Minutes – Executive Policy Committee – November 9, 2011

Minute No. 8
Report – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – October 31, 2011

Item No. 1 **Historical Buildings By-law No. 1474/77 – 51 Balmoral Street, Milner House**
(Fort Rouge – East Fort Garry Ward)

In view of the communication dated November 2, 2011, from Charles L. Chappell, Aikins, MacAulay & Thorvaldson LLP, advising that their client has withdrawn their application to delist 51 Balmoral Street, the Executive Policy Committee filed the item.

Minutes – Executive Policy Committee – November 9, 2011

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DECISION MAKING HISTORY:

Moved by Deputy Mayor Swandel,

That in view of the communication dated November 2, 2011, from Charles L. Chappell, Aikins, MacAulay & Thorvaldson LLP, advising that their client has withdrawn their application to delist 51 Balmoral Street, the item be filed.

Carried

Charles L. Chappell, Aikins, MacAulay & Thorvaldson LLP, submitted communication dated November 2, 2011, advising that in light of the decision of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management, they have now received instructions from their client to withdraw the application to delist 51 Balmoral Street under the provisions of the Historical Buildings By-law No. 1474/77.

STANDING COMMITTEE RECOMMENDATION:

On October 31, 2011, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management concurred in the recommendation of the Historical Buildings Committee and the Winnipeg Public Service and submitted the matter to Council.

Also on October 31, 2011, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management received submissions from the following:

- In support of the request to de-list 51 Balmoral Street:
  - Charles Chappell, Aikins, MacAulay & Thorvaldson LLP submitted a presentation titled "Submission to Standing Policy Committee on Downtown Development, Heritage and Riverbank Management"
  - Jim Haier, submitted a communication dated October 28, 2011

- In opposition to the request to de-list 51 Balmoral Street:
  - Johnathon Strong, submitted a communication dated October 28, 2011
  - Ann La Touche, submitted a communication dated October 30, 2011
  - Michelle Layte, submitted a communication dated October 31, 2011
  - Amie Lesyk, submitted a communication dated October 31, 2011
  - Steve Baria, submitted a communication dated October 28, 2011
  - Brent Neill, submitted a communication dated October 28, 2011
  - Tim Sayeay, submitted a communication dated October 28, 2011
  - Laina Hughes, submitted a communication dated October 28, 2011
  - Margaret Mills, submitted a communication dated October 28, 2011

ADMINISTRATIVE REPORT

Title: Application to delist and demolish the William Milner House, 51 Balmoral Street

Critical Path: Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Kiernan	B. Thorgrimson	N/A	D. Joshi, COO

RECOMMENDATIONS

1. That Milner House, 51 Balmoral Street, not be removed from the Buildings Conservation List under the terms of the Historical Buildings By-law No. 1474/77 (as amended).

REASON FOR THE REPORT

All applications to remove a building from the Conservation List under the terms of the Historical Buildings By-law No. 1474/77 (as amended), which the Historical Buildings Committee recommends as having special architectural and historical significance, must be heard by the relevant Standing Policy Committee for a recommendation, Executive Policy Committee and Council. The building will not be permitted to be demolished without a delisting and approval by City Council.

Milner House, 51 Balmoral Street, was designated as a Grade III building on the Buildings Conservation List on August 9, 1995. The owner is now requesting it be delisted and demolished.

IMPLICATIONS OF THE RECOMMENDATIONS

- The owner of Milner House, The Great West Life Assurance Company, is requesting to delist this building, a Grade III heritage building under the terms of the Historical Buildings By-law No. 1474/77 (as amended), to enable demolition of the structure.
- As a heritage structure, any alterations to the exterior of the building would require design-review and approvals via a Certificate of Suitability (Heritage Permit) under the terms of the Historical Buildings By-law No. 1474/77 (as amended).
- Demolition of the structure and redevelopment into surface parking would require a re-zoning of the site as it is currently zoned R2 Residential, for which parking is a non-permitted use.
- The current adjacent surface parking along the east side of Balmoral Street (from Broadway up to 51 Balmoral) was established through a now expired Conditional Use approval. This outstanding issue will also require due consideration by Standing Policy Committee under separate application.

HISTORY

The long-time owner of this house, built in 1909, was the William E. Milner family. Originally built as part of an upscale suburban neighbourhood, the property eventually became adjacent to commercial lands as Winnipeg's downtown migrated westward. Thus, in 1959, William Milner entered into an agreement with his corporate neighbour, the Great West Life Assurance Company, to purchase his property upon condition that the Milner's could occupy the house for as long as needed. Upon the death of the last surviving family member in 1991, Great West Life took full possession of 51 Balmoral.

In June 1992 the Historical Buildings Committee (HBC) evaluated 51 Balmoral at the request of the owner to ascertain the heritage status. The house was deemed worthy of Grade III status, and consequently the owners delayed demolition/redevelopment, but did not pursue heritage designation. For a short time thereafter, the structure was leased out as housing for Great West life staff, but was soon deemed unfeasible in this capacity.

In 1994 Great West Life received approval to establish a conditional parking lot along the eastern side of Balmoral Street from Broadway to Mostyn Place. In preparation for this, the company acquired and demolished all remaining properties along this stretch, save 51 Balmoral, which could not be demolished due to its ambiguous heritage status. In order to resolve this, the 1992 Historical Buildings Committee recommendation to list the building as a Grade III heritage structure went forward. Records note strong objection to demolition by community members; as well as owner opposition to listing the building. Nonetheless, Council concurred with the HBC recommendation and 51 Balmoral Street was designated a Grade III building on the Buildings Conservation List under the terms of the Historical Buildings By-law No. 1474/77 (as amended) on August 9, 1995, prohibiting its demolition.

As a result, Great West Life constructed a segment of parking along Balmoral up to the newly designated heritage house, under an agreement that stipulated a green buffer front Balmoral, with surface parking behind extending to the existing Great West Life parking lots to the east. (*It is important to note this Conditional Approval expired in January 2002 and was not renewed by the applicant. Therefore, the existing parking north of 51 Balmoral exists without approval. See Appendix B - Unrealized Approval to Establish Surface Parking on the Site (1994.*)

At the same time, use of 51 Balmoral as a private dwelling, commercial space, etc. was examined, but a long-term use was never established as the owner deemed all options impractical and cost prohibitive. Relocation of the house by private citizens or organizations was also explored on numerous occasions, which was dubbed a last resort by Heritage authorities; but supported in hopes of maintaining a viable structure. Although the owner was amenable, none of these offers materialized due to cost. As a result the house has been primarily vacant since ca. 1991. A rear detached garage was demolished in 1999.

A 2011 engineering report states that while the vacant building continues to deteriorate, there do not appear to be new structural concerns. Ongoing issues are primarily cosmetic, including the roof, foundation movement due to lack of heating, disintegrating mortar joints, cracking plaster, etc. The building is currently under Order to be boarded under the Vacant and Derelict Buildings By-law No. 35/2004.

Presently, the owner wishes to have the property removed from the Buildings Conservation List to allow for its demolition and redevelopment as surface parking. This would be consistent with the existing (but currently unapproved) parking along Balmoral Street, featuring a green buffer along the front (eastern)

20’ of the property, and surface parking on the remaining rear (western) portion of the site. The curb cut south of 51 Balmoral onto Mostyn Place would be closed. All of this would require a rezoning as 51 Balmoral is currently zoned R2, Residential, for which parking is a non-permitted use.

In response to the request to delist, the Historical Buildings Committee re-evaluated the structure at its July 21, 2011 meeting to determine if any of the factors contributing to its designation had changed. The Committee may consider a building be delisted in extraordinary circumstances where it has been entirely or substantially destroyed, or is no longer of special architectural or historic interest. However, in this case, the long-time connection to the Milner Family as well as the architecture makes the house of particular importance. It is an excellent example of the Dutch Colonial style, and one of only a few remaining in the city. It also speaks of the establishment of Winnipeg’s early suburbs and is consistent with the dominant character of the street and continuity of the neighbourhood.

Finding that little had changed in terms of the heritage significance, the Historical Buildings Committee recommended that the house not be de-listed, but remain on the Buildings Conservation List as a Grade III structure.

It is also the opinion of the Department that the structure is maintained over replacing it with surface parking. As per Our Winnipeg, priority is to build upon the local heritage of mature neighbourhoods, including the sustainable reuse of existing building stock. It should also be noted that this location is well-serviced by multiple modes of transportation, and an anomaly within the downtown to have a surface parking lot accommodating an estimated 750 vehicles during business hours only. (*See Appendix C – Existing Surface Parking at Great West Life*)

FINANCIAL IMPACT

Financial Impact Statement Date: October 17, 2011

Project Name:

Application to delist and demolish the William Milner House, 51 Balmoral Street

COMMENTS:

The recommendation contained in this report is that Milner House, 51 Balmoral Street, not be removed from the Buildings Conservation List under the terms of the Historical Buildings By-law No. 1474/77 (as amended).

There are no financial implications associated with this recommendation.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:
City of Winnipeg Historical Buildings Committee

SUBMITTED BY

Department Planning, Property and Development
Division Planning and Land Use
Prepared by: Jennifer Hansell
Date: October 18, 2011
File No. O:\Reports Directive\Planning and Land Use\Heritage\2011 Reports\RIS 51 Balmoral, Milner House 2011.doc

Appendix A	History of Milner House, 51 Balmoral Street
Appendix B	Unrealized Approval to Establish Surface Parking at 51 Balmoral (1994)
Appendix C	Existing Surface Parking at Great West Life

APPENDIX A - HISTORY OF MILNER HOUSE, 51 BALMORAL STREET

The land surrounding and including 51 Balmoral Street was subdivided from a Hudson Bay Reserve acreage belonging to James Spence in 1903. The land, which encompassed Spence Street and the south side of Broadway and formed the south western edge of what is now downtown Winnipeg, was subsequently filled with large, single-family dwellings for wealthy families.

The original owner and builder of this house was George W. Ford, a contractor active in the local building trade from c.1906 to c.1915. He completed the house in 1909, but subsequently sold it to the family of William Edwin Milner, who occupied it for many years.

Born in Brampton, Ontario, Milner (1865-1942) served as mayor of his hometown for four years before moving west in 1907. He became director of the Maple Leaf Flour Mills Company and president of the Winnipeg Grain Exchange in 1916. He also served for eight years as president of the Traders' Building Association and in 1921 was appointed managing secretary of the Winnipeg Board of Trade. After Milner's death, his wife Charlotte retained ownership of their home until 1952 when title was transferred to one of their sons, barrister William H. Milner. He, in turn, sold the property to the neighbouring Great-West Life Assurance Company.

The 2½-storey Dutch Colonial Revival house follows a popular suburban cottage plan — one readily found in turn-of-the-century building catalogues. The style, characterized by distinctive gambrel roofs, flared eaves forming heavy overhangs, exterior chimneys, spacious verandas, and four distinct sides, had its origins in the residential architecture of 18th century Dutch colonies in the north eastern United States. Its revival began in the latter 1870s, concurrent with the return of Spanish, German and French colonial influences.

The Milner House has a rusticated stone foundation on concrete footings, a frame superstructure, and a New England gambrel roof broken by a 1½ -storey gable dormer on the south side and two shed dormers on the north. Red brick veneer covers the main floor, while upper levels are clad in shingles on the front (west) and rear elevations and by the roof on the side walls.

The front entrance is accessed through a long, gable-roofed porch, flanked at the building's southwest corner by a partially screened veranda with wooden balustrades and at the northwest corner by a two-storey, wrap-around bay window. Rusticated stone piers underlie the wooden columns of both the porch and veranda. Stone also extends up the wall of the home to the bay's first-floor sills.

The detailing extends to the windows, with a large bay window on the north façade of note, and a pair of projecting second-storey lights topped by a full entablature above the porch. Most windows are set in plain wooden surrounds; those on the main floor are underlined by rough-cut stone lug sills and radiating brick heads.

The Milner House has been a solitary figure since the 1970s when expansion of the nearby Great-West Life office-parking complex led to demolition of all other structures on the east side of Balmoral between Broadway and Mostyn Place. In contrast, the west side of the street has remained relatively intact; although some of its pre-World War I dwellings have been converted to boarding houses and other multiple-family uses.

APPENDIX B - Unrealized Approval to Establish Surface Parking at 51 Balmoral (1994)

The City of Winnipeg

CONDITIONAL USE ORDER

BOARD OF ADJUSTMENT

DCU 142/94C

APPLICANT:	The Great West Life Assurance Company 100 Osborne Street North Winnipeg, Manitoba R3C 3A5
PREMISES AFFECTED:	81 Balmoral Street, east side between Mostyn Place and Broadway
LEGAL DESCRIPTION:	Lots 3-13, Plan 726, Parcel 1, Plan 7829, Part Lot 84 St. James, hereinafter called "the land"
PROPERTY ZONED:	"R2-T"
ZONING ATLAS SHEET:	AA24 (MM)
NATURE OF APPLICATION:	For a Conditional Use under Zoning By-law No. 16502 to permit the maintenance of an off street parking area used in conjunction with an abutting commercial use (previously approved until August 31, 1994)

It is the opinion of the Board of Adjustment that subject to conditions listed below, if any, an off street parking area used in conjunction with an abutting commercial use meets the statutory criteria of the City of Winnipeg Act in that it:

(a) is compatible with the area,

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area; and

(c) complies with Plan Winnipeg and Zoning By-law No. 16502.

C.W. Act section 611(b)

ORDER:

The Board of Adjustment orders that an off street parking area used in conjunction with an abutting commercial use is APPROVED on "the land" subject to the following conditions which the Board of Adjustment considers necessary to ensure compliance with those statutory criteria:

1) that the existing landscaped buffer as shown on the plan attached hereto and identified as Exhibit 7 to DCU 142/94C, dated 1994.07.06, shall be maintained to the satisfaction of the Commissioner of Planning and Community Services;

2) that any parking permitted by this Order shall be limited to a depth of 20 feet only and located in accordance with the plan attached hereto and identified as Exhibit 7 to DCU 142/94C, dated 1994.07.06;

3) that this Order shall terminate January 1, 2002.

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

DATE OF ORDER: July 29, 1994 CERTIFIED BY:

H Tack
Helen Tack,
Acting Secretary of the Board.

HOW TO APPEAL

You may appeal against either the whole of this order or part(s) of it by filing a letter of appeal. This appeal will be heard by the Committee on Planning and Community Services. That letter must:

(a) be addressed as set out below,

(b) be received at that office not later than 4:30 p.m. on August 12, 1994, [IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Conditional Use Order No. DCU 142/94C, give brief reasons and describe whether you appeal the whole order or only part(s) of it.

You can attend the appeal hearing and speak on issues raised in someone else's appeal; but the appeal committee can only rule on issues raised in appeals filed. If you are not sure what others have appealed you should file your own appeal.

Address: City Clerk
City of Winnipeg
Council Building
Civic Centre
510 Main Street
Winnipeg, Manitoba
R3B 1B9
[FAX 947-3452 - please follow up
with the original of any faxed
letter of appeal]

THE FOLLOWING PERSONS MADE REPRESENTATIONS AND ARE ENTITLED TO APPEAL:

IN SUPPORT:

John McDowell, 306 Thom Avenue E., Winnipeg, Manitoba, R2C 3M6

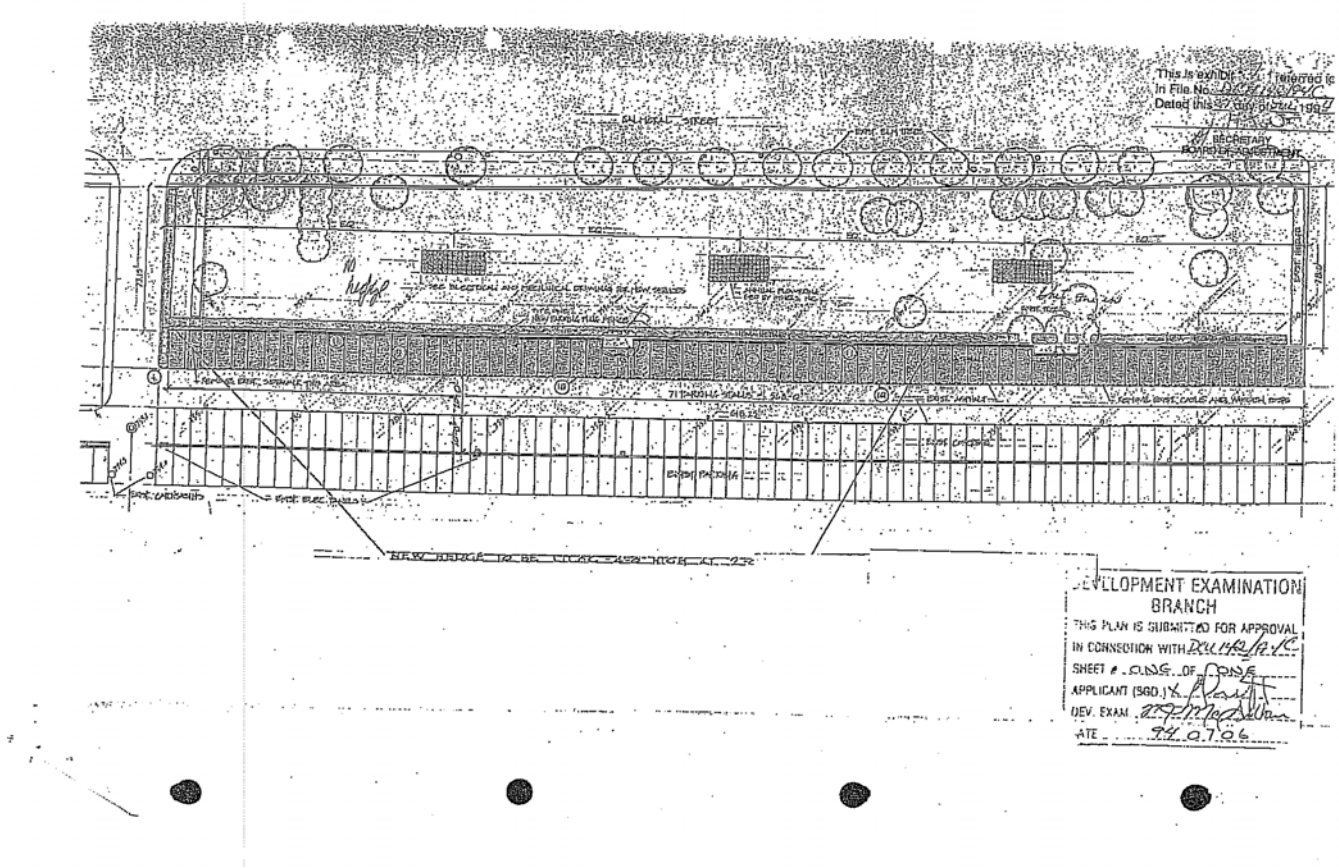
IN OPPOSITION:

D. Taylor, 21-33 Balmoral Street, Winnipeg, R3C 1X3
(D. Taylor also registered on behalf of Earth Corps, 222 Furby Street)
Shelby Mulligan, 98 Balmoral Street, Winnipeg, R3C 1X4

FOR INFORMATION:

Wanda Koop, 103 Spence Street, Winnipeg, R3C 1Y2
Andrea Philp, 32-30 Spence Street, Winnipeg, R3C 1Y1

APPENDIX B - Unrealized Approval to Establish Surface Parking at 51 Balmoral (1994) cont'd



APPENDIX C – Existing Surface Parking at Great West Life



THE Great-West Life ASSURANCE COMPANY

Great-West Life Centre
100 Osborne Street North
Winnipeg, Manitoba
R3C 3A6
(204) 946-1190

June 23, 2011

The City of Winnipeg
Main Floor, Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Attention: City Clerk

Dear Sirs:

Re: 51 Balmoral Street

We hereby request that the building located at 51 Balmoral Street, Winnipeg, Manitoba be removed from the Buildings Conservation List pursuant to The City of Winnipeg, Historical Buildings By-law No. 1474/77 for the purpose of demolishing said structure.

Yours truly,

The Great-West Life Assurance Company

Per:
Kimberly R. Mercury
Counsel

cc: Charles Chappell, Associate, Aikins, MacAulay & Thorvaldson LLP
Don Lecuyer, AVP Canadian Property Management & Services, Great-West Life
Neil McMillan, Senior Property Manager, Great-West Life

KRM/sma