

# STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



<b>Report to:</b>	Mayor and Council Members	<b>Priority:</b>	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low
<b>Submitted by:</b>	Rob Franklin MCIP RPP Manager of Planning <a href="mailto:rfranklin@cobourg.ca">rfranklin@cobourg.ca</a>	<b>Meeting Type:</b>  Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>	
<b>Meeting Date:</b>	July 19, 2021		
<b>Report No.:</b>	B-03-20 Severance Agreement		
<a href="#">Submit comments to Council</a>			

**Subject/Title:** 171 Bagot Street, B-03-20 Severance Agreement

## RECOMMENDATION:

THAT the Staff Report be received by Council for information purposes; and,  
  
FURTHER THAT the By-law attached as **Figure 3** to the Staff Report be endorsed and be presented to Council for adoption which authorizes the Mayor and Municipal Clerk to execute a Severance Agreement with Jim Henderson and Cindy Taylor for the proposed severance of a new infill lot on the north side of 171 Bagot Street in accordance with Condition a) of the Ontario Land Tribunal (OLT) Consent decision.

## 1. STRATEGIC PLAN

N/A

## 2. PUBLIC ENGAGEMENT

An application for Consent to Sever a new residential lot for 171 Bagot Street was submitted to the Committee of Adjustment on April 1, 2020, and finally denied by the Committee of Adjustment at their meeting of November 10, 2020. It was appealed by the applicant and the Committee's decision was overturned and the application was approved by the Ontario Land Tribunal (OLT) on June 24, 2021, with conditions.

With regard to this application, the Municipality followed the statutory notice requirements of the Planning Act R.S.O. 1990, c.P. 13, as amended, including providing notice by personal service or ordinary service mail to every land owner within a 60 m radius of the area to which the application applies, and publication in a newspaper that is of sufficient circulation in the area which the application applies. Following multiple

public hearings held to consider the application, a Notice of Decision was provided to the applicant.

### 3. PURPOSE

To authorize the Mayor and Municipal Clerk to execute a Severance Agreement with Jim Henderson and Cindy Taylor for the development of a new residential lot on the property known municipally as 171 Bagot Street, subject to the finalization of details by municipal staff and applicable agencies.

### 4. ORIGIN AND LEGISLATION

Section 53(12) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, authorizes the Municipality to enter into Agreement(s) with the proponent as a condition of approval for the Consent.

### 5. BACKGROUND

On June 24, 2021, the Owner was granted Provisional Consent by the OLT to sever a new 373 m<sup>2</sup> residential lot from the property known municipally as 171 Bagot Street, see Figure 1: Location Map.

One of the conditions of Consent requires that a Severance Agreement be registered over the property to address matters including but not limited to, servicing; grading; driveway and access; heritage conservation and compatible building design; urban design and landscaping including tree re-planting; and screening. In accordance with the provisions of the Planning Act, if the conditions of the Consent are not satisfied within one (1) year of the decision (June 24, 2022), the Consent lapses and the Owner would need to re-apply.

The subject lands are designated 'Stable Residential Area' in the Town of Cobourg Official Plan (2017), and zoned Residential 3 (R3) Zone in the Town of Cobourg's Comprehensive Zoning By-law #85-2003.

### 6. ANALYSIS

The following are the key points associated with the proposal:

- The property known as 171 Bagot Street is approximately 969 m<sup>2</sup> in lot area with 27.26 m frontage on Ontario Street. See Figure 1: Location Map.
- Provisional Consent was granted by the Ontario Land Tribunal (OLT) on June 24, 2021 following an appeal of a denial of the application by the Committee of Adjustment on November 10, 2020, which permitted the creation of a 363 m<sup>2</sup> lot with 9.88 m frontage on Bagot Street (concurrent Minor Variance A-02/20 for frontage). See Figure 2: Concept Plan.
- As a condition of the OLT's Consent (Condition a)), the applicant is required to enter into and register a Severance Agreement with the Town to address matters

including but not limited to: servicing; grading; driveway and access; heritage conservation and compatible building design (following approved guidelines and generally in accordance with the Concept Survey Plan submitted), urban design and, landscaping including tree re-planting and screening.

- Pursuant to Condition b) of the OLT Consent Decision, a 5% cash-in-lieu of parkland payment will be provided to the Municipality based on the estimated value of the severed parcel;
- In accordance with *Planning Act* regulations, if conditions to a Provisional Consent are not fulfilled within one year of the decision (June 24, 2022), the Consent lapses. The implementation of the conditions of the OLT Consent are delegated to the Municipality for final approval.
- The Severance Agreement stipulates that the Municipality will not approve any development or issue any Building Permits on the Severed Lands until the Municipality's Director of Planning & Development or his/her designate is satisfied that all of the Municipality's requirements for development and construction have been fulfilled for this infill lot in accordance with the relevant policies, guidelines, regulations and standards of the Municipality (Official Plan, Urban and Landscape Design Guidelines, Zoning By-law, Engineering Design Guidelines and Standards), including the submission and approval of such plans, reports and/or other documentation addressing matters such as but not limited to: urban design; driveway(s) and access; servicing; grading; tree identification and preservation; landscaping; screening; and, financial security deposit.
- The Severance Agreement also stipulates that the Municipality will not approve any development or issue any Building Permits on the Severed Lands until the Municipal Council is satisfied that the Municipality's requirements for heritage conservation have been fulfilled in accordance with the relevant policies, guidelines, regulations and standards of the Municipality relating to heritage conservation (Official Plan, West Heritage Conservation District Plan, Heritage Master Plan), including the submission and approval of a such plans, reports and/or other documentation prepared by a qualified heritage professional, or other approved professional, which address the requirements for a Heritage Permit, as determined by the Municipality.
- The subject proposal conforms to the applicable policies of the Official Plan, particularly the Residential Area and Community Design policies, complies with Comprehensive Zoning By-law #85-2003, and satisfies Condition a) of the Consent Decision.
- The technical aspects associated with the new lot creation have now been carefully defined within a Severance Agreement, and therefore Planning staff is now in a position to recommend approval of the Agreement pursuant to the condition of Consent.

## 7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There are no anticipated negative financial implications imposed on the Municipality as a result of granting final approval of the subject request. A cash-in-lieu of parkland payment will need to be paid by the Owner as part of

Condition b) of the OLT Consent decision. Development Charges will be applied to the vacant lot at the Building Permit Stage. All legal, registration and other costs incurred by the Municipality shall be borne by the Owner.

## **8. CONCLUSION**

It is the opinion of the Planning Department that the proposal to clear Condition a) of the OLT's Consent for the land area known municipally as 171 Bagot Street satisfies this condition of approval, subject to the finalization of details by planning staff and applicable agencies, and the registration of the Severance Agreement. As per the Agreement, a future Heritage Permit approval associated with the new dwelling design for the infill lot will be required by Cobourg Municipal Council in consultation with the Cobourg Heritage Advisory Committee as per standard municipal procedures and the West Heritage Conservation District (HCD) Plan.