

DISTRICT OF OAK BAY

REPORT TO: Mayor and Council

FROM: Bruce Anderson, Director of Building and Planning

DATE: July 27, 2020

RE: Consideration of a Temporary Protection Order – BP012974
Parcel A (DD 249000I) of Lots 7, 8 and 9, Section 22, Victoria District,
Plan 1141
785 Island Road

RECOMMENDATION

That Council receive the report for information.

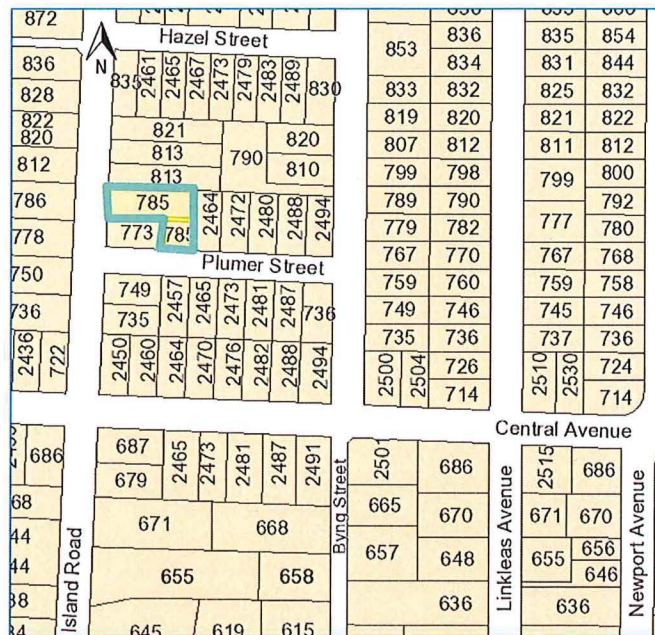
EXECUTIVE SUMMARY OF REPORT

The District of Oak Bay is in receipt of a building permit application to demolish the existing home at 785 Island Road. The property is not heritage designated, nor on the Oak Bay Community Heritage Register. The existing residence has, however, been identified as having heritage value for the community.

As such, Council may elect to place a 60 day temporary protection order on the property where it considers the property may be heritage property, to determine whether to add the subject property to the Oak Bay Community Heritage Register or to adopt a heritage designation bylaw to prohibit demolition of the home.

BACKGROUND

A building permit application has been received to demolish the existing home at 785 Island Road. The subject property has been identified as having heritage value but is not included on the Oak Bay Community Heritage Register.



Site Characteristics

Address	785 Island Road
Location	96 m North of Central Avenue
Year Built	1912
Lot Size	1060 m ² (11,408 ft ²)
	<i>Property Consists of 2 Separate Lots</i>
Proposed Work	Demolition of Existing Home
Zoning	RS5, One Family Residential Use
OCP Land Use Designation	Established Neighbourhoods
Variances	n/a

ANALYSIS

The subject site is located at the northeast corner of Island Road and Plumer Road. At 1060 m² (11,408 ft²), the site consists of two separate lots, with one facing Island Road and one along Plumer Street; and is surrounded by single family homes. The proposed work on the site involves demolition of the existing home, facing Island Road, and constructing a new home on the site.



The applicant previously applied for a heritage revitalization agreement in 2018, to address heritage designation of the existing home and realignment of the lot lines between the two lots, facilitating construction of a new single family home on the second lot facing Plumer Street. Following consideration and a positive recommendation by the Heritage Commission on July 9, 2019, the applicant subsequently withdrew their application. As such, the property was not placed on the Heritage Register, nor designated. No formal recognition of the property occurred. They are now moving forward with demolition of the building.



While there is no formal recognition of the heritage value for the home, heritage value is identified both through Stuart Stark's publication *More Than Just Bricks and Boards*, and through a draft statement of significance considered by the Heritage Commission (see Attachment 1). The two storey wood frame home was originally constructed in 1912 as a single storey bungalow, and subsequently renovated in 1919 to add a second storey, reflecting a Craftsman style home. The home is an

significance considered by the Heritage Commission (see Attachment 1). The two storey wood frame home was originally constructed in 1912 as a single storey bungalow, and subsequently renovated in 1919 to add a second storey, reflecting a Craftsman style home. The home is an

early example of a modest Oak Bay residence, retaining numerous exterior finishes dating from the time of construction. It is valued for numerous features that have been preserved since its construction, including its front roof gable, original wood frame windows portraying fine examples of Road and Quarrelled leaded glass panes, and the front entrance door with bullseye lites.

As a structure deemed to have heritage value, section 606 of the *Local Government Act* allows Council to place a temporary protection order that would prohibit any demolition of the home until such time as Council resolves future direction for the home, for example, a heritage designation bylaw. A temporary protection order must be made by resolution of Council, which would prohibit demolition of the home for up to a maximum period of 60 days.



The 60 day period allows Council to determine whether they wish to prohibit demolition of the home. This would be accomplished through placing a heritage designation on the subject property. This is a long term heritage protection tool that is authorized by section 611 of the *Local Government Act*. A heritage designation is placed on a property by adoption of a bylaw to designate a property as a protected municipal heritage site. Continued protection is afforded through the requirement for a heritage alteration permit (HAP) to be approved by Council regarding any changes to the heritage values as identified in the designation bylaw, including proposed demolition of the building.

A heritage designation bylaw can be agreed upon between the local government and the owner, or could be part of a negotiated agreement to provide heritage protection for the municipality and to provide development incentives for an owner, or may be imposed by the local government without consent of the owner. If an owner does not consent, then the local government may be subject to compensation to the owner if it is determined there is an impact on the market value of the property as a result of the heritage designation. Staff advise that the process to negotiate servicing as part of the withdrawn heritage revitalization agreement application did not result in agreement given the high cost of servicing along Plumer Street and Island Road.

STRATEGIC PRIORITY SUPPORTED

- Ensure Access to Diverse Housing Options Within the Built Environment
- Provide Service Excellence

FINANCIAL IMPACT

No financial impact beyond the existing budget is anticipated to arise in relation to the options described in this report. There are no financial implications associated with placing the subject property under a Temporary Protection Order.

Further consideration of heritage designation could result in compensation for the owner, as per section 613 of the Local Government Act.

IAP2 FRAMEWORK ENGAGEMENT

INFORM CONSULT INVOLVE COLLABORATE

TIMELINE / PROCESS / NEXT STEPS

The following timeline is proposed and subject to change.

July 27, 2020 Council consideration of a temporary protection order.
September 2020 Council resolution regarding heritage status of home.

OPTIONS

1. That Council receive this report for information.
2. That the principal building located at 785 Island Road be subject to a Temporary Protection Order in accordance with section 606 of the *Local Government Act* for a period of not more than 60 days.

This option would provide Council a 60 day period to consider the property and its heritage value, to determine future direction. This may include a heritage designation, which may then be subject to compensation to the owner as per section 613 of the Local Government Act.

3. That the application for a building permit to demolish the principal building at 785 Island Road not be subject to a temporary protection order.

This option would result in staff continuing with review of the building permit application in its entirety.

4. Another direction as provided by Council.

Respectfully submitted,



Bruce Anderson, Director of Building and Planning

I concur with the recommendation.

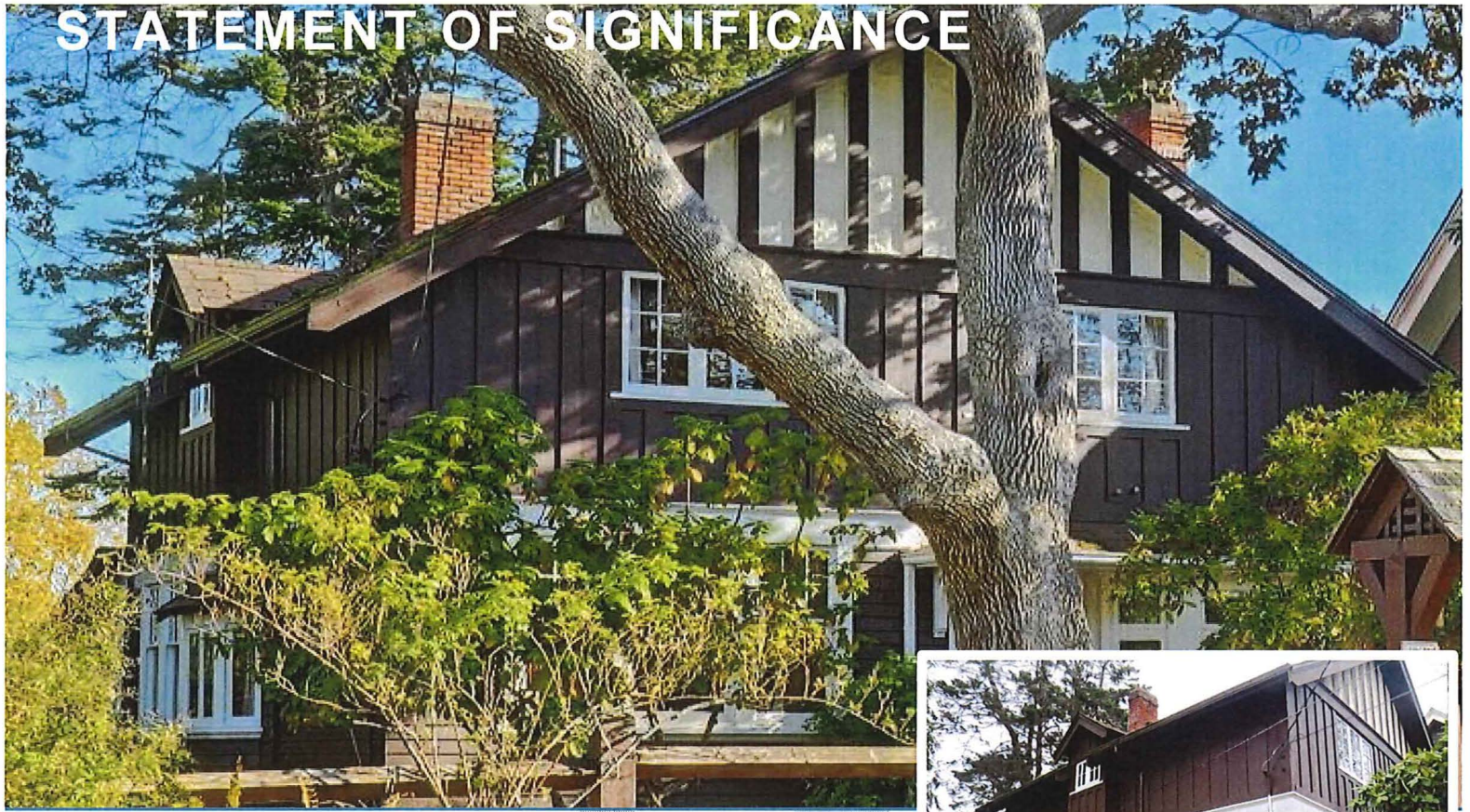


Lou Varela, Chief Administrative Officer

ATTACHMENT(S)

Attachment 1 – 785 Island Road Statement of Significance

STATEMENT OF SIGNIFICANCE



785 Island Road

LOCATION

785 Island Road District of Oak Bay
PID 000 427 144

DESCRIPTION

Constructed in 1912 by architect KB Spurgin, 785 Island Road is a two storey wood frame cottage located in southeast Oak Bay. Supported on a concrete foundation, the house is clad with a combination of divided stucco, board and batten and horizontal siding, and has a variety of significant wood frame windows.



HERITAGE VALUE

The values of 785 Island Road are found in its early contribution to the development of the municipality of Oak Bay, the preservation of the original detailing and assembly materials, and its inhabitants.

The original single storey bungalow was constructed in 1912, six years after the incorporation of Oak Bay and during the latter years of the land boom period that saw much of the municipality planned and divided into lots but still generally undeveloped. Just seven years later in 1919, the house was renovated to add a second storey and alter the roof form; both reflecting the growing popularity of the Craftsman style.

The exterior cladding, windows, and a number of interior rooms appear to be preserved from the 1919 renovation. The front roof gable is clad with 'half timber' divided stucco, while the second storey is

Character Defining Elements

Key elements that define the heritage character of 785 Island Road include:

- + An early example of a modest Oak Bay residence
- + The historic exterior finishes dating to the time of construction
- + The original wood frame windows including fine examples of Road and Quarrelled, leaded glass panes
- + The front entrance door with the bullseye lites
- + The historic, interior finishes dating from the time of construction including the wainscoting, ceiling trim, fireplaces and wood floors
- + The continued use as a private residence

finished in board and batten planks above the horizontal bevel siding on the ground floor. The windows include hung, casement, and awning operables incorporating leaded, rose and multi lite panes with wood muntins. The main entrance door is accentuated with six crown glass bullseye lites.

The front room to which the entrance leads is substantially original, featuring dark wood batten trim with embossed wallpaper and a bold chair rail. Drop 'beams' accentuate the ceiling.

A built in bench fills the far corner while the space between the stair rail and ceiling is infilled with a decorative coloured and leaded glass pane. The main fireplace supports a plaque with an old Scottish quote, '*Thai haif said : Quhat Say Thai : Lat thame Say*'.

The adjacent sitting and dining rooms are lighter spaces with painted white, drop 'beam' ceilings and built in, glazed cabinets. Set in the exterior wall is a coal burning fireplace trimmed in glazed tile.

The upstairs still has original fir flooring, another tile trimmed, coal burning fireplace above the same on the lower floor, and the original cast radiators throughout.

The house was built and renovated by Karl Spurgin for himself. Born in 1877, Karl pursued the field of architecture, receiving his training and apprenticeship in England before emigrating to Canada to eventually open his own practice in 1912 at the age of 35. After serving for four years in World War I, he returned to the island to work on a number of important commissions in Oak Bay over the following 25 years.

Another notable family that resided in 785 Island Road was the Keiths. Henry G Keith, a forester and plant collector, has portions of his collection on display in the Natural History Museum and Kew Gardens in London, while his wife Agnes had several books published including one on the families' internment in a Japanese POW camp, which was later developed into a movie.

CONTRIBUTING RESOURCES

1 Building

ARCHITECT OR BUILDER

Name

Karl Spurgin
Henry Keith and Agnes Keith

Type

Architect / Owner
Owner

FORMAL RECOGNITION

Type

Heritage Register
Owner Response

Bylaw

CATEGORY OF PROPERTY

Private

ASSOCIATED DATES

Type

Construction

From

1912

Date

File

AUTHOR

John Dam & Associates