

**COMMUNITY HERITAGE COMMISSION**

*HIS WORSHIP, THE MAYOR  
AND COUNCILLORS*

**SUBJECT: HERITAGE REVITALIZATION AGREEMENT/HERITAGE DESIGNATION  
BYLAW  
CAPTAIN WILLIAM EYRES RESIDENCE  
6079 CANADA WAY**

**RECOMMENDATIONS:**

1. THAT Council authorize the preparation of a Heritage Revitalization Agreement Bylaw to provide for the retention and protection of the Captain William Eyres Residence.
2. THAT Council authorize the preparation of a Heritage Designation Bylaw to designate the Captain William Eyres Residence as a protected heritage site.
3. THAT the Heritage Revitalization Agreement Bylaw and Heritage Designation Bylaw be forwarded to a public hearing at a future date.
4. THAT Council approve the listing of the Captain William Eyres Residence on the Burnaby Community Heritage Register as a protected heritage property.

**REPORT**

The Community Heritage Commission, at its meeting held on 2021 June 10, received and adopted the *attached* report seeking Council authorization for preparation of a Heritage Designation Bylaw and Heritage Revitalization Agreement Bylaw to provide for the retention of the Captain William Eyres Residence.

Respectfully submitted,

Councillor C. Jordan  
Chair

Councillor J. Wang  
Vice Chair

Copied to:	Acting City Manager Director Planning and Building Director Corporate Services City Solicitor Chief Building Inspector
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**TO:** CHAIR AND MEMBERS  
COMMUNITY HERITAGE COMMISSION

**DATE:** 2021 May 25

**FROM:** DIRECTOR PLANNING AND BUILDING

**FILE:** 77000 20  
*Reference:* 6079 Canada Way

**SUBJECT:** HERITAGE REVITALIZATION AGREEMENT/  
HERITAGE DESIGNATION BYLAW  
CAPTAIN WILLIAM EYRES RESIDENCE  
6079 CANADA WAY

**PURPOSE:** To seek Council authorization to prepare a Heritage Designation Bylaw and Heritage Revitalization Agreement Bylaw to provide for the retention of the Captain William Eyres Residence.

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**RECOMMENDATIONS:**

1. **THAT** The Community Heritage Commission receive this report and forward it to Council with the following recommendations:
  - a. **THAT** Council authorize the preparation of a Heritage Revitalization Agreement Bylaw to provide for the retention and protection of the Captain William Eyres Residence.
  - b. **THAT** Council authorize the preparation of a Heritage Designation Bylaw to designate the Captain William Eyres Residence as a protected heritage site.
  - c. **THAT** the Heritage Revitalization Agreement Bylaw and Heritage Designation Bylaw be forwarded to a public hearing at a future date.
  - d. **THAT** Council approve the listing of the Captain William Eyres Residence on the Burnaby Community Heritage Register as a protected heritage property.

**REPORT****1.0 BACKGROUND**

On 2020 February 12, the Planning and Building Department received an application from the owner of 6079 Canada Way for subdivision of the property through a Heritage Revitalization Agreement. The R1 Residential District property is occupied by the Captain William Eyres Residence, a heritage building identified on the City's heritage inventory. Under current zoning,

To: Community Heritage Commission  
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Re: Heritage Revitalization Agreement/  
Heritage Designation Bylaw  
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the owner can demolish the existing house and construct a new single family dwelling on the property in accordance with the prevailing R1 District zoning regulations (see *Attachment #1*).

In consideration of the City's Heritage Program and the owner's desire to retain and protect this historic and architecturally significant house as a designated City heritage site, the Planning Department has worked with the owner to develop a suitable proposal for the property utilizing a Heritage Revitalization Agreement (HRA). The proposal would allow for the creation of two lots: Lot 1 would provide for the retention, conservation and designation by bylaw of the existing Captain William Eyres Residence fronting Canada Way; and Lot 2 would provide for a new single-family dwelling, also fronting Canada Way, which would be subject to design review and development guidelines.

## **2.0 POLICY FRAMEWORK**

The proposal to protect and designate the Captain William Eyres Residence aligns with the following goals and sub-goals of the *Corporate Strategic Plan*:

- ***A Healthy Community***
  - Community involvement – Encourage residents and businesses to give back to and invest in the community
- ***A Dynamic Community***
  - Community development – Manage change by balancing economic development with environmental protection and maintaining a sense of belonging

## **3.0 HERITAGE DESIGNATION**

### **3.1 Local Government Act – Heritage Designation Bylaw Process**

Section 611 of the *Local Government Act* provides for the designation by bylaw of property that "has heritage value or character." The intent of this proposed designation bylaw is to protect the heritage value of the Captain William Eyres Residence.

Section 612 of the *Local Government Act* specifies the formal procedures of the designation process, which include a public hearing, notification of occupants and all other persons with a registered interest in the property, publication of newspaper notices, and preparation of a report. The report is to be made available to the public, and is to address: the heritage character of the property; the compatibility of conservation with the official community plan and other community planning objectives; the compatibility of conservation with lawful uses of the property and adjoining lands; the condition and economic viability of the property; and any need for financial or other support to enable conservation. The City is required to give notice of the completed bylaw to the Land Title Office and to the owners.

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### **3.1.1 Heritage Character Statement**

The Captain William Eyres Residence is one of Burnaby's landmark heritage homes in the Burnaby Lake historic neighborhood. As the residence retains significant heritage value to the City, it is listed on the City's heritage inventory and qualifies for inclusion on the Burnaby Heritage Register.

This two-and-one-half storey residence was constructed circa 1910 for Captain William J. Eyres, a retired American shipmaster. Eyres sold the house to William Mawhinney in 1913. William Alexander Mawhinney (1870-1953) and Annie Josephine Mawhinney, nee Sutcliff (1871-1956) moved to Burnaby in 1906. By 1908, William had been hired by F.J. Hart to operate his "Avalon Farm" at Sperling and Douglas Road. The Mawhinneys lived with family and rented a home prior to purchasing lots 120, 121 and 105 (which included present day 6079 Canada Way) in 1913.

The couple developed the land around the house with ornamental gardens at the front of the house along Douglas Road (now Canada Way) and with vegetable gardens, an orchard, and chicken sheds at the rear. William's brothers, Mervin and Isaiah, lived nearby. The Mawhinneys sold the house in 1921, and moved into a new home they constructed at Burriss Street and Buckingham Avenue (7616 Burriss Street) before moving into a third house nearby (6011 Buckingham Avenue) circa 1930. All three of William and Annie Mawhinney's houses are in the City's heritage inventory.

The house at 6079 Canada Way is an excellent example of a Craftsman bungalow and features a large open wrap-around verandah with five granite masonry piers, each supporting twinned 8"x8" timber posts that support the perimeter verandah beam. The original cedar shingle wall cladding is intact, and most of the original wood windows remain in place (see *Attachment #2*).

### **3.1.2 Compatibility of Conservation with Community Plan and Adjoining Land Use**

The proposed Heritage Designation Bylaw is consistent with the existing context of the surrounding neighbourhood, which consists primarily of single-family dwellings, as well as some duplexes across Canada Way in the R4 Residential District. The retention, conservation and designation of the existing house through bylaw will add a significant heritage building to the City's list of protected heritage resources.

The Captain William Eyres Residence is an important landmark in the historic Burnaby Lake neighborhood and its preservation provides a good opportunity to retain and interpret the early history and heritage of Burnaby.

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### **3.1.3 Condition and Economic Viability of the Property**

The Captain William Eyres Residence has been well-maintained and remains in good condition. Very few changes have been made to the house over the years, and many of the original features remain intact.

The project will include demolishing the existing concrete foundation, and moving the house to a newly constructed foundation on Lot 1. A basement suite will be incorporated.

The economic viability of the property is considered secure given that the Heritage Revitalization Agreement provides the owner the opportunity to create a new single family lot and would provide sufficient financial incentive to retain and restore the existing heritage house.

### **3.1.4 Possible Need for Financial Support to Enable Conservation**

The building will continue to be owned as a private dwelling and maintained accordingly. The adoption of the Heritage Revitalization Agreement by Council will allow for subdivision of the property into two lots, with some variances to R1 District zoning requirements. The provision of an additional lot would be a source of additional revenue for relocation and restoration of the heritage building. There are no additional economic incentives that would be required to ensure its continued protection and conservation. Staff would continue to work in cooperation with the current and future owners of the property to ensure that the heritage character of this City heritage site is protected and conserved.

## **4.0 HERITAGE REVITALIZATION AGREEMENT**

### **4.1 Local Government Act – Heritage Revitalization Agreement Process**

A Heritage Revitalization Agreement (HRA) is a written agreement between a local government and private property owner intended to facilitate protection of heritage resources. As outlined in the *Local Government Act*, an HRA may vary or supplement bylaw provisions that concern land use designations and subdivision. A local government must hold a Public Hearing before entering into an HRA if it would permit a change in land use or density that is not otherwise authorized by the existing zoning.

The purpose of this HRA is to provide for the long-term protection and conservation of the Captain William Eyres Residence, a significant Burnaby heritage building located in the historic Burnaby Lake neighborhood. The current owner of the property wishes to ensure that this heritage house is protected by the City of Burnaby as a City heritage site. The City's Official Community Plan has specifically outlined the need to establish incentives to encourage the conservation and facilitate the retention of significant privately-owned heritage buildings.

It is proposed that the City enter into an HRA in order to retain and protect the landmark Captain William Eyres Residence as a City heritage site. The proposed HRA would provide specific

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design controls and the necessary zoning variances to allow for the subdivision and development of the existing R1 Residential District subject property. As the proposed HRA will include variances to the property's R1 District zoning, specifically to accommodate the creation of an additional lot, a Public Hearing is required.

#### **4.2 Proposed Revitalization Agreement**

The subject property is currently zoned R1 Residential District. The Burnaby Zoning Bylaw requires that each new lot created under this Zoning District have a lot area of not less than 890 m<sup>2</sup> (9,580.2 sq. ft.) and a lot width of not less than 24.38 m (80 ft.). The subject proposal to subdivide the property into two lots would require the following variances to the Zoning Bylaw, to be accommodated under the Heritage Revitalization Agreement (HRA):

- Lot 1: Reduction in the minimum required lot width by 3.41 m (11.2 ft.), from 24.38 m (80.0 ft.) to 20.97 m (68.8 ft.).
- Lot 2: Reduction in the minimum required lot area by 138 m<sup>2</sup> (1,485.42 sq. ft.), from 890 m<sup>2</sup> (9,580.2 sq. ft.) to 752 m<sup>2</sup> (8,094.46 sq. ft.); and reduction in minimum lot width by 10.13 m (33.23 ft.), from 24.38 m (80.0 ft.) to 14.25 m (46.75 ft.).

*Section 5.0* below describes further variances to the Zoning Bylaw requested by the applicant, as part of the HRA, for the proposed development on each of the two new lots. Despite the proposed variances, the resulting development would generally be compatible with nearby lots and with the existing scale and character of buildings in the neighbourhood.

The proposed work includes demolishing the existing concrete foundation, and moving the house to a newly constructed foundation on Lot 1 to allow for subdivision. The five granite porch piers will be carefully documented and reconstructed utilizing original granite blocks on new foundations, and the porch will be restored on new timber piers, utilizing the original twin posts/porch beams.

Other significant conservation work proposed includes construction of new entry stairs to the original floor height, and construction of granite piers and wood guardrails with handrails to meet current building code requirements. The sidewalls of the stairs were originally clad in stucco, similar to the porch cladding between the stone masonry piers – this will be restored as part of the stair restoration.

Building envelope upgrades will include limited window restoration and installation of a new cedar shingle roof surface. The original windows are in generally good condition, although some paint stripping and limited re-glazing will be required. Four of the five exterior doors are original, and will be preserved. The front door will be replaced with a new frame and panel front door with a half-light, and will incorporate salvaged hardware from the original front door.

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A landscape plan will include installation of a pedestrian gate at Canada Way to allow visual access to the heritage house. To protect the original cladding, trim, and door and window elements, the exterior will be re-painted in approved historic colours.

In consideration of the City's Heritage Program, it has been deemed desirable to retain and protect the Captain William Eyres Residence as a designated City heritage site. The applicant has prepared a plan and guidelines for the retention of the Captain William Eyres Residence. The proposal is for the creation of two single-family lots based on the provisions of the existing R1 District, and the use of a Heritage Revitalization Agreement to vary provisions of the Burnaby Zoning Bylaw with regards to lot area, lot width, height, setbacks and above grade floor area. The subdivision would be based on the layout as shown in *Attachment #3*, and all other Zoning Bylaw, BC Building Code and other City regulations and requirements would continue to apply.

## **5.0 DEVELOPMENT PROPOSAL**

### **5.1 Proposed Lot 1 (Existing Heritage House)**

The applicant proposes that the existing heritage house be retained and moved to the proposed westernmost lot (Lot 1), and designated as a City heritage site, with the following design guidelines, as well as compliances and requested variances to the Burnaby Zoning Bylaw:

- (i) Lot 1 would require a variance to the Zoning Bylaw to permit a reduced lot width as indicated above in *Section 4.2*.
- (ii) The heritage house would be protected by a Heritage Designation Bylaw as a City heritage site.
- (iii) The heritage house would be relocated on proposed Lot 1 to accommodate its preservation. It is noted that the proposal includes the demolition of the existing foundation, and construction of a new foundation to include a full basement with a secondary suite.
- (iv) The exterior of the heritage house would be restored following the submitted Heritage Conservation Plan that shall include retention and restoration of the exterior design of the dwelling.
- (v) The maximum permitted above grade gross floor area (AGFA) for the principal building, based on R1 Residential District regulations, is 379.92 m<sup>2</sup> (4,089.42 sq. ft.). The proposed heritage house has a total AGFA of 490.25 m<sup>2</sup> (5,277 sq. ft.). A variance to the Zoning Bylaw is required to increase the maximum permitted AGFA by 110.33 m<sup>2</sup> (1,187.58 sq. ft.). This variance equates to an increase in permitted density by 0.12 floor area ratio (FAR), from 0.40 FAR to 0.52 FAR.
- (vi) The maximum permitted height of a principal building with a sloping roof in the R1 Residential District is 2.5 storeys and 9.0 m (29.5 ft.). The proposed height of the heritage building on Lot 1 is 2.5 storeys and 9.3 m (30.5 ft.). A variance to the Zoning bylaw is required to increase the maximum permitted principal building height by 0.3 m (1 ft.).

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- (vii) The proposed front yard setback is 12.78 m (41.9 ft.), which meets the Zoning Bylaw minimum requirement of 9.0 m (29.5 ft.).
- (viii) The proposed rear yard setback is 15.16 m (49.7 ft.), which meets the Zoning Bylaw minimum requirement of 9.0 m (29.5 ft.).
- (ix) The proposed western and eastern side yard setbacks of 3.0 m (9.84 ft.) and 3.81 m (12.5 ft.), respectively, meet the Zoning Bylaw minimum requirement of 2.4 m (7.9 ft.) for the least side yard and 5.5 m (18 ft.) for the sum of both side yards.
- (x) The proposed lot coverage and building depth of the heritage house complies with R1 Residential District regulations.
- (xi) A carport or garage not exceeding 42 m<sup>2</sup> (452.1 sq. ft.) is proposed. Vehicle access would be from the rear lane.
- (xii) A Section 219 restrictive covenant would be registered on the property's land title outlining the provisions of the Heritage Revitalization Agreement.

## 5.2 Proposed Lot 2 (New Residence)

The applicant proposes a new 2-storey single-family dwelling with a below-grade secondary suite, to be constructed on the new eastern corner lot (Lot 2) fronting Canada Way and Pitt Street. *Attachment #3* (Proposed Lot Configuration) presents a concept for how a development can be constructed on Lot 2 that meets the Zoning Bylaw with the exception of the following variances that are requested under the HRA:

- (i) Lot 2 would require a variance to the Zoning Bylaw to permit a reduced lot area and lot width as indicated above in *Section 4.2*.
- (ii) The proposed setbacks for the new single family dwelling are as follows:
  - Front Yard: 19.1 m (62.7 ft.)
  - Rear Yard: 11.87 m (38.9 ft.)
  - Western Side Yard (facing Lot 1): 2.5 m (8.2 ft.)
  - Eastern Side Yard (facing Pitt Street): 3.0 m (9.84 ft.)The R1 Residential District requires that in the case of a corner lot, the side yard adjoining the flanking street shall not be less than 4.5 m (14.8 ft.). Given that the proposed Lot 2 is a corner lot, a variance to the Zoning Bylaw is required to reduce the minimum required eastern side yard setback adjoining the flanking street (i.e. Pitt Street) by 1.5 m (4.92 ft.), from 4.5 m (14.76 ft.) to 3.0 m (9.84 ft.).
- (iii) A carport or garage not exceeding 42 m<sup>2</sup> (452.1 sq. ft.) is proposed. Vehicle access would be from the rear lane. A Section 219 restrictive covenant would be registered on this property to prohibit vehicular access from Canada Way or Pitt Street.
- (iv) The design of the building on Lot 2 will meet all requirements of the Zoning Bylaw, BC Building Code and other City regulations and requirements with the exception of the variances to the Zoning Bylaw identified in the HRA. A Section 219 restrictive covenant would be registered on this property outlining the terms of the Heritage Revitalization Agreement

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## 6.0 CONCLUSION

The protection of the Captain William Eyres Residence through a Heritage Designation Bylaw and Heritage Revitalization Agreement offers the City of Burnaby an opportunity to protect and revitalize a significant heritage building in the Burnaby Lake neighborhood and an important City heritage resource.

The proposed Heritage Revitalization Agreement presented in this report provides a suitable plan for public review and consideration. It conforms with the use and development of the R1 Residential Zoning District for single family lots, with variances to the lot width, density and height for the heritage house on Lot 1, and variances to the lot width, lot area and eastern side yard setback for the new house on Lot 2.

With Council approval of the recommendations of this report, the subject bylaws would be prepared and advanced to Public Hearing at a future date.



E.W. Kozak, Director  
PLANNING AND BUILDING

LC/AY:sa

Attachments

Copied to: Acting City Manager  
City Solicitor  
City Clerk  
Chief Building Inspector

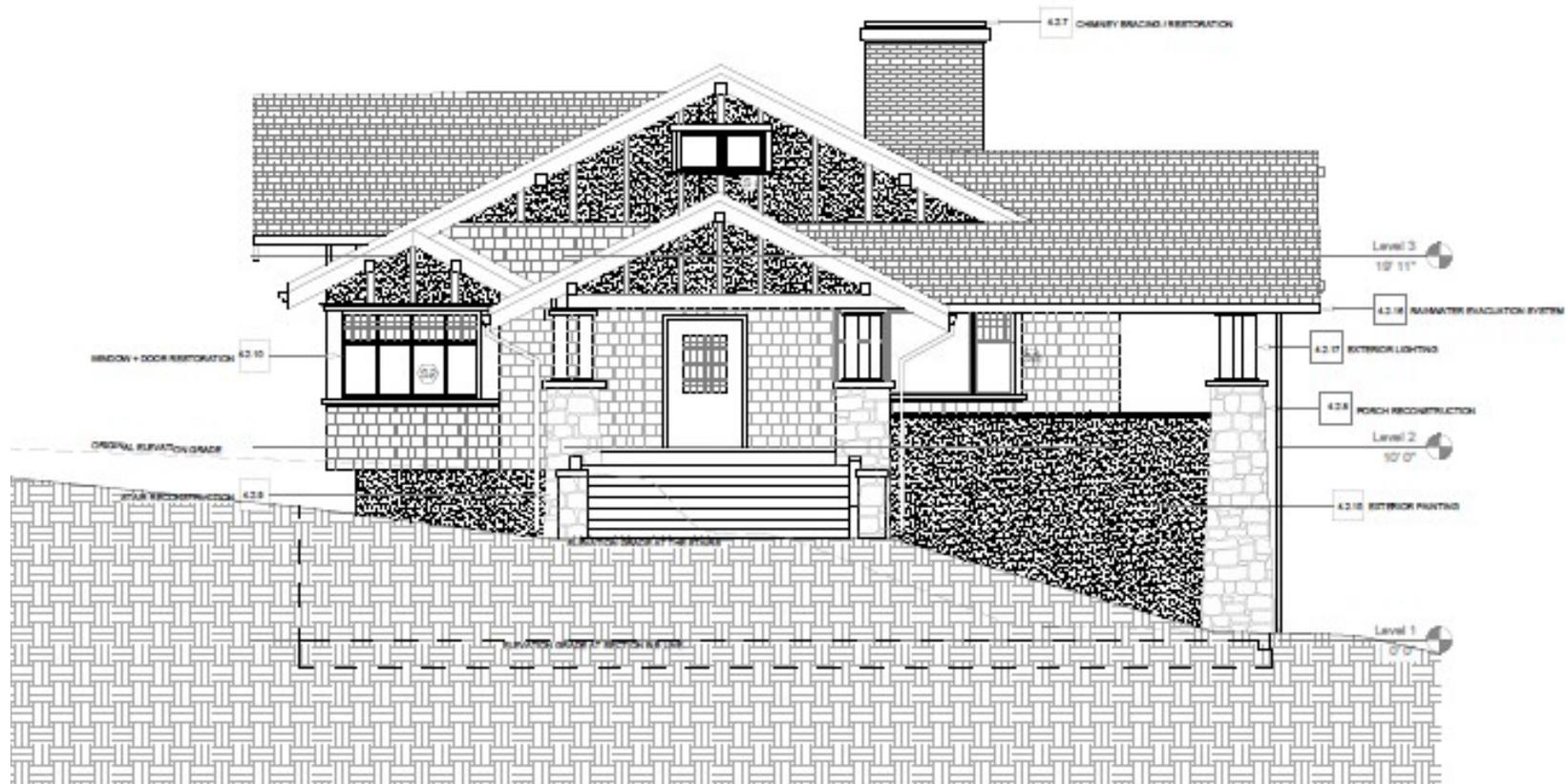




Front (South Elevation) at present



South Elevation, circa 1922-1928.



Proposed South Elevation



North Elevation at present



North Elevation, photo taken between 1913-1923. BV016.48.66



Proposed North Elevation



West Elevation, at present



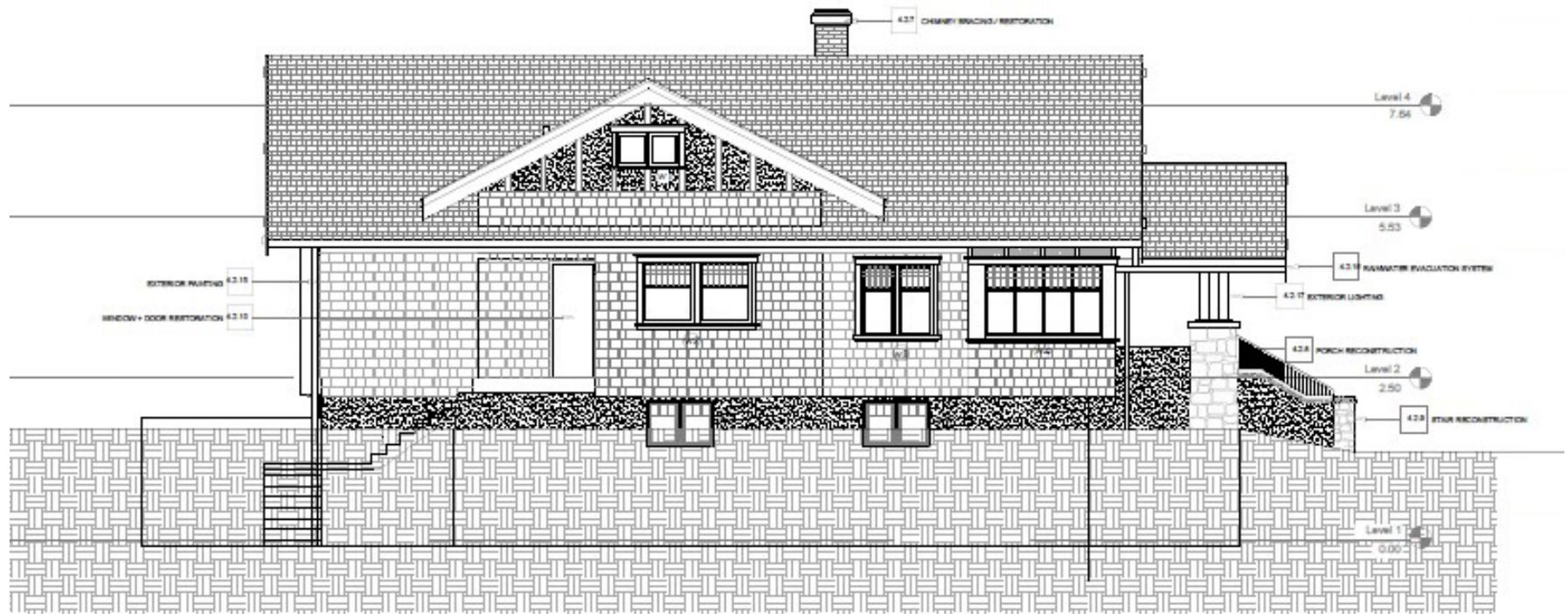
Proposed West Elevation.



East Elevation, at present



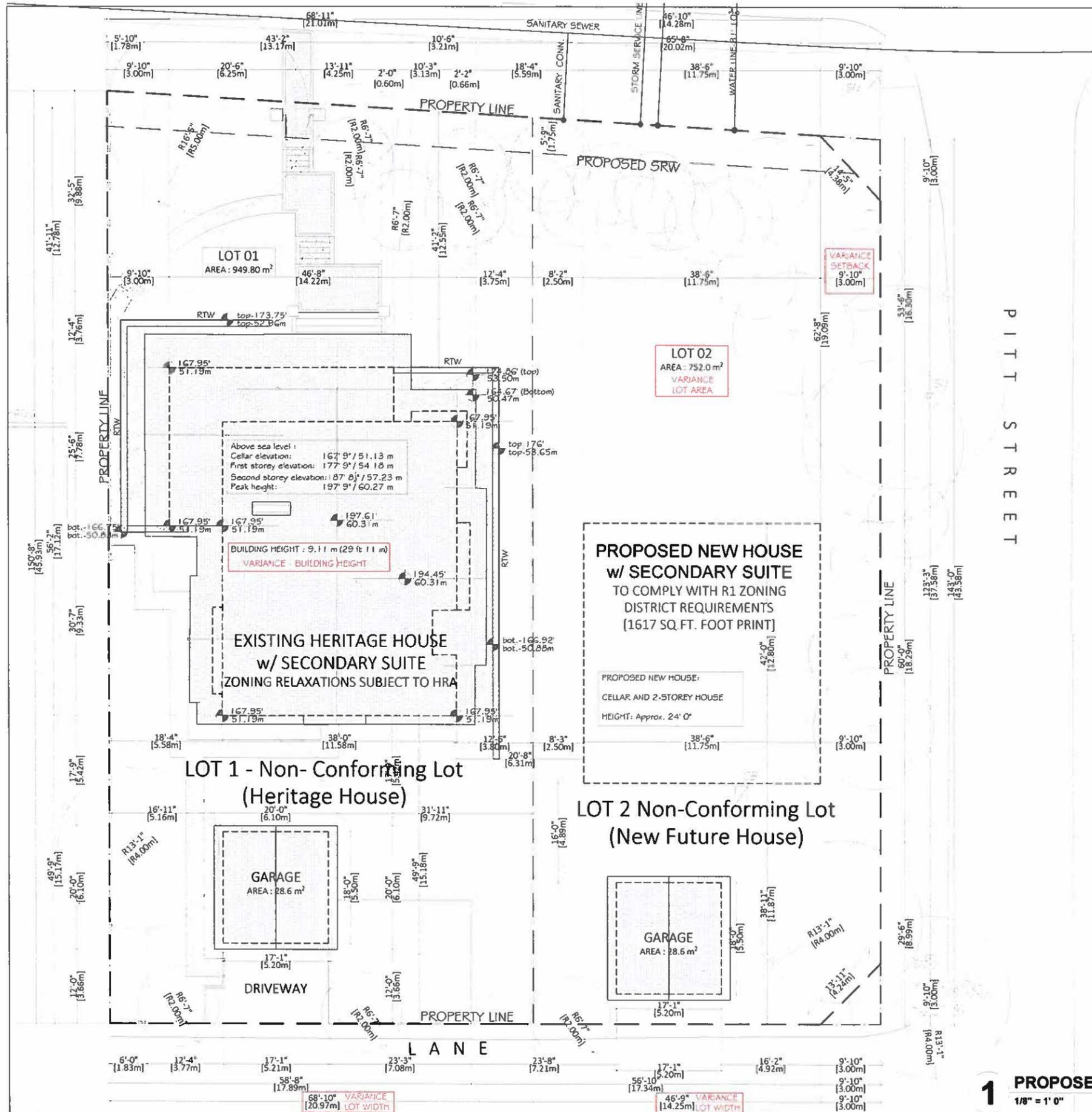
East Elevation, photo taken between 1913-1923. BV016.48.64



Proposed East Elevation

**McGinn Engineering & Preservation Ltd.**  
 Barry McGinn Architect  
 #803-402 West Pender St Vancouver, B.C.  
 Tel: 604-473-9866 Fax: 604-473-9877  
 Web: www.mcginn-engineering.com

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LOT 1 (HERITAGE HOUSE)	METRIC
LOT AREA:	10223.56 sq. ft. / 949.80 m <sup>2</sup>
BUILDING FOOTPRINT:	2642.85 sq. ft. / 245.53 m <sup>2</sup>
LOT COVERAGE:	25.85%
DWELLING UNITS:	2
PARKING:	2 SPACES
SETBACKS:	
REAR (LANE) =	49'-9" / 15.16 m
SIDE (LOT 2) =	12'-6" / 3.81 m
SIDE (NW) =	9'-10" / 3.0 m
FRONT (CANADA W) =	41'-11" / 12.78 m
BUILDING DEPTH:	56'-2" / 17.12 m
HEIGHT:	2-1/2 STOREY and 30'-6" ft. / 9.30 m
ABOVE GRADE FLOOR AREA	3480 sq ft + 1797 sq ft basement = 5277 sq ft / 490.25 m <sup>2</sup>
PROPOSED DENSITY:	0.52

R1 DISTRICT REQUIREMENTS	HERITAGE HOUSE	
LOT AREA: NOT LESS THAN 890 m <sup>2</sup> / 9580.2 sq. ft.	949.80 m <sup>2</sup>	
LOT WIDTH: NOT LESS THAN 24.38 m / 80 ft.	20.97 m (68 ft 10 in)	VARIANCE
LOT COVERAGE: <40%	25.85%	
ABOVE GRADE FLOOR AREA AND F.A.R.:		
101.5 (2b) - 0.40 of the lot area	0.52	VARIANCE
HEIGHT OF PRINCIPAL BUILDING 9.00 m (29.5 ft.)	9.3 m (30 ft 6 in)	VARIANCE
DEPTH OF BUILDING 50% lot depth / 18.3 m (60 ft.)	17.12 m (56 ft 2 in)	
MINIMUM SETBACKS		
Front Yard: 9.00 m (29.5 ft.)	12.78 m (41 ft 11 in)	
Side Yards: 2.4m (7.9 ft.)	3.81 m (12.5 ft.)	respectively compliant
Rear Yard: 9.00 (29.5 ft.)	15.16 m (49.75 ft.)	

BUILDING WILL OTHERWISE CONFORM TO THE ZONING BY-LAW.

LOT 2 (FUTURE NEW HOUSE)	METRIC
LOT AREA:	8094.46 sq. ft. / 752.00 m <sup>2</sup>
BUILDING FOOTPRINT:	1924 sq. ft. / 178.82 m <sup>2</sup>
LOT COVERAGE:	23.78%
DWELLING UNITS:	2
PARKING:	2 SPACES
SETBACKS:	
REAR (LANE) =	38'-11" / 11.87 m
SIDE (PITT ST) =	9'-10" / 3.00 m
SIDE (LOT 1) =	8'-3" / 2.50 m
FRONT (CANADA W) =	62'-8" / 19.1 m
BUILDING DEPTH:	42'-0" / 12.80 m
STOREYS:	2 + cellar
HEIGHT:	approx 24'-0" / 12.8 m
ABOVE GRADE FLOOR AREA	3234 sq. ft. / 300.44 m <sup>2</sup>
PROPOSED DENSITY:	0.399

R1 DISTRICT REQUIREMENTS	PROPOSED NEW HOUSE	
LOT AREA: NOT LESS THAN 890 m <sup>2</sup> / 9580.2 sq. ft.	752.0 m <sup>2</sup>	VARIANCE
LOT WIDTH: NOT LESS THAN 24.38 m / 80 ft.	14.25 m (46.75 ft.)	VARIANCE
LOT COVERAGE: <40%	23.78%	
ABOVE GRADE FLOOR AREA:		
101.5 (2b) - 0.40 of the lot area	0.399	
HEIGHT OF PRINCIPAL BUILDING 2 1/2 7.40 m (24.3 ft.)	24 ft (7.3 m)	
DEPTH OF BUILDING 50% lot depth / 18.3 m (60 ft.)	42 ft (12.80 m)	
MINIMUM SETBACKS		
Front Yard: 9.00 m (29.5 ft.)	19.1 m (62 ft 8 in.)	
Side Yards: 2.4m (7.9 ft.), corner lot 4.5 m (14.8 ft.)	2.5 m (8 ft 3 in) corner side 3.0 m (9'-10")	VARIANCE
Rear Yard: 9.00 (29.5 ft.)	11.87 m (38 ft 11 in.)	

BUILDING WILL OTHERWISE CONFORM TO THE ZONING BY-LAW.

**1 PROPOSED LOT CONFIGURATION**  
 1/8" = 1' 0"

REV	DESCRIPTION	DATE
1	ISSUED FOR HRA	05/12/2021

PROJECT

**6079 CANADA WAY**  
 BURNABY, BC

TITLE

**PROPOSED LOT CONFIGURATION**

DRAWN BY: DM

DATE: 2021-06-12

SCALE: 1/8" = 1'-0"

DWG#

**PR-00**

**BC LAND SURVEYORS PROPOSED SUBDIVISION  
 PLAN OF LOT "A"  
 DISTRICT LOT 86 GROUP 1  
 NWD PLAN 21367**

PID : 001-132-261

**CIVIC ADDRESS :**

6079 - CANADA WAY  
 BURNABY, B.C.

**NOTE :**

Preliminary Layout, subject to approval.  
 Areas and Dimensions are subject to detailed  
 Legal Survey and calculations, and may vary.

Lot dimensions and clearances according to  
 Plan 21367.

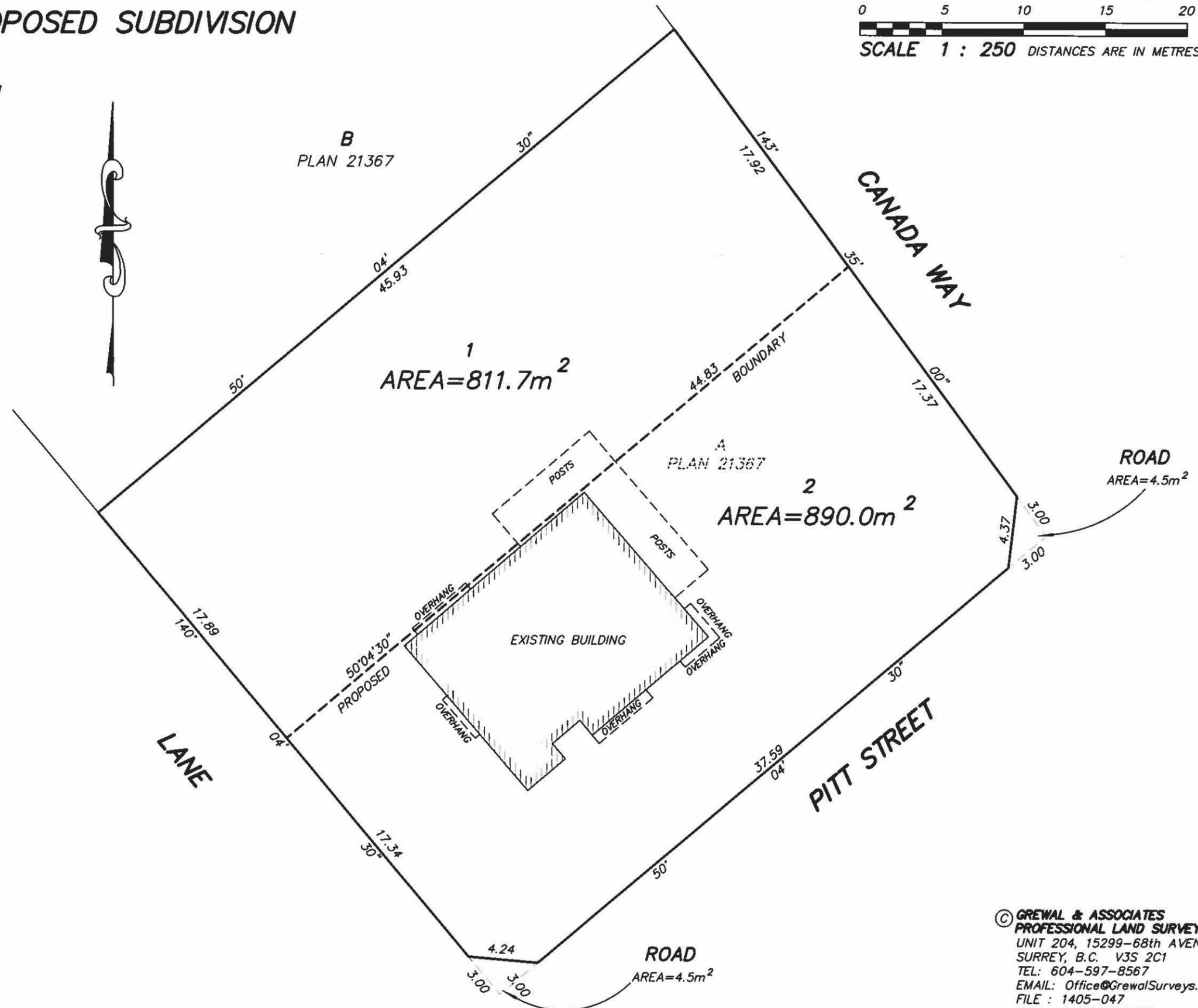
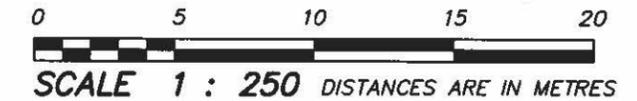
This plan does not show non-plan  
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CERTIFIED CORRECT THIS 20th DAY OF MAY, 2020.

B.C.L.S.

LAKHJOT S. GREWAL



© GREWAL & ASSOCIATES  
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