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ONTARIO HERITAGE TRUST

JAN 1 2013

RECEIVED

Daphne Livingstone
Committee Administrator
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Kitchener, ON N2G 4G7
Phone: 519.741.2277 Fax: 519.741.2705
daphne.livingstone@kitchener.ca

January 9, 2013

Jim Leonard
Registrar, Ontario Heritage Trust
Heritage Programs and Operations
10 Adelaide Street East, Suite 302
Toronto ON M5C 1J3

Dear Mr. Leonard:

Re: Designating By-law – 397 Gravel Ridge Trail

This is to advise that the Council of the Corporation of the City of Kitchener, at its regular meeting held on Monday, December 3, 2012, passed By-law 2012-166, pursuant to Part IV of the Ontario Heritage Act, designating the property municipally known as 397 Gravel Ridge Trail. A copy of the designating By-law is attached for your information, along with a copy of the Notice of Passing.

Yours truly,

Daphne Livingstone
Committee Administrator

cc: L. Bensason, Coordinator, Cultural Heritage Planning
J. Sheryer, Assistant City Solicitor

BY-LAW NUMBER

2012-166

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to designate the property municipally addressed as 397 Gravel Ridge Trail (commonly known as the Donnenwerth House), in the City of Kitchener as being of cultural heritage value or interest).

WHEREAS section 29 of the Ontario Heritage Act, R.S.O. 1990, c. O.18., authorizes the Council of a Municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS the Council of the Corporation of the City of Kitchener has received and considered the recommendations of its municipal heritage committee pertaining to this by-law, arising from Heritage Kitchener's meeting held on November 6, 2012;

AND WHEREAS the Council of the Corporation of the City of Kitchener resolved at its Council Meeting held the 16th day of April, 2007 to publish a Notice of Intention to Designate the lands formerly known as 2062 Bleams Road and now municipally known as 397 Gravel Ridge Trail (commonly referred to as the Donnenwerth House), and which resolution was confirmed by By-Law No. 2007-72 passed by the Council of The Corporation of the City of Kitchener at its Council Meeting held the 16th day of April, 2007;

AND WHEREAS the Council of the Corporation of the City of Kitchener has caused to be served on the owner of the land and premises known municipally as 397 Gravel Ridge Trail in the City of Kitchener, and upon the Ontario Heritage Trust, a Notice of Intention to designate as being of cultural heritage value or interest that part of the aforesaid real property more particularly hereinafter described, and has caused such Notice of Intention to be published in a newspaper having general circulation in the municipality with a copy of such advertisement attached hereto as Schedule "A";

AND WHEREAS no Notice of Objection to the proposed designation has been served upon the Clerk of the Municipality;

AND WHEREAS the Council of The Corporation of the City of Kitchener further directed at its Council meeting held the 19th day of November, 2012 that pursuant to section 29 of the Ontario Heritage Act, the City Solicitor be directed to prepare a by-law to designate the property municipally addressed as 397 Gravel Ridge Trail under Part IV of the Ontario Heritage Act;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. There is designated as being of cultural heritage value or interest the following key heritage attributes of the property municipally addressed as 397 Gravel Ridge Trail in Kitchener:

The following attributes relate to the design and physical value of the nineteenth-century farmhouse:

- The southeast (front) elevation, including:
 - The roof, roofline, fascia and moulded cornice;
 - The stone walls from grade to roof;
 - The off-centred entrance door opening; and,
 - All window openings, including openings on the main floor to accommodate transoms;
- The east and west (side) elevations, including:
 - The gable roof, return eaves, fascia and moulded cornice;
 - The stone walls from grade to roof; and,
 - All window openings, including two square window openings in the attic gable in either side wall;
- The northwest (rear) elevation, including:
 - The roof, roofline, fascia and moulded cornice;
 - The stone wall from grade to roof;
 - The off-centred entrance door opening; and,
 - All window openings;

The following attributes relate to the design, physical, historical and contextual value of the relocation and restoration of the nineteenth-century farmhouse:

- The north-south orientation and high-ground siting consistent with the original farmhouse location;
- Restored physical elements compatible with the Waterloo County Georgian architectural style of the nineteenth-century farmhouse, including:
 - Flanking brick chimneys with corbelled ends;
 - Compatible replacement windows in the flat openings with plain sills and multi-pane hung windows of equal proportion;
 - The full-length front verandah in the south elevation, including the four evenly-spaced unadorned columns and the shed roof; and,
 - The rear verandah in the north elevation, including the unadorned columns and shed roof;
- Elements of the contemporary rear addition and attached garage compatible with the Waterloo County Georgian architectural style of the nineteenth-century farmhouse, including:
 - Massing and siting off the northwestern end of the rear (north) elevation;

- o Vertical and horizontal siding compatible with and distinct from the stone exterior of the farmhouse;
 - o Flat openings with multi-pane hung windows of equal proportions consistent with the windows in the farmhouse;
 - o The gable roof, roofline, return eaves, fascia and moulded cornice; and,
 - o Unadorned columns supporting the porch roof consistent with the farmhouse columns;
 - The open view to the northeast from the rear porch in the north elevation; and,
 - The view southwest from the adjacent park to the farmhouse.
2. A statement of the property's cultural heritage value or interest is attached hereto as Schedule "B".
 3. The City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule "C" attached hereto in the proper land registry office.
 4. The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust and to cause notice of the passing of this by-law to be published in a newspaper having general circulation in the municipality.

PASSED at the Council Chambers in the City of Kitchener this 3rd day
of December, A.D. 2012.



Carl J. Zick
Mayor

[Signature]
Clerk

SCHEDULE "A"

The Donnenwerth House
(municipally addressed as 397 Gravel Ridge Trail)

Notice of Intention to Designate



IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18, AS AMENDED, AND IN THE MATTER OF THE LANDS AND PREMISES AT THE FOLLOWING MUNICIPAL ADDRESS(ES) IN THE PROVINCE OF ONTARIO

NOTICE OF INTENTION

TAKE NOTICE that the Council of the Corporation of the City of Kitchener intends to designate the following municipal address as being of cultural heritage value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, as amended.

The Eby Estate Farmhouse

(Currently municipally addressed as 2062 Bleams Road)

This property, currently municipally addressed as 2062 Bleams Road and commonly referred to as the Eby Estate Farmhouse, contains a two-and-a-half storey farmhouse completed circa 1856. Architecturally, the c.1856 farmhouse is a fine example of the Waterloo County Georgian style, constructed of stone with many representative features intact. Historically, the farmhouse is associated with the rural heritage of Berlin / Kitchener. Originally constructed by Jacob Donnenwerth, who immigrated to Canada from France in 1827, this farmhouse passed through four different families until 1925, when it was purchased by Mr. and Mrs. Isaiah Eby. As Mrs. Isaiah Eby was the great granddaughter of Jacob Donnenwerth, the farmhouse has been associated with the Donnenwerth family for over 150 years. On the basis of its historic and architectural merit, the Eby Estate Farmhouse meets several criteria for designation under Part IV of the Ontario Heritage Act.

The full particulars of the Reasons for Designation are available in the Clerk's Office, 2nd Floor, Kitchener City Hall during normal business hours.

Any person may send by Registered Mail or deliver to the Clerk of the City of Kitchener, Notice of his or her objections to the proposed designation, together with a statement of the reasons for the objection and all relevant facts, to be received by the Clerk not later than the 20th day of May, 2007. When a Notice of Objection has been received, the Council of the Corporation of the City of Kitchener will refer the matter to the Conservation Review Board for a hearing and report.

Dated at Kitchener the 20th day of April, 2007.

Randy Gosse
Director of Legislative Services
& City Clerk
City Hall, P.O. Box 1118
200 King Street West
Kitchener, Ontario N2G 4G7

SCHEDULE "B"**The Donnenwerth House
(municipally addressed as 397 Gravel Ridge Trail)****Statement of Cultural Heritage Value or Interest**

The Donnenwerth House is recognized for its design/physical, historical/associative and contextual values.

The Donnenwerth House, municipally addressed as 397 Gravel Ridge Drive (formerly 2062 Bleams Road), is a two-and-a-half storey farmhouse constructed circa 1856. Architecturally, the farmhouse is a fine example of the Waterloo County Georgian style, constructed of stone with many representative features intact and restored. Historically, the farmhouse is associated with the rural heritage of Berlin/Kitchener. The farmhouse was originally constructed by Jacob Donnenwerth, who immigrated to Canada from France in 1827. The Donnenwerth house passed through four different families until 1925 when it was purchased by Mr. and Mrs. Isaiah Eby (great granddaughter of Jacob Donnenwerth). [REDACTED] Therefore, it was associated with the Donnenwerth family over a period of 150 years.

The farmhouse was moved and relocated to the northeast of its original location in 2006 as part of the development of Eby Estates subdivision. The new site is on high ground adjacent to Michael Donnenwerth Park and the siting of the house maintains its original north/south orientation, thus continuing to provide the historic open view to the northeast. The location of the property adjacent to the park evokes aspects of the relationship of the original house to the open rural landscape that formerly surrounded it. The siting of the farmhouse on high ground on a prominent corner establishes the property as a landmark in the Eby Estates subdivision and serves as a reminder of the historical farming practices of the area and its former rural landscape.

The Donnenwerth House meets several criteria for designation under Part IV of the Ontario Heritage Act on the basis of its design/physical, historical/associative and contextual value.

References

City of Kitchener (2006) *Eby House Urban Design Guidelines*. Prepared by Zelinka Priamo Limited. 2006.

City of Kitchener (2007) *Eby Estates Urban Design Guidelines*. Prepared by Zelinka Priamo Limited. December 2007.

City of Kitchener (2007) *Development and Technical Services Report DTS-007-004*, Prepared by Brandon Sloan, Senior Planner. Submitted by Jeff Willmer, Director of Planning. Submitted to the Development and Technical Services Committee.

Ryan, Don (1991) *Architectural Analysis: 2062 Bleams Road*. Compiled July 1991

Ryan, Don (1991) In person interview with Mr. Nyle Eby by Heritage Researcher Don Ryan, 1991

Tweedsmuir History, Mrs. Isaiah Eby, 1965

SCHEDULE "C"

**The Donnenwerth House
(municipally addressed as 397 Gravel Ridge Trail)**

Legal Description

Lot 88 of Registered Plan 58M-451 in the City of Kitchener.

Being all of PIN 22727-4457 (LT).

IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18, AS AMENDED, AND IN THE MATTER OF THE LANDS AND PREMISES AT THE FOLLOWING MUNICIPAL ADDRESS(ES) IN THE PROVINCE OF ONTARIO

NOTICE OF PASSING

TAKE NOTICE that the Council of the Corporation of the City of Kitchener passed By-law No. 2012-166 designating the property municipally known as 397 Gravel Ridge Trail as being of cultural heritage value or interest under the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, as amended.

Dated at Kitchener the 11th day of January, 2013

Randy Gosse
Director of Legislative Services
& City Clerk
City Hall, P.O. Box 1118
200 King Street West
Kitchener, ON N2G 4G7

- Publish date: **Friday, January 11, 2013** - ad to appear as noted in The Record:
 - 2-Column Display Ad in:
 - 1st choice - Local Section,
 - 2nd choice - 2nd page of First Section,
 - Last choice - 2nd page of LIFE Section