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BYLAW NO. 218

**Being a Bylaw to designate Tarry-a-while
as a Municipal Historic Resource**

WHEREAS the *Historical Resources Act*, R.S.A. 2000, c. H-9, as amended, permits the Municipal Council of a municipality to designate any historic resource within the municipality whose preservation it considers to be in the public interest as a Municipal Historic Resource upon giving notice to the owner of the resource in accordance with the *Historical Resources Act*; and

WHEREAS it is deemed in the public interest to designate the building located in the Town of Banff at 117 Grizzly Street known as Tarry-a-while as a Municipal Historic Resource; and

WHEREAS the owners of Tarry-a-while have agreed to the terms and conditions of the compensation proposal set out in **Schedule “C”** as compensation for the designation of Tarry-a-while as a Municipal Historic Resource;

NOW THEREFORE the Municipal Council of the Town of Banff, having complied with the *Historical Resources Act*, and duly assembled, hereby enacts as follows:

1. BUILDINGS DESIGNATED AS A MUNICIPAL HISTORIC RESOURCE

The Building known as Tarry-a-while, specifically described in **Schedule “A”**, which is located on lands, within the Town of Banff, legally described as follows:

Lots: 23, 24 & 25, Block: 27, Plan: 6719 BC

2. PERMITTED REPAIRS AND REHABILITATION

Subject to section 3 hereof, the buildings hereby designated in section 1 as a Municipal Historic Resource shall not be removed, destroyed, disturbed, altered, rehabilitated, repaired or otherwise permanently affected, other than in accordance with the terms of **Schedule “B”** attached.

3. ADMINISTRATOR

The Manager of the Town of Banff Planning and Development Department is hereby appointed to administer the implementation of any matters arising from the matters set out in **Schedule “B”**.

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4. COMPENSATION

Compensation shall be paid to the registered owners of Tarry-a-while herein designated a Municipal Historic Resource in the manner, at the times and in the amounts set out in **Schedule "C"**.

READ a first time this 8th day of December, A.D. 2003;

READ a second time this 8th day of December, A.D. 2003;

READ a third time and finally passed this 19th day of December, A.D. 2003;

THE TOWN OF BANFF

MAYOR

DIRECTOR OF CORPORATE SERVICES

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SCHEDULE “A” TO BYLAW NO. 218

This is Schedule “A” to Bylaw No. 218 and identifies, by written description and photographs, those portions of Tarry-a-while located at 117 Grizzly Street which are regulated by the “General Guidelines for Rehabilitation” (**Schedule “B”**) and must be preserved (“the Regulated Portion”).

THE IDENTIFICATION OF REGULATED PORTIONS OF TARRY-A-WHILE

The Regulated Portions of Tarry-a-while include: the east, south, west and north façades and roof of the residence; all window and door openings of each regulated façade and the location and setting of the building on the lot. This includes all materials, detailing, entrances and windows as described below under each façade section.

Non-regulated portions of the building, being all other portions of the building not specifically identified as a Regulated Portion, may be rehabilitated, altered, repaired or otherwise permanently affected in any manner provided that such rehabilitation, alteration or repair does not impact on the regulated historic features of the building. Any development or alterations considered to be non-regulated portions of the Municipal Resource must meet the General Guidelines for Rehabilitation. Any development of any portion of the Land shall be undertaken in a manner that is sympathetic to the regulated historic features of the building.

The following architectural elements must be retained:

SOUTH FAÇADE OF RESIDENCE (Wolverine Street) (photo 1)

- South façade clad in cedar shingles with river stone cladding at the base of the wall;
- Position, number, size and arrangement of doors and windows on south façade;
- Steeply pitched hipped roof and shed roof dormer with cedar shingle cladding;
- Position, number, size and arrangement of windows in shed roof dormer;
- Position, number, size and arrangement of red brick chimneys on roof;
- Enclosed solarium addition with shed roof;
- Open deck and railing with staircase to yard;

EAST FAÇADE OF RESIDENCE (Grizzly Street) (photos 2, 3 & 4)

- East façade clad in cedar shingles with river stone cladding at the base of the wall;
- Position, number, size and arrangement of windows on east façade;
- Steeply pitched hipped roof and shed roof dormer with cedar shingle cladding;
- Position, number, size and arrangement of windows in shed roof dormer;
- “Tarry-a-while” building identification sign at the top of the wall between the windows just below the eave overhang (photo 3)

NORTH FAÇADE OF RESIDENCE (photo 5)

- North façade clad in cedar shingles with river stone cladding at the base of the wall;
- Position, number, size and arrangement of doors and windows on north façade;

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- Steeply pitched hipped roof and shed roof dormer with cedar shingle cladding;
- Position, number, size and arrangement of windows in shed roof dormer;
- Position, number, size and arrangement of red brick chimneys on roof;
- Enclosed porch addition with shed roof;
- Position, number, size and arrangement of doors and windows on enclosed porch;

WEST FAÇADE OF RESIDENCE (Lane) (photo 6)

- West façade clad in cedar shingles
- Position, number, size and arrangement of windows on west façade;
- Steeply pitched hipped roof and shed roof dormer with cedar shingle cladding;
- Position, number, size and arrangement of windows in shed roof dormer;
- Shed roof garage addition clad in cedar shingles and vertical boards;
- Position, number, size and arrangement of doors and windows on garage;

PHOTOGRAPHIC DETAILS



Photo 1 – South façade with enclosed solarium and deck and garage addition on West façade

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Photo 2 – East façade and porch addition on North façade



Photo 3 – East façade sign detail



Photo 4 – East façade window, siding, stone-work detail

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Photo 5 – North façade with porch addition



Photo 6 – West façade with garage addition

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SCHEDULE “B” TO BYLAW NO. 218

This is **Schedule “B”** to Bylaw No. **218** and identifies the “General Guidelines for Rehabilitation” for Tarry-a-while located at 117 Grizzly Street.

GENERAL GUIDELINES FOR REHABILITATION

1. Approval of Rehabilitation Work

As per section 26 (6) of the Alberta *Historical Resources Act*, notwithstanding any other Act, no person shall destroy, disturb, alter, restore or repair an historic resource or remove any historic object from an historic resource that has been designated under this section, without the written approval of the Council or person appointed by the Council for the purpose.

The Manager of the Planning and Development Department has been appointed by Town Council as the approving authority for this purpose.

2. Compatible Uses

Wherever possible, the uses proposed for a Municipal Historic Resource shall be compatible with the existing building such that only minimal changes are required to the building. The use of a Municipal Historic Resource for its original purpose is desirable.

3. Original Character

The original distinctive qualities and character of the building as designated by the Municipal Historic Resource bylaw should be preserved. The removal or alteration of any historical materials or features shall be avoided whenever possible.

4. The Historic Period

The Municipal Historic Resource should be recognized as a product of its own time. Alterations which are not based on historical fact or which recreate an earlier or later idiom shall be discouraged.

5. Witness to Change

Changes to the Municipal Historic Resource may have occurred over time. These alterations are evidence of the history and development of the building. Because this evolution may have acquired significance in its own right, alterations to the original building should be recognized and respected where indicated.

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6. Repair and Replacement

Deteriorated architectural features shall be repaired rather than replaced wherever possible. Where replacement is necessary, the new material should match the original as to composition, colour, texture, design, etc. The repair or replacement of architectural features shall be based on a sound knowledge of the original characteristics of the feature. Such knowledge shall be based on historical or pictorial evidence and not upon conjecture.

7. Style and Craftsmanship

Distinctive stylistic features and examples of skilled craftsmanship that have been designated by the Municipal Historic Resource Bylaw shall be preserved and treated sensitively.

8. Cleaning

In all cases, surface cleaning shall be undertaken with the gentlest means available. Sandblasting in particular, but also other cleaning methods, damage historic buildings and should not be undertaken without thorough testing prior to use on a building. Sandblasting is not recommended on brick, stone or wood. In all instances, it should be ascertained that a building exterior is really in need of cleaning prior to undertaking the work.

9. Reversibility of Improvements

When the introduction of new elements or materials is necessary to stabilize or preserve a municipally designated historic resource, alterations shall be undertaken such that the new materials, should they fail, may be removed at a later date without damage to the original fabric of the Municipal Historic Resource. Where this is not possible, (i.e., use of epoxy) only those methods and materials that have been thoroughly tested and found satisfactory in situ shall be used.

10. Recording

Prior to undertaking any alterations, particularly in cases where alterations may threaten the building fabric (underpinning, moving structures), the applicant shall compile a complete record of the architectural features of the Municipal Historic Resource. Measured drawings and photographs of details may prove invaluable if major features are damaged or lost during the subsequent repair work.

11. Original Construction Details

In some historic structures, poor construction details or inappropriate material resulted in rapid deterioration of certain building elements. In these instances, accurate restoration of the original detail will inevitably result in the failure of the element. Therefore, restoration of the resource should

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be undertaken in such a fashion as to duplicate the original appearance as closely as possible while using details based on sound construction practice.

12. Enforcement

The owner and the Town shall enter into an agreement to ensure that the designated structure will be maintained in such a manner as to prevent any deterioration.

13. Improvements

Prior to undertaking any improvements, a schedule of alterations should be prepared. This schedule should include phasing of alterations where necessary due to program or budget restrictions. The type and timing of both short and long term maintenance work shall also be included.

14. Codes

At no time should the life and safety of occupants of a Municipal Historic Resource be deemed of lesser importance than the preservation of the original fabric of the Municipal Historic Resource. The required life and safety standards are those required by the current Alberta Building Code. However, notwithstanding these Code requirements, where the essential character of the structure is threatened by changes for code reasons, every effort shall be made to achieve an equivalent safety standard by alternate means so as to minimize the impact on the historic fabric.

15. Signs

As a general rule signs should be limited to signs that were originally present on the building. In instances where new use or interpretive functions dictate the use of additional signs, these new elements should be integrated into the general design of the project. The size, typeface, graphics and materials should be chosen to suit the period of the Municipal Historic Resource wherever possible. All signs must conform to the Banff Land Use Bylaw.

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SCHEDULE "C" TO BYLAW NO. 218

This is **Schedule "C"** to Bylaw No. **218**, being a Bylaw to Designate Tarry-a-while as a Municipal Historic Resource.

Summary of Compensation

1. Pursuant to section 28 of the *Historical Resources Act*, R.S.A. 2000, c. H-9, as amended, the Town of Banff (the "Town") is required by law to provide compensation to the Peter and Catharine Whyte Foundation (the "Owner") as a result of the designation of Tarry-a-while as a Municipal Historic Resource. The Town and the Peter and Catharine Whyte Foundation, the Owners of Tarry-a-while as of the effective date of this Bylaw, have agreed, in the Compensation Agreement, upon the adequate compensation for the designation and any loss of economic value to the owners as a result of the designation. Neither the Town of Banff nor the Banff Heritage Corporation shall be obligated to provide any further consideration other than as set out in the Compensation Agreement.
2. Provided that at all times the Owner has performed its obligation under the Compensation Agreement and is not in default in any way under the Compensation Agreement, the Town and/or the Banff Heritage Corporation shall provide the following consideration to the Owner for the designation of Tarry-a-while as a Municipal Historic Resource:
 - 2.1 Upon designation of Tarry-a-while as a Municipal Historical Resource, so long as the resource remains in serviceable condition, a Grant in Aid equal to the municipal portion of property taxes (the "Grant") but not to exceed \$ 2,000 per annum during the years 2004 through 2008 inclusive.

The Grant shall be provided to the Owners in the manner described in paragraphs 4 through 7 of this **Schedule "C"**.
3. Unless otherwise defined in this Bylaw the terms used in **Schedule "C"** shall have the same meaning as was assigned to them in the Compensation Agreement between the Town, the Banff Heritage Corporation and the Owners.

Grant in Aid of Municipal Property Tax

4. The Grant will be payable as of January 1st in the year following that in which Bylaw No. 218 designating Tarry-a-while as a Municipal Historic Resource, is passed.
5. The amount of the Grant paid in any given year will be the lesser of (i) the municipal portion of the Owner's property taxes assessed for that year by the Town; or (ii) \$ 2,000.00. In calculating the amount of the Grant only the municipal portion of the Owner's property taxes

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will be considered and no other taxes, such as school taxes and local improvement charges, shall be taken into consideration.

6. Payment of the Grant will be made to the Owner after the Owner has fully paid all taxes and levies due and owing to the Town, including the municipal portion of the Owner's property taxes.
7. Payment of the Grant may be discontinued if the historical integrity of Tarry-a-while is destroyed; if Tarry-a-while is not in serviceable condition or if Bylaw No. 218 designating Tarry-a-while as a Municipal Historic Resource, is rescinded at the discretion of Council.