an oil spill in 2012, much of the original foundation has been removed, and replaced with a concrete foundation replaced.

National Building Code

The proposal will see the creation of an exterior, basement stairwell and entrance to allow compliance with egress requirements of the National Building Code for secondary access.

Heritage Building Conservation Standards

The proposal has been evaluated against HRM's Heritage Building Conservation Standards (Attachment D) and staff offer the following comments relative to the applicable standards:

- **Historic Character:** The proposal will not affect the historic character of the property, and important building features that characterize the building will remain unaltered. The foundation is a modern foundation; therefore, there is little removal of historic materials.
- **Historical Development:** The creation of a basement stairwell, entrance and window (and retaining wall) will not create a negative impact on the historical development of the property, nor create a false sense of historical development.

Conclusion

The proposed work will not create a false sense of historical development, and will be clearly distinguished as new work. The existing historical character will be unaffected, and in some ways the new basement stairwell will provide a degree of balance with the adjoining property at 5133 Morris Street. Therefore, staff recommend that the Heritage Advisory Committee recommend that Regional Council approve the substantial alteration to 5131 Morris Street, as contained in Attachments A to C.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM costs associated with processing this application can be accommodated within the approved 2012/13 operating budget for C310 Planning & Applications. HRM is not responsible for renovation costs.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement is information sharing achieved through posting this report on the HRM website and public accessibility to the required Heritage Advisory Committee meeting and Regional Council.

ENVIRONMENTAL IMPLICATIONS

No concerns identified.

ALTERNATIVES

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

ATTACHMENTS

Map 1: Location Map – 5131 Morris Street

Attachment A: Photograph – 5131 and 5133 Morris Street
Attachment B: Proposed Front Elevation
Attachment C: Encroachment Detail
Attachment D: Building Conservation Standards

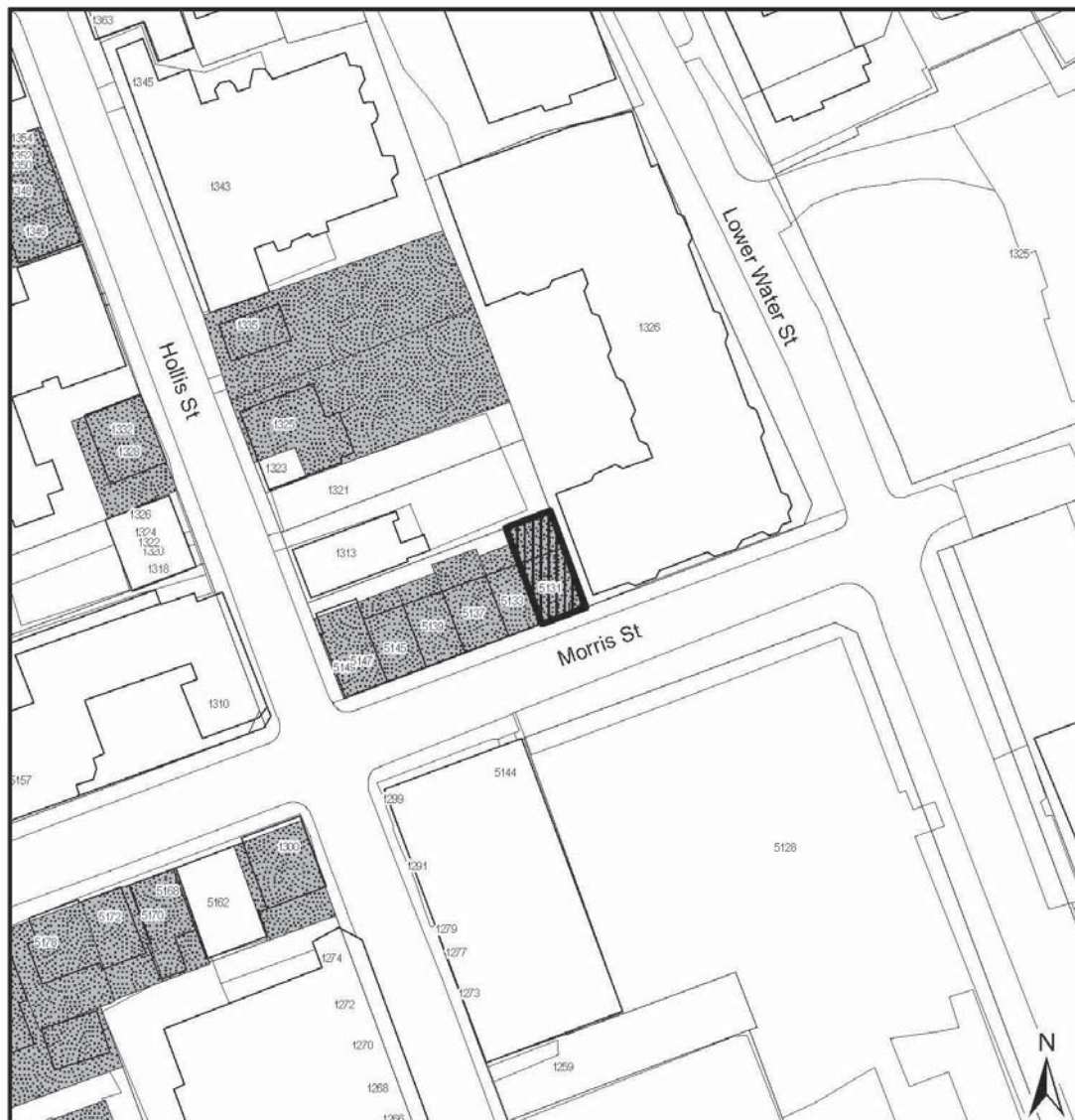
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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

Original Signed

Report Approved by:  Kelly Denty, Manager of Development Approvals, 490-4800

Map 1: Location Map – 5131 Morris Street



Map 1 - Location

5131 Morris Street
Halifax



Subject property



Registered heritage property

Halifax Plan Area

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 40 m

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

24 January 2013

Case H00378

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Attachment A: Photograph – 5131 and 5133 Morris Street

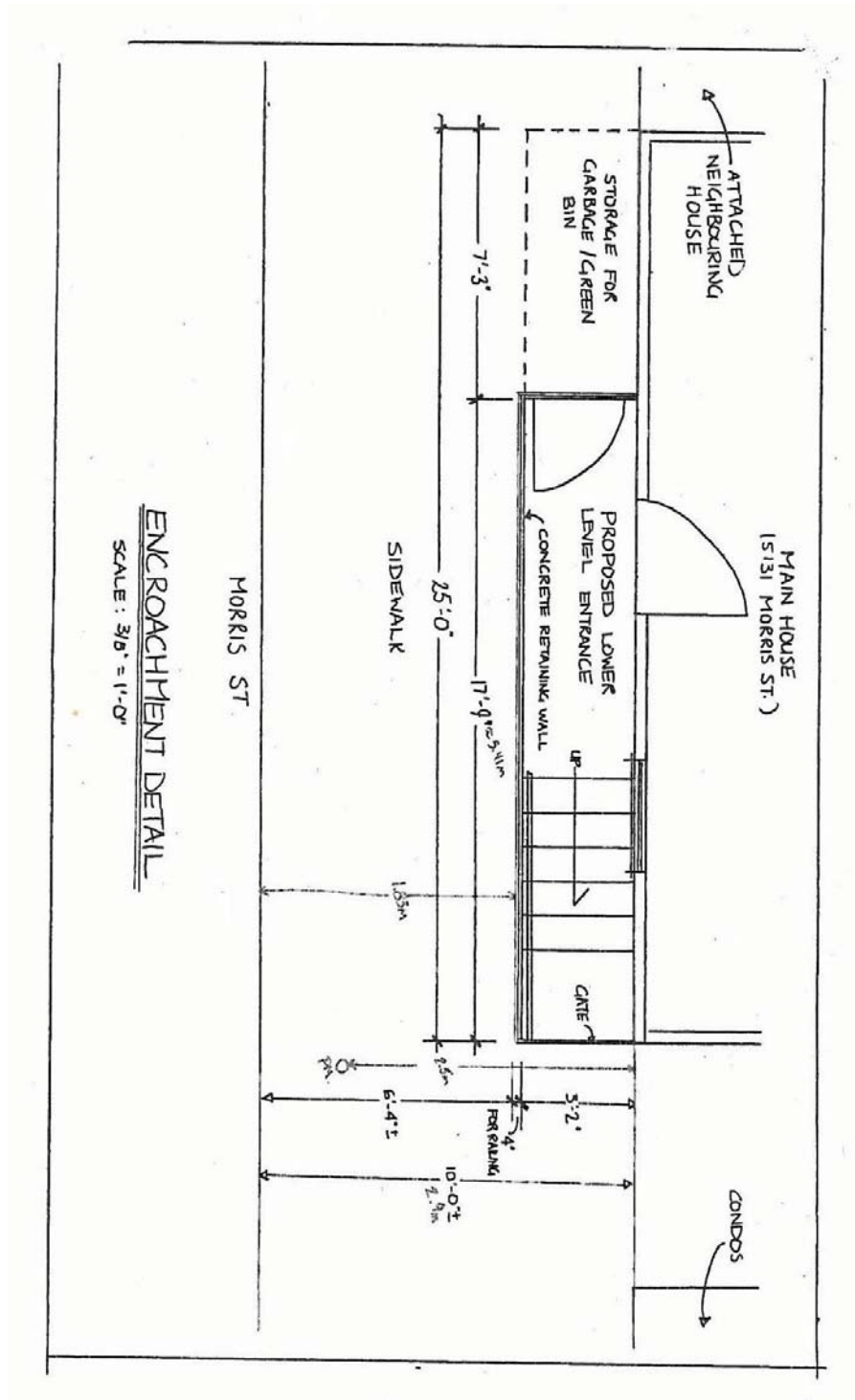


Photograph taken in December 2012.

Attachment B: Proposed Front Elevation



Attachment C: Encroachment Detail



Attachment D: Building Conservation Standards

These Conservation Standards are based on Conservation Standards used by the United States Secretary of the Interior (36CFR67)(1991) and are in keeping with most conservation principles, including the Venice Charter (1964).

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 (see Note 1).
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 (See Note 2).

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.

Note 1: This standard is not intended to regulate the use of property. Land use regulation is implemented through the Land Use By-law under authority of the Municipal Government Act.

Note 2: Within the Downtown Halifax Secondary Planning Area and the Barrington Street Historic District, section 4 of the Design Manual of the Downtown Halifax Land Use Bylaw shall be considered in evaluating matters relating to compatibility of massing, size, scale and architectural features.