

## **H. REPORTS OF COMMITTEES**

### **H.1 Committee of the Whole**

#### **H.1.a Report from the April 2, 2020 COTW Meeting**

##### **H.1.a.a582 St. Charles Street: Heritage Alteration Permit with Variance Application No. 00020 (Rockland)**

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Alto

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street, in accordance with:

1. Plans, date stamped January 28, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
  - to permit a roof deck.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution."

**CARRIED UNANIMOUSLY**

**E.3     582 St. Charles Street: Heritage Alteration Permit with Variance Application No. 00020 (Rockland)**

Committee received a report dated March 12, 2020 from the Director of Sustainable Planning and Community Development regarding the proposed Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street in order to retroactively approve a variance for a decades-old third-floor balcony and an exterior fire escape and recommending that it move forward to an opportunity for public comment.

**Moved By** Councillor Dubow  
**Seconded By** Councillor Alto

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street, in accordance with:

1. Plans, date stamped January 28, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
  - to permit a roof deck.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution."

**CARRIED UNANIMOUSLY**



## Committee of the Whole Report

For the Meeting of April 2, 2020

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**To:** Committee of the Whole **Date:** March 12, 2020

**From:** Karen Hoes, Director, Sustainable Planning and Community Development

**Subject:** Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street

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### RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street, in accordance with:

1. Plans, date stamped January 28, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - to permit a roof deck.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with Sections 617 and 618 of the *Local Government Act*, Council may issue a Heritage Alteration Permit which may be subject to terms consistent with the purpose of the heritage protection of the property, including: (i) conditions respecting the sequencing and timing of construction, (ii) 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 and (iii) security. Council may refuse to issue a Heritage Alteration Permit for an action that, in the opinion of Council, would not be consistent with the purpose of the heritage protection of the property.

### EXECUTIVE SUMMARY

The purpose of this report is to provide Council with information, analysis and recommendations for a Heritage Alteration Permit with Variance Application for the property located at 582 St. Charles Street. The proposal is to retroactively approve a variance for a decades-old third-floor balcony on the existing heritage-designated house, which is considered a roof deck according to the *Zoning Regulation Bylaw*. Also proposed is an exterior fire escape for the third-floor apartment.

The Tudor Revival style house at 582 St. Charles Street was built in 1903 and designed by Francis Rattenbury, one of Victoria's most famous architects. It was renovated in 1983 to contain five apartment suites. A fire escape for the third-floor unit was included on building permit plans at the time of the renovation; however, it was either never constructed or removed between 1983 and today. In 2019, the owner of the property received a notice from the Fire Department requiring that they reinstate an exterior fire escape.

The application is consistent with policies in the *Official Community Plan* (OCP, 2012) under Chapter 8: Placemaking - Urban Design and Heritage; the objectives of Development Permit Area DPA 15C, Intensive Residential - Rockland; the *Rockland Neighbourhood Plan* (1987) and the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

The application was reviewed by the Heritage Advisory Panel at its February 11, 2020 meeting and was recommended for approval.

## BACKGROUND

### Description of Proposal

Proposed is the retroactive approval of a third-storey balcony measuring 2.17m deep by 3.6m wide on the west side of the roof of the existing heritage-designated three-storey house. Also proposed is a new fire escape stair providing egress for the third-storey rental unit from the balcony to the roof of a projecting one-storey extension of the house, where there is an area of refuge. The fire exit stair is required for fire safety regulations.

The following data table compares the proposal with the existing R1-A Zone, Rockland Single Family Dwelling District. An asterisk is used to identify where the proposal does not meet the *Zoning Regulation Bylaw* requirement. A double asterisk is used to identify legal non-conformities.

Zoning Criteria	Proposal	Zone Standard
Site area (m <sup>2</sup> ) - minimum	1567.5	740
Density (Floor Space Ratio) - maximum	Existing	N/A
Total floor area (m <sup>2</sup> ) - maximum	Existing	130
Height (m) - maximum	Existing	7.6
Storeys - maximum	<b>3**</b>	2.5
Site coverage (%) - maximum	Existing	40
Open site space (%) - minimum	>30	30
<b>Setbacks</b> - minimum		
Front (St. Charles Street)	Existing	10.5
Rear (West)	17.5	13.87
Side (North)	5.3	3
Side (South)	3+	3

Zoning Criteria	Proposal	Zone Standard
Vehicle parking - minimum	4**	7
Parking Location	Side and Rear Yard	Not front yard
Roof Deck	Yes*	Not Permitted

### Description of Historic Place

The Statement of Significance includes the following description of the house:

"The house was built in 1903 as a wedding gift for Elizabeth Harvey, the granddaughter of Robert Dunsmuir, a wealthy Vancouver Island businessman who built the well-known landmark, Craigdarroch Castle. The house at 582 St. Charles was designed by Francis Rattenbury, one of Victoria's most famous architects who was also responsible for the BC Legislature (1894) and the Empress Hotel (1907-1913)."

"The house is a good example of a Tudor Revival style home with the typical wood half-timbering on the second storey and stucco finishes on the balance of the house. It also features extensive leaded glass wood windows and a central projecting front gable over the front entry. This style of house was typical of the mansions built in the Rockland neighbourhood for the wealthy business class in Victoria at the beginning of the twentieth century."

#### Character-defining Elements

- exterior finishes of stucco and wood half-timbering
- leaded glass wood windows
- tall brick chimneys on the rear elevation
- large open porch on the front elevation
- "bell cast" roof form
- mature landscaping surrounding the house.

The front stair is a reconstruction and not original. An original coach house survives on the property.

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the application was referred for a 30-day comment period to the Rockland CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes a variance; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variance.

## ANALYSIS

### Consistency with Policies and Design Guidelines

#### Official Community Plan

The proposed alterations outlined in the application are consistent with the OCP and advance the following policies:

- 8.6 Conserve and enhance the heritage value, character and special features of areas, districts, streetscapes, cultural landscapes and individual properties throughout the city.
- 8.49 Continue to support new additions that conserve and enhance heritage property, as consistent with the National Standards and Guidelines for the Conservation of Historic Places in Canada.

The proposed fire exit stair is made of wood, which is a key characteristic of the Tudor Revival style. The detailing of the staircase, including the spacing of pickets and the rail design, is intended to replicate the detailing of the existing balcony and blend seamlessly into the house.

#### Rockland Neighbourhood Plan

The proposed alterations outlined in the application are consistent with the *Rockland Neighbourhood Plan* and advance the following policies.

- 2.3.1 Properties of heritage character and merit should be conserved.
- 2.3.2 Exterior changes and additions to buildings of heritage merit should be in keeping with their heritage character.

The proposal conserves the heritage property and makes the rental unit on the third storey safer and more livable by adding an essential life safety feature. The balcony has existed for decades and is invisible from both the street and the principal entrance approach from the southeast. It is screened from neighbouring properties by mature landscaping, which prevents any privacy impacts.

#### Standards and Guidelines for the Conservation of Historic Places in Canada

The proposal is consistent with the following relevant standards and guidelines:

- 3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.
- 11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

#### 4.3.1 Exterior Form - Additional Guidelines for Rehabilitation Projects

	Recommended	Not Recommended
16	<b>Adding</b> new features to meet health, safety or security requirements, such as an exterior stairway or a security vestibule in a manner that respects the exterior form and minimizes impact on heritage value.	Constructing a new addition to accommodate code required stairs or elevators on a highly visible, character-defining elevation, or in a location that obscures, damages or destroys character-defining elements.
17	<b>Working</b> with code specialists to determine the most appropriate solution to health, safety and security requirements with the least impact on the character-defining elements and overall heritage value of the historic building.	Making changes to the exterior form without first exploring equivalent health, safety and security systems, methods or devices that may be less damaging to the character-defining elements and overall heritage value of the historic building.

The proposed fire exit stair has been reduced in scale and extent from the original proposal. The balusters of the stair, which previously extended down to the roof level of the one-storey extension of the house, have been shortened to the minimum length required for a stair. This is consistent with a minimal intervention approach advocated by Standard 3. The balcony predates the heritage designation of the property and is shown in photos from around the time of designation. While not original to the house, it was designed in a compatible style, using wood construction with simple, wood balusters. It is distinguishable from the original house through its simplicity of design, while remaining compatible in style through the use of wood.

The balcony and exit stair respect the heritage value of the house by being located discretely on the east elevation of the house, inset from the main front wall, so that they are not visible from the main approach to the house from the southeast.

#### Regulatory Considerations

The proposed variance would authorize a balcony that has been part of the house since before it was designated in 2002. The balcony faces west towards the sloped topography of the Government House property. Buildings on the Government House property are well set back from the applicant's property and are not impacted by the proposal. The adjacent houses to the north and south are aligned with the heritage-designated house, which means that their sidewalls screen any views from the balcony towards their rear yards. The property is lined with mature trees and vegetation, further enhancing privacy. In staff's view, the variance is minor in nature and results in no adverse impacts to adjacent properties.

#### Heritage Advisory Panel

The application was reviewed by the Heritage Advisory Panel at its February 11, 2020 meeting and was recommended for approval.



## CONCLUSIONS

In staff's opinion, the proposal to retroactively approve a variance for a decades-old third-floor balcony and an exterior fire escape is supportable. The application is consistent with policies in the *Official Community Plan* (OCP, 2012) under Chapter 8: Placemaking - Urban Design and Heritage; the objectives of Development Permit Area DPA 15C, Intensive Residential - Rockland; the *Rockland Neighbourhood Plan* (1987) and the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Staff recommend that City Council consider approving the application.

## ALTERNATE MOTION

That Council decline Heritage Alteration Permit with Variance Application No. 00020 for the property located at 582 St. Charles Street

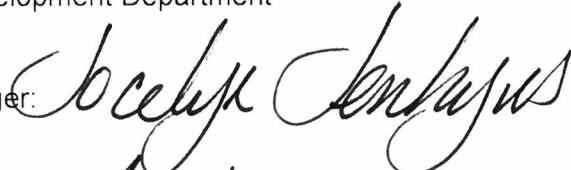
Respectfully submitted,

  
John O'Reilly  
Senior Heritage Planner  
Development Services

JH

  
Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

  
Date: March 19, 2020

## List of Attachments

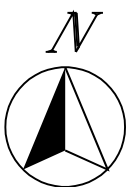
- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plan, date stamped January 28, 2020
- Attachment D: Applicant's letter, date stamped January 28, 2020
- Attachment E: Heritage Designation Bylaw No. 02-112
- Attachment F: Statement of Significance
- Attachment G: Minutes of the Heritage Advisory Panel, dated February 11, 2020.





582 ST. CHARLES STREET

Heritage Alteration with Variance #00020



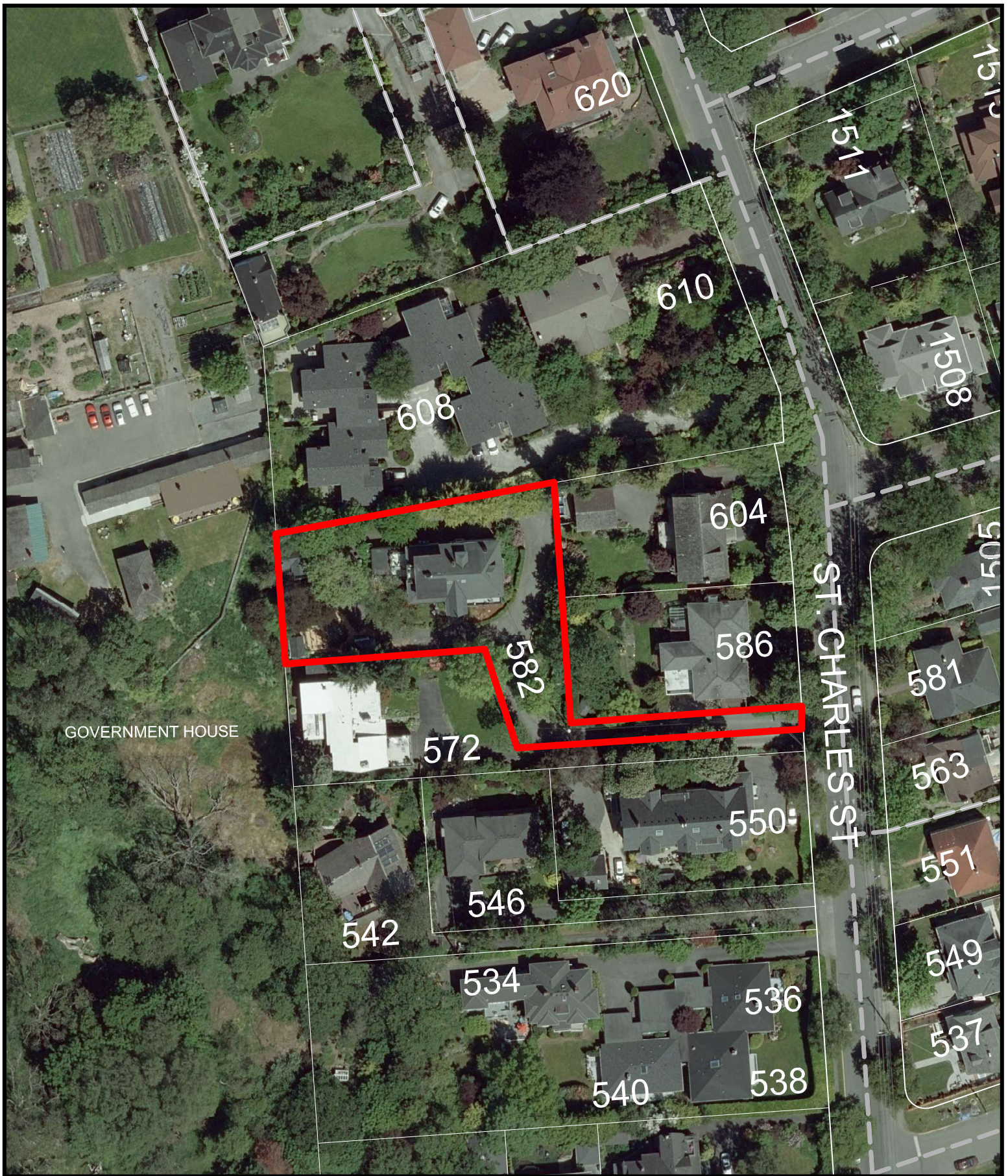
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Registered

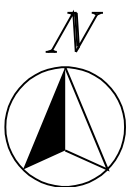






582 ST. CHARLES STREET

Heritage Alteration with Variance #00020



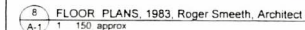
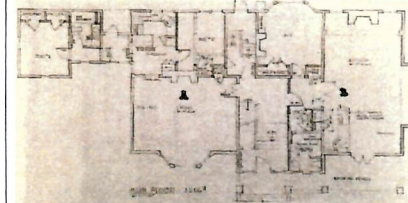
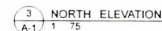
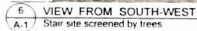
Designated



Registered







<b>Property Address:</b>	562.51 Chambers Street, Victoria B.C.	
<b>Phone:</b>	604-590-796-445	
<b>LGAR:</b>	L-0.4 Section B-66, Victoria City Plan (2046)	
<b>Zoning:</b>	R1-01.1 A-1 Residential Single Family Dwelling	
<b>Plot Area:</b>	484.20m <sup>2</sup> existing no change	<b>Bylaw:</b> 13.0m
<b>Amalgam Grade:</b>	Existing no change	
<b>Building Height:</b>	7.6 m Existing no change	2 1/2 storeys
<b>Setbacks:</b>		
Front: Existing no change		<b>Bylaw:</b> 10.5m
Rear: Prec. Building (NC) : 15.52m : 15.46 + 25% + 13.0m		13.0m
North Side: Prec. Building (NC) : 8.45m Proposed fire escape No change		3.0m
South Side: Existing no change		
Proposed Separation: Prec. Secondary (NC) : 10.9m		
Proposed Separation: Prec. Secondary : 11.0m		

ATTACHMENT C

Planning & Development Department  
Development Services Division

**Fire Escape Stairs,**  
582 St. Charles Street,  
Victoria, BC.

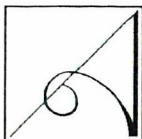
Title:  
PLANS,  
ELEVATIONS,  
VIEWS

Date	November 30, 2019
Scale	As noted
Issue	HAP Variance

Sheet Number:

A-1

© Arretage Architect


**ARMITAGE ARCHITECT**

1251 Victoria Avenue, Victoria, B.C. Canada, V8S 4P3

John H Armitage Architect AIBC, LEED-AP

250 - 884 - 2414

john\_armitage@shaw.ca

January 23, 2020

The City of Victoria,  
Sustainable Planning and Community Development,  
Development Services Division,  
1 Centennial Square,  
Victoria, BC. V8W 1P6.

To: The Mayor and Council,

Re. 582 St. Charles Street, Lot 4, Section 68, Victoria City, Plan 26646.

Heritage Alteration Permit with Variance – Exterior Fire Escape Addition.


On behalf of the owner of this property, I wish to outline the history and rationale for this application.

In 2019, the owner of this property received a notice from the Fire Department requiring the reinstatement of an exterior fire escape from the third floor apartment that was included on building permit plans at the time of its 1983 conversion into five suites. The documentary record is elusive as a notation by a City official also records it as "not included". There is no "as-built" record and the property has seen several changes of ownership since that time.

An application for a Delegated Heritage Alteration Permit was submitted September 29, 2020 and was reviewed by the Heritage Advisory Panel and Senior Heritage Planner.

A Building Permit application was submitted December 2. During the Planning review, it came to light that a third floor balcony had been constructed without a building permit and is the subject of this request for a variance.

This property had received heritage designation in 2002 by which time any fire escape had been removed and the new balcony had been added, with no official commentary on its non-conforming status. No alterations to the property by subsequent owners appear to have been made since that time.

The proposed fire escape attaches to this balcony to permit a second exit from the suite via a door, rather than a window, as requested by the Fire Department. This door is located in the NW corner of the suite's living room and is a much safer exiting option than the bedroom window as proposed in the 1983 BP documents.

The existing balcony is approximately 2.0 x 3.4m or 6.8sm (73sf) with the door in the SE corner and the fire escape in the NW corner. For a properly designed exit, an "area of refuge," in the form of an expanded top landing, should be provided for persons with mobility difficulties. Taking these factors into account, if this balcony did not already exist, the new fire escape would still require a landing and exit route of about 60% of this area. And the visual impact from the exterior would be identical, with the same extent of guardrail visible.

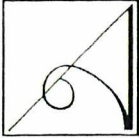
The fire escape stair is designed to terminate at an area of refuge at second floor level as proposed in the 1983 BP documents. Therefore it will not impinge upon required parking or Fire Department manoeuvring areas at ground level.

The balcony and fire escape are located on the west side of the building and will not be visible from the front approach to the property. Viewed from the Government House grounds to the west, the balcony is set within the profile of the building mass. The stair presents as narrow a profile as possible that will blend with the mass of the building behind and will be screened by the original coach house to the west.

There are no known overlook issues with neighbouring properties. As noted above, the requirements for the new fire escape would essentially recreate the existing balcony configuration were it not already existent.

The design is in conformance with Section 3.4.7 of the B.C. Building Code using wood construction, with detailing and colour to match existing adjacent wood elements, and is in accordance with Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*.





## ARMITAGE ARCHITECT

1251 Victoria Avenue, Victoria, B.C. Canada, V8S 4P3  
John H. Armitage Architect AIBC, LEED-AP

250 - 884 - 2414

john\_armitage@shaw.ca

This proposal is consistent with a number of objectives in the OCP, the Rockland Neighbourhood Design Guidelines and the 1987 Rockland Neighbourhood Plan from which they derive.

- "Encourage a diversity of...housing in consideration of the neighbourhood's heritage and estate character."
- "Continue to conserve the historic architectural and landscape character of the neighbourhood."
- It respects the traditional siting and orientation and will "not intrude upon views of (this) historic building from the street" and the traditional approach route.
- "Suites in converted houses are an established and important component...which should be conserved."

I trust you will find the proposed application to be a satisfactory resolution of life safety requirements and to be a respectful alteration that is consistent with the form and character of this heritage property within its established neighbourhood.

Respectfully submitted,

John Armitage, Architect AIBC, LEED-AP.

NO. 02-112

## A BYLAW OF THE CITY OF VICTORIA

to designate the house located at 582 St. Charles Street to be protected heritage property.

Under its statutory powers, including section 967 of the *Local Government Act*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the "HERITAGE DESIGNATION (582 ST. CHARLES STREET (RIFFHAM)) BYLAW (NO. 491)".
2. The house located at 582 St. Charles Street, legally described as Lot 4, Section 68, Victoria City, Plan 26646, is designated to be protected heritage property.
3. Bylaw No. 02-103, Heritage Designation (582 St. Charles Street (Riffham)) Bylaw (No. 491), is repealed.

READ A FIRST TIME the                      day of                      2002.

READ A SECOND TIME the                      day of                      2002.

Public hearing held on the                      day of                      2002.

READ A THIRD TIME the                      day of                      2002.

ADOPTED on the                      day of                      2002.

CORPORATE ADMINISTRATOR

MAYOR



## STATEMENT OF SIGNIFICANCE 582 ST. CHARLES STREET

The house at 582 St. Charles Street known as "Riffham" is a large two-storey Tudor Revival house designed by Francis Rattenbury and located in the Rockland neighbourhood. The building is no longer visible from the street as a result of subsequent subdivisions and redevelopment.

- a. **Historical** - The house was built in 1903 as a wedding gift for Elizabeth Harvey, the granddaughter of Robert Dunsmuir, a wealthy Vancouver Island businessman who built the well-known landmark, Craigdarroch Castle. The house at 582 St. Charles was designed by Francis Rattenbury, one of Victoria's most famous architects who was also responsible for the BC Legislature (1894) and the Empress Hotel (1907-1913).
- b. **Aesthetic** - The house is a good example of a Tudor Revival style home with the typical wood half-timbering on the second storey and stucco finishes on the balance of the house. It also features extensive leaded glass wood windows and a central projecting front gable over the front entry. This style of house was typical of the mansions built in the Rockland neighbourhood for the wealthy business class in Victoria at the beginning of the twentieth century.

### Character-defining Elements

The character-defining features of the house include:

- its exterior finishes of stucco
- wood half-timbering
- its leaded glass wood windows
- the tall brick chimneys on the rear elevation
- the large open porch on the front elevation
- "bell cast" roof form
- mature landscaping surrounding the house
- the original coach house behind the main residence.

Note: The front stair has been reconstructed.

**Prepared by:** Steve Barber, Heritage Planner - July 31, 2002

**Formatting:** John O'Reilly, Senior Heritage Planner - February 2020

ATTACHMENT G

3. **582 St. Charles Street**  
**Heritage Alteration Permit with Variance Application No. 00020**

Attendees: Rein Rungus (owner)

John O'Reilly provided a brief introduction. There were no questions or comments from the Panel.

**Moved**

**Seconded**

That the Heritage Advisory Panel recommend to Council that Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street be approved as presented.

**Carried**

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Heritage Alteration Permit with a  
Variance No. 00020 for  
582 St. Charles Street

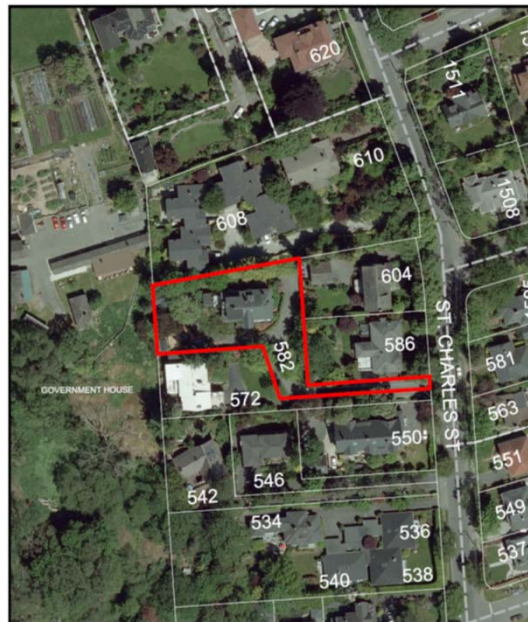
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582 St. Charles Street



2



2

## 582 St. Charles Street

### **Proposal:**

To install a new wood fire escape at the rear of the existing home to meet life safety requirements of the BC Building Code and to approve a variance for an existing roof deck.



3



3

## 582 St. Charles Street



4



4

## 582 St. Charles Street

### Heritage Status:

- Designated
- DPA 15C: Intensive Residential - Rockland
- **Heritage Significance:** Built in 1903 for Elizabeth Harvey, granddaughter of Robert Dunsmuir. Designed by Francis Rattenbury, one of Victoria's most famous architects.
- **CDEs:** Wood half-timbering at the second storey, leaded glass windows and a central projecting front gable, bell cast roof form, brick chimneys.



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## 582 St. Charles Street

November 12, 2019 Proposal



5 VIEW FROM NORTH-WEST  
A-1 With sketch overlay

6



6

## 582 St. Charles Street



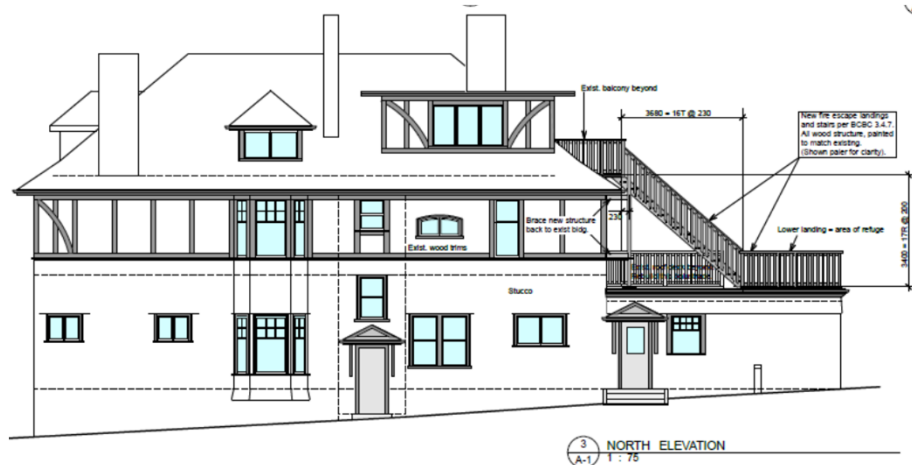
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5  
A-1 VIEW FROM NORTH-WEST  
With sketch overlay



7

## 582 St. Charles Street



8

5  
A-1 NORTH ELEVATION  
1 : 75

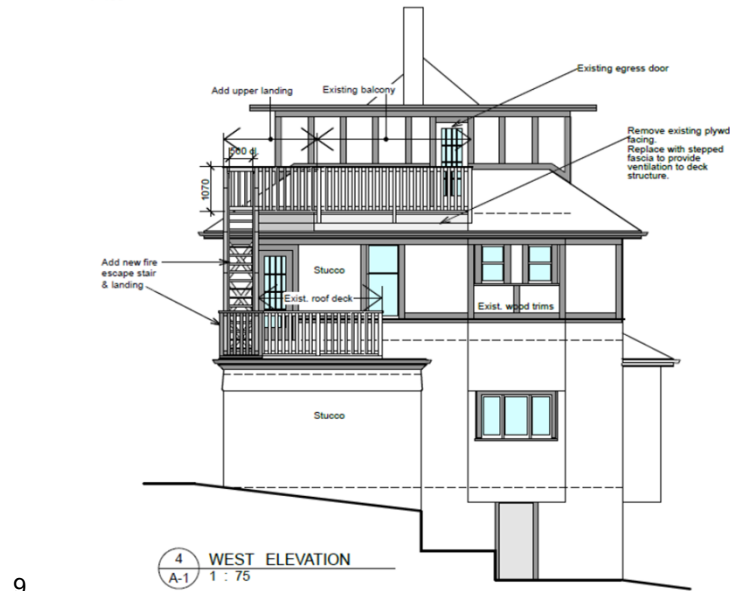


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## 582 St. Charles Street

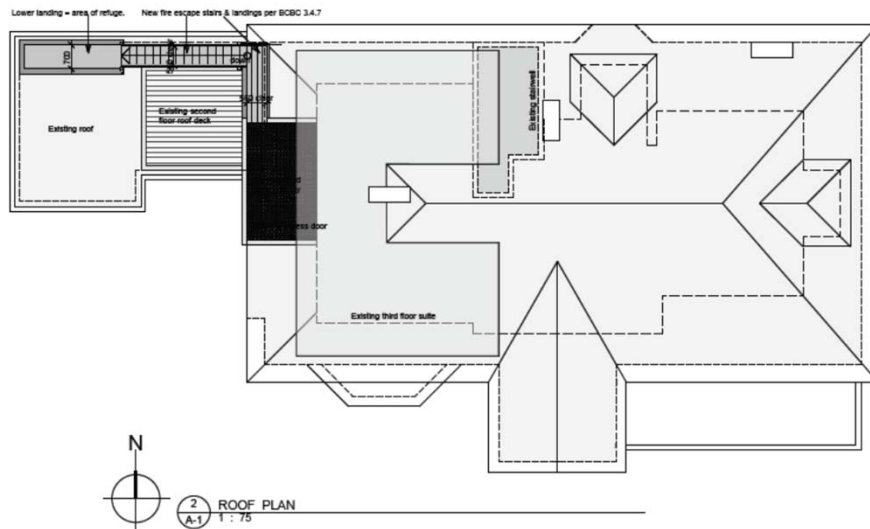
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9



## 582 St. Charles Street



10



## 582 St. Charles Street



11



11

## 582 St. Charles Street

### **Staff Recommendation:**

That Council authorize the issuance of Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street in accordance with...



12



12