



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

10.1.1

Halifax Regional Council  
March 18, 2003

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

**SUBMITTED BY:** Pat Halliday  
for Allan MacLellan, Chair, Heritage Advisory Committee  
Regional Heritage Advisory Committee

**DATE:** March 12, 2003

**SUBJECT:** Case H00100 - Deregistration and Proposed Subdivision of a Portion  
of St. John's Anglican Church Property, 954 Old Sackville Road,  
Lower Sackville, NS

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**ORIGIN**

February 26, 2003 Heritage Advisory Committee meeting.

**RECOMMENDATION**

The Heritage Advisory Committee **recommends** that Regional Council:

- a) Set a Public Hearing for April 22, 2003 to provide consideration for the proposed subdivision and deregistration of a portion of land known as 954 Old Sackville Road; and
- b) Approve the proposed subdivision and deregistration of a portion of the lands known as 954 Old Sackville Road, Lower Sackville, as shown on Map 1 of the staff report dated February 18, 2003.

**PLEASE RETAIN REPORT  
FOR PUBLIC HEARING**

## BACKGROUND

See attached staff report dated February 18, 2003.

## DISCUSSION

This application was reviewed by the Heritage Advisory Committee at its meeting of February 26, 2003 (draft minute extract attached).

## ATTACHMENTS

- 1) Extract from draft February 26, 2003 Heritage Advisory Committee minutes
- 2) Staff report to the Heritage Advisory Committee dated February 18, 2003

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

**EXTRACT FROM DRAFT FEBRUARY 26, 2003 HERITAGE ADVISORY COMMITTEE MINUTES:**

**3.3 Heritage Case H00100 - Deregistration and proposed subdivision of a portion of St. John's Anglican Church property, 954 Old Sackville Road, Lower Sackville, NS**

- A staff report prepared for Jim Donovan, Manager, Planning Applications, regarding the above, was circulated to the Committee.

Mr. Kevin Barrett, Heritage Planner, presented the report to the Committee. Following a brief discussion, the following motion was put on the floor:

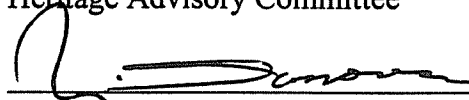
**MOVED by Councillor Bob Harvey, seconded by Mr. Mark Pothier, that the Heritage Advisory Committee recommend to Regional Council that:**

- a) A Public Hearing be set to provide consideration for the proposed subdivision and deregistration of a portion of land known as 954 Old Sackville Road; and**
- b) Regional Council approve the proposed subdivision and deregistration of a portion of the lands known as 954 Old Sackville Road, Lower Sackville, as shown on Map 1 of the staff report dated February 18, 2003. MOTION PUT AND PASSED UNANIMOUSLY.**

Heritage Advisory Committee  
February 26, 2003

TO: Heritage Advisory Committee

SUBMITTED BY:



Jim Donovan, Manager, Planning Applications



Kevin Barrett, Heritage Planner

DATE: February 18, 2003

SUBJECT: **Heritage Case H00100 - Deregistration and proposed subdivision of a portion of St. John's Anglican Church property, 954 Old Sackville Road, Lower Sackville, NS (a municipal heritage property).**

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## STAFF REPORT

### ORIGIN

Application by D. W. Pulsifer, on behalf of the St. John's Anglican Church, to subdivide and deregister a portion of the lands known as 954 Old Sackville Road, Lower Sackville, NS.

### RECOMMENDATION

It is recommended the Heritage Advisory Committee recommend to Regional Council that:

- (a) a public hearing be set to provide consideration for the proposed subdivision and deregistration of a portion of land known as 954 Old Sackville Road; and
- (b) that Regional Council approve the proposed subdivision and deregistration of a portion of the lands known as 954 Old Sackville Road, Lower Sackville, as shown on Map 1.

## **BACKGROUND**

On January 13, 2003, Mr. Pulsifer made application to have a portion of lands associated with the St. John's Anglican Church (954 Old Sackville Road) deregistered (see Attachment 1). The request was made as part of the Church's intentions to subdivide and convey a portion of the lands to permit a residential subdivision. This proposal was conditional upon rezoning the subdivided area to R-1 (Single Unit Dwelling) Zone from P-2 (Community Facility) Zone). The rezoning was approved by North West Community Council on February 13, 2003.

Under the Heritage Property Program, all applications to subdivide and/or deregister a heritage property are subject to a Level 3 Design Review Process. In considering such requests, the Municipality's Heritage By-law (H-200), Section 4(1) requires the Heritage Advisory Committee (HAC) to review the application and make a recommendation to Regional Council. This process requires the proposal be reviewed by staff with a recommendation from the Heritage Advisory Committee (HAC). To provide a basis for the review, a staff report is developed that evaluates the proposal and provides a recommendation to the HAC.

As per Section 16(2) of the Heritage Property Act, before Council can consider the proposed subdivision and deregistration request from the property owner, a public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the municipal heritage property and published in a newspaper circulating in the area.

### ***954 Old Sackville Road***

This property contains a Georgian styled church, built in 1829, and a cemetery which dates back to 1790 (see Attachment 2). It also contains a modern Church Hall, and a large area of undeveloped lands (extending beyond Highway No. 101). When the property was registered by Regional Council on September 9, 1997, all lands associated with the Church, including the vacant land, were registered. Based on staff's review, the two significant features of the property are the Church and the cemetery. The lands that have been rezoned are presently vacant, and an adequate buffer has been proposed to maintain the context for both the Church and cemetery.

## **DISCUSSION**

As defined in the Municipality's By-Law Number H-200, the Heritage Advisory Committee shall advise Council on the substantial alterations and deregistration of heritage properties. This application involves two aspects to be considered: the subdivision, which constitutes a substantial alteration; and the deregistration of a portion of a registered property.

### **Subdivision:**

In considering the proposed subdivision under HRM's Heritage Property Program, such proposals should not negatively affect the significant features of a heritage property. As described in Map 1, the Parish of St. John Church owns the large parcel of land which contains a church, a church hall

and a cemetery. The property also contains areas of land (approximately 17 acres) which are currently undeveloped and distinct from the buildings and the cemetery. The proposed subdivision of land will see the significant heritage features (namely the Church and cemetery) remain registered and protected with a buffer from the proposed subdivision. The proposed subdivision of these lands therefore meet the test for approval as a substantial alteration.

**Deregistration:**

Section 16, of the *Heritage Property Act* states that:

- 16 (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.

The intention of the Church is to sell the lands that are currently undeveloped. These lands do not contain any significant historic features and are removed from the historic Church and cemetery. Should the proposed subdivision be approved, the continued registration of this portion of the property would not serve any historic purpose.

**Summary:**

Given the proposal will maintain a portion of registered lands that will contain both the St. John's Anglican Church and its cemetery, approval by Council of the proposed subdivision of these lands as a substantial alteration, and their deregistration of the undeveloped subdivided area is reasonable.

**BUDGET IMPLICATIONS**

None.

**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**

1. The Heritage Advisory Committee could provide a positive recommendation to Regional Council. This is the recommended course of action.
2. The Heritage Advisory Committee could recommend not to deregister this property, in which case this report will be forwarded to Regional Council for consideration.

**ATTACHMENTS**

Map 1: 954 Old Sackville Road, Lower Sackville, NS.

Attachment 1: Letter from property owner, dated January 13, 2003.

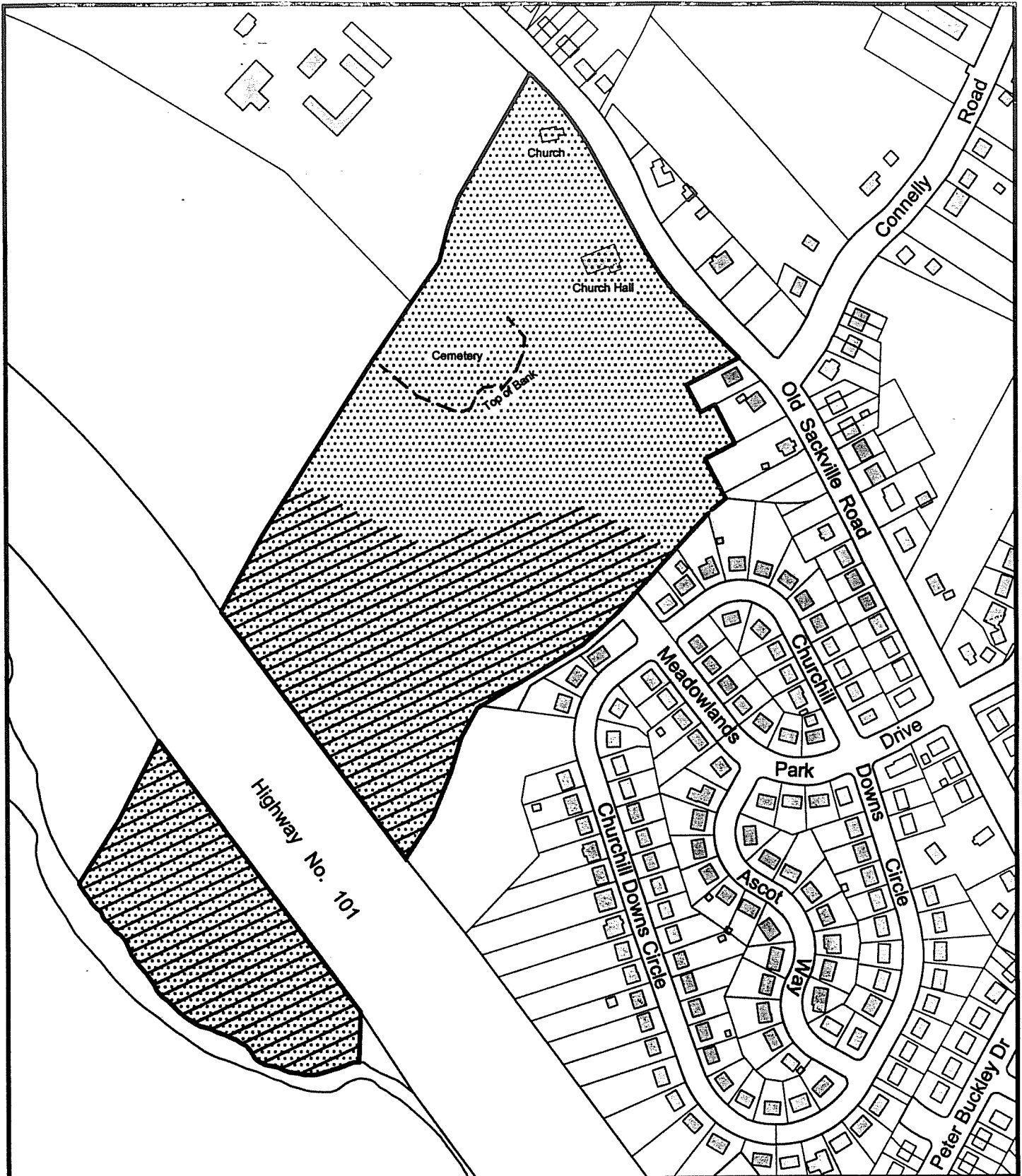
Attachment 2: Photos - 954 Old Sackville Road.

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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.

Report prepared by: Kevin Barrett, Heritage Planner, 490-4419

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**Map 1**  
**954 Old Sackville Rd. (St. John's Anglican Church Property)**

-  Land and buildings registered in the Registry of Heritage Properties
-  Subject area under consideration for heritage De-registration



**HALIFAX**  
 REGIONAL MUNICIPALITY  
 PLANNING SERVICES



January 13, 2003

116 Buckingham Drive  
Stillwater Lake, N.S. B3Z 1G1

Mr. Kevin Barrett  
Heritage Planner  
PO Box 1749  
Halifax, N.S. B3J 3A5

Halifax Regional  
Municipality

JAN 17 2003

Planning Services  
Heritage Property Program

Dear Mr. Barrett,

Re: Heritage Property – St. John The Evangelist Church  
Lower Sackville, N.S.


This will refer to our meeting of January 9, 2003.

St. John the Evangelist Church is in the process of selling a portion of it's property in Lower Sackville, N.S.

Whereas a portion of this property is at present designated as "heritage", the church is applying for "decertification" of the lands which are to be sold. Please see attached plans.

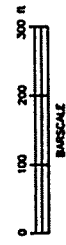
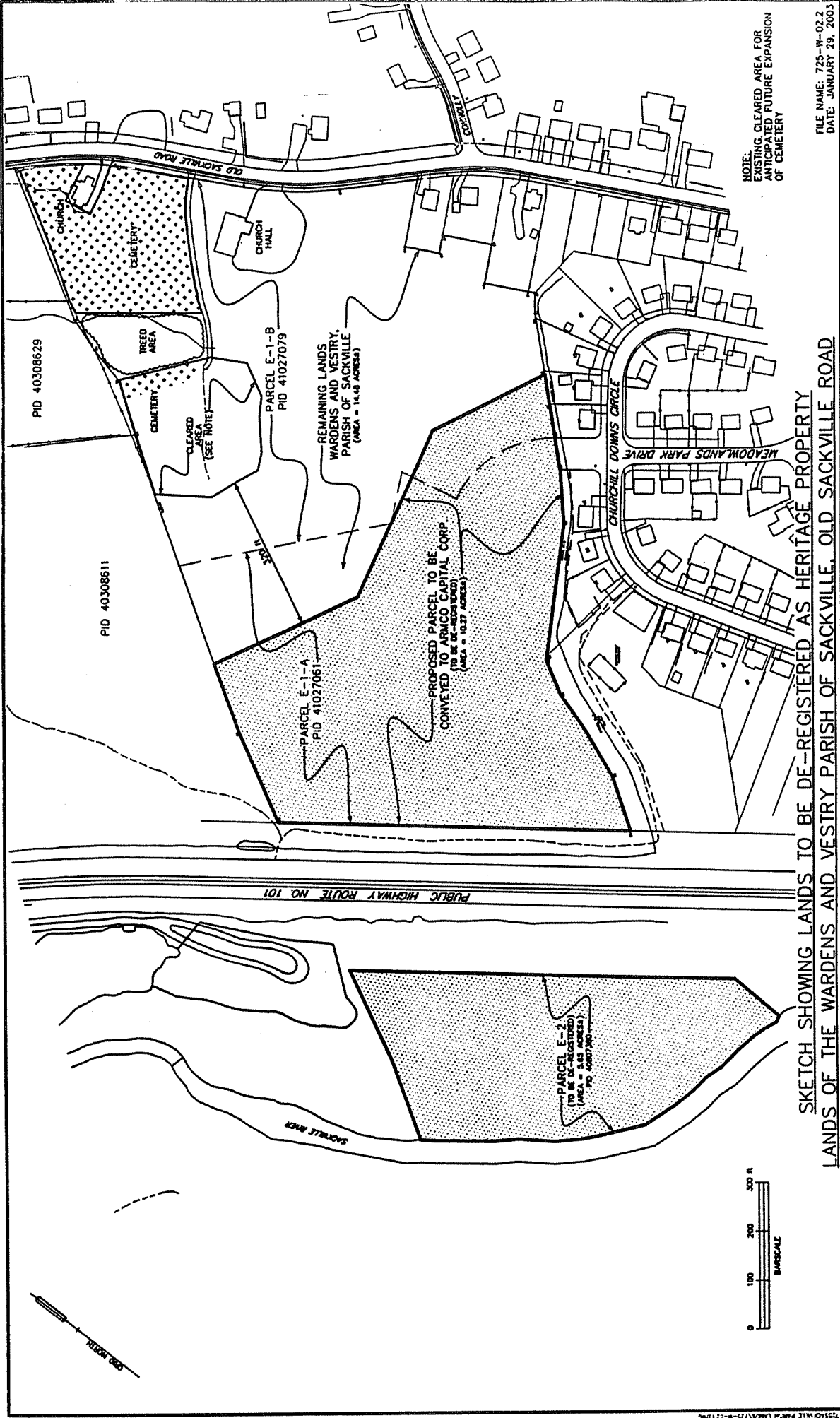
Should you require additional information I may be reached at 826-7136.

Yours Truly,



D. W. Pulsifer  
Parish of Sackville

C: The Rev. Ron Cutler  
Mr. John Filliter, QC  
The Rev Gordon Redden  
Mr. Barry Ward



SKETCH SHOWING LANDS TO BE DE-REGISTERED AS HERITAGE PROPERTY  
 LANDS OF THE WARDENS AND VESTRY PARISH OF SACKVILLE, OLD SACKVILLE ROAD

NOTE:  
 EXISTING, CLEARED AREA FOR  
 ANTICIPATED FUTURE EXPANSION  
 OF CEMETERY

FILE NAME: 725-W-02.2  
 DATE: JANUARY 29, 2003

View of Cemetery

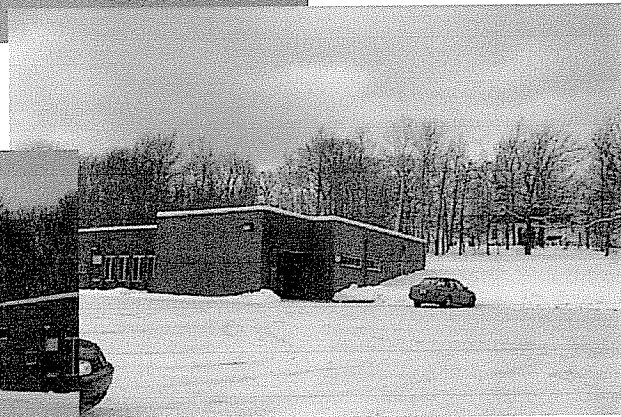


View of undeveloped areas



**St. John's Church  
Lower Sackville, NS  
January 8, 2003**

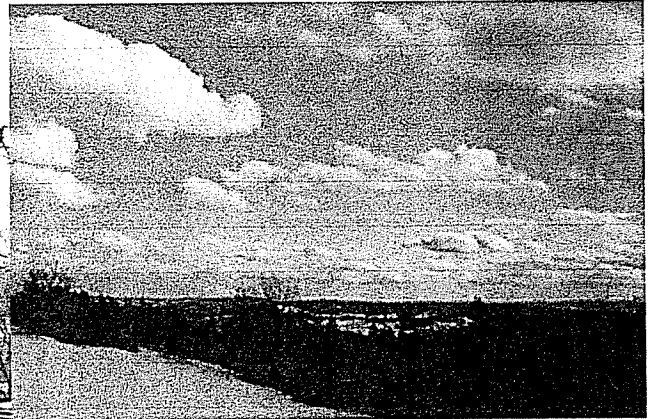
View of Church



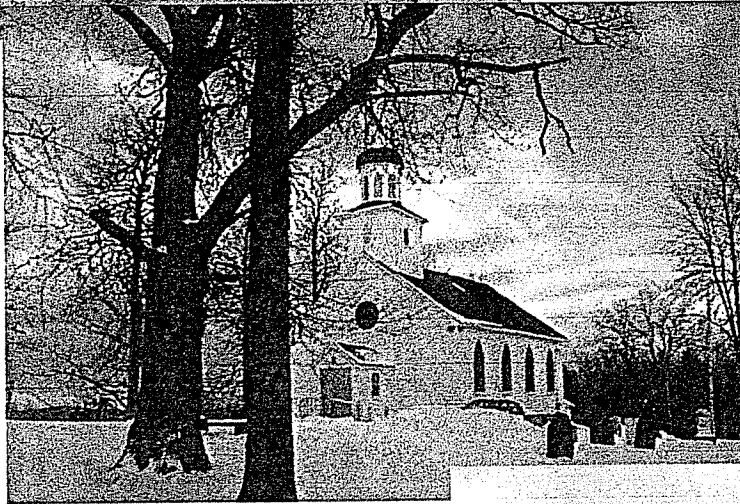
View of Church Hall



View of Cemetery



View of undeveloped areas



**St. John's Church  
Lower Sackville, NS  
January 8, 2003**

View of Church



View of Church Hall