



development potential of a property is not restricted, and the owner is entitled to develop the property in accordance with the permitted uses, density and other regulations of the property's existing zoning. Buildings can be altered and may even be demolished. A building is only legally protected from demolition/alteration if the property has been formally designated by bylaw or has had a legal agreement such as a covenant executed and placed on title. The City can place an order for temporary protection for up to 60 days to enable Council and staff to explore other development options with the property owner prior to demolition.

Requests from property owners to add buildings to or remove them from the Heritage Register are reviewed by City staff and forwarded to the Heritage Advisory Committee (HAC) for consideration. The HAC reviews the request and evaluates the building's architectural, cultural and contextual qualities to determine a recommendation. Following the HAC's evaluation, the Policy & Planning Department forwards a recommendation to Council for a final decision.

Over 200 buildings are currently listed on the Kelowna Heritage Register, of which 33 are legally protected. Buildings can be added voluntarily or involuntarily to the Kelowna Heritage Register. Each listing includes a Statement of Significance describing the building's historical, architectural and contextual characteristics. Properties listed on the Kelowna Heritage Register may be eligible for the following incentives:

- A Heritage Revitalization Agreement to vary provisions of the City's Zoning and Subdivision, Development and Servicing Bylaws.
- Special treatment under the BC Building Code, which permits equivalencies to current Building Code provisions. Equivalencies allow property owners to upgrade older buildings without requiring strict code compliance, while not compromising strict safety standards.
- Grants for exterior restoration and conservation work under Kelowna's Heritage Grants Program. Grants may cover up to 50% of the cost of the work, to a maximum of \$7,500 every three years.

### 3.2 Subject Property

The F.W. Groves House is a one and one-half storey stucco-clad vernacular wood-frame cottage with a hipped roof and gabled and hipped dormers. It is situated on the south side of Park Avenue at the corner of Park and Long Streets in Kelowna's historic Abbott Street neighbourhood. The property is landscaped with mature cedar and chestnut trees and a garage sits at the rear of the property.

This house is significant for its association with prominent civil engineer and surveyor Francis William Groves, who lived here from 1909 until his death in 1948. Born in Ireland in 1867, Groves studied civil engineering at the Royal College of Science in Dublin and immigrated to Canada in 1893. He worked at various jobs throughout the Interior of B.C. including railway surveys and the design of drainage and irrigation systems. Groves was invited to Kelowna in 1909 to design and install an irrigation system for the South Kelowna Land Co. on an 800 hectare site. Throughout the 1920s and 1930s he worked on irrigation engineering and domestic water projects, and remained active as a land surveyor, including work on the Kelowna Golf Course in 1925 and the Casorso subdivision in 1947. A plaque in his honour was installed in Kelowna's city park in 1959 jointly by the Association of Professional Engineers of B.C. and the Engineering Institute of Canada.

Additionally, the F.W. Groves House is of heritage value for its early twentieth century vernacular architecture and contribution to the streetscape. Although larger than many of its neighbours, its massing

is compatible with others on this section of Park Avenue where the houses are of a similar style, scale and era, and all built to approximately the same setback from the street.

The F.W. Groves House, which is located within the Abbott Street Heritage Conservation Area, was first added to the Kelowna Heritage Resource Inventory<sup>1</sup> in 1983 and was classified as Class C (over 25 points), and then to the Heritage Register in 1997. The Heritage Register includes many buildings along Park Ave.

In 2017, and under the names of the previous owners, the subject property received a \$7,500 grant from Kelowna’s Heritage Grant Program for a new roof for the F.W. Groves House and the garage. At this time there is no repayment clause written into the Heritage Grants Program. City staff are currently exploring adding a repayment clause into the Heritage Grants Program. Any proposed changes to the Program will be brought to Council for consideration.

The request for removal was brought to the Heritage Advisory Committee on January 24, 2020. An evaluation was done using the City of Kelowna Heritage Evaluation Criteria, in which the property scored 71/100 suggesting that the property still has heritage value and should remain on the Heritage Register. The Committee members voted in favour of keeping the property on the Kelowna Heritage Register.

### 3.3 Site Context

The subject property and surrounding neighbourhood are show below:



<sup>1</sup> The Heritage Register replaces the 1983 Kelowna Heritage Resources Inventory.



### 3.4 Current Applications

There are no current development applications. A Heritage Alteration Permit (HAP) was approved in March 2019; however, it became apparent there were far more structural deficiencies than were originally envisioned with the proposed. Moreover, it became clear that reconstruction and renovation of the existing house would not be viable (see attached Structural Engineering Report). With that said, the HAP was not pursued by the applicant. The applicant is now requesting that 409 Park Avenue be removed from the Heritage Register in order to demolish the F.W. Groves House and design a new house in keeping with the integrity of the neighbourhood. A new HAP will be required for the design of a new house in which staff will work with the applicant to ensure the new development is compatible with the form and character of the Abbott Street Heritage Conservation Area.

### 3.5 Staff Recommendation

Whilst the F.W. Groves House does still identify as having heritage value as per the evaluation conducted by the Heritage Advisory Committee on January 24, 2020, staff support the request to remove 409 Park Avenue from the Kelowna Heritage Register. This decision was determined for the following reasons:

- The inclusion of a property on the Heritage Register does not constitute Heritage Designation or any other form of long-term heritage protection.
- The existing development potential of 409 Park Avenue is not restricted, and the owner is entitled to develop the property in accordance with the permitted uses, density and other regulations of the property's existing zoning.
- The Structural Engineering Report and Datum Consulting-Heritage Assessment Letter (attached) confirms that the building has been extensively modified since its original construction, ultimately impacting the "heritage value". Moreover, the structural deficiencies that were identified in the reports impedes the long-term functionality of the house.

#### 4.0 Legal/Statutory Authority:

Local Government Act, section 954

#### 5.0 Legal/Statutory Procedural Requirements:

Heritage Procedures Bylaw, section 9.10 Kelowna Heritage Register

9.1 The registered **owner** of real property within the City of Kelowna, or an agent authorized in writing, may submit a written request to add a building(s) to or remove a building(s) from the Kelowna **Heritage Register** pursuant to Section 598 of the *Local Government Act*.

9.2 Written requests will be reviewed by the Policy & Planning Department on an annual basis, unless special circumstances require otherwise at the discretion of the **Policy & Planning Department Manager**.

9.3 The Policy & Planning Department will compile background information on the subject building(s) and the request and information will be forwarded to the **Heritage Advisory Committee** for review.

9.4 The **Heritage Advisory Committee** will evaluate the historical, architectural and contextual qualities of the subject building(s) and prepare a recommendation regarding the request.

9.5 The recommendation of the **Heritage Advisory Committee** will be forwarded to **Council** for consideration.

#### 6.0 Current Development Policies

Kelowna Official Community Plan (OCP)

**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.

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.

#### 7.0 Application Chronology

Heritage Advisory Committee                      January 24, 2020

The above noted application was reviewed by the Heritage Advisory Committee at the meeting held on January 24, 2020 and the following recommendations were passed:

3.3) Park Ave 409, Heritage Register Removal Request – Brenda Rusnak

Moved By Stoke Tonne/Seconded By Amanda Snyder

THAT the HAC recommend to Council that the subject property remain on the Kelowna Heritage Register.

**CARRIED**

Doug Joorisity -  
Opposed

**Report prepared by:** Lauren Sanbrooks, Planner II, Policy and Planning Department

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

**Cc:**

R. Smith, Planning & Development Services Divisional Director

T. Barton, Development Planning Department Manager

J. Black, Planner Specialist – Urban Planning Management

**Attachments:**

Statement of Significance

Heritage Register Removal Application Letter

Structural Engineering Report

Datum Consulting-Heritage Assessment Letter