

# STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



<b>Report to:</b>	Mayor and Council Members	<b>Priority:</b>	<input type="checkbox"/> High <input checked="" type="checkbox"/> Low
<b>Submitted by:</b>	Kaveen Fernando Planner I – Development Planning and Development Services <a href="mailto:kfernando@cobourg.ca">kfernando@cobourg.ca</a>	<b>Meeting Type:</b>	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
<b>Meeting Date:</b>	<b>March 7, 2022</b>		
<b>Report No.:</b>	B-02-21 Severance Agreement		
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**Subject/Title: 1006 Ontario Street – Severance Agreement – B-02-21**

## RECOMMENDATION:

THAT the Staff Report be received by Council for information purposes; and  
 FURTHER THAT the By-law attached as **Figure 3** to the Staff Report be presented to Council for passing to authorize the Mayor and Municipal Clerk to execute a Severance Agreement with Jennifer Polley and Douglas DeLong for the proposed Severance of a new Residential Lot on the south side of 1006 Ontario Street in accordance with the decision of the Committee of Adjustment.

### 1. STRATEGIC PLAN

N/A

### 2. PUBLIC ENGAGEMENT

An application to sever a residential lot at 1006 Ontario Street on the east side of Ontario Street was submitted to the Committee of Adjustment on March 21<sup>st</sup>, 2021 and was scheduled for April 20<sup>th</sup> meeting but the application was deferred to July 20<sup>th</sup>, 2021 until additional material was submitted by the applicant. The application was heard and approved on July 20<sup>th</sup>, 2021.

The municipality followed the statutory notice requirements of the Planning Act including providing notice by personal service or ordinary service mail to every landowner within a 60-metre radius, and publication in the newspaper. Following

the decision of the Committee a Notice of Decision was issued, and no appeals were received.

### 3. PURPOSE

To authorize the Mayor and Municipal Clerk to execute a Severance Agreement with Jennifer Polley and Douglas Delong to sever an infill residential lot on the south side of existing 1006 Ontario Street, subject to the finalization of details by municipal staff and applicable agencies.

### 4. ORIGIN AND LEGISLATION

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

### 5. BACKGROUND

On July 20, 2021, the owner was granted provisional consent by the Committee of Adjustment to sever a 684.9 m<sup>2</sup> (7,372 square feet) residential lot to the south of the existing 1006 Ontario Street property.

One of the conditions of consent requires that a Severance Agreement be registered over the property to address matter including but not limited to site servicing; site grading; building and landscaping; driveway access; screening/fencing; and tree protection. In accordance with the provisions of the Planning Act, if the conditions of the Consent are not satisfied within two (2) years of the decision (July 20, 2023), the Consent lapses and the owner would need to re-apply.

The subject lands are designated “Stable Residential Area” in the Town of Cobourg Official Plan and Zoned “Residential Two” (R2) in the Comprehensive Zoning By-law No. 085-2003, as amended.

### 6. ANALYSIS

The following are the key points associated with the proposal:

- The property known as 1006 Ontario Street is approximately 1522 m<sup>2</sup> in total lot area with 30.5 m road frontage to Ontario Street. See Schedule A: Location Map.
- Provisional Consent was granted by the Committee of Adjustment on July 20, 2021 which permitted the creation of a new 684.9 m<sup>2</sup> lot with 13.56 m frontage on Ontario Street including minor variance to the lot frontage. See Schedule B: Draft Survey Plan/Concept Plan;
- As a condition of Consent, the applicant was required to enter into and register a Severance Agreement with the Town to address matters including but not limited

to: water and sanitary servicing; site grading; driveway access; building and landscape design; drainage; and tree protection and compensation for removals.

- In accordance with Planning Act regulations, if conditions to a Provisional Consent are not fulfilled within two (2) years of the decision (July 20, 2023), the Consent lapses.
- Planning staff are in a position to recommend approval of a Severance Agreement.
- The existing trees along the south property line between 1006 Ontario Street and 1002 Ontario Street was of concern during staff review and staff has since been informed that a private agreement was executed between property owners to protect trees in that area or replace them.
- In accordance with the approved conditions, a 5% cash-in-lieu of parkland payment for the Severed Lands will need to be transferred to the Municipality prior to the stamping of the deed.
- The Severance Agreement stipulates that the Municipality will not approve any development or issue any Building Permits on the severed parcel until the Municipality is satisfied that all the Municipality's requirement for development and construction have been fulfilled in accordance with the relevant policies, guidelines, regulations and standards of Municipality (Official Plan, Urban and Landscape Design Guideline, and Zoning By-law), including the submission and approval of such plans, reports and/or other documentation addressing matters such as but not limited to: site servicing; site grading; building and landscaping; driveway access; screening/fencing; and tree protection; and subject to Town review and approval of the proposed new residential plans.
- The subject proposal conforms to the applicable policies of the Official Plan, particularly the Stable Residential Area policies, and complies with comprehensive Zoning By-law No. 085-2003, as amended.

## 7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There are no anticipated negative financial implications imposed on the Municipality as a result of granting final approval of the subject request. A cash-in-lieu of parkland payment of 5% of the value of the severed lands must be paid by the Owner to satisfy the Committee's decision. All legal, registration and other costs incurred by the Municipality shall be borne by the Owner.

## 8. CONCLUSION

Planning Staff recommend that Council endorse entering into a severance agreement with the Owner for the creation of a new residential lot which will have the effect of satisfying the condition of approval, subject to finalizing remaining application details, applicable agency requirements, and the registration of the Severance Agreement.