



The Corporation of the TOWN OF MILTON

Report To: Committee of the Whole

From: Barbara Koopmans, Director of Planning and Development

Date: November 23, 2015

Report No: PD-055-15

Subject: Heritage Designation of property at 111 Mary Street.

Recommendation: THAT Milton Council recognizes the Edwin Earl House at 111 Mary Street in the Town of Milton, as being of heritage significance;

AND THAT Milton Council designate the property under Part IV of the *Ontario Heritage Act* (R.S.O. 1990) for the reasons outlined in the Reasons for Designation attached as Appendix 1 to Report PD-055-15;

AND FURTHER THAT the Town Clerk provide the Notice of Intention to Designate as outlined in Section 29 (4) of the *Ontario Heritage Act*;

AND FURTHER THAT once the thirty day objection period has expired and if there are no objections, a designation by-law be brought forward for Council adoption.

EXECUTIVE SUMMARY

The owners of the Edwin Earl House wish to demolish the house and build a large garage in its place with accessory residential accommodation above. The large garage/coach house would be attached to the owners existing house at 107 Mary Street. The Heritage Impact Assessment that was submitted by the owners concluded that the Edwin Earl House is a significant heritage resource that should be *"retained and maintained"*. It says that it:

- is a representative example of mid-Victorian domestic architecture;
- is of some provincial interest because of its association with Rev. Joseph H. Robinson, a circuit minister with the Methodist Church who is included in University of Toronto and Université of Laval's "Dictionary of Canadian Biography";
- is of historic significance as the home of Edwin Earl, a former mayor of Milton, Halton County Reeve and prominent community leader; and
- is of contextual significance as *"one of the original buildings built to face onto Victoria Square"* and that it *"contributes to the cultural heritage value of the Mary"*



Street streetscape, the Victoria Park area and this portion of Old Milton.”

This property is one of the original lots created in Hugh Foster's 1854 plan of subdivision that includes Victoria Park and the Courthouse square. This was one of the very early subdivisions in Milton that was created even before Milton was incorporated as a Town in 1857. The house and property at 111 Mary Street help to define, maintain and support the character of the Courthouse square and Victoria Park. This house is one of the original buildings facing onto Victoria Square and is physically, functionally, visually and historically linked to its surroundings. Both Heritage Milton and the Milton Historical Society agree with the Heritage Impact Assessment that this property is of architectural, historic and contextual significance and have requested that it is designated under the provisions of the *Ontario Heritage Act* in order to prevent demolition.

The Provincial Policy Statement requires significant built heritage resources to be conserved. The Town's Official Plan also states that Council will use the provisions of the *Ontario Heritage Act* "to afford protection from alteration" for built heritage resources. The property at 111 Mary Street is a significant heritage resource but its owners do not wish to conserve it. Staff recommend that it is designated as this is the only way to prevent its demolition.

REPORT

Background

Owner/Applicant

Andrew and Caroline Kocher of 107 Mary Street, Milton ON, L9T 1L8

Location/ Legal Description

The subject property is municipally known as 111 Mary Street and is located on the north side of Mary Street close to its intersection with Brown Street and facing Victoria Park (see Location Plan in Figure 1). It is legally described as Lot 3, Block 7 of Foster Survey (Plan No.7), Town of Milton, Regional Municipality of Halton.

Planning Policy

Ontario Regulation 9/06 – Criteria For Determining Cultural Heritage Value Or Interest.

In order to be designated under Part IV S.29 of the *Ontario Heritage Act* a property must meet one or more of the following criteria:

1. The property has design or physical value if
 - i. it is a rare, unique, representative or early example of a style, type, expression, material or construction method;
 - ii. it has a high degree of craftsmanship or artistic merit; or
 - iii. it demonstrates a high degree of technical or scientific achievement.



2. The property has historical or associative value if
 - i. it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
 - ii. it yields, or has potential to yield, information that contributes to an understanding of a community of culture; or
 - iii. it reflects the work or ideas of an architect, artist, building, designer or theorist who is significant to a community.
3. The property has contextual value if,
 - i. it is important in defining, maintaining or supporting the character of an area;
 - ii. it is physically, functionally, visually or historically linked to its surrounding; or
 - iii. it is a landmark.

Staff support the conclusions of the Heritage Impact Assessment that was commissioned by the owner that this property complies with more than one of the criteria outlined in O.Reg. 9/06 for the designation of properties under the *Ontario Heritage Act*.

Planning Act R.S.O. 1990,c.P.13

This requires that Council in carrying out its responsibilities under this Act “*shall have regard to, among other matters,...the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest...*”

Provincial Policy Statement (PPS).

This states that “*significant built heritage resources shall be conserved*”. A built heritage resource includes buildings or structures that contribute to a property’s cultural heritage value or interest as identified by a community. To have significant cultural heritage value a heritage resource must make an “*...important contribution....to our understanding of the history of a place, an event or a people*”.

It is staff’s opinion that the Edwin Earl House represents a significant built heritage resource. As such its conservation would be consistent with the PPS policy.

Places to Grow

This states that the Greater Golden Horseshoe “*...is blessed with....irreplaceable cultural heritage sites...*” that “*....must be wisely protected and managed as part of planning for future growth.*” It seeks a “*balanced approach*” to using and managing resources, including heritage resources. A culture of conservation is sought where municipalities develop policies and strategies that conserve cultural heritage where feasible, as “*built up areas are intensified.*”

It is staff’s opinion that the designation of the Edwin Earl House would contribute toward the protection of this significant cultural heritage resource in accordance with the



provisions of “Places to Grow”.

Halton Region Official Plan

This has a goal “...to protect the material, cultural, natural and built heritage of Halton for present and future generations.”

It is staff’s opinion that the designation of the Edwin Earl House supports this goal.

Town of Milton Official Plan.

This has a goal to conserve “the Town’s heritage resources by identifying, recognizing, preserving, protecting, improving and managing those resources, including the potential of their adaptive reuse.” It goes on to say that in determining properties for designation, Council shall consider whether a property:

- is “....associated with the life of a person important in the history of the Town, the Province or the Nation...”
- embodies a distinctive “....architectural style, period or method of construction, or the work of an important building designer or architect;” or
- is “....an integral part of a distinctive area of the community or is considered to be a landmark of special value which contributes to the distinctive quality of identity of the Town.”

It is staff’s opinion that Edwin Earl House is a significant heritage resource that conforms to the criteria for designation as:

- it is associated with the life of Edwin Earl who is important to the history of the Town and has an association with Rev. Joseph H. Robinson who was important in the history of Ontario;
- it is a representative example of mid-Victorian domestic architecture; and
- is an integral part of the Victoria Park area that was one of the Town’s earliest subdivisions and contributes to the distinctive identity of the Town of Milton.

Discussion

The owners of the Edwin Earl House also own the property at 107 Mary Street as well as the nearby funeral home. They have legally consolidated the lots at 107 and 111 Mary Street so that they are now legally one lot that contains two houses. They want to demolish the heritage house at 111 Mary Street so that they can build a large garage/coach house to accommodate at least five cars and to include additional residential accommodation on its upper floor. The garage would be linked to the house at 107 Mary Street at ground floor level and would be a similar size to this house. The owners are seeking a minor variance to facilitate the driveway to accommodate the proposed garage/coach house and to turn their existing single car garage into a pool house.



The Edwin Earl house was built circa 1874. It has architectural and design significance as a representative example of mid-Victorian domestic architecture with Greek Revival detailing. It has historical and associative significance as the home of Edwin Earl, a former Milton Mayor, Halton County Reeve and prominent local businessman as well as being of minor provincial significance as having been owned by Joseph H. Robinson a prominent member of the Canadian Wesleyan Methodist New Connection Church. This property also has contextual significance as one of the original lots created in Hugh Foster's 1854 plan of subdivision that includes Victoria Park and the Courthouse square in the centre of Milton's historic downtown. The house and property at 111 Mary Street help to define, maintain and support the character of the Courthouse square and Victoria Park. This house is one of the original buildings facing onto Victoria Square. It is physically, functionally, visually and historically linked to its surroundings and it contributes to the streetscape that frames this important historical park.

Both the Town and Provincial planning policies direct that significant heritage resources should be conserved. The Ontario Heritage Act includes provisions to allow significant heritage resources to be designated in order to ensure their conservation, even if the property owner does not support conservation. There are opportunities for building a larger garage at the existing property at 107 Mary Street without requiring the demolition of the historic Edwin Earl House. It is noted that the Heritage Impact Assessment that was submitted by the owner does not support the demolition of this heritage resource. It recommends that:

"That the existing house at 111 Mary Street be retained and maintained... If a coach house structure is required for 107 Mary Street that the current owner or proponent consider options that would allow a detached structure to be built at the rear of 107 Mary Street or at the rear of 111 Mary Street in such a way that the new building or structure is designed to be compatible and subordinate to the existing house at 111 Mary Street."

The owners do not however wish to pursue this option.

Heritage Milton reviewed the proposals at their meeting on November 12, 2015 and passed the following resolution:

"Heritage Milton reiterates its resolution from December 2014 and strongly objects to the minor variance application. The Committee do not consider this to be a minor variance but a distinctive change to the Character Area and to the historic lot fabric of downtown Milton. Heritage Milton recommend that the property at 111 Mary Street is designated in order to ensure that this significant heritage resource is not demolished."

The Heritage Milton resolution from December 2014 stated:



“Heritage Milton strongly objects to demolition of the house at 111 Mary Street in order for a large garage to be built. This would destroy a significant heritage resource and detract from the historic streetscape around Victoria Square which is the most historically significant park in Milton. The proposals would create a massive lot that would be markedly different the other properties in Milton’s historic downtown. This is one of the seminal lots in Milton that was created when Milton first became a town. Turning it into a double lot with a house that has a massive footprint would considerably harm the character and appearance of Milton’s primary civic precinct.

Heritage Milton strongly supports the views contained within the Heritage Impact Assessment dated August 16, 2014 for the Edwin Earl House at 111 Mary Street that was commissioned by the owners of this property by Robinson Heritage Consulting. This report concludes that this house “is significant and recommends rehabilitation as the primary conservation treatment.” It also states that the house “is one of the original buildings built to face onto Victoria Square and contributes to the cultural heritage value of the Mary Street streetscape, the Victoria Park area and this portion of Old Milton.”

Heritage Milton agrees with Robinson Heritage Consulting that the property at 111 Mary Street is a significant heritage resource that has:

- design/physical value as “a representative example of mid-Victorian domestic architectural style”;*
- has significant historic and associative value through being the home of Edwin F. Earl, a former Town Mayor, Halton County Reeve and prominent community figure; and*
- has contextual value in helping to “maintain and define the original nature of the early town settlement pattern” in Milton’s historic downtown.*

Any one of which alone would be sufficient justification for conservation. As a consequence Heritage Milton strongly objects to the proposed demolition of this house in order for a coach house to be constructed for use in connection with the house at 107 Mary Street.

The Planning Policy Statement (2014) states that:

“Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

The Edwin Earl house at 111 Mary Street is a significant heritage resource within the Town of Milton and should be conserved. Heritage Milton recommends that this property is designated under S. 29 of the Ontario Heritage Act to ensure that it is conserved.”



The minor variance process will be dealt with separately, on its own merits, by the Committee of Adjustment.

The Edwin Earl House is a significant heritage resource and as such it should be conserved. Its designation under the provisions of the *Ontario Heritage Act* would help to protect this cultural heritage asset for existing and future generations. Heritage designation does not prevent owners from repairing and changing buildings on their heritage properties. It introduces a process by which future change to heritage buildings can be guided so that their heritage attributes are preserved for future generations. The designation would prevent the owners from demolishing this significant heritage resource but would not prevent them from pursuing options for enlarging the garage accommodation at the rear of the existing houses at 107 and 111 Mary Street. The reasons for designation and the heritage attributes of the Edwin Earl House are included in Appendix 1 to this report.

Relationship to the Strategic Plan

The designation of the Edwin Earl House under the provisions of the Ontario Heritage Act is consistent with the following goals of the Town's Strategic Plan (Destiny Milton 2):
A Safe, Livable and Healthy Community

- Protecting and enhancing Milton's heritage, identity and character.

The new Strategic Plan (Destiny Milton 3) has renewed the Town's Vision, Goals and Actions. Destiny Milton 3 notes that among the things needed to "*built a strong, healthy and sustainable Milton..*", is the celebration of "*our local heritage.*"

Financial Impact

There is no financial impact as a result of this report.

Respectfully submitted,
Barbara Koopmans, BES, MCIP, RPP, CMO
Director, Planning and Development

For questions, please contact:

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Attachments

Figure 1: Location Plan
Appendix 1: Reasons for Designation



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CAO Approval
William Mann, MCIP, RPP, OALA, CSLA, MCIF, RPF
Chief Administrative Officer



FIGURE 1 LOCATION MAP



COW Meeting Date:
November 23, 2015

Scale: 1: 2,000

File: PD-055-15

Planning & Development Department



Subject Property

Appendix 1: Reasons for Designation

Legal Description:

Lot 3, Block 7 of Foster Survey (Plan No.7), Town of Milton, Regional Municipality of Halton.

Description of Property:

The Edwin Earl House is a one and a half storey frame house that is a good representative example of vernacular mid-Victorian domestic architecture.

Statement of Cultural Heritage Value or Interest:

The subject property is known as the Edwin Earl house and was built circa 1874. Its cultural heritage value lies in its architectural and design significance as a representative example of mid-Victorian domestic architecture with Greek Revival detailing. It has historical and associative significance as the home of Edwin Earl, a former Milton Mayor, Halton County Reeve and prominent local businessman as well as being of minor provincial significance as having been owned by Joseph H. Robinson a prominent member of the Canadian Wesleyan Methodist New Connection Church. This property also has contextual significance as one of the original lots created in Hugh Foster's 1854 plan of subdivision that includes Victoria Park and the Courthouse square in the centre of Milton's historic downtown and because it contributes to the streetscape that frames this important historical park.

Design Value or Physical Value.

The Edwin Earl house is a good representative example of vernacular mid-Victorian domestic architecture. It was likely built c. 1874. The house has a three bay façade on the ground floor and originally had two windows above. One window was later converted into a door when the second floor sun room/sleeping porch was added in the late nineteenth/early twentieth century. Most of the window and door openings are original and they include slightly pedimented heads that reflect the influence of the Greek Revival style architecture. Almost all of the original exterior form of this house and many of its original internal features remain.

Historical Value

Edwin Earl owned the house at 111 Mary Street from 1891 until his death in 1931. He was a tinsmith and plumber by trade and held a very prominent and active position in the local community. He was a member of the United Church and served as:

- Second Vice-President of the Halton Liberal Association (1907)
- Fire Chief (1894-1900 & 1901-1930)
- Town Councillor (1893-1896 & 1899-1900)
- Reeve of Milton (1913)
- Halton County Warden (1913)
- Vice-President of the Milton Baseball Club (1897)
- Treasurer of Halton Probation Association (1899)
- Chaplain of the Independent Order of Foresters (1901)
- Inspector of Waterworks Dept for Milton (1901-1908)

- Treasurer of the Halton District Council of the Royal Templars of Temperance (1901)
- President of the Milton Mechanics Institute (1902)
- Assessor for Milton (1904-1905)
- Board member of Milton Board of Health (1907-1907)
- Member of Railways and Legislation Committee of the Milton Board of Trade (1912)
- Milton Hydro Commission (1914)
- Mayor of Milton (1917-1921)

This property also has some minor provincial significance due to its association with the Reverend Joseph H. Robinson. Rev. Robinson bought the property from Hugh Foster and his wife in 1855. This was shortly after Hugh Foster had registered the subdivision that is now known as the Foster Survey. Rev. Robinson was a prominent member of the Canadian Wesleyan Methodist New Connection Church and travelled widely, especially between Ottawa and London. Milton is conveniently located stopping point between these two cities but it is unclear whether Rev. Robinson ever lived in the house that currently exists at 111 Mary Street or whether this house was built after he sold the property in 1874.

Contextual Value

This property has contextual value as one of the original lots formed by the Foster Survey (Plan No. 7) in 1854. This was one of the very early subdivisions in Milton that were created even before Milton was incorporated as a Town in 1857. The Foster Survey included the Halton County Courthouse and Victoria Park. The house and property help to define, maintain and support the character of the Courthouse square and Victoria Park. This house is one of the original buildings facing onto Victoria Square and is physically, functionally, visually and historically linked to its surroundings.

Character Defining Elements/Heritage Attributes:

Important to the preservation of the Edwin Earl house at 111 Mary Street are the following character-defining elements/heritage attributes:

- Location of house in Mary Street opposite Victoria Park.
- The original form, rooflines and massing of the one and a half storey house exterior (with the exception of the rear single storey porch).
- Original wood cladding (with horizontal orientation and V-groove joint).
- Original window and door elements of the original house (front and sides of the main block and kitchen tail) including their pedimented heads.
- Front porch, enclosed upper sleeping porch and side bay window
- Window sash locks with patent date of "1874".
- Wooden, built in kitchen cupboard.