 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT 3 Follow-up Memo	
TO:	Committee of Adjustment	
FROM:	Rob Franklin, MCIP, RPP	
TITLE:	Manager of Planning	
DATE OF MEETING:	November 10 th , 2020.	
TITLE / SUBJECT:	Application for Minor Variance, and: Application for Severance: 171 Bagot Street (Jim and Cindy Henderson)	
REPORT DATE:	November 5 th , 2020	File #: A-02/20 B-03/20

1.0 CORPORATE STRATEGIC PLAN OBJECTIVES

N/A

2.0 RECOMMENDATION

The following actions are recommended:

THAT the requested minor variance to permit a 9.88 m frontage for a new infill lot on the property known municipally as 171 Bagot Street be granted subject to the following conditions:

1. That the Variance generally relate to the plans submitted in **Schedule "A"**.
2. All conditions are subject to the specifications and approval of the Town of Cobourg, but at no cost to the Municipality.

And:

THAT the requested Consent for an infill lot from 171 Bagot Street with 9.88 m frontage and 373 m² lot area be granted subject to the following conditions:

1. That prior to the stamping of a Deed, a Severance Agreement be registered on Title of the new lot to address all future development requirements such as but not limited to servicing, grading, driveway and access, heritage conservation and compatible building design (following approved guidelines and generally in accordance with the plans submitted in **Schedule A**), urban design and landscaping including tree re-planting and screening, all to the satisfaction of the Town.
2. That 5% of the value of the land be paid to the Town as cash-in-lieu of parkland.
3. All conditions are subject to the specifications and approval of the Town of Cobourg, but at no cost to the Municipality.

3.0 PUBLIC ENGAGEMENT

The original Hearing of the Committee of Adjustment was convened on July 28, 2020 which followed all normal Town and *Planning Act* notification procedures. At the Hearing, the Committee deferred the application in order for the applicant to refine design drawings and consult with neighbours. Since this meeting, the applicant undertook reasonable steps to ensure that neighbours were consulted on the proposal and requested that the matter return to the Committee for a decision. As there were no change to the applications, formal notice of the follow-up Committee meeting was not required under the *Planning Act*, however notification was sent to those on record who attended the July 28, 2020 Committee meeting. At the meeting of September 15, 2020, the Committee denied the applications. Due to an unfortunate administrative oversight, the Notices of Decision were not circulated within the timeframes prescribed by the *Planning Act* and the decisions of the Committee are therefore void and the applications must be re-heard by the Committee.

The statutory notice requirements of the *Planning Act* for the November 10, 2020 Hearing of the Committee of Adjustment have been fulfilled for these applications. The application will be posted on the Town of Cobourg website in the Committee of Adjustment meeting Agenda.

4.0 ORIGIN

The applicant wishes to sever a new infill lot to the north of the existing residential structure. Accordingly, the applicant is proposing the following Consent:

Proposed Consent for Lot: Approximately 373 m² in area with 9.88 m frontage on Bagot Street.

The subject property is located in a Residential Three (R3) Zone, and presently, the R3 Zone requires an 11 m frontage therefore, the applicant is seeking the following variance:

- To permit 9.88 m frontage for a new infill lot, a variance of 1.12 m.

5.0 ANALYSIS

Planning staff previously provided an overview of public comments and objections raised at the Hearing on July 28, 2020, and the subsequent Hearing on September 15, 2020. This Report attempts to focus on new submissions from neighbours. The following attachments are included in this Report:

- Concept Plan (**Schedule A**);
- Revised Area Plan Showing Infill Lot/House (**Schedule B**) (*please note area shown in grey for buildings includes covered front porches and the full roofline including eaves as seen from above, property lines are not survey accurate*);
- Comment/Neighbour letters (**Appendix 1**)

Please note, this Report is to be read in conjunction with the previous Planning Reports of July 24, 2020 and September 11, 2020.

i) any infill would be 'squeezed' as the west side of this block of Bagot Street is different in scale/symmetry;

This item continues to be raised with statements that the Cultural Heritage Impact Assessment (CHIA), prepared by Branch Architecture and submitted with the application (as previously attached to my Planning Report of July 24, 2020), was incorrect -- more specifically, the conclusion *"that the proposed severance is in keeping with the neighbouring lot sizes and patterns, would conserve the existing heritage resource at 171 Bagot Street, and would not be detrimental to the overall character of the Heritage Conservation District"* was identified as being erroneous.

Planning staff conducted an analysis of a number of lots in the general vicinity of the subject property (150 m – 200 m radius) or approx. two-block area (shown previously) to obtain an understanding of neighbourhood character. Overall, there is a mix of smaller and larger lots and homes, smaller semi-detached homes as well as multi-unit dwellings in this area along with several irregular shaped lots developed over time. There is also a townhouse block on Albert Street, at Durham Street, with smaller building faces. It appears that several of the lots in the neighbourhood were specifically built with a narrow building form such as 171 and 183 Albert Street (just around the corner from the subject property) and 174 and 178 Bagot Street (directly across the road from the subject property).

The analysis demonstrates that the lotting pattern of the general neighbourhood is diverse and varied, and contain houses of different styles, sizes and orientations.

Research undertaken by residents states that the west side and east side of this block of Bagot Street were developed differently. In particular, it is their conclusion that the west side is made up of three original 1870's properties and that the lot fabric is 'unaltered', whereas the east side contained a school building (now a semi-detached building at 168-170 Bagot Street) and now has eight residential dwellings. According to the submission, the east side was infilled during the early part of the 20th Century mainly by "Jex" but by other builders as well. Within the immediate street context, the spacing of houses on the east side of Bagot Street is fairly consistent and uniform, however the west side is variable and its context/symmetry is different.

As part of my research, looking north to south, I scaled 5 m from the sidewalk on Albert Street to the north side of 181 Bagot, 17 m between 181 and 171 Bagot (where the proposed severance is located), 11.5 m between 171 and 163 Bagot, and lastly 28 m between 163 Bagot and Sydenham Street. The lot at 181 Bagot Street has approx. 22 m frontage on Bagot with the house at 171 Bagot having approx. 27.3 m and the house at 163 Bagot having approx. 51 m. While the built form and spacing on the east side of Bagot Street within this block appear generally symmetrical, I am not convinced that there is any defined symmetry or set rhythm on the west side of the street.

Given the above, it is my opinion that this block can be intensified without imposing significant impacts on the character of the neighbourhood or the HCD, and that careful planning and design can serve to integrate new infill development in a harmonious manner. A Severance Agreement is recommended to address future development considerations.

ii) The Variance and Severance do not conform to the West Heritage District Guidelines:

It has been pointed out that the west side of Bagot between Sydenham and Albert Street are all original 1870's properties and that the lot fabric is 'unaltered'. The West Heritage District Guidelines (West HCD) refers to the whole West District and does not differentiate one side of one block from another. It has specific criteria for new construction (Section 7.1 of the HCD) requiring that it be compatible with the heritage character and attributes of adjacent heritage properties and the cultural heritage values of the District. This requires a review of the lot pattern, height, massing, setback, building scale, roof pitch and exterior materials. The Statement of District Significance and List of Heritage Attributes in Sections 2.2 and 2.3 were reviewed noting that lot sizes in the HCD vary. The Guidelines are intended to manage change based on heritage best practices. They are not designed to forever place a hold on intensification or alterations to the streetscape, lot patterns or built form.

As noted above, the CHIA provided a detailed review of the proposal within the context of the West HCD Plan and concluded that the proposed severance would

allow for the preservation of the heritage house at 171 Bagot Street. It also finds that the new lot would be in keeping with the neighbouring lot sizes and patterns and does not adversely affect the cultural heritage value or heritage attributes of the District. The report also acknowledges that any new future development will require a Heritage Permit and will need to follow the requirements in these same source documents.

It is my opinion that when undertaking a review one must look to the overall District and its character-defining elements along with the site specific characteristics of the proposal and lot in question and not three houses on one side of one block. In my view, based on the documentation submitted, the neighbourhood characteristics in this case are supportive of the proposed lot frontage and severance of an infill lot from the subject property.

iii) parking/driveways in the front would detract from the heritage homes;

Additional submissions continue to raise concerns over this. The proposed design as shown on the Concept Plan (**Schedule A**) shows a single wide driveway, being 'eco-block' or similar product, with an interlocking paver 'flank' to provide options for 2 vehicles, minimize its impact on the street and comply with the Zoning By-law. Existing driveways in the neighbourhood are comprised of diverse shapes, sizes and materials, with some located within side yards and others in front yards. They are not exclusively at the side or rear yard. The proposed parking design would not appear to be incompatible with existing heritage homes in the area.

iv) siting of building will impact privacy and shadowing;

The submissions raise concerns over privacy and shadowing. The revised design submitted in **Schedule A** labels the distances to the adjacent buildings and windows. The house at 181 Bagot would be approximately 6.8 m from the proposed new infill house, and the setback to the house at 171 Bagot would be over 4 m. The Shadow Study previously submitted demonstrated that there should not be any significant impacts associated with shadowing. Adequate spatial separation will exist between the dwellings to minimize such impacts.

Based on all the above discussion and information in my previous Planning Report (July 24, 2020 and September 10, 2020), it is my opinion that the proposed variance is minor, and would maintain the intent and purpose of the policies and guidelines of the West HCD Plan and Official Plan. The proposed decrease in lot frontage for a new infill lot, is minimal relative to the overall neighbourhood, and would be desirable given that there remains adequate space for a new house with reasonable spatial setbacks.

7.0 CONCLUSIONS VARIANCE

1. The proposed minor variance does not conflict with matters of Provincial Interest as outlined in the Provincial Policy Statement and the Place to Grow Growth Plan.
2. The proposed minor variance would maintain the general intent and purpose of the County and Cobourg Official Plans.
3. The proposed minor variance would maintain the general intent and purpose of the Zoning By-law.
4. The proposed minor variance would be generally desirable and allow for the appropriate development of the subject lands.
5. The proposed variance would be considered minor.

CONSENT

1. The proposed consent does not conflict with matters of Provincial Interest as outlined in the Planning Act, Provincial Policy Statement and A Place to Grow Growth Plan.
2. The proposed consent would maintain the general intent and purpose of the County and Cobourg Official Plans.
3. The proposed consent would maintain the general intent and purpose of the Zoning By-law.
4. The proposed consent would be generally desirable and allow for the appropriate development of the subject lands.

Suggested Conditions, if approved (Variance):

1. That the Variance generally relate to the Concept Plan as shown on **Schedule "A"**.
2. All conditions are subject to the specifications and approval of the Town of Cobourg, but at no cost to the Municipality.

Suggested Conditions, if approved (Consent):

1. That prior to the stamping of the Deed, a Severance Agreement be registered on Title of the new lot to address all future development requirements such as but not limited to heritage conservation and building design (following applicable policies and guidelines and generally in accordance with the plans submitted in **Schedule A**), servicing, grading, driveway and parking, urban design and landscaping including tree re-planting and screening, all to the satisfaction of the Town.
2. That 5% of the value of the severed land be paid to the Town as cash-in-lieu of parkland as required in the Official Plan.
3. All conditions are subject to the specifications and approval of the Town of Cobourg, but at no cost to the Municipality.

8.0 POLICIES AFFECTING THE PROPOSAL

The primary policies affecting this application relate to the policies of the Provincial Policy Statement, County and Cobourg Official Plan, particularly the Residential Area, Consent and Heritage policies.

9.0 COMMUNICATION RESULTS

That the request for minor variance on lands known municipally as 171 Bagot Street and further that the request for consent of a new infill lot, be granted by the Committee of Adjustment.

Report Prepared by:

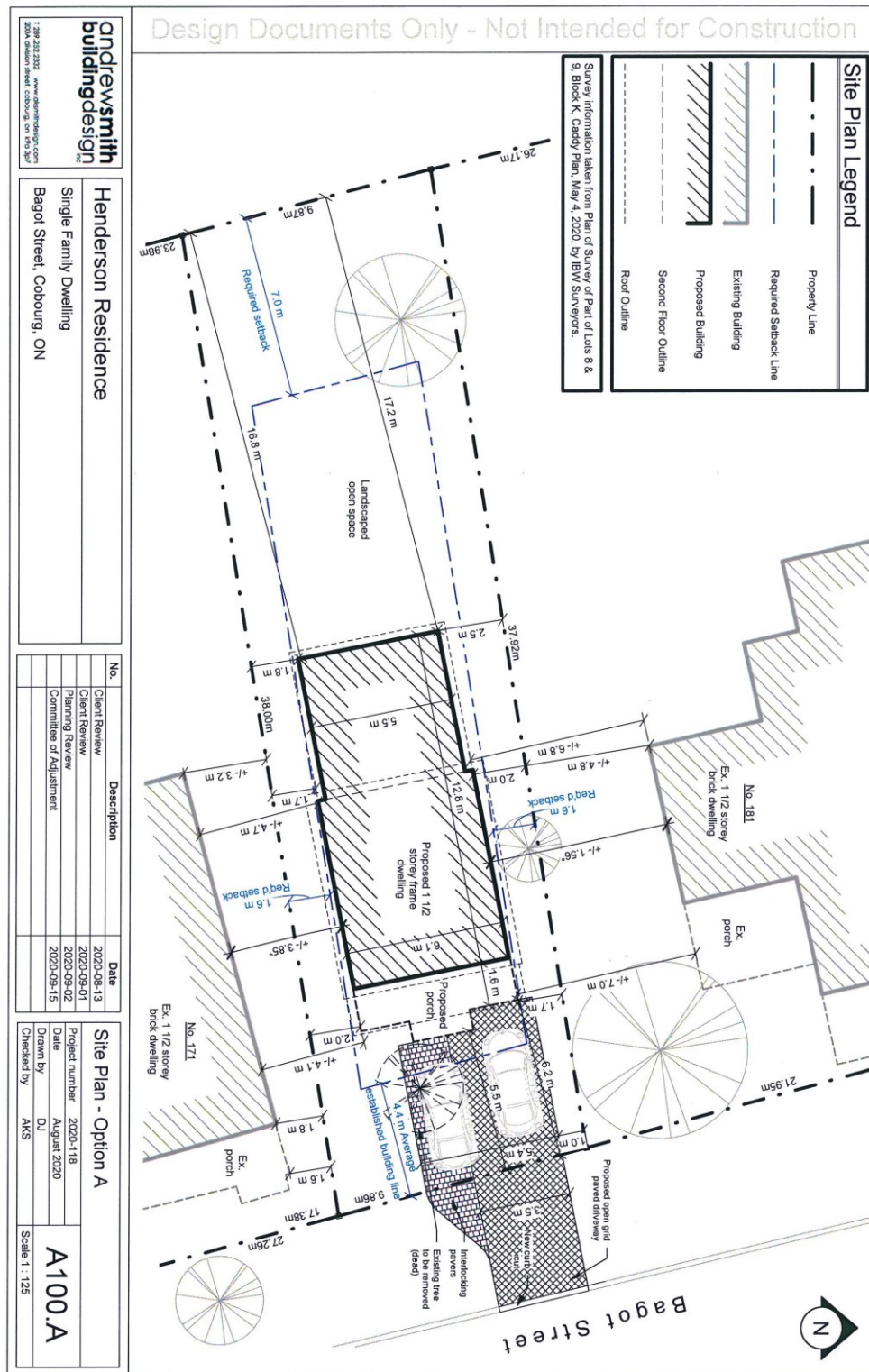


Report Approved by:

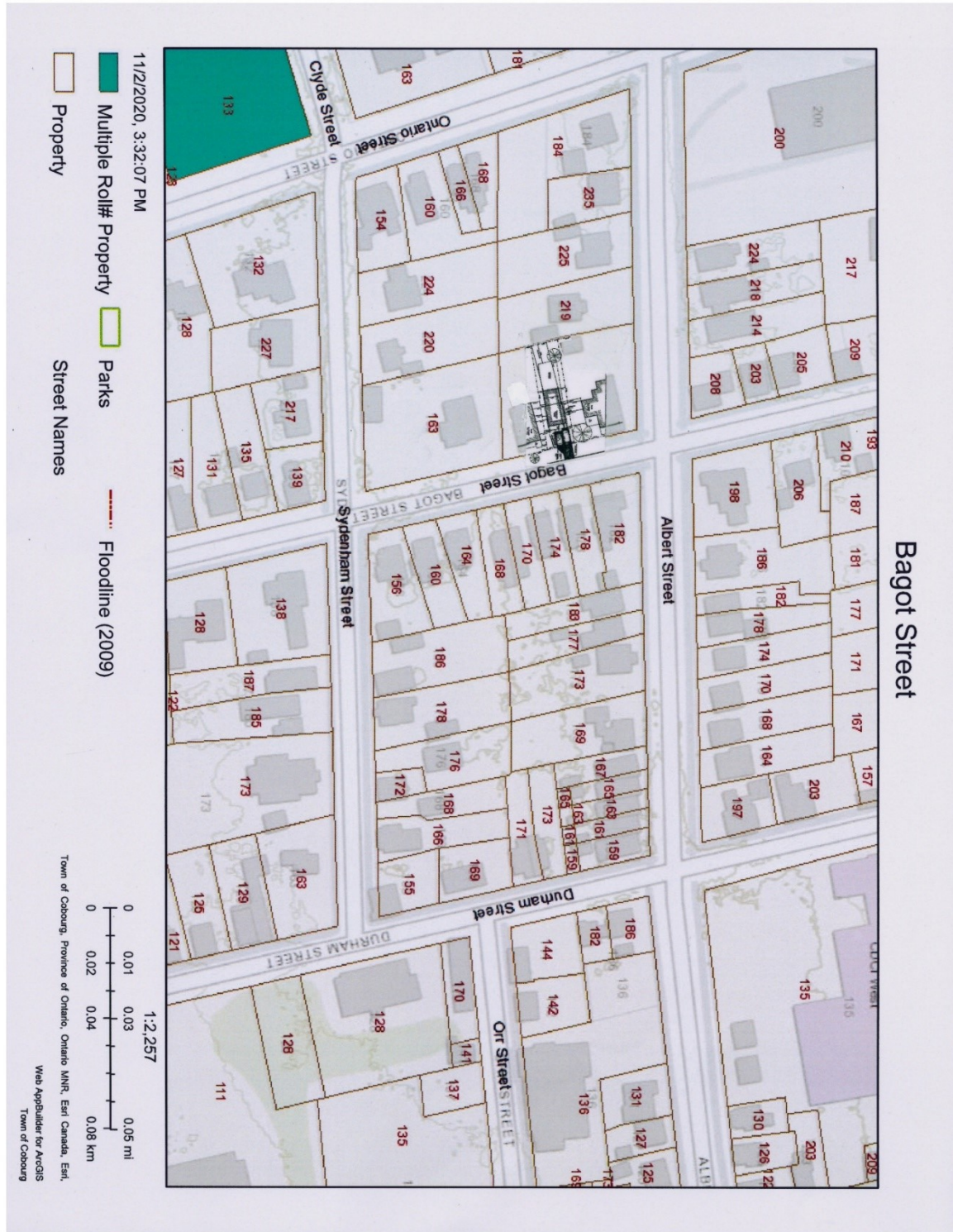
Glenn J. McGlashon, MCIP, RPP
Director of Planning & Development



Schedule “A” Revised Concept Plan, Sept. 15, 2020



Schedule "B" **Area Map with Infill shown**



Please note area shown in grey for buildings includes covered front porches and the full roofline including eaves as seen from above; property lines are not survey accurate

Appendix 1
Comment/Neighbour letters under additional cover