

REPORT TO COUNCIL



Date: March 2, 2020
To: Council
From: City Manager
Department: Policy and Planning Department
Application: HD20-0001
Address: 3652 Spiers Road
Subject: Request for Heritage Designation – 3652 Spiers Road
Existing OCP Designation: Park; REP
Existing Zone: A1 – Agriculture 1
Heritage Conservation Area: None
Heritage Register: Included

Owner:
Sue Haley

Applicant:
Mark Haley

1.0 Recommendation

WHEREAS the Municipal Council of the City of Kelowna considers the building known as the “Cross House” located at Lot B Section 8 Township 26 ODYD Plan 25537, on Spiers Road, Kelowna, B.C. to be a building with heritage value and that the designation of the building as a heritage site pursuant to Section 611 of the *Local Government Act* is desirable for the conservation of the building;

AND WHEREAS the Municipal Council of the City of Kelowna considers the building envelope as indicated in Schedule “B” attached to this bylaw located at Lot B Section 8 Township 26 ODYD Plan 25537, on Spiers Road, Kelowna, B.C. to be a site with heritage value and that the designation of the site as a heritage site pursuant to Section 611 of the *Local Government Act* is desirable for the conservation of the site;

AND THAT, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. The building known as the Cross House situated on lands legally described as Lot B Section 8 Township 26 ODYD Plan 25537, located at 3652 Spiers Road, Kelowna, BC is hereby designated a Municipal Heritage Building pursuant to Section 611 of the *Local Government Act*.

2. The site envelope as indicated by Schedule "B" attached to this bylaw, situated on lands legally described as Lot B Section 8 Township 26 ODYD Plan 25537, located at 3652 Spiers Road, Kelowna, BC is hereby designated a Municipal Heritage Site pursuant to Section 611 of the *Local Government Act*.
3. Except as authorized by this bylaw or as authorized by a Heritage Revitalization Agreement or a Heritage Alteration Permit approved by Council, no person shall:
 - a) Alter the exterior of any building situated on the property designated by this bylaw;
 - b) Make a structural change to a building or structure situated on property designated by this bylaw;
 - c) Move any building situated on the property designated by this bylaw; or
 - d) Alter, excavate or build on land designated by this bylaw.
4. The following alterations to the designated building are hereby authorized without a Heritage Alteration Permit:
 - a) Normal day to day maintenance and repairs
5. This bylaw may be cited for all purposes as the Heritage Designation Bylaw No. 12003 the Cross House.

AND FURTHER THAT the Heritage Designation Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To designate 3652 Spiers Road as a Municipal Heritage building under Section 611 of the Local Government Act.

3.0 Proposal

3.1 Background

The property owner of 3652 Spiers Road is requesting that the subject property be 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.

The Cross House, which was originally located within the Abbott Street Heritage Conservation Area, was first added to the Kelowna Heritage Resource Inventory¹ in 1983 and was classified as Class C (over 25 points) under its former address of 2238 Long Street. In 1995, the Cross House was relocated to its current address, 3652 Spiers Road, in order to make room for the Cancer Clinic. The Cross House was then added to the Heritage Register in 1997.

3.2 Heritage Value and Heritage Character

The heritage value of the Cross house, which has been moved from the South Central Neighbourhood to East Kelowna, is derived from its diverse occupants since its construction in the early 1900s and its

¹ The Heritage Register replaces the 1983 Kelowna Heritage Resources Inventory.

architectural characteristics. The house, originally located at 202 Strathcona Avenue² is reported to have been built about 1909 by Abel Gagnon. Subsequent early owners include Richard W. Butler and George Hewson.

From 1925 to 1944 the house was owned by Elwood Lindsay Cross (1888-1948) and his wife Islay. Elwood Cross has value for his connections with land development and fruit-growing. Trained as a land surveyor, Cross came to Kelowna (from Winnipeg) in 1910 to survey land in the Belgo area for the Belgo-Canadian Fruit Lands Company. Taken with the Okanagan, he purchased land in Rutland and became an orchardist. In 1914 he became the general manager of the Dominion Cannery plant in Kelowna, where he oversaw canning and dehydration of vegetables and fruit. In 1923 he left Dominion Cannery and started Rutland Cannery Ltd., on land adjacent to his orchard, near where Scandia is now located on Highway 97. The cannery processed vegetables, especially tomatoes and juice, but it was destroyed by fire during the winter of 1938-39. After that Cross became supervisor of the Bulman dehydrating plant at Vernon. He then built Vernon Frozen Food Lockers, although he did not live long enough to see the completion of that project.

In the 1950s (when the address had been changed to 2238 Long Street) the house was owned by Patrick J. and Mary D. O'Neil, respectively secretary-treasurer and president of Leslie's Ltd., a children's wear store at 320 Bernard Avenue. In 1995 the house was removed from its original site to make way for the new Cancer Clinic of Kelowna General Hospital. The building was purchased at auction by Mark Haley and relocated to his sister's sheep farm in East Kelowna.

Its architectural features are unusual including its roof, which combines gable and gambrel forms.

Character Defining Elements

- Residential form, scale and massing, expressed by the 2.5-storey height and rectangular plan with large porch extension
- Unusual roof, gable-like on one side and gambrel-shaped (i.e. double-sloped) with bell cast eave on the other
- Entrance porch with wood posts
- Corbelled brick chimney
- Wood shingle wall cladding
- 6-over-1 and 4-over-1 double-hung wood sash window

3.3 Site Context

The subject property is located in South East Kelowna near Mission Creek Greenway. The property is designated Park as well as REP – Resource Protection Area, though it is currently zoned A1 – Agriculture 1 and is used for producing sheep, vegetables and fruit. A small-scale class A provincially licensed abattoir operates on the property as part of the sheep/lamb business. The Cross House is used as a primary residence and a summer rental unit.

Subject Property Map: 3652 Spiers Road

² The house was originally located at 248 Strathcona Avenue. The address changed to 202 and then to 388 Strathcona Ave). In the 1950's the address was changed to 2238 Long Street.



4.0 Current Development Policies

4.1 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.

3.2 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.

5.0 **Application Chronology**

Date of Application Received: January 6, 2020

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:

Moved By Amanda Snyder/Seconded By Doug Joorisity

THAT the HAC recommend to Council that the subject property be designated as a municipal heritage building for long-term protection.

CARRIED

6.0 **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.

Given the applicant is pursuing 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.

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

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

Attachments:

Statement of Significance

Letter of Rationale

Description of current uses of property

Site Plan

Topographical Map

Photographs

Cross House Heritage Designation Report