

Staff Report



Development Services Department

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REPORT TO: Heritage Kitchener

DATE OF MEETING: April 2, 2024

SUBMITTED BY: Garrett Stevenson, Director of Development and Housing Approvals,
519-741-2200 ext. 7070

PREPARED BY: Jessica Vieira, Heritage Planner, 519-741-2200 ext. 7291

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: March 12, 2024

REPORT NO.: DSD-2024-138

SUBJECT: Notice of Intention to Designate 91 Madison Avenue South under
Part IV of the Ontario Heritage Act

RECOMMENDATION:

That pursuant to Section 29 of the *Ontario Heritage Act*, the Clerk be directed to publish a Notice of Intention to Designate the property municipally addressed as 91 Madison Avenue South as being of cultural heritage value or interest.

REPORT HIGHLIGHTS:

- The purpose of this report is to request that Council direct the Clerk to publish a Notice of Intention to Designate the property municipally addressed as 91 Madison Avenue South under Part IV of the *Ontario Heritage Act*.
- An updated Statement of Significance on the property's cultural heritage value was taken to the Heritage Kitchener Committee on January 9, 2023. On this meeting date, the Committee recommended that pursuant to Section 29 of the *Ontario Heritage Act*, the cultural heritage value or interest of 91 Madison Avenue South be recognized and designation pursued.
- The key finding of this report is that the property municipally addressed as 91 Madison Avenue South meets the criteria for designation under Ontario Regulation 9/06 (amended by Ontario Regulation 569/22) and has been confirmed to be a significant cultural heritage resource. The property is recognized for its design/physical, historical/associative, and contextual value.
- There are no financial implications with this recommendation.
- Community engagement included informing residents by posting this report with the agenda in advance of the Heritage Kitchener committee meeting, providing written correspondence to the property owner, and consulting with Heritage Kitchener. In addition, should Council choose to give notice of its intention to designate, such notice will be served to the Owner and the Ontario Heritage Trust.
- This report supports the delivery of core services.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

BACKGROUND:

91 Madison Avenue South is a two storey early-20th century religious building constructed in the Colonial Revival architectural style with Byzantine and Moorish influences. The building is situated on a 0.43 acre parcel of land located on the east side of Madison Avenue South between Church Street and Courtland Avenue East. The principal resource that contributes to the heritage value is the religious building.



Figure 1: Location Map of Subject Property

A full assessment of 91 Madison Avenue South has been completed and included a field evaluation and detailed archival research. The findings concluded that the subject property meets the criteria for designation. An updated Statement of Significance on the property's cultural heritage value was taken to the Heritage Kitchener Committee on January 9, 2024. On this meeting date, the Committee recommended that pursuant to Section 29 of the *Ontario Heritage Act*, the cultural heritage value or interest of 33 Eby Street South be recognized and designation pursued. This work was undertaken as part of the City of Kitchener Municipal Heritage Register (MHR) Review, initiated in February of 2023. The MHR Review is the City's response to amendments to the Ontario Heritage Act introduced in January of 2023 through Bill 23, the *More Homes Built Faster Act*. The City contacted owners of listed properties through an initial letter dated May 23, 2023, to inform them of this undertaking. Owners of properties recommended for designation were contacted via a second letter dated February 20th, 2024, and invited to contact the City's Heritage Planner with any comments, questions, or concerns. No response from the property owners was received by Heritage Planning Staff.

Per standard procedure, should Council support the Notice of Intention to Designate, Owners will be contacted a third time through a Notice of Intention to Designate (NOID) Letter. An ad for the NOID will also be published in a newspaper. Once the letter is served and the ad posted, there will be a 30-day appeal period in which Owners may object to the designation.

REPORT:

Identifying and protecting cultural heritage resources within the City of Kitchener is an important part of planning for the future, and helping to guide change while conserving the buildings, structures, and landscapes that give the City of Kitchener its unique identity. The City plays a critical role in the conservation of cultural heritage resources. The designation of property under the *Ontario Heritage Act* is the main tool to provide long-term protection of cultural heritage resources for future generations. Designation recognizes the importance of a property to the local community; protects the property's cultural heritage value; encourages good stewardship and conservation; and promotes knowledge and understanding about the property. Designation not only publicly recognizes and promotes awareness, but it also provides a process for ensuring that changes to a property are appropriately managed and that these changes respect the property's cultural heritage value and interest.



Figure 2: Front Façade of Subject Property

91 Madison Avenue South is recognized for its design/physical, historical/associative, and contextual values. It satisfies six (6) of the nine criteria for designation under Ontario Regulation 9/06 (amended by Ontario Regulation 569/22). A summary of the criteria that is met or not met is provided in the table below.

Criteria	Criteria Met (Yes/No)
1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, material, or construction method.	Yes
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.	No
3. The property has design or physical value because it demonstrates a high degree of technical or scientific achievement.	No
4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.	Yes
5. The property has historical or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.	Yes
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	No
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.	Yes
8. The property has contextual value because it is physically, functionally, visually, or historically linked to its surroundings.	Yes
9. The property has contextual value because it is a landmark.	Yes

Design / Physical Value

The design value relates to the architecture of the religious building. The building is a unique example of the Byzantine and Colonial Revival architectural style in Kitchener and is in excellent condition. The building features: rectangular plan; flat roof with shaped parapet and concrete coping; multi-colour brick; pilasters; semi-circular features including decorative brick work and windows; semi-circular multi-pane hung windows with brick or concrete headers and concrete sills; square windows with concrete sills; concrete cornice; decorative brick and concrete details; double 8-panel door with semi-circular transom; double eight-panel doors; and concrete foundation.

Front Façade

The front façade of the building is symmetrical in its design and massing. It can be divided into three sections; the northern-most and southern-most sections are each delineated by two pilasters that extend from the raised concrete foundation and beyond the roofline, capped with concrete detailing, The two sections also each contain a third pilaster in the centre above a ground-level door set into the raised concrete foundation. The central pilaster extends approximately three-quarters of the way up the façade and is decorated with further concrete detailing.

The central section contains a set of concrete stairs that lead up to double eight-panel wood doors topped with a semi-circular transom window with stained glass panes and a vousoir. The doors are framed by a semi-circular multi-pane window on each side with decorative concrete headers and sills. The second storey is comprised of two rectangular multi-paned windows with concrete headers and sills and a central arched concrete section that contains the symbol of the church.

Side Façades

The north and south side façades possess five pilasters that divide the wall into five bays. The first western-most bay contains four; one square, two semi-arched, and one rectangular. The other four bays contain three windows, one rectangular and two long and semi-arched. The south façade has more of the raised concrete foundation exposed due to the slope of the land, and eight rectangular multi-paned windows are set into it.

Modifications

The Star of David on the front has been replaced by the logo of the Crkva Božje Church of God.

Historical / Associative Value

The historic and associative values due the original owners and use, as well as its connection to the theme of early Jewish settlement. The property is also capable of yielding an understanding how diversification of religion progressed within the community.

Early Jewish settlement in Berlin involved minimal organized religion. By 1907, ten families had joined to form an Orthodox synagogue, with sermons being hosted in the home of one of the members. In the 1920s, a second wave of European immigrants swelled the Jewish population from 298 in 1921 to 411 ten years later, and a number of them settled in the Cedar Hill neighbourhood. The property for Kitchener's first synagogue, the Beth Jacob Synagogue, was purchased from Jacob Cohen on Albert Street (now Madison Avenue) in 1923. Part of the reason Kitchener was a draw was a commonality in language; many of them spoke Yiddish, which was close to the German used by many of the City's other residents at that time. The synagogue opened in 1924 under the guidance of Rabbi Levine and 61 founding members, whose names were inscribed on a plaque inside the building. The names of the four founders originally on stones along the front of the building (Jack Davis, Wolfe Feldman, Samuel Florence and Max Migdal) have since been removed, and replaced by similar blank stones. The building is classic Jewish sanctuary architecture, with the *bimah*, or the alter on which the Torah is read, in the centre. There is also a space for a *Talmud Torah*, or school for learning Hebrew, the scriptures, and the *Talmud*. The building is adorned with beautifully carved wood and stained-glass windows.

When a new synagogue was built, the building was sold in 1963 to the Zion Mennonite Brethren Church. Since 1963, the building has been occupied by various religious groups, including: Zion Mennonite Brethren Church; Our Lady of the Immaculate Conception Roman Catholic Church; Romanian Church of God; Grace Presbyterian Fellowship. In 2023, it is the home of the Crkva Božje, International Church of God.

Contextual Values

The contextual values relate to the contribution that the religious building makes to the continuity and character of the Madison Avenue South streetscape and the Cedar Hill Neighbourhood Cultural Heritage Landscape (CHL). The Cedar Hill Neighbourhood CHL is home to a mix of residential and institutional uses and is characterized by the elevated topography, narrow street widths, and dramatically long views. The building is also physically, visually, historically, and functionally linked to its surroundings as it remains in-situ and, though the congregation has changed, maintains its original use as a place of worship. With its distinctive architectural style and its location near the peak of one of the neighbourhoods distinctive rolling hills, 91 Madison Avenue South could also be classified as a neighbourhood landmark.

Heritage Attributes

The heritage value of 91 Madison Avenue South resides in the following heritage attributes:

- Exterior attributes related to the Byzantine and Colonial Revival architectural style of the building including:
 - rectangular plan;
 - flat roof with shaped parapet, concrete coping and cornice;
 - multi-colour brick;
 - four concrete blocks on front of church;
 - doors and multi-paned hung windows on basement level, fixed windows of glass blocks beneath stairway;
 - brick pilasters with concrete coping;
 - false buttresses with concrete coping on sides;
 - square windows above arched windows on sides;
 - semi-circular features including decorative brick work and windows;
 - windows and window openings, including:
 - semi-circular multi-pane hung windows with brick or concrete headers and concrete sills;
 - square windows with concrete sills;
 - circular windows with the six pointed Star of David in stained glass.
 - concrete cornice;
 - decorative brick and concrete details;
 - doors and door openings, including double 8-panel door with semi-circular transom; and
 - concrete foundation.
- Elements that relate to the buildings contextual value and its contribution to the Cedar Hill Neighbourhood Cultural Heritage Landscape, including:
 - Original location of the church at the top of the hill; and
 - Orientation of the building toward Madison Avenue

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the Heritage Kitchener committee meeting.

CONSULT– Heritage Planning staff have consulted with the Heritage Kitchener committee regarding designation under the *Ontario Heritage Act*. Property owners were invited to consult via two separate letters dated May 23, 2023 and January 16, 2024.

Section 29(2) of the *Ontario Heritage Act* requires Council to consult with the Municipal Heritage Committee (Heritage Kitchener) before giving notice of its intention to designate a property. Heritage Kitchener will be consulted via circulation and consideration of this report (see INFORM above). Members of the community will be informed via circulation of this report to Heritage Kitchener and via formal consideration by Council. In addition, should Council choose to give notice of its intention to designate, such notice will be served on the property owner and the Ontario Heritage Trust, and published in the local newspaper (The Record). Once notice has been served, the owner has the right of appeal to the Ontario Land Tribunal. It should be noted that should Council decide not to proceed with a Notice of Intention to Designate, that the building will remain on the City’s Municipal Heritage Register until January 1, 2025, after which it will be removed according to the changes enacted by Bill 23. Once removed, it cannot re-listed on the Register again for five (5) years, i.e. January 1, 2030.

PREVIOUS REPORTS/AUTHORITIES:

- *Ontario Heritage Act, 2022*
- Municipal Heritage Register Review Project – January 2024 Update (DSD-2024-022)

APPROVED BY: Justin Readman, General Manager, Development Services Department

ATTACHMENTS:

Attachment A – Statement of Significance for 91 Madison Avenue South