



Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## **Site Specific Exemption to Interim Control By-law 2019-04 for 578 Lydia Street Staff Report to Council**

Report Number: 2019-45

Department(s): Development and Infrastructure Services/Planning and Building Services

Author(s): A. Slattery

Meeting Date: April 29, 2019

### **Recommendations**

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for 578 Lydia Street dated April 29, 2019 be received; and,
2. That 578 Lydia Street be removed from the Municipal Register of Non-Designated Heritage Properties and photo documentation of 578 Lydia Street be submitted to the Town; and,
3. That Council approve the requested site specific exemption to Interim Control by-law 2019-04 for 578 Lydia Street and that staff be directed to bring forward the necessary exemption by-law.

### **Purpose**

The purpose of this report is to recommend to Council the approval of a site specific amendment to Interim Control by-law 2019-04 for 578 Lydia Street and to remove 578 Lydia Street from the Municipal Register of Non-Designated Heritage Properties.

### **Background**

Council passed Interim Control By-law 2019-04 on January 21, 2019. At the March 18, 2019 Committee of the Whole meeting, Committee directed staff to bring forward an exemption process for properties subject to Interim Control By-law 2019-04, put in place due to concerns with over building in established neighbourhoods.

### **Discussion**

On March 18, 2019, the agent for 578 Lydia Street made a deputation to the Committee of the Whole, requesting an exemption from Interim Control By-law 2019-04 for the proposed new construction of a single-detached dwelling. A copy of the deputation and map of the subject property can be found attached to this report. The owners are

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proposing to demolish the existing dwelling, which is currently in an unfinished state, and to rebuild a single-detached dwelling approximately 176.5 square metres (1,900 square feet) in size. The proposed dwelling would result in an approximate 53% increase in gross floor area, whereas Interim Control by-law 2019-04 permits a maximum increase of 25%. The proposal can be found attached to this report. The applicants have also submitted an engineering report reviewing the existing residential structure.

On April 3, 2019 the Town of Newmarket received a letter from the subject property owners which included signatures of ten, out of thirteen, neighbouring properties supporting the proposed demolition and construction of a new dwelling at 578 Lydia Street. The owners of 578 Lydia Street were unable to get in contact with the three remaining neighbouring properties for response.

Staff have reviewed the proposal and provide the following comments based on the draft exemption process.

### **Physical Character**

- The subject property is zoned Residential Exception (R1-D-119) which permits a maximum height of 7.5 metres (24.6 feet) for a single storey dwelling, and a maximum height of 10.0 metres (32.8 feet) for a two storey dwelling. The proposed dwelling will be approximately 6.27 metres (20.5 feet) in height.
- The design of the roof of the proposed dwelling is consistent with existing slopes, ridges and rooflines within the neighbourhood.
- The size of the proposed dwelling is appropriate relative to the size of the lot.
- The proposed dwelling will be required to meet all yard setbacks, and will be required to be within the maximum lot coverage requirement, as per Zoning By-law 2010-40.
- The proposed dwelling will not result in over-development of the lot.

### **Streetscape Character**

- The design of the proposed dwelling (massing, style, height) is in-keeping with the existing character of the neighbourhood, which is comprised of moderately-sized single, one and a half, and two storey dwellings.
- The proposed dwelling will be required to meet the front yard setback requirement of Zoning By-law 2010-40, maintaining sightlines and a uniform built form.
- The proposed dwelling will be replacing a dwelling that has sat unfinished for approximately ten years, and as such will improve the overall character of the neighbourhood.

Town staff are of the opinion that the proposed dwelling will not compromise the character of the neighbourhood. As such, staff recommend that the request for exemption of 578 Lydia Street from Interim Control By-law 2019-04 be approved by Council, and that staff be directed to bring forward the necessary exemption by-law.

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As required under Section 38 of the Planning Act, any amendment to an Interim Control By-law will be subject to a 60-day appeal period.

## **Heritage**

Subject property 587 Lydia Street is listed on the Town's Register of Non-Designated Heritage Properties. Owners of listed properties must give the Council at least 60 days notice of their intention to demolish or remove a building or structure on the property. This allows time for Council to decide whether to begin the designation process or consent to the permit request. If Council does not proceed to initiate the process to designate the property, the property will be removed from the Register and the demolition will be permitted. Prior to Council adding or removing properties from the Registry, they must consult with Heritage Newmarket. A demolition permit was applied for on March 14, 2019 requiring a decision of Council by May 14th, 2019.

Heritage Newmarket Advisory Committee discussed 578 Lydia Street at their inaugural meeting on April 16, 2019 and made the following recommendation:

That the Heritage Newmarket Advisory Committee recommend that the property located at 578 Lydia Street be removed from the Heritage Registry of Non Designated Properties with the condition that it be documented and a photographic record be made of the property prior to demolition.

## **Property Information**

The James Wetherill House was constructed circa 1855. It is a two storey wood frame house in the vernacular style that has seen a number of changes over the years. The house appears to have been in a state of partial construction for at least a decade based on online street view images. The dwelling has some Historical and Associative value as it was once owned by Donald Sutherland, an active member of the community and prominent business owner. Sutherland's businesses included a four-storey mill and later the Clark General Store on Main Street. Sutherland was also Reeve when the village of Newmarket was incorporated. Sutherland took ownership of the property through default of the first mortgage. It is unclear on whether Sutherland lived in the house or was simply the owner as he sold the property to John Eves in the same year he acquired it in 1865.

The owners have provided a report from A-D Engineering Group regarding a structural examination of the dwelling. They conclude that significant structural remediation may be required for any alteration and renovations including foundation stability measures and new footings/underpinnings.

While Donald Sutherland's association with the Town of Newmarket is strong, it remains staffs opinion that this property does not have significant cultural heritage value to warrant designation under the Ontario Heritage Act due to its current state and limited design and contextual value.

## **Conclusion**

It is recommended that Council grant a site-specific exception for 578 Lydia Street, Newmarket, from Interim Control By-law 2019-04 and that staff be directed to bring forward the necessary exemption by-law. It is also recommended that Council remove 578 Lydia Street from the Municipal Register of Non-Designated Heritage Properties.

## **Business Plan and Strategic Plan Linkages**

The development of new Official Plan policies and implementing zoning by-law related to infill housing and compatibility has linkages to the Community Strategic Plan by developing growth management plans and strategies to create a clear vision for the future of the identified neighbourhoods.

## **Consultation**

Planning staff consulted with the Town's Zoning Officer and Building staff in the review of the exemption request for 578 Lydia Street, as per the Council-approved exemption process for Interim Control By-law 2019-004.

## **Human Resource Considerations**

N/A

## **Budget Impact**

There is no budget impact associated with this report.

## **Attachments**

- Location Map
- Deputation Letter
- Proposed Site Plan

## **Approval**

Peter Noehammer, Commissioner of Development and Infrastructure Services

Rick Nethery, Director of Planning and Building Services

## **Contact**

Alannah Slattery, Planner/Secretary Treasurer [aslattery@newmarket.ca](mailto:aslattery@newmarket.ca)

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