 <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:	November 17 <sup>th</sup> , 2020.	
TITLE / SUBJECT:	Application for Severance: 163 Ontario Street (Anne Marie Cummings)	
REPORT DATE:	November 13 <sup>th</sup> , 2020	File #: B-05/20

1.0 CORPORATE STRATEGIC PLAN OBJECTIVES

N/A

2.0 RECOMMENDATION

The following actions are recommended:

**THAT** the requested Consent for an infill lot from 163 Ontario Street with 16.76 m frontage on Clyde Street and 844 m<sup>2</sup> lot area be granted subject to the following conditions:

1. That 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, urban design and landscaping including screening, all to the satisfaction of the Town.
2. That prior to the stamping of a Deed, a payment equal to 5% of the value of the land by made 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 53 (5) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, prescribes statutory notice requirements for Consent applications. The Planning Act requires that at least fourteen (14) days notice for a consent 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 via the use of both mail-out and newspaper advertisement. The notice of application is also posted on the Town of Cobourg website.

#### 4.0 ORIGIN

The subject property known as 163 Ontario Street is an established residential property, improved with a two-storey single-unit residential dwelling. The subject property is approximately 50.34 m (165.2 ft) in frontage on Ontario Street, and approximately 3,310 m<sup>2</sup> (35,630 ft<sup>2</sup>) in lot area. See **Schedule "A"** Key Map.

The subject property is located in a Residential Three (R3) Zone.

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

**Proposed Consent for New Lot:** Approximately 844 m<sup>2</sup> in area with 16.76 m frontage on Clyde Street.

**Proposed Retained Lands at 163 Ontario Street:** Approximately 50.34 m frontage on Ontario Street, a depth of 49.04 m and an area of approximately 2,468 m<sup>2</sup> (occupied by the existing dwelling house). Note: The Notice of Hearing mistakenly identified a retained frontage of 15.34 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. However, it is not development at all costs, Section 2.3.1 requires that significant heritage resources shall be conserved. The subject lands are listed on the Town of Cobourg Heritage Registry (which provides protection from demolition), however no demolition is being proposed by this application, only the severing off of a new lot occupied by yard space and a reduction in overall land area. A more detailed heritage assessment is not required.

The proposal will create a new infill lot, 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 163 Ontario Street, which is presently undergoing renovations. The proposed lot is of similar size to other lots west of the subject property on Clyde 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 facilitate intensification while maintaining the character of the established 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 of the 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. Any proposed buildings would be required to be set back from the street in line with other buildings on the side street.

*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 consistent with the established built form and would be part of any future design and approval. Currently there is a large hedge with a new driveway.

*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 lot is of sufficient depth to permit a generous rear yard open space, and 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, however the lot size and configuration is conducive to appropriately siting a dwelling on the site in a manner consistent with the surrounding neighbourhood.

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

The proposal for a new infill lot would conform to the low density requirements of 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 Engineering/Public Works as part of its Building Permit should the severance be approved.

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

This application will not hamper or prevent the orderly development of adjacent properties. This appears to be the last infill opportunity in the immediate area given other developments along Clyde Street.

*x) 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 the recent driveway will service the new lot with surface parking.

*xi) 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.

#### 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.

#### **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 proposed lot would have a frontage of 16.76 m on Clyde Street and a full depth of 50.29 m resulting in a lot area of 844 m<sup>2</sup>. The retained lot with the occupied dwelling would have a 50.34 m frontage on Ontario Street and a lot area of 2,468 m<sup>2</sup>. Any new dwelling on the severed lot will need to comply with the R3 Zone provisions (front yard, side yards, rear yard, coverage, etc.). Both the severed and retained lots comply with Zoning By-law provisions.

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. 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 163 Ontario Street does not conflict with any of these items.

7. The requested consent does not appear to create a traffic hazard or perpetuate an existing traffic problem.

8. The requested consent does not appear to be impacted by any natural hazards.

9. The requested consent does not appear to pose a negative impact to surrounding land uses.

It should be noted that new individual water and sanitary sewer services were pre-installed to the severed lot this Summer/Fall at the risk of the owner as part of other sewer and water construction activity being undertaken on Clyde Street by an adjacent developer.

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 \$4,000.00 application and stamping fee plus deposit.

#### 7.0 CONCLUSIONS

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 (Consent):**

1. That 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, urban design and landscaping including screening, all to the satisfaction of the Town.
2. That prior to the stamping of the Deed, a payment equal to 5% of the value of the severed land be made 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 consent of a new infill lot on lands known municipally as 163 Ontario Street be granted by the Committee of Adjustment.

Approved by:



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

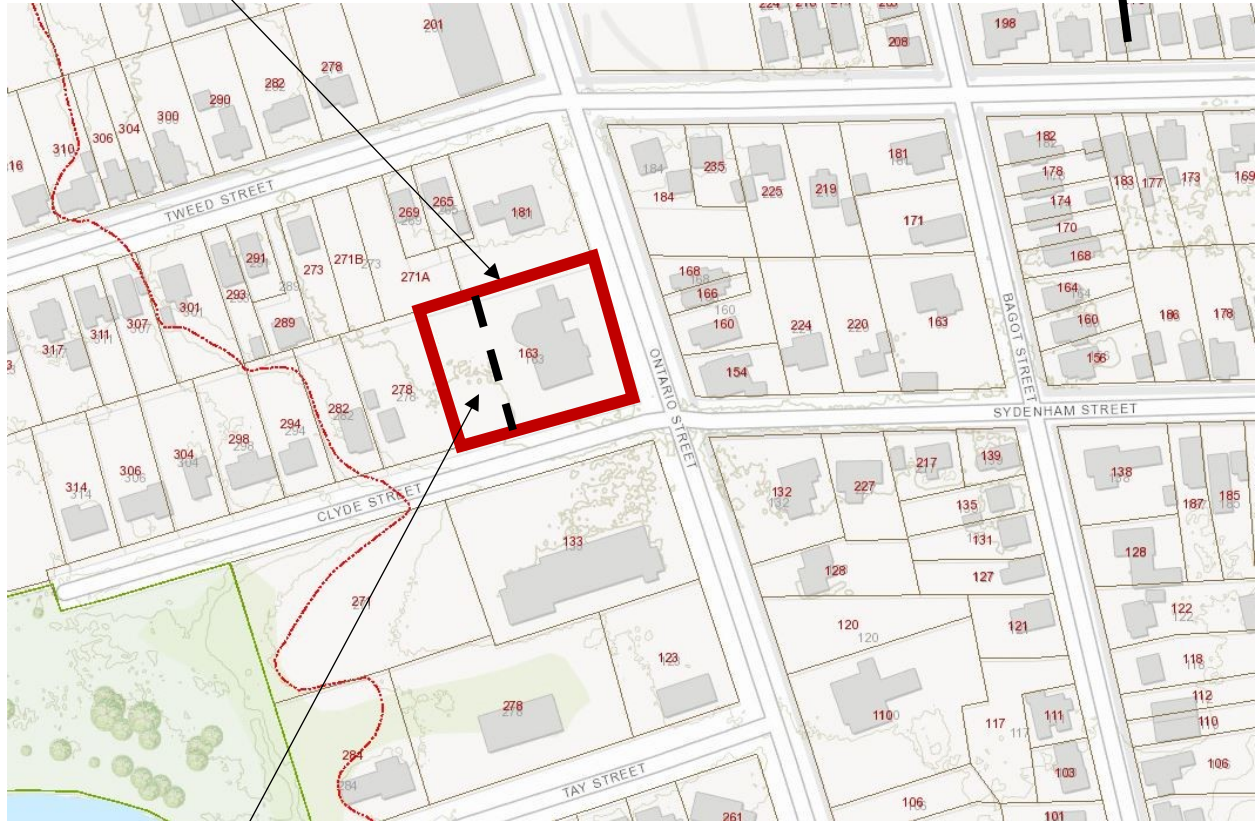




# Schedule "A" Key Map

**Subject Property**

**N**



**Proposed Severed Lot**





**Schedule "C"**  
**Air Photo**

