



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

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Request to Designate under Part IV, Section 29 of the Ontario Heritage Act, 1990 – 415 Davis Drive Staff Report to Council

Report Number: 2021-70

Department(s): Planning Services

Author(s): Devon Morton, Planner, Committee of Adjustment and Cultural Heritage

Meeting Date: October 25, 2021

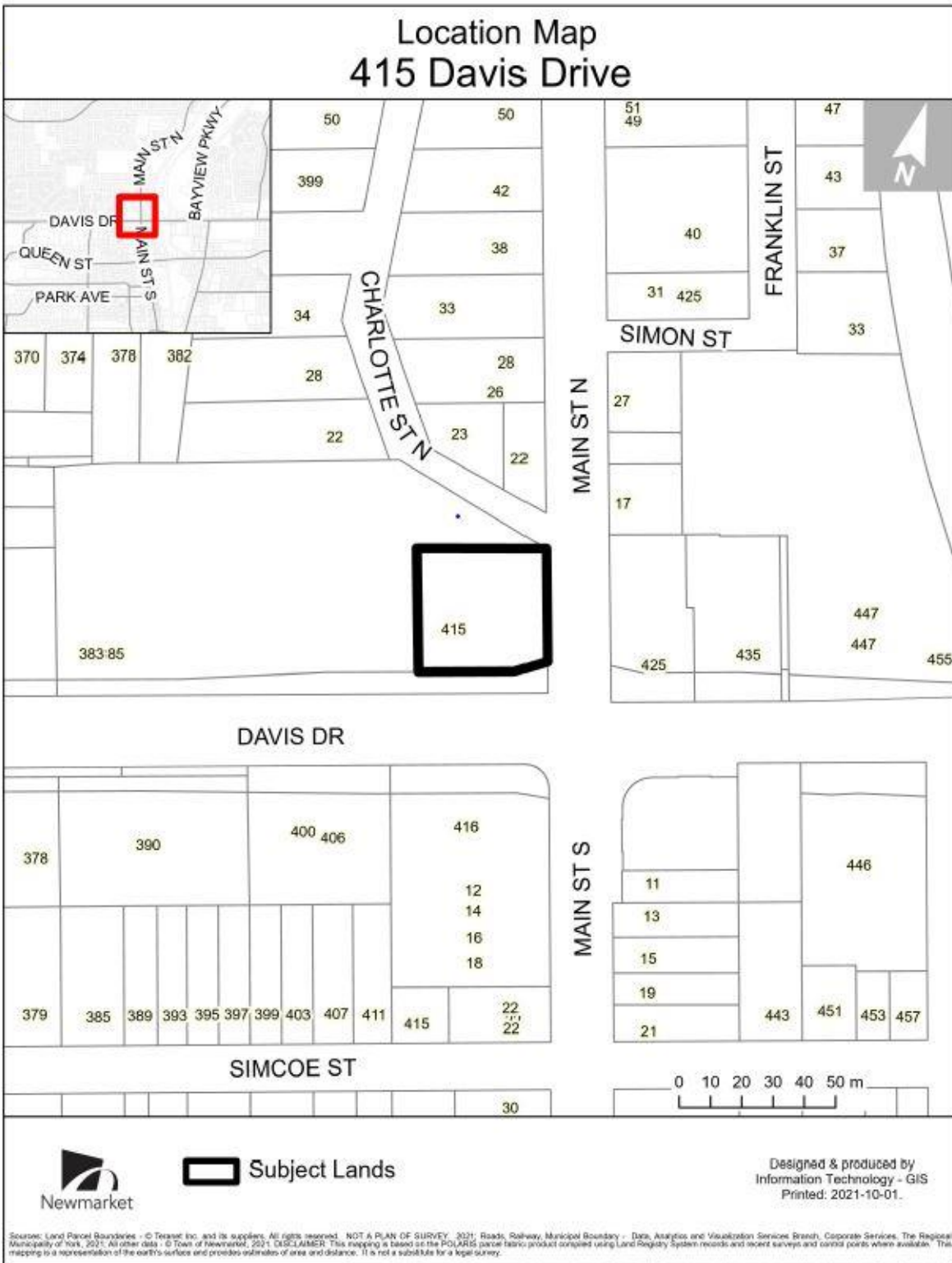
Recommendations

1. That the Staff Report entitled 'Request to Designate under Part IV, Section 29 of the Ontario Heritage Act, 1990 – 415 Davis Drive' dated October 25, 2021 be received; and,
2. That the subject property, 415 Davis Drive (the 'Charles Denne House'), be designated under Part IV, Section 29 of the Ontario Heritage Act, 1990; and,
3. That staff be authorized to prepare, publish and serve Council's "Notice of Intention to Designate" in accordance with the provisions of the Ontario Heritage Act, 1990; and,
4. That if no objection to Council's "Notice of Intention to Designate" is received in accordance with the provisions of the Ontario Heritage Act, 1990, staff be authorized to bring a designation by-law before Council for adoption; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this Staff Report is to recommend that Council state its intention to designate the subject property at 415 Davis Drive (the 'Charles Denne House') under Part IV, Section 29 of the Ontario Heritage Act, 1990.

Background



415 Davis Drive (the 'Charles Denne House') is located on the north-west corner of Main Street and Davis Drive. The existing residential structure was erected in 1904 and is associated with Charles Denne, a prominent citizen and successful merchant in the Town of Newmarket during that period of time.

Currently, the subject property is designated 'Mixed Use' and 'Parks and Open Space', and has a 'Floodplain and Hazard Lands' overlay pursuant to the Newmarket Urban Centres Secondary Plan (OPA #10) and is zoned 'SS(7)' pursuant to Urban Centres Zoning By-law 2019-06.

The 'Floodplain and Hazard Lands' overlay means the underlying designations and zoning do not apply unless written approval for a specific development application has been received from the Lake Simcoe Region Conservation Authority (LSRCA).

An inquiry regarding the heritage status of 415 Davis Drive (the 'Charles Denne House') was submitted to the Chair of the Heritage Newmarket Advisory Committee in October of 2020. This prompted a review of the subject property that determined the absence of a designation under Part IV, Section 29 of the Ontario Heritage Act, 1990.

Further to above, it was determined through the same review that the subject property is listed on the Municipal Register of Non-Designated Heritage Properties. These properties, however, do not benefit from the same legislated protections offered under Part IV, Section 29 of the Ontario Heritage Act, 1990. Pursuant to subsection 27(9) of Ontario Heritage Act, 1990, alterations to a listed property, that has not been designated, do not require Council review and approval unless removal or demolition of the structure are proposed.

At the Heritage Newmarket Advisory Committee meeting, held on Tuesday, December 1, 2020, the following motion (Agenda item 6.2) was carried and subsequently adopted by Council on March 1, 2021, thereby commencing the heritage designation process under Part IV, Section 29 of the Ontario Heritage Act, 1990:

“That the Heritage Newmarket Advisory Committee recommend that research regarding 415 Davis Drive commence to begin the process of heritage designation.”

After receiving the research and evaluation performed by the Town's heritage consultant, Archaeological Research Associates Ltd. (ARA), the Heritage Newmarket Advisory Committee carried the following motion (Agenda item 6.1) at their meeting held on Tuesday, June 1, 2021 which was subsequently adopted by Council on August 30, 2021:

“That the Heritage Newmarket Advisory Committee recommend heritage designation of the property located at 415 Davis Drive.”

Under subsection 29(2) of the Ontario Heritage Act, 1990, Council is required to consult with its municipal heritage committee before giving its “Notice of Intention to Designate” a property under Part IV, Section 29. This has been satisfied based on the above.

Discussion

This section will discuss the merits of designating 415 Davis Drive (the ‘Charles Denne House’) under Part IV, Section 29, of the Ontario Heritage Act, 1990, and examines the Cultural Heritage Value or Interest (C.H.V.I) in accordance with Ontario Regulation 9/06 made under the Ontario Heritage Act, 1990.



Properties designated under Part IV, Section 29, of the Ontario Heritage Act, 1990, benefit from legislated protections that require property owners to obtain written consent from Council, prior to commencing alterations that will, or may, impact the property’s heritage attributes. This consent is in the form of a Heritage Permit that may be issued after a review of the proposed alterations by the Town’s heritage committee and staff. Additionally, designation prevents the unjustified demolition of heritage structures as written consent from Council is required prior to the issuance of any demolition permit.

The Ontario Heritage Act, 1990, provides that a property shall meet one or more of the criteria grouped into the following three (3) categories in order to be designated under Part IV, Section 29:

1. Design or Physical value
2. Historical or Associative value
3. Contextual value.

Further to research and evaluation performed by the Town’s heritage consultant, ARA, it has been determined that the property at 415 Davis Drive (the ‘Charles Denne House’), meets criteria from all three (3) prescribed categories listed above. ARA’s full report is attached as Appendix 1 for reference.

The below evaluation table, prepared subject to ARA’s research, identifies the C.H.V.I. of 415 Davis Drive in accordance with Ontario Regulation 9/06 made under the Ontario Heritage Act, 1990.

Design or Physical value	Value
Rare, unique, representative or early example of a style, type, expression, material or construction method	415 Davis Drive is a representative example of an Edwardian style house with Queen Anne influences constructed at the turn of the century
Historical or Associative value	Value
Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	415 Davis Drive has a direct association with Charles Denne, a prosperous merchant in the Town of Newmarket. The Denne family resided in the house for generations.
	415 Davis Drive has a direct association with Josephine Denne (nee Forsyth), wife of Charles Denne and daughter of James and Margaret Forsyth who built and operated the King George Hotel/Forsyth House, a historical hotel and meeting house on Main Street.
	415 Davis Drive is associated with local Newmarket builder, John Ough who also built the extant structure at 425 Davis Drive across the road.

Contextual value	Value
Is important in defining, maintaining or supporting the character of an area	415 Davis Drive maintains the historical character of the Main Street corridor and is important in maintaining the historical fabric of the core of Newmarket.
Is physically, functionally, visually or historically linked to its surroundings	415 Davis Drive is historically linked to its surroundings; specifically, to 425 Davis Drive, as it was also built by John Ough
Is a landmark	415 Davis Drive is located at a prominent open space at a main crossroad in Newmarket, making it a local landmark.

Natural Heritage Constraints

A watercourse bisects the site, running in a northeast direction north of the existing residential structure. In addition, woodlands are present around this watercourse north and west of the existing residential structure. As noted earlier, a floodplain overlay exists over most of the site that is associated with the watercourse. This overlay means that the underlying designations and zoning (which would otherwise permit development) do not apply until an applicant obtains written approval from the LSRCA for an application.

Redevelopment Interest To-Date

Given the goals listed in the Urban Centres Secondary Plan, 2014 related to the subject property and an assumption on behalf of prospective applicants regarding approval from the LSRCA, there has been a moderate level of interest expressed from the development community regarding its redevelopment potential. Staff have informally met with a number of different developers, however to date no Planning Act application has been submitted.

In each scenario, the development community has contemplated demolition or relocation of the existing residential structure.

The Urban Centres Secondary Plan, 2014 states:

“Development between Niagara Street easterly to the easterly end of the Keith Bridge will respect the heritage character of this area as the gateway to the historic downtown. Specifically, development at the southeast and southwest corners of Davis Drive and Main Street will recognize this location as the gateway to the historic downtown, including massing, height and design that appropriately transitions to the planned built form and design for Main Street.”

Given the findings of the evaluation and research completed by ARA, should Council choose to pursue designation of the subject property, it would be staff's preference that the site be redeveloped in a way that preserves and re-uses the existing residential structure.

Next Steps

Should Council state their intention to designate this property under Part IV, Section 29 of the Ontario Heritage Act, 1990, staff will prepare, publish and serve a "Notice of Intention to Designate" in accordance with the requirements of the Ontario Heritage Act, 1990.

Publishing and serving the "Notice of Intention to Designate" initiates a 30 day period in which Council's intention to designate is subject to objection by any member of the public residing in Ontario.

If an objection is received within 30 days after the date of the publication of Council's "Notice of Intention to Designate", the objection will be referred to the Ontario Land Tribunal and heard as an appeal. Council then has 90 days to decide whether to withdraw the "Notice of Intention to Designate".

If an objection is not received within 30 days after the date of the publication of Council's "Notice of Intention to Designate", staff will bring a designation by-law before Council for adoption, which would also be subject to appeal

Conclusion

The Ontario Heritage Act, 1990 provides that a property shall meet one or more of the criteria grouped into the following three (3) categories in order to be designated under Part IV, Section 29:

1. Design or Physical value
2. Historical or Associative value
3. Contextual value.

Research and evaluation performed by the Town's heritage consultant, ARA, has determined that the property at 415 Davis Drive (the 'Charles Denne House') meets criteria from all three (3) prescribed categories listed above.

It is staff's position that Council should state its intention to designate the subject property at 415 Davis Drive (the 'Charles Denne House') under Part IV, Section 29 of the Ontario Heritage Act, 1990.

Business Plan and Strategic Plan Linkages

- Extraordinary Places and Spaces
- Vibrancy on Yonge, Davis and Mulock

Consultation

The Designation Report was considered by the Heritage Newmarket Advisory Committee on Tuesday, June 1st, 2021.

Human Resource Considerations

None.

Budget Impact

Fees in the amount of \$5585.03 (inclusive of H.S.T.) were remitted to the Town's heritage consultant, ARA, for the preparation of the attached Designation Report.

In the event that Council issues a "Notice of Intention to Designate", fees will be required to publish the notice in the newspaper.

In the event that Council issues a "Notice of Intention to Designate" and an objection is received, additional consulting fees and staff time may be required to process and challenge the objection.

In the event that Council adopts the designation by-law, fees will be required to publish a copy of the appeal rights in the local newspaper.

In the event that Council adopts the designation by-law and it is subject to an appeal, additional consulting fees and staff time may be required to process and challenge the appeal.

Attachments

Appendix 1 - Designation Report, prepared by Archaeological Research Associates Ltd., dated May 21, 2021

Submitted by

Devon Morton, Planner, Committee of Adjustment and Cultural Heritage

Approved for Submission

Adrian Cammaert, MCIP, RPP
Manager, Planning Services

Jason Unger, MCIP, RPP
Director, Planning and Building Services

Peter Noehammer, P. Eng.
Commissioner, Development & Infrastructure Services

Contact

For more information, please contact Devon Morton, Planner, Committee of Adjustment and Cultural Heritage, Planning Services, at dmorton@newmarket.ca.