 <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:	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:**



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



## Schedule “A” Key Map

## Subject Property



The map displays several lots and streets:

- LOT 23**: Located at the top left, bounded by Bagot Street to the north and east.
- LOT 22**: Located below Lot 23, also bounded by Bagot Street to the north and east.
- LOT 6**: A large central lot, divided into **CADDY PART 1** and **CADDY PART 2**. It is bounded by Bagot Street to the north and east, and by Lot 8 to the south.
- LOT 8**: Located to the right of Lot 6, bounded by Bagot Street to the north and east.
- LOT 10**: Located at the top right, bounded by Bagot Street to the north and west.
- BAGOT STREET**: Runs horizontally across the bottom of the map.
- ALBERT STREET**: Runs diagonally from the top right towards the center.
- Other features**: The map includes numerous bearings (e.g., N14°44'20"W, S87°10'30"W), distances (e.g., 14.11, 9.87, 17.38), lot numbers (e.g., LOT 6, LOT 8, LOT 10), and specific landmarks like "FENCE CORNER", "CHAIN LINK FENCE", and "SE. ANGLE OF LOT 8, BLOCK K".

<div style="text-align: center;"> <h1>DRAFT</h1> <h2>R. WANNACK ONTARIO LAND SURVEYOR</h2> </div>			
<div style="text-align: center;"> <h3>SCHEDULE</h3> </div>			
PART	LOT	PIN	AREA(sq.m.)
1	PART OF 8 & 9 BLOCK K	CADDY PLAN	<div style="display: flex; justify-content: space-between;"> <div>ALL OF 510922-0041</div> <div>373.0</div> </div>
2			596.5

PLAN OF SURVEY OF  
PART OF LOTS 8 & 9,  
BLOCK K, CADDY PLAN  
(FORMERLY PART OF LOT 18, CONCESSION A & B,  
GEOGRAPHIC TOWNSHIP OF HAMILTON)  
TOWN OF COBURG  
COUNTY OF NORTHUMBERLAND

SCALE 1 : 250 METRES



## LEGEND

- |      |   |
|------|---|
| P1   | DENOTES SURVEY BY KEITH F. LASHLEY LTD., O.S.                           |
| M    | DENOTES MEASURED  |
| #    | DENOTES CONCRETE PIN  |
| CP   | DENOTES ROUND   |
| IB   | DENOTES IRON BAR  |
| SIB  | DENOTES STANDARD IRON BAR   |
| ■    | DENOTES SURVEY MONUMENT SET   |
| □    | DENOTES SURVEY MONUMENT FOUND   |
| P2   | DENOTES SURVEY BY J.L. STILWELL, O.S.<br>DATED DECEMBER 2, 1938 (39161) |
| P3   | DENOTES PLAN 35R-3534   |
| P4   | DENOTES PLAN 35R-8359   |
| 721  | DENOTES J.L. STILLWELL, O.S.  |
| 765  | DENOTES CULHAM WALLACE & DAVIES LTD., O.S.                              |
| 1459 | NEVILL'S VENTURE & LAND REVEL LTD. INC                                  |



200 209 206 182 174 170 168 164 197 198 136 178 203 208 224 219 216 207 205 204 202 201 200 199 198 197 196 195 194 193 192 191 190 189 188 187 186 185 184 183 182 181 180 179 178 177 176 175 174 173 172 171 170 169 168 167 166 165 164 163 162 161 160 159 158 157 156 155 154 153 152 151 150 149 148 147 146 145 144 143 142 141 140 139 138 137 136 135 134 133 132 131 130 129 128 127 126 125 124 123 122 121 120 119 118 117 116 115 114 113 112 111 110 109 108 107 106 105 104 103 102 101 100 99 98 97 96 95 94 93 92 91 90 89 88 87 86 85 84 83 82 81 80 79 78 77 76 75 74 73 72 71 70 69 68 67 66 65 64 63 62 61 60 59 58 57 56 55 54 53 52 51 50 49 48 47 46 45 44 43 42 41 40 39 38 37 36 35 34 33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

Ontario Street

Albert Street

Sydenham Street

Durham Street

## Subject Property


## **Appendix 1**

### **Cultural Heritage Impact Assessment – Branch Architecture**

**(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:	July 8, 2020
SUBJECT:	171 Bagot Street - Severance and Minor Variance Application

The following Motion was adopted at the July 8, 2020 Cobourg Heritage Advisory Committee Meeting:

Moved by Member C. Richards

WHEREAS the Heritage Advisory Committee has reviewed the Cultural Heritage Impact Assessment Report (CHIA) for 171 Bagot Street

The following recommendations and comments are put forward to be considered in the staff report to the Committee of Adjustment Hearing.

1. The fit of the home in the neighbourhood with consideration of density, streetscape and narrow lot frontage, and neighbouring homes with considerable more breadth on the west side of the street
2. Consideration of the lot size and feasible size of a home on a narrow lot
3. Parking Logistics
4. Any new infill dwelling will be required to come back to Heritage Advisory Committee for permit in the future

**CARRIED**