

ITEM 2
MANAGER'S REPORT NO. 29
COUNCIL MEETING 1984 04 16

RE: LETTER FROM MRS. EVELYN SALISBURY, SECRETARY, BURNABY HISTORICAL
SOCIETY, 5406 MANOR STREET, BURNABY, B.C., V5G 1B7
HERITAGE DESIGNATION OF HOUSE AND LANDS
7356 ELEVENTH AVENUE
REZONING APPLICATION #29/83

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1984 APRIL 11

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: HERITAGE DESIGNATION OF HOUSE AND LANDS
7356 ELEVENTH AVENUE
REZONING REFERENCE #29/83
(SEE ATTACHED SKETCHES)

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RECOMMENDATIONS:

1. THAT Mr. Powys be encouraged to pursue the acquisition of the subject property in order to preserve the residence and lands; and that should he be unsuccessful in acquiring the property, he should pursue removal, relocation and preservation of the residence on another site in Burnaby subject to compliance with the National Building Code and the regulations of the Burnaby Building Bylaw.
2. THAT a copy of this report be sent to Mr. Powys, the Burnaby Historical Society and the rezoning applicant, Mr. Peter William Brown.

REPORT

1.0 INTRODUCTION:

Appearing on the Council Agenda is a letter from Mrs. Evelyn Salisbury of the Burnaby Historical Society regarding its support of a request from Mr. Powys to preserve the existing building situated on the subject property.

2.0 GENERAL DISCUSSION:

- 2.1 The property in question is presently owned by the estate of Irene Mary Wurst, deceased, for which Peter William Brown, Barrister & Solicitor, is acting. The property is the subject of an application to rezone from its prevailing R5 designation to the R9 District in order to subdivide the site into two 31 x 145.4 ft. lots for the purposes of constructing two new single family homes. This rezoning application was given Second Reading on 1983 September 06.

2.2 Council is advised that the existing two storey house was most likely originally constructed just after the turn of the century but we have no records on file that would confirm such information. The earliest record of construction on file with Planning & Building Inspection Department is a permit taken out in 1956 for work done to the foundation.

2.3 Staff have had an opportunity to view the exterior of the building. The house is relatively modest in size, appears to be in rather poor condition requiring considerable cosmetic upgrading. We are unable at this time to comment on the structural and mechanical condition of the house. However, it appears as though a considerable capital expenditure would be required to restore the structure to its original condition and upgrade to the prevailing building standards.

2.4 Mr. Powys, the gentleman who is interested in preserving the home, has been to the best of our knowledge unsuccessful to date in his attempt to purchase the property which was formerly owned for a long period of time by his family.

2.5 Preservation of the subject property can be accomplished by a number of different alternatives. The most obvious method would be for the owner of the property to do so on his own initiative. In this case, it is apparent that the owners do not wish to preserve the house as evidenced in their request to rezone and subdivide the property. A second alternative would be for a party interested in preserving the building to purchase the property from the present owner in a normal real estate market transaction. A third alternative would involve the removal by such a party interested in preserving the building, relocation and restoration of the house to another site thereby allowing the owner of the property to pursue redevelopment of the site. Since the structure is more than 30 years of age, relocation to another site in Burnaby must comply with the National Building Code and the regulations of the Burnaby Building Bylaw. The fourth alternative is for the site to be designated as a Municipal Heritage Site by Council in which case the building is preserved through legislation pursuant to The Heritage Conservation Act.

2.6 The Heritage Conservation Act provides for buildings and lands to be designated and preserved as municipal heritage sites upon Council's adoption of a bylaw. For Council's reference, Section 11 of the Heritage Conservation Act is outlined as follows:

"Designation

11. (1) A council may, by bylaw, designate a building, structure or land, in whole or in part, as a municipal heritage site.
- (2) No bylaw under subsection (1) shall be adopted by the council unless notice of its intention to consider the bylaw is
 - (a) delivered by registered mail to the owner of the building, structure or land, at least 10 days before the date of consideration by council of the motion to adopt the bylaw, advising him how he may object; and
 - (b) published in not less than 2 consecutive issues of a newspaper of general circulation within the municipality with the last publication appearing not less than 3 days, or more than 10 days, before the date described in paragraph (a).

" (3) Notice under subsection (2)(a) shall be deemed to have been given 3 days after having been sent by registered mail addressed to the owner at his last known address.

(4) Where designation under subsection (1) decreases the economic value of the building, structure or land, the council may, by bylaw, provide a grant, loan, tax relief or other compensation to the owner.

(5) Compensation provided under subsection (4) shall be deemed to be full and fair compensation for loss or damage suffered by the owner through the designation."

2.7 At the present time, the Burnett House located at 7640 Berkley Street is the only structure in Burnaby that has been designated (in 1976) as a municipal heritage site by Council's adoption of a heritage bylaw.

2.8 This Department advises that sufficient information is not available at this time to determine the historical significance of the subject property. Unless it can be clearly demonstrated that the house is worthy of a heritage designation, it would be inappropriate for Council to introduce a heritage bylaw whereby the expenditure of public funds may be necessary to compensate the present owner of the property pursuant to Section 11(4) of The Heritage Conservation Act as outlined previously. In this regard, Council must contend with its recent favourable consideration of the current application (RZ #29/83) to rezone to the R9 District.

3.0 CONCLUSION:

3.1 In view of the foregoing information, this Department continues to support the preservation of lands and buildings that are of historical significance to the heritage of Burnaby. Further, it may be desirable to preserve the subject site and building given its apparent age and the interest expressed by Mr. Powys. In this regard, we would encourage and support preservation through the first three alternatives outlined in Section 2.5 of this report. However, it is premature at this time and perhaps inappropriate to conclude that preservation via Council's adoption of a heritage bylaw is warranted. No further action is proposed to be taken by staff in this regard unless specific direction is given by Council.

3.2 It is therefore recommended that Mr. Powys be encouraged to pursue acquisition of the subject property in order to preserve the residence and land as he wishes. Should he be unsuccessful in acquiring the property, removal, relocation and preservation of the existing structure on another site in Burnaby should be pursued.

AP

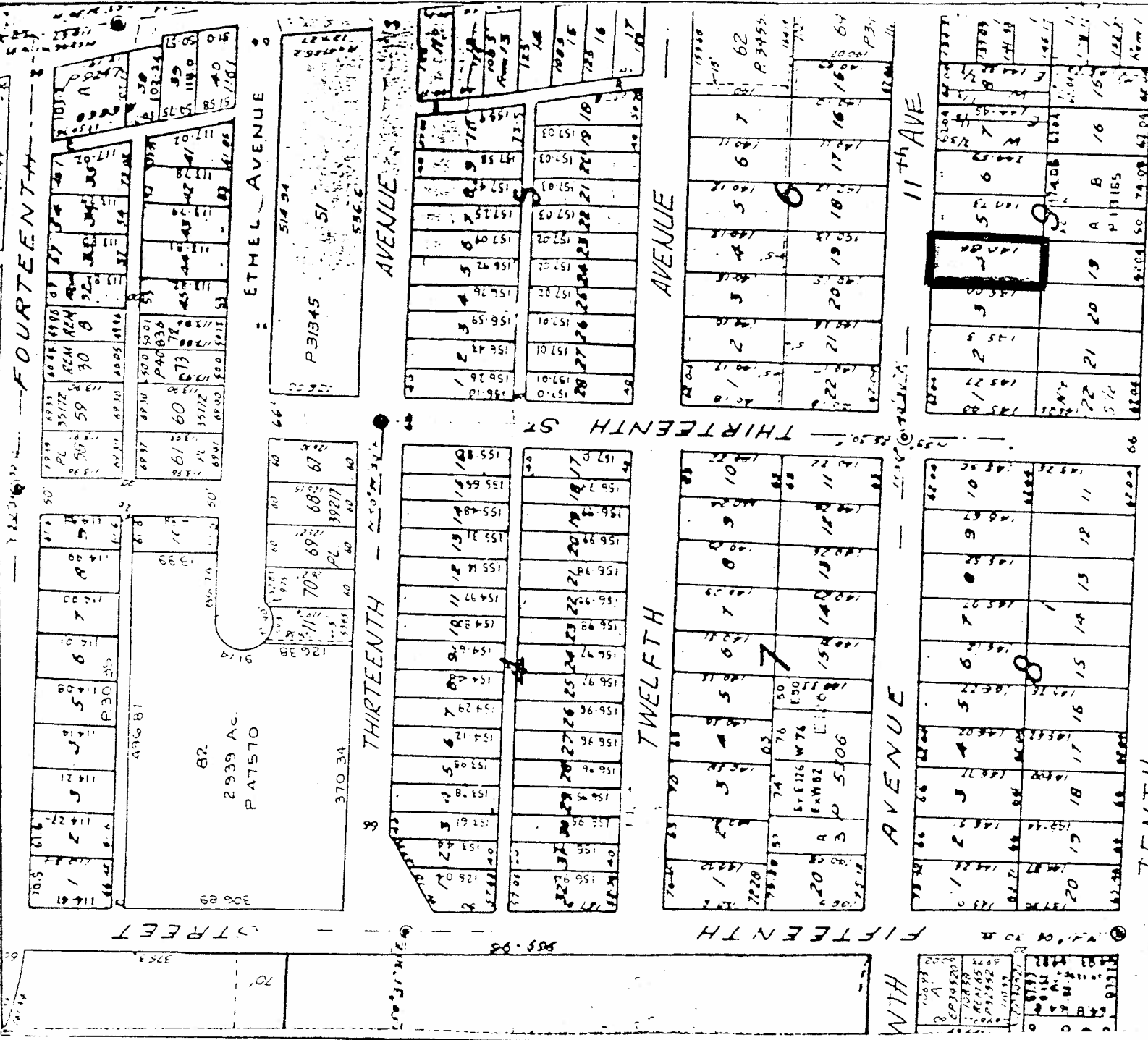
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Attachments

cc:- Mr. Peter Schofield
Museum Director
Heritage Village

- Chief Building Inspector


A. L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION



F N E W W E S T M I N E

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Date
 1983 JULY

Burnaby Planning Department

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 1:2400

REZONING REFERENCE # 29/83

Drawn By

subject site

1/3/84

