



Date: May 6, 2024

To: Mayor and Council

Author: Vitra Chodha, Town Planner

RE: Notice of Intention to Designate the Pastorius House (12 Main Street East) under the Ontario Heritage Act

RECOMMENDED ACTION

- I. That the Town Clerk **PUBLISH** a Notice of Intention to Designate the Pastorius House, at 12 Main Street East, 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
- II. That Administration **PREPARE** the necessary By-law for Council to designate the property in accordance with the requirements of the *Ontario Heritage Act*.

BACKGROUND

The Pastorius House (now known as the Grove Hotel), originally built in 1885 and located at 12 Main Street East, has a long and varied history as a central figure in the town's development. It has undergone significant transformations and restorations, most recently in 2017. This property has served multiple purposes, from a premier hotel to its use today as a boutique inn, reflecting the community's growth and cultural evolution over more than a century.

The property owners reached out to the Town in early 2024 with interest in seeking designation under Part IV of the *Ontario Heritage Act*. The Heritage Committee and Administration have researched and rated the house and have confirmed that it has sufficient heritage value and is worthy of designation.

Under the *Ontario Heritage Act*, 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.

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*”. The Act further requires that a municipal heritage committee, if it exists, must be consulted about a designation before the council makes a decision on it. As described below, the Committee has completed its research and assessment and confirms that the Pastorius 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. 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.

A Heritage Research Report is attached as Appendix C to this report.

Description of the Property:

The Pastorius House is a 3-storey hotel located on the north side of Main Street East in the former Village of Kingsville (formerly the Township of Gosfield). Situated on part of Lot 2 on Registered Plan 184-185, which is the original plan surveyed in 1850. Built by Walter Pastorius in 1885 as a 2-storey hotel to replace the Commercial Hotel that had been destroyed by fire. The third storey was added four years later. Major restoration was undertaken in 2010 and the addition on the west was completed in 2017.

Design/Physical Value:

With construction beginning in 1885, the Pastorius House is built in the Italianate architectural style with flat roof parapeted, outside chimney, segmental arches, smooth-faced sills and wrap porches. Foreman J.W. Drake used local material and craftsman to build the "Pastorius House". The brick was supplied by John Miner and it was of the best quality, the mason's work was undertaken by William Davey, Geo Cady did the

plastering, Wm Brimner the painting and George Stephenson, the tin work, plumbing and heating arrangements.

The main building was 41 by 36 and the wing to the north end was 25 by 35; two stories high and made of veneered brick. The ground floor contained a bar room, commercial room, private sitting room, dining hall, kitchen, pantry, and other necessary offices for a first-class hotel. The upper story had 14 bedrooms, one bathroom, two sitting rooms, and closets. There was also a large cellar under the main part of the building. The whole of the carpenter's work inside was finished in chestnut and oiled and the whole building was heated by a furnace.

In the spring of 2010, Phil Towle acquired The Kingsville Inn and quickly started the renovations, transforming the exterior to reflect the original architecture. The building stands today as a close replica of the original structure that was built in 1885 and including the third story addition that was added in 1889.

Heritage Attributes:

Each heritage attribute of the property at 12 Main Street East listed below is indicative of its design value:

- Original Brick Chimney
- Full Span Balconies
- Dentil Moldings
- Hardie Board Siding
- Multi-Level columns
- Corbels
- Window Toppers
- Footprint of the building
- Style and arching of the front door

Historical/Associative Value:

Present-day Main Street was established in the 1840s after a section of the road running along the shore caved into the lake. Where it intersects with Division Street, (the street that divides the Stewart farm on the west and the Herrington Farm on the east) became known as the Crossroads.

In 1850, encouraged by Colonel James King, Andrew Stewart and Richard Herrington had part of their farms surveyed into building lots to form the Village of Kingsville. Samuel Rose purchased Lot No. 2 on the north side of Main Street East in 1853 for £10. He built the Temperance House, a hotel that catered to travelling businessmen offering food and drink, but no hard liquor. The following year, Rose sold the hotel to Col. King, who gave it to one of his sons, Alfred, in 1876.

Later known as the Commercial Hotel, Alfred King sold the property to Walter Pastorius in 1882. In February 1885, the Commercial Hotel was destroyed by fire. Four months later, Pastorius commenced work on a new 2- storey, brick veneered hotel. The "Pastorius House" opened on 27 July 1885. By 1889, Pastorius' business outgrew the hotel and he had to rent rooms above neighbouring stores to meet the demand. He engaged local architect, John Alexander Maycock, to design a third storey and upgraded facade.

In addition to Walter, the whole Pastorius family lived and worked at the hotel including his wife Charlotte, sons James and Thomas, and daughter Malla, with her husband William Brundage. After Walter's death in 1895 from typhoid fever, the family continued to run the hotel until it was sold in 1901.

George Lario, who had been running the Kingsville Exchange Hotel on Main Street West, purchased the hotel from Charlotte Pastorius in 1901 for \$6,700. For the renovations, Lario took out a \$1,500 mortgage with the Walkerville Brewing Company. The following year, George Lario exchanged the King's Hotel with Frank Stenlake for his hotel in Tilbury. In 1904, Stenlake gave a 5-year lease to Thomas Oke of Exeter, and in 1907 sold the property back to Charlotte Pastorius. When Oke's lease expired on 1 May 1909, Charlotte gave the day-to-day operating responsibilities to her son-in-law, William Brundage.

On 3 January 1910, the voters of Kingsville passed the Local Option By-Law (prohibiting the retail sale of liquor) by a margin of 257 to 140. In disgust and "according to promise", Mr. Brundage proceeded to board up the Kings hotel. Kingsville would remain a "dry" town until 1942 when the Local Option was repealed by a vote of 820 to 430.

Thomas Pastorius promptly took over the running of the hotel until 1914 when the "Chief of police seized a couple of slot machines, which had been operating for some time at the Kings Hotel. Mr Pastorius had been in Windsor or Detroit ever since, and no action has been started against him because the chief was unable to serve the necessary papers on him.

The following month, Charlotte Pastorius sold the King's Hotel to a group of local businessman, who hired the Oxley Bros. to fix up the building.

There was a lot of excitement for the newly refurbished establishment, but it still had trouble staying on the right side of the law. In 1917, the proprietor Alfred Hall was charged and convicted of "selling beer that contained more than the regulation 2½ per cent of alcohol.

The early 1970s saw the introduction of topless dancers at the Kingsville Hotel. As owner-manager Jack Churchmuch explained, "We've had topless for two years and it helps us. We've tried to go without them but people keep asking for dancers."

Churchmuch opened the Fogcutter Restaurant inside the hotel in 1978 in an attempt to draw in “the visitors, the summer people, and the tourists.” The hotels rooms were converted into rental accommodations.

Contextual Value

The Pastorius House continues to occupy its original location. Remarkably, the property's essence has remained largely untouched, throughout the various modifications to the building that took place over the years, with the last renovation bringing the building closer to its original form.

The house itself has always stood as the focal point of an expansive commercial area within the Town of Kingsville. Even now, its distinctive features make it instantly recognizable, and its significance persists as one of the most notable properties in the commercial district of Kingsville. Serving as a link to Kingsville's past, the house embodies the history of the town taking us through various periods of times from an era of prohibition to where we stand today.

Official Plan Policy

The Kingsville Official Plan (section 4.1: Cultural Heritage and Archaeological Resources) includes policies related to the identification, recognition, enhancement, and conservation of archaeological, cultural, and built heritage resources for the benefit of the community. Further, the OP commits the Town to working with the Municipal Heritage Advisory Committee to identify potential heritage resources to increase public awareness and involvement in the protection and enhancement of the Town's heritage features.

As it relates to Cultural and Built Heritage Resources (4.1.1), the OP supports designation of resource that are valued for the important contribution they make to our understanding of the Town. The OP seeks to identify built heritage resources by researching and documenting potential built heritage significance and contacting owners regarding the potential significance of their property and seeking their cooperation and support to designate (though support is not required).

Once designated, the OP outlines policies related to tax incentives, prohibition of demolition, and describes the process whereby alterations can be considered and permitted in accordance with the Ontario Heritage Act.

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.

In keeping with these policies, the Kingsville Municipal Heritage Advisory Committee undertook the research and documentation of the heritage significance of the Pastorius House, and have cooperation and support from the owners to have their property designated.

Risk Analysis

If not designated, the property Owner has indicated that the house will continue to be used as a hotel and coffee shop. 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 12 Main Street East). 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 a potential loss of heritage resources in the Town. On the other hand, if designated, alterations, modifications or additions that affect the property will require consultation of the municipal heritage committee and approval by Council to ensure the heritage values for which the building is designated are maintained. 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 Planning Services budget for Heritage includes funding to 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. Assistance was provided by Town Planner Vitra Chodha and Researcher Veronica Brown, with information from the Kingsville Archives, County Libraries, and the property owner being used to write reports.

APPENDICES

1. Appendix A – Draft Notice of Intention to Designate
2. Appendix B – Photographs of the Property

3. Appendix C – Pastorius House Research Report, Veronica Brown

PREPARED BY:

Vitra Chodha

Vitra Chodha
Planner

REVIEWED BY:



Richard J.H. Wyma, CSLA
Director of Planning & Development



John Norton
CAO