

2014-89

Memorandum

TO: Mayor and Council **DATE:** March 19, 2014

FROM: Roy Thomassen
Director of Building and Planning

SUBJECT: Building Permit Referral for Property Requiring Covenant Approval
1630 York Place
Strata Lot 8, Section 69, Victoria District, Strata Plan 1752 together with
an interest in the common property in proportion to the unit entitlement of the
Strata Lot as shown on Form 1

Zoning RS-3, One Family Residential

Background

The owners have made a building permit application for an exterior change to the building; adding a stair to the north side of their dwelling from the second floor down to grade. Although the property is not on the Oak Bay Community Heritage Register, there is a *Section 215* Restrictive Covenant registered on title to the property. The covenant was registered as part of the Strata subdivision which occurred in 1989. The covenant states "that no alteration to any building on the Land shall be made unless and until the proposal to erect the same and proper plans, elevations, including details as to exterior finish, shall have first been submitted to and approved in writing by the Grantee". The Grantee referred to in the covenant is the Corporation of the District of Oak Bay.

Discussion

At the February 24, 2014 Council meeting the application was referred to the Heritage Commission for recommendation. The Heritage Commission reviewed the application at their March 11, 2014 meeting and made the following recommendation:

Motion -- "to recommend to Council the renovation proposal be approved as submitted."

See Heritage minutes included in this Council Agenda.

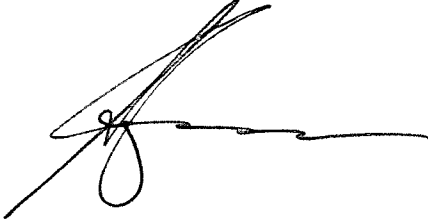
Options

1. That the plans for the proposed renovation, adding an exterior stair to the building located at 1630 York Place be approved as required by the registered covenant.
2. That the application to add an exterior stair be denied.

Recommendation

1. That the plans for the proposed renovation, adding an exterior stair to the building located at 1630 York Place be approved as required by the registered covenant.

Respectfully Submitted,



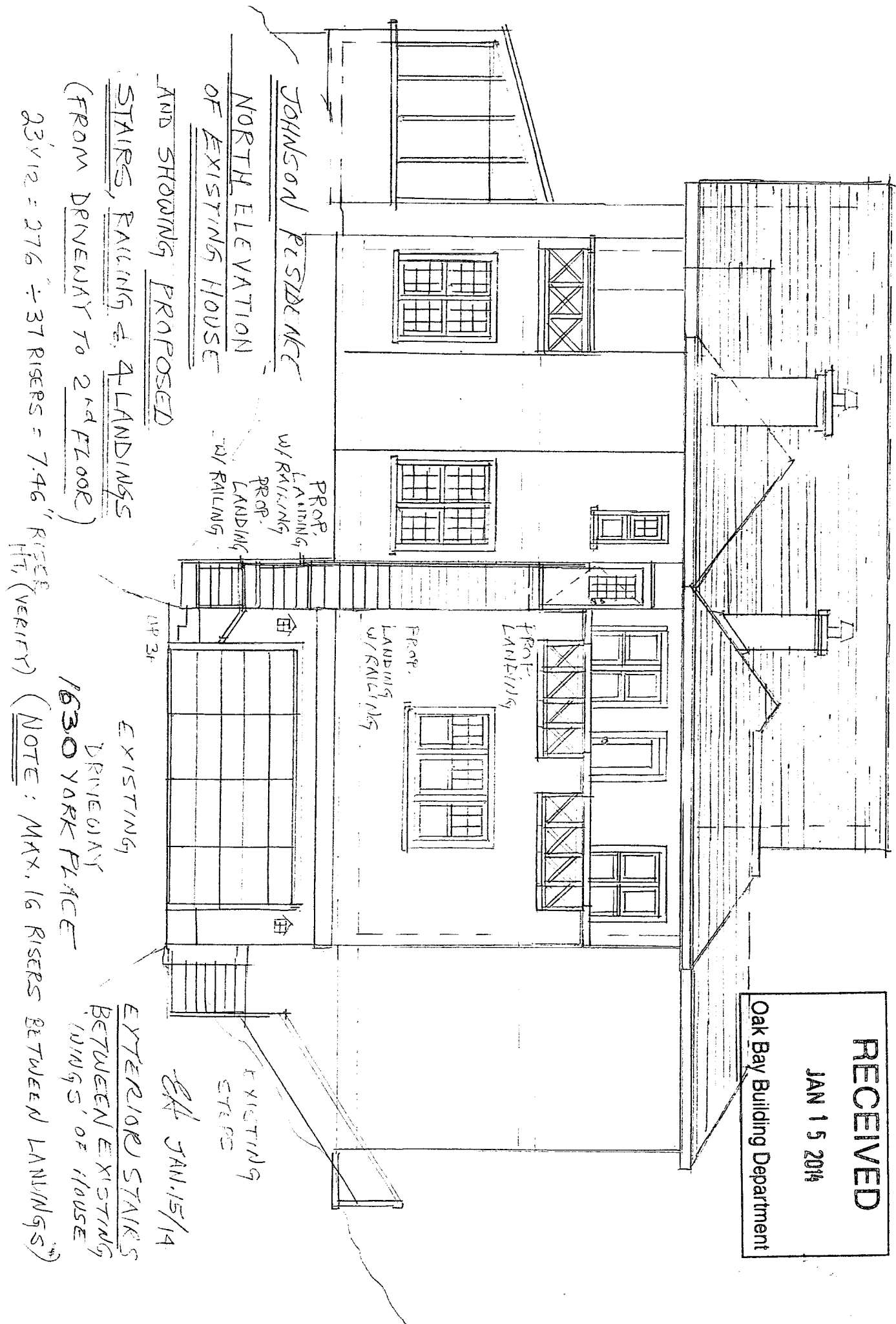
Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.



Helen Koning
Chief Administrative Officer

RECEIVED
JAN 15 2014
Oak Bay Building Department



JOHNSON RESIDENCE

NORTH ELEVATION
OF EXISTING HOUSE

AND SHOWING PROPOSED

STAIRS, RAILING & LANDINGS

(FROM DRIVEWAY TO 2ND FLOOR)

23' x 12 = 276 ÷ 37 RISERS = 7.46"

RISER
HT. (VERIFY)

(NOTE: MAX. 16 RISERS BETWEEN LANDINGS)

PROP.
LANDING
W/ RAILING

PROP.
LANDING

PROP.
LANDING
W/ RAILING

EXISTING
DRIVEWAY

1630 YORK PLACE

EA JAN. 15/14

EXISTING
STAIRS

EXTERNAL STAIRS
BETWEEN EXISTING
LANDINGS OF HOUSE

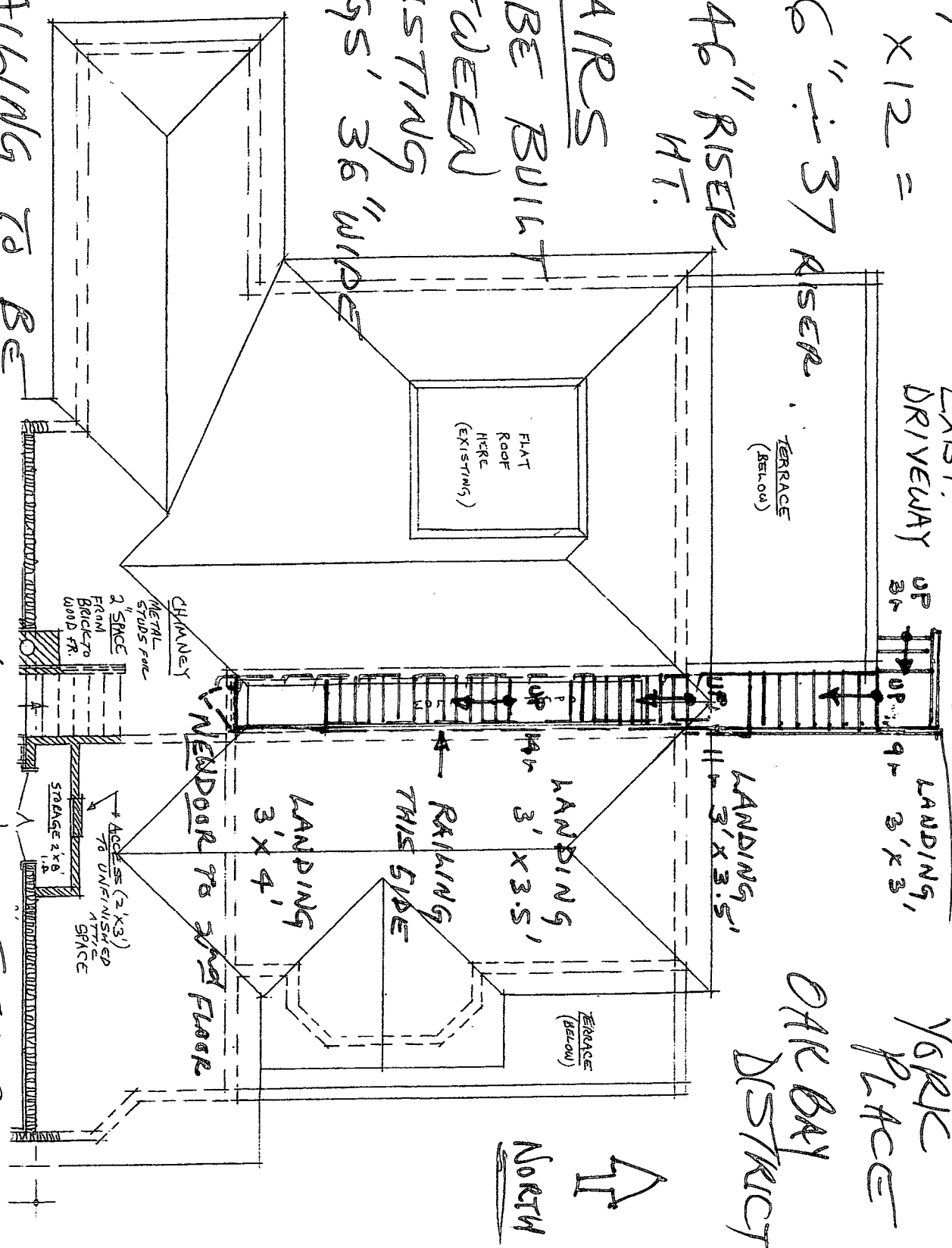
DRIVEWAY TO 2nd FLOOR JOHN SONS RESIDENCE 1630

23' x 12' =

276" ÷ 37 RISER =

7.46" RISER HT.

STAIRS TO BE BUILT BETWEEN EXISTING WINGS' 36" WIDE



RAILING TO BE CONTINUOUS PLAN VIEW OF STAIRS

PROPOSED JAN. 15/14

2014-90

Memorandum

TO: Mayor and Council **DATE:** March 19, 2014

FROM: Roy Thomassen
Director of Building and Planning

SUBJECT: Building Permit Application for Property on Oak Bay Community Heritage Register
2090 Byron Street
Lot 22, Block 3, Section 69, Victoria District, Plan 298

Background

A building permit application for an addition of a rear deck at 2090 Byron Street has been submitted. The exterior changes involve the following items:

1. Removal of existing aluminum window.
2. Install new door with window. (unknown material)
3. Addition of an 8ft x 16 ft new deck with glass guard rail.
4. Removal of existing stair and landing on the west side of the home.

Attached are reduced plans of the proposed renovations, and the Statement of Significance from the Oak Bay Community Heritage Register.

Discussion

Bylaw No. 4222 authorizes withholding of permits in respect of property included in the heritage register when the work would result in an alteration to the exterior of a building. The proposed renovations involve exterior changes as described above.

It should be noted that the property assessment in 1971 clearly shows that the rear portion of the building was an open porch with approximately 6ft by 6 ft enclosed porch area on the east side. At some time after 1971 the rear porch has been enclosed without building permits.

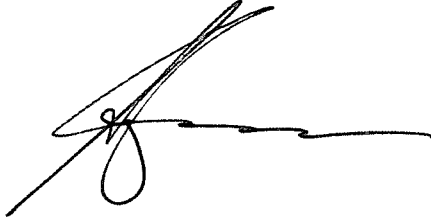
Options

1. That the building and land located at 2090 Byron Street be subject to a temporary protection order in accordance with *Section 962* of the *Local Government Act* for a period of 60 days, and that the plans for the proposed renovations be referred to the Heritage Commission for a recommendation to Council.
2. That the report of the Director of Building and Planning dated March 19, 2014 with respect to the building permit application for 2090 Byron Street, which is included on the Oak Bay Community Heritage Register, be received. By making this motion and not placing a 60 day temporary protection order, Council will be accepting the proposed exterior changes including additional windows and doors, and new deck.

Recommendation

1. That the building and land located at 2090 Byron Street be subject to a temporary protection order in accordance with *Section 962* of the *Local Government Act* for a period of 60 days, and that the plans for the proposed renovations be referred to the Heritage Commission for a recommendation to Council.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Roy Thomassen', written over a horizontal line.

Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.



Helen Koning
Chief Administrative Officer



2090 Byron Street

Oak Bay Community Heritage Register

2090 Byron Street

Unique FPT Identifier

Other names Gilbert House, Frederck William Gilbert House

LOCATION

Jurisdiction	BC		
Street #	2090	Street	Byron Street
Community	Oak Bay	Province	BC
Locality	Poets Area		
District	Capital Regional District		
Sub-District			
Economic Region			
Cadastral Identifier	PID: 009-169-954		
Coordinates	Type	Datum	Zone
	Latitude	NAD83	10
		Longitude	

DESCRIPTION

Description The property at 2090 Byron Street consists of a two-storey Queen Anne style house and shed located in the Poets Corner neighbourhood.

Description of boundaries The property at 2090 Byron Street is comprised of one building and grounds (LOT 22, BLOCK 3, SECTION 69, VICTORIA DISTRICT, PLAN 298)

Area n/a square metres

Heritage value This house is an important part of the social development and architectural history of Oak Bay. One of the ten oldest structures in the District, this house was built in 1893 for Mr. Frederick William Gilbert and his wife Mrs. Jane Gilbert. It is an example of a home built for one of Victoria's working class families. Gilbert's occupation was listed as a sealer and later as a 'master mariner.'

Its value also lies in its location within one of Oak Bay's earliest residential developments. Part of a cluster of working class homes stimulated by the City of Victoria's suburban expansion in the 1890s, this house is located in the Poets Corner neighbourhood, on the border between Oak Bay and Victoria. The construction of working class houses in this area during the 1890s – mostly on affordable property – was also in response to the extension of the Tramway Company's streetcar line from Victoria to Oak Bay.

This home is historically as well as architecturally important to the community, as one of two Queen Anne homes on Byron Street, built before the 1906 incorporation of the District of Oak Bay.

Character-Defining elements

- The close proximity of the house to 2086 Byron Street.
- Queen Anne style typified by the tall and asymmetrical façade, the dominant front facing gable, and the porch with its columns placed at the front facing corner with two doors.
- Cross-gable dormer and front projecting bay window with a front dormer.
- Drop siding with shingles at its gable end.
- Authentic (historic) interior detailing, such as the fir flooring, staircase, original tile work around the fireplace with the cast iron inserts and one original fireplace mantel in the Dining Room.
- Intact fir detailing, woodwork and windows.
- Mature trees, such as the Yew tree.

Oak Bay Community Heritage Register

2090 Byron Street

Functional Type

Type	Category	Era
Single Dwelling	Residence	Primary Current
Single Dwelling	Residence	Primary Historic

Associated event, person, organization, architect or builder

Person	Association
Mr. Frederick William Gilbert	Person
Mrs. Jane Gilbert	Person

Contributing Resources

#	Type
1	Building
1	Landscape Feature

Associated dates

Type	From	To
Construction	1893	1893

FORMAL RECOGNITION

Statute	Enactment	Date
Local Government Act, s.954	Resolution of Council	2004-03-08

DOCUMENTATION/ADMINISTRATION

Supporting docs	The Corporation of the District of Oak Bay.		
Owner Response	Consent		
Provincial Registrar	Neil Wilton		
Author	Liberty Walton	Date modified	08-Apr-04

2090 BYRON STREET



Remove
existing
stairs

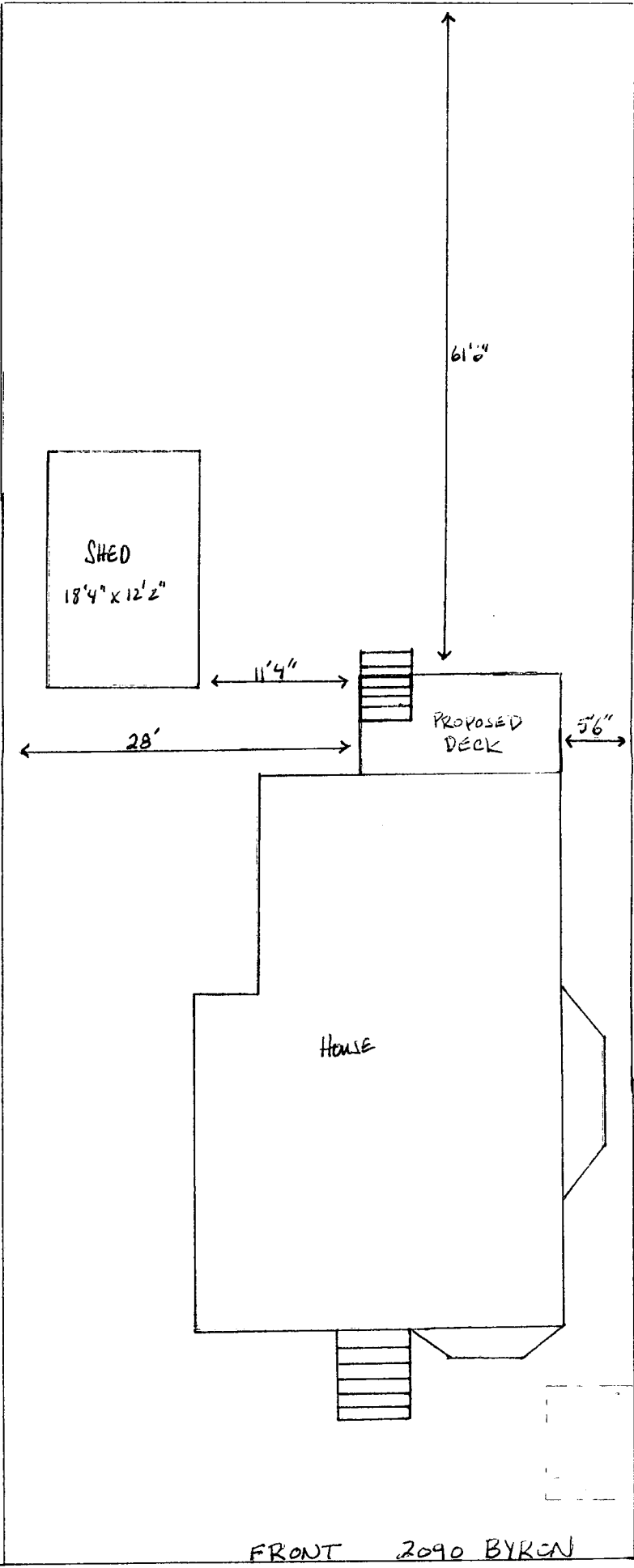
Add: Door (within existing
window opening) onto
8' x 16' deck

See attached Plans

RECEIVED

FEB 17 2014

Oak Bay Building Department



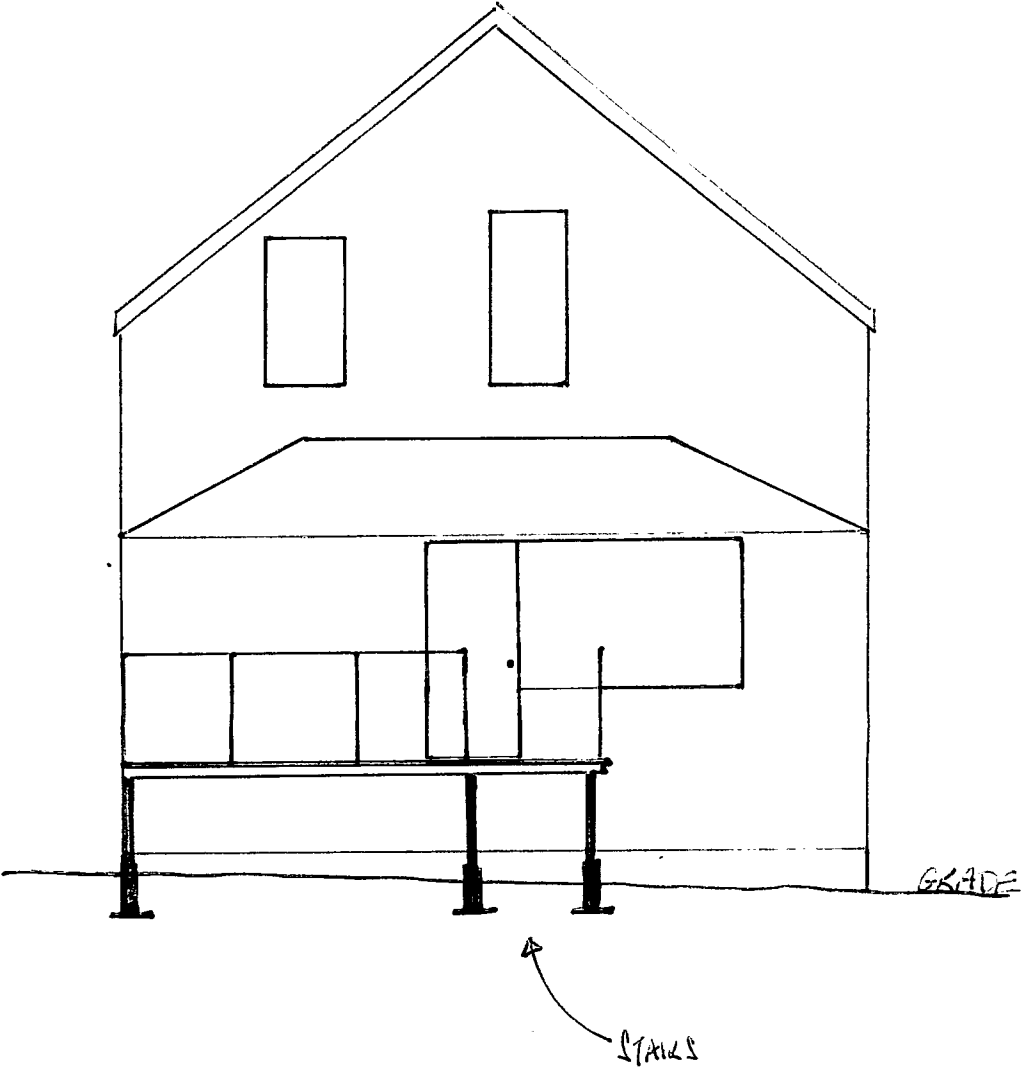
LOT SIZE: 125' x 50'
 = 6,250 sq. ft.

FOOTPRINT:
 House + PROPOSED DECK
 = 1,396 sq. ft.

SCALE: 1/8" = 1'

FRONT 2090 BYRON

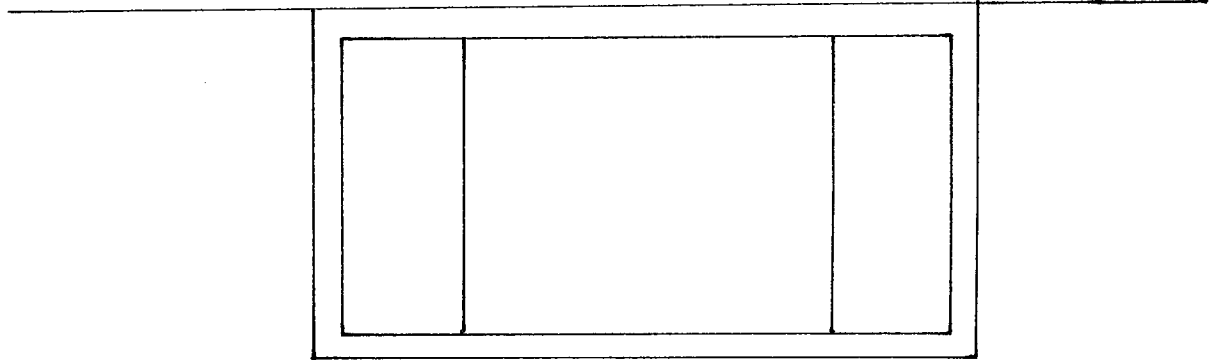
2090 SYLVAN



SCALE: 1/4" = 1'

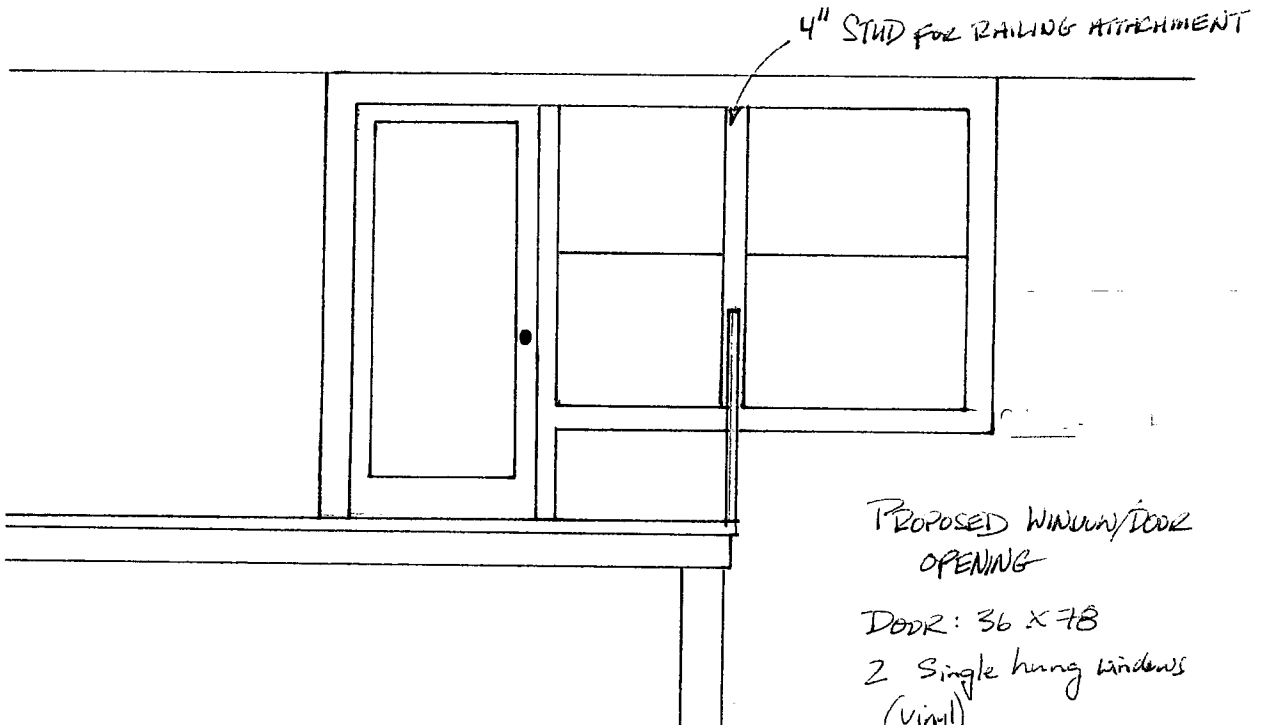


2090 BYRON ST.



EXISTING WINDOW OPENING
118" X 58"
ALUMINUM FRAME

SCALE
 $\frac{1}{2}'' = 1'$



2014-91

Memorandum

TO: Mayor and Council **DATE:** March 19, 2014

FROM: Roy Thomassen
Director of Building and Planning

SUBJECT: 1512 Beach Drive, Heritage Alteration Permit
Lot 25, Section 69, Victoria District, Plan 396

Background

On December 16, 1976 Council adopted and passed Bylaw No. 3177 which is a Bylaw to designate 1512 Beach Drive as a protected municipal heritage site. This Bylaw designates the land together with the residential building (Stenner House) constructed circa 1898 pursuant to Section 967 of the *Local Government Act*.

The owner has submitted a proposal to remove the dormer window and install exterior doors, creating a balcony deck off the master bedroom by cutting into the porch roof area, as shown on the attached plans. Attached for information is the Statement of Significance and the Heritage Designation Bylaw No. 3177.

Discussion

In accordance with Section 972 of the *Local Government Act* a Heritage Alteration Permit is required to make alteration to the designated heritage building. The proposal is to create a deck off the master bedroom dormer.

With all Heritage Alterations Permits, Section 973 of the *Local Government Act* permits the local government to include conditions as part of the heritage alteration permit as follows:

- a) Conditions respecting the sequence and timing of construction;
- b) Conditions respecting the character of the alteration or action to be authorized, including landscaping and the siting, form, exterior design and finish of buildings and structures;
- c) that the applicant provides a specified amount of security, in a form satisfactory to the local government, to guarantee the performance of the terms, requirements and conditions of the permit.

For this proposal at this time I am not recommending any conditions to be attached to the Heritage Alteration Permit; however after the Heritage Commission review, conditions may be recommended.

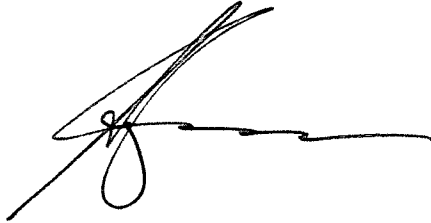
Options

1. That Council refer this application to the Heritage Commission for recommendation.
2. That the application for a Heritage Alteration Permit of the above residence be denied.
3. That Council approve the Heritage Alteration Permit as shown on the attached plans.

Recommendation

That Council refer this application to the Heritage Commission for recommendation.

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

I concur with the recommendation of the Director of Building and Planning.



Helen Koning
Chief Administrative Officer

THE CORPORATION OF THE DISTRICT OF OAK BAY

BY-LAW NO. 3177

A By-law to designate a certain building and land as a heritage building and land

WHEREAS the Municipal Council of The Corporation of the District of Oak Bay is empowered under Section 714A of the Municipal Act, R.S.B.C. 1960, subject to the approval of the Lieutenant-Governor in Council, to designate any buildings, structures, or lands, in whole or in part, as heritage buildings, structures, or lands for the purpose of preserving evidences of the municipality's history, culture, and heritage for the education and enjoyment of present and future generations;

AND WHEREAS the Council is desirous of so designating "The Stenner House" and the land on which it now stands at 1512 Beach Drive, the plans for the said house having been drawn in 1898;

NOW THEREFORE the Municipal Council of The Corporation of the District of Oak Bay (hereinafter called "the Corporation"), in open meeting assembled, enacts as follows:

- 1 The Corporation shall designate as a Heritage Building and Land those certain lands and the building thereon, situate within the District of Oak Bay in the Province of British Columbia and more particularly known as:
Lot 25,
Section 69, Victoria District,
Plan 396
(1512 Beach Drive)
- 2 This By-law may be cited as the "Heritage Building and Land Designation By-law, 1976".

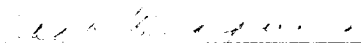
READ a first, second and third time by the Municipal Council on OCT - 7 1976

APPROVED by the Lieutenant-Governor in Council on DEC - 7

RECONSIDERED, ADOPTED AND FINALLY PASSED by the Municipal Council on DEC 16 1976

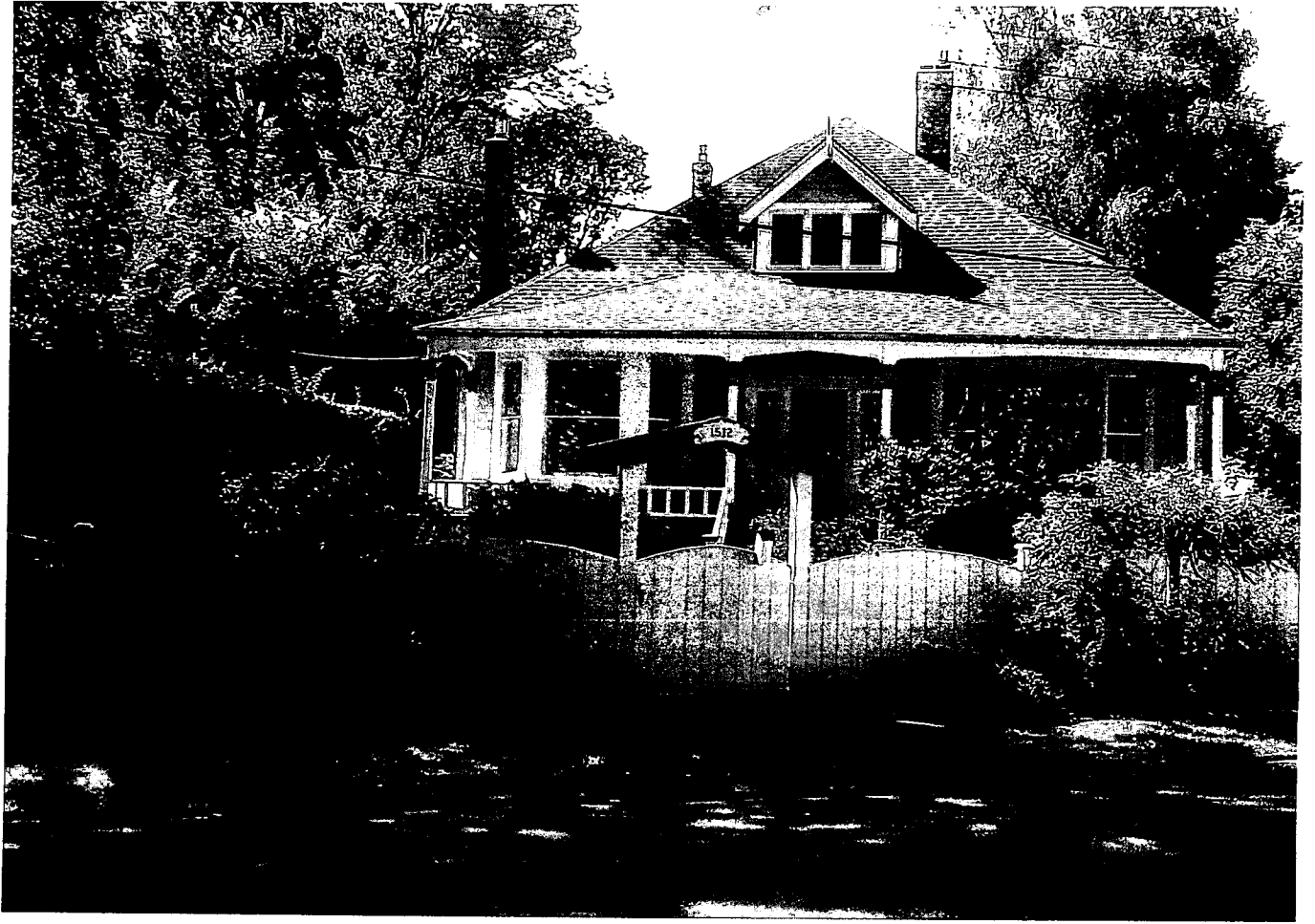


Mayor



Municipal Clerk

Sealed with the Seal
of The Corporation of the
District of Oak Bay



**1512 Beach Dr
(Sandhurst)**

BC Register of Historic Places (Full Record)

Common Name: 1512 Beach Drive

Unique Provincial ID

Other Name

Arthur E and Matilda Haynes Home
Sandhurst

LOCATION

Address #	Street	Community	Locality	PID#
1512	Beach Drive	Oak Bay	Oak Bay Beach	000 414 174

Location Description Lot 25 Block 69 Victoria District Plan 396

Latitude 0 **Longitude** 0

DESCRIPTION

Description Sandhurst is a 1 1/2 story Victorian Cottage with steep pitched, hipped roofline with a gabled dormer over the central entrance and open front veranda. It is characterized by its unusual exterior cladding of dropped siding and batten configuration.

Heritage Value

The Haynes home - known as Sandhurst - was built in 1898 and is important for its association with the development, social, business and political history of Oak Bay. Arthur E Haynes was born in Victoria in 1872 and was an accountant for E. Crow-Baker when he built Sandhurst. By 1910 he was manager of BA Trust and subsequently partnered in several Victoria financial firms before establishing AE Haynes Real Estate in 1926. He was a signator to the petition for municipal incorporation (July 2, 1906) and a member of the 1906 inaugural Oak Bay Council.

Sandhurst is historically important as part of the pre-incorporation development of Oak Bay - dating from 1898. The home was part of the 15 acre subdivision designed in 1898 by Francis Rattenbury in partnership with John Gerard Tiarks. The property is important as part of Oak Bay's first planned subdivision - located at Oak Bay Beach - and is a rare example of urban planning by Francis Rattenbury.

Sandhurst is a fine example of the work of architect John G. Tiarks and is a rare and excellent example of pre-20th century Victorian Cottage style architecture extant in Oak Bay. It is one of 20 (out of 250 existing in 1906) pre-20th century homes surviving in Oak Bay and it remains as only one of two of the many "summer cottages" (see "Windsor Cottage" 1256 Beach) that were built along Oak Bay Beach at the turn of the 20th century.

The Haynes family home is important for its association with the early social history of Oak Bay. Neighbours included the Maclure, Rattenbury, Phipps, JD Helmken, Goward, Goodacre, Schwengers, Virtue, Peters and Tupper families. Many of the early homes were built as summer homes for well-off Victoria businessmen who were attracted to the rural atmosphere and recreational potential of early Oak Bay, and who were involved in the early development history of Oak Bay.

The Haynes home is valued as a landmark property, notable for its picturesque aesthetic design elements of proportion, mass and scale.

Character-Defining Elements

Key elements that define the heritage character of 1512 Beach Drive include:

- The landmark location on the waterfront drive, with orientation toward views across Oak Bay
- The steep pitched, hipped roofline with front gabled and rear shed dormers
- The central gable with fish tail shingles
- The steel braces on tall brick chimneys
- The unusual wooden cladding configuration consisting of dropped siding topped with vertical battens
- The covered front veranda with original wood railings, posts and flooring

BC Register of Historic Places (Full Record)

Common Name: 1512 Beach Drive

- The angled bay windows
- The original and authentic wood sash windows
- The triple light front entry with wooden door
- The areas of original floor plan configuration and retention of original building footprint
- The original interior woodwork in entrance hall, including paneled walls, coffered ceiling, double arched bearing beam, curved stair railing and stair risers, baseboards and ceiling moldings
- The original and authentic fir flooring
- The mature apple and plum trees in back garden
- The restored garage (1947) with authentic cladding pattern detail
- The original basement stairwell

Documentation Location Oak Bay Municipal Hall Building Department, Oak Bay Archives,

OTHER INFORMATION

Function		Contributing Resources		
Type	Era	#	Type	
Single Dwelling	Historic	2	Landscape(s) or Landscape Feature(s)	
Single Dwelling	Current	1	Building	

Themes		Category of Property
Theme	Category	
Settlement	Peopling the Land	Private

Architect/Builder		Associated Dates		
Name	Association	Type	From	To
Francis Rattenbury	Architect / Desig	Construction	1898	1899
Arthur E Haynes	Builder	Construction	1908	
Tiarks, John Gerard	Architect / Desig	Construction	1941	
		Construction	1947	

FORMAL RECOGNITION

Recognition Type	Reference #	Recognition Date
Heritage Designation	Bylaw #3177	16/12/1974
Community Heritage Register	Resolution of Council	14/05/2012

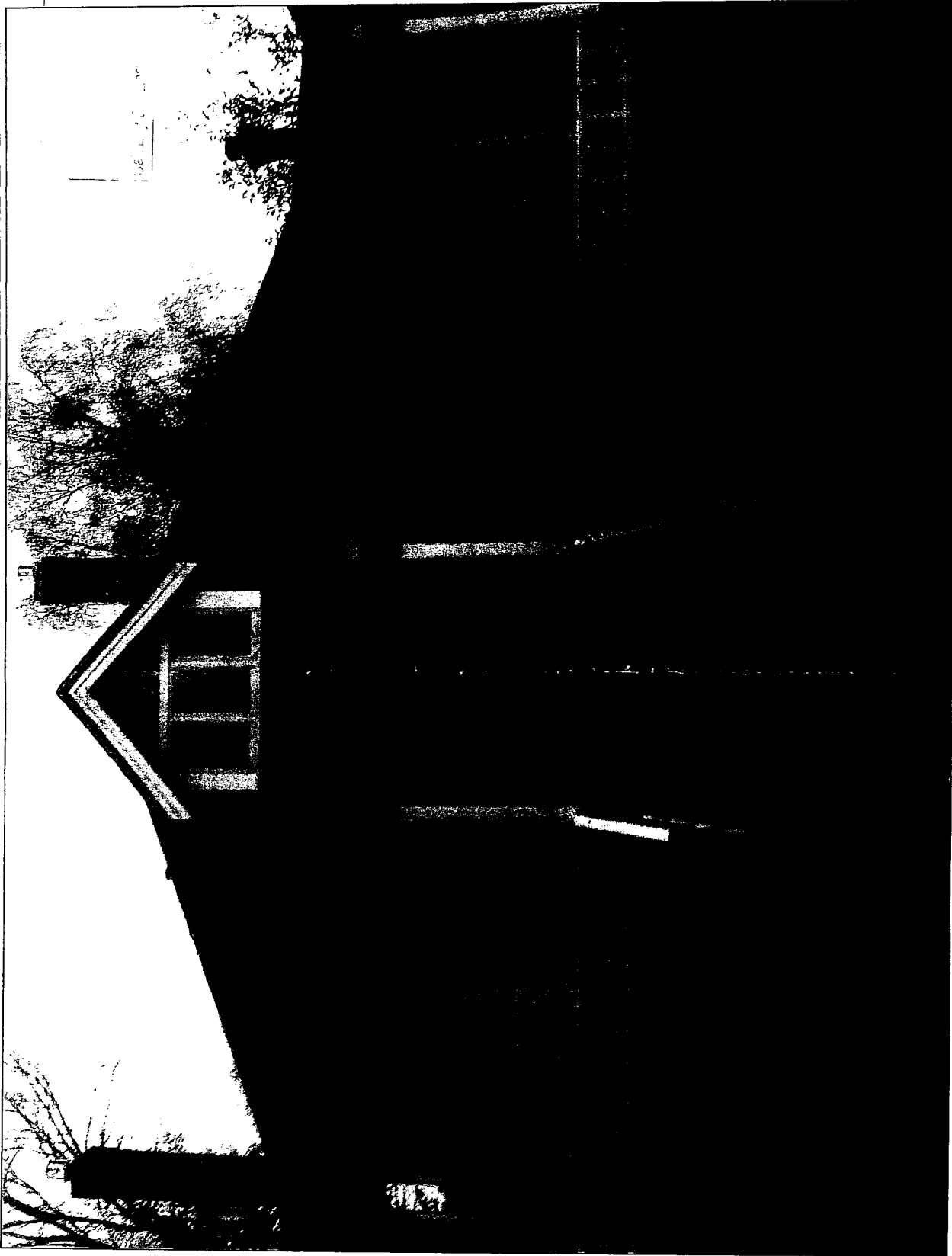
IMAGES

LINKS

COMMENTS and INFORMATION (not used by registrar)

Haynes Park, located across Beach Drive from Sandhurst, is named after the Haynes family. Two homes were built on this property and demolished for the park. One built by Stanley Phipps in 1898 and a smaller house was built on stilts over the water. The concret foundation remains as a lookout.

Author: J Sparks,J Anders Date Modified: 5/29/2012 12:20:00 PM



Anthem Development

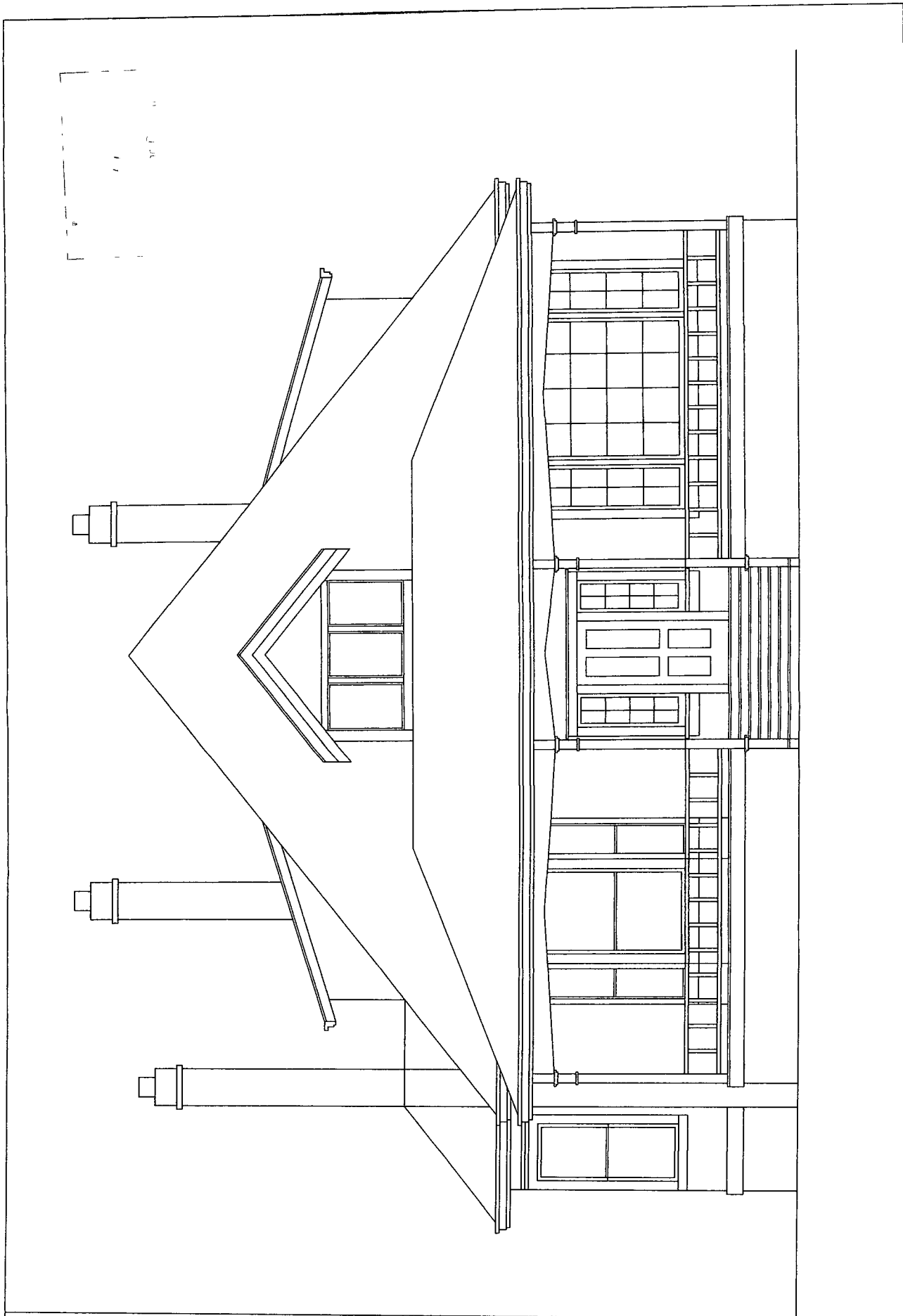
Saanichton, B.C. V8M 1S6
Tel: 250-883-2000

Drawn by:
John Vincent

Date:
April, 2014

Haynes House

Existing Photo
Scale: 1/4" = 1'-0"



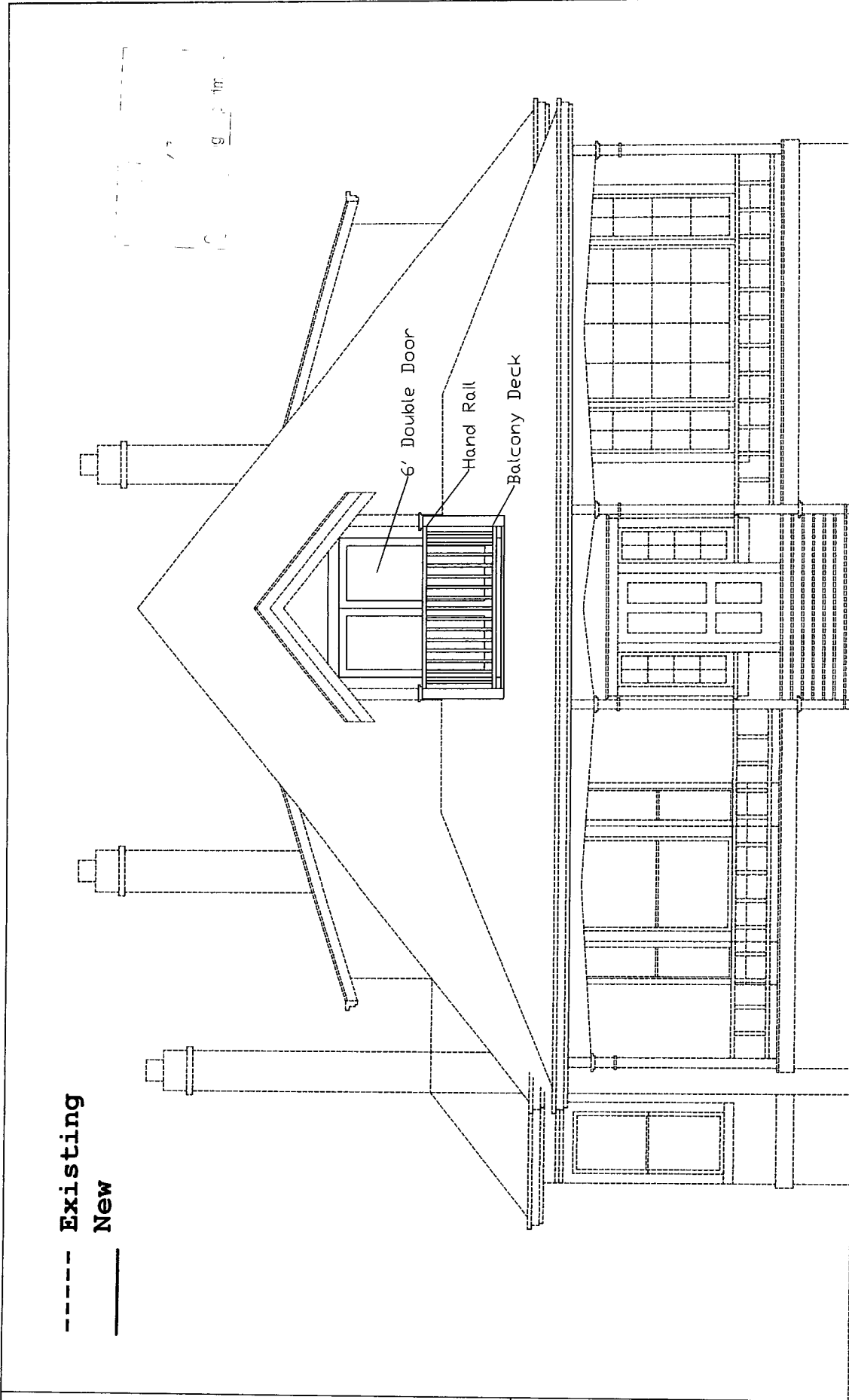
Anthem Development
Saanichton, B.C. V8M 1S6
Tel: 250-883-2000

Drawn by:
John Vincent

Date:
April, 2014

Haynes House

East Elev. - Existing
Scale: 1/4" = 1'-0"



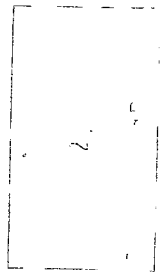
Anthem Development
 Saanichton, B.C. V8M 1S6
 Tel: 250-883-2000

Drawn by:
 John Vincent

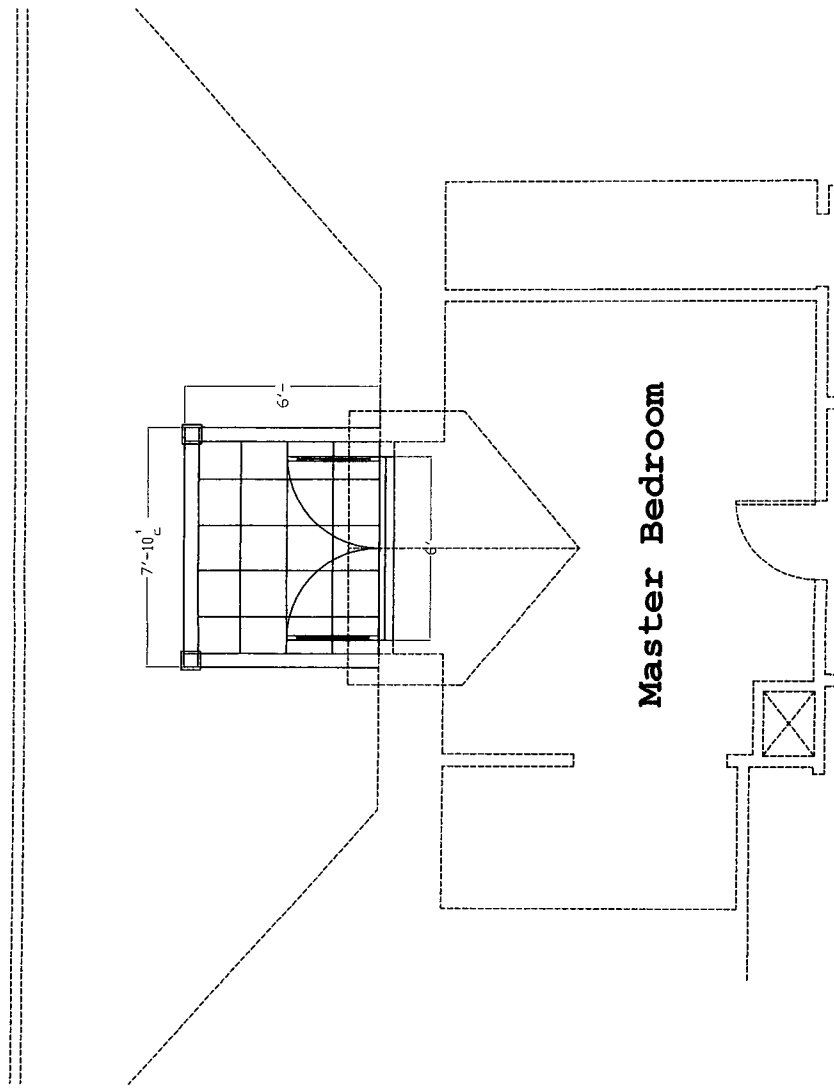
Date:
 April, 2014

MBR Balcony

Modifications
 Scale: 1/4" = 1'-0"



----- Existing
_____ New



Anthem Development
Saanichton, B.C. V8M 1S6
Tel: 250-883-2000

Drawn by:
John Vincent

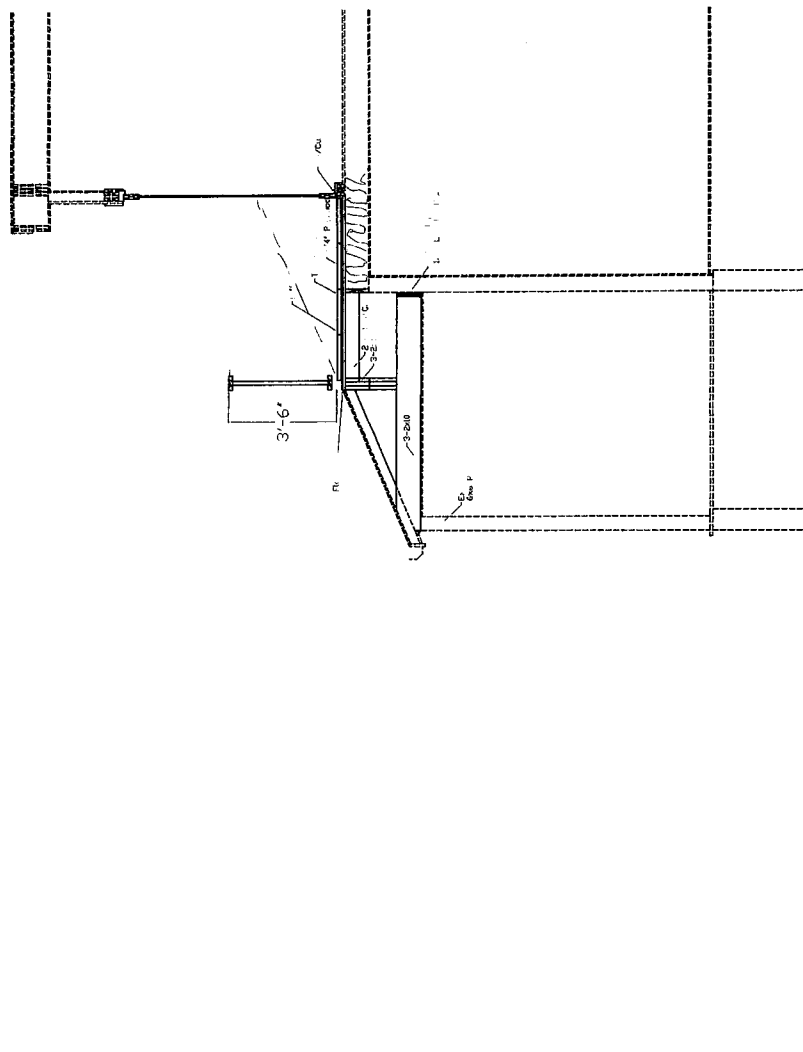
Date:
April, 2014

MBR Balcony

Section Details
Scale: 1/4" = 1'-0"

27

--- Existing
 ——— New



Anthem Development
 Saanichton, B.C. V8M 1S6
 Tel: 250-883-2000

Drawn by:
 John Vincent

Date:
 April, 2014

MBR Balcony

Section Details
 Scale: 1/4" = 1'-0"

2014-92

TO: Mayor and Council

FROM: Director of Engineering Services

DATE: March 17, 2014

**RE: Proposed Longboarding Prohibition - Henderson Road Between
Lansdowne Road and Middowne Road**

BACKGROUND:

At the March 11, 2014 Council meeting, an amendment to the Streets and Traffic Bylaw to include additional streets where skateboarding/longboarding is prohibited was considered. Henderson Road between Lansdowne Road to Middowne Road was one of those streets. Following discussion on the inclusion of this portion of Henderson Road, staff was requested to review the inclusion of this street within the list of streets where longboarding would be prohibited, and provide further information in this regard.

DISCUSSION:

The criteria on which to include or exclude a road segment in respect to longboarding prohibitions appear to be somewhat subjective. Engineering staff has contacted many jurisdictions locally and in the lower mainland in regard to how they address bylaws regulating long boarding activity. Applications are varied and there appears to be no 'best' approach. The following is a series of treatments, outcomes and local conditions that are relevant to the discussion:

- The installation of signs prohibiting longboarding on Henderson Road may deter boarders that use the street.
- Consideration of signs prohibiting longboarding could be placed on streets over a certain grade or slope. On steeper inclines, boarders are more likely to lose control and compromise the safety of pedestrians or other vehicles in the vicinity.
- A complete prohibition (and signing) of longboarding will potentially increase the profile of longboarding in Oak Bay and therefore enforcement. However, Victoria and the North Shore Police, for example, prefer issuing warnings over ticketing in an effort to educate.
- With parking permitted on either side of this section of Henderson Road, the usable surface for boarding may be reduced thus prompting boarders to coast faster on a straighter path as opposed to winding back and forth over the road centerline as a means to slow down. This could create situations where boarders lose control of their boards from excessive speed resulting in the potential for injury or damage.
- Bylaw officers in West Vancouver are documenting longboarding complaints. Where and when incidences occur is recorded and a future course of action will be determined based on the number of incidences recorded.

- The letter received in February 2014 in favour of prohibiting long boarding on the noted portion of Henderson Road was not from a local resident but from a commuter cyclist. Complaints from Barkley Terrace, Denison Road and Sylvan Lane were initiated by residents in the area just as in North Vancouver where longboarding prohibitions on sections of roads are the result of concerns raised by residents feeling their safety was compromised when backing their vehicles out of their driveways.

Homeowners who have a vested interest in safety on roads in front of their property are more likely to deter boarders by directly communicating their concerns to them or by notifying authorities when infractions are observed. No complaints from residents on Henderson Road have been received, therefore, longboarding may not be significant to them.

In addition, placing signs on Henderson Road without any action being initiated by area residents may result in those living on similar streets in the vicinity (such as Larkdowne Road, Westdowne Road, Oakdowne Road or even Eastdowne Road) also requesting signage and regulations for their streets. Erecting signs prohibiting longboarding on one street may create a larger, more problematic issue than that for which the signs were initially intended. It is also possible that placing signs on Henderson Road will move boarders over to these adjacent streets on the "Lansdowne Slope".

- As opposed to the busy Foul Bay Road and Lansdowne Road intersection, Henderson Road at Lansdowne Road is a quieter intersection with Henderson Road being an alternate north/south route linking areas in south Oak Bay to UVIC or to Saanich located at the north end of Oak Bay Municipality. Unlike Henderson Road, roads such as Larkdowne Road, Westdowne Road, and Oakdowne Road on the Lansdowne Road slopes, do not connect directly to the University of Victoria or to the lower portion of the Lansdowne Road slopes therefore efficiency of travel is somewhat reduced. Henderson's more direct route could be more appealing to cyclists and boarders alike. The section of Henderson Road between Lansdowne Road and Middowne Road is about 7.2 meters wide with gentle curves and posted 1 hour parking on either side of the street. Upon a 9:30 am site visit, there were only two cars parked along the road. Additional site visits to Larkdowne Road, Westdowne Road and Oakdowne Road confirmed a fair comparison to Henderson Road in roadway width and parking. In summary, if Henderson Road had signs prohibiting longboarding, residents on adjacent streets may draw on the similarities of their street with Henderson Road and request signs and regulations to prohibit longboarding.

It is obvious from the Engineering staff's assessment of the situation that there is no best approach to this issue so any decision could be somewhat subjective.

OPTIONS:

Inasmuch as the proposed prohibitions for longboarding on various streets must be implemented by bylaw, a formal decision in respect to what to include in the Streets and Traffic Bylaw amendment will need to be made later on in the agenda under the Bylaws section, with third reading being given to the agreed to bylaw wording.

Council's options are:

1. That removal of the portion of Henderson Road between Lansdowne and Middowne Road from the Streets and Traffic Bylaw amendment appearing later on the agenda be approved in principal, and further, that staff be directed to maintain a database of longboarding incidents and assess further appropriate action at a future date.
2. That retention of the portion of Henderson Road between Lansdowne and Middowne Road in the Streets and Traffic Bylaw amendment appearing later on the agenda be approved in principal, and further, that staff be directed to maintain a database of longboarding incidents and assess further appropriate action at a future date.

RECOMMENDATION:


1. That removal of the portion of Henderson Road between Lansdowne and Middowne Road from the Streets and Traffic Bylaw amendment appearing later on the agenda be approved in principal, and further, that staff be directed to maintain a database of longboarding incidents and assess further appropriate action at a future date.

Respectfully Submitted,



D. Marshall B.Sc., A.Sc.T.
Director of Engineering Services

I concur with the recommendation of the Director of Engineering Services.



Helen Koning
Chief Administrative Officer