

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT	
TO:	Committee of Adjustment	
FROM: TITLE:	Rob Franklin, MCIP, RPP Manager of Planning	
DATE OF MEETING:	November 17 th , 2020.	
TITLE / SUBJECT:	Application for Minor Variance, and: Application for Severance: 105 Havelock Street (2471366 Ontario Inc.)	
REPORT DATE:	November 13 th , 2020	File #: A-05/20 B-06/20

1.0 CORPORATE STRATEGIC PLAN OBJECTIVES

N/A

2.0 RECOMMENDATION

The following actions are recommended:

THAT the requested minor variances on the **Severed Lands**: to reduce the lot area from 370 m² to 367 m²; to increase the maximum permitted lot coverage from 40% to 45% and; to decrease the required exterior side yard setback from 6.0 m to 4.5 m where there is no established side yard; and,

FURTHER THAT the requested minor variances on the **Retained Lands** to increase the lot coverage from 40% to 50% and to recognize the existing detached accessory building setback of 0.6 m (a reduction of 0.4 m from the required 1.0 m);

All to permit a new infill lot on the property known municipally as 105 Havelock Street be granted subject to the following conditions:

1. That the Variances 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 105 Havelock Street with 14.8 m frontage and 367 m² lot area be granted subject to the following conditions:

1. That prior to the stamping of a Deed, a Severance Agreement be registered on Title of the new lot to address all future development requirements such as but not limited to servicing, grading, driveway and access, heritage conservation including compatible 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.

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 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 Town of Cobourg implements both a) and b) above in excess of the prescribed timelines, therefore 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 105 Havelock Street is an established residential property, improved with a one and a half storey single-unit residential dwelling. The subject property has approximately 25.6 m (84 ft) in frontage on Spring Street, and approximately 884 m² (9, 515 ft²) in lot area. See **Schedule "A"** Key Map.

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

Proposed Consent for a New Lot: Approximately 367 m² in area with 14.8 m frontage on Havelock Street.

The subject property is located in a Residential Three (R3) Zone the applicant is seeking the following variances:

On The Severed Lot:

- To permit a lot area of 367 m² for a new infill lot, a variance of 3 m²;
- To permit a lot coverage of 45%, a variance of 5%;
- To permit an exterior side yard of 4.5 m where there is no established exterior side yard, a variance of 1.5 m.

On The Retained Lot:

- To permit a lot coverage of 50%, a variance of 10%;
- To recognize the existing detached accessory structure building setback of 0.6 m, a variance of 0.4 m.

5.0 ANALYSIS

In the analysis of this application, a number of items have been reviewed as outlined below:

- Key Map (**Schedule A**) showing the surrounding area;
- Concept Plan (**Schedule B**) by RFA Planning Consultant Inc.;
- Air Photo (**Schedule C**);
- Planning Rationale (**Appendix I**) by RFA Planning Consultant Inc.
- Letter of Opinion by Martindale Planning Services (attached to **Appendix I**)

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 George Street Heritage Conservation District (HCD). As part of this application, a Letter of Opinion - Heritage was submitted by Martindale Planning Services and is included in **Appendix I**. Mr. Martindale, a certified heritage professional (CAHP), finds that a new structure on a new lot with 3.2m separation distance does not adversely affect the cultural heritage value or heritage attributes of the District nor of the existing house at 105 Havelock Street. Although not specified in the Letter, it is my opinion that if the District Guidelines are being met, that the heritage resource is being conserved meeting the PPS requirement (see further discussion below in the George Street HCD section).

The proposal will create a new infill lot 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 also, as noted above, conserves the heritage home.

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 west of the existing heritage building. A new dwelling would be required to be set back from the street in line with other buildings on the street. Height and massing considerations would be a requirement of any future design via a 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, primary entrances and landscaped yard areas would be part of any future design and approval. A new house may front Havelock or Spring Street.

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 requirement of 7.0 m per the R3 Zone (being the south

side of the lot) and would provide reasonable spatial separation from the dwelling to the south.

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. A CHIA and/or detailed architectural plans will be required as part of this process. As noted above, the south side of the lot would be the rear yard for the new residence and would be subject to a min. 7.0 m setback to act as a spatial buffer from the dwelling to the south. 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 22.6 units per hectare, within the range of medium density permitted in the Residential Area designation and slightly above the low density range of 20 units per hectare.

vi) 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.

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

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

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

Any proposed garage would be reviewed as part of the architectural design and permit process to ensure a garage, if proposed, is not the dominant feature on the street. It is anticipated that a driveway will service the new lot with surface parking.

ix) 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 to 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.

George Street Heritage Conservation District Guidelines

The George Street Heritage District Guidelines (George Street 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, setbacks, 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 and that Spring Street’s size reflects its former use as a railway corridor and that setbacks are generally consistent to the street.

The Letter of Opinion from Martindale Planning Services attached to **Appendix 1**, was reviewed in support of this application. It describes the conservation goals and objectives of the George Street HCD but focuses on this site and concludes that the 3.2 m separation between the existing residential building and any new building is sufficient to conserve its heritage attributes and those of the District. Any future development will need “*careful attention to design details such as height, massing, bulk and materials so that any adverse impacts can be avoided and that a new dwelling fits into the neighbourhood*”. This will be required through a heritage permit application and supporting CHIA or equivalent documentation.

With the driveway and garage located on the east side of the existing home at 105 Havelock Street, the west exterior side yard is vacant and is not being used currently (other than occasional RV parking by the past owner on a driveway entrance from Spring

Street). The mid-twentieth century home to the south at 350 Spring Street is built all the way to its north property line with an attached garage facing Spring Street. It is my opinion that the vacant land to the west of 105 Havelock Street is not integral to the conservation of the heritage character of the house as the house faces north, not west and there are no porches or other architectural features on the west face of the building that require this space to remain open.

The Cobourg Heritage Advisory Committee (CHC) reviewed the subject application and passed a Motion at its meeting of November 4, 2020 (refer to **Appendix 2**) of no objection to the application and conditions for any future development in conformance with the policies of the George Street 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 has a number of requirements defining setbacks, lot coverage, density, etc. The proposed lot would have a frontage of 14.8 m and a full depth of 25.6 m resulting in a lot area of 367 m². A new dwelling on the severed lot will need to comply with the R3 Zone provisions (front yard, side yards, rear yard, coverage, etc.). The retained lot with the occupied dwelling would have a frontage of 18.2 m and a lot area of 470 m². The proposed new lot line would maintain a 1.6m setback from the front corner of the existing historic residence, in compliance with the R3 Zone requirements.

A number of variances have been requested to the Zoning By-law, which are discussed in more detail in Sec. 5 below.

Given an evaluation of the proposal and background materials submitted with the application and the discussion in this Report, it is my opinion that the proposal 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.

To start there are a number of requests for minor variance, as summarized below:

On The Severed Lot:

- To permit a lot area of 367 m² for a new infill lot, a variance of 3 m²;
- To permit a lot coverage of 45%, a variance of 5%;

- To permit an exterior side yard of 4.5 m where there is no established exterior side yard, a variance of 1.5 m.

On The Retained Lot:

- To permit a lot coverage of 50%, a variance of 10%;
- To recognize the existing detached accessory structure building setback of 0.6 m, a variance of 0.4 m.

The majority of these variances directly relate to the 1.5 m road widening allowance dedication required along Spring Street and a daylighting triangle at the intersection pursuant to the Zoning By-law. If not for these requirements, the severed lot would have complied with the R3 Zone requirements. Therefore the majority of these variances are caused by the Municipal road requirements and are not development driven. The variances for the retained lot pertain to the increased lot coverage and the existing garage setback resulting from the new lot severance, and my analysis concludes that this is not out of character with properties within the neighbourhood nor should they impose any adverse impacts on adjacent properties.

An analysis of a number of lots in the general vicinity (150 m – 200 m radius, or approx. two (2) 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. It appears that several lots in the vicinity (Spring Street, Havelock Street and Bond Street) are smaller and narrower than this lot and the worker 'cottages' were the primary building form here. This 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 variances, as discussed in this report, are minor. The proposed decrease in lot area, exterior side yard and lot coverage for a new infill lot and lot coverage on the retained lot, are minimal relative to the overall neighbourhood, and would be desirable for the appropriate development of the subject lands given that a reasonable building envelope and yard area exists for a new infill dwelling.

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 105 Havelock Street 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. There is an existing curb cut for the severed lot on Spring Street (Collector Road), however it would be preferable to have it accessed from the local road, Havelock Street and maintain a modest amenity space. A daylighting triangle is identified in the application and should ensure that sightlines at the intersection are maintained in this urban downtown location.

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

9. The requested minor variances and consent do not appear to pose a negative impact on surrounding land uses. The neighbouring house to the south has its garage situated right on or next to the property line and may result in some future fencing and maintenance issues, however this is an existing, long-standing scenario and is not altered by the subject proposal.

The Cobourg Heritage Advisory Committee offered a number of comments included in its Motion affixed as **Appendix 2**.

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 \$5,000.00 application fees, stamping fee and deposit.

7.0 CONCLUSIONS VARIANCE

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.

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 Variances generally 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 variances on lands known municipally as 105 Havelock Street and further that the request for consent of a new infill lot, be granted by the Committee of Adjustment.

Approved by:



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



Schedule "A" Key Map

Subject Property



Proposed Severed Lot

Appendix 1

Planning Rationale –RFA Planning Consultant Inc.

And

Letter of Opinion – Martindale Planning Services

(Attached under separate cover)

Appendix 2

Cobourg Heritage Advisory Committee Motion

	THE CORPORATION OF THE TOWN OF COBOURG
	COBOURG HERITAGE ADVISORY COMMITTEE
TO:	Brent Larmer, Municipal Clerk/Manager of Legislative Services
FROM:	Adriane Miller, Recording Secretary
MEETING DATE:	November 4, 2020
SUBJECT:	Notice of Consent and Minor Variance -105 Havelock Street

The following Motion was adopted at the November 4, 2020 Cobourg Heritage Advisory Committee Meeting:

Moved by Member N. Beatty

WHEREAS the Cobourg Heritage Advisory Committee has reviewed the Consent and Minor Variance Application 105 Havelock Street;

NOW THEREFORE the Cobourg Heritage Advisory Committee hereby advises that it has no objection to the application, however the Committee recommends to/advises the Owner that:

- i) new development shall conform to the policies of the George Street Heritage Conservation District Plan and Guidelines for Infill Development in Heritage Conservation Districts and be subject to the approval of a Heritage Permit;
- ii) a Certified Heritage Professional (CAHP) or an Architect with significant heritage experience be enlisted for the design of the new dwelling on the severed lot; and
- iii) a Cultural Heritage Impact Assessment (CHIA) be prepared by a CAHP prior to approval of any new development on the severed lot.

CARRIED