

# Staff Report



Development Services Department

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**REPORT TO:** Heritage Kitchener

**DATE OF MEETING:** October 1, 2024

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

**PREPARED BY:** Michelle Drake, Senior Heritage Planner, 519-741-2200 ext. 7839

**WARD(S) INVOLVED:** Ward 9

**DATE OF REPORT:** September 10, 2024

**REPORT NO.:** DSD-2024-425

**SUBJECT:** Notice of Intention to Designate 83 Benton Street  
Under Part IV of the Ontario Heritage Act

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## RECOMMENDATION:

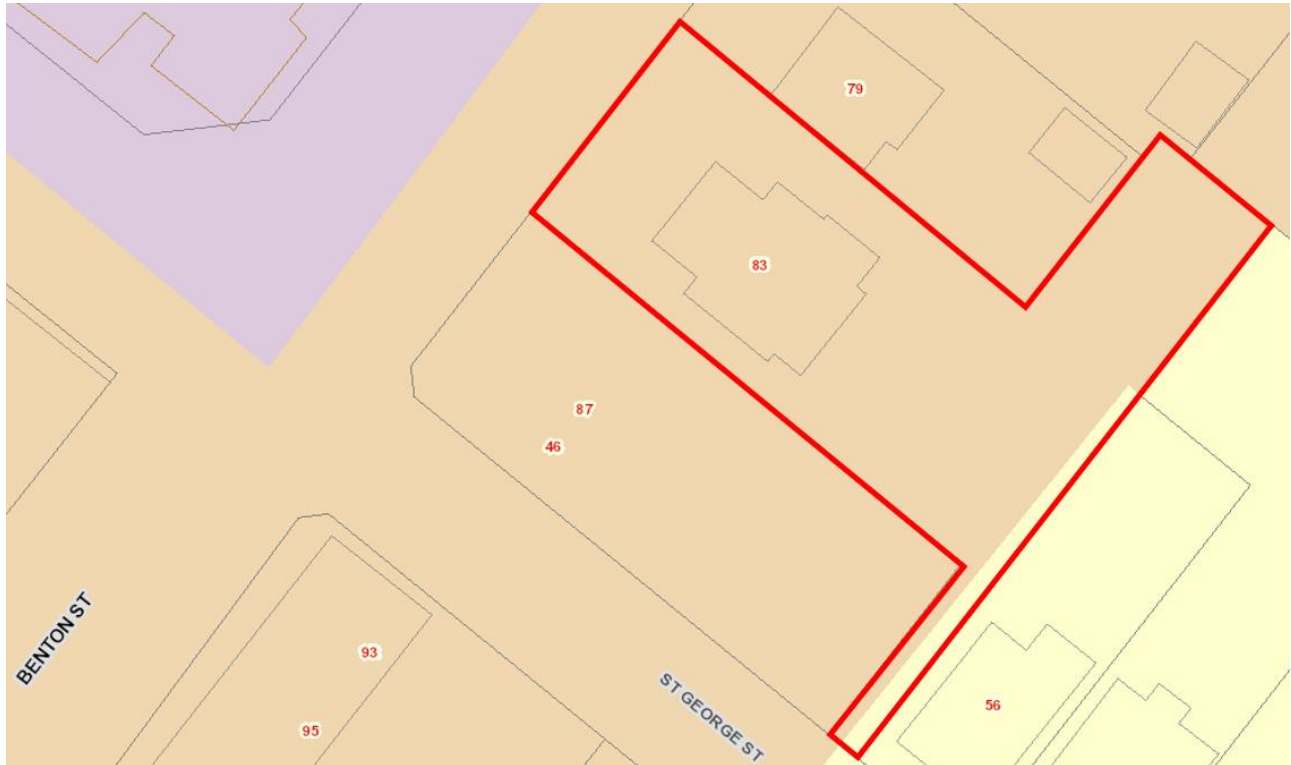
That pursuant to Section 29 of the Ontario Heritage Act, the Clerk be directed to publish a Notice of Intention to Designate the property municipally addressed as 83 Benton Street as being of cultural heritage value or interest.

## REPORT HIGHLIGHTS:

- The purpose of this report is to request that Council publish a Notice of Intention to Designate 83 Benton Street Under Part IV of the *Ontario Heritage Act*.
- An updated Statement of Significance describing the cultural heritage value or interest of 83 Benton Street has been drafted by Heritage Planning staff.
- The key finding of this report is that 83 Benton Street meets two (2) of nine (9) criteria for designation under *Ontario Heritage Act Regulation 9/06* (amended by *Ontario Regulation 569/22*) and has been confirmed to be a significant cultural heritage resource recognized for its design/physical and historical/associative.
- There are no financial implications.
- 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 at their August 6, 2024 committee meeting. Should Council choose to give Notice of Intention to Designate, such notice shall be served to the property owner and the Ontario Heritage Trust.
- This report supports the delivery of core services.

## BACKGROUND:

83 Benton Street is a two-storey late 19<sup>th</sup> century brick house built in the Italianate architectural style. The house is situated on a 0.32-acre parcel of land located on the east side of Benton Street between St. George Street and Church Street in the Cedar Hill Planning Community of the City of Kitchener within the Region of Waterloo. The principal resource that contributes to the heritage value is the house.



**Figure 1.0: Location Map of Subject Property (83 Benton Street)**

A full assessment of 83 Benton Street has been completed, including: field evaluation and archival research. The findings concluded that the subject property meets two (2) of nine (9) criteria for designation under *Ontario Heritage Act Regulation 9/06* (amended by *Ontario Regulation 569/22*). An updated Statement of Significance describing the property's cultural heritage value or interest was presented to the Heritage Kitchener Committee on August 6, 2024. The Committee recommended that pursuant to Section 29 of the *Ontario Heritage Act*, the cultural heritage value or interest of 83 Benton Street should be confirmed by pursuing designation of the subject property under Part IV of the *Ontario Heritage Act*. This work was undertaken as part of the City's 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*. Bill 200, the *Homeowner Protect Act, 2024*, extended the time municipalities have to designate properties listed on their municipal heritage registers until January 1, 2027. 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. The property owner for 83 Benton Street was contacted via second letter sent by mail dated August 9, 2024. This letter was accompanied by the updated Statement of Significance and a "Guide to Heritage Designation for Property Owners" prepared in June

2023. The letter invited property owners to contact the City’s Senior Heritage Planner with any comments, questions, or concerns.

Per standard procedure, should Council support the Notice of Intention to Designate (NOID), the property owner will be contacted a third time through a letter advising of the City’s NOID. An ad for the NOID will be published in a newspaper. Once the letter is served on the property owner and the Ontario Heritage Trust, and the newspaper ad is posted, there will be a 30-day appeal period in which the property owner may object to the designation.



**Figure 2.0: Front (North Façade) Elevation – 83 Benton Street**

**REPORT:**

Identifying and protecting cultural heritage resources within our City 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 conservation 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 or interest; 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 or interest.

83 Benton Street is recognized for its design/physical and historical/associative values. It satisfies two (2) of nine (9) criteria for designation under the *Ontario Heritage Act Regulation 9/06* (amended by *Ontario Regulation 569/22*). A summary of the criteria that is or is not met is provided in the table below.

<b>Criteria</b>	<b>Criteria Met (Yes/No)</b>
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.	<b>Yes</b>
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.	<b>No</b>
3. The property has design or physical value because it demonstrates a high degree of technical or scientific achievement.	<b>No</b>
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.	<b>Yes</b>
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.	<b>No</b>
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.	<b>Unknown</b>
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.	<b>No</b>
8. The property has contextual value because it is physically, functionally, visually, or historically linked to its surroundings.	<b>No</b>
9. The property has contextual value because it is a landmark.	<b>No</b>

**Table 1: Criteria for Designation under *Ontario Regulation 9/06* (Amended by *Ontario Regulation 569/22*)**

### ***Design/Physical Value***

The property municipally addressed as 83 Benton Street demonstrates design/physical value as a unique example of the Italianate architectural style and a rare example of the Italianate subtype known as centered gable. This example of the centred gable subtype is a variation of the farmhouse elevations and plans introduced in 1865. The building is two-stories in height and features a low-pitched hipped roof with the remnants of a cupola or tower, a front-facing centered gable with lunette window, wide overhanging eaves supported by decorative brackets, tall and narrow segmentally arched door and window openings, double entrance door, and a full-width hipped roof one-storey verandah with square beveled corner posts and decorative brackets. The 1/1 hung windows do not appear to be original as their flathead does not match the segmentally arched window opening. The house is in good condition.

## ***Historical/Associative Value***

The property municipally addressed as 83 Benton Street has historical/associative value for its relationship to an early property owner, the original building owner and the Bitzer family. The property was purchased by Christopher Blum in 1871. Christopher Blum was the great-great-uncle of property owner in 2014. His niece and husband, Adeline and Conrad Bitzer, built the building around 1886. Conrad Bitzer was an honoured citizen who practiced law, held several political offices and was actively involved in various associations and boards.

Conrad and Adeline had six children who were born and/or raised at the family home located at 83 Benton Street. Three of their children held political offices and were active in various associations and boards. Arno Lindner Bitzer served as an alderman between 1917 and 1919. Armin Moritz “Arnie” Bitzer was an electrical engineer. He served as a lieutenant with the Canadian Signal Corps during WWI, the Public Utilities Commission in 1939 and 1940, the Family Relief Board, and the secretary of the Kitchener Taxpayers Association. Armin served as an alderman between 1958 and 1960 and was a vocal opponent of the civic centre project, which he appealed to the Ontario Municipal Board (OMB). In an interesting turn of events, Armin had a heart attack and died at the OMB meeting held at Kitchener City Hall on October 31, 1967. Wilfrid Laurier Bitzer was born in the house at 83 Benton Street. He was the youngest child and was named after Wilfrid Laurier who was the Prime Minister at the time of his birth. Wilfrid Laurier Bitzer began his real estate career in the 1940s and retired in 1990 at the age of 94. He was active in the real estate industry, German community, and many community groups. He also served as a Kitchener Alderman from 1954-1957.

Paul Jewitt Bizer was the grandson of Conrad and Adeline Bitzer Paul was born in Toronto but returned to his ancestral home at 83 Benton Street when he was nine years old. He attended Kitchener Collegiate Institute and Waterloo College before becoming a civil servant in the Saskatchewan government. He served as a Kitchener Alderman between 1977-1979 and helped to launch the Centre in the Square. He was a lifelong member of the United Church of Canada, including Trinity United Church in Kitchener. The Bitzer family was honoured on the German Pioneer’s Day in 2012.

## ***Heritage Attributes***

The heritage value of 83 Benton Street resides in the following heritage attributes:

- All elements related to the Italianate architectural style of the house, including:
  - Front Elevation (North Façade)
    - three bays;
    - orientation towards Benton Street;
    - prominent centre bay features:
      - buff (yellow) brick construction;
      - low-pitched hipped roof with the remnants of a cupola or tower;
      - front-facing centred gable containing a lunette window with brick surround and wood sill;
      - wide overhanging eaves supported by large (not paired) decorative brackets and small (paired) decorative modillions;
      - fascia, soffit and frieze board;

- segmentally arched window openings with brick voussoirs and wood sills;
  - full-width hipped roof one-storey verandah with square beveled corner posts and decorative woodwork; and,
  - double entrance segmentally arched wood door with lower panels and upper lites.
- two end bays feature:
  - a setback approximately 16 feet from the centre bay;
  - buff (yellow) brick construction;
  - low-pitched cross-hipped roof;
  - wide overhanging eaves supported by large (not paired) brackets;
  - fascia, soffit and frieze board;
  - rubble stone foundation; and,
  - eastern bay displays segmentally arched false window openings with brick voussoirs and wood sills while the western bay displays segmentally arched window openings with brick voussoirs and wood sills.
- Side Elevation (East Façade)
  - three bays;
  - buff (yellow) brick construction;
  - low-pitched hipped roof with the remnants of a cupola or tower;
  - wide overhanging eaves supported by large (not paired) decorative brackets and small (paired) decorative modillions;
  - fascia, soffit and frieze board;
  - evidence of an original chimney;
  - paired segmentally arched window openings with brick voussoirs and wood sills on both the first- and second-storey; and,
  - rubble stone foundation.
- Side Elevation (West Façade)
  - three bays;
  - buff (yellow) brick construction;
  - low-pitched hipped roof with the remnants of a cupola or tower;
  - rear facing gable at the back of the house;
  - wide overhanging eaves supported by large (not paired) decorative brackets and small (paired) decorative modillions;
  - fascia, soffit and frieze board;
  - evidence of an original chimney;
  - paired segmentally arched window openings with brick voussoirs and wood sills on both the first- and second-storey;
  - door openings on both the first- and second-storey; and,
  - rubble stone foundation.

#### **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 May 17, 2024. Heritage Planning staff corresponded by email with the owner of the property and met virtually on June 21, 2024 to discuss the proposed designation. During this meeting, the owner advised that they do not object to the proposed designation of 87-91 King Street West.

Section 29(2) of the *Ontario Heritage Act* requires Council to consult with the Municipal Heritage Committee (Heritage Kitchener) before giving *Notice of Intention to Designate* (NOID) 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. Should Council choose to proceed with a NOID, such notice will be served on the property owner, the Ontario Heritage Trust, and published in the local newspaper (The Record). Once notice has been served, the property owner has the right of appeal to the Ontario Land Tribunal (OLT). Should Council decide not to proceed with a NOID then the building will remain on the City’s Municipal Heritage Register (MHR) until January 1, 2027, after which it will be removed in accordance with the legislative changes enacted by Bill 200. Once removed from the MHR, it cannot be re-listed on the MHR for five (5) years (i.e., January 1, 2032).

### **PREVIOUS REPORTS/AUTHORITIES:**

- *Ontario Heritage Act, 2022*
- *Ontario Regulation 9/06 (Amended by Ontario Regulation 569/22)*
- Bill 23 – Municipal Heritage Register Review (DSD-2023-225)
- Municipal Heritage Register Review – August 2023 Update (DSD-2023-309)
- Municipal Heritage Register Review – January 2024 Update (DSD-2024-022)
- Municipal Heritage Register Review – February 2024 Update (DSD-2024-056)
- Municipal Heritage Register Review – March 2024 Update (DSD-2024-093)
- Municipal Heritage Register Review – April 2024 Update (DSD-2024-131)
- Municipal Heritage Register Review – May 2024 Update (DSD-2024-194)
- *Bill 200, Homeowners Protection Act, 2024*
- Municipal Heritage Register Review – June 2024 Update (DSD-2024-250)
- Municipal Heritage Register Review – August 2024 Update (DSD-2024-333)
- Municipal Heritage Register Review – September 2024 Update (DSD-2024-413)

**APPROVED BY:** Garrett Stevenson, Director, Development and Housing Approvals

### **ATTACHMENTS:**

Attachment A – Statement of Significance for 83 Benton Street