

# HALIFAX

P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Item No. **7.2**  
Heritage Advisory Committee  
September 23, 2015

**TO:** Chair and Members of the Heritage Advisory Committee

**SUBMITTED BY:** Original Signed by \_\_\_\_\_  
Bob Bjerke, Chief Planner & Director, Planning and Development

**DATE:** September 15, 2015

**SUBJECT:** H00408: Substantial Alteration to Benjamin Wier House, 1459 Hollis Street,  
a municipally registered heritage property

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## ORIGIN

Request by W M Fares Group

## LEGISLATIVE AUTHORITY

*The Heritage Property Act.*

## RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that Regional Council approve the substantial alteration to Benjamin Wier House, 1459 Hollis Street, Halifax.

## **BACKGROUND**

Benjamin Wier House is located at 1459 Hollis Street and is both a registered provincial and municipal heritage property. The heritage designation applies to both the building and the land that it occupies. The building currently contains four currently vacant commercial office suites and is located on the west side of Hollis Street, between Bishop Street and Salter Street. It is directly across from Government House, on the same block as the Keith's Brewery Market, as shown on Map 1. Benjamin Wier House is valued for its association with its early occupants and its architectural styling and detail.

On March 10, 2014, W M Fares Group submitted an application on behalf of the property owners for a substantial alteration to a heritage property. The proposal is for a six storey addition to the rear of the existing two-and-a-half storey Benjamin Wier House, as shown in Attachments A through D inclusive. The applicant has indicated that these changes are intended to revitalize the site, address Regional Plan objectives regarding residential densities, and reinforce the historic prominence of the Benjamin Wier House, preserving it for future generations. The main portion of the building fronting on Hollis Street will remain fully intact.

### **Existing Site Context**

The subject property is 4,527 square feet in size, with 45 feet of frontage. The existing structure is set back 5 feet from the streetline and occupies 40% of the lot. The lots adjacent on each side are currently vacant and are subject to a development agreement that was approved by Council in 2009. The plans are approved for Halkirk House to the north and the form and height of the proposal for the building to the south is to be determined, as shown in Attachment E. The property is surrounded by other prominent heritage properties: Keith Hall, the Keith's Brewery, Black-Binney House and Government House.

The proposal received Ministerial approval in December 2, 2014, conditional upon the proposal's adherence to any minor design changes required by the municipality, as outlined in Attachment F.

### **Proposal**

The proposed six storey addition to the rear of Benjamin Wier house contains 3,300 square feet of office space and 7,600 square feet of residential space and a 2,100 square foot rooftop landscaped area. Each level of the existing Benjamin Wier House contains a commercial/office suite. The basement level of the addition is devoted to vehicular and bicycle parking, storage and tenant access. The main and second levels of the addition are commercial units, with each of the third and fourth floors of the addition proposed as two residential units. The fifth and sixth floors are proposed as full-floor penthouse residential units with a greater floor area than the lower floors due to a seven foot cantilever above the gable roof of Benjamin Wier House. The tenant access to the building is through the existing front door, and within the proposed addition the access is through the ground level at the rear and up through the middle of the building, adjacent to the existing structure. Vehicular access to the addition is via an existing, dedicated right of way to Bishop Street.

### **Substantial Alteration**

In accordance with Section 17 of the Nova Scotia *Heritage Property Act*, any substantial alteration to a municipal heritage property requires Regional Council approval. The *Heritage Property Act* (HPA) defines a substantial alteration as "any action that affects or alters the character-defining elements of a property". Therefore a determination on the appropriateness of a substantial alteration lies in its effect on the property's unique heritage value and character defining elements. The HPA 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." Accordingly, 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."

### Heritage Value & Character-Defining Elements

In order to determine the appropriateness of a substantial alteration, a full understanding of the building's heritage values and character defining elements is needed. As a point of reference, staff have prepared a heritage building summary which outlines the heritage values and character defining elements for Benjamin Wier House (Attachment G). This information was created using the historical information contained in HRM's heritage files, additional staff research, and information submitted by the applicant as background to their proposal.

The *Heritage Property Act* defines "character-defining elements" of a heritage building 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 Benjamin Wier House:

- two-and-a-half storey form;
- brick and sandstone building materials;
- symmetrical façade and central doorway;
- decorative sandstone accents;
- round headed windows with decorative hood moldings;
- wide bracketed eaves;
- dormer and Palladian styled windows;
- wrought iron balcony;
- Romeo and Juliet balcony;
- truncated gable roof with paired dormers on the front and rear elevations;
- elaborate sandstone carvings;
- sandstone sills and stringcourse on first and second storey.

Additional information on the heritage value and character-defining elements of the property is outlined in Attachment G.

### Requested Alterations

The proposal is for a six storey addition to the rear of the existing two-and-a-half storey Benjamin Wier House, as shown in Attachments A through D inclusive. The proposal affects the character-defining elements as follows:

- removal of rear two storey rear addition and associated Palladian styled windows;
- alteration to the overall form of the building;
- removal of rear Juliet balcony and bay window projection;
- removal of two rear dormers;
- alteration/removal of the rear eaves;
- enclosure of rear brick façade.

### Regulatory Context and Approval Process

The Standards and Guidelines for Historic Places in Canada (2<sup>nd</sup> edition) are used to evaluate proposed alterations to registered heritage buildings within HRM. The Standards and Guidelines help to ensure that careful consideration is given to how the proposed alteration may affect the heritage values and character defining elements of the building. Different approaches may be applicable in different contexts to allow for a better integration of new development with existing heritage buildings. The first nine Standards are to be considered for all proposals, and additional standards may apply depending on if the project involves rehabilitation or restoration. An evaluation of the proposal as it pertains to the Standards and Guidelines is included as Attachment H.

The proposal is also subject to the Downtown Halifax Land Use By-law. Development proposals must conform to the land use and building envelope requirements of the Land Use By-law as well as meet the requirements of the By-law's Design Manual which includes Heritage Design Guidelines.

In this instance, the Development Officer has reviewed the proposed building addition and determined that it is subject to the *Substantive Site Plan Approval Process*. This process requires that a recommendation regarding the evaluation of the proposal against the Heritage Design Guidelines be made by planning staff through the Design Review Committee and Development Officer. Should Regional Council approve the substantial alteration to the heritage property, and the Substantive Site Plan application be approved, the permits necessary to authorize construction can be issued. However, if Council refuses the substantial alteration to the heritage property the owners may choose to make the alteration after three years from the date of the application, but not more than four years after the date of the application, in accordance with Section 18(3) of the *Heritage Property Act*.

### **DISCUSSION**

The project proposes several changes to the heritage property to accommodate the proposed addition. The existing two-storey rear portion and its attached bay window are within the footprint of the proposed addition and are proposed to be removed. This removal of character-defining elements is discouraged by the Standards and Guidelines.

The proposed removal of two rear dormers was discussed with the applicant and cannot be avoided due to technical and architectural concerns. The dormers will directly interfere with the location of the vertical glass threshold that architecturally separates the old from the new, compromising the architectural dialogue of respecting the historic structure. As well, the proposed addition will pose significant snow drift and snow load build-up on the existing roof. As the project moves forward, the existing roof members will require professional assessment by a structural engineer to deem the necessary measures to minimize any risks.

The applicant additionally identified that the abutting addition will also pose an issue in terms of water drainage where the old connects with the new, and a secondary support structure will also dual as a surface to collect and drain water accordingly. Requiring the proposal to retain the rear dormers will create a technical/logistical issue to mitigate structure and drainage concerns, and it will also pose high risk to damaging the existing roof structure and water damage of the interior finishes.

The portion of the rear brick façade that will be enclosed within the addition will be exposed within the common corridor on each commercial floor. This would include retaining all brick and windows. Additionally, the Juliet balcony at the rear, reconstructed in 1983 in the footprint of a former roofed balcony, is proposed to be relocated to the roof for inclusion the rooftop amenity area.

It is important to note that there are no proposed changes to the front façade of the building, where the majority of the architectural details and character-defining elements are located.

### **Conclusion**

The majority of the significant heritage attributes and character defining elements are focused and identified in the front Italianate façade. The Juliet balcony and the rear dormers are the only affected character-defining elements catalogued by Canada's Historic Places Registry. While the rehabilitation standards of the Standards and Guidelines for Conservation of Historic Places in Canada 2<sup>nd</sup> edition are not met in entirety, they do provide for consideration of viable uses that 'better guarantee the long-term existence of a historic place...'. The addition is set back 11.6 metres from the streetline, giving passersby the impression of a separate building set behind Benjamin Wier House, making the proposed addition subordinate to the original structure. Additionally, the building currently stands vacant, and will be well-served by an addition that will make the property viable for the foreseeable future. It is for these reasons that staff recommends approval of the substantial alteration.

### FINANCIAL IMPLICATIONS

The HRM costs associated with processing this application can be accommodated within the approved 2015/16 operating budget for C310 Planning & Applications. HRM is not responsible for construction and renovation costs.

### COMMUNITY ENGAGEMENT

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

### ENVIRONMENTAL IMPLICATIONS

No implications have been identified.

### ALTERNATIVES

1. The Heritage Advisory Committee may recommend that Council refuse the proposed substantial alteration to Benjamin Wier 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 as staff advise that the proposed alterations be approved for reasons outlined in this report.

### ATTACHMENTS

Map 1	Location Map
Attachment A	Site Plan
Attachment B	Front & Rear Elevation Plans
Attachment C	Right Side Elevation Plan
Attachment D	Left Side Elevation Plan
Attachment E	Hollis Street Context
Attachment F	Provincial Approval Letter
Attachment G	Building Summary
Attachment H	Standards and Guidelines Evaluation

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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

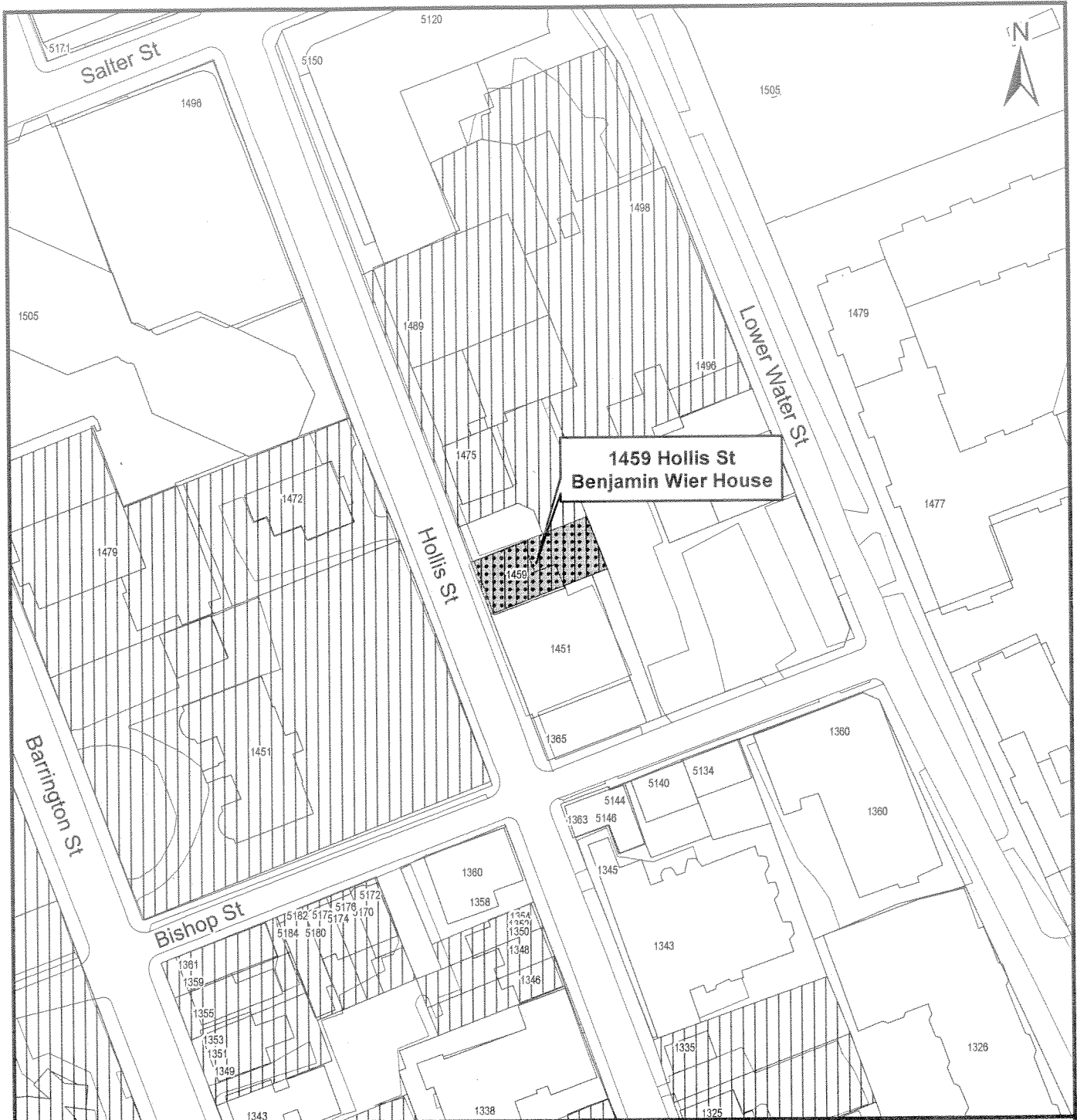
Report Prepared by: Erin MacIntyre, Heritage Planner, 902.490.4494

Original Signed by

Report Approved by:



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Jacob Ritchie, Manager of Urban Design, Planning & Development, 902.490.6510

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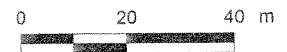
**Map 1 - Location**

1459 Hollis Street  
Halifax

-  Subject Property
-  Municipally Registered Heritage Property

**HALIFAX**

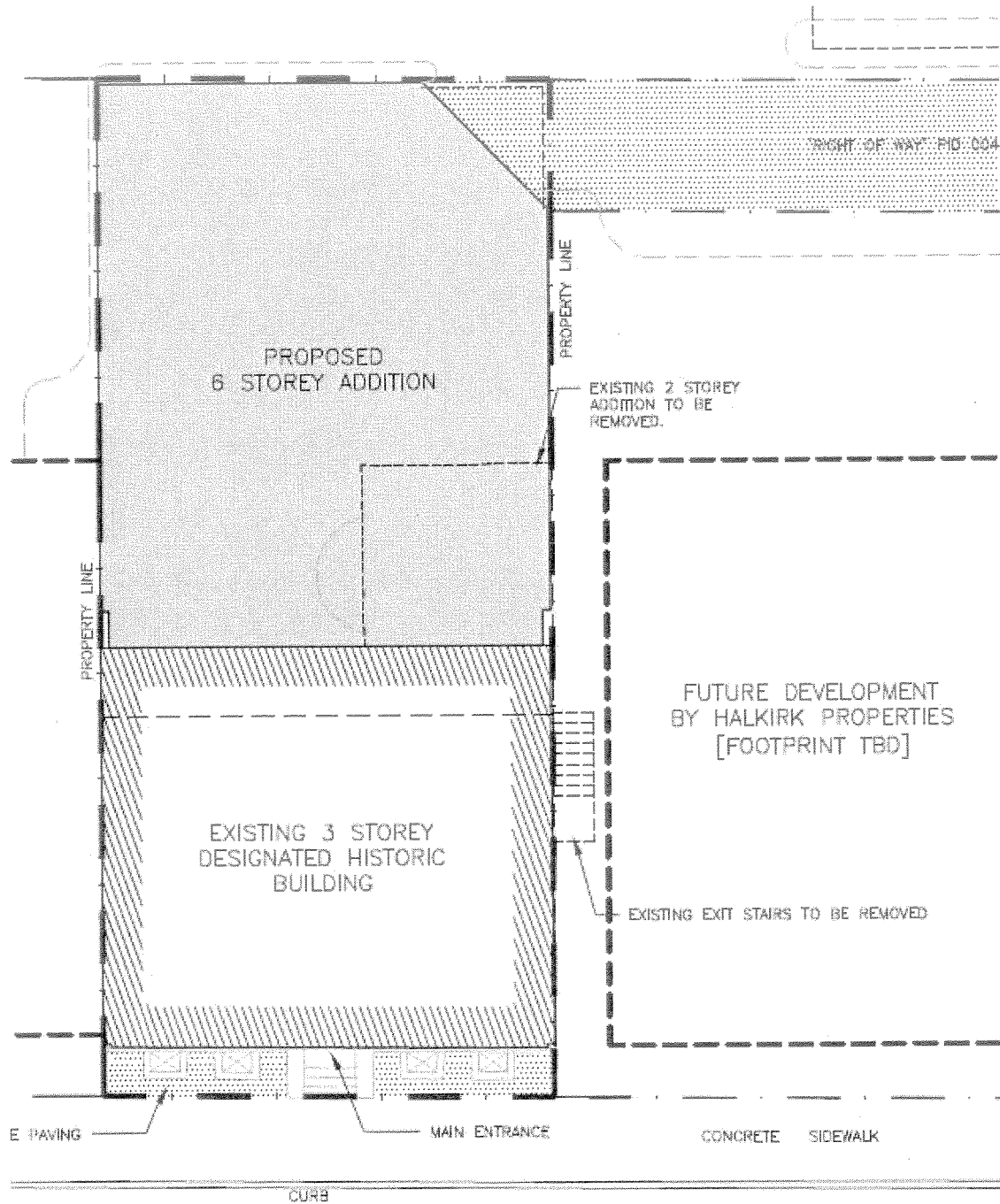
PLANNING & DEVELOPMENT



Downtown Halifax  
Plan Area

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

Attachment A - Site Plan



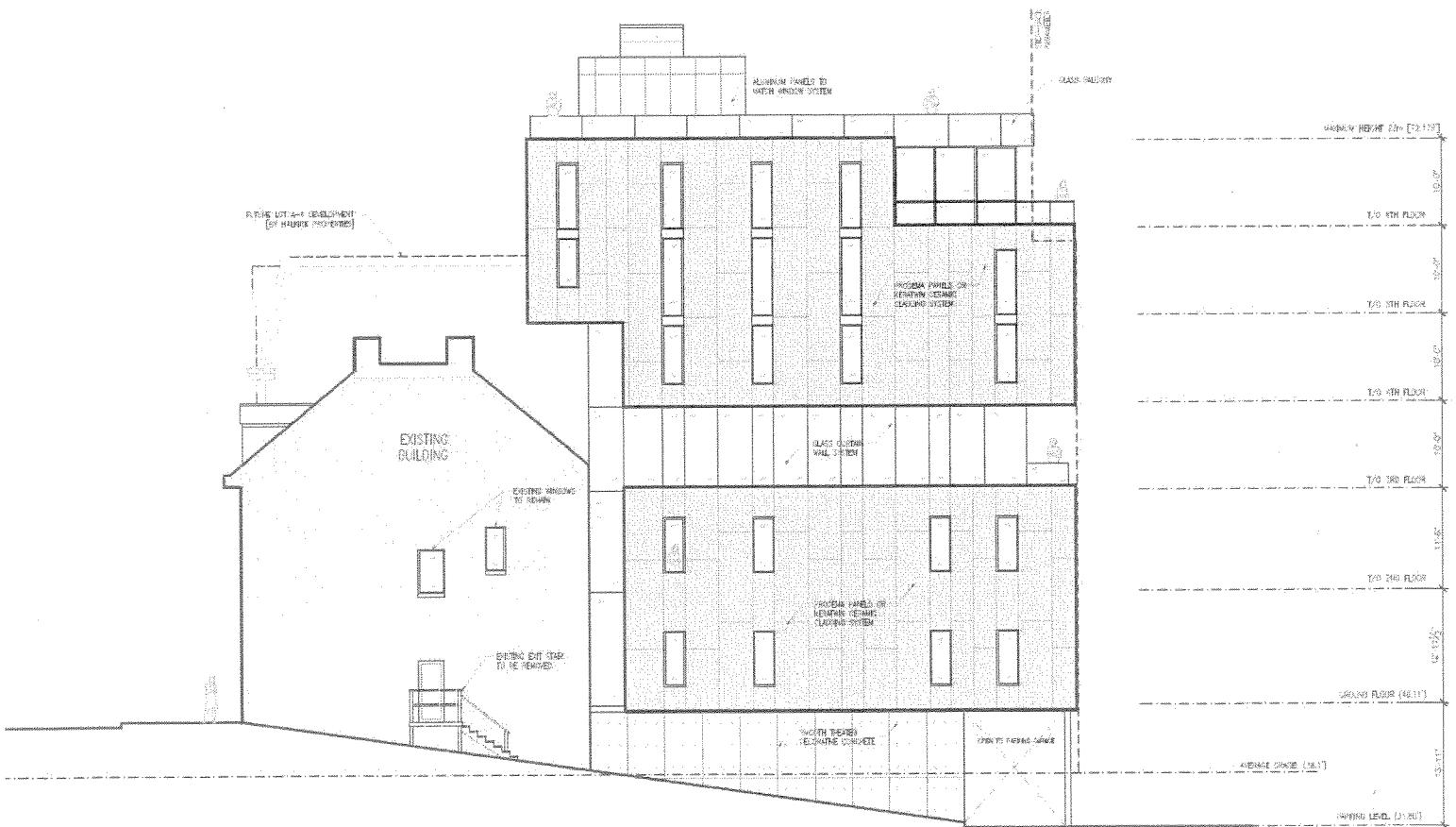
HOLLIS STREET

Attachment B - Front and Rear Elevation Plans

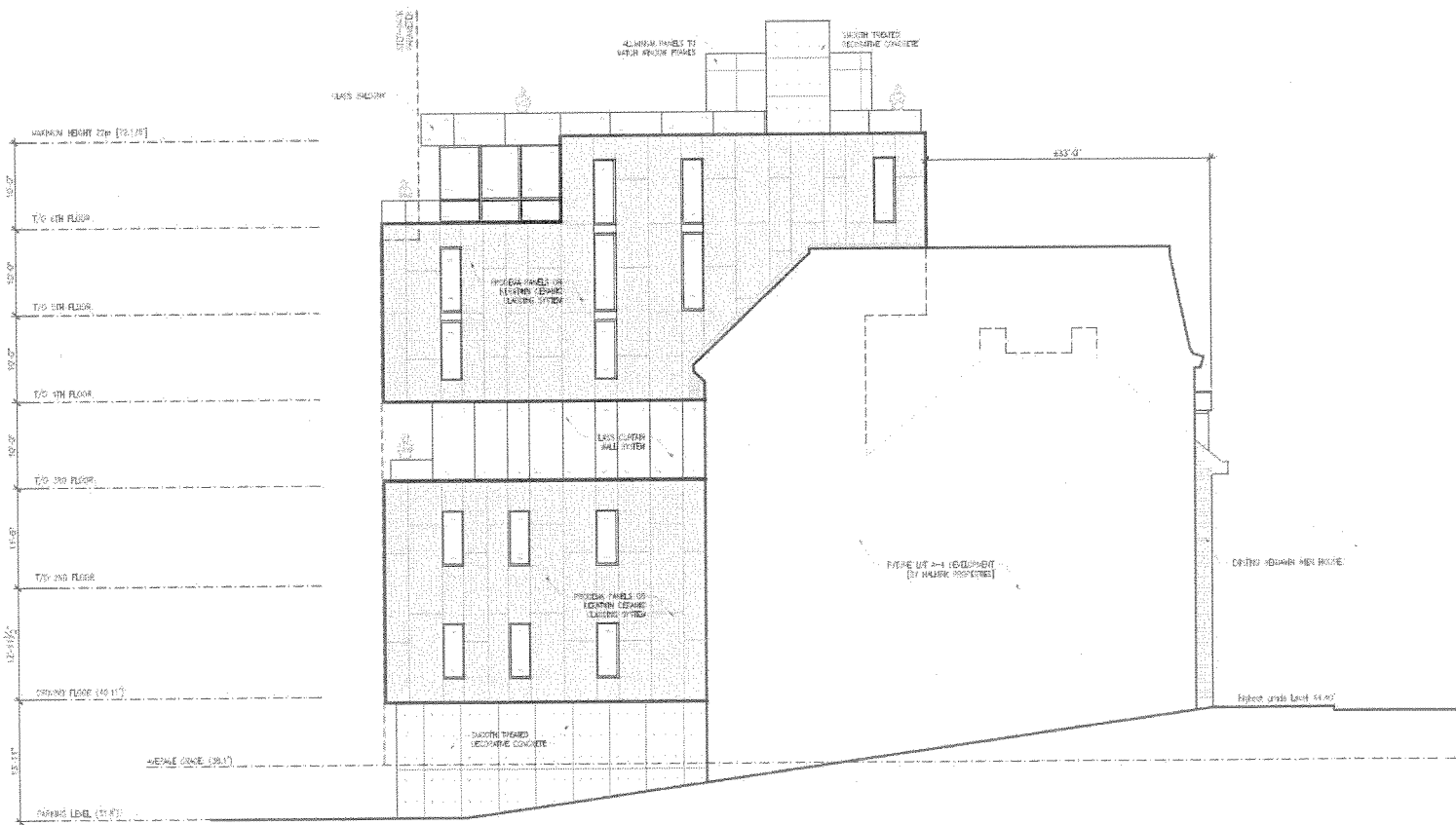




# Attachment C - Right Side Elevation Plan



Attachment D - Left Side Elevation Plan



# Attachment E - Hollis Street Context





## Attachment F - Provincial Approval Letter

### Communities, Culture and Heritage Office of the Minister

1741 Brunswick Street, PO Box 456, Halifax, Nova Scotia, Canada B3J 2R5  
Telephone 902 424-4889 Fax 902 424-4872 • [www.gov.ns.ca](http://www.gov.ns.ca)

DEC 10 2014

Mr. Jacob JeBailey, Architect  
WM Fares Group  
3480 Joseph Howe Drive, 5<sup>th</sup> Floor  
Halifax, NS B3L 4H7

Dear Mr. JeBailey:

I am writing to confirm that your application of June 5, 2014 to substantially alter the Benjamin Wier House, 1459 Hollis Street, Halifax, a registered provincial and municipal heritage property, has been reviewed as per the requirements of the *Heritage Property Act*. This application was made on behalf of the property's owner, Sable Offshore House Ltd.

On December 2, 2014, the Governor in Council determined that your application to substantially alter the Benjamin Wier House, 1459 Hollis Street, Halifax, be granted as recommended by the Advisory Council on Heritage Property, with the condition that the property owners comply with any minor design amendments required by Halifax Regional Municipality.


Meanwhile, should you have any questions, please contact Mr. Kevin Barrett, Coordinator, Heritage Property Program, directly at 902-424-6396 or [kevin.barrett@novascotia.ca](mailto:kevin.barrett@novascotia.ca).

Sincerely,

Tony Ince  
Minister

cc: Mr. Frank Metcalf, President, Sable Offshore House Ltd.  
Mr. Cesar Saleh, WM Fares Group, Vice President, Planning and Design  
Mr. Marcel McKeough, Executive Director, Culture and Heritage Development  
Mr. Craig Beaton, Director, Programs  
Mr. Kevin Barrett, Coordinator, Heritage Property Program  
Ms. Maggie Holm, Heritage Planner, Halifax

Attachment G - Heritage Building Summary

Benjamin Wier House – 1459 Hollis Street, Halifax (c. 1863)	
	<p><b>Character Defining Elements:</b></p> <ul style="list-style-type: none"> <li>• Two-and-a-half storey, 3 bay, brick building with a sandstone front facade;</li> <li>• Truncated gable roof with substantial eaves overhang supported by large brackets and decorated with dentils and smaller brackets;</li> <li>• Central ganged window at the second storey with a wrought iron balcony supported by heavy brackets;</li> <li>• Two dormers on both the front and rear facades, multi-flue chimneys located at each roof end;</li> <li>• Palladian styled windows in the central parapet;</li> <li>• Symmetrically arranged façade with a formal central entrance, and a sandstone stringcourse between the first and second storeys;</li> <li>• Arched windows with decorative sandstone hoods and sandstone sills on the front facade;</li> <li>• Segmentally arched windows on the original portion of the rear elevation;</li> <li>• Rear ell with a Romeo and Juliet balcony, and ganged windows at each floor;</li> </ul>
<p><b>Heritage Value:</b></p> <p>This two-and-a-half storey brick house was designed in the Italianate style by prominent local builder Henry Peters in 1863. The building was built for the Honourable Benjamin Wier, who was a Member of the Provincial Legislative Assembly (MLA). Wier served on the Provincial Executive Council with other notable members such as Joseph Howe, and later in his political career was appointed to the Senate.</p> <p>The Benjamin Wier House is also valued for its association with various other building residents and owners which include:</p> <ul style="list-style-type: none"> <li>• William Henry, sometimes referred to as Father of Confederation, was Judge of the first Supreme Court Judge resided in the house from 1884 to 1885;</li> <li>• Sir Adams Archibald, lawyer, MLS, member of Executive Council, Solicitor General, first Secretary of State in the first Federal cabinet, and leader of the Liberal party at the time of Confederation occupied the house from 1885 to 1892;</li> <li>• William Wickwire and Margaret Keith (daughter of Alexander Keith) occupied the house from 1892 to 1930; and</li> <li>• The building became known and used as the Elks Lodge (Elks of Canada) from 1930 to 1983.</li> </ul> <p>Architecturally, Benjamin Wier House is valued as an excellent example of Italianate style and reflects this style in the Palladian windows, sandstone front façade with decorative sandstone trims, and the wrought iron ornamentation on the second storey balcony on the front facade. The second storey rear addition was constructed after the main house, and the earliest it appears on maps is the 1878 Hopkins map. The rear of the building features a Romeo and Juliet balcony, characteristic of the Italianate style found in villas, however the only record of this building feature is in 1970's. The building became a provincially registered heritage property on December 19, 1986, and a municipal heritage property on October 29, 1981.</p>	

## Attachment H: Standards and Guidelines Matrix

Conservation is the primary aim of the *Standards and Guidelines for the Conservation of Historic Places in Canada, 2<sup>nd</sup> edition*. Conservation is defined by the Standards and Guidelines as 'all actions or processes that are aimed at safeguarding the character-defining elements of an historic place so as to retain its heritage value and extend its physical life. This may involve **Preservation, Rehabilitation, Restoration**, or a combination of these actions or processes.'

Rehabilitation is considered the primary treatment when there is an addition planned for new or continued use:

GENERAL STANDARDS		
	Meets Standard/ Does Not Meet Standard	Discussion
1. Conserve the <i>heritage value</i> of an <i>historic place</i> . Do not remove, replace or substantially alter its intact or repairable <i>character-defining elements</i> . Do not move a part of an historic place if its current location is a character-defining element.	✘	The removal of the Juliet balcony, and the rear dormers constitutes 'removal of character-defining elements', which is a core directive of the standard. The enclosure of the rear brick portion of the building will negatively impact the appearance of that character-defining element. The standard is intended to conserve heritage value by minimizing changes to character-defining elements.
2. Conserve changes to historic places that, over time, have become <i>character-defining elements</i> in their own right.	✘	The rear Juliet balcony is a reconstruction of a previous covered balcony in the same location. Relocation of the Juliet balcony does not conserve the value of the feature, as its current location is currently visible at the rear of the building, and it's relocation to the rooftop, though an gesture of retention, does not retain the element's value as a reconstruction of a previous element in situ, and as an acknowledgement of the ornamental balconies at the front of the building. The rear el of the building contributes to the historic context of the building and is proposed to be removed.
3. Conserve <i>heritage value</i> by adopting an approach calling for <i>minimal intervention</i> .	✘	In terms of rehabilitation, minimal intervention generally limits the introduction of new uses or additions that interfere with the heritage value. The proposed addition does, to some degree, affect the heritage value of the building, as it proposed removal and alteration to character-defining elements. The affected elements are, on the whole, located at the rear and are less visible and contribute less than other elements at the front of the building, but the cantilever imposes on the form of the building, and requires the removal of defining elements.
4. Recognize each <i>historic place</i> as a physical record of its time, place and use. Do not create a false sense of	✔	No false sense of time and place is created by the addition. The proposal is for new and modern construction, and is easily differentiated from the existing structure.

historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.	(✓)	
5. Find a use for an <i>historic place</i> that requires minimal or no change to its <i>character-defining elements</i> .	✘	The addition cantilevers over the building, and requires the removal of the two rear dormers and Juliet balcony. It is possible to reuse the building and add on to it without lesser affect on the character-defining elements.
6. Protect and, if necessary, stabilize an <i>historic place</i> until any subsequent <i>intervention</i> is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.	✓	Excavation sites within archeologically sensitive areas of the peninsula are regulated and monitored by the Province.
7. Evaluate the existing condition of <i>character-defining elements</i> to determine the appropriate <i>intervention</i> needed. Use the gentlest means possible for any intervention. Respect <i>heritage value</i> when undertaking an intervention.	✓	The applicant has submitted a thorough and accepted Heritage Impact Statement. There has been an effort on the part of the developer to respect the heritage value of the building, demonstrated by the setback of the addition, and the retention of all features of the front façade.
8. Maintain <i>character-defining elements</i> on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving <i>prototypes</i> .	N/A	The proposal to add to the building does include evaluation of ongoing maintenance of the character-defining elements within the scope of the project. Exterior maintenance and renovation of the character-defining elements would require a separate permit, and the proposed conservation methods would be evaluated at that time.
9. Make any <i>intervention</i> needed to preserve <i>character-defining elements</i> physically and visually compatible with the <i>historic place</i> and identifiable on close inspection. Document any intervention for future reference.	N/A	The proposal does not include intervention via preservation of character-defining elements.
<b>ADDITIONAL STANDARDS RELATING TO REHABILITATION: Rehabilitation is the action or process of making possible a continuing or compatible contemporary use of an historic place, or an individual component, while protecting its heritage value.</b>		
10. Repair rather than replace <i>character-defining elements</i> .	N/A	There is no replacement of character-defining elements proposed; a detailed evaluation

<p>Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the <i>historic place</i>.</p>	<p>(N/A)</p>	<p>state of repair of the retained elements is not part of the scope of the proposal.</p>
<p>11. Conserve the <i>heritage value</i> and <i>character-defining elements</i> when creating any new additions to an <i>historic place</i> or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.</p>	<p>x</p>	<p>Several character-defining elements (the rear dormers, the rear brick façade, the rear eaves, the Palladian windows and the two and a half storey form) are not proposed to be conserved. The addition is distinguishable from the historic place, but is not physically compatible (cantilevered), not subordinate.</p>
<p>12. Create any new additions or related new construction so that the essential form and integrity of an <i>historic place</i> will not be impaired if the new work is removed in the future.</p>	<p>x</p>	<p>The essential form (2.5 stories, rear el) will not be conserved if the addition were to be removed.</p>