



**Date:** October 23, 2023

**To:** Mayor and Council

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**RE:** Notice of Intention to Designate 101 Mill Street under the Ontario  
Heritage Act

**Roll No.:** 3711-090-000-02300

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## RECOMMENDED ACTION

1. That the Town Clerk **BE AUTHORIZED** to publish a Notice of Intention to Designate the Colonel James King House, at 101 Mill Street West, in accordance with Part IV of the Ontario Heritage Act according to the Statement of Cultural Heritage Value or Interest attached in Appendix 'A'; and,
2. That Administration **BE DIRECTED** prepare the By-law for Council to designate the property in accordance with the requirements of the Ontario Heritage Act.

## BACKGROUND

The Colonel James King House, at 101 Mill Street West, has been listed on the Kingsville Municipal Heritage Register.

The house stayed in the King family until 1963 when Laura King, Col. King's granddaughter, sold the house shortly after her husband's passing. The home was later renovated and opened as The Kingswood Inn Bed & Breakfast, but later sold to Jim and Heather Scott and their daughter Jordan Scott-Trepanier. The new owners once again renovated the home and opened the business that is Estate of Health, Holistic Wellness Centre and Yoga Studio.

The property owners reached out to the Town in early 2023 with interest in the property being designated under Part IV of the *Ontario Heritage Act*. Under the *Ontario Heritage Act*, when a prescribed event such as a Planning Act application is triggered, Council has 90 days to issue a Notice of Intention to Designate (NOID) the property unless the Owner and the Town agree that the 90 days does not apply. This report is intended to give Council the ability to issue the NOID within the 90 days after the approval is given. The Owner has indicated that they do not object to designation of the property.



(Source: Luke Taylor, Summer Heritage Student)

## **DISCUSSION**

### **Legal Provisions:**

Part IV, Section 29(1) (a) of the *Ontario Heritage Act* (OHA) provides the authority to the Council of a municipality to designate a property that is of cultural heritage value or interest, where the property meets the prescribed criteria. Ontario Regulation 9/06 provides criteria for designation under the *OHA*. A property may be designated under Section 29 of the Act if it meets two or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it is rare, unique, representative or early example of a style, type, expression, and material or construction method.
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.

4. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
5. 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.
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.
7. The property has contextual value because it is important in defining, maintaining, or supporting the character of an area.
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.
9. The property has contextual value because it is a landmark.

Designation requires “a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property”. There are provisions for a municipal heritage committee to be consulted about a designation before the council makes a decision on it. It is the opinion of the Kingsville Municipal Heritage Advisory Committee that the Colonel James King House meets the criteria for designation.

Should Council decide to designate a property, the first step is to initiate a Notice of Intention to Designate, which provides direction for the Town Clerk to give notice to the owner, the Ontario Heritage Trust, and through the newspaper. A draft notice is attached as Appendix A. After thirty days, if there is no objection, the Council may pass a by-law to designate the property in accordance with the OHA.

If no notice of objection is served with-in the 30 day period after newspaper publication or a notice is served but council decides not to withdraw, the council may pass a by-law designating the property. As long as these requirements are met:

1. The by-law must be passed within 120 days after the date of publication of the notice of intention or, if a prescribed circumstance exists where another time frame is prescribed for the circumstance.
2. The by-law must include a statement explaining the cultural heritage value or interest of the property, as well as a description of the property.
3. The council must serve the owner of the property, any person who objected, and the Trust; a copy of the by-law and a notice that any person who objects the by-law may appeal to the Tribunal, by giving the Tribunal and clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection. This must be done within 30 days of the by-law being published. A fee charged by the Tribunal also applies.
4. The council must publish notice of the by-law in a newspaper having general circulation in the municipality. This must state that anyone who objects to the by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days of publication, a notice of appeal setting out the

objection to the by-law and the reasons in support of the objection. A fee charged by the Tribunal should also be included.

### **Heritage Evaluation according to Ontario Regulation 9/06**

The heritage evaluation of the property can be considered in the three broad categories of design/physical value, historical/associative value, and contextual value.

Photos of the property taken during site visits by the Heritage Committee are attached as Appendix B. An extensive heritage research report is attached as Appendix C to this report.

#### **Design/Physical value:**

With construction beginning in 1859, the Colonel James King House is built in the Octagon architectural style, while also carrying Colonial style attributes. This architectural style grew into popularity from 1850-1870, placing the King home towards the forefront of this development, which is uncommon for a Kingsville home. Typically in Kingsville architectural styles would be slightly behind trends due to its remote location in this time. The white masonry veneer exterior is very depicting of the Colonial style that is seen throughout this home. Keeping in theme with many structures built in Kingsville at the time, The Colonel James King House features an exposed, split fieldstone foundation.

The Kingsholme is an octagon-style house with several features that contribute to its unique design and functionality. It has an octagonal shape, with a windowed cupola atop the roof, designed to promote air circulation. The cupola helps release hot air during summer when windows are open and keeps heat inside during winter when windows are closed. The octagonal shape itself aids in airflow and cooling throughout the year by allowing wind from every direction. This octagon style of architecture is very unique for the area, being the only example of octagon architecture in southwestern Ontario.

The central fireplace, identifiable by the chimney at the cupola's center, serves as a focal point for temperature regulation. Placing the fireplace centrally distributes heat evenly across the house and minimizes heat loss through the exterior walls and windows. This arrangement also fosters family gatherings during the colder months.

Shutters on the windows serve both functional and decorative purposes. Closing shutters in winter reduces wind and provides added insulation, while open shutters are secured by shutter dogs to prevent damage. The house's exterior also features pediments on some windows, made of stone, which are decorative elements originating from Greek architecture.

A wraparound porch shields the entrance, a common feature in octagon-style homes, providing shelter from rain and a space to enjoy the outdoors. Ten Doric columns support the porch's roof, showcasing Greek influence. The hipped roof sits atop the

octagonal structure, sloping on all sides, enhancing heating and cooling efficiency and allowing a clear view of the cupola from various angles.

The property also includes a carriage house built in 1927, designed in a Colonial style with a jerkinhead roof and symmetrical elements. Renovations and additions occurred over time, including a fieldstone wall, a pool, and expanded living spaces. The main floor now exceeds 5000 square feet, with rooms like the kitchen, living room, dining room, and bedrooms. Various owners have made renovations, with the latest transformation in 2019, adapting the house into a Holistic Wellness Centre and Yoga Studio, enhancing accessibility and adding amenities like a sauna and sunroom.

### **Historical/Associative Value**

The historical value of the house lies in its association with Colonel James King. Colonel King was born in London, England, on January 5, 1805. He was the eldest of four siblings and his early life in England remains mostly unknown. Despite claims of him attending Cambridge University, there are no records of his attendance. He was described as a "gentleman and Scholar being the Master of 7 Languages."

At 21, King married Sarah Nightingale, widow of Leonard Nightingale, a former Lieutenant with the Cambridgeshire Militia. They, along with Sarah's sons, Leonard and Ernest Nightingale, moved to Montreal in Lower Canada after spending some time in New York City.

In Montreal, King was involved in teaching and ran a seminary. Some of his pupils went on to become notable figures in Canada. The family left Montreal due to a cholera epidemic and went to Michigan during the "Michigan Fever" boom. King purchased land in the "Michigan-Toledo Strip."

After the birth of their son James Workman in 1835, the Kings decided to return to Montreal, possibly due to the "Toledo War" between Michigan and Ohio. They reached the Village of Sandwich in Ontario before winter halted their journey. King found work as a teacher in Gosfield, Ontario, while Sarah and her sons settled in Windsor. The school was located on Peter Malott's farm near the lake, and Peter Malott owned parts of farm Lots 3, 4, and 5 in the First Concession West Division during the 1830s.

As winter gave way to spring, King became a clerk at the Company Steam Mill, leading the family to settle in Gosfield. They established themselves on Lot 12 of the Fifth Concession, constructing a small house where they welcomed the births of their daughter, Helena Ada, in 1837, and son, Alfred Luther, in 1840.

During the Patriot War (1837-38 Upper Canada Rebellion), King joined the Third Essex Regiment as a Lieutenant and participated in the Pelee Island engagement. His service led to a promotion to Lieutenant Colonel when the army disbanded.

Gosfield Township, in the 1830s, had limited development, with the most progress happening near Lake Erie. A post office was established in Albertville in 1831, and a trail called the Lake Road facilitated transportation of goods to the commercial dock.

By the early 1840s, part of the Lake Road was eroding, and a new route was devised. The convergence point of the "New Road" and Division Line Road became known as "King's Corners" or the "Four Corners." In 1842, Colonel King purchased two acres at this junction and built a two-story frame house there in 1843. His family moved to this location, and his youngest child, Sidney Arthur, was born there in 1844, becoming the first white child born in Kingsville. In the same year, a schoolhouse was erected on land provided by Richard Herrington on the east side of the Cross Roads.

In 1845, Colonel King purchased land at the southeast corner of the Cross Roads and erected a "Merchants' Shop," offering essential goods for pioneer farmers. By 1850, only three stores existed in Gosfield Township, including King's store, along with Fox & Co. at Albertville and Horace Deming at Union.

Towards the late 1840s, King encouraged Andrew Stewart, the owner of land west of Division Street, to subdivide it into town lots. Richard Herrington followed suit with land to the east, marking the beginning of the town's development. For the survey, various individuals were involved in placing stakes at the corners of each lot and street.

Beyond being the first Township Clerk, King also managed a conveyancing office, handling land transfers and legal documents. When naming the town, Andrew Stewart could have chosen to name it after himself due to his contributions, but he proposed that the town be named after King, recognizing his role in building the community.

The 1850s marked a period of growth for Kingsville. It began with the establishment of a post office in 1852, followed by the construction of the first town hall and the Exchange Hotel. The Commercial Hotel was built by Samuel Rose in 1853 and later purchased by King. St. John's Anglican Church was built in 1852, and King served as the first Rector's Warden.

While still teaching, King became the Local Superintendent of Schools for Gosfield Township in 1853. A new school was built in 1858, with a change in teachers. In 1855, he was appointed the Issuer of Marriage Licenses for the township, with specific instructions.

Overall, King played a significant role in the development of Kingsville, from its early growth to its institutional and infrastructural establishment.

During the 1850s, Colonel King expanded his property holdings, acquiring 50 acres in Third Concession Lot 4, five acres in Lot 2, First Concession West Division, and four acres in Lot 1, First Concession West Division. He held various professional roles, serving as a notary public, Collector of Customs, Justice of the Peace, and Clerk of the 3rd Division Court.

In 1859, the King family moved into their newly constructed home on a nine-acre lot along Mill Street West. The 1861 Census of Canada listed Colonel King, his wife Sarah, and their children James, Helena, Alfred, and Sidney as residents of this house.

Tragically, Sarah Perry Nightingale King passed away on April 24, 1864, at the age of 60. Details about her death are limited, but she was laid to rest in the King family plot at the Church of the Epiphany cemetery.

Throughout the 1860s and into the 1870s, Colonel King continued to engage in various activities and roles, maintaining his professional endeavors and involvement in the community.

In 1876, a day before his 71st birthday, Colonel King distributed his property among his three sons. James Jr. received lots on the northwest and southeast corners of Division and Main streets. Alfred was given a 50-acre plot on the Second Concession, the hotel on the north side of Main Street East, and the former school lot on the east side of Division Street North. The family home and a 9-acre lot on Mill Street West went to his youngest son, Sidney.

Col. King's only daughter, Helena, married a local doctor named Edward Allworth in 1867. While it's not specified that property was given, they made substantial improvements to their Pearl Street West property in the fall of 1876.

Leonard Geoffrey Nightingale, Col. King's oldest step-son, served in the Militia during the Patriot War and married the daughter of Elder Richard Herrington in 1843. He moved to Illinois with his wife and engaged in the lumbering business. The Nightingales returned to Kingsville in 1865 due to losses suffered in the lumber trade. Leonard took over his step-father's general store and managed its operations.

Ernest Alexander Nightingale (1823-1904) managed a grocery store and served as a bailiff from 1850 to 1854 before becoming a farmer. He married Polly, widow of Andrew Stewart and daughter of Richard Herrington. James Workman (1835-1914), Col. King's oldest son, established a successful career in Ohio after schooling in Port Clinton. He returned to Kingsville, engaged in various businesses including insurance, a general store, tin shop, and a hardware store. James and his wife Harriet had six children.

Alfred Luther King (1840-?), Col. King's second son, ran a livery stable and ventured into several businesses during the 1880s. He operated a cheese factory, engaged in manufacturing Hanlan Washing Machines in Ohio, managed a roller rink, and operated a flour mill and sawmill. Alfred married Maria Hurlburt in 1871, and they had three children. They lived in multiple locations, and Maria took a teaching post in Kingsville in 1893. She eventually settled in Washington State without Alfred.

Dr. Sidney Arthur King (1844-1907), Col. King's youngest child, attended school in Port Clinton and graduated from Victoria School of Medicine in 1867. He practiced medicine

and later focused on business ventures including land development, gas and oil companies, steamship and railway firms, and financial services. Sidney married Esther Wigle, and they had five children.

Colonel James King played a pivotal role in the development of Kingsville, and his efforts bore fruit. In 1877, the inhabitants of the unofficial "town" of Kingsville submitted a petition for incorporation to Essex County Council, which was approved on June 21, 1877.

Col. King, known as a respected pioneer in Essex County, passed away on September 13, 1880. As his health declined, he stepped down from his various positions and lived quietly with his children. His funeral was widely attended, and the village marked his passing by flying flags at half-mast on the days of his funeral.

### **Contextual Value**

The Colonel James King house, along with its accompanying carriage house and other ancillary structures, continues to occupy its original location, though the lot size has since reduced. Remarkably, the property's essence has remained largely untouched. A fieldstone wall, present since the era of King's residence in 1923, continues to encircle the property, further preserving its historical ambiance.

The house itself has always stood as the focal point of an expansive residential area within the Town of Kingsville. Even now, its distinctive features make it instantly recognizable, and its significance persists as one of the most sizable properties within Kingsville's residential district. Serving as a link to Kingsville's past, the house embodies the history of the town, being intimately tied to its founder, Colonel James King. This historical residence remained under his family's ownership for over a century, bearing witness to the town's evolution and retaining its pivotal role in shaping Kingsville.

### **Official Plan Policy**

The Kingsville Official Plan includes 1.4 (i) "to ensure all cultural heritage resources, including archaeological resources, built heritage resources and cultural heritage landscapes are managed in a manner which perpetuates their functional use while maintaining their heritage value, integrity and benefit to the community;"

Section 4.1 continues, "It is the policy of this Plan, that archaeological, cultural and built heritage resources and landscapes be identified, recognized, enhanced and conserved for the benefit of the community. The Town shall work with the Municipal Heritage Advisory Committee to identify potential archaeological, cultural and built heritage resources and landscapes to increase public awareness and involvement in the protection and enhancement of the Town's heritage features."

Section 4.1.1 "For the purposes of this Plan, cultural heritage resources shall mean resources that are valued for the important contribution they make to our understanding



of the history of a place, an event or a people. Built heritage resources shall mean one or more buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

Kingsville's built heritage resources will be identified by:

- a. Establishing a framework by which to judge the potential significance of built heritage resources;
- b. Researching and documenting the potential built heritage significance of properties within the Town of Kingsville using the established framework;
- c. Based on the completed research and documentation, preparing a register of properties with potential built heritage significance;
- d. Contacting property owners regarding the potential significance of their property and seek their support to have their property designated as a "significant built heritage resource";
- e. Encouraging Council to continue to offer property tax reduction incentives for properties that have been designated under the Ontario Heritage Act;
- f. Monitoring demolition permit applications to ensure input in the event that a property with potential built heritage significance is proposed for demolition.

Those properties designated in accordance with paragraph c) above (see list in Appendix B of this Plan) and for which property tax incentives are being received, shall be conserved. Demolition shall be prohibited and alterations shall only be permitted if in accordance with the Ontario Heritage Act.

For those properties that are included in the Town of Kingsville Heritage Register (see list in Appendix B of this plan), demolition shall only be permitted in compliance with the provisions of the Ontario Heritage Act, R.S.O. 1990, c.O. 18.

Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been assessed and evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigating measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration."

### **Risk Analysis**

If not designated, the property Owner has indicated that the house will continue to be used as a wellness center and yoga studio. However, in fall of 2022, the Province passed Bill 23 the *More Homes Built Faster Act, 2022* which contained amendments to the Ontario Heritage Act. By January 1, 2025, if Council has not issued a notice of intention to designate any non-designated properties, then those properties will have to

be removed from the Heritage Register (including the subject property at 101 Mill Street West). Once removed from the Register, the property owner or future owners may apply for demolition of the building without the review of Council through a regular building permit application, resulting in irreversible loss of heritage resources in the Town. On the other hand, if designated, alterations, modifications or additions that affect the property will require approval by Council, after consultation of the municipal heritage committee. There are also additional Property Standards Bylaw requirements that apply to designated heritage properties, such as the maintenance of specific heritage attributes and maintenance of vacant heritage property.

## **FINANCIAL CONSIDERATIONS**

If Council chooses to designate the property, the Town will pay the costs of legal notices and registering the by-law amendment with the Land Registry Office. The Committee's heritage operating budget will cover the cost of the designation plaque. Once designated, the owner could request property tax reductions for the costs of eligible conservation works under the Town's Heritage Tax Relief Program.

## **ENVIRONMENTAL CONSIDERATIONS**

There are no anticipated environmental impacts resulting from the designation.

## **CONSULTATIONS**

The Kingsville Heritage Advisory Committee reviewed the history of and visited the site, as well as members of the Town's planning staff including Luke Taylor, Heritage Planning Student. Assistance was provided by researcher Veronica Brown, with information from the Kingsville Archives, County Libraries, and the property owner being used to write report.

## **APPENDICES**

1. Appendix A – Draft Notice Of Intention To Designate
2. Appendix B – Photographs of the Property
3. Appendix C – Kingsholme Report, Veronica Brown

## **PREPARED BY:**

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