

January 3, 1996

Memo to: Chairman and Members, Heritage Advisory Committee

From: Steve Barber, Heritage Planner

Re: **648 Battery Street** - Heritage Alteration Permit #3065. Battery Street Heritage Conservation Area #14. Proposed Addition to a Heritage Registry building. Zoned R-2 Two Family Dwelling District. Application of Finola Fogarty on behalf of Mr. David Harris and Ms. M. Claude-Pierre (tabled on December 10, 1996.)

1.0 Summary

This application was tabled at the Heritage Advisory Committee meeting of December 10, 1996 pending clarification of the process for the Heritage Advisory Committee for considering applications involving variances. The application had been previously tabled at the Heritage Advisory Committee on August 13, 1996.

The application is for a one storey addition and wood decks at the rear of the Heritage Registry house at 648 Battery Street. Whereas, the house is located in a Heritage Conservation Area, City Council approval is required for all exterior alterations. The addition was constructed without a building permit and therefore is already completed. The design of the addition is in conformance with the City of Victoria's adopted Rehabilitation Principles and Guidelines and it is therefore recommended the application be approved. A variance is required for sideyard setbacks for the deck.

For Development Permits (in this case, a Heritage Alteration Permit) (with relaxations) in residential neighbourhoods, Council requires a hearing with notice 10 days prior to the meeting by means of a sign posted on the property. Notice is also given to the appropriate community associations. At the hearing, Council receives both written and verbal presentations by any interested party.

532-534 Fisgard

MOVED

SECONDED

That pursuant to Heritage Designation Bylaw No. 133, City Council amend the approval of Development Permit #3042 in accordance with:

1. Painting of exterior brick work being allowed on the Fisgard and Herald Street elevations, but all existing painted historic signage be preserved in its existing condition.
2. East and west elevation brick work not being painted.

CARRIED

Michael Burr returned to the meeting. Mr. Lai did not return.

Owner request for Heritage Designation - 624 Belton Street. Owner request to designate a single family dwelling. Zoned R1-B Single Family Dwelling District.
For recommendation to Council.

This is an owner request to designate a single family dwelling in Vic West. The house was previously considered for heritage designation in 1991 but was not proceeded with at that time.

The house at 624 Belton Avenue was built in 1905 and was originally owned by George Sutton, a teamster. Records indicate that John B. Tolpurr owned the house in 1912 but his occupation is unknown. In 1913 the house changed hands to Paul Pollock and again in 1914 to William Taylor.

The house is a simple Victorian structure which is close to the Pine Street cluster of heritage homes in Vic West identified in This Old House. It features a relatively simple plan, punctuated by a cross axial projecting bay with gable roof on the west elevation. The roof is a simple pyramid hip roof with dormers on the south and east side. The house is finished with horizontal drop wood siding with corner trim boards and wood shingles below the water table.

648 Battery Street - Heritage Alteration Permit Application #3065. Battery Street Heritage Conservation Area #14. Addition to a Heritage Registry building. Zoned R-2 Two Family Dwelling District. Application of Finola Fogarty, Architect, on behalf of Mr. David Harris and Ms. Claude-Pierre. (Tabled on December 10/96).

Finola Fogarty was present.

Councillor Madoff and Nick Bawlf were excused from the discussion.

Al Fry commented that the drawings did not reflect the photos and there was a discrepancy between the railings and design.

Melinda Seyler also had problems with the drawings. Does this proposal include the deck in front of the door on the east elevation? She was not clear as to what the application included and asked Ms. Fogarty to outline the area the committee was to consider.

Joan Wagner noted an ambivalence about the project because although the deck is overscaled from a design point of view, it is private and not public.

Daphne Van Ham remarked there was disregard for the heritage potential of the house; i.e., the railings don't match, no staining has been done, and overall lack of care is unfortunate, as well the work was done without a permit.

Melinda Seyer commented the sleeping porch was enclosed without a permit but appears to have been done in a good quality manner including an expensive roof. In terms of scale, she had no objection to the breakfast room, but the upstairs deck is problematic. Encroachment on sides is overkill - could have designed the kitchen in such a way as to have ground access without side access. The west side deck is a very different situation than the stairs. One section is unnecessary - need to keep track of posts on upper and lower deck. Noted that this committee previously recommended against a Yukon Street deck

City of Victoria
Heritage Planning

RECEIVED

Re: 648 Battery St.

FEB 21 1996

TO WHOM IT MAY CONCERN:

PLANNING DEPARTMENT

When we purchased "Hall House" at 648 Battery St. six years ago, we were well aware that there was much deferred maintenance included in the transaction. We have taken some time to do the major items in order to be able to address them appropriately. Choice of materials has always been a central question to any particular project. When confronted with trying to reconcile the needs of a turn of the century creation with the realities of the contemporary marketplace, we have attempted to keep two principles clearly in sight: i.) honour the original aesthetic; ii.) preserve the integrity of the structure over the long term. The choice of a roofing material for this good house demanded a full examination of the available possibilities under the guidance of harmonious proportion and preservation.

Though the most recent roof on the building is/was the venerable asphalt shingle, I feel we can reject this as inappropriate on purely aesthetic grounds. Attempts have been made to create a more pleasing product in recent years but one is still left with a synthetic form of cedar shingle which, while providing protection, does little to create a sense of cohesion with the rest of the structure.

Cedar, of course, should be the material of choice to fill all the demands of this climate on a house of this type. The late twentieth century, however, presents us with various problems with which the use of cedar may not be congruent. The present quality of cedar product is not nearly as long lived as in past years due the decline of the availability of old growth forest. I am sure you will appreciate that now the question of aesthetic and preservation must extend past the case of individual houses to include the larger environment in which our homes reside.

Our intention to use "Rare Metal Tile" was made after seeing the product used to excellent effect on a number of houses in Victoria of similar vintage to our own. It is quite surprising to find such qualities as extreme durability, fire resistance, light weight, zero maintenance, etc. combine with a timeless elegance of appearance. No, it is not cedar; nor, however, is it an attempt to imitate cedar. It is a product of our time with the rare ability to both visually enhance and preserve a creation from another time.

Neither ourselves nor S.C.S. were aware that this type of roof might be unacceptable to this situation until we were notified on Feb. 16 that a complaint had been made. We have halted the project as of Feb. 16 with only the sub-roof applied and a partial area of one quarter of the roof tiled. It is our hope that, once understanding the full merit of this product, you will arrive at the same conclusion a growing number of heritage home owners in this city already have: that under one roof we can ensure both an appealing balance of visual harmony and maximum protection and longevity for our precious abodes.

Sincerely yours,

David C. Harris

Peggy E. Claude-Pierre

"Advances in metal forming and finishing techniques have given rise to a new generation of colourful and attractive metal clad buildings."

J.C. Perreault, *Building Science Insight*, 1986

As evidenced by the variety of what is being built today, metal wall and roof claddings, usually regarded for industrial or commercial application, are quickly replacing conventional materials. Metal tile panels, the newest category of metal roofing, will further this trend especially with home and condominium owners.

Metal tile panels are functionally similar to corrugated roofing, however, there is a big difference in these new tile panels, they create an image of individual tiles so real that most observers cannot tell the difference and give the property owners an elegant and distinctive European look.

"Tiles on traditional sloping roofs in Europe is what gives so many towns their tourist charm." 1

More importantly metal tile panels offer outstanding features such as good performance and light weight design as well as added fire protection. They create a continuous weather resistant barrier, withstanding winds over 110 MPH and they won't rot, warp, split, chip, or deteriorate.

"Panel tile systems secured with screw type fasteners and installed vertically (e.g. ridge to eave) are highly resistant to wind and moisture. When Hurricane Hugo devastated portions of the Virgin Islands and Puerto Rico in 1989, roofers on those islands reported that vertically applied screw fastened metal tile panels held better than those other type of sloped roofing systems." 2

"In general, life expectancy of metal tile panel systems are between 75 to 100 years. A single tile panel can provide the same coverage as several single tiles for a faster and a more weather-tight installation. Weighing as little as 50 lbs per square, compared to concrete or clay tiles approaching 1,000 pounds per square, they are usable on virtually any type of structure with no need for costly truss reinforcement." 3

Properly sloped metal tile panel systems eliminate the familiar maintenance problem caused by build up of snow and ice on roofs. Metal's inherent ability to shed snow and prevent freeze thaw conditions that help form ice-dams is a big advantage in colder climates.

In warmer climates owners can also benefit from metal tile panels; they are energy efficient in hot weather because they provide an insulating layer of air between tiles and substrate, increasing thermal resistance. The metal surface tend to reflect away the sun's heat and cool off quickly at night, unlike conventional roofing materials that absorb and retain heat.

Moss does not easily grow on metal tiles as on other organic type roofing (e.g. wood, asphalt, concrete and clay). Wind and rain usually will a metal tile roof clean and a simple garden hose treatment will take care of stubborn spots.

1) Baker M.C. Roofs, NRC Canada

2) Performance of Roofing systems in Hurricane Hugo Institute for Disaster Research, Texas Tech University.

3) The Science and Technology of Traditional And Modern Roofing Systems H.O Laaly.

Minutes - February 13, 1996

Page 6, first sentence amended to read, "**Councillor Madoff suggested that some of the pieces could be incorporated into the public walkway project at the Odeon Theatre**".

Page 6, second sentence amended to read, "**John Coe and Nick Bawlf commented they would be willing to volunteer some of their own time to measure the pieces.**"

MOVED

SECONDED

That the Minutes of the regular meeting of February 13, 1996 be adopted as amended.

CARRIED

648 Battery Street - Heritage Alteration Permit Application #3057. Proposed exterior alterations to a Heritage Registry house. Battery Street Heritage Conservation Area. Zoned R-2 Two Family Dwelling District. Application of Specialty Construction Systems Inc. on behalf of Mr. D. Harris and Ms. P.E.

Councillor Madoff left the room during the discussion of this item as she lives adjacent to the subject property and believed there would be a conflict of interest.

Nick Bawlf also declared a conflict of interest and did not take part in the discussion or voting, but remained in the room.

Mr. Barber outlined the proposal and advised that a stop work order was issued when it was discovered that the roofing company, Specialty Construction Systems, was installing a roof which was not in accordance with the City's adopted Rehabilitation Principles and Guidelines for heritage buildings, as outlined in Mr. Barber's report to the committee.

648 Battery

Mitch Baldwin and Frank Groenheyde of Specialty Construction Systems entered the meeting. Mr. Groenheyde advised that neither he nor the owner were aware that this was a Heritage Registry house until the stop work order was issued midway through the project. He cited other examples and displayed some before and after pictures of houses in the Rockland area where this type of roofing has been used successfully.

The Chairman emphasized that although this roofing material may be suitable on other houses or buildings, it is not appropriate in this case because the house at 648 Battery Street is also located in the Battery Street Heritage Conservation area. He understood the applicant's dilemma and stated it was unfortunate that the application had not come to the committee before the work commenced.

The applicants left the room. The applicants did not return after the committee made the following motion:

MOVED

SECONDED

That application be **declined** as the proposal does not comply with the Rehabilitation Principles and Guidelines of the British Columbia Heritage Trust relating to "Roofs", and further, the approval of a new metal roof with the proposed profile would establish a damaging precedent for the treatment of heritage houses in Victoria.

CARRIED

New Business

1. Historic Building Artifacts

Mr. Barber informed committee that the historic building artifacts have been relocated and stored in another area of the Thetis Lake Nursery. However, the pieces still remain unprotected from the weather. The chairman commented that he and a colleague would be willing to visit the site to determine how the pieces could be protected and Nick Bawlf agreed to assist them.

Minutes - July 9, 1996

MOVED

SECONDED

That the Minutes of the regular meeting of July 9, 1996 be adopted as circulated.

CARRIED

A question arose from minutes of a previous meeting regarding building on Superior Street. It was noted that the Committee approved metal railings, but only wood has been used. Murray Miller will look into this matter and report back to the Committee.

648 Battery Street. Heritage Alteration Permit Application #3065. Battery Street Conservation Area #14. Addition to a Heritage Registry building. Zoned R-2 Two Family Dwelling District. Application of Finola Fogarty, Architect, on behalf of Mr. David Harris and Ms. Claude-Pierre. **For recommendation to Council.**

Finola Fogarty was present.

Councillor Madoff explained committee's procedure to the applicants.

Murray Miller gave a brief overview of the proposal, explaining the applicant is seeking approval of an addition to the rear of the house with a deck that has already been built without a building permit. There is currently a stop work order on the building until the proper permits are obtained.

Finola Fogarty made presentation to the Members. Advised that the structural deficiencies will be dealt with. She believes that the proposal was not in discordance with the house and fits in quite well. The addition is not visible from the street.

Nick Bawlf asked if the deck will remain open below. Ms. Fogarty replied that there will be landscaping done so it meets the land more gracefully.

Melinda Seyler asked for confirmation that the Committee is being asked to approve the design which is already built that is inadequate. Ms. Fogarty explained that this is the case, but the changes to be made will not be visually significant.

Ms. Fogarty noted that the owner would also like to terrace the deck towards the rear yard and provide access through the upper level window (convert to door) to the deck. Ms. Fogarty indicated that she would be attempting to convince the owner not to provide access to the deck from the upper level window, because the existing posts for the ballustrade would not withstand forces laterally and hence would be a safety issue.

John Coe suggested that the applicant should spend more time on the proposal and bring it back when we can see actual details of what is being done to the house. Ms. Fogarty stated that the owners need to know whether or not the structure will be allowed before spending more money on plans and engineers.

Discussion continued amongst the Members.

- need to find out what the owners intend to do with the deck
- how will landscaping affect adjoining properties, e.g. drainage
- need more information and details of the proposed addition
- upper deck might be more appropriate if it had a roof
- addition not the most appropriate design
- the deck is extremely large
- setback variance required for side yard

Finola Fogarty left the room.

MOVED

SECONDED

That while the Heritage Advisory Committee supports the location of the structure and sunroof in principle, the application be **tabled** and the applicant return after addressing the following concerns:

1. The extent and location of the decks.
2. Grade elevations.
3. Detailing of the railing be revisited or eliminated and bring consistency between the upper and lower decks.
4. Will there be underskirting of the lower deck?
5. Confirmation of the use and status of upper window.

The applicant returned and was advised of the motion.

Melinda Seyler moved that the house on 648 Battery Street be removed from the Heritage Registry. Pam Madoff explained that we do not take houses off the Registry. Al Fry noted that we do not know who the subsequent owners may be and they may be more amenable to heritage concerns. The motion was removed.

FINOLA FOGARTY

Registered Architect

B. ARCH. (U.C.D., N.U.I.), M.R.I.A.I., M.R.A.I.C., M.A.I.B.C.

Attn. Steve Barber,
Heritage Committee,
City of Victoria, BC

RE: 648 BATTERY STREET, VICTORIA, BC.

Nov 26th, 96

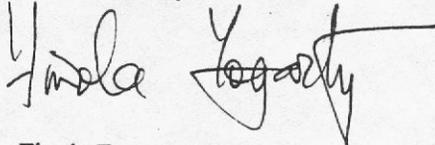
Dear Steve,

Herewith the revised drawings for the above project. The drawings incorporate changes made so that the structure will conform to the BCBC.

The Heritage Committee wanted to see how these changes would look. It also wanted the following items confirmed:

- 1 **"The extent and location of the decks."** The drawing show the existing decks. No deck or stairs which would encroach on the required setbacks will be added to layout.
The owner does wish to use the upper deck surface as a sundeck. To accomodate this, the height and strength of the railing has been increased. (See 5 below)
- 2 **"Grade elevations."** The grades around the house are shown on the lower Site Plan (Sheet 2.) The revised Northeast Elevation shows the groundline at some distance from the rear of the house.
- 3 **"Detail of the railing be revisited or eliminated and bring consistency between the upper and lower decks."** Except for their different heights, the revised railings are identical to one another.
- 4 **"Will there be underskirting of the lower deck.?"** No underskirting is planned for the lower deck. However the owners are not averse to providing this, if the Heritage Committee feels it is appropriate.
- 5 **"Confirmation of the use and status of the upper window."** As the drawing now shows, this window will be replaced by a door giving access to the proposed sundeck. (See 1 above.)

Yours sincerely,



Finola Fogarty, MAIBC

Business Arising from the Minutes:

2667 Empire - Mr. Barber reported that the owners have requested the application be put on hold until they have talked to their contractor.

329 Simcoe - Mr. Barber advised that the owners have not responded to the committee's recommendation that their request for designation be tabled.

648 Battery Street - Heritage Alteration Permit Application #3065. Battery Street Heritage Conservation Area #14. Addition to a Heritage Registry building. Zoned R-2 Two Family Dwelling District. Application of Finola Fogarty on behalf of Mr. David Harris and Ms. Claude-Pierre.

This application was tabled at the Heritage Advisory Committee on August 13, 1996. It is for a one storey addition and wood decks at the rear of the house. The addition was constructed without a building permit and already completed.

Finola Fogarty was present and made the following comments:

- the upper part will be used as a deck.
- detailing of railing and finials now show on the posts.
- the upper window will stay.
- a structural engineer has made recommendations to replace footing and revise some of the beams.
- the railing height on the balustrade conforms to code.
- the door on the side will stay.
- the wood window refers to existing windows.
- there will be a staircase railing on the lower deck.

Nick Bawlf and Councillor Madoff advised they are both neighbours of the subject property. Councillor Madoff stated that the proposal directly impacts on her property and she had never been contacted by the owner or the architect regarding the project. She believed that the committee should be considering the variances as well as the heritage issues.

Mr. Barber commented there is the opportunity for neighbours to be heard at City Council.

648 Battery

Councillor Madoff, Nick Bawlf, and Finola Fogarty left the meeting.

Moved

Seconded

That the application be tabled and the committee make a site visit to deem the impact of the project on neighbouring properties.

Discussion on the motion.

Mr. Barber advised against a site visit as it would set a precedent.

Murray Miller believed there was information missing that the applicant had not provided.

The Chairman remarked it was not clear to him if this committee was supposed to be dealing with variances.

Ken Johnson agreed that neighbours' concerns should be heard through City Council.

Joan Wagner said she wasn't aware of any neighbours' concerns when the application was first dealt with in August. Her personal concern had always been with the size and scale of the deck.

The first motion was withdrawn.

Moved

Seconded

That the application be tabled pending clarification of variance issues as it applies to the Heritage Advisory Committee and its role.

Carried

Councillor Madoff, Nick Bawlf, and Finola Fogarty, returned to the meeting and were advised of the motion.

648 Battery

Murray Miller made reference to 3.2 of Mr. Barber's report regarding new additions to historic buildings, i.e. impact on character defining elements. This deck is not having an impact.

Finola Fogarty made the following comments:

- some posts will be replaced, 6x6 rather than 4x4.
- vent ceiling of addition
- otherwise no impact on visual appearance
- details of changes shown on the drawings

Af Fry remarked he was uncomfortable with approving what was before the committee today.

Daphne Van Ham didn't approve of the deck but did not mind the addition.

Joan Wagner could support the proposal overall, except for the variance

Finola Fogarty left the meeting.

648 Battery

Moved

Seconded

That the application be approved on the condition that the detailing on upper and lower deck match, and that the screening below the deck be set back from the edge.

Motion defeated

Moved

Seconded

That the application be tabled and the applicant submit revised drawings to include detailing of railing and stair.

Motion defeated

Moved

Seconded

That the Heritage Advisory Committee does not support the west side yard variance but supports the rest of the application with the following conditions:

1. That the detailing on the lower deck match the upper deck.
2. That lattice screening be installed below the deck, set back from the edge.

Carried

Daphne Van Ham left the meeting.

609 Battery Street
Victoria, B.C. V8V 1E6
March 11, 1997

Planning Department
City Hall
#1 Centennial Square
Victoria, B.C.

Dear Sirs:

As neighbours at 609 and 645 Battery Street, we have no objections to the alterations done by David Harris on their home. The work which they have done on this property over the past few years has greatly added to it's longevity and has enhanced the building and the streetscape.

Yours truly,

Handwritten signatures of John West and Bonnie Stacy. The signature for John West is on the left, and the signature for Bonnie Stacy is on the right.

John West
Bonnie Stacy

Victoria City Council

Jo Baker
652 Battergy St.
March 11, 1997

To Whom It May Concern:

Please be advised that I have no objection to the deck and room addition to 648 Battergy St. I find the addition most pleasing.

Sincerely yours,

Josephine Baker

9th Heritage
Committee Sec

648 Battery
FINOLA FOGARTY

Registered Architect

B. ARCH. (U.C.D., N.U.I.), M.R.I.A.I., M.R.A.I.C., M.A.I.B.C.

Bldg dts.
note: I have
already circulated
this letter to
all Councillors
& Mayor

Lord Mayor and Council
City of Victoria,
1, Centennial Square,
VICTORIA, BC

page 1

April 23rd, 1997

RE: 648 BATTERY STREET, VICTORIA, BC
Heritage Alteration Permit #3065

Ladies and gentlemen:

I enclose letters in support of this application from three neighbours, including the next-door neighbour to the east.

Ms. Pamela Madoff is the neighbour to the west. She has voiced an objection to the proposed setback variance beside her house. The Heritage Committee, which Ms. Madoff has chaired from time to time, also questions this variance, while supporting the main body of the application.

The west sideyard situation is as follows:

Under the bylaw the sideyard should be 3 metres. The house, built decades before the bylaw, has a garage which is only .7 metre, and a backdoor exit and stairs which are only 1.8 metres, from the side lotline.

(See Site Plan attached)

The stairs were replaced by part of the new deck, and a piece of deck 8 square feet (.7 sq.m.) was added, providing exit from the house.

This is the area for which I request variance of the side setback.

Ms. Madoff opposes this variance on the grounds that her bathroom window is overlooked by this new piece of deck.

We put forward the following points:

1. The former exit and stairs from the kitchen door have always overlooked the window in question. The addition of a piece of deck which is essentially a passageway will not greatly increase the spectator-area.
2. The City's Zoning Bylaw, in a clause governing privacy, reads as follows:

Windows facing side yard

R1-B PART 1.2

13. A window in a side wall on the first storey of a building, constructed for the purpose of admitting light to a habitable room, excluding a bathroom, toilet or utility room,

shall not be located in a position where the open space between such side wall and the side lot line is less than 2.4 m (8').

FINOLA FOGARTY

Registered Architect

B. ARCH. (U.C.D., N.U.I.), M.R.I.A.I., M.R.A.I.C., M.A.I.B.C.

page 2

As you see, this clause says that certain windows have to be kept eight feet distant from a property line.

Bath- and toilet -room windows are specifically excluded from this ruling.

You would expect the regulation to be the reverse, with bathroom windows kept further away from the lot line than windows of other rooms.

On consideration, however, you understand the reason, which is this:

The Bylaw recognises that the privacy of bathroom windows has been achieved by the use of obscure glass, drapes, etc., since the inception of indoor plumbing.

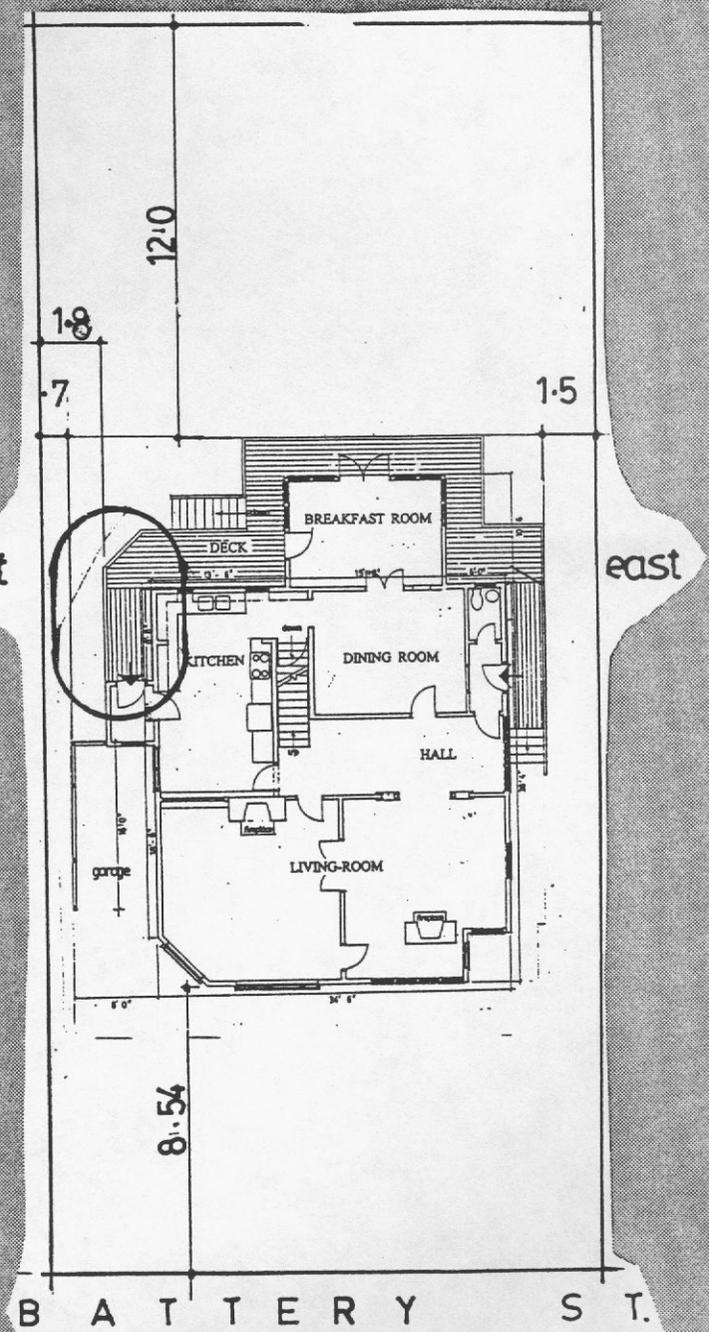
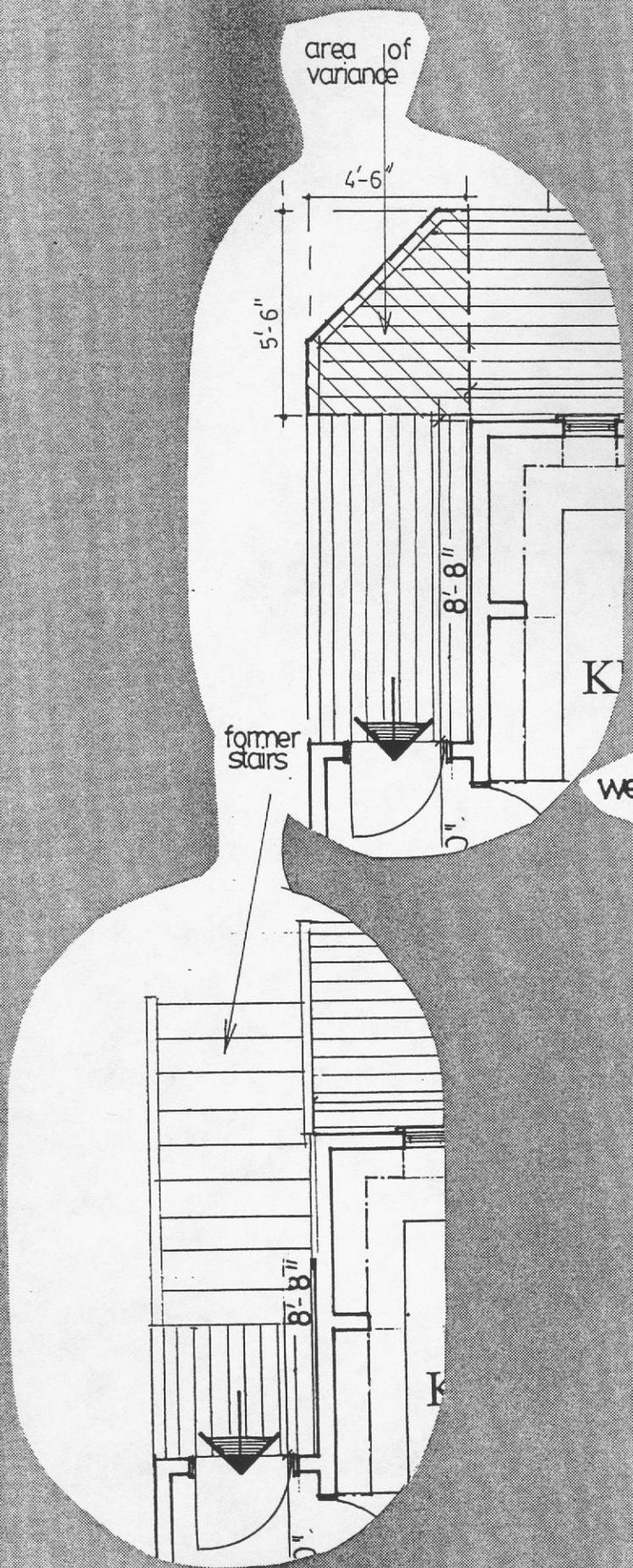
Therefore the Zoning Bylaw does not dictate special measures to prevent bathroom windows from being overlooked.

I respectfully ask the Council to allow variance of the side setbacks, and so avoid the need for my clients to demolish the deck in question.

Yours faithfully,

Finola Fogarty, MAIBC

Encl. 5 pages total.



Site Plan showing setbacks scale 1: 200