

REPORT TO COUNCIL



Date: November 25, 2019

To: Council

From: City Manager

Department: Development Planning & Policy and Planning Departments

Application: HD19-0001 **Owner:** Kasmir Felix Domincas
Sandana

Address: 1583 Highway 33 E **Applicant:** Chataway, Peter J dba Fine
Home Designs

Subject: Heritage Designation Application 1583 Highway 33 E

1.0 Recommendation

THAT Council defer consideration of a request to add the subject property at 1583 Highway 33 E to the Kelowna Heritage Register;

AND THAT Council direct staff to bring back application HD19-0001 to an afternoon Council meeting once the outstanding legal issues pertaining to the property are resolved;

AND FURTHER THAT the applicant, or their representative, be provided an opportunity to be heard prior to Council debate on the deferral recommendations.

2.0 Purpose

To consider whether to defer the addition of 1583 Highway 33 E to the Kelowna Heritage Register and the designation of 1583 Highway 33 E as a Municipal Heritage building under Section 611 of the Local Government Act.

3.0 Development Planning & Policy and Planning

While Development Planning Staff and Policy and Planning Staff are supportive of the request to add 1583 Highway 33 E to the Heritage Register and the request for the Heritage Designation of the building on the subject property, Staff recommend Council defer consideration of the application until legal issues involving the applicant are resolved. Staff are aware of legal action involving the applicant and subject property, and while these do not involve the City, there is a concern the City may be drawn into these actions should Council consider the heritage register and heritage designation at this time. Staff support the application returning to Council once the outstanding legal issues are resolved.

4.0 Proposal

4.1 Background

The property owner of 1583 Highway 33 E is requesting that the subject property be added to the Kelowna Heritage Register and designated as a municipal heritage building for long-term protection.

Heritage Designation is the legal protection through passage of a bylaw and is a tool often used to achieve long term protection of a heritage building. Heritage Designation travels with the title and must be registered with the provincial Land Titles Office.

In the absence of the Heritage Advisory Committee, 1583 Highway 33 E was evaluated by an external heritage consultant using the [Kelowna Heritage Register Evaluation Criteria](#). The evaluation concluded the property should be added to the Heritage Register – receiving a Group A classification, primarily due to its high scores with historical association and historical pattern.

It should be noted the Official Community Plan Future Land Use designation for the subject property and adjacent properties to the south and west is COMM – Commercial, though they are all currently zoned A1 – Agriculture 1 with residential uses. While the proposal to add the property to the Heritage Register and designate it as a heritage building would limit future redevelopment opportunities, only two other properties in this City Sector are on the Heritage Register and the site is identified to have heritage value and significance.

4.2 Heritage Value and Heritage Character

Constructed between 1908 and 1914, the Felix Casorso House is valued as a reflection of the earliest agricultural development of the Rutland area of Kelowna. Significance lies in the association of this place with the Belgo-Canadian Land Company (BCLC), one of the major early speculative agricultural companies in the Okanagan. The property further possesses significance for its long-term historical association with members of the Casorso family, who were among the first Italian immigrants in the Okanagan Valley.

Aesthetically, the subject house is valued for its vernacular Foursquare design, a trending design in residential architecture in Kelowna and widely popular in-house plan catalogues in the early 1900s. This house is also valued for its long-term ownership pattern, having been owned by only two families since it became privately owned in 1924. The house was purchased from the Casorso family in 1979 by the Sandana family, who have contributed to the agricultural heritage of this place by maintaining its presence as a farm house on the land, and through their fruit growing and raising of livestock on the lands around the home.

4.3 Site Context

The subject property is located in the Belgo – Black Mountain City Sector near the intersection of Hwy 33 E and Loseth Rd and just south of Loseth Park. It is in close proximity to transit routes along Highway 33 E. The property is designated COMM – Commercial, though it is currently zoned A1 – Agriculture 1 and is used as a residence. It is adjacent to the Black Mountain Village Centre. Although there is not a large amount of local commercial sites in the area the property is situated on an active transportation network along Highway 33.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential
East	RM3 – Low Density Multiple Housing	Residential
South	A1 – Agriculture	Agriculture / Residential
West	A1 – Agriculture	Agriculture / Residential

Subject Property Map: 1583 Highway 33 E



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5:

Objective 5.7 Identify and conserve heritage resources.

Policy 5.7.2 Heritage Designation. Encourage owners of properties listed in the Kelowna Heritage Register and identified as significant to voluntarily provide long-term heritage protection to their properties through the use of a Heritage Designation Bylaw.

Chapter 9:

Objective 9.2 Identify and conserve heritage resources.

Policy 9.2.1 Heritage Register. Ensure that the Heritage Register is updated on an on-going basis to reflect the value of built, natural and human landscapes.

5.2 Heritage Strategy

Strategy 1 – Preserve and Protect Heritage Resources. Continue to preserve and protect significant heritage resources through the use of protection tools and heritage planning initiatives.

Strategy 5 – Update Heritage Register. Continue to identify the City’s significant cultural/natural landscapes, archaeological and built heritage resources.

6.0 Application Chronology

Date of Application Received: June 20, 2019

7.0 Legal/Statutory Procedural Requirements

[Compensation for heritage designation](#) (per s. 613(1)(a) of the LGA):

1) If a designation by a heritage designation bylaw causes, or will cause at the time of designation, a reduction in the market value of the designated property, the local government must compensate an owner of the designated property who makes an application under subsection (2),

(a) in an amount or in a form the local government and the owner agree on, or

(b) failing an agreement, in an amount or in a form determined by binding arbitration under subsection (4).

(2) The owner of a designated property may apply to the local government for compensation for the reduction in the market value of the designated property.

Should the legal action end in favour of the current property owner, and the property owner wishes to pursue voluntary heritage designation, the owner will not be able to apply to the local government for compensation for the reduction in the market value of the designated property.

8.0 Alternate Recommendation

THAT Council direct staff to bring forward a report for consideration to add the subject property at 1583 Highway 33 E to the Heritage Register and to designate 1583 Highway 33 E as a Municipal Heritage building under Section 611 of the Local Government Act.

Report prepared by: Lauren Sanbrooks, Planner II, Policy & Planning
Andrew Ferguson, Planner I, Development Planning

Reviewed by: James Moore, Long Range Policy Planning Manager

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

Approved for Inclusion: Danielle Noble-Brandt, Policy & Planning Department Manager

Attachments:

Schedule A: Statement of Significance – 1583 Highway 33 E