

## **Schedule A**

This is an appeal from a decision of the Town of Cobourg's Committee of Adjustments to refuse an application for a minor variance and severance application in a residential (R3) zone, in which it was proposed to sever an infill lot of 373 sq. m, with a frontage of 9.88 m leaving a retained lot of 596.5 sq. m in area and 17.38 m in frontage.

The appellants provided a site plan demonstrating the intended building site for a proposed 1.5 storey frame dwelling (expert witness: Drew Johnson, architect – attached as **Schedule B**).

The appellants further provided a cultural heritage impact assessment which concluded that with proper design the proposed residential use would not impact the heritage character of the area (expert witness: Lindsay Reid, report attached as **Schedule C**).

A planner's opinion provided by the landowners stated all planning policy requirements were met and the development constituted good planning (expert witness: Bob Clark, planner, report attached as **Schedule D**). In fact, recently approved provincial policy added housing policy directing planning authorities to permit and facilitate housing options including all types of residential intensification (an editing change to policy existing before April 30, 2020).

The Town's own planning staff were supportive of the applications, noting the following in the final planning report for the meeting on September 15, 2020 (attached as **Schedule E**):

- Several other nearby lots were built with a narrow building form;
- There was a diverse and varied lotting pattern;
- The block could be intensified without imposing significant impacts on the character of the neighbourhood or the Heritage conservation District; and,
- Integration with the neighbourhood could be addressed harmonious through careful planning and design.

Concerns raised at a prior meeting were addressed by municipality and found not to be a concern. The landowners submitted additional information in the form of a revised concept plan, a shadow study, a revised street view, and Mr. Clark's planning report. The Town planner opined, upon receipt of that information, that:

- the development appeared compatible with adjacent houses;
- the development would not appear to detract from existing heritage homes in the area;
- the proposed design did not create significant impact associated with shadowing;
- the development did not require additional tree removal (one small tree having already been removed);

- the proposed frontage reduction of 1.12 m was not a substantial variation and in one instance was described as “minimal”;
- the resulting lot frontage would not be out of character or scale with other lots in the general neighbourhood or heritage conservation district;
- the neighbourhood characteristics were supportive of the proposed lot frontage and severance of an infill lot from the subject property.

For reference, the earlier Town planning report is attached as **Schedule F**.

As additional information, the Town had information noting the landowners' personal history of owning and restoring heritage properties in the area, in addition to other commitment to the community.

Overall, the evidence in support of the applications was highly developed, from all required professional disciplines, and provided a cohesive and detailed basis to allow the applications.

The Town did not have a reasonable basis to reject the abundance of planning support for the applications (including from municipal staff), or to refuse the strongly grounded applications. The rejection of the applications was not for good planning reasons, and instead must have been on the basis of personal opinion, preferences and views of committee members not related to the broader policy objectives set out under the *Planning Act*, the Provincial Policy Statement and other applicable policies, which is not the manner in which applications of this nature should be determined.

The applications should have been allowed and such an order is requested from this Tribunal on the appeal.

The appellants are open to participating in early mediation of this matter.

ALL OF WHICH IS RESPECTFULLY SUBMITTED (together with the attached Schedules)

Solicitor for the Appellants Jim Henderson and Cindy Taylor (Henderson)

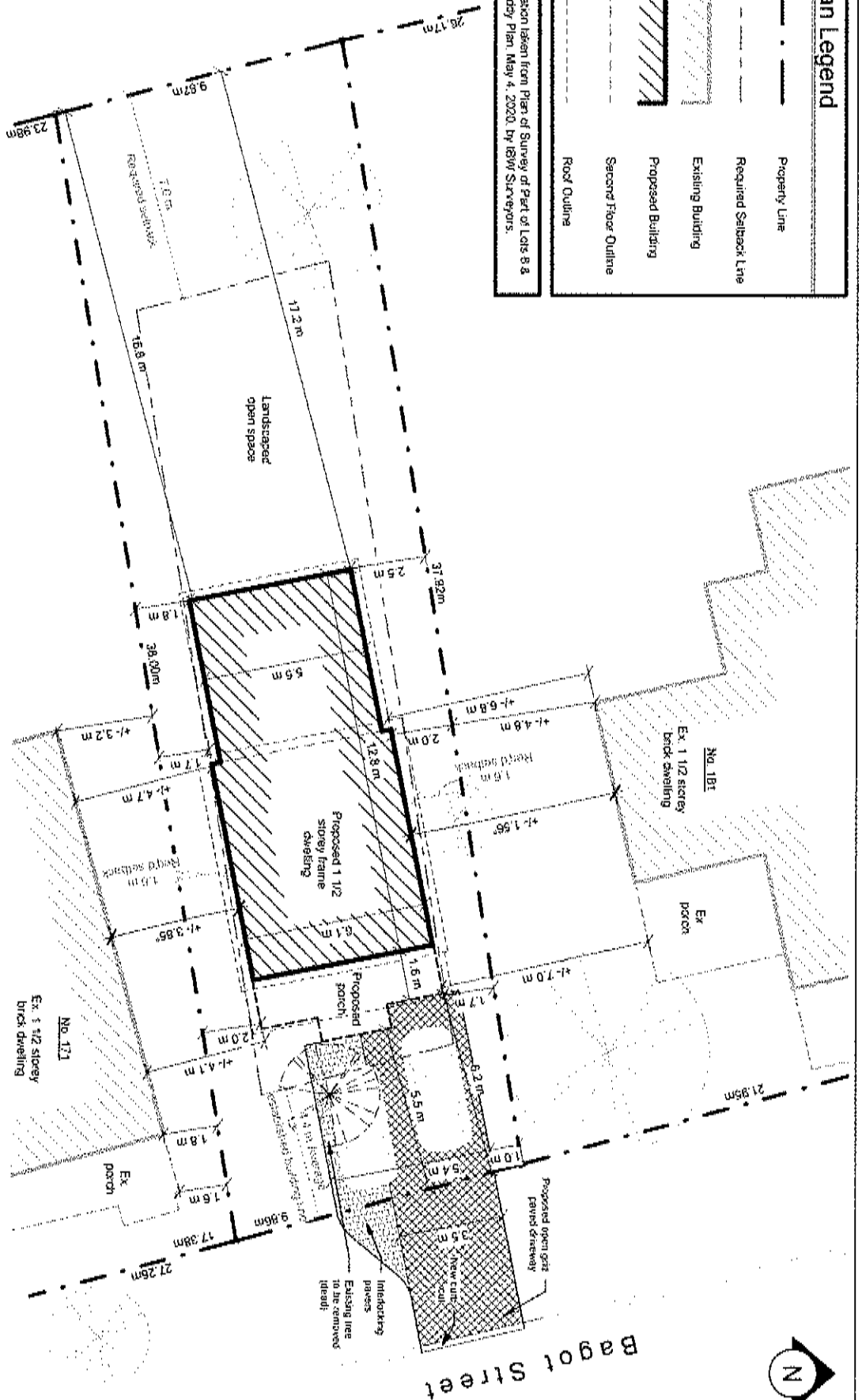
M. Kathleen Kinch, Barrister & Solicitor  
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Fax: 705-653-0230  
Email: [kat@kinchlitigation.com](mailto:kat@kinchlitigation.com)

## Schedule B

# Site Plan Legend

	Property Line
	Required Setback Line
	Existing Building
	Proposed Building
	Second Floor Outline
	Roof Outline

Survey information taken from Plan of Survey of Part of Lots 8 & 9, Block K, Cadeby Plan, May 4, 2020, by BSW Surveyors.



andrewsmith  
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2500 Guelph Street, Unit 101, Guelph, ON N1H 6K7

## Henderson Residence

Single Family Dwelling  
Bagot Street, Cobourg, ON

No.	Description	Date
Client Review	Client Review	2020-08-13
Planning Review	Planning Review	2020-09-01
Committee of Adjustment	Committee of Adjustment	2020-09-02
		2020-09-15

## Site Plan - Option A

Project number	2020-116
Date	August 2020
Drawn by	DJ
Checked by	AKS
Scale	1 : 125

A100.A

**Henderson Residence**

Single Family Dwelling

Bagot Street, Cobourg, ON

No.	Description	Date
1	Client Review	2020-09-01
2	Committee of Adjustment	2020-09-15

**Shadow Study - January (Existing)**

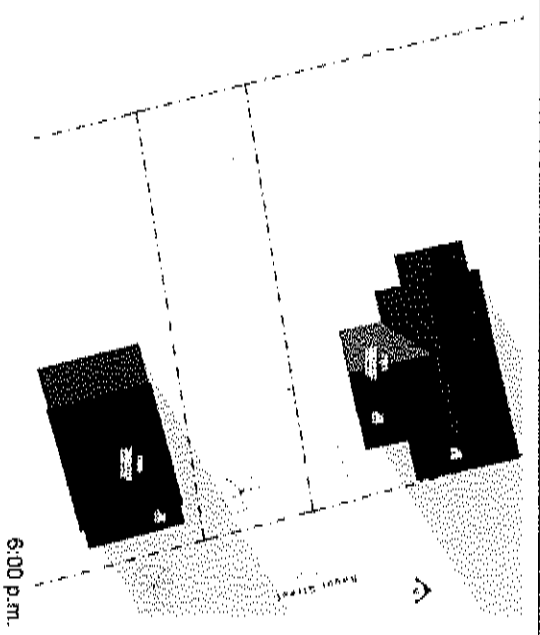
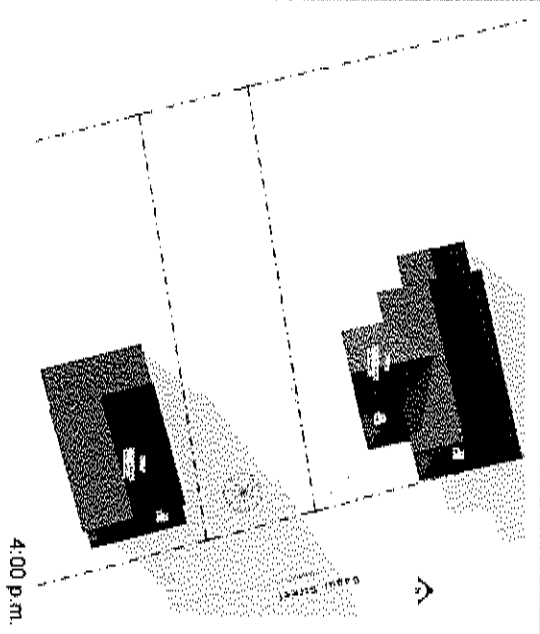
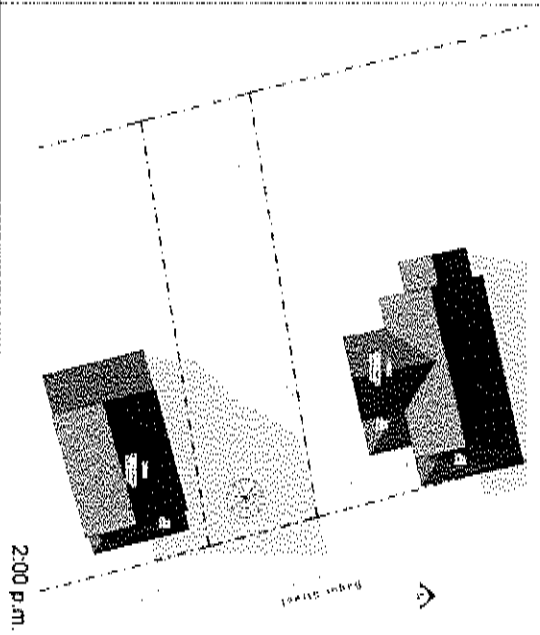
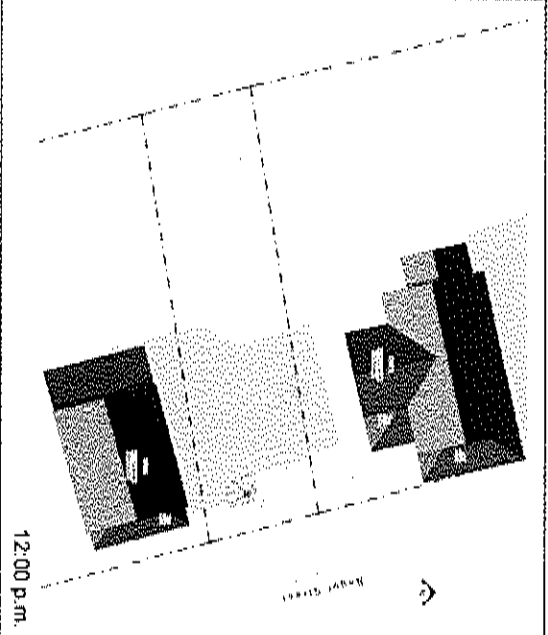
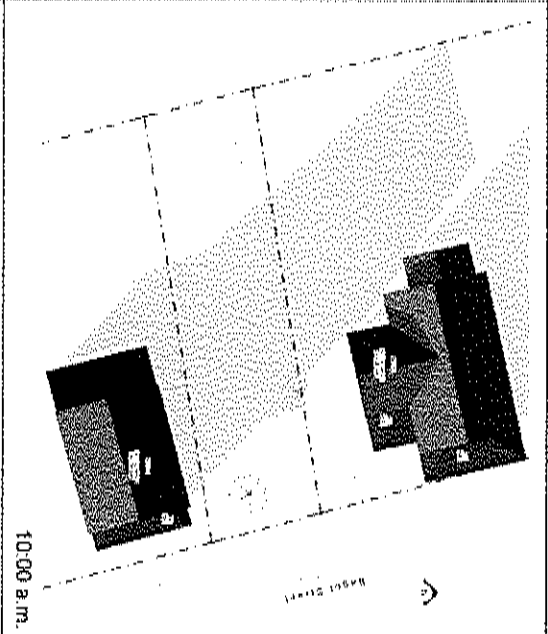
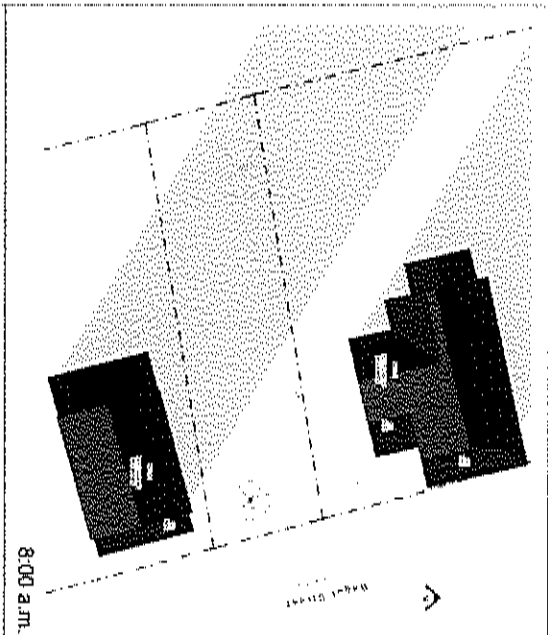
Project number 2020-18

Date August 2020

Drawn By DJ

Checked By AKS

Scale A101.1



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200-374-1411 (office or fax)

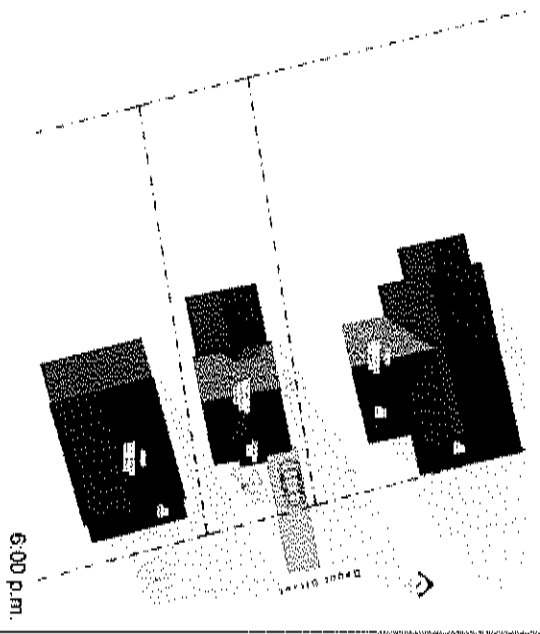
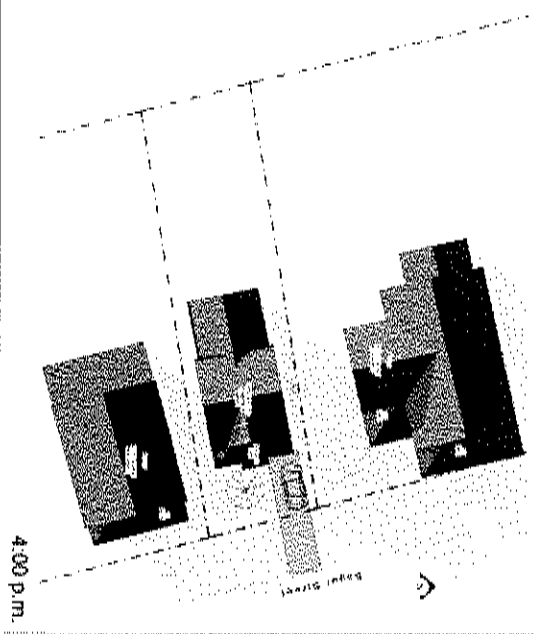
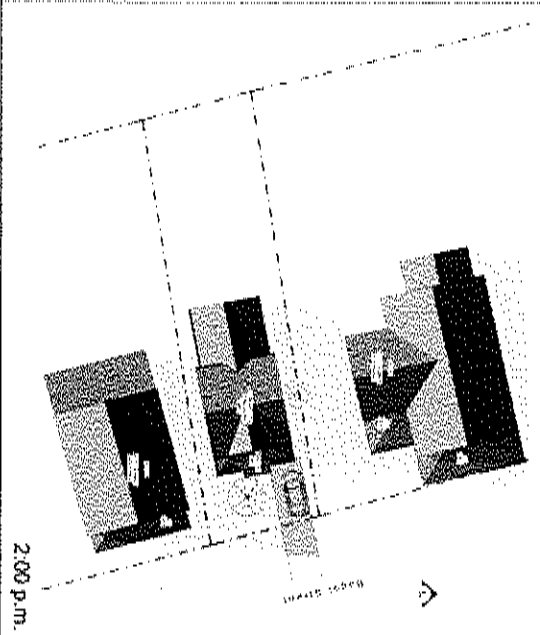
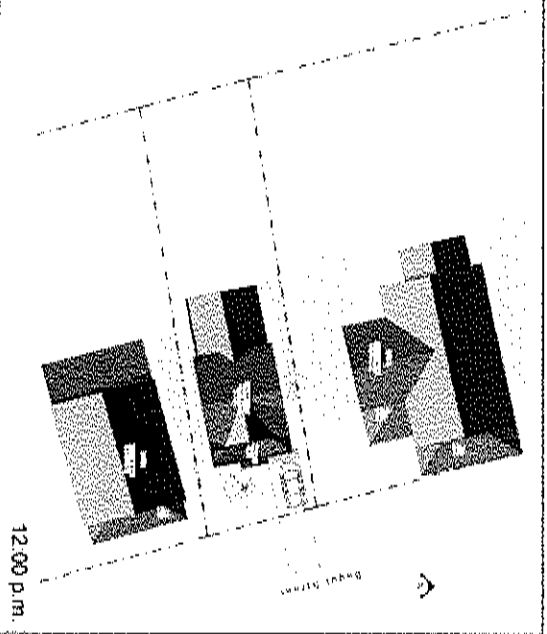
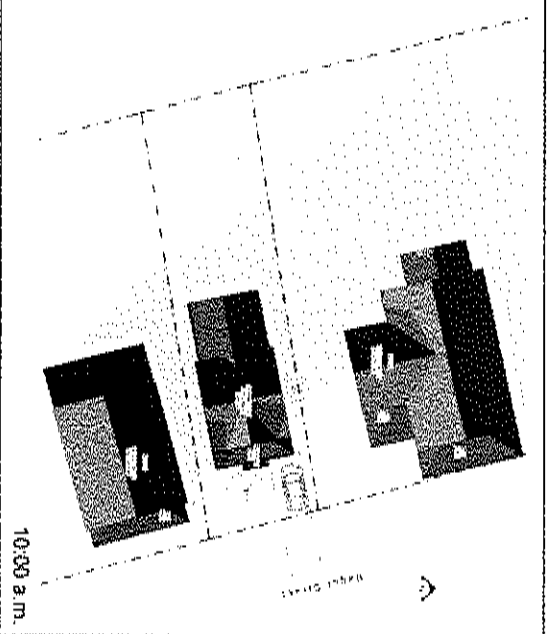
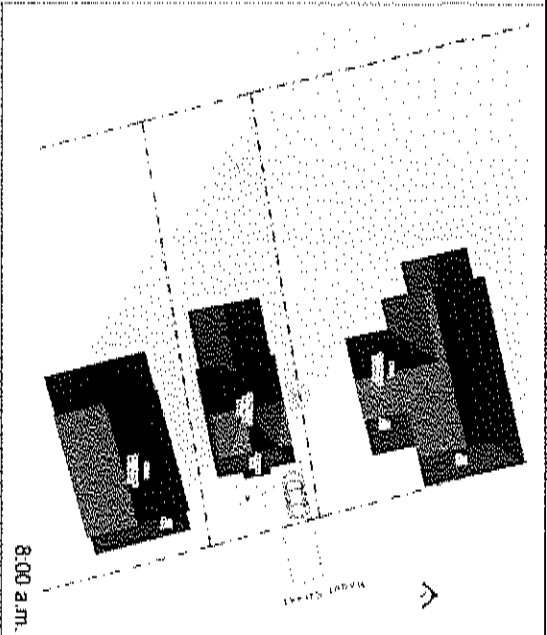
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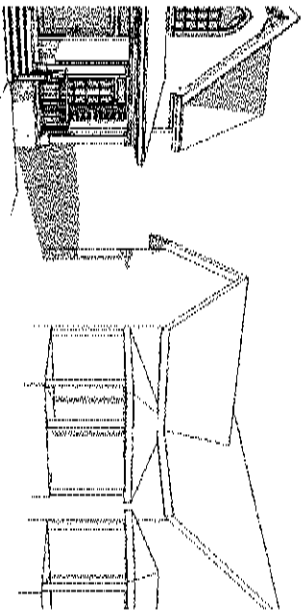
Single Family Dwelling

Bagot Street, Cobourg, ON

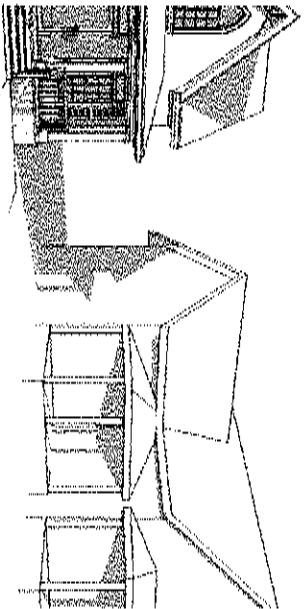
No.	Description	Date
1	Client Review	2020-06-01
2	Committee of Adjustment	2020-08-15

Shadow Study - January (Proposed)	
Project number	2020-118
Date	August 2020
Drawn by	DJ
Checked by	AAS
Scale	A101.2

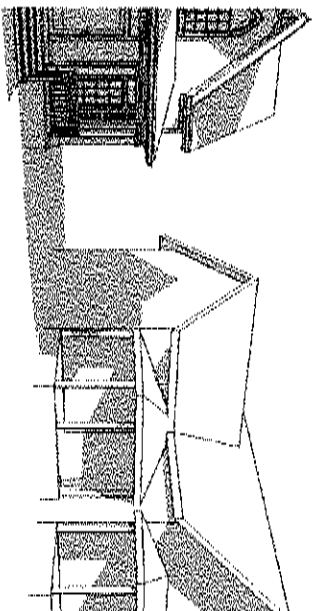




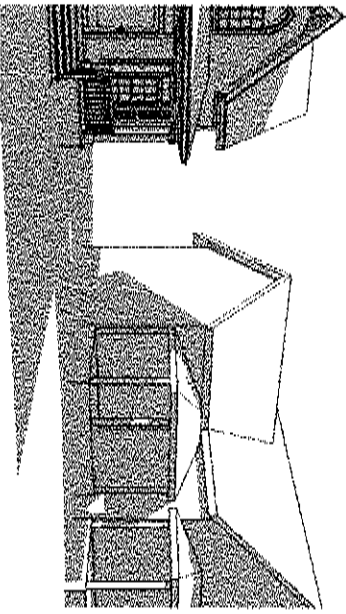
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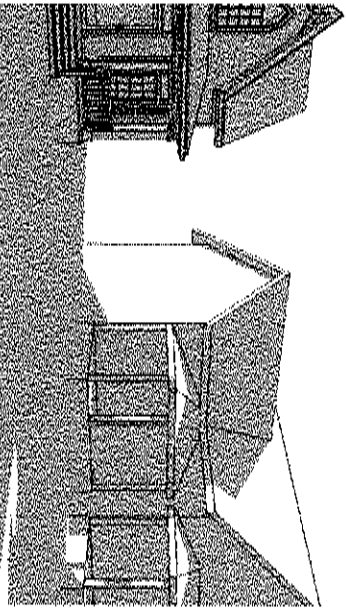
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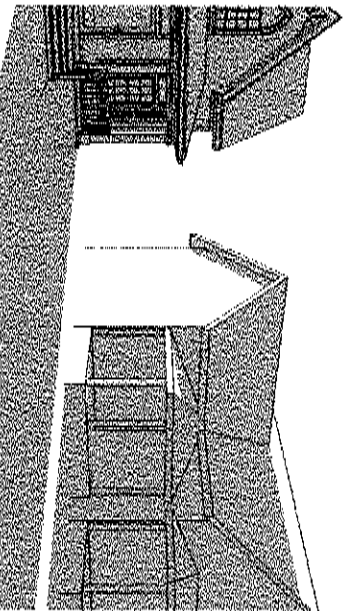
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2:00 p.m.



4:00 p.m.



6:00 p.m.

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## Henderson Residence

Single Family Dwelling

Bagot Street, Cobourg, ON

No.	Description	Date
1	Client Review	2020-09-01
2	Committee of Adjustment	2020-09-15

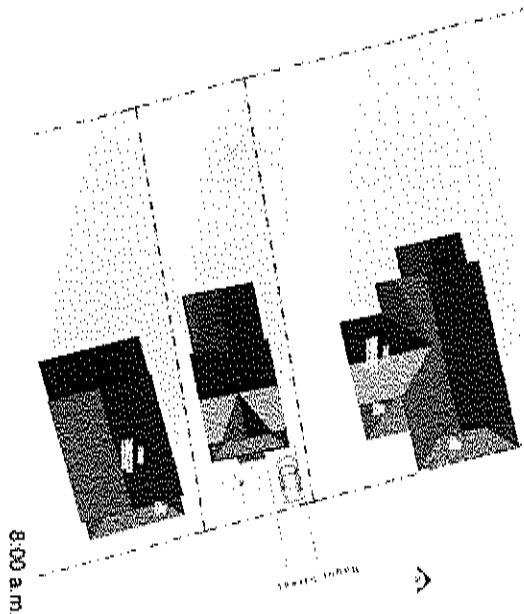
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Project Number	2020-118	A101.3
Date	August 2020	
Drawn By	DJ	
Checked By	AKS	Scale

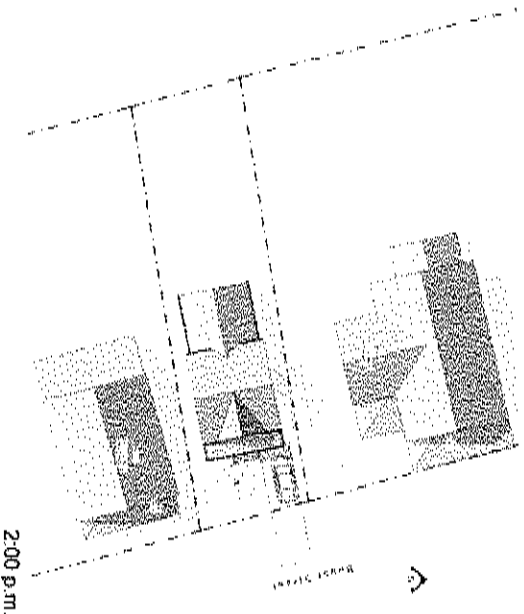
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Single Family Dwelling  
Bagot Street, Cobourg, ON

No.	Description	Date
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2	Committee of Adjustment	2020-09-15

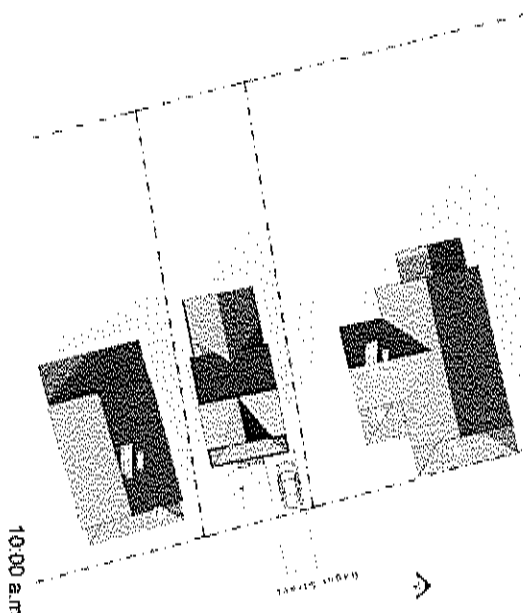
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Project number	2020-118
Date	August 2020
Drawn by	DJ
Checked by	AKS
Scale	A101.4



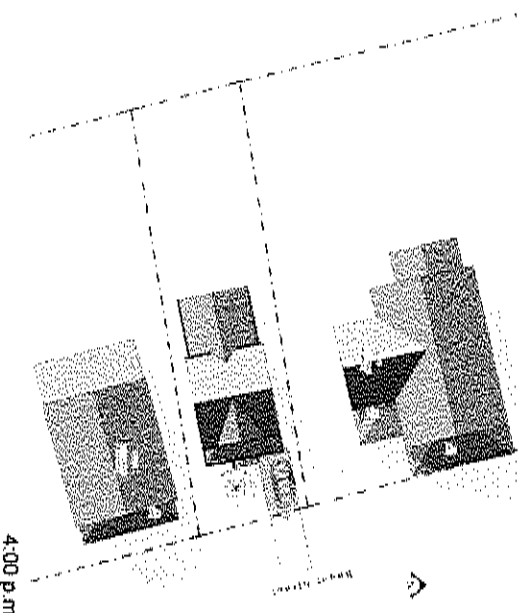
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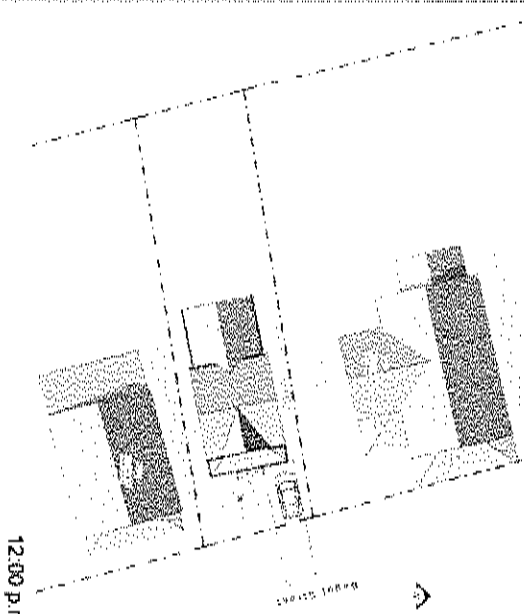
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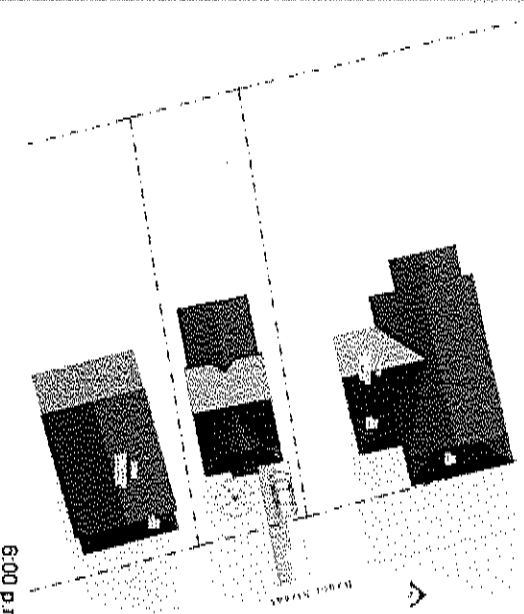
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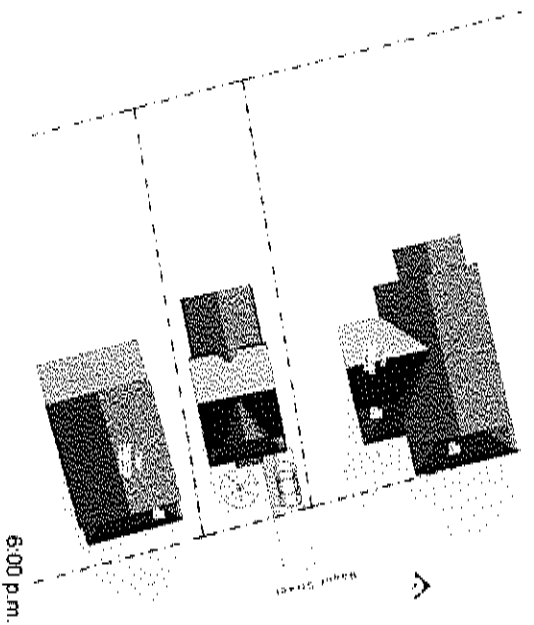
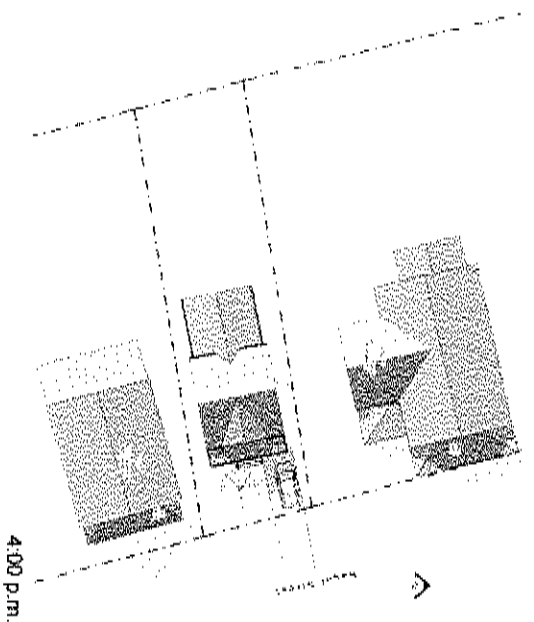
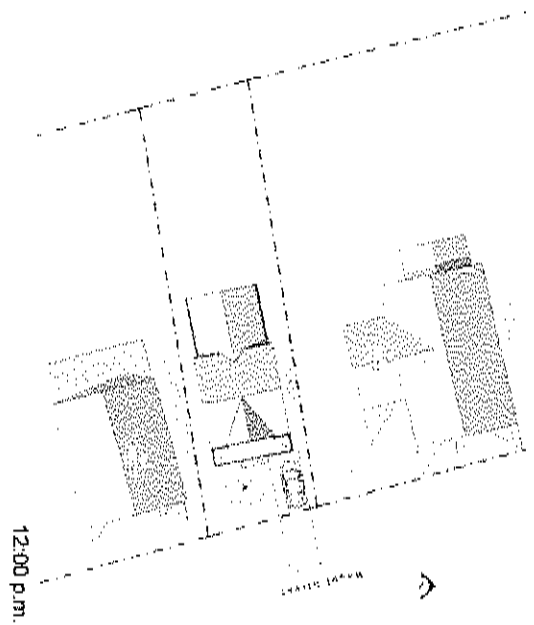
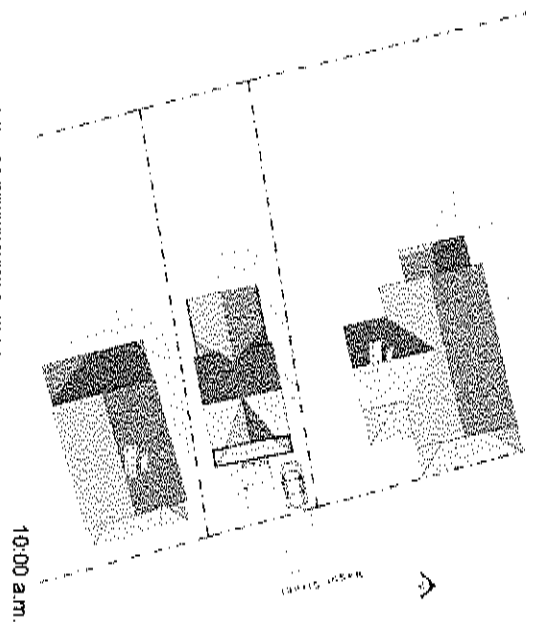
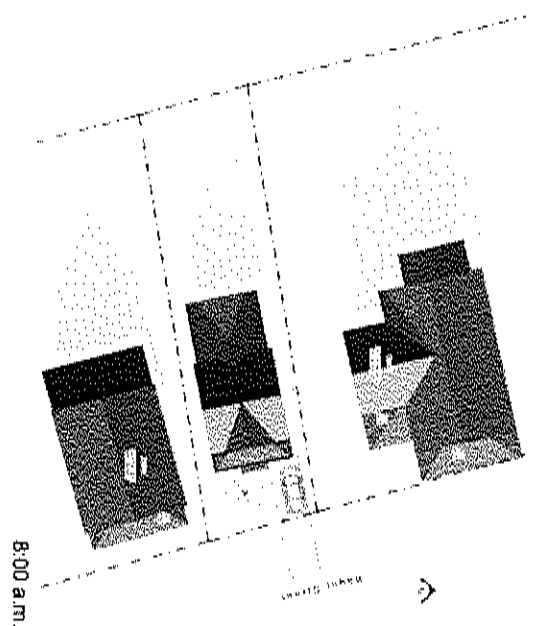
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**Henderson Residence**  
Single Family Dwelling  
Bagot Street, Cobourg, ON

No.	Description	Date
Client Review		2020-09-01
Committee of Adjustment		2020-09-15

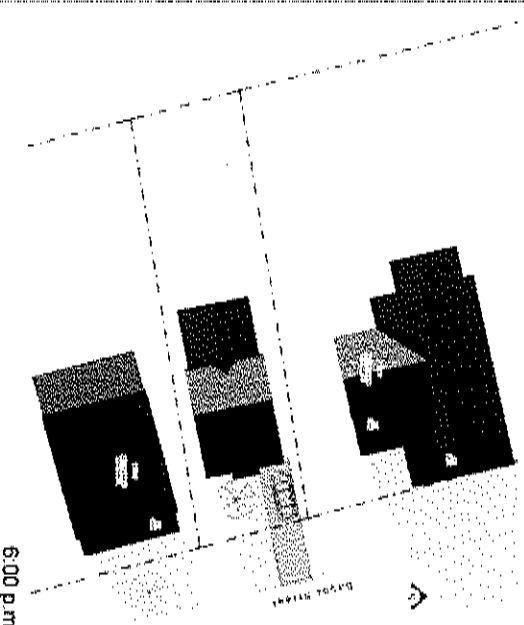
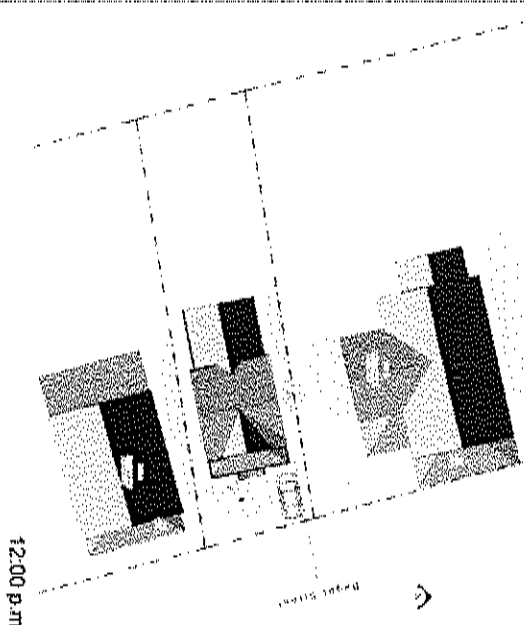
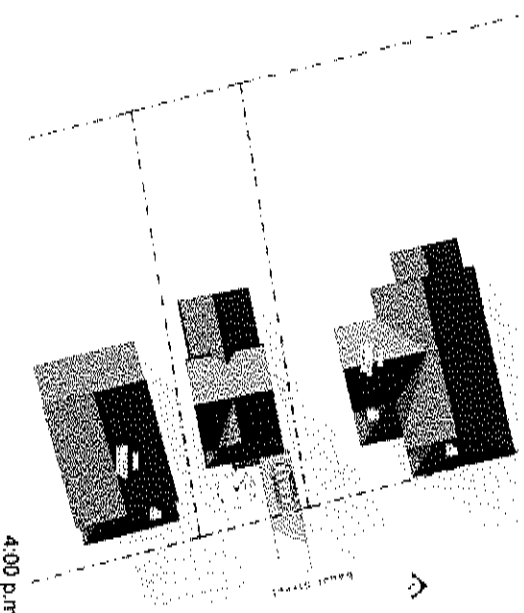
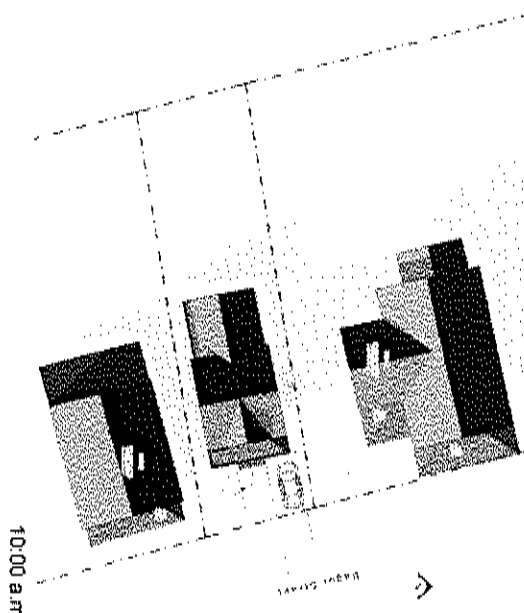
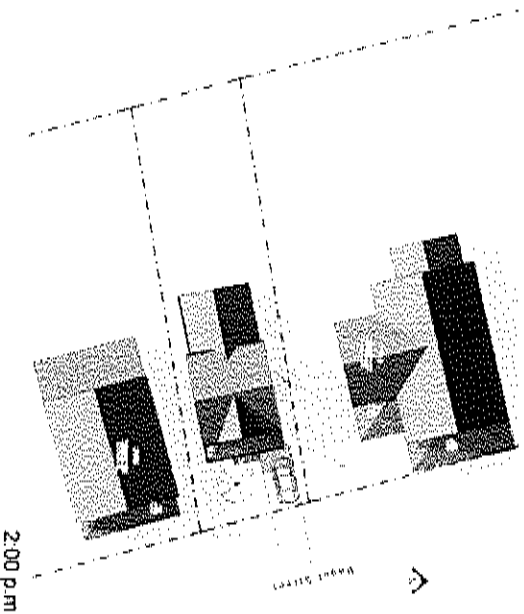
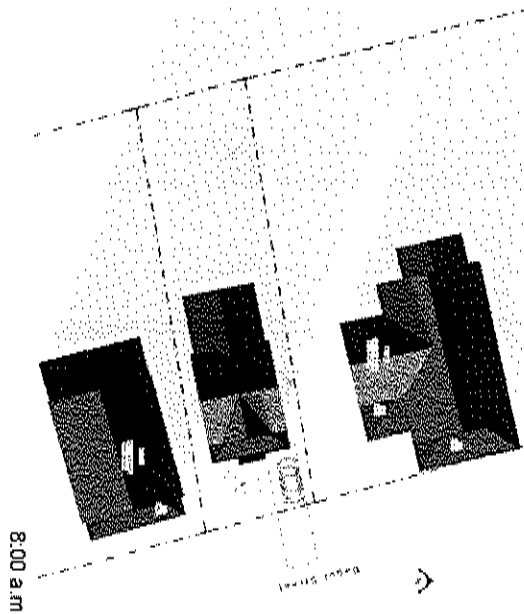
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Project Number	2020-118	<b>A101.5</b>
Date	August 2020	
Drawn By	DJ	
Checked By	AKS	Scale



Henderson Residence  
Single Family Dwelling  
Bagot Street, Cobourg, ON

No.	Description	Date
1	Client Review	2020-09-01
2	Committee of Adjustment	2020-09-15
3		
4		
5		

Shadow Study - October (Proposed)	
Project number	2020-118
Date	August 2020
Drawn by	DJ
Checked by	AKS
Scale	A101.6



## Schedule C



# CULTURAL HERITAGE IMPACT ASSESSMENT

171 Bagot Street, Cobourg

**BRANCH**  
ARCHITECTURE

PREPARED FOR:

Cindy Taylor and Jim Henderson  
171 Bagot Street  
Cobourg, ON K9A 3G3  
E: photo@eagle.ca  
E: jim@island30.com

PREPARED BY:

Branch Architecture  
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Issued: 2020.02.25 DRAFT  
2020.05.11 FINAL

Cover Image: 171 Bagot Street, 2020 (Branch Architecture, BA)

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# Executive Summary

The purpose of this Cultural Heritage Impact Assessment ("CHIA") is to evaluate the potential impact of the proposed severance of the property at 171 Bagot Street on the cultural heritage value and heritage attributes of the West Heritage Conservation District ("West HCD").

The single family residence at 171 Bagot Street forms part of the West HCD designated under Part V of the *Ontario Heritage Act*. The West HCD Plan conservation objectives include:

- a) To ensure the conservation, maintenance, enhancement and protection of the heritage character and heritage attributes of Cobourg's West District residential neighbourhood.*
- e) To maintain the residential environment within the District and to discourage the establishment of land uses which would be incompatible with or have adverse effects upon the predominantly residential character of the District.*
- f) To accommodate new development only where it respects or otherwise complements the prevailing low profile (one to two storey) and heritage character of existing buildings and structures within the District and does not adversely affect the cultural heritage character of the District.*<sup>1</sup>

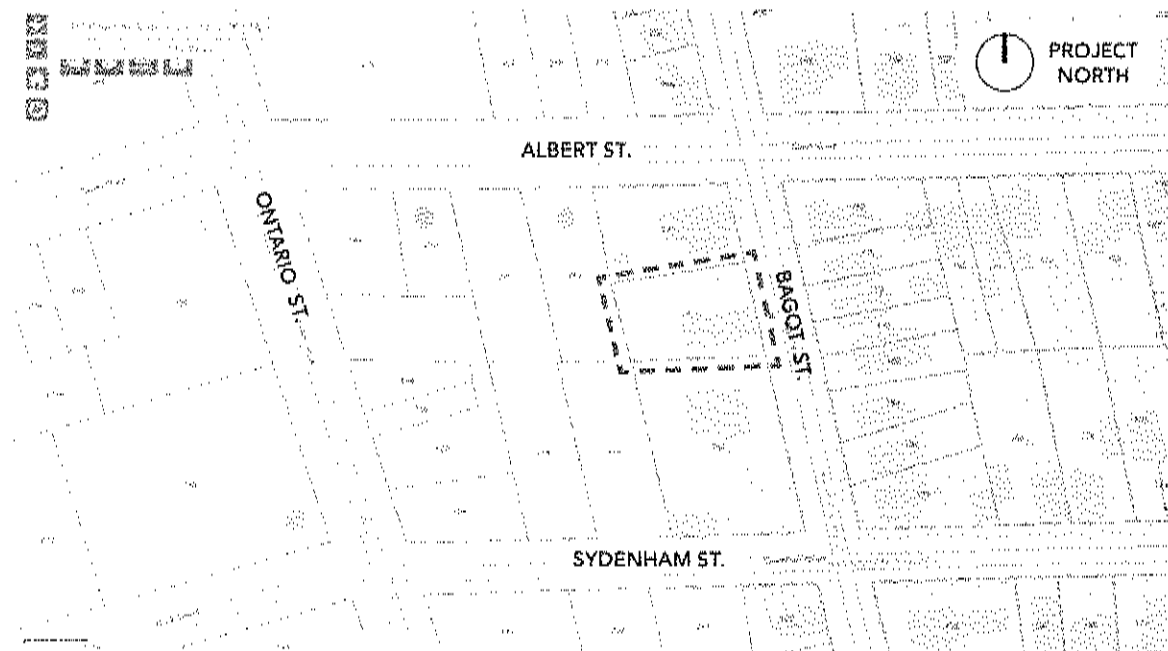
This CHIA finds that the proposed severance allows for the preservation of the heritage house at 171 Bagot Street and provides for a new lot that is in keeping with neighbouring lot sizes and patterns. It was not found to have an adverse effect on the cultural heritage value and heritage attributes of the District.

Further, this assessment acknowledges that future new infill on this lot will require a Heritage Permit from the Town.

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<sup>1</sup> West HCD Plan, pg. 10-11.





1. Location of 171 Bagot Street shown above. (Town of Cobourg Map, annotated by BA)
  - The subject property delineated with a red dashed line.
  - West HCD area shown in blue overlay.
  - Neighbouring Part IV heritage properties are identified with a yellow dot.
  - Neighbouring non-designated heritage properties identified with a blue dot.

# 1 Introduction

## 1.1 Project Framework

With regard to the proposed severance at 171 Bagot Street, Branch Architecture was retained as the Heritage Consultant. The purpose of this Cultural Heritage Impact Assessment is to comment on the potential impact of this proposed change on the cultural heritage value and heritage attributes of the site. This property is designated under Part V of the *Ontario Heritage Act*; it forms part of the West Heritage Conservation District ("HCD" or "District").

This CHIA forms part of the Heritage Permit application requirement under the HCD Plan.

The scope of this CHIA (as per discussions with Town Staff) includes:

- Historic research on site development in the form of historic maps;
- A description of proposed development / site alteration, impact analysis, and consideration of mitigation measures; and,
- Conservation recommendations.

This CHIA has been prepared with respect to the: Town of Cobourg's *Cultural Heritage Impact Assessment Terms of Reference*, Parks Canada *Standards and Guidelines for the Conservation of Historic Places in Canada*, *Ontario Heritage Act*, *Provincial Policy Statement* (2014), the Ministry of Culture's *Ontario Heritage Tool Kit* as well as other charters and guidelines that exemplify best practice.

## 1.2 Property Description

171 Bagot Street is located on the west side of the street, mid block between Albert and Sydenham streets. The property contains a single family dwelling; a one-and-a-half storey wood frame building clad in brick.

## 1.3 Present Owner Contact

Cindy Taylor and Jim Henderson

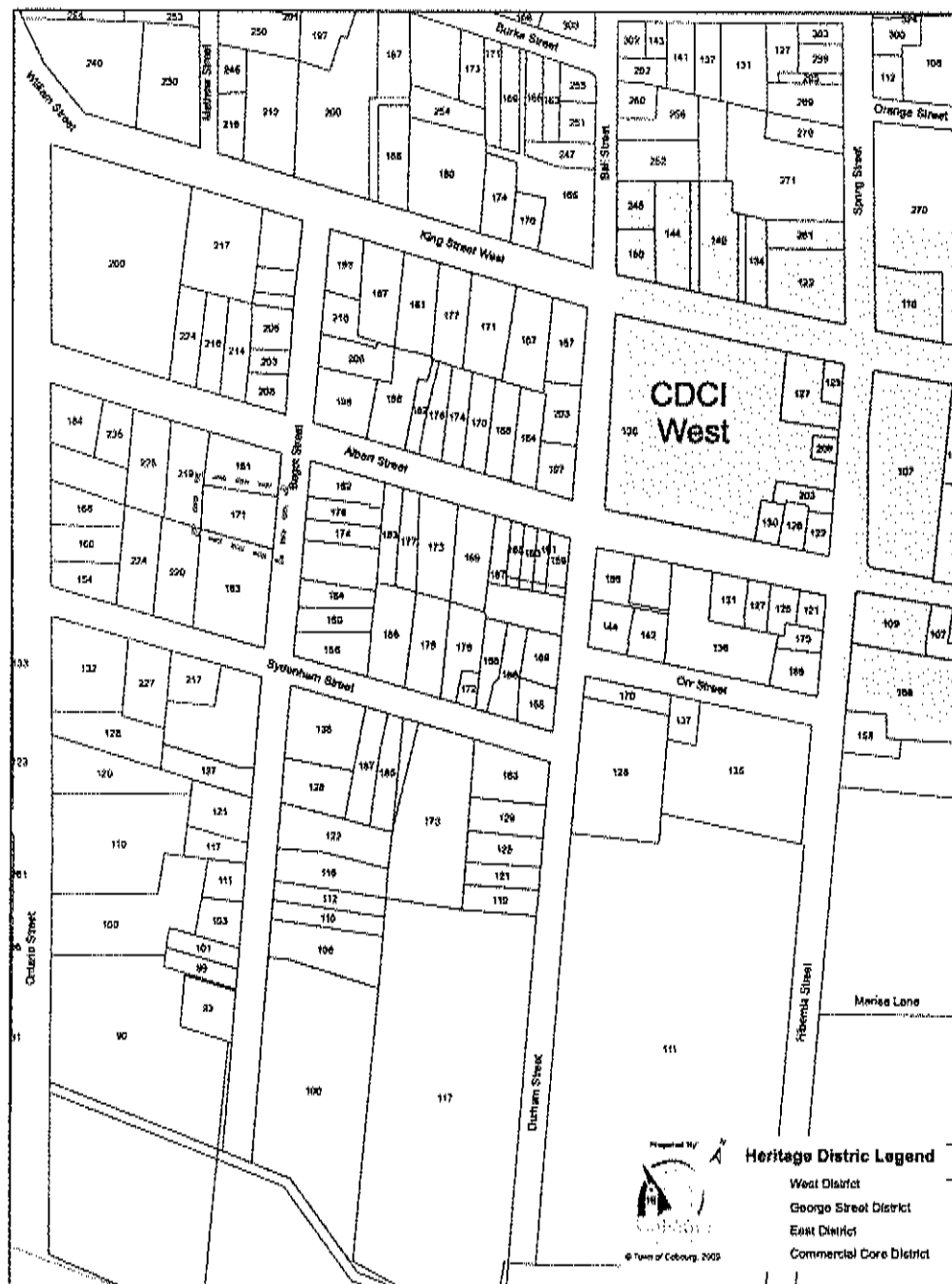
171 Bagot Street

Cobourg, ON K9A 3G3

E: photo@eagle.ca and jim@island30.com

## 1.4 Existing Heritage Recognition

The property at 171 Bagot Street is designated under Part V of the *Ontario Heritage Act* as it forms part of the West HCD. The HCD by-law (no. 118-92A) was passed in 1992. The HCD Plan was updated as part of the Town's Heritage Master Plan by MHBC, George Robb Architect, Wendy Shearer, and AECOM (May 2016).



2. West HCD boundary indicated in orange. (Town of Cobourg website)

3. <http://www.townofcobourg.ca/heritage/>

## 1.5 Heritage Policy and Guidelines

### 1.5.1 Ontario Heritage Act

Under the *Ontario Heritage Act*, municipalities have the authority to designate individual properties (Part IV) and heritage conservation districts (Part V) that are found to have cultural heritage value. Heritage conservation districts (HCDs) are designated with an aim to achieve a set of objectives particular to the District. Properties within an HCD require a Heritage Permit to undertake alterations to the property and are subject to the policies and design guidelines set out in the HCD Plan.

As per the *Ontario Heritage Act*, applications to alter a property with a District require written consent from Council, however, this application falls within the Town's Heritage Permit delegation by-law (#097-2009). The municipal heritage committee also provides input on heritage permit applications.

### 1.5.2 Provincial Policy Statement

The *Provincial Policy Statement* (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. The PPS "is intended to be read in its entirety and the relevant policies are to be applied to each situation" (Part III).

Section 2.6 of the PPS titled "Cultural Heritage and Archaeology" provides particular direction concerning heritage sites.

*Policy 2.6.1: Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

*Policy 2.6.3: Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the*

#### Definition of Select Terms in PPS

**Adjacent lands:** d) for the purpose of policy 2.6.3, those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

**Conserved:** Means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

**Protected heritage property:** means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*; property identified by the Province and prescribed public bodies as provincial heritage property under the *Standards and Guidelines for Conservation of Provincial Heritage Properties*; property protected under federal legislation, and UNESCO World Heritage Sites.

Source: *Provincial Policy Statement* (2014)

*proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

This CHIA has been prepared according to the PPS's definition of 'conserved' as a means of addressing the heritage values, attributes and integrity of the applicable properties. There are two Part V protected heritage properties adjacent to the subject property: 163 and 181 Bagot Street.

This review considered the potential impact of the proposal on the adjacent Part V properties in relation to the guidance in the *Ontario Heritage Tool Kit* and found that it did not affect their heritage attributes.



3. 163 Bagot Street, 2020 (BA).



4. 181 Bagot Street, 2020. (BA)

### 1.5.3 Town of Cobourg Heritage Master Plan, 2016

The Master Plan ("Plan") provides a vision for heritage conservation in Cobourg:

*To conserve and enhance cultural heritage resources and manage change so that the community can continue to grow in keeping with the heritage character of Cobourg while also preserving the vibrant small-town feel.*

*The vision is supported by several goals to serve the vision related to conservation of buildings, neighbourhoods, streetscapes, waterfront and general character as well as the downtown as an economic and cultural hub.*

The Plan also encourages the dedicated management of the Town's Heritage Conservation Districts and recommends tools to support new development that is compatible with the "generally low-mid rise scale and small town character of Cobourg."

### 1.5.4 *Standards and Guidelines for the Conservation of Historic Places in Canada*

The Parks Canada *Standards and Guidelines* is intended to “achieve good conservation practice” and to establish “a pan-Canadian set of Standards and Guidelines [for] conserving Canada’s historic places” (2nd ed.). The *Standards and Guidelines* are based on a sequence of steps: understanding, planning, and intervening. This approach allows for informed decision making, heritage conservation planned with regard to other planning objectives, and interventions to realize long term, viable uses of heritage sites.

The Standards and Guidelines describe three approaches to conserving a heritage site:

*Preservation: The action or process of protecting, maintaining, and /or stabilizing the existing materials, form, and integrity of a historic place or of an individual component, while protecting its heritage value.*

*Rehabilitation: the action or process of making possible a continuing or compatible contemporary use of a historic place, or an individual component, while protecting its heritage value.*

*Restoration: The action or process of making possible a continuing or compatible contemporary use of a historic place or an individual component, while protecting its heritage value.*

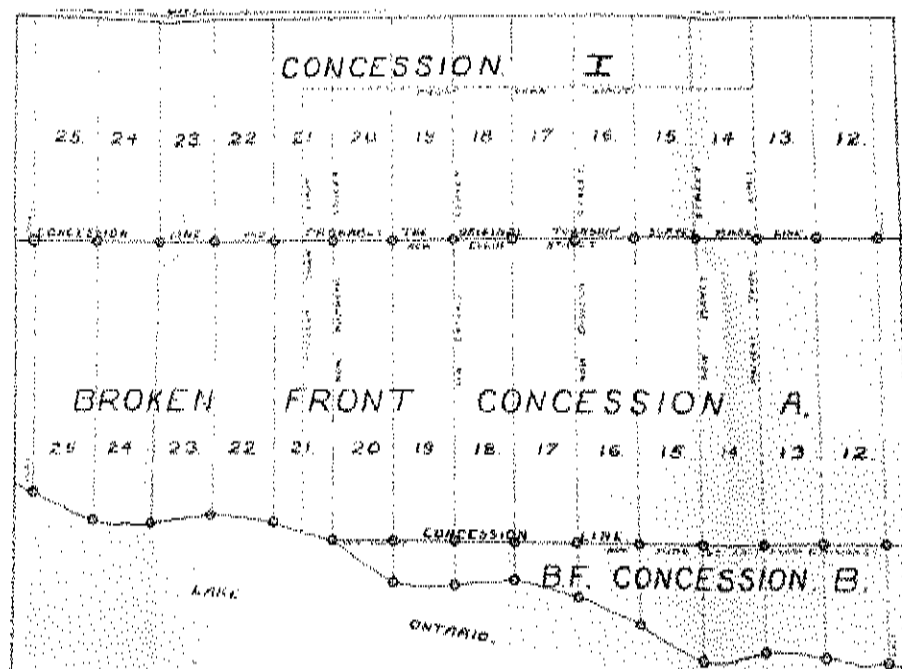
### 1.5.5 *Eight Guiding Principles in the Conservation of Built Heritage Properties*

Originally developed in relation to the province’s 1980s Heritage Grant Program, these principles are now widely accepted guidance concerning good practice in heritage conservation in Ontario. The base principles call for consideration of the following: respect for documentary evidence; respect for original location; respect for historical material; respect for original fabric; respect for building’s history; reversibility; legibility; and maintenance.

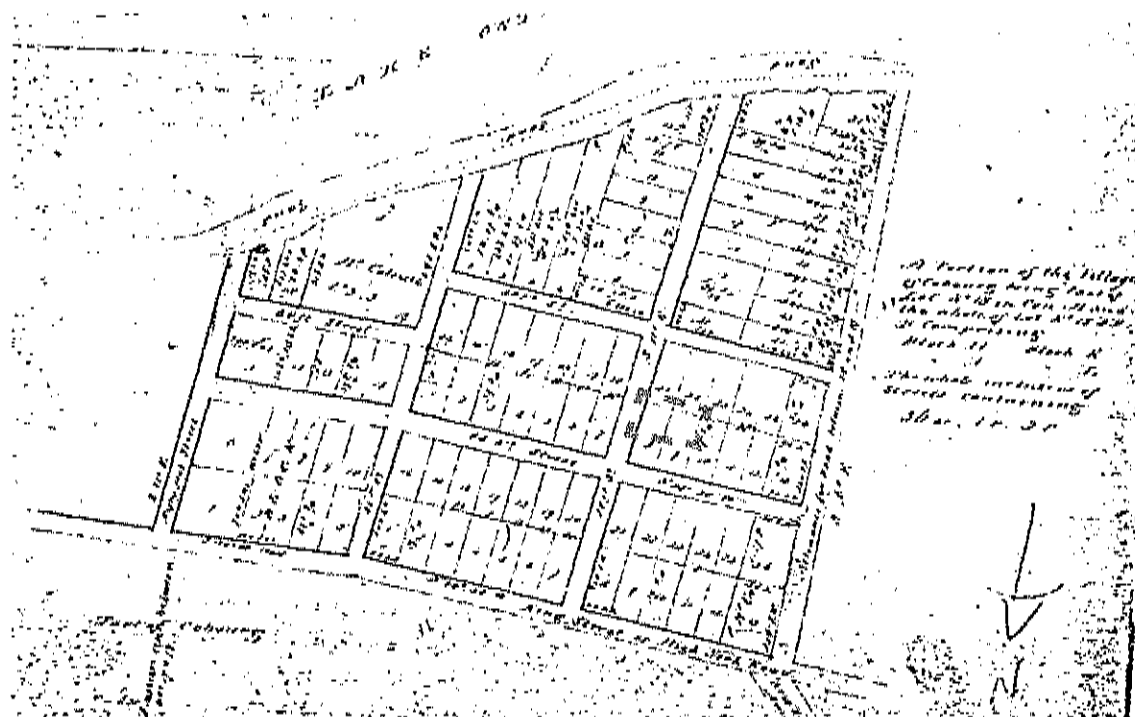
## 2 Historical Background & Site Evolution

With the settlement of the Town of Cobourg site (first known as Hamilton Township) in 1797, the lands were surveyed by Deputy Surveyor August Jones and divided into concession lots. The following is a summary of the lot subdivision history of the subject property at 171 Bagot Street based on a review of land abstracts and maps:

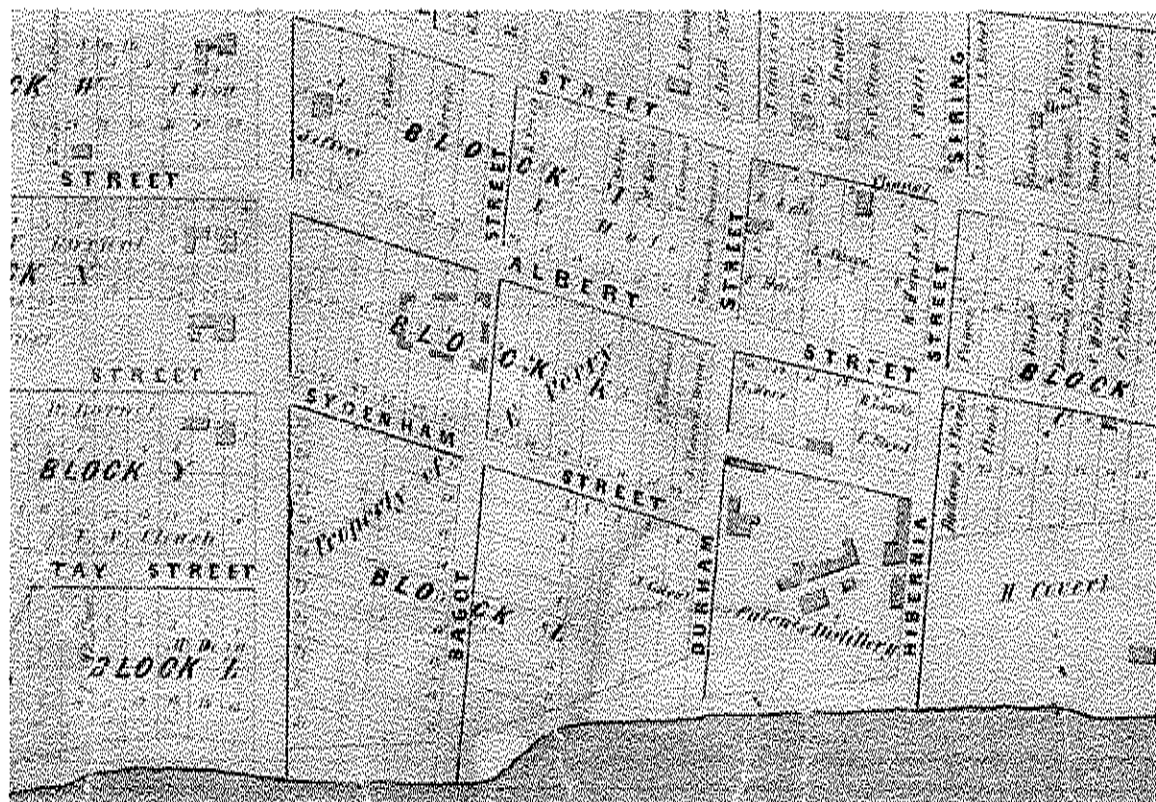
- June 2, 1819: Nathan Williams received patent for Lot 18, Concessions A+B in Hamilton Township.
- 1820-1824: The 35 acres south of King Street was bought and sold several times before Ebenezer Perry obtained the lands in November 17, 1824.
- Between 1824 and 1844: A plan by Frederick P. Rubidge was submitted for the subdivision of the 35 acre parcel and includes Blocks H, I, K and L (see figure 6).
- 1847 - The property is found within Lots 8 and 9 of Block K - "Property of E Perry".
- 1874 - The bird's eye view map shows a house on the west side of Bagot Street. This is likely the house at 163 Bagot Street. Opposite is the former school house.
- 1919 - The existing house is shown on 1919 fire insurance plan. It is a 1 1/2 storey wood frame house clad in a brick veneer with a 1 storey rear addition (same) and a smaller 1 storey wood addition beyond. There is also a 1 1/2 storey wood garage at the north-west corner of the lot.



5. A Sketch Illustrating the Original Survey of Part of Hamilton Township (by Augustus Jones) and Now the Town of Cobourg by Percy L. Climo (Town of Cobourg Archives, TCA)



6. Plan of subdivision for the area bounded by the Lake Ontario (top of page), Ontario Street, King Street and Hibernia Streets, undated though found between 1824 and 1844 in the log. (Land Registry book)

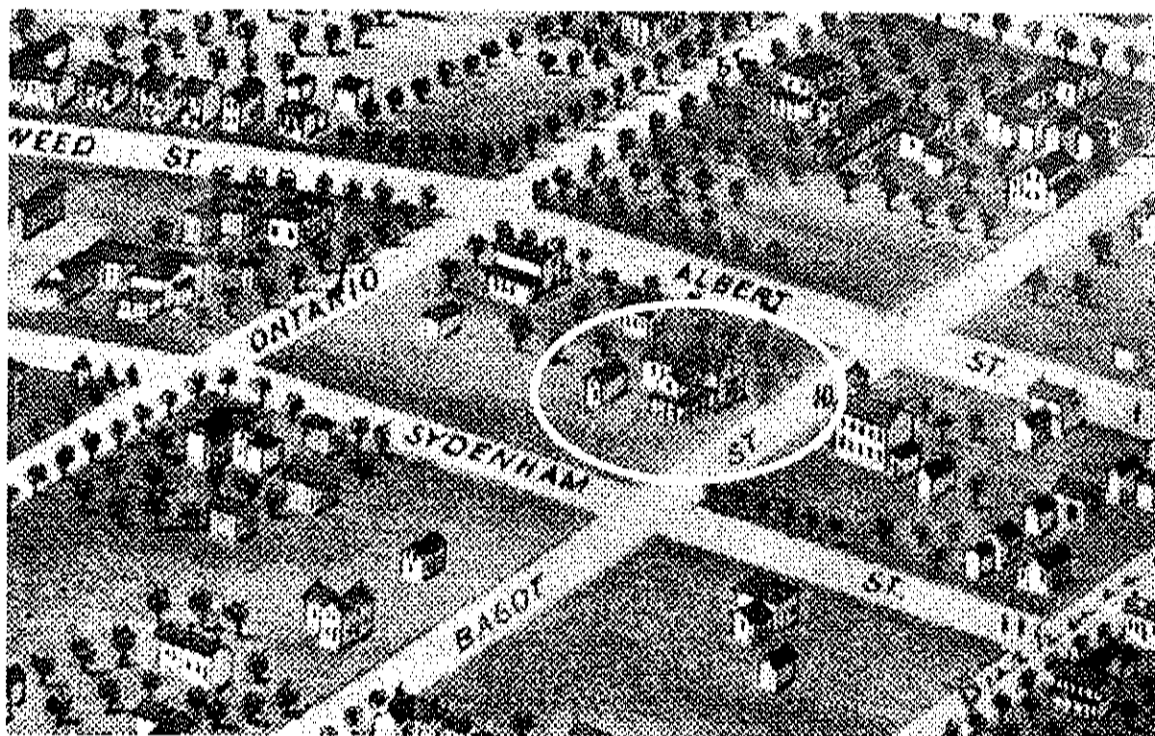


7. Detail from the 1847 Plan of the Town of Cobourg by Sanford A. Fleming showing early lot subdivision, (Northumberland Archives, NA)

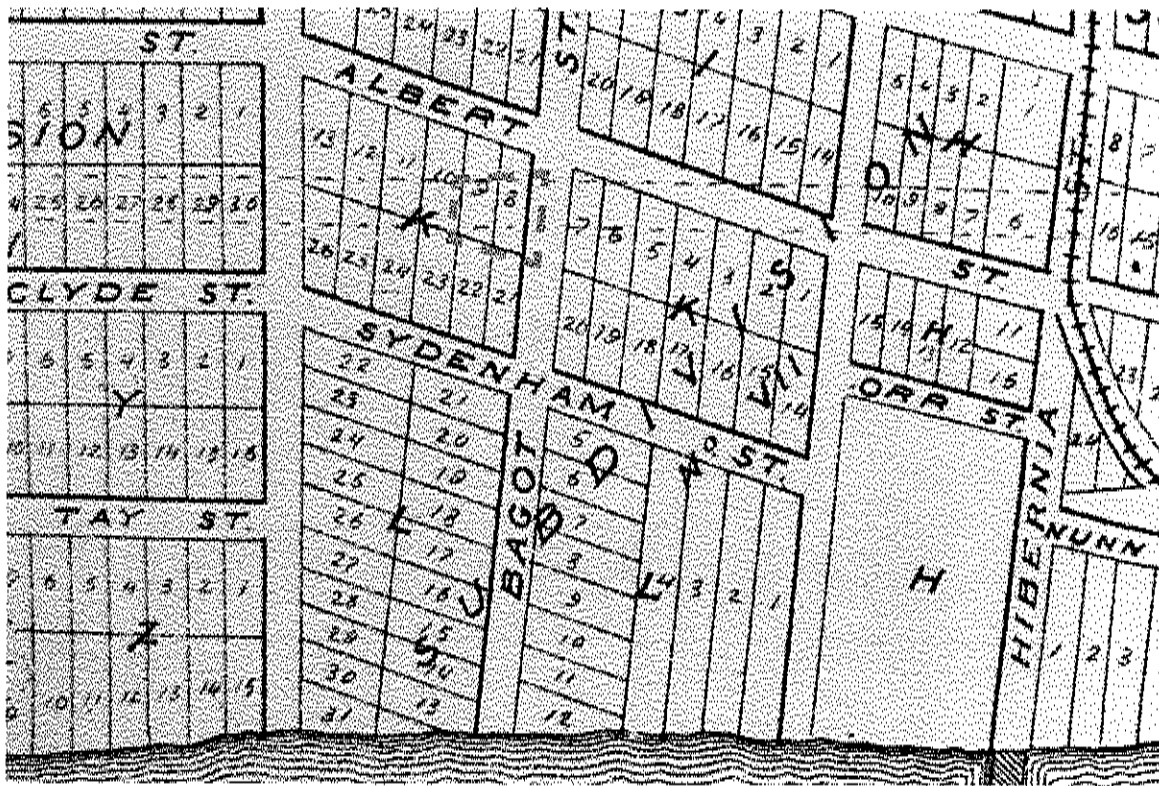




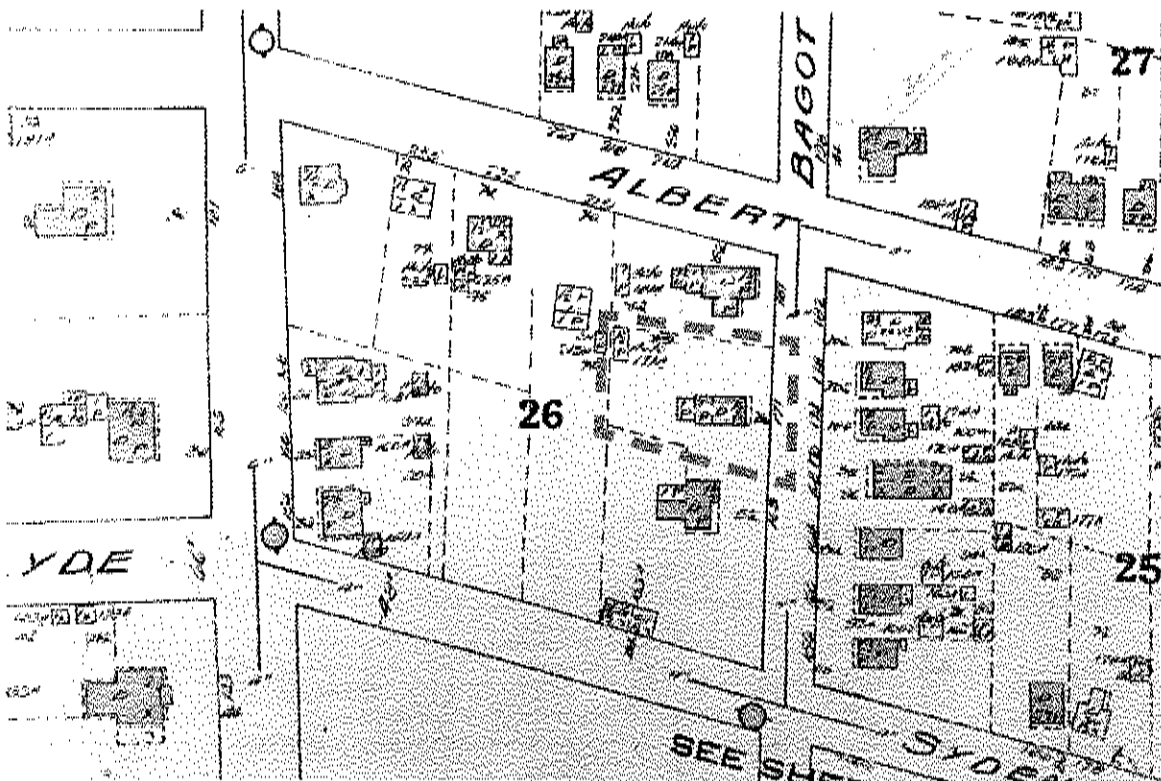
9. Detail from the Plan of the Town of Cobourg by C.E. Caddy (traced from original in 1931) showing lot subdivision. The original dates to 1867, with revisions in June 1892. (TCA)



8. Detail from 1874 Bird's Eye View of Cobourg by Mr. Brosius. (TCA)



10. Detail from 1877 County Atlas. (Historical Atlas of Northumberland & Durham Counties)



11. Detail from Fire Insurance Plan by Charles Goad, May 1919 Revised Mar 1946. (NA)



13. 176 Bagot Street. (1985 LACAC Inventory of Cobourg's Century Buildings)



12. 171 Bagot Street, c. 1991, (HCD Study for the Town of Cobourg)

*The Inventory of Cobourg's Century Buildings in 8 Volumes* provides the following architectural description of the subject property:

*171 & 181 Bagot Street*

*Hugh Harper built these two houses in the late 1870's as rental units. Initially they were identical, but subsequent additions have altered them. 171 Bagot St. retains the original shape of the houses, while 181 has both the bargeboard and the finial still intact in the gable. Both houses have three pane transom side lights.*

- *probably initially identical to 181 Bagot St.*
- *two storey red brick stretcher bond*
- *gable roof, gable onto road, finial in gable*
- *front door off centre, three pane transom light, two pane side lights, bottom blind*
- *verandah along front of house supported by squared posts with stepped capitals*
- *verandah has truncated hip roof*
- *later addition*
- *windows, double hung sash, two over two, wooden lugsills*
- *radiated cream voussoir over windows and above door basement*
- *at back of house, shed roof*
- *brown clapboard shed roofed addition beyond that*

*built in 1876, Hugh Harper*

### 3 Statement of Cultural Heritage Value

The following is repeated from the West Heritage Conservation District Plan:

#### Statement of District Significance

Lands in the West District were subdivided by the 1850s, but most construction did not occur until the 1870s, when the town's economic activity increased with new industry. The west side of Cobourg contained the bulk of the town's industrial activity, located around Factory Creek. As a result, many of the houses in the West District are of vernacular design, constructed for workers, with the occasional grander residence of a factory owner. A second building boom occurred in the early 20th century, resulting in new construction on vacant lots or replacing earlier buildings.

Unlike other neighbourhoods in Cobourg, this area did not have influence from proximity to major institutions or the commercial core and was not an area where American summer houses were concentrated. The dominant vernacular character of the West District is characteristic of these circumstances.

The neighbourhood is representative of a late 19th and early 20th century residential neighbourhood that has continued to evolve over time. The District character is primarily defined by vernacular housing types, with repetition of similar plans. There are some examples of other architectural styles and influence, including Gothic Revival and Edwardian Classicism, Italianate and Neo-Classical, but they are limited in number. Red brick is the dominant materials, though there are also buildings that feature yellow brick or stone. Synthetic siding is present on many buildings as well. Front and side gable roof types are most common, as are two and three bay façade arrangements. Generous porches are present on most buildings, and provide a link between private residences and the public streetscape. Streets feature grassed boulevards on one or both sides of the street, open and landscaped lawns with little front yard fencing, and mature trees that provide a canopy to the street and rich vegetated character. Sidewalks are present on one or both sides of the street.

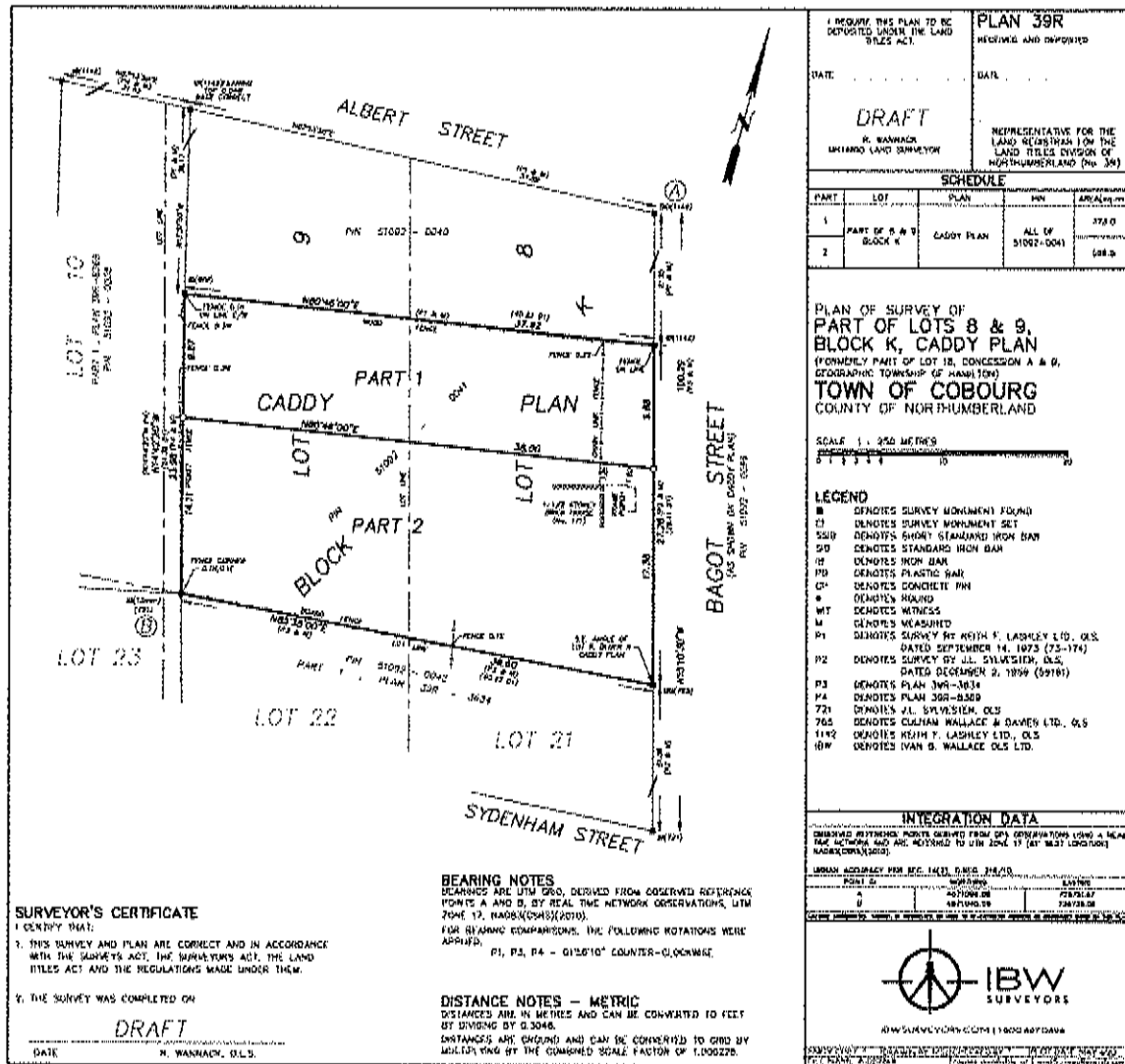
Most properties have driveways beside the house. Where garages exist, they are most often detached and set back from the front façade of the house.

Coherence in the West District is evident in a general low profile residential character between one and two storeys, with relatively consistent setbacks from the street. Lot sizes vary, with some larger lots similar to those found in the West District, and smaller lots common to the George Street District.

### List of heritage attributes

The following is a list of heritage attributes associated with the West Heritage Conservation District:

- Residential character of the neighbourhood consisting of one to two storey residential buildings
- Repetitions in patterns of roof types, such as front gable, side gable and hip with low to medium pitches
- Modest architectural design, with understated decorative/architectural detailing
- Primarily vernacular housing style, with some examples of architectural styles including Neo-Classical, Gothic Revival, Italianate and Edwardian Classicism
- Dominant pattern of two and three bay façade organization on front elevations
- Predominance of red brick cladding
- Orientation of houses and porches to the street
- Varying of setbacks of buildings from the street
- Vegetated front yards with lawn and/or landscaping and minimal front yard fencing
- Grass boulevards with street trees
- Views along Bagot Street terminating at St. Andrew's Presbyterian Church to the north and the waterfront to the south



14. Draft reference plan of proposed lot severance by IBW Surveyors.



15. Looking north along west side of Bagot Street. (BA)



16. Looking north along east side of Bagot Street. (BA)

## 4 Conservation Strategy

The following conservation strategy has been prepared as part of the heritage permit application for the proposed lot severance. It presents a conservation approach that specifically responds to the West HCD guidelines and the heritage character of the Bagot Street. This assessment was informed by a site visit on February 12, 2020.

### 4.1 Proposed Development

The intent of this application is to sever the property at 171 Bagot Street into two lots fronting on Bagot Street. The existing house is to be maintained on the southern parcel. See figure 14.

### 4.2 Conservation Strategy Discussion

The intent of the Conservation Strategy is to maintain the cultural heritage value and heritage attributes of the District while allowing for the creation of this new lot. The prime considerations in this project relate to:

- determining that this lot is a good candidate for a severance; and,
- considering the potential impact of a new lot and future infill building on the heritage character of the streetscape.

The West HCD Plan provides general guidance on new free-standing construction within the District, and further direction is found in the Town's *Guidelines for Infill Development in Cobourg's Heritage Conservation Districts* ("HCD Infill Guidelines").

In accessing the this proposed change, it is important to understand the subject lot as well as its position within the District.

The property forms part of the Bagot Street streetscape; it is located on the west side of the street between Albert and Sydenham Street. Bagot Street is a short two-way street

*(Understanding: Understanding of a historic place is an essential first step to good conservation practice, which is normally achieved through documentary and oral research and physical investigation[...])* The information collected in this phase will be used throughout the conservation decision-making process and should remain accessible.

*Planning: Planning is the mechanism that links a comprehensive understanding of an historic place with interconnections that respect its heritage value. Planning should consider all factors affecting the future of an historic place, including the needs of the owners and users, community interests and the potential environmental impacts, available resources and external constraints. The most effective planning and design approach is an integrated one that combines heritage conservation with other planning and project goals and engages all partners and stakeholders early in the process and throughout.*

*Intervening: If the use of a historic place is part of its heritage value, then that use should be retained. Otherwise, a use compatible with its heritage value should be found. A viable use — economic, social or symbolic — will better ensure the long-term survival of a historic place and lessen or prevent deterioration caused by environmental and human activities.*

*Source: Standards and Guidelines (2nd Ed, Chapter 1, The Conservation Decision Making Process)*



running south from King Street to the waterfront. The streetwall is composed of one to two-storey nineteenth century houses of varying exterior treatment (brick, stone, stucco). The placement of the buildings on the lots vary, though there is the appearance of a generally cohesive street wall. The street is framed on either side with trees (in the right of way) and a sidewalk runs the full length of the street on the east side.

The existing lot is 37.92m (~125'-6") deep with a 27.26m (~89'-6") lot frontage on Bagot Street and a 23.98m (~78'-6") rear lot width. The lot is located along the west edge of the District. The opposite street wall has a fine-grained appearance; there is a line of closely spaced front gable houses. The houses follow a consistent front yard setback and many display front yard parking.

This assessment finds that this lot is a good candidate for a severance as:

- It allows for the retention of the existing heritage building.
- It provides a new lot for a single family dwelling. The proposed lot is in keeping with the varying lot sizes and widths found within the immediate area and including directly across the street. The *HCD Infill Guidelines* state that lot sizes and frontage vary "tremendously" within the Districts.
- The south parcel complies with the R3 zoning requirements. The severance line has been established to provide an interior side yard setback of 1.6m (5.3 ft.) between the existing one-and-a-half storey house and the proposed adjacent lot. This is in keeping with the *HCD Infill Guidelines* that notes a diversity of side yard conditions and the importance of preserving open views / glimpses to rear yard greenery (Section 3.15).
- The proposed north parcel lot generally complies with the R3 zoning. The only variance is the lot frontage. In an R3 zone the required lot frontage is 11m (36 ft.). The new lot frontage is 9.88m (~32'-6"), however, based on a survey provided by Town Staff there are multiple lots within a one block radius that have reduced lot frontages with the smallest at 7.62m (25 ft.). See annotated plan at figure 17. Further, the *HCD Infill Guidelines* advises that "Lot size and frontage should vary, while still accommodating sufficient frontage for side yards" (Section 3.14). For general information, the proposed north lot size allows for a future dwelling; a 7.88m (~25'-9") wide bungalow or 6.68m (~22ft.) wide two-storey house.

In summary, the proposed severance allows for the preservation of the heritage house at 171 Bagot Street and provides for a new lot that is in keeping with neighbouring lot sizes and patterns.



17. Survey provided by Town Staff. The subject property (050-013) is identified in blue. Nearby properties with a lot frontage less than the R3 zoning of 11m (36ft) are green. (Town of Cobourg, annotated by BA)

### 4.3 West HCD Plan

The West Heritage Conservation District Plan (May 2016) provides guidance for managing change within the District, specifically related to conservation, additions, alterations, infill, landscape, accessibility and sustainability, while protecting and conserving the heritage character and attributes of the District.

The District Objectives support this overall intent and, in relation to this application, provide direction:

- a) To ensure the conservation, maintenance, enhancement and protection of the heritage character and cultural heritage attributes of Cobourg's West District residential neighbourhood.
- e) To maintain the residential environment within the District and to discourage the establishment of land uses which would be incompatible with or have adverse effects upon the predominantly residential character of the District.

- f) To accommodate new development only where it respects or otherwise complements the prevailing low profile (one to two storey) and heritage character of existing buildings and structures within the District and does not adversely affect the cultural heritage character of the District.

Part II of the HCD Plan includes guidelines and policies for managing change. The direction provided is generally focused on the conservation of the built heritage and landscape. While there is no specific mention of changing property boundaries (lot severances or consolidations), Section 7.0 Infill development does recognize that new infill development or freestanding structures may be introduced over time. New construction on the severed lot will need to demonstrate it is compatible with the heritage character of the HCD and comply with these policies (list below) as well as other applicable Town of Cobourg guidance regarding site design and urban design.

#### 7.1 New freestanding construction

- a) New freestanding construction will be required to be compatible with the heritage character and attributes of adjacent heritage properties and the cultural heritage value of the District. This means adhering to the character of the surrounding neighbourhood of the District with regards to lot patterns, heights, massing, setback, building scale, roof pitches and exterior materials.
- b) New construction shall be a product of its own time and not pretend to be historic by incorporating historic detail that is inappropriate in contemporary construction. New design may be a contemporary interpretation of historic forms and styles, but replicas of historic buildings are discouraged.
- c) Maintaining the height and rhythm of the existing streetscape will unify the District. Blank façades that face the street or are easily visible from the street are not permitted.
- d) The District contains a variety of roof forms, including front gable, side gable, cross gable and hipped. Any of these roof forms in a low to moderate pitch are appropriate for new infill. Where a dominant or consistent pattern exists within the streetscape, this shall be followed.
- e) Windows and entrance doors on the primary elevations of new buildings shall be compatible with the character of the neighbourhood, reflecting typical shapes, orientation and composition found within the District.
- f) The Town of Cobourg Guidelines for Infill Development in Cobourg's Heritage Conservation Districts shall also be consulted for additional guidance.
- g) Views are an important component to the District, and as such the policies and guidelines related to views (10.8) shall also apply to the consideration of infill development proposals.

## 4.4 Ontario Heritage Tool Kit

The following table assesses the proposed severance of the heritage property in relation to potential negative impacts identified in the *Ontario Heritage Tool Kit*.

Issue	Assessment
Destruction of any, or part of any, significant heritage attributes or features	The proposed severance is does not involve the removal or destruction of any heritage attributes.
Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance	The proposed severance provides a lot pattern that mirrors the fine-grained lot patterns found on the opposite side of Bagot Street.
Shadows created that alter the appearance of a heritage attribute, or change the viability of a natural feature or plantings, such as a garden	The creation of a new lot will not result in any new shadows. Future new development here should balance the prevailing building placement patterns on the street (orientation, setbacks, height, roof lines, etc.) with the R3 zoning requirements.
Isolation of a heritage attribute from its surrounding environment, context or a significant relationship	The proposed severance will not isolate the heritage attributes within the HCD.
Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features	The views north and south along Bagot Street will not be affected.
A change in land use such as a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open space	The residential use will be maintained.
Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect an archaeological resource	There are no known archaeological resources on the site.
Other	n/a.

## 5 Findings & Recommendations

This CHIA finds that the proposed severance allows for the preservation of the heritage house at 171 Bagot Street and provides for a new lot that is in keeping with neighbouring lot sizes and patterns. Further, this change does not adversely effect the cultural heritage value and heritage attributes of the District.

Further, this assessment acknowledges that future new infill on this lot will require a Heritage Permit. The proposed design will be assessed with respect to the policies set out in the West HCD Section 7.0 Infill development and the Town's *Guidelines for Infill development in Cobourg's Heritage Conservation District*.

## Appendix 1: Sources

1. H. Beldon & Co. *Illustrated Historical Atlas of the Northumberland & Durham*. Toronto, Ont.: H. Beldon & Co., 1878.
2. Local Architectural Conservancy Advisory Committee (LACAC). *The Inventory of Cobourg's Century Buildings in 8 Volumes*. 1985.
3. Northumberland County Archives. *Fire insurance plans*.
4. Mikel, Robert D. *Heritage Conservation District Study for the Town of Cobourg*. Town of Cobourg and the Cobourg Architectural conservation Advisory Committee, February-March 1991.

### Websites:

- Cobourg History website. [www.cobourghistory.ca](http://www.cobourghistory.ca)
- Ontario Land Registry. [www.onland.ca](http://www.onland.ca)

**Schedule D**

Ms. Adrienne Miller, Secretary/Treasurer  
Committee of Adjustment  
Town of Cobourg,  
55 King Street West,  
Cobourg, Ontario K9A 2M2  
Email: amiller@cobourg.ca

September 10, 2020

Re: Application for Minor Variance and  
Application for Severance  
171 Bagot Street  
Jim and Cindy Henderson  
Municipal File Nos. A-20/20 & B-03/20  
CCS Project No. 4600

Dear Members of the Committee of Adjustment,

Clark Consulting Services have recently been retained to provide planning advise to our clients Jim and Cindy Henderson with respect to the Minor Variance and Severance applications for lands located at 171 Bagot Street. In undertaking this work we reviewed the material provided by our clients including the Site Plan prepared by Andrew Smith Building Design, the Cultural Heritage Impact Assessment prepared by Branch Architecture, the planning report prepared by Rob Franklin and the correspondence submitted to the Committee by neighbours.

Based on this review we have prepared this Planning Opinion.

The Hendersons propose to sever an infill lot of 373 sq. m. with a frontage of 9.88 m leaving a retained lot of 596.5 sq. m. in area and 17.38 m in frontage. The severed lot will provide a building site for a proposed 1 ½ storey frame dwelling as illustrated on the Site Plan.

In order to assess the appropriateness of these applications and the following planning documents have been reviewed:

Provincial Policy Statement and A Place to Grow Growth Plan

As outlined in Mr. Franklin's Report these documents provide the broad provincial level policies that govern development. These policies direct municipalities and landowners to consider a range of objectives include efficiency, adequacy of infrastructure, impact on the environment and community character and facilitating intensification. It also directs that heritage resources are to be conserved.

The proposed lot will allow an additional residence in the area. There were no concerns with respect to servicing and infrastructure. The Cultural Heritage Impact Assessment concluded that with proper design the proposed residential use would not impact the heritage character of the area. On this basis I



CLARK



conclude that the proposal meets the intent and purpose of the Provincial Policy Statement and the Growth Plan.

#### Northumberland County Official Plan

The subject lands are located in the Built Boundary of the Urban Area. The Plan promotes the provision of a range of housing and residential intensification. On this basis I conclude that the proposal meets the intent of the County Official Plan.

#### Town of Cobourg Official Plan

The subject lands are designated Stable Residential Area. Development in these areas is to be reviewed on how well it maintains the structure and character of the area. A series of criteria are provided as the basis for this evaluation. They include:

*How well the development respects the height, massing and density of adjacent buildings and is appropriate for the site.*

The severed lot has a similar frontage and size to other lots in the immediate area. With the exception of lot frontage all other zoning regulations can be met and result in a building envelope which will accommodate a residential dwelling similar to other dwellings in the immediate area. This will ensure that the residential structure respects the height, massing and density of adjacent buildings.

*How well the proposed development respects the nature of the streetscape.*

The details of the design are a matter for subsequent site design and approval, however; the proposed design demonstrates how the front yard will accommodate the parking requirements while maintaining landscaping elements. The proposed building entrance will focus on the front yard in a similar manner to the other residential structures on the street including the adjacent residences.

*The relationship to abutting properties.*

The abutting properties do not have active use areas on the adjacent side yards, nor do they have extensive windows facing the proposed lot. The analysis provided by Andrew Smith Building Design illustrates that there will be limited shadowing and appropriate buffering as directed by the zoning by-law can be provided.

*Conforms to the density provisions of Section 3.4.3.3*

The density of the proposed new lot is within the medium density range permitted in the Residential designation.

*Conforms with the Cultural Heritage Preservation Policies of Section 5.5*



A detailed Cultural Heritage Impact Assessment has been conducted which concluded that *"the proposed severance allows for the preservation of the heritage house at 171 Bagot Street and provides for a new lot that is in keeping with neighbouring lot sizes and patterns. Further this change does not adversely affect the cultural heritage value and heritage attributes of the District."* It is important to note that the building proposed for this new lot will require further review including a Heritage Permit. The design of this new building will be assessed with respect to the policies in the West Heritage Conservation District with respect to infill development and the Guidelines for Infill development in Cobourg's Heritage Conservation District.

*Lot grading, drainage and stormwater can be accommodated*

This is a matter to be addressed in detailed design and will be subject to a grading and drainage plan as part of the Building Permit process. Adjacent lots of similar size have addressed lot drainage.

*Protection of Trees*

No healthy trees will be removed to accommodate the proposed residential development

*Does not hamper or prevent orderly development of adjacent properties*

This severance does not prevent development of adjacent properties. It is noted that development is permitted as a policy within this area.

*Garages are designed so that they are not the dominant feature in the streetscape*

This is a design issue to be addressed at the Heritage Review and Building Permit stage. The accommodate of automobiles was not considered during the original development of this area.

*Complies with the Town's Urban and Landscape Design Guidelines*

This is a design issue however; the applicants have illustrated how the proposed development can comply with the guidelines outlined in Section 4.5.2.

Based on the above review it is my opinion that the proposed severance and the minor variance will allow the construction of a residence of similar size to other residences in the immediate area, will not impact the adjacent residential uses and is consistent with and maintains the general intent and purpose of the Town of Cobourg Official Plan.

**Zoning By-law Considerations**

The subject lands are located in a Residential Three (R3) Zone. For purposes of the severance the zoning considerations relate to the lot area and frontage of the severed lot. Lot area proposed is 373 sq. m. which exceeds the zone requirement of 370 sq. m. The proposed lot frontage is 9.88 m which is less than the required 11 m. set out in Section 9.1.5 of the By-law. This reduction is the subject of the Minor Variance application.



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The lot frontage reduction is required in order to ensure that the side yard requirement for the retained lot complies with the minimum requirement of the zoning by-law. The side yard requirement in the Residential 3 (R3) Zone is 1.6 m. As illustrated on the Site Plan prepared by Andrew Smith Building Design this minimum side yard is met at the existing front porch of the existing building on the retained lot. The interior side yard created by the severance exceeds the minimum for the main building. In all respects the retained lot complies with the zoning requirements.

#### Minor Variance

In considering the appropriateness of a request for a minor variance, the Planning Act directs that the variance should be desirable for the appropriate development and use of the land and that the general intent and purpose of the by-law and official plan are maintained.

A review of lots in the immediate area illustrates that there are a variety of lot sizes and frontages several are similar in frontage to that proposed. Thus, in my opinion the proposed consent and the minor variance is consistent with the general character of the neighbourhood.

The Site Plan submitted by Andrew Smith Building Design illustrates that a residential building can be accommodated on the proposed infill lot in compliance with the zoning by-law in all respects except lot frontage.

#### Review of Comments

In preparing this letter I have had an opportunity to review the comments submitted in objection. The issues raised include:

##### Compatibility with adjacent houses;

The review provided in both the Cultural Heritage Impact Assessment and the Staff Report considered this and concluded that the character of the area included the accommodation of narrower lots. This is also consistent with the objective of intensification referenced in the Provincial Policy Statement, the County Official Plan and the Town's Official Plan.

There was also concern about the loss of privacy for the adjacent homes. Based on my site visit neither of these homes have substantial windows, access openings or stairs abutting the proposed lot. Sufficient side yards are maintained to allow access and the shadow study did not indicate serious overshadowing.

There were also concerns with the need to remove trees. The recent removal of the dead tree in the front yard illustrates that there would be no further tree removal required to accommodate the proposed consent.



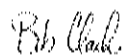
CLARK

Conclusion/Opinion

Based on my review of the above documents and my site visits it is my opinion that the proposed consent meets the subdivision criteria of the Planning Act and is consistent with the policy direction of the Provincial Policy Statement, the County and Town Official Plans and the Heritage Considerations included in Cobourg's Design Guidelines and Heritage District Guidelines.

With respect to the Minor Variance it is my opinion that the variance is minor, meets the general intent and purpose of the County and Town's Official Plan and meets the general intent and purpose of the zoning by-law. It is also my opinion that the variance is appropriate and desirable for the appropriate development of the land.


Sincerely,



Bob Clark, P.Eng., P.Ag., MCIP, RPP, OLE  
Principal Planner



## Schedule E

 <b>COBOURG</b>	<b>THE CORPORATION OF THE TOWN OF COBOURG</b>	
	<b>STAFF REPORT</b>	
TO:	Committee of Adjustment	
FROM:	Rob Franklin, MCIP, RPP	
TITLE:	Manager of Planning	
DATE OF MEETING:	September 15 <sup>th</sup> , 2020.	
TITLE / SUBJECT:	Application for Minor Variance: 425 & 425A King Street East (Mason Homes)	
REPORT DATE:	September 11 <sup>th</sup> , 2020	File #: A-04/20

## 1.0 STRATEGIC PLAN

N/A

## 2.0 RECOMMENDATION

The following actions are recommended:

**THAT** the requested minor variance to permit:

- i) a variance to the established building line provisions for the exterior side yards of the northerly townhouse units abutting King Street East for Blocks 1 and 5 (the northerly townhouse blocks) to permit exterior side yards of 2.0 m (Block 1) and 2.7 m (Block 5) to the daylighting triangle and 3.1 m to King Street East (Block 1);
- ii) a variance to the front yard setback provision of the northerly townhouse units abutting King Street East for Blocks 1 and 5 to permit front yard setbacks of 2.0 m (Block 1) and 2.7 m (Block 5) to the daylighting triangle;

- iii) a variance to the front and exterior side yard setback provisions abutting the new Orchard Avenue for the southerly townhouse unit of Block 2 (southerly townhouse block, east side of the new Orchard Avenue extension) to permit setbacks of 2.2 m (front yard) and 3.0 m (exterior side yard) to the daylighting triangle on its south property line;
- iv) a variance to the front yard setback provision abutting the new Orchard Avenue extension for Blocks 1, 2, 4 & 5 (save and except for the units denoted in ii) above) to permit a front yard setback of 4.0 m;

all for the property known municipally as 425 and 425A King Street East be granted subject to the following conditions:

1. That the Variance generally relate to the plans submitted in **Schedule "B"**.
2. 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

Section 45 (5) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, prescribes statutory notice requirements for minor variance applications. The Planning Act requires that at least ten (10) days before the day of the hearing, notice shall be given by either:

- a) personal service or ordinary service mail to every land owner within a 60 m radius of the area to which the application applies; or
- b) publication in a newspaper that is of sufficient circulation in the area which the application applies.

The statutory notice requirements of the Planning Act have been fulfilled for this application. The notice of application is also posted on the Town of Cobourg website.

#### 4.0 ORIGIN

The subject property known as 425 and 425 A King Street East is a developing residential property that is currently vacant. A Draft Plan of Subdivision was approved by Council with conditions on October 21, 2019 under file Z-03-18 SUB, 14T-18001. The subject property is approximately 1.58 ha in lot area and was approved for a maximum 27 townhouse units. See **Schedule "A"** Key Map and **Schedule "B"** Concept Plan.

The subject property is located in a Residential exception 4 Holding (R4-4[H]) Zone. This Zone requires front yard setbacks of 6m or the established building line, and exterior side yard setbacks of 6m or the established building line. Mason Homes wishes to develop the townhouses utilizing a more urban form with reduced setbacks, therefore they are seeking the following:

- a variance to the established building line provisions for the exterior side yards of the northerly townhouse units abutting King Street East for Blocks 1 and 5 (the northerly townhouse blocks) to permit exterior side yards of 2.0 m (Block 1) and 2.7 m (Block 5) to the daylighting triangle and 3.1 m to King Street East (Block 1); a variance of 4.0 m (Block 1) and 3.3 m (Block 5) respectively;
- a variance to the front yard setback provision of the northerly townhouse units abutting King Street East for Blocks 1 and 5 to permit front yard setbacks of 2.0 m (Block 1) and 2.7 m (Block 5) to the daylighting triangle; a variance of 4.0 m (Block 1) and 3.3 m (Block 5) respectively;
- a variance to the front and exterior side yard setback provisions abutting the new Orchard Avenue for the southerly townhouse unit of Block 2 (southerly townhouse block, east side of the new Orchard Avenue extension) to permit setbacks of 2.2 m (front yard) and 3.0 m (exterior side yard) to the daylighting triangle on its south property line; a variance of 3.8 m (front yard) and 2.2 m (exterior side yard) respectively; and
- a variance to the front yard setback provision abutting the new Orchard Avenue extension for Blocks 1, 2, 4 & 5 (save and



except for the units denoted in ii) above) to permit a front yard setback of 4.0 m, a variance of 2.0 m.

## 5.0 ANALYSIS

In the analysis of this application, a number of points have been reviewed:

### 1. Provincial Policy Statement (PPS) & A Place to Grow Growth Plan

The Planning Act R.S.O. 1990, c.P.13, requires that decisions of local approval authorities shall be consistent with matters of Provincial Interest in carrying out decisions on applications such as consents and/or minor variances. Items of Provincial Interest are outlined in the Provincial Policy Statement (PPS) and A Place to Grow Growth Plan and include:

- promoting efficient, cost-effective and financially sustainable development and land use patterns;
- ensuring that sufficient land is designated and approved to accommodate projected residential growth;
- ensuring that an appropriate range of housing types and densities are provided to meet the requirements of current and future residents;
- ensuring that necessary infrastructure and public service facilities are or will be available to meet projected needs;
- promoting land use patterns and densities which are transit-supportive;
- avoiding development and land use patterns which may cause environmental and/or public health and safety concerns;
- conserving significant built heritage resources;
- facilitating and promoting intensification.

Beyond the above items, Section 1.4.3 of the PPS directs municipalities to permit all forms of housing to provide an appropriate range and mix of housing types and densities – including affordable housing. Further, municipalities should permit and facilitate residential intensification and redevelopment within existing, built-up serviced areas.

The subject property is of a suitable size and configuration to support the new development without disturbing the surrounding land uses, or negatively impacting the existing use of the residential property. The neighbouring heritage resource has been examined and will be conserved during the consideration of this project (views, tree protection, etc.).

Overall, it is my opinion that the proposal reflects the provincial directive to create strong, liveable, healthy and efficient communities through efficient land use. The application will maintain and extend the established, serviced neighbourhood. In my opinion, this property is a suitable candidate for a residential intensification with more progressive, urban-oriented setbacks.

Given the above discussion it is my opinion that the proposal maintains the general intent and purpose PPS and A Place to Grow Growth Plan.

## **2. Northumberland County Official Plan**

The Official Plan for the County of Northumberland was approved by the Ontario Municipal Board on November 23, 2016 and is now in full force and effect. The purpose of this upper-tier Official Plan is to provide a policy basis for managing growth and change that will support and emphasize the County's unique character, diversity, civic identity, urban and rural lifestyles and natural and cultural heritage and to do so in a way that has the greatest positive impact on the quality of life in the County.

The subject lands are located within the Built Boundary of the Urban Area, as designated in the County Official Plan. The County OP aims to focus growth in Urban Areas, and to support the establishment of complete communities. The policies contained within the County Official Plan encourage the provision of a range of housing types to accommodate persons with diverse social and economic needs, and support opportunities for various forms of residential intensification, where appropriate.

It is my opinion that this proposal supports the policies of the Northumberland County Official Plan by providing residential intensification within the urban serviced area of the municipality.

### **3. Official Plan**

The subject property is designated Mixed Use Area in the approved Town of Cobourg Official Plan (2010). Mixed Use Area designated lands recognizes those existing commercial areas which are oriented to the service of vehicular traffic and require direct access to arterial roads. It also provides for the transition and growth of these areas adjacent to residential lands by providing for a range of additional compatible non-commercial uses to intensify and enhance the use of these areas. This includes permitting Medium and High Density residential uses subject to the policies of the Official Plan and linkages, where possible to adjacent residential areas. The following relevant elements were considered as part of this variance application:

*i) respects the scale of development with respect to the height and massing of buildings;*

The proposed development includes two-storey townhouse buildings massed in blocks along the extension of Orchard Avenue. Although different from the adjacent low-density residential area, it is a compatible intensification.

*ii) respects the nature of the streetscape as defined by such elements as landscaped areas, and the relationship between the public street, front yards and primary entrances to buildings;*

This project locates the townhouses forward to address the street and maintain adequate rear yard space. Where the development is proposed adjacent to the existing homes on Orchard Avenue, the front yard setbacks closely match those abutting.

*iii) respects the relationship between the rear wall of buildings and rear yard open spaces;*

The relationship between the rear wall of the dwellings and the rear yard open space area will be maintained with this application. There is

ample rear yard open space to accommodate an appropriate outdoor amenity area for the new residents and in many cases is being used for tree protection.

*iv) design and siting of buildings in relation to abutting properties, including an abutting land in the Residential Area designation, to ensure that there will be no significant negative impacts with respect to privacy and shadowing and appropriate buffering can be provided;*

The buildings are two-stories in height. The design provides for ample yards which will provide an appropriate buffer between the subject property and low-density residential uses to the west, east and south. Tree protection areas lie adjacent to many of the existing neighbours' lots to provide screening and buffering for them.

*v) retention of the existing street pattern, unless modifications will improve accessibility for active transportation modes; and,*

The proposal extends the public portion of Orchard Avenue, linking it from where it currently terminates to King Street East.

#### Urban and Landscape Design Guidelines

The Cobourg Urban and Landscape Design Guidelines ("the Design Guidelines") were adopted by Council in September 2010 and are now in effect. The general design policies in the current, approved OP should be read together with the Design Guidelines when evaluating development applications, including minor variance applications.

Section 4.5.2 Residential Buildings provides a general outline of principles for residential design. These principles speak to creating strong public face with attractive and animated building frontages and that automobile storage should be subordinate to the house façade. Also the mass, scale and architectural elements should be sensitive to adjoining areas.

Section 4.5.2.4 Residential Setbacks identifies a minimum 3 m front yard which has been implemented in New Urbanism-style developments in Cobourg. Unfortunately, this change of direction is not yet incorporated into the general Zoning By-law but only site specific

amendments for certain neighbourhoods. The proposed minor variances for the subject site are intended to be more consistent with these modern urban setback guidelines.

Based on the above discussion, it is my opinion that the proposal would maintain the intent of the Town's Urban and Landscape Design Guidelines. These items were reviewed in detail with the subdivision draft approval in 2019 (file Z-03-18 SUB, 14T-0001). No rezoning was required, however minor variances were recommended to address with these specific setback compliance issues.

#### **4. Zoning By-law**

The subject property is located in a Residential Four exception 4 (R4-4) Zone. The R4 Zone permits semi-detached and town house dwellings along with low-rise residential buildings. The R4 Zone requires a front yard which meets the Established Building Line or 6 m, and an exterior side yard which meets the Established Building Line or 6 m. A minimum 7m rear yard is required for a townhouse building.

The subject property was comprehensively designed for the new townhouse infill project. Articulation of the new Orchard Avenue extension and the townhouse dwellings themselves has been incorporated. However, they are located tight to the bend in the new road once a sight triangle is integrated into the street layout. The same issue arises at the new King Street intersection (both shown as red circles on Schedule B) once a daylighting (sight) triangle is implemented. This impacts the end units on King Street and the end unit at the bend in Orchard Avenue for front and exterior side yards.

The existing building line (front yard setback) on King Street East abutting the subject site is quite varied and reflective of the eras in which they were constructed. The existing heritage home to the east is set back approx. 43 m from the front property line, and the other abutting buildings are set at approx. 20 m. Accordingly, the established building line along this frontage would be approx. 26 m from King Street. Meeting this setback would be cumbersome and difficult to implement in an infill subdivision and does not align with the Town's urban design objectives of bringing buildings closer to the street to better frame and define the public realm.

The proposed variances satisfy the Town's community and urban design objectives while maintaining a reasonable level of compatibility with the surrounding neighbourhood. Adequate rear yard open spaces and area for tree protection and re-planting are being provided.

Given the above discussion, it is my opinion that the proposal as discussed in the report, maintains the general intent and purpose of the Zoning By-law.

#### **5. Minor/Desirable**

It is important to note that the determination of "minor" in the context of a variance application such as this, is not a numeric exercise. The requested variances are assessed individually with respect to potential impact on surrounding land uses, and evaluated comprehensively with consideration to the overall proposed development.

Although this is a new infill development, it extends the public street and protects the locally important Molly Baker Lane (walkway). Rather than force larger low-rise buildings into the lot, a series of townhouses were proposed. To implement urban design guidelines for streetscape and protect the rear buffering trees, these townhouses were shifted forward on the lots. This is a commendable design principle. Implementing sight triangles at the bend in the road and at the intersection with King Street for driver and pedestrian safety brought the front yard areas into further conflict with our older zoning regulations.

It is my opinion that the proposed townhouses are desirable for the development of the subject property, and does not conflict either the Province's or County's policy direction to include more diversity in housing types.

Based on the above discussion, it is my opinion that the proposed variances, as discussed in this report, are minor. The proposed variances to the front yard and exterior side yard setbacks would be desirable given that it would satisfy the Town's urban design objectives, would maintain appropriate sightlines, and would provide

adequate buffers for the purposes of compatibility, amenity space and tree protection.

6. The requested minor variance does not appear to create a traffic hazard or perpetuate an existing traffic problem.

7. The requested minor variances do not appear to be impacted by any natural hazards being the floodplain of Brook Creek although a portion of the site is regulated by GRCA.

8. The requested minor variance does not appear to pose a negative impact to surrounding land uses.

As of the writing of this Report, no further Department or Agency comments have been received. The Committee of Adjustment will be informed of any comments submitted on or before the meeting date.

#### 6.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

There are no new anticipated negative financial implications imposed on the Municipality as a result of these minor variances. The applicant submitted the required \$1,800.00 application fee and deposit.

#### 7.0 CONCLUSION

1. The proposed minor variances do 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 variances would maintain the general intent and purpose of the County and Cobourg Official Plans.
3. The proposed minor variances would maintain the general intent and purpose of the Zoning By-law.
4. The proposed minor variances would be generally desirable and allow for the appropriate development of the subject lands.
5. The proposed variances would be considered minor.

#### **Suggested Conditions, if approved:**

1. That the Variances relate to the Concept Plan as shown on **Schedule "B"**.

2. 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 policies.

#### 9.0 COMMUNICATION RESULTS

That the request for minor variances on lands known municipally as 425 and 425A King Street West, be granted by the Committee of Adjustment.

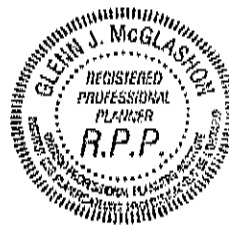
#### **Report Prepared by:**



#### **Report Approved by:**

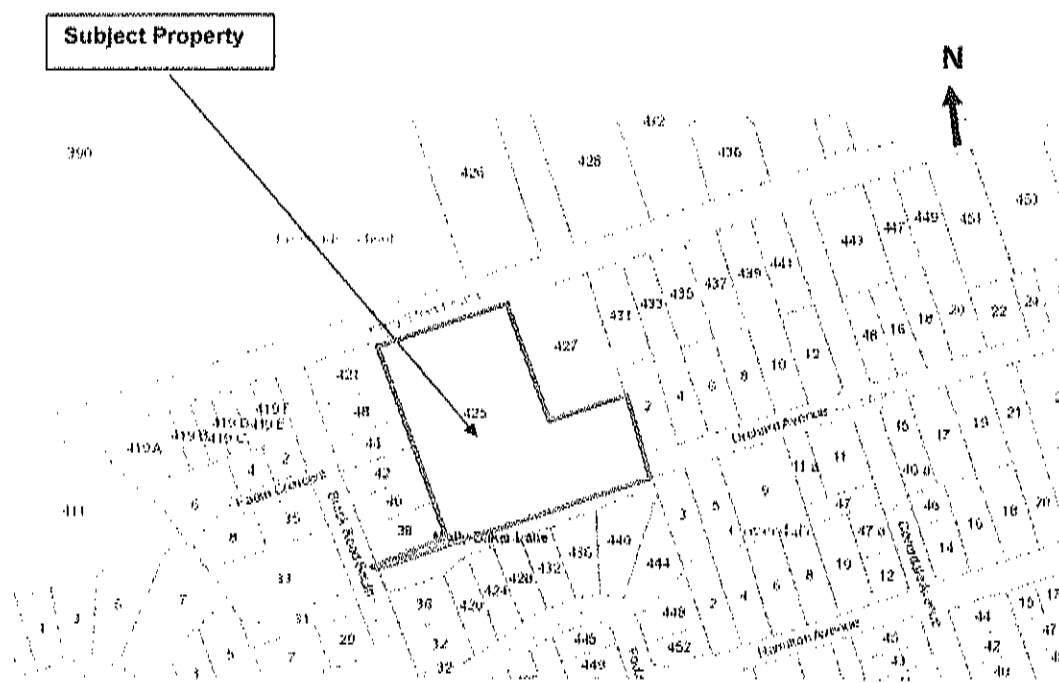
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Glenn J. McGlashon, MCIP, RPP  
Director of Planning & Development

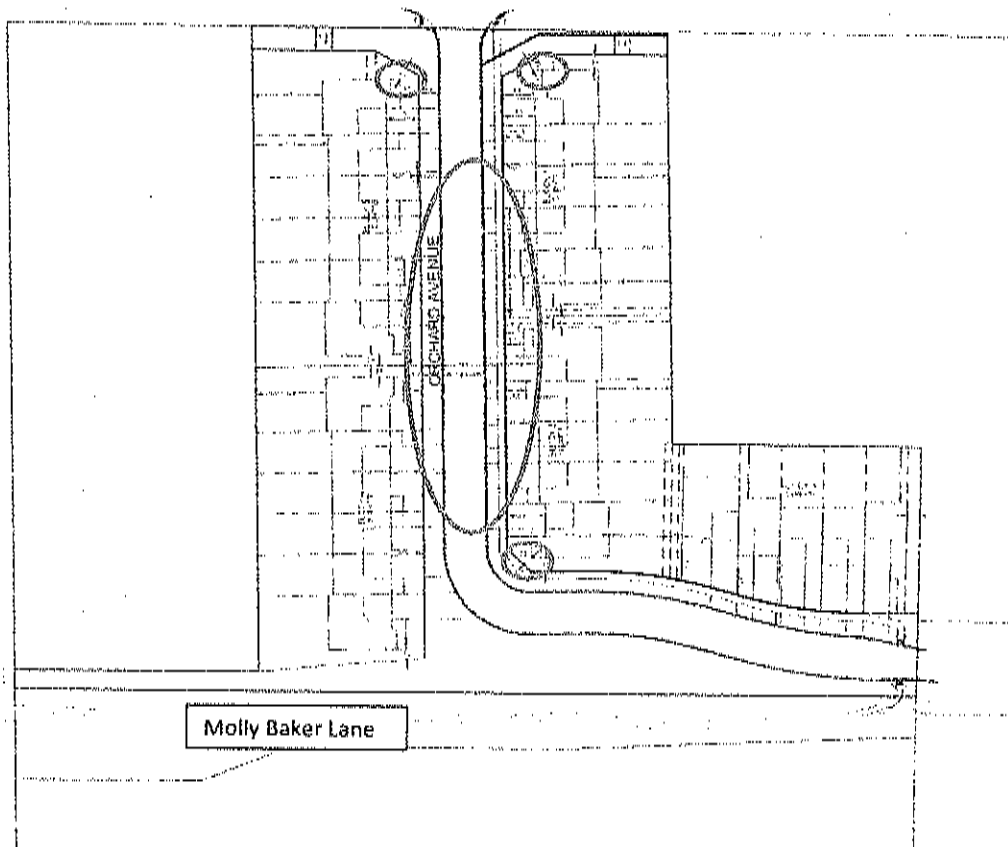





### Schedule "A" Key Map



**Schedule "B"**  
**Concept Plan**



 <b>COBOURG</b>	<b>THE CORPORATION OF THE TOWN OF COBOURG</b>	
	<b>STAFF REPORT 2</b> <b>Follow-up Memo</b>	
TO:	Committee of Adjustment	
FROM:	Rob Franklin, MCIP, RPP	
TITLE:	Manager of Planning	
DATE OF MEETING:	September 15 <sup>th</sup> , 2020.	
TITLE / SUBJECT:	Application for Minor Variance, and: Application for Severance: 171 Bagot Street (Jim and Cindy Henderson)	
REPORT DATE:	September 11 <sup>th</sup> , 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 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 9.88m frontage and 373m<sup>2</sup> 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 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<sup>th</sup> 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 has undertaken reasonable steps to ensure that neighbours have been consulted on the proposal and has requested that the matter return to the Committee for a decision. As there is no change to the applications, formal notice of the follow-up Committee meeting is not required under the Planning Act, however notification will be sent to those on record who attended the July 28<sup>th</sup> Committee meeting.

The statutory notice requirements of the Planning Act have been fulfilled for this application. The application will be posted on the Town of Cobourg website in the Committee of Adjustment meeting Agenda.

### 4.0 ORIGIN

Further to the July 28<sup>th</sup> deferral, new information relating to the intended design has been submitted by the applicant with no overall change to the requested Minor Variance or Severance.

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 373m<sup>2</sup> 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 11m 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 has provided an overview of public comments and objections raised at the Hearing on July 28<sup>th</sup> and included new information submitted by the applicant, as outlined below:

- Concept Plan (**Schedule A**);
- Shadow Study (**Schedule B**);
- Concept Streetscape Design Elevation (**Schedule C**);
- Planning Opinion Letter (**Appendix I**)

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

*i) any infill would be 'squeezed' as the west side of this block of Bagot Street is different in scale/symmetry and a new project needs to respect the height and massing of adjacent buildings to be appropriate for the site;*

The proposed infill lot is smaller than the directly adjacent lots, however this does not preclude it from fitting into the neighbourhood.

An analysis of a number of lots in the general vicinity (150 m – 200 m radius, or approx. two-block area of the subject property (shown previously) was undertaken to determine 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. Within the immediate street context, the spacing of houses on the east side of Bagot Street is consistent and uniform, however the west side is variable and its context/symmetry is different. 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), concluded 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. The proposed house is a 1 ½ storey, heritage-inspired design (refer to **Schedule C**) and would appear to be compatible in terms of scale and massing. Further review

of the proposed house design and a Heritage Permit will be required in accordance with the West District Heritage Conservation District (HCD) Plan.

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) streetscape/front yard and primary entrances to buildings;*

The proposed building with front yard setback and primary entrances are now shown on **Schedule A** and can be evaluated. The established front yard is being used for the new porch and front face of the building. It appears compatible with the adjacent houses. Front yard setbacks throughout the neighbourhood and HCD are varied and exhibit a distinguishable trait versus more suburban neighbourhoods.

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

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 and minimize its impact on the street. Existing driveways in the neighbourhood are comprised of diverse shapes and sizes, with some located within side yards and others in front yards. The proposed design would not appear to detract from existing heritage homes in the area.

*iv) siting of building will impact 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 house at 171 Bagot would be over 4 m. There appears to be sufficient spatial separation between the proposed development and adjacent dwellings. The Shadow Study (**Schedule B**) demonstrates that there should not be any significant impacts associated with shadowing.

*v) tree protection and removal of shade trees;*

The proposal for a new infill lot would require some trees and vegetation to be removed (the apple tree on the north side of the lot, centre of the proposed severance) has already been removed, however the majority of the shade trees to the west and north-west would remain. Tree re-planting will be required as part of conditions of the Severance Agreement (as recommended).

*vi) The Variance is not Minor;*

As previously noted it is important to note that the determination of "minor" in the context of a variance application such as this, is not a numeric exercise. The requested variances are assessed individually with respect to potential impact on surrounding land uses, and evaluated comprehensively with consideration to the overall proposed development. Contrary to one of the objection/concern letters, 10% reduction to any zoning requirement is not the definition of minor. Based on my review, it is my opinion that the proposed frontage reduction of 1.12 m is not a substantial variation and the resulting lot frontage would not be out of character or scale with other lots within the general neighbourhood or HCD. Thus, the proposed variance would allow for the appropriate and desirable use and development of the land.

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

The West Heritage District Guidelines (West HCD) Section 7.1 have specific criteria for new construction 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. Maintaining the height and rhythm of the existing streetscape is needed to unify the District with no blank facades. 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.

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. 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.

Based on all the above discussion and information in my previous Planning Report (July 24, 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 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 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:**



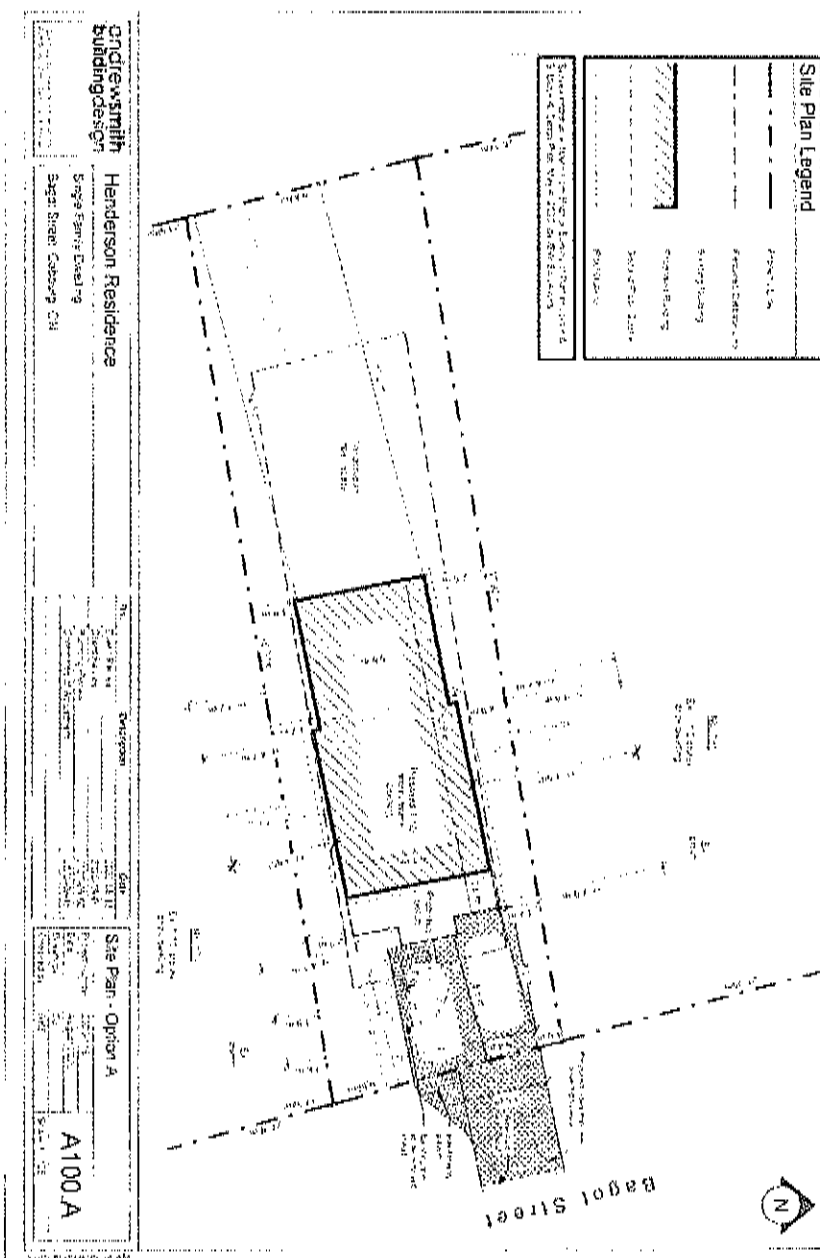
**Report Approved by:**

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

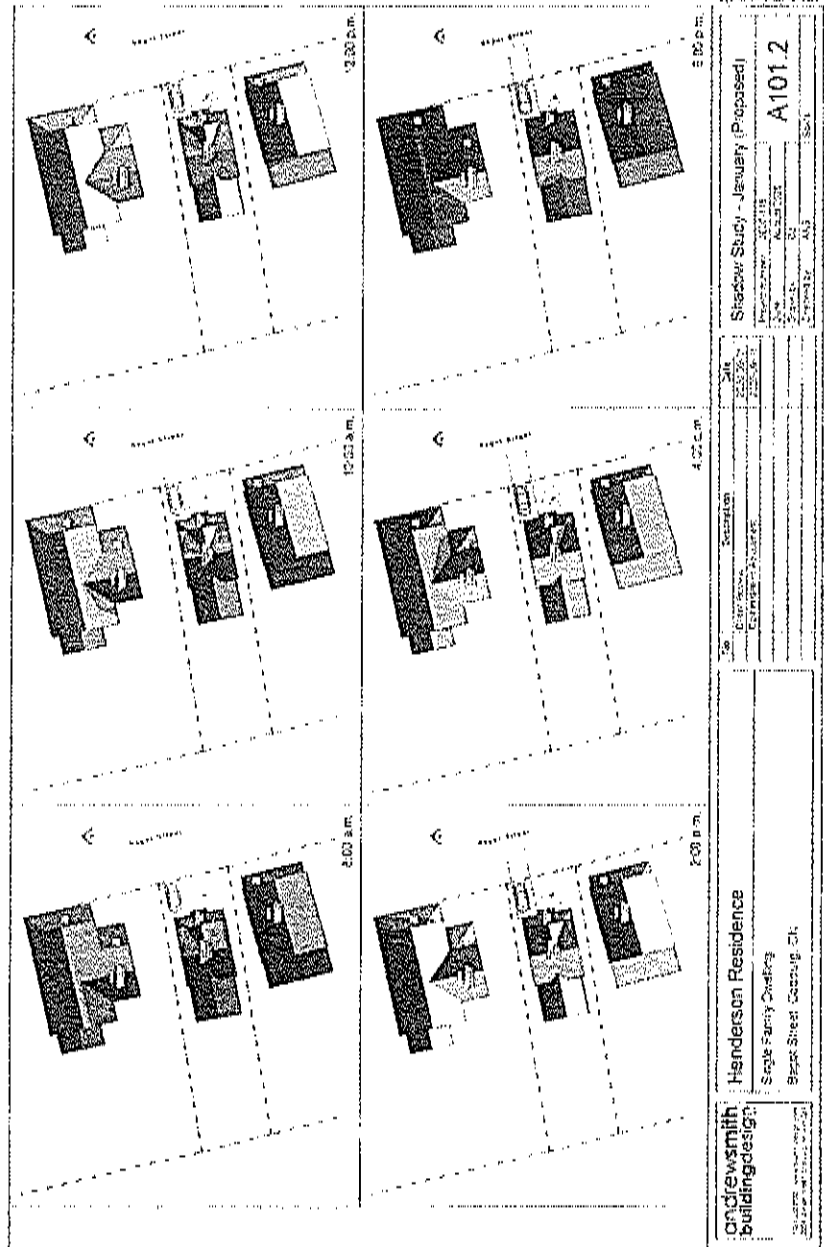



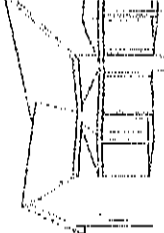
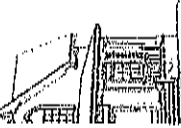
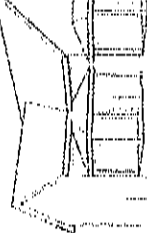
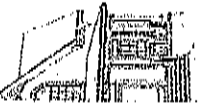
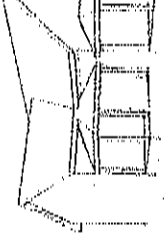

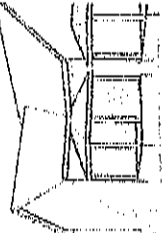

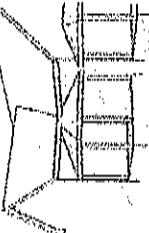
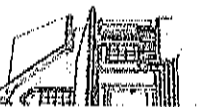
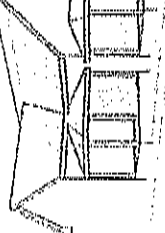
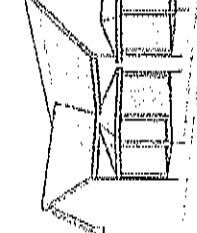
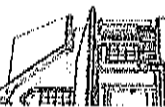

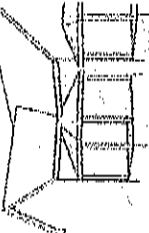
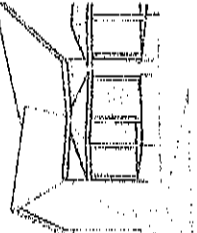

**Schedule "A" Revised Concept Plan**



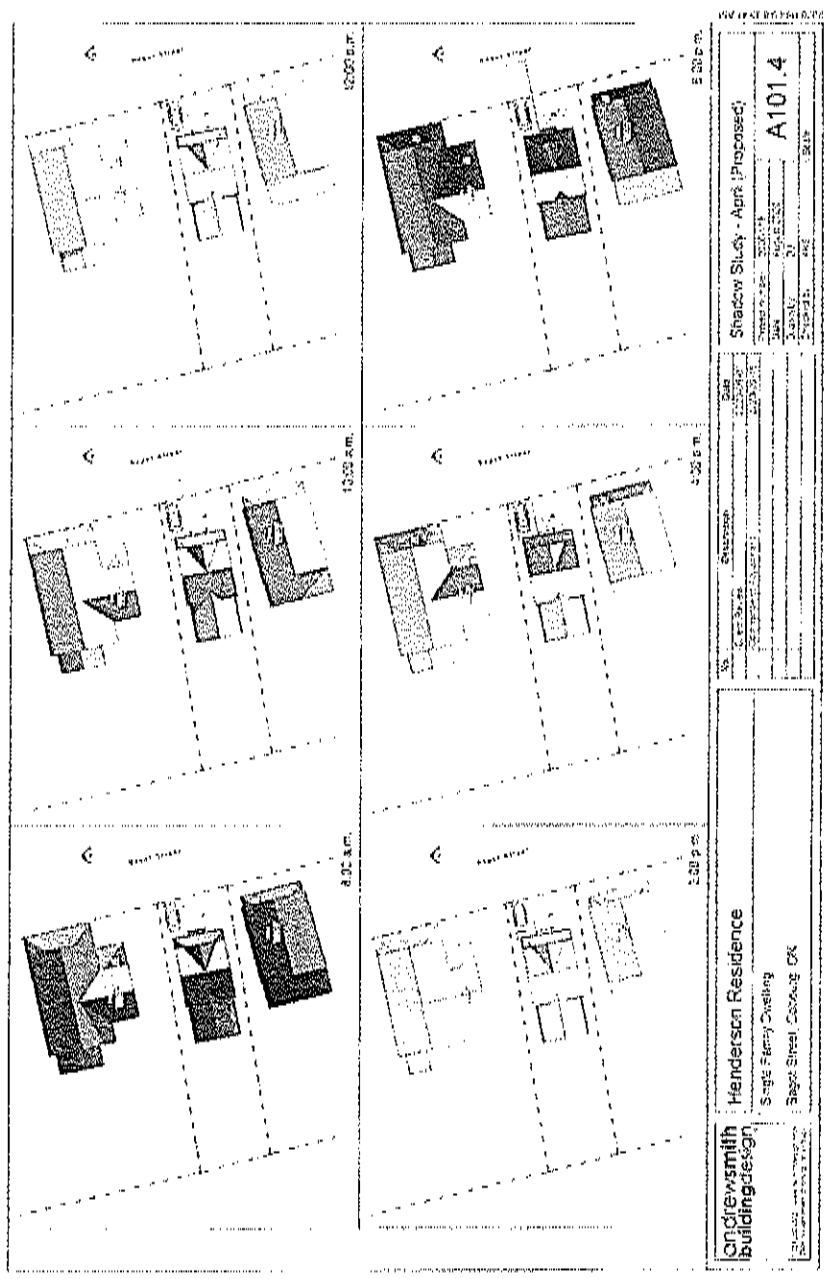
# **Schedule "B"** **Shadow Study**

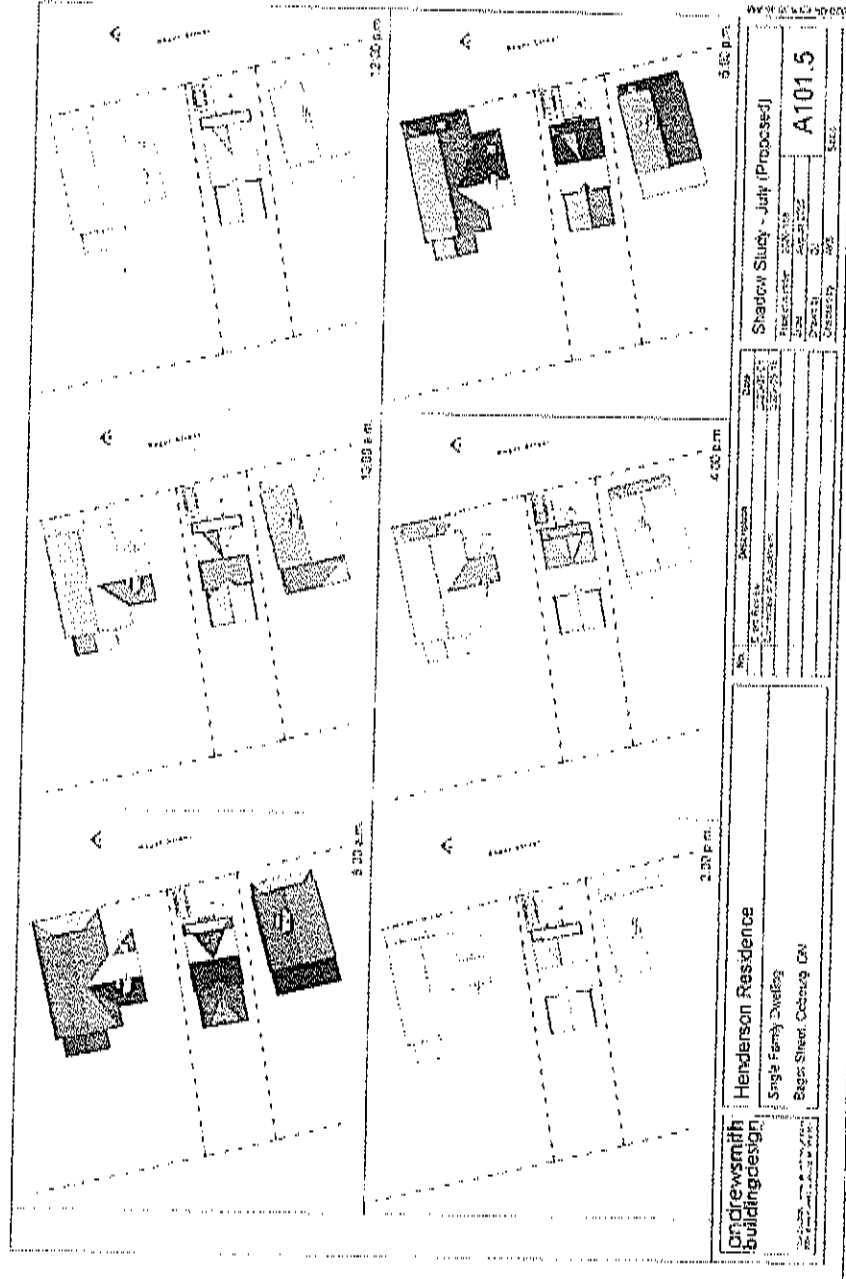


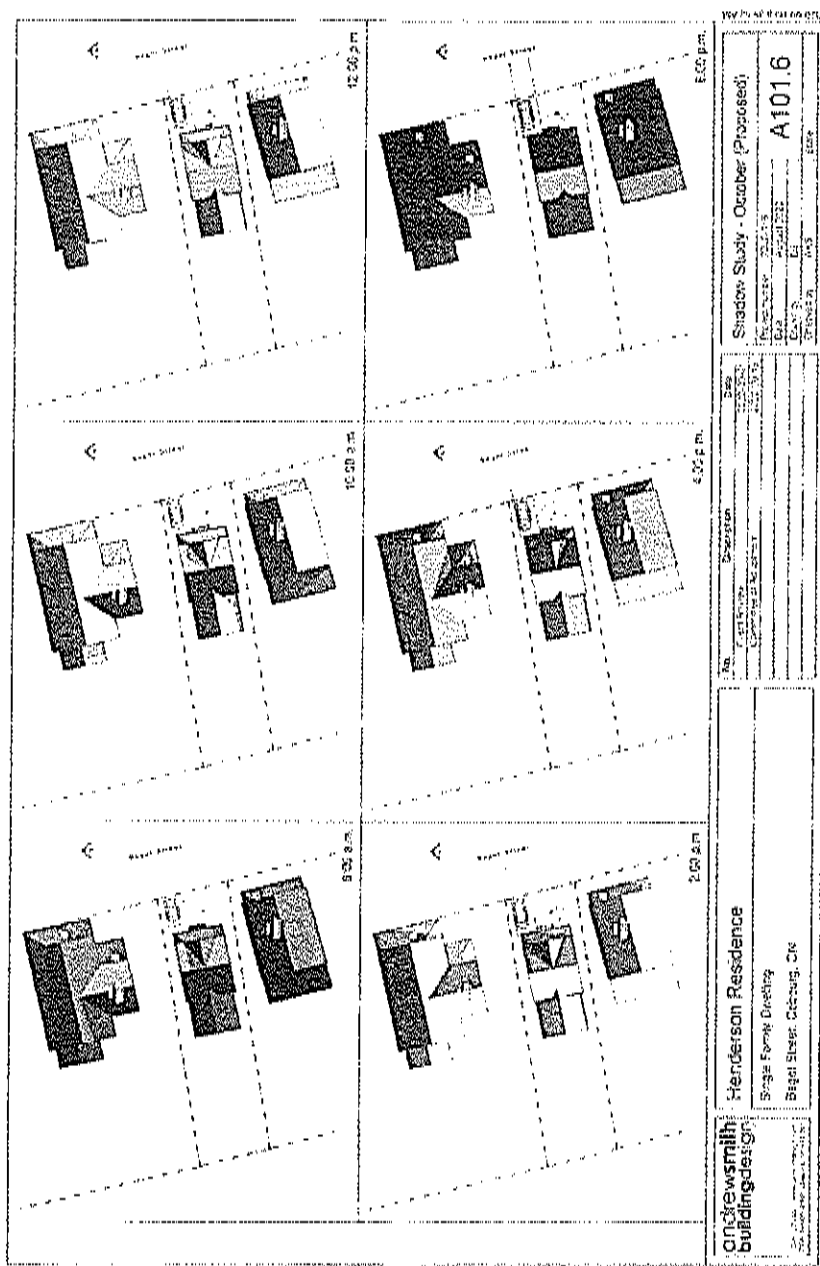


											
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<b>Andrew Smith</b> building design		<b>Henderson Residence</b> Single Family Dwelling 8400 Street, Colorado, CO		No. _____ Elev. _____ Orientation _____ Date _____ Drawn by _____ Checked by _____ Project _____ Scale _____		Shadow Study - January (Processed 3D) Date _____ Drawn by _____ Checked by _____ Project _____ Scale _____		<b>A1013</b>	
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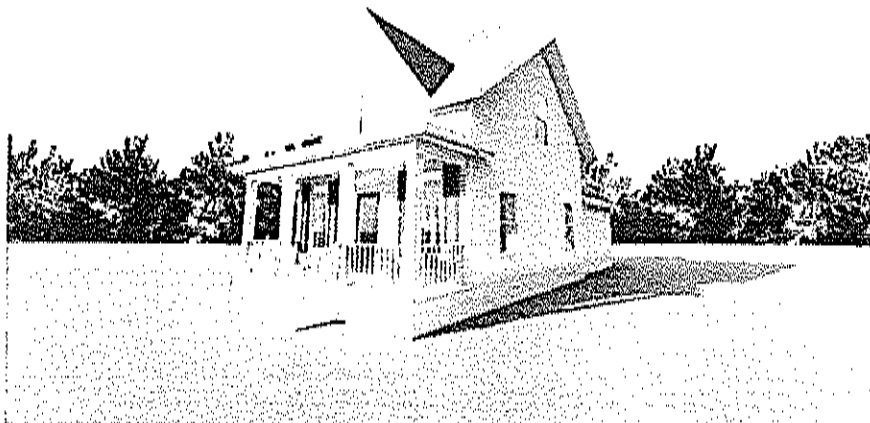
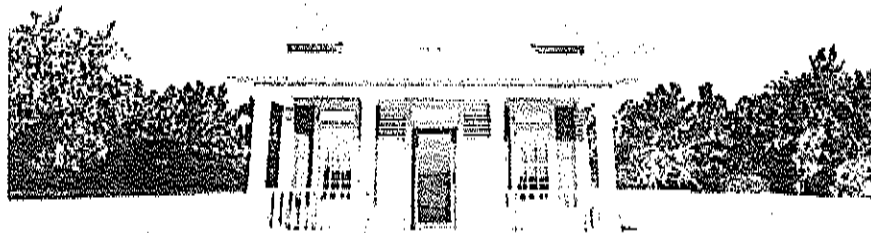






Schedule "C"  
Street view-revised





## Schedule F

 <b>COBOURG</b>	<b>THE CORPORATION OF THE TOWN OF COBOURG</b>	
	<b>STAFF REPORT</b>	
TO:	Committee of Adjustment	
FROM: TITLE:	Rob Franklin, MCIP, RPP Manager of Planning	
DATE OF MEETING:	July 28 <sup>th</sup> , 2020.	
TITLE / SUBJECT:	Application for Minor Variance, and:  Application for Severance: 171 Bagot Street (Jim and Catherine Henderson)	
REPORT DATE:	July 23 <sup>rd</sup> , 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 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 "B"**.
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 9.88m frontage and 373m<sup>2</sup> 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 including heritage design following approved guidelines, urban design and landscaping including 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.

### PUBLIC ENGAGEMENT

#### 3.0

Section 45 (5) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, prescribes statutory notice requirements for consent and minor variance applications. The Planning Act requires that at least fourteen (14) days notice for a consent and ten (10) days notice for a minor variance be given before the day of the hearing, notice shall be given by either:

a) personal service or ordinary service mail to every land owner within a 60 m radius of the area to which the application applies; or

b) publication in a newspaper that is of sufficient circulation in the area which the application applies.

The statutory notice requirements of the Planning Act have been fulfilled for this application. The notice of application is also posted on the Town of Cobourg website.

#### 4.0 ORIGIN

The subject property known as 171 Bagot Street is an established residential property, improved with a two-storey single-unit residential dwelling. The subject property is approximately 27.26 m (89.4 ft) in frontage, and approximately 969.5 m<sup>2</sup> (3,180 ft<sup>2</sup>) in lot area. See **Schedule "A"** Key Map.

The subject property is located in a Residential Three (R3) Zone, and presently, the R3 Zone requires an 11m 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.

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 373m<sup>2</sup> in area with 9.88 m frontage on Bagot Street.

## 5.0 ANALYSIS

In the analysis of this application, a number of points have been reviewed:

### **1. Provincial Policy Statement (PPS) & A Place to Grow Growth Plan**

The Planning Act R.S.O. 1990, c.P.13, requires that decisions of local approval authorities shall be consistent with matters of Provincial Interest in carrying out decisions on applications such as consents and/or minor variances. Items of Provincial Interest are outlined in the Provincial Policy Statement (PPS) and A Place to Grow Growth Plan and include:

- promoting efficient, cost-effective and financially sustainable development and land use patterns;
- ensuring that sufficient land is designated and approved to accommodate projected residential growth;
- ensuring that an appropriate range of housing types and densities are provided to meet the requirements of current and future residents;
- ensuring that necessary infrastructure and public service facilities are or will be available to meet projected needs;
- promoting land use patterns and densities which are transit-supportive;
- avoiding development and land use patterns which may cause environmental and/or public health and safety concerns;
- conserving significant built heritage resources;
- facilitating and promoting intensification.

Beyond the above items, Section 1.4.3 of the PPS directs municipalities to permit all forms of housing to provide an appropriate range and mix of housing types and densities – including affordable housing. Further, municipalities should permit and facilitate residential intensification and redevelopment within existing, built-up serviced areas. However, it is not development at all costs, Section 2.3.1 requires that significant heritage resources shall be conserved. The subject lands are located within the West Heritage Conservation District. As part of the pre-consultation for this application, a Cultural Heritage Impact Analysis (CHIA) was conducted and submitted by Branch Architecture and included as **Appendix 1**. Section 4 of that report identifies the Conservation Strategy for the lot analyzing the West HCD Plan, Guidelines for Infill Development in Cobourg's Heritage Conservation Districts, and the Ontario Heritage Tool Kit. It concludes that the proposed severance allows for the preservation of the heritage house at 1741 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 proposal will create a new infill lot, although narrow is of a suitable size and configuration to support a modest new house without disturbing the surrounding land

uses, or negatively impacting the existing use of the residential property. It will also conserve the existing heritage home at 171 Bagot Street.

Overall, it is my opinion that the proposal reflects the provincial directive to create strong, liveable, healthy and efficient communities through efficient land use. The application will maintain the character of the established, heritage neighbourhood. In my opinion, this property is a suitable candidate for a minor residential intensification.

Given the above discussion it is my opinion that the proposal maintains the general intent and purpose PPS and A Place to Grow Growth Plan.

## **2. Northumberland County Official Plan**

The Official Plan for the County of Northumberland was approved by the Ontario Municipal Board on November 23, 2016 and is now in full force and effect. The purpose of this upper-tier Official Plan is to provide a policy basis for managing growth and change that will support and emphasize the County's unique character, diversity, civic identity, urban and rural lifestyles and natural and cultural heritage and to do so in a way that has the greatest positive impact on the quality of life in the County.

The subject lands are located within the Built Boundary of the Urban Area, as designated in the County Official Plan. The County OP aims to focus growth in Urban Areas, and to support the establishment of complete communities. The policies contained within the County Official Plan encourage the provision of a range of housing types to accommodate persons with diverse social and economic needs, and support opportunities for various forms of residential intensification, where appropriate.

It is my opinion that this proposal supports the policies of the Northumberland County Official Plan by providing residential intensification within the urban serviced area of the municipality.

## **3. Official Plan**

The subject property is designated Stable Residential Area in the approved Town of Cobourg Official Plan (2010). Applications for new development in such areas are to be evaluated based on their ability to generally maintain the structure and character of the surrounding area. The land use policies of the Stable Residential Area designation provide a number of elements that new development applications should be evaluated on. The following elements were considered as part of this variance application:

*i) scale of development respects the height, massing and density of adjacent buildings and is appropriate for the site;*

The proposed infill lot will be situated to the north of the existing heritage building. It would be required to be setback from the street in line with other buildings on the street. Height and massing would be a requirement of any future design via an updated CHIA and/or

architectural plans prepared by a qualified heritage architect/designer, and be reviewed by the Cobourg Heritage Advisory Committee and Council as part of a Heritage Permit process.

*ii) respects the nature of the streetscape as defined by such elements as landscaped areas, and the relationship between the public street, front yards and primary entrances to buildings;*

Front yard setback and primary entrances would be part of any future design and approval.

*iii) respects the relationship between the rear wall of buildings and rear yard open spaces;*

The relationship between the rear wall of any new dwelling and the rear yard open space area will be part of any future design and approval. The proposed building will need to comply with the rear yard setback requirements of the R3 Zone.

*iv) siting of building in relation to abutting properties ensures that there will be no significant negative impacts with respect to privacy and shadowing and appropriate buffering can be provided.*

There is no current design for a new building – this will be subject to further review as part of the Heritage Permit approval process. An updated CHIA and/or detailed architectural plans will be required as part of this process. Although a narrow lot, there are other examples in this neighbourhood of similar-sized or smaller lots that appear to be compatible with the neighbourhood. See **Schedule “C”** Air Photo and discussion below.

*v) conforms with density provisions of Section 3.4.3.3;*

The proposal for a new infill lot would be 26.8 units per hectare, within the range of medium density permitted in the Residential Area designation.

*viii) Town is satisfied with the proposed grading, drainage and storm water management and, in particular that there is no impact on adjacent properties;*

The new infill lot would be required to submit a grading and drainage plan for approval by Cobourg Public Works as part of its Building Permit should it be approved.

*xiii) does not hamper or prevent the orderly development of adjacent properties;*

This application will not hamper or prevent the orderly development of adjacent properties.

*xiv) garages are designed so that they are not the dominant feature in the streetscape.*



Any proposed garage would be reviewed to ensure it is not dominant on the street. It is anticipated that a driveway will service the new lot with surface parking.

*xvi) is in accordance with the Town's Urban and Landscape Design Guidelines*

Further discussion on the Urban and Landscape Design Guidelines is included below.

Therefore, it is my opinion that the proposal as shown in the Schedules attached hereto maintains the general intent and purpose of the Official Plan.

The proposal to reduce the required frontage of a new infill lot and sever said lot will also need to conform with the West Heritage Conservation District policies and guidelines as described in Section 5.5 of the Official Plan. See below discussion.

#### Urban and Landscape Design Guidelines

The Cobourg Urban and Landscape Design Guidelines ("the Design Guidelines") were adopted by Council in September 2010 and are now in effect. The general design policies in the current, approved OP should be read together with the Design Guidelines when evaluating development applications, including minor variance and consent applications.

Section 4.5.2 Residential Buildings provides a general outline of principles for residential design. These principles speak to creating strong public face with attractive and animated building frontages that incorporate large windows and front porches, and also ensuring creative, high quality and diverse design that is context sensitive. Also the mass, scale and architectural elements should be sensitive to adjoining areas.

Based on the above discussion, it is my opinion that the proposal would maintain the intent of the Town's Urban and Landscape Design Guidelines.

#### West Heritage Conservation District Guidelines

The West Heritage District Guidelines (West HCD) Section 7.1 have specific criteria for new construction requiring that it be compatible with the heritage character and attributes of adjacent heritage properties and the cultural heritage values of the District. This will require the review of the lot pattern, height, massing, setback, building scale, roof pitch and exterior materials. Maintaining the height and rhythm of the existing streetscape are needed to unify the District with no blank facades. Without a design concept, at this point of the process, we can only look at the pattern of lots. The Statement of District Significance and List of Heritage Attributes in Sections 2.2 and 2.3 were reviewed noting that lot sizes vary. More detail is below on lot sizes.

The Cultural Heritage Impact Analysis (CHIA) by Branch Architecture attached as **Appendix 1**, was reviewed in support of this application. As noted above, Section 4 of that report identifies the Conservation Strategy for the lot analyzing the West HCD Plan, Guidelines for Infill Development in Cobourg's Heritage Conservation Districts, and the

Ontario Heritage Tool Kit. It concludes that the proposed severance allows for the preservation of the heritage house at 1741 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.

With the driveway located on the south side of the existing home at 171 Bagot Street, the north side yard is not being used currently other than by a declining apple tree. There is no garage or coach house there. The home to the north at 181 Bagot Street is a corner lot with its access from Albert Street and a detached garage in its rear yard. The estate house to the south at 163 Bagot Street, occupies a large landholding and does not appear to be adversely impacted by the proposal. It is my opinion that the land to the north of 171 Bagot Street is not required to maintain the character of the house and can accommodate a modest house which is compatible with its surroundings and in conformance with the policies of the West HCD.

#### **4. Zoning By-law**

The subject property is located in a Residential Three (R3) Zone. The R3 Zone permits single-unit and two-unit dwellings including semi-detached and duplex or converted dwellings, public and accessory uses. The R3 Zone also requires an 11m frontage for any new lot. I believe the intent of the R3 frontage requirement is to provide sufficient room for a reasonably-sized residence and parking area. The proposed lot would have a frontage of 9.88 m and a full depth of 37.92 m resulting in a lot area of 373m<sup>2</sup>. It also maintains a 1.6m setback from the front corner of the existing historic residence, in compliance with the R3 Zone requirements. The retained lot with the occupied dwelling would have a 17.38m frontage and a lot area of 596.5m<sup>2</sup>. A new dwelling on the severed lot will need to comply with the R3 Zone provisions (front yard, side yards, rear yard, coverage, etc.).

Given the above discussion, it is my opinion that the proposal as discussed in the report, maintains the general intent and purpose of the Zoning By-law.

#### **5. Minor/Desirable**

It is important to note that the determination of "minor" in the context of a variance application such as this, is not a numeric exercise. The requested variances are assessed individually with respect to potential impact on surrounding land uses, and evaluated comprehensively with consideration to the overall proposed development.

An analysis of a number of lots in the general vicinity (150 m – 200 m radius, or approx. two block area) of the subject property was undertaken to determine 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.

Thus, the neighbourhood characteristics in this case are, in my opinion, supportive of the proposed lot frontage and severance of an infill lot from the subject property. In my opinion, when observing the size, context and location of the subject property relative to the surrounding neighbourhood, the property characteristics support the proposed lot.

Based on the above discussion, it is my opinion that the proposed variance, as discussed in this report, is minor. 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.

#### **6. Section 51(24) of the Planning Act**

The subdivision criteria of Section 51 (24) of the Planning Act provides criteria to be considered when evaluating the subdivision of land. Provincial Interest, the potential of whether an application is premature or in the public interest, the suitability of the land for development, affordable housing, adequacy of services including transportation links for the property, the dimensions and shape of a lot, protection of natural resources, etc. are all items to be reviewed when commenting on a severance application. It is my opinion that the application to sever a new infill residential lot at 171 Bagot does not conflict with any of these items.

7. The requested minor variance and consent do not appear to create a traffic hazard or perpetuate an existing traffic problem.

8. The requested minor variance and consent do not appear to be impacted by any natural hazards.

9. The requested minor variance and consent do not appear to pose a negative impact to surrounding land uses.

The Cobourg Heritage Advisory Committee offered a number of comments included as **Appendix 2**. The Cobourg Engineering Department requires that any new lot have its own independent services; that a lot grading plan will be required for the new lot and; that at the completion of construction a Grading Certificate be provided.

The Committee of Adjustment will be informed of any further Department or Agency comments that have been received or any Public comments submitted on or before the meeting date.

## 6.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

There are no new anticipated negative financial implications imposed on the Municipality as a result of these minor variances. The applicant submitted the required \$1,750.00 application fee and deposit.

## 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 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 relate to the Concept Plan as shown on **Schedule "B"**.
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 servicing, grading, driveway and access, heritage conservation including heritage design following approved guidelines, urban design and landscaping including 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.
3. All conditions are subject to the specifications and approval of the Town of Cobourg, but at no cost to the Municipality.

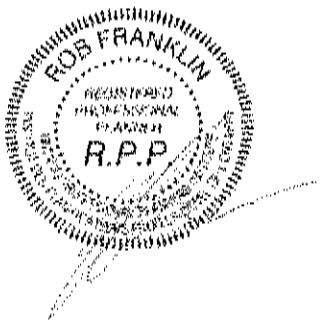
8.0 POLICIES AFFECTING THE PROPOSAL

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.

**Approved by:**

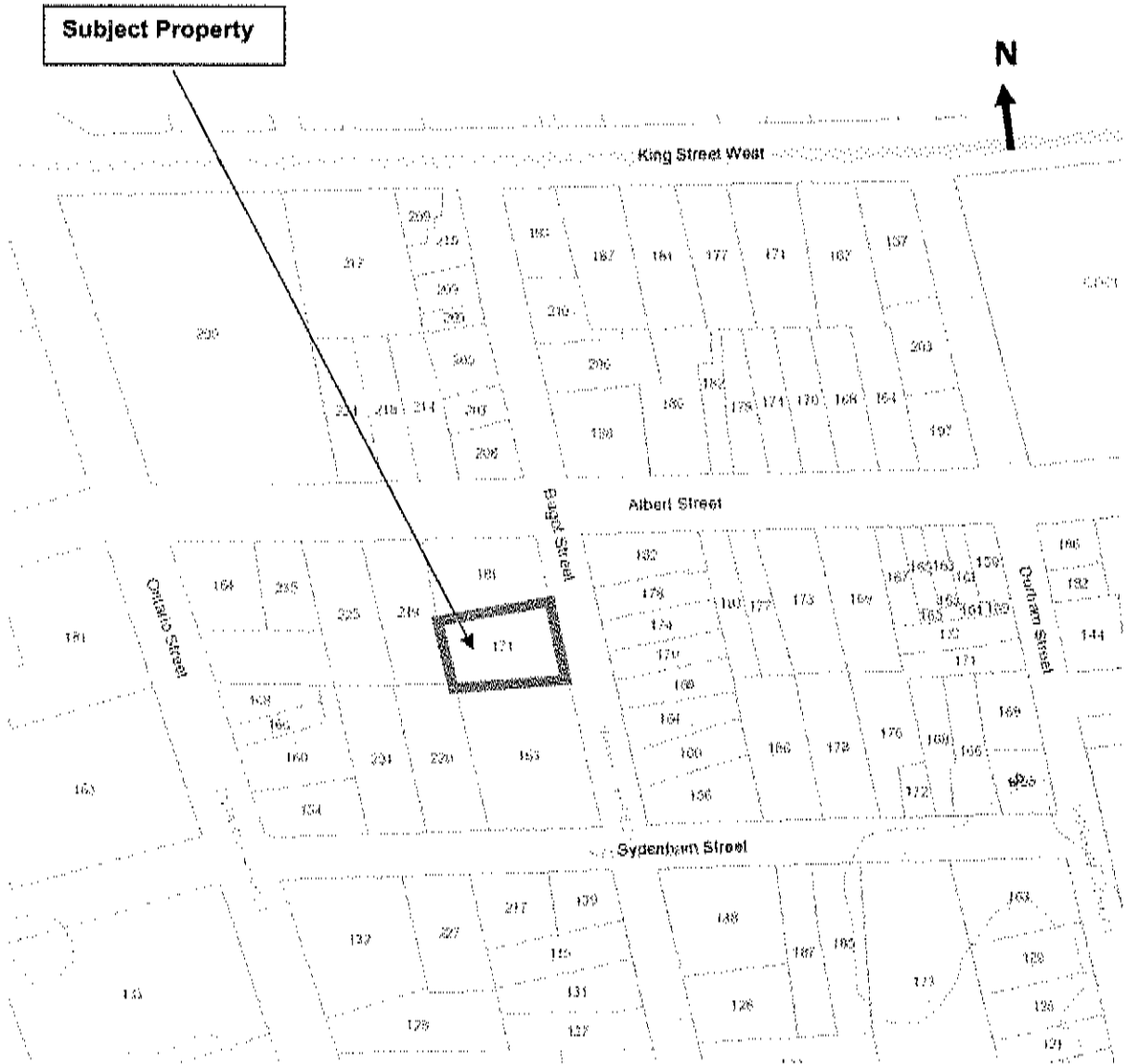


A handwritten signature in cursive script, reading "Glenn J. McGlashon".

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



### Schedule "A" Key Map



LOT 10  
PART 1, PLAN 398-2-209  
REV. 05/03 - 05/08

LOT 23

LOT 22

ALBERT STREET

BAGOT STREET

BLOCK 6 PART 2 CADDY PLAN

LOT 6

LOT 7

LOT 8

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Schedule "C"  
Air Photo





**Schedule "D"**  
**Lot Area Plan**

**Subject Property**

