

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2004 - 43

A BY-LAW TO DESIGNATE 73-77 WEST MAIN STREET IN THE CITY OF WELLAND, KNOWN AS THE TUCKEY-LEE BUILDING, OF HISTORIC OR ARCHITECTURAL VALUE OR INTEREST

WHEREAS the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, authorizes the council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of historic or architectural value or interest;

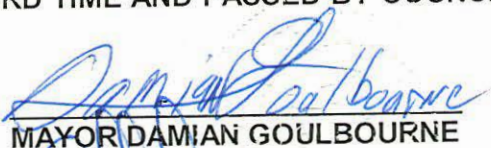
AND WHEREAS the City Clerk has caused to be served upon the owner of the lands and premises municipally known as 73-77 West Main Street, in the City of Welland, known as the 'Tuckey-Lee House', and upon the Ontario Heritage Foundation, Notice of Intention to so designate the aforesaid real property, and has caused such Notice of Intention to be published in a newspaper, having general circulation in the municipality, in accordance with the provisions of the Ontario Heritage Act;

AND WHEREAS no Notice of Objection to the proposed designation was served upon the Clerk of the City of Welland.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That the real property, more particularly described in Schedule "A" attached hereto and forming part of this by-law, known as the 'Tuckey-Lee Building' at 73-77 West Main Street in the City of Welland, shall be and the same is hereby designated as being of historic or architectural value or interest.
2. The City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the property described in said Schedule "A" attached hereto in the proper Land Registry Office.
3. The Reasons for Designation are attached hereto as Schedule "B" and shall for all purposes form a part of this by-law.
4. The City Clerk is hereby authorized to cause a copy of this By-law to be served upon the owner of the aforesaid property and upon The Ontario Heritage Foundation and to cause notice of this By-law to be published in a newspaper having general circulation in the City of Welland.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 4th DAY OF May, 2004.


MAYOR DAMIAN GOULBOURNE


CRAIG A. STIRTZINGER, CITY CLERK

SCHEDULE "A"

DESCRIPTION

Part Lots 4 and 5, Plan 552,
as in CW21957,
in the City of Welland,
in the Regional Municipality of Niagara,

PIN 64103-0136(LT).

SCHEDULE "B"

REASONS FOR DESIGNATION

This brick building is believed to be the oldest surviving commercial structure in downtown Welland. It was built circa 1856 for Dr. Alfred J. Burns in the early Italianate commercial style. The north facade facing West Main Street in particular displays many characteristics typical of this style. These include an elaborate and deeply projecting wooden cornice at the roof supported by ornamental brackets and underscored by a continuous decorative frieze; double hung two over two second story windows in semi-circular arch shape topped with brick voussoirs and keystones, and a secondary decorative bracketed wooden cornice at the first floor level above two deeply recessed street level storefronts. The oldest storefront, no. 75 at the easterly end of the building, remains virtually unchanged since the 19th century with original wooden columns flanking the entry and original transom windows of coloured, pebbled glass in fanlight pattern above both display windows.

The original owner, Dr. Alfred Burns, who used the building as a home and office, was one of the first physicians to serve the hamlet of Merrittsville (before the name was changed to Welland). He died in 1861 at the early age of 29. The building was purchased from Dr. Burns shortly after its construction by Jesse Stoner, and remained in the hands of the Stoner family until 1872, when it was sold to Charlotte Tuckey. Jesse Stoner was the grandson of Christian Stoner, one of the first pioneers to settle in Humberstone Township from Pennsylvania. Jesse's wife Catherine was the daughter of David Price, known as "Welland's first settler". Catherine Street ("the Brick Road") is named for Catherine Price Stoner.

For the majority of the years between 1872 and 1929, this was the location of Tuckey's Jewellers, run by Charlotte's husband James, and later their son James A. Tuckey, until his death in 1929. James A. Tuckey converted the west side of the building (no. 77) from residential to commercial use about 1920, and over the course of the twentieth century the two retail spaces housed (in addition to Tuckey's jewellers) Stanley Jackson's Jewellers, John Oliver's wallpaper, and three barbershops, those of George A. Pearsons, Charles Goss, and, from 1946 until the end of the century, John Aceti. The building is currently owned by Gordon Lee and the entire first floor commercial area is occupied by a florist shop, "Blooms and Petals by Laura".

THE WELLAND TRIBUNE

Saturday March 13th, 2004

In the matter of the Ontario Heritage Act,
R.S.O. 1990, Chapter 0.18
And in the matter of the structure
and property known municipally as
"The Tuckey-Lee Building"

NOTICE OF INTENTION TO DESIGNATE

TAKE NOTICE THAT the Council of the Corporation of the City of Welland intends to designate the property known as "The Tuckey-Lee Building" and located municipally at 73-77 West Main Street as a property of historical interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18.

REASONS FOR THE PROPOSED DESIGNATION:

This brick building is believed to be the oldest surviving commercial structure in downtown Welland. It was built circa 1856 for Dr. Alfred J. Burns in the early Italianate commercial style. The north facade facing West Main Street in particular displays many characteristics typical of this style. These include an elaborate and deeply projecting wooden cornice at the roof supported by ornamental brackets and underscored by a continuous decorative frieze; double hung two over two second story windows in semi-circular arch shape topped with brick voussoirs and key-stones, and a secondary decorative bracketed wooden cornice at the first floor level above two deeply recessed street level storefronts. The oldest storefront, no. 75 at the easterly end of the building, remains virtually unchanged since the 19th century with original wooden columns flanking the entry and original transom windows of coloured, pebbled glass in fanlight pattern above both display windows.

The original owner, Dr. Alfred Burns, who used the building as a home and office, was one of the first physicians to serve the hamlet of Merrittsville (before the name was changed to Welland). He died in 1861 at the early age of 29. The building was purchased from Dr. Burns shortly after its construction by Jesse Stoner, and remained in the hands of the Stoner family until 1872, when it was sold to Charlotte Tuckey. Jesse Stoner was the grandson of Christian Stoner, one of the first pioneers to settle in Humberstone Township from Pennsylvania. Jesse's wife Catherine was the daughter of David Price, known as "Welland's first settler". Catherine Street ("the Brick Road") is named for Catherine Price Stoner.

For the majority of the years between 1872 and 1929, this was the location of Tuckey's Jewellers, run by Charlotte's husband James, and later their son James A. Tuckey, until his death in 1929. James A. Tuckey converted the west side of the building (no. 77) from residential to commercial use about 1920, and over the course of the twentieth century the two retail spaces housed (in addition to Tuckey's jewellers) Stanley Jackson's Jewellers, John Oliver's wallpaper, and three barshops, those of George A. Pearsons, Charles Goss, and, from 1946 until the end of the century, John Aceti. The building is currently owned by Gordon Lee and the entire first floor commercial area is occupied by a florist shop, "Blooms and Petals by Laura".

Notice of objection to the proposed designation may be filed with the Clerk of the Corporation of the City of Welland no later than the 12th day of April, 2004.

Dated at the City of Welland this 13th day of March, 2004.

CRAIG A. STIRTZINGER
City Clerk
City Hall, 411 East Main Street
WELLAND, ON L3B 3X4

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 4

Properties

PIN 64103 - 0136 LT Estate/Qualifier Fee Simple Lt Conversion Qualified
 Description PT LTS 4 & 5, PL 552 , AS IN CW21957 ; WELLAND
 Address 00071 WEST MAIN STREET
 WELLAND

Applicant(s)

This Order/By-law affects the selected PINs.

Name THE CORPORATION OF THE CITY OF WELLAND
 Address for Service 411 East Main Street
 Welland, Ontario
 L3B 3X4

This document is being authorized by a municipal corporation MAYOR DAMIAN GOULBOURNE and CRAIG A. STIRTZINGER, CITY CLERK.

This document is not authorized under Power of Attorney by this party.

Statements

This application is based on the Municipality By-Law No. 2004-43 dated 2004/05/04.

Schedule: See Schedules

Signed By

Laura Dee Eden	411 East Main St. Welland L3B 3X4	acting for Applicant(s)	Signed	2004 05 06
Tel	905-735-1700			
Fax	9057321919			

Submitted By

CITY OF WELLAND	411 East Main St. Welland L3B 3X4			2004 05 06
Tel	905-735-1700			
Fax	9057321919			

Fees/Taxes/Payment

Statutory Registration Fee	\$60.00
Total Paid	\$60.00

File Number

Applicant Client File Number : REF. NO. 04-70



City of Welland
**CIVIC
CORNER**
www.city.welland.on.ca

In the matter of the Ontario Heritage Act,
R.S.O. 1990, Chapter 0.18

And in the matter of the property
referred to as "The Tuckey-Lee Building"
in the City of Welland in the
Province of Ontario

NOTICE OF PASSING OF BY-LAW

TAKE NOTICE THAT the Council of the Corporation of the City of Welland passed By-law 2004-43 on the 4th day of May, 2004 to designate 73-77 West Main Street, known as "The Tuckey-Lee Building" as being of architectural and historical value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18.

Dated at the City of Welland this 15th day of May, 2004.

CRAIG A. STIRTZINGER
City Clerk
City Hall, 411 East Main Street
WELLAND, ON L3B 3X4