

To: The Committee of Adjustment

Meeting date: 10 November 2020

Subject: Objection to the application for Minor Variance and Severance at 171 Bagot St, Cobourg

Date written: 1 November 2020

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## Conclusion

I object to the proposed severance for these reasons:

- a) The variance requested is not minor because it will have an irreversible effect on the Heritage Integrity of the properties at 163, 171 and 181 Bagot St, by erasing an unaltered 1870s streetscape.
  - b) The proposed variance is at odds with the intent of the zoning by-law because it reduces the minimum frontage thereby compromising a zoning standard. The existing owners bought their properties in expectation of enjoying the properties' spaciousness and privacy on the assumption that they could rely on the existing zoning standards. The proposed change can be seen as a breach of trust by the municipality.
  - c) The Town's strategies for heritage conservation as contained in both its Official Plan and Heritage Conservation Master Plan are weakened by the conclusions of Branch Architecture's Cultural Heritage Impact Assessment which have been accepted by the Staff Report in its recommendations for the Minor Variance and Severance.
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My objection is based on my review of the Cultural Heritage Impact Assessment by Branch Architecture, 11 June 2020, which hereafter I refer to as the Branch CHIA and the Staff Report (Rob Franklin, Manager of Planning, 23 July 2020).

In reviewing the Branch CHIA I noticed that it reached the conclusion: *"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."* It reaches this conclusion by failing to identify the heritage attributes of 171 Bagot St within the context of its neighbouring properties at 163 Bagot St and 181 Bagot St despite the Town of Cobourg's *Terms of Reference* for a CHIA which includes the following:

- A comprehensive review of the history of the property's development as documented and observed through archival, historical, archaeological, written and visual records;
- An evaluation of the heritage significance of the site with emphasis on important architectural/physical features, historical associations within the community, and the situation of the site in local context;

This initial error, which was then relied upon by the Staff Report, enabled the Staff Report to recommend the actions to grant a variance and consent for 171 Bagot St, see my comments headed **Staff Report** below.

### **Branch CHIA: Incomplete Statement of Cultural Heritage Value**

The Branch CHIA reached its conclusion (cited above) by presenting as its Statement of Cultural Heritage Value and List of Heritage Attributes the one provided in Cobourg's West Heritage Conservation District Plan (WHCD). It therefore relies on a high-level statement written for the whole of the WHCD, and misses the detail that can be observed on a site visit. As a result, the Branch CHIA failed to notice that all three properties on this block of Bagot Street possess the value of **Heritage Integrity** as an unaltered 1870s streetscape. That is, all three houses were built at the same period in essentially the same style.

The proposal (severance and infill building at 171 Bagot St), if carried out, would irreversibly erase the unaltered 1870s appearance of the block thereby affecting the heritage attributes of all three properties and this block of Bagot Street.

### **Branch CHIA: Conservation Strategy**

The failure to notice the negative visual impact on the heritage integrity of 171 Bagot St and its neighbours paves the way for its summary statement:

*"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."*

This is odd for two reasons: the preservation of the heritage house was never an issue, and the reference to neighbouring lot sizes and patterns was made without the research needed to fully understand the development of the opposite block of Bagot St.

This block is described as *"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."*

What the Branch CHIA fails to mention is the history of the development of this block which explains its coherent 'look' and the relative narrowness of the lots between Albert and Sydenham streets. The 1871 structure in the centre was Cobourg's first purpose-built public school. In its time this was a historic landmark for the history of education in Cobourg. The land on either side was vacant until the first decade of the twentieth century. By association, the schoolhouse is linked with the house at 163 Bagot St built in 1872 for Thomas Gillbard, who for forty years was a school trustee.



After the schoolhouse became redundant (a new central school was built on George St for all public-school pupils), it was repurposed into semi-detached houses in 1919 by A. L. Jex. The Jex company had begun to develop this block in 1910. First to be built was 182 Bagot St at the corner, then 170-172 Bagot St (the converted schoolhouse) in 1919 and probably the five other houses on the block. (Jex was buying land and developing similar properties on Albert St and College St from the 1890s-1920s). Property title searches (had they been carried out) would have revealed the history of this block's development. There is a coherent rhythm to the block because its buildings in their present form date from the same decades. At this period few people could afford carriage-houses or garages hence there were no parking spaces. There was also no zoning by-law to manage lot widths, depths, set back and parking spaces.

### Staff Report

Unfortunately as pointed out above, the Branch CHIA overlooked the Heritage Integrity of 171 Bagot St and its neighbours. So although the Staff Report refers to sections of the Official Plan that provide for heritage conservation, the conclusions of the Branch CHIA enable it to misunderstand the broader heritage value of 171 Bagot St, thus paving the way for considering a severance and infill building.

I would argue that the Staff Report's recommendation for a variance does not meet the general intent and purpose of the Official Plan because it fails to implement this Principle:

***"2.3 COMMUNITY DEVELOPMENT PRINCIPLE: DISTINCTIVE COMMUNITY IMAGE***

**Principle: Any change in the Town of Cobourg should maintain and enhance its distinctive image as a small-town urban centre with strong historical, natural environmental and rural heritage traditions.**

*ii) To protect the heritage of the community through:*

*a) the preservation, restoration, and enhancement of heritage buildings and streetscapes and the natural features in the community;"*

Preservation and enhancement of the streetscape are not considered by the Branch CHIA nor by the Staff Report. Instead the Staff Report goes on to address how the Town will achieve its intensification target in Heritage Conservation Districts by providing this strategy:

**3.2.3 vi) "d) Permit limited intensification in the Heritage Conservation Districts".**

I suggest that this strategy should not require a lessening of the existing minimum frontage by an adjustment to the zoning bylaw. A example of appropriate intensification within the West Heritage Conservation District is the recent permission given for severance of 163 Sydenham Street and infill development of the newly created lot to its east. No variance was needed because the proposed lot met the zoning by-law for minimum lot frontage.

**Felicity Pope, 314 College St, Cobourg, ON K9A 3V4**

Respectfully submitted,

Felicity Pope

Reference materials consulted:

Ontario Heritage Tool Kit

Town of Cobourg Heritage Master Plan, 2016

Official Plan, Town of Cobourg, 2010

Robert Mikel, *The Spirit of the Place*, Lighthouse Press, 2017

To: Adriane Miller, Secretary-Treasurer  
Committee of Adjustment  
Victoria Hall, 55 King St. W.  
Cobourg ON K9A 2M2

Re: 171 Bagot Street: File No A-02/20  
B-03/20

I am certainly not against intensification in urban planning, especially because of its power to reduce the increasing sprawl of our towns and cities, but it needs to be done **carefully** and **selectively**.

Cobourg's designated Heritage Districts and its Heritage District Conservation Plans are excellent examples of planning that will maintain and foster the rich architectural diversity of our beautiful town. I already admire some of the attractive new modern buildings springing up on relatively small lots on the east side of Victoria Park, close to the Cobourg East Heritage District. They add to an innovative even surprising streetscape that is very refreshing.

However, in the Cobourg West Heritage District we are discussing here, we see quiet, historic streets reminding us of lives lived, gardens tended, tall walnut trees and maples respected and well looked after over the years. We need this aspect of Cobourg too. It would be a mistake to spoil it.

The houses on both sides of this section of Bagot Street are all over 100 years old and settled into their comfortable spaces. The three houses on the west side with their spacious front-yards form a most attractive, equally-spaced, uninterrupted frontage onto the historic street, which as you know has been well filmed by television crews because of its period beauty.

It cannot possibly be an improvement to this well-loved streetscape to squeeze an extremely small dwelling-place into a proposed severance area that asks for a 10% reduction in its prescribed street frontage. Such an intrusion into the small, narrow area rendered available would disrupt the quiet, elegant symmetry of this whole section of Bagot Street. It would reduce the quality of life on both sides of itself too, at both 171 and 181 Bagot Street, with inevitable loss of privacy from overlooking windows and likely loss of daylight and sunshine, regardless of design.

I do not believe granting this severance request would in any way benefit Bagot Street or the Cobourg West Heritage District. Instead it could only diminish its value to the Town, its residents, and its visitors.

Respectfully submitted,  
Margaret Bain  
219 Albert Street, Cobourg ON K9A 2R6  
[mjcbain@sympatico.ca](mailto:mjcbain@sympatico.ca)  
November 1, 2020



Gail Rayment, 184 Ontario St, Cobourg

Objection to the proposed request for a minor variance on a requested severance.

171 Bagot St.

Committee of Adjustment meeting Nov. 10, 2020

I am objecting to the requested severance with a minor variance as the variance requested is totally at odds with all the other properties in this Heritage District Block

This block of Bagot Street, which is in the West Heritage District, consists entirely of substantial homes. On the east side of the street are a number of very similar houses all of roughly the same period. They are on fairly narrow lots and have a pleasing symmetry. On the west side of the street there are currently three houses set on generous sized lots. There is a different symmetry to this, and given the width, or lack of, of the requested severance I do not think it would be possible to design a house that would not look 'squeezed' compared to its neighbours. **It would not, in other words, be compatible with existing houses on the west side of this block of Bagot St. with respect both to size and side yards, and it would not be compatible with the substantial houses on the east side.**

**I do not see any examples of small houses squeezed in between more substantial properties.**

It is my understanding that any new building on the proposed lot would have to line up with its neighbours on both sides. **This, in my opinion, would result in a loss of privacy for both houses – for the house to the north, because of the windows and sitting porch on the south side of the house, for 171 Bagot, for the windows on its north side.**

**This block of Bagot Street has a number of driveways. Street parking would be even more of an issue.**

Finally, I am puzzled by the staff report making reference to 'heritage design following approved guidelines'. It is my understanding that any infill building in a heritage district has to be of its own time, i.e. it would not be appropriate either to copy an existing heritage building, or create a fake one .

## Adriane Miller

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**From:** dcca@eagle.ca  
**Sent:** Thursday, October 29, 2020 9:27 PM  
**To:** Adriane Miller  
**Cc:** Rob Franklin  
**Subject:** 171 Bagot Street

Town of Cobourg Committee of Adjustment  
c/o Adriane Miller Secretary-Treasurer  
Victoria Hall, 55 King St. W  
Cobourg, ON K9A 2M2  
Email: amiller@cobourg.ca

Dear Committee Members: RE: 171 Bagot Street  
File No: A-02/20  
B-03/20

As residents of 163 Bagot Street, we are not in favor of the proposed severance and wish to submit the following comments.

1).....171 Bagot Street is in the West Heritage Conservation District which lists attributes including vegetated front yards with lawn and/or landscaping and minimum front yard fencing. Predominance of red brick cladding. Most properties have driveways beside the house. Where garages exist, they are most often detached and most set back from the front facade of the house.

2).....This property sits on the west side of Bagot Street on the Block running between Albert to the north and Sydenham to the south. The ten buildings included in this block have all been here over 100 years with no significant changes to the street scape. The ten buildings are all brick.  
Four of these properties have garages at the rear with driveways coming in off of Albert and Sydenham Street.

3).....The Zoning By-law requires a minimum lot frontage of 11m and therefore, the application also proposes a minor variance on the lot frontage requiring a reduction in excess of 10% to a frontage of 9.88m.

We do not consider a variance of more than 10% to be minor, just as we would not consider a 10% increase in our municipal taxes, or a 10% reduction in our income to be minor. The 10% reduction in frontage becomes even more significant in that it would allow construction of a small infill home that would require two car parking on what normally would be considered front lawn, as there would not be sufficient space for a driveway beside the house.

In our opinion, the proposed development of this new lot would not be a desirable or appropriate use of the land in this Heritage District.

Respectfully submitted

David and Sheila Cable  
163 Bagot Street  
Dated: Thursday, October 29, 2020