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**Halifax Regional Council**  
**May 28, 2002**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:** Patti Halliday  
*per* Allan MacLellan, Chair, Heritage Advisory Committee  
Regional Heritage Advisory Committee

**DATE:** May 23, 2002

**SUBJECT:** Heritage Case H00077 - Application by Terry and Mike Doiron to consider 38 King Street, Dartmouth, as a Registered Heritage Property

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**ORIGIN**

An application by Terry and Mike Dorion requesting the consideration of 38 King Street, Dartmouth, as a Heritage Property.

**RECOMMENDATION**

The Heritage Advisory Committee **recommends** that Regional Council set the date of July 9, 2002 to consider the registration of 38 King Street, Dartmouth, as a registered heritage property under the HRM Heritage Property Program.

## BACKGROUND

See attached staff report to the Heritage Advisory Committee dated April 15, 2002.

## DISCUSSION

This matter was discussed at the April 24, 2002 meeting of the Heritage Advisory Committee. At that meeting, the Committee evaluated the property and derived a positive recommendation for heritage registration under the HRM Heritage Property Program (see attached minute extract).

## ATTACHMENTS

- 1) Staff report to the Heritage Advisory Committee dated April 15, 2002
- 2) Extract from April 24, 2002 minutes 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, Assistant Municipal Clerk

Report Approved by: Allan MacLellan, Chair, Heritage Advisory Committee

Heritage Advisory Committee  
April 24, 2002

TO: Heritage Advisory Committee

SUBMITTED BY:   
Austin French, Manager, Community/Regional Planning

  
Kevin Barrett, Planner

DATE: April 15, 2002

SUBJECT: **Heritage Case H00077 - Application by Terry and Mike Doiron to consider 38 King Street, Dartmouth as a Registered Heritage Property.**

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**STAFF REPORT**

**ORIGIN:**

An application by the Doiron's requesting the consideration of 38 King Street, Dartmouth as a Heritage Property.

**RECOMMENDATION:**

It is recommended that should 38 King Street 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. Doiron have made an application to have their property at 38 King Street, Dartmouth considered a heritage building under the HRM Heritage Property Program. The building is currently used as a commercial building with an apartment.

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 City of Dartmouth'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.<sup>1</sup> An opportunity for the owners to be heard is provided before Council votes on the recommendation.<sup>2</sup> If the building is scored on April 24, 2002, Council cannot consider the registration earlier than June 18, 2002.

**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.

**ATTACHMENTS:**

Map 1: Site Plan - 38 King Street, Dartmouth

Attachment 1: Heritage Research Report for 38 King Street, Dartmouth.

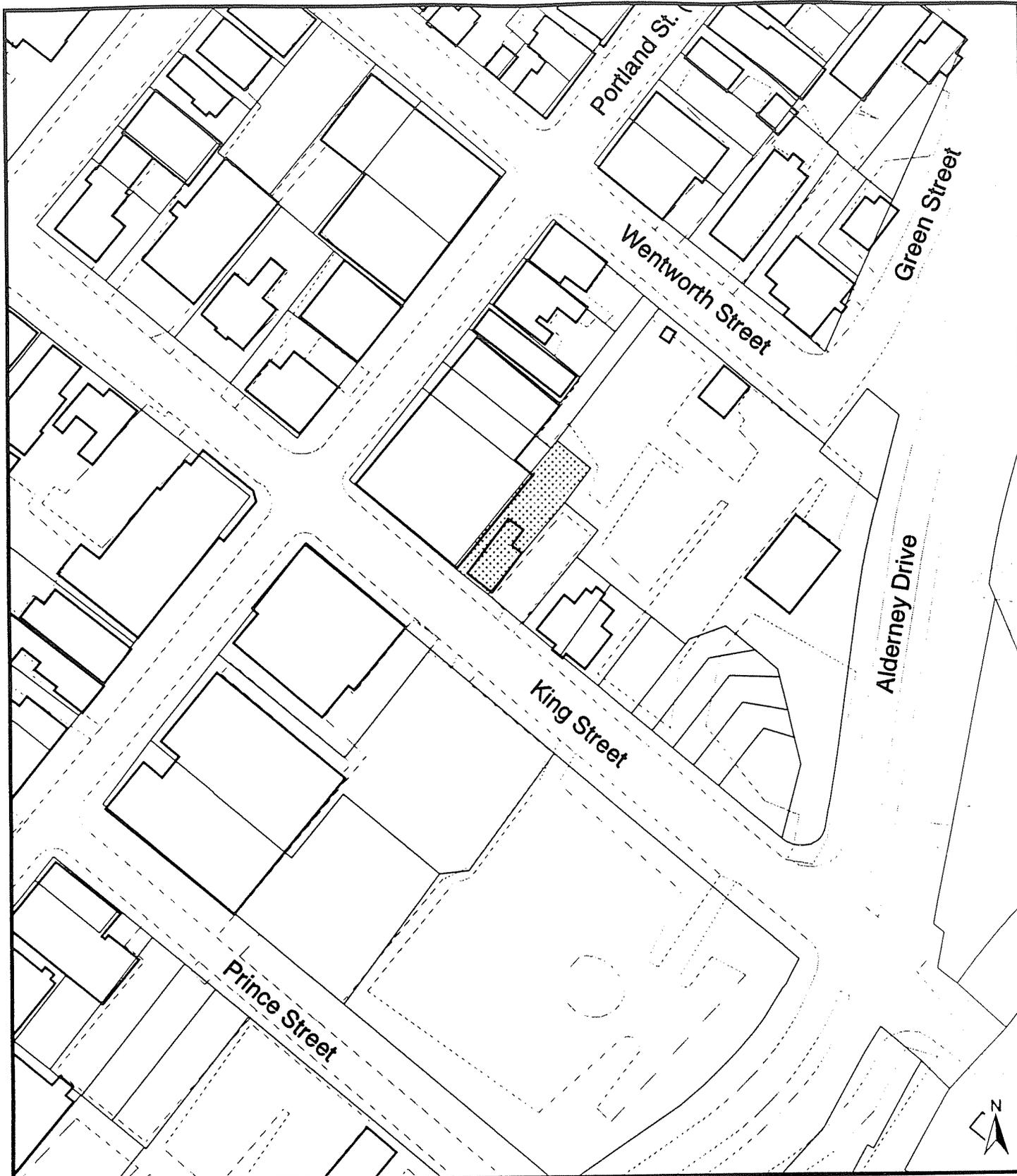
Attachment 2: City of Dartmouth's Heritage Property Evaluation System - Heritage Buildings.

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<sup>1</sup>As per Section 14(2) of the Heritage Property Act

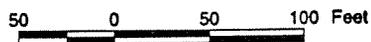
<sup>2</sup>As per Section 15(2) of the Heritage Property Act.

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  
 38 King Street  
 Dartmouth  
 Dartmouth Plan Area

 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.

**HERITAGE REPORT ON  
38 KING STREET, DARTMOUTH**

**Prepared For:** Austin French, Regional Coordinator  
of Planning Services for HRM

**Prepared By:** Alfreda Withrow  
Research Consultant

**Date:** Jan. 23, 2002

## **TIME LINE: For 38 King Street, Dartmouth**

- James R. Orman, a grocer, purchases Hartshorne property in 1871 at a public auction
- Orman sells a lot to Alex Lawlor, a bookkeeper who builds this structure in 1872
- Alex Lawlor died in 1905
- His widow, Isobel, continues to reside in the home until 1910
- Heirs of Alex Lawlor sells the house to Smith family in 1910
- Horace Smith, a saddler, dies in 1948
- His widow Ethel, continues to reside in the home until her death in 1987
- Daughters Letitia and Barbara Smith, spinsters, reside in the structure until Barbara passes away in 1997 then Letitia sells property to the Dorion family in 1998.
- Property is located in a commercial district and a business, Oak Leaf Interiors is operated from the structure with the upper flat rented.

## **Age and Ownership of Property: (38 King Street, Dartmouth)**

The structure located at 38 King Street in Dartmouth was built in 1872 by the Lawlor family. Alexander Lawlor, a bookkeeper, purchased the land from James R. Orman and his wife Margaret. Mr. Lawlor resided in this structure until his death in 1905, with his widow Isobel continuing to live there for five more years. In 1910 Isobel decided to sell the property and it was purchased by the Smith family. Various members of the Smith family resided in the home for nearly eighty-eight years until it was sold in 1998 to the present owners, Gerald M. and Theresa Dorion.

## **Relationship of Importance to Personages and Eras:**

Originally the property was part of the Hartshorne estate and J. R. Orman, a grocer, purchased "Block I" at a public auction in 1871. Block 'I' was bounded by King, Wentworth and Portland Streets as well as Green Lane. At that time, the deed describes the property as having a "Mansion and garden" that had been constructed for the Hartshorne family on Wentworth Street.

Mr. Orman sold a lot of land to Alexander Lawlor and his wife Isobel who constructed the house situated at 38 King Street. Without conducting a genealogical search it is not known for certain if Alex Lawlor is descended from the first Lawlor family to settle in Dartmouth. No information could be found on file at the Nova Scotia Archives in reference to this Lawlor family. After the death of Alex Lawlor in 1905, his widow Isobel continued to live in the home. By 1910 the heirs decided to sell the house. Along with his widow Isobel, the heirs of Alex's estate included his two sons; Frederick Lawlor, a Dartmouth physician and Edward Lawlor, a clergyman residing in Quebec.

The 1911 City Directory lists Horace Smith as the occupant of 38 King Street. It is believed that William Smith, Horace's father purchased the home from the Lawlor heirs and presented it to his son as a wedding gift. Horace had married Ethel Sellers on June 23, 1910. He was a harness maker who managed a business founded by his father. It was called Wm. McV. Smith and Sons, and was once located on Portland Street. The company manufactured harnesses, carriages and various stable furnishings. In the 1946 City Directory, Horace's occupation is listed as being a 'saddler' and was now operating his business from the King Street home.

Horace Smith passed away in 1948, but his widow and two daughters continued to reside in the home. After Ethel Smith passed away, their daughters Letitia and Barbara continued to live there. Barbara is listed in the 1966 City Directory as an office clerk for the Nova Scotia Power Company. After Barbara passed away in 1997 Letitia decided to sell the family home to the present owners, Gerald M. and Theresa Dorion. Today, Theresa Dorion, operates her business, Oak Leaf Interiors, out of this building and rents the upper flat.

## Architectural Merit:

The building located at 38 King Street is a two and a half storey wooden structure built in the 'Second Empire Style.' The mansard roof is the main feature for this styled home. The slope of a mansard roof may be straight with a bell curve or convex, concave or curved with a steeply sloping roof and capped with a hip or flat roof. The roof on this structure is formed in a curved shape and is capped by a flat roof.

In Allen Penney's book, "Houses of Nova Scotia," he wrote that it is difficult to fit a dormer window into the curve of the steep roof, but the design of a mansard roof requires dormers. The dormers allow light to enter the top floor of the home so the upper storey can be utilized by the family as living space rather than being used as an attic to store unused objects.

Another common feature in the 'Second Empire Style' that was seen in earlier structures consisted of elaborate decorations. However they have slowly become less ornate as is noticeable in this home where the only decoration visible is under the overhanging eaves of the roof and around the sidelights and over the transom window surrounding the entrance of the building.

The structure is situated in a business district and is surrounded by parking lots and commercial buildings. Leading to the back entrance is a right of way situated off of Wentworth Street that has been used by the owners of the home since it was first constructed. At one time Horace Smith used the right of way as a means to park his automobile near the back entryway.

The present owners, the Dorion family restored the interior of the home to its original design. Discovered in the basement was a cistern believed to have been used by Horace Smith in the operation of his 'saddler's' business.

## Sources of Research:

### Registry of Deeds:

- Copy of present owner's deed ..... 1998-2002 Book 6207 Pg. 279-281 (Right of Way)
- Gerald and Theresa Dorion's Deed 1998-2002 Book 6208 Pg. 276
- Ethel Smith's Deed 1948-1987 Book 1010 Pg. 925
- Horace Smith's Deed 1911-1948 Book 407 Pg. 318
- William and Horace Smith's Deed 1910-1911 Book 406 Pg. 1109
- Alex Lawlor 's Will 1905-1910 Book 381 Pg. 136
- Alex Lawlor's Deed 1871-1905 Book 177 Pg. 385

### McAlpine City Directories:

Years	Owners
1872-1905	Alex Lawlor (bookkeeper)
1905-1910	Lawlor heirs (Isobel, Alex's widow)
1910-1948	Horace Smith (Ethel) (saddler)
1948-1987	Ethel Smith (widow)
1987-1997	Letitia and Barbara Smith (Horace's daus.)
1997-1998	Letitia Smith
1998-2002	Gerald M. and Theresa Dorion

### Nova Scotia Archives and Record Management:

#### Bio index card files:

- no information available in connection to the Alex Lawlor family
- no information available in connection to the William and Horace Smith family
- Archives Library: CS C12 L41.....Lawlor family.... nil

#### Marriage License:

- Horace and Ethel (Sellers) Smith .... June 23, 1910

#### City Directories: 1885- present owners

- discovered occupations of former owners of structure
- lists Wm. McV. Smith and Sons in 1910 City Directory and also lists Wm. and Horace Smith as 'saddlers' and operators of a manufacturing business for harness making.

Interview by phone with Theresa Dorion.... present owner..... Jan. 24, 2002



38 King Street  
Dartmouth, NS

## CITY OF DARTMOUTH Heritage Property Evaluation System

RANKING	SCORE	JUSTIFICATION / EXPLANATION
<b>1. <u>Age</u></b>  1750 - 1785 1786 - 1825 1826 - 1867 1868 - 1914 1915 - 1932	15 12 10 7 5	
<b>2. <u>Relationship to important occasions, institutions, personages, eras</u></b>  (i) Occasions, institutions, personages:  National Importance Provincial Importance Local Importance  (ii) Eras:	20 15 10  10	A building cannot have both points for relationship to occasions, institutions, personages, and for relationship to an era.  For buildings with a number of relationships, take the most important and for each additional important relationship add 5 for National importance, 3 for Provincial importance, and 2 for Local importance up to an extra 10 points.
<b>3. <u>Relationship to surrounding area</u></b>  (i) <u>Compatibility</u>  Excellent  Good  Fair  (ii) <u>Original Site</u>  Excellent  Good  Fair	10  7  5  10  7  5	Consider architecture, scale, use, and age of the building and surrounding buildings  Building is a definite asset to surrounding buildings and area  Building is very compatible with surrounding buildings and area  Building is in keeping with the character of the area  Has not been moved  On new foundation in original location  Near original site, relocated or reoriented on original property

RANKING	SCORE	JUSTIFICATION / EXPLANATION
<p>4. <u>Aesthetic/architectural Merit</u></p> <p>(I) Only or rare example of particular architectural type in Dartmouth</p> <p>(ii) Original facade</p> <p>(iii) Outstanding example of the architectural type: building has particularly noteworthy architectural characteristics and aesthetic value</p> <p>Good example of architectural type: building competently displays the major architectural characteristics of the type, and is aesthetically pleasing</p> <p>Fair example of architectural type: building displays some architectural characteristics worthy of note, and is acceptable from an aesthetic point of view</p>	<p>20</p> <p>5</p> <p>20</p> <p>15</p> <p>10</p>	<p>Consider placement of doors, proportion and shape of windows, roof shape, architectural detailing, proportion of width to height, materials used, chimneys and how well the building reflects the spirit of the particular architectural style.</p>

**EXTRACT FROM APRIL 24, 2002 MINUTES OF THE HERITAGE ADVISORY COMMITTEE:**

**3.1 Heritage Case H00077 - Application by Terry and Mike Doiron to consider 28 King Street, Dartmouth, as a Registered Heritage Property**

- A staff report prepared for Austin French, Manager, Community/Regional Planning, regarding the above, was before the Committee for its consideration.

Ms. Alfreda Withrow, Research Consultant, presented the heritage report on 38 King Street, Dartmouth.

The Committee proceeded to evaluate the property for heritage registration with the following results:

**1. AGE**

The building was built in 1872. **7 points**

**2. RELATIONSHIP TO IMPORTANT OCCASIONS, INSTITUTIONS, PERSONAGES, ERAS**

It was the general consensus that the building had local importance. **10 points**

**3. RELATIONSHIP TO SURROUNDING AREA**

It was the general consensus that the building had excellent compatibility with the surrounding areas as it is a definite asset to surrounding buildings and area. **10 points**

As the building has not been moved and it is on the original site, 10 further points were allocated. **10 points**

**4. AESTHETIC/ARCHITECTURAL MERIT**

The building has its original facade and was awarded 5 points for this. **5 points**

Also, it was the general consensus that the building was a good example of its architectural type. **15 points**

**TOTAL POINTS 57 POINTS**

**MOVED by Lorna Crawley-Mulolani, seconded by Andrea Arbic, that the Heritage Advisory Committee recommend to Council that 38 King Street, Dartmouth, be registered under the HRM Heritage Property Program. MOTION PUT AND PASSED UNANIMOUSLY.**