

**REPORT TO:** Alderman N. DiFlavio, Chair and Members of the  
Planning & Development Committee

**RE:** **Designation under Part IV of the Ontario Heritage Act, 133  
Main Street East**

**DATE:** May 15, 2012

## **1.0 RECOMMENDATION**

That Report P.A. 12-20, regarding the recommendation that the dwelling located at 133 Main Street East be designated under Part IV of the *Ontario Heritage Act*, be received:

And that the notice of intention to designate be issued under Part IV Section 29 of the *Ontario Heritage Act* for the property at 133 Main Street East.

## **2.0 BACKGROUND**

The subject property at 133 Main Street East is known as the James Willison Grout Nelles House and has been reviewed by the Grimsby Heritage Advisory Committee to determine its merit for designation under Part IV Section 29 of the *Ontario Heritage Act*. The subject property is currently listed on the Grimsby Register of Properties of Cultural Heritage Value or interest as a non-designated property.

The Grimsby Heritage Advisory Committee had identified the dwelling at 133 Main Street East as a building worthy of potential designation.

In July 2011, the lands at 133 Main Street East were the subject of severance applications B06 and B07-11 and with 137 Main Street East.

The purpose of the severance was to facilitate redevelopment of the lands to the north for residential purposes and the lands to the south, containing the James William Grout Nelles House for future office purposes which would incorporate the James William Grout House and largest mature tree on the property. The lands to the rear of the subject site currently have recently been subject to a rezoning application to rezone the lands to permit residential development. Council recently passed a by-law for a zoning amendment to permit the development of townhouses.

The conditions of approval included the following:

- 4) *That the owner enter into a heritage conservation easement agreement under Section 37 of the Ontario Heritage Act with the Town for conservation of the*

The heritage advisory committee minutes were endorsed by Council and the James William Grout Nelles House was subsequently added to the heritage register. While the effect of inclusion on the register would typically impose a 60 day delay in demolition of the house should a demolition permit application be made, because the dwelling is subject to an active demolition permit dating back to 2007, the 60 day provision is not in effect. The demolition permit was renewed by the owner of the property on April 12, 2012 and remains in effect.

The demolition permit would be voided only by withdrawal of the permit by the owner of the property or through issuance of a Notice of Intention to designate in accordance with Section 29, of the *Ontario Heritage Act* as is recommended in this report.

The effect of notice of intention to designate is more clearly described in the *Act* as follows:

***Effect of notice of designation***

***Permits void***

***30. (1)*** *If a notice of intention to designate a property as property of cultural heritage value or interest is given under section 29, any permit that allowed for the alteration or demolition of the property and that was issued by the municipality under any Act, including a building permit, before the day the notice was served on the owner of the property and on the Trust and published in a newspaper is void as of the day the notice of intention is given in accordance with subsection 29 (3). 2005, c. 6, s. 18.*

***Interim control of alteration, demolition or removal***

*{21 Sections 33 and 34 apply with necessary modifications to property as of the day notice of intention to designate the property is given under subsection 29 (3) as though the designation process were complete and the property had been designated under section 29. 2005, c. 6, s. 18.*

In clearance of the conditions of severance, the Town did enter into a Heritage Conservation Easement Agreement with Romlee Developments for the heritage house, however, since the lands have not yet been transferred from James Michael Burgess, the Heritage Conservation Easement Agreement has not been registered and is not in effect. The Heritage Conservation Easement Agreement notes that a condition of release of the easement agreement from title would be the registration of a by-law designating the property under Section 29, Part IV of the Ontario Heritage Act.

- The largest mature tree located at the south west corner of the property.

### **3.0 COMMENTS**

The Grimsby Heritage Advisory Committee had identified the dwelling at 133 Main Street East as a building worthy of potential designation. It was determined by the Committee that a research report be prepared to initiate the evaluation of the building for designation under Part IV Section 29 of the *Ontario Heritage Act*. The following resolution was passed by the Committee with respect to designation of the James Willison Grout Nelles House:

#GH 12-07

Moved: J. Watt

Seconded: M. Walker

"RESOLVED, That the Grimsby Heritage Advisory Committee recommends the designation of the James Willison Grout Nelles House at 133 Main Street East under Part IV Section 29 of the Ontario Heritage Act."

CARRIED

Town Staff and the Heritage Committee undertook site visits to assess the building against the criteria for determining cultural heritage value or interest as set out in Ontario Regulation 9/06. This Heritage Research Report can be seen as Appendix B to this report.

The Heritage Research Report concluded the James Willison Grout Nelles House at 133 Main Street East meets three of the criteria set out in the *Ontario Heritage Act* for designations under Part IV Section 29. It therefore is recommended by Town Staff and the Grimsby Heritage Advisory Committee that the subject property be designated under Part IV of the *Act* for the significant value determined in section 2 of the Research Report. The statement of heritage value or interest contained in section 3 of the Research Report includes the heritage attributes identified in section 3.5. These attributes have been determined to merit designation as they contribute to the significance of the dwelling and as such should be outlined in the designation by-law as significant elements.

The developer for the subject lands, Romlee Homes has been in discussion with Town Planning Department Staff for over a year with respect to development concepts all of which incorporate the heritage house. The developer has gone to the extent of posting signs on the property indicating that the house will be preserved, and has been maintaining the house over that time.

The Designation of the James Willison Grout Nelles House at 133 Main Street East has been discussed with Romlee Homes representatives, who have indicated no concern with respect to the designation. Designation is not inconsistent with their plans for the property. Romlee's only request is that the most northerly wing (single story) of the house not be included in the designation. Town Planning Staff have no concerns with this request.

**Appendix A**



**HERITAGE  
RESEARCH  
REPORT**

*James Willison Grout Nelles House*  
133 Main Street East  
Grimsby, Ontario

May 2012

## 1.1 INTRODUCTION

This report was prepared to assess the dwelling at 133 Main Street East against the criteria in the *Ontario Heritage Act* for designation under Part IV of the *Act*. Research was undertaken by consulting primary and secondary sources and site visits were undertaken to evaluate the dwelling and take photographs. Supplementary information and images have been included in the Appendix of the report to provide background information.

## 2.0 ASSESSMENT OF CULTURAL HERITAGE VALUE OR INTEREST

A property may be designated under section 29 of the *Ontario Heritage Act* if it meets one 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,

- i. **is a rare, unique, representative or early example of a style, type, expression, material or construction method,**

*The James Willison Grout Nelles House is a good example of the Queen Anne style of architecture. The lack of symmetry and randomness of the original footprint and building envelope, multiple bay windows, decorative gingerbreading, drop finials, stick style half timbers, and eave brackets demonstrate the influence of the Queen Anne style of architecture on the dwelling.*

*Much of the brickwork and stone masonry exhibits textural elements that demonstrate the prominent status of the owners as the tooling on the limestone exhibits a luxurious finish. The decorative corbels of the stone masonry further demonstrate the influence of the Queen Anne style of architecture. The dwelling is comprised of red brickwork with tuck pointing and textural brickwork. The stone masonry includes a coursed stone foundation, tooled sills and lintels as well as decorative corbels.*

*The dwelling has a mix of window styles and sizes although many of the windows have single light transoms. The front door constitutes a two leaf timber door with decorative glazing and the door on the east side of the dwelling exhibits stained glass with a matching transom.*

- ii. displays a high degree of craftsmanship or artistic merit
- iii. demonstrates a high degree of technical or scientific achievement

2. The property has historical value of associative value because it,

### **3.1 DESIGN VALUE OR PHYSICAL VALUE**

The James Willison Grout Nelles House is a good example of the Queen Anne style of architecture. The lack of symmetry and randomness of the original footprint and building envelope, multiple bay windows, decorative gingerbreading, drop finials, stick style half timbers, and eave brackets demonstrate the influence of the Queen Anne style of architecture on the dwelling.

Much of the brickwork and stone masonry exhibits textural elements that demonstrate the prominent status of the owners as the tooling on the limestone exhibits a luxurious finish. The decorative corbels of the stone masonry further demonstrate the influence of the Queen Anne style of architecture. The dwelling is comprised of red brickwork with tuck pointing and textural brickwork. The stone masonry includes a coursed stone foundation, tooled sills and lintels as well as decorative corbels.

The dwelling has a mix of window styles and sizes although many of the windows have single light transoms. The front door constitutes a two leaf timber door with decorative glazing and the door on the east side of the dwelling exhibits stained glass with a matching transom.

### **3.2 HISTORICAL VALUE OR ASSOCIATIVE VALUE**

The dwelling has a direct correlation with the Nelles family who were prominent in Grimsby. The Nelles family has a long history in Grimsby dating back to the settlement of this West Niagara town.

### **3.3 CONTEXTUAL VALUE**

The James Willison Grout Nelles House is of contextual value for supporting the character of Main Street East. The dwelling and landscape contribute to the wooded built character along the Main Street. The setback of the dwelling provides evidence of the development patterns along Main Street that typically had large farm houses with large front yard setbacks from the street.

The house is one of a series of larger nineteenth and early twentieth Century homes running along Main Street in Grimsby which were associated with the fruit farming industry. The size and quality of architectural detail of many of these houses is a testament to the prosperity brought to the area by fruit farming.

The trees around the property contribute to the wooded character of Main Street East, particularly the largest mature tree at the southwest corner of the property.

### **3.4 STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST**

Section 29. It therefore is recommended by Town Staff and the Grimsby Heritage Advisory Committee that the subject property be designated under Part IV of the *Act* for the significant value determined in section 2 of this report. The statement of heritage value or interest contained in section 3 of this report includes the heritage attributes identified in section 3.5. These attributes have been determined to merit designation as they contribute to the significance of the dwelling and as such should be outlined in the designation by-law as significant elements.

James Willison Grout Nelles was a member of the Nelles family, one of the most significant families to settle in Grimsby. Originally from France, three brothers immigrated to America in 1710 and thence to the Mohawk Valley in what is now the State of New York. James and his wife Catharine had two children, Mabel and Willison Boies.<sup>3</sup>



**Figure 2.** The above image depicts James Willison Grout Nelles. (Source: Photo credit is given to Beniczky & Co. of New York, taken from L.S. Wilcoxon, *An American Family* 2009, <http://family.wilcoxon.com/Rescued4.htm> retrieved April 24, 2012).

## **HISTORY: SITE DEVELOPMENT**

The James Willison Grout Nelles House was built circa 1865 as the home of James Willison Grout Nelles and his family. The house was later the home of his son Willison Boies Nelles and his wife Henrietta (called Ruby)<sup>4</sup>.

The James Willison Grout Nelles farm stretched east to Baker Road and north of the railway tracks as seen in Figure 3 below. There was once a large pond where Central Avenue is now.<sup>5</sup>

<sup>3</sup> 1871 Census of Canada, Ancestry.ca

<sup>4</sup> Grimsby Heritage Advisory Committee, *Nelles Driving Tour*, Town of Grimsby, 2000

<sup>5</sup> Grimsby Heritage Advisory Committee, *Nelles Driving Tour*, Town of Grimsby, :WOO

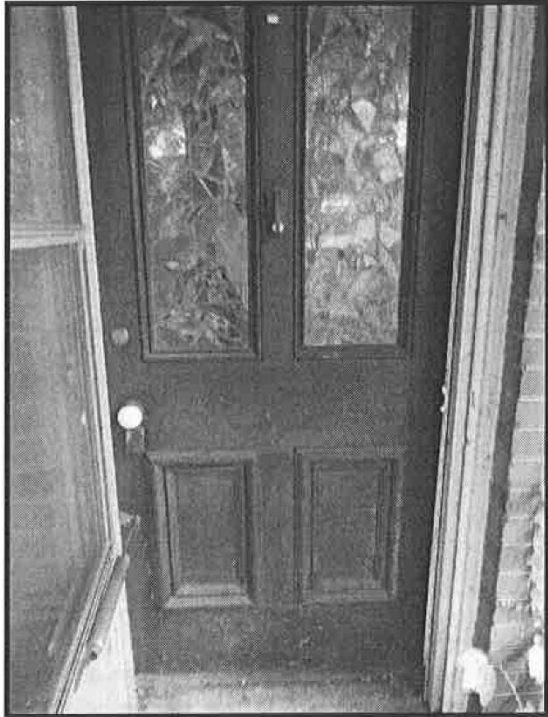




**Figure 4.** The above image shows the footprint of the original dwelling - indicated by the yellow outline. The portion of the building indicated by the red outline is not part of the original dwelling and does not constitute one of the heritage attributes to be designated



**Figures 6, 7.** The above images depicts one of the double doors on the front elevation of the James Willison Grout Nelles House at 133 Main Street East. The doors are currently hidden behind storm doors and are likely to be original.



**Figure 8.** The above image depicts the side door with leaded glass on the east elevation of the James Willison Grout Nelles House at 133 Main Street East. The door is currently hidden behind a storm door and is likely to be original. The transom above the door has the same stained glass pattern.



**Figure 10.** The above image depicts the porch on the east side of the dwelling at the James Willison Grout Nelles House at 133 Main Street East. The original front porch would have likely been constructed in a similar style and of similar materials (wood). The porch exhibits fretwork on the frieze board and small decorative brackets and simplistic pillars.



**Figure 12.** The above image depicts some details of the front elevation of the James Willison Grout Nelles House at 133 Main Street East. The decorative bargeboard with fretwork detailing can be seen as well as the drop finial. Substantial timber brackets are supported by corbelled brickwork and stone. Smaller brackets can be seen under the bargeboard. The gable end is decorated with half timbers that are reminiscent of the stick style that was prevalent in the Queen Anne and Gothic Revival styles of architecture.



**Figure 14.** The above image depicts the west elevation of the James Willison Grout Nelles House at 133 Main Street East. Part of a later addition to the dwelling can be seen in the above image which is depicted by the yellow outline. This addition is not included as a heritage attribute to be designated.



**Figure 16.** The above image depicts the largest mature tree at 133 Main Street East.