 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT	
TO:	Committee of Adjustment	
FROM: TITLE:	Desta McAdam Senior Planner - Development	
DATE OF MEETING:	February 20 th , 2019.	
TITLE / SUBJECT:	Application for Minor Variance: 93 Henry Street (Andrew Smith Building Design)	
REPORT DATE:	February 12 th , 2019	File #: A-02/19

1.0 STRATEGIC PLAN
N/A

2.0 RECOMMENDATION

The following actions are recommended:

THAT the requested minor variances to reduce the required rear yard from 6.97 m to 5.77 m and the minimum front yard from 2.13 m to 1.52 m be permitted subject to the following conditions:

1. That the variances generally relate to the site plan and building elevations submitted as part of the proposal and attached as Schedules "B" and "C" to this report.
2. All conditions are subject to the specifications and approval of the Town of Cobourg, but at no cost to the Municipality.

PUBLIC ENGAGEMENT

Section 45 (5) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, prescribes statutory notice requirements for minor variance applications. The Planning Act requires that at least ten (10) days before the day of the hearing, notice shall be given by either:

- 3.0 a) personal service or ordinary service mail to every land owner within a 60 m radius of the area to which the application applies and by posting a notice on the frontage of the subject lands; 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 93 Henry Street is an established residential property, improved with a small cottage-style residence, and two accessory shed structures. The subject property is approximately 33.45 m (109.75 ft) in frontage, and approximately 615.74 m² (6, 628 ft²) in lot area. See **Schedule "A"** Key Map.

The owners of the property wish to demolish the existing house and two shed structures, and redevelop the property with a new, two-storey residential dwelling with a gross floor area of 2,397 ft².

The new residential dwelling will include a covered front porch feature which will expand the established building line into the required front yard area of the property. The addition of the covered front porch feature also shifts the building footprint of the house further west, and slightly into the required rear yard area for the subject property.

Accordingly, the applicant is seeking the following variances:

- To reduce the required front yard setback for a front covered porch from the established building line of 2.13 m, to 1.52 m, a variance of 0.61 m.
- To reduce the required rear yard setback from the established setback of 6.97 m to 5.77 m a variance of 1.2 m.

5.0 ANALYSIS

In the analysis of this application, a number of points have been reviewed:

1. Provincial Policy Statement (PPS) & Places to Grow Act

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 Places to Grow Act 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.

The proposed location of this dwelling does not appear to trigger any items of provincial interest, as the subject property is an existing residential lot within the urban serviced area of Cobourg, and will not cause any undue demand on public infrastructure.

From an environmental perspective, the property is located within a Ganaraska Region Conservation Authority (GRCA) regulation area; accordingly, the application was circulated to the GRCA for review and comment. At this time, no comments have been received from the GRCA relating to the proposal, and it does not appear that the proposed variances would trigger any environmental concern. Given the property's location within the regulation area, a Development Permit will be required from the GRCA for the proposed new dwelling unit prior to an issuance of a Building Permit from the Municipality.

It is evident that the current land area of the subject property is underutilized, and the proposed new dwelling can better meet the needs of the current owners. The property is not designated under the Ontario Heritage Act, nor is it listed on the Register of Properties Having Cultural Heritage Value.

Given the above discussion it is my opinion that the proposal maintains the general intent and purpose PPS and Places to Grow Act.

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 facilitating residential development 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 (2017). 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 new dwelling associated with the proposed development will expand the building footprint currently improving the subject property, and increase the building height in some areas. The dwelling design considers the height and massing of the neighbouring properties by targeting the full extent of the building height towards the centre of the building, and stepping down the building height to the north and south by incorporating single-storey “wings.”

The proposed new single-detached dwelling unit associated with the variances will not change the existing residential density of the subject property.

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;

The Henry Street streetscape is composed of a mix of building forms, styles and setbacks. The west side of Henry Street is mostly composed of residential exterior side yard areas, with building walls generally in close proximity to the right-of-way, and primary entrances located on adjacent streets. Generally, the lot sizes are modest, but large areas of landscaped open space are visible, due to the rear yard areas of several properties being exposed along this street frontage.

The proposed dwelling design also positions the building wall within close proximity to the Henry Street right-of-way, but also provides a front yard presence on the west side of Henry Street. Proposed ample side yard areas, in excess of the minimum requirements of the zoning by-law, accommodate a large visible landscaped open space area.

iii) respects the relationship between the rear wall of buildings and rear yard open spaces;

The existing legal non-complying rear yard area for the subject property will be reduced as a result to the proposed variance. However, the subject property backs onto more generously sized rear yards of 180 Water Street and 195 Bay Street properties, and the rear wall of the proposed dwelling will still be significantly setback from the residences located on these properties. See **Schedule “D”** Site Photos. Given this lotting context, it does not appear that the proposed slight encroachment into the required rear yard area poses significant impact on the neighbouring properties. Additionally, a large amenity space will be provided in the south side yard of the subject property, and it is conceivable that this area will serve to function as the primary outdoor amenity area for 93 Henry Street, in place of a conventional rear yard.

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.

Although the proposed dwelling does slightly encroach into the required front and rear yards, it does not appear that a building in the proposed location would create a privacy or shadowing concern for the immediate abutting properties. The rear yard of 93 Henry Street abuts the rear yards of 195 Bay Street and 180 Henry Street. It is evident in the site photos included in **Schedule “D”** that the new dwelling at 93 Henry Street would be well buffered from the immediately abutting residences. Buffering is provided through ample building separation, and through existing vegetation.

It should be also noted that the subject property could be redeveloped with a new, more heavily massed two-storey building with a 2.13 m front yard, 6.97 m from the rear yard, as-of-right, in accordance with the R2 Zone regulations. In this case, the applicant is not seeking to “max out” the available land and zone limitations on the subject property, rather, the applicant has chosen a building design that only requires a slightly reduced front and rear yard area. In my opinion, the siting of the proposed building is appropriate and reasonable given the building design proposed, and illustrated in **Schedule “C”** Building Elevations.

v) conforms with density provisions of Section 3.4.3.3;

The proposal will not change the residential density on the subject property.

viii) Town is satisfied with the proposed grading, drainage and storm water management and, in particular that there is no impact on adjacent properties;

At the Building Permit stage, the applicant will be required to demonstrate that the proposed building does not negatively impact neighbouring properties with regard to the

grading, drainage and stormwater. A development permit from the GRCA will also be required for this property.

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

There is no indication that the proposed variances would prevent the development of adjacent properties.

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

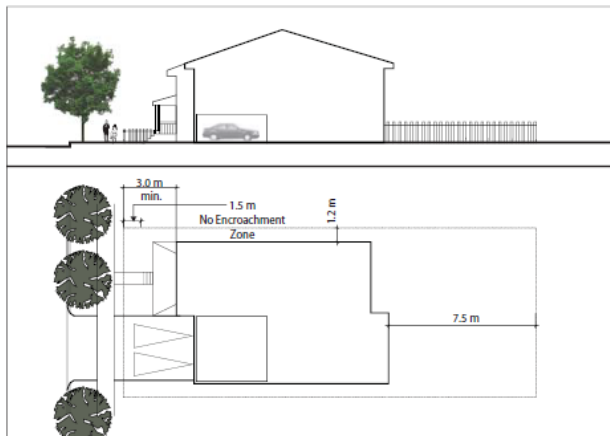
The proposal considers this policy by including a recessed attached garage into the building design. The garage opening will be setback 5.35 m from the front property line.

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 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. Section 4.5.2.4 Residential Setbacks states that residential properties should provide appropriate front, side and rear yard setbacks to control lot coverage and drainage, provide adequate private open space, situate buildings in close proximity to the right-of-way and ensure adequate separation between adjoining buildings. The Design Guidelines suggest a 1.5 m “no encroachment” area. The balance of the setback may contain non-interior building elements including porches, steps, roof elements, etc. See *Figure 1: Residential Setbacks* below.

All residential front yards should have a minimum 1.5 metre “no encroachment” area that is free of steps, porches and other protrusions.



Front yard setbacks should generally be a minimum of 3.0 metres.

Figure 1: Residential Setbacks

The proposal considers the policies of the Design Guidelines by accommodating a 1.5 m no encroachment area in the front yard (step locations need to be confirmed by applicant), and by incorporating architectural features in the proposed building design, including front windows, a recessed garage, and front a covered front porch, that work together to create strong public face for the new dwelling unit.

When considering the overall streetscape on Henry Street, it does not appear that the proposed variances would create a visual anomaly in the neighbourhood, or have any negative impact on the public realm.

Based on the above discussion, it is my opinion that the proposal maintains the general intent of the policies of the Official Plan (2017) and the Town's Urban and Landscape Design Guidelines.

4. Zoning By-law

The subject property is located in a Residential 2 (R2) Zone. The R2 Zone requires a minimum front yard equal to the established building line or if not applicable, 6.0 m (20 ft). The R2 Zone also requires a minimum rear yard setback of 7 m (23ft).

In this case, the minimum front and rear yards are reflected by the established building footprint of the established dwelling unit on the subject property. The existing dwelling has a front yard setback of 2.13 m and a rear yard setback of 6.97 m.

The proposed dwelling unit associated with the variances is custom designed to better utilize the generous lot width of the subject property. However, due to the limited lot depth for the property of 18 m (59.42 ft), the proposed building footprint is constrained to the west and east (rear and front yard areas). All other applicable zone regulations including lot coverage can be met by the proposal.

The 1.82 m wide proposed covered front porch on the east side of the dwelling makes up the balance of the requested variances (0.61 m for the front yard, and 1.2 m for the rear yard). In theory, if the front porch feature was removed from the dwelling design, the proposed building would meet the applicable zone regulations for the front and rear yard. However, the inclusion of a covered porch feature supported within the Town's Urban and Landscape Design Guidelines, and appears to be a desirable feature for both the private residential use and public streetscape.

It is evident that the subject property is of appropriate size to accommodate the proposed new dwelling unit, and that the variances are triggered due to the irregular shallow-wide lot context of the subject property, and the desire to include a front covered porch feature on the new dwelling unit. Overall, the proposed variances appear minor, and do not appear to trigger any land use compatibility concerns. Appropriate yard areas can still be

provided, with ample open amenity space still available to the property in the south side yard area. In my opinion, it is more desirable to permit the front porch feature, and allow a slight encroachment into the required yards, given that the proposed dwelling unit does not appear to negatively impact the ongoing use and/or development of the surrounding land uses.

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.

In my opinion, when observing the lotting context and existing conditions of the subject property, and the desired development concept, the proposed variances do not appear to a greater impact on the surrounding properties than a new two storey dwelling unit that could be built as of right using the established building setbacks. The variances will permit a dwelling design that enhances the Henry Street streetscape, and positively contributes to the stock of high quality building design in the municipality.

Based on the above discussion, it is my opinion that the proposed variances, as they relate to the site plan and building elevations submitted in Schedules “B” and “C”, are minor and desirable for the ongoing use and development of the subject property.

6. The requested minor variances do not appear to create a traffic hazard or perpetuate an existing traffic problem. The subject property will provide the minimum of two parking spaces for the single detached residential dwelling unit.

7. The requested minor variance does not appear to be directly impacted by any natural hazards. However, the subject property is located within a GRCA regulation area; accordingly a development permit from the GRCA will be required prior to the issuance of a Building Permit.

8. The requested minor variances do not appear to pose a negative impact to surrounding land uses. Matters regarding lot grading, drainage and stormwater will be addressed at the Building Permit stage.

As of the writing of this Report, no further Department or Agency comments have been received. The Committee of Adjustment will be informed of any 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 \$1700.00 application fee and deposit.


7.0 CONCLUSION

1. The proposed minor variances do not conflict with matters of Provincial Interest as outlined in the Provincial Policy Statement and the Places to Grow Act.
2. The proposed minor variances would maintain the general intent and purpose of the Official Plan.
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.

Suggested Conditions, if approved:

1. That the variances generally relate to the site plan and building elevations submitted as part of the proposal and attached as Schedules “B” and “C” to this report.
2. All conditions are subject to the specifications and approval of the Town of Cobourg, but at no cost to the Municipality.

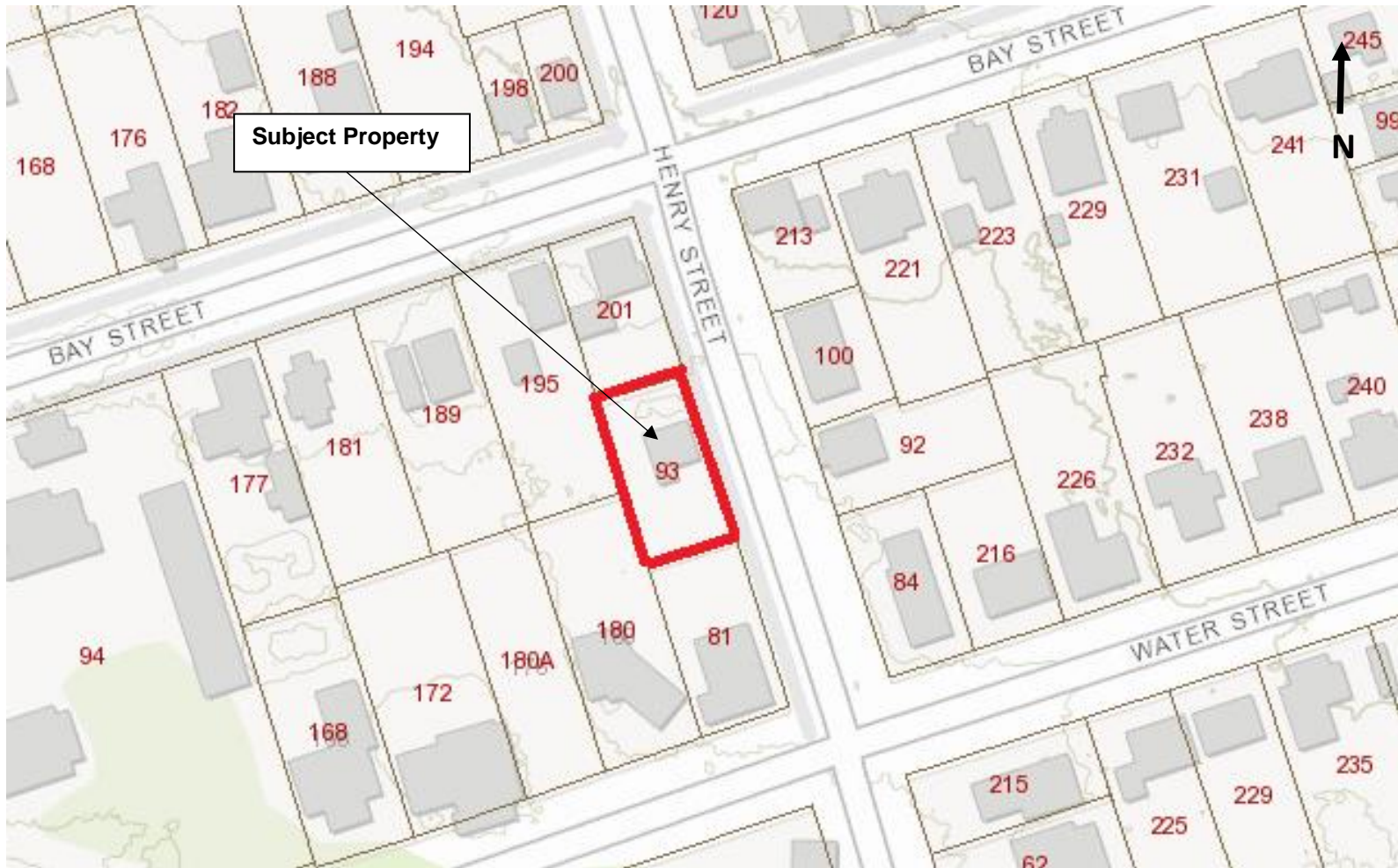
Approved by:


Desta McAdam, MCIP, RPP
Senior Planner - Development



Rob Franklin, MCIP, RPP
Manager of Planning Services

Schedule "A" Key Map



Schedule "B" Site Plan

SITE STATISTICS - ZONING COMPLIANCE					
DESCRIPTION	BY-LAW SECTION	REQUIRED/PERMITTED BY ZONING	PROPOSED	ZONING COMPLIANCE	REMARKS
ZONING/PERMITTED USE	R.1.1	R2 RESIDENTIAL	RESIDENTIAL	OK	
FRONT YARD (MIN)	R.1.8	25' MIN. OR 10% BUILDING LINE	4'	MEASURED TO FR. PORCH	
SIDE YARD (MIN)	R.1.10	3.3' MIN.	NORTH - 3.3' SOUTH - 31.5'	OK	
REAR YARD	R.1.9	25' MIN.	19.10'		
LOT COVERAGE	R.1.8	40% MAX.	28% OF LOT AREA	OK	
BUILDING HEIGHT (MAX)	R.1.13	2 STOREYS	2 STOREYS	OK	

SITE PLAN LEGEND	
	PROPERTY LINE
	LINE OF SETBACK
	EXISTING SPOT ELEVATION
	NEW SPOT ELEVATION
	EXISTING CONSTRUCTION
	NEW CONSTRUCTION
	POLE C=CABLE H=HYDRO L=LANDSIDE STANDARD T=TELEPHONE
	OVERHEAD SERVICE E=ELECTRICAL T=TELEPHONE V=V-CABLE
	MANHOLE COVER
	CATCH BASIN
	EXISTING TREE TO REMAIN
	EXISTING SHRUBS TO REMAIN
	EXISTING TREE OR SHRUBS TO BE REMOVED
	NEW DECIDUOUS TREE
	NEW CONIFEROUS TREE
	NEW SHRUBS

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Do not scale drawings.

Quantity take-off drawings, including bills of materials for the Work, must be prepared by the Designer and must conform to the Ontario Building Code for a building.

Do not commence the Work unless the drawings issued for construction. NOTE: These drawings are not to be used for bulk procurement applications or construction unless authorized by the Designer with the written consent of the Client.

The undersigned has reviewed and takes responsibility for this plan, and for the qualifications and fitness of the material used and for the Ontario Building Code for a building.

SIGNATURE INFORMATION:
 Andrew Smith
 20772 RCR

REGISTRATION INFORMATION:
 Andrew Smith Productions
 32052 TFR/ANZ RCR



REVISION SCHEDULE			
NO.	DATE	REVISION	BY

ISSUE SCHEDULE			
NO.	DATE	ISSUE	BY
4	1.14.2019	Pre-Consult for Minor Variance	AKS
3	1.11.2019	Re-Request for Pricing	AKS
2	7.16.2018	Issued for Pricing	AKS
1	4.23.2018	Issued for Client Review	AKS
NO.	DATE	ISSUED	BY

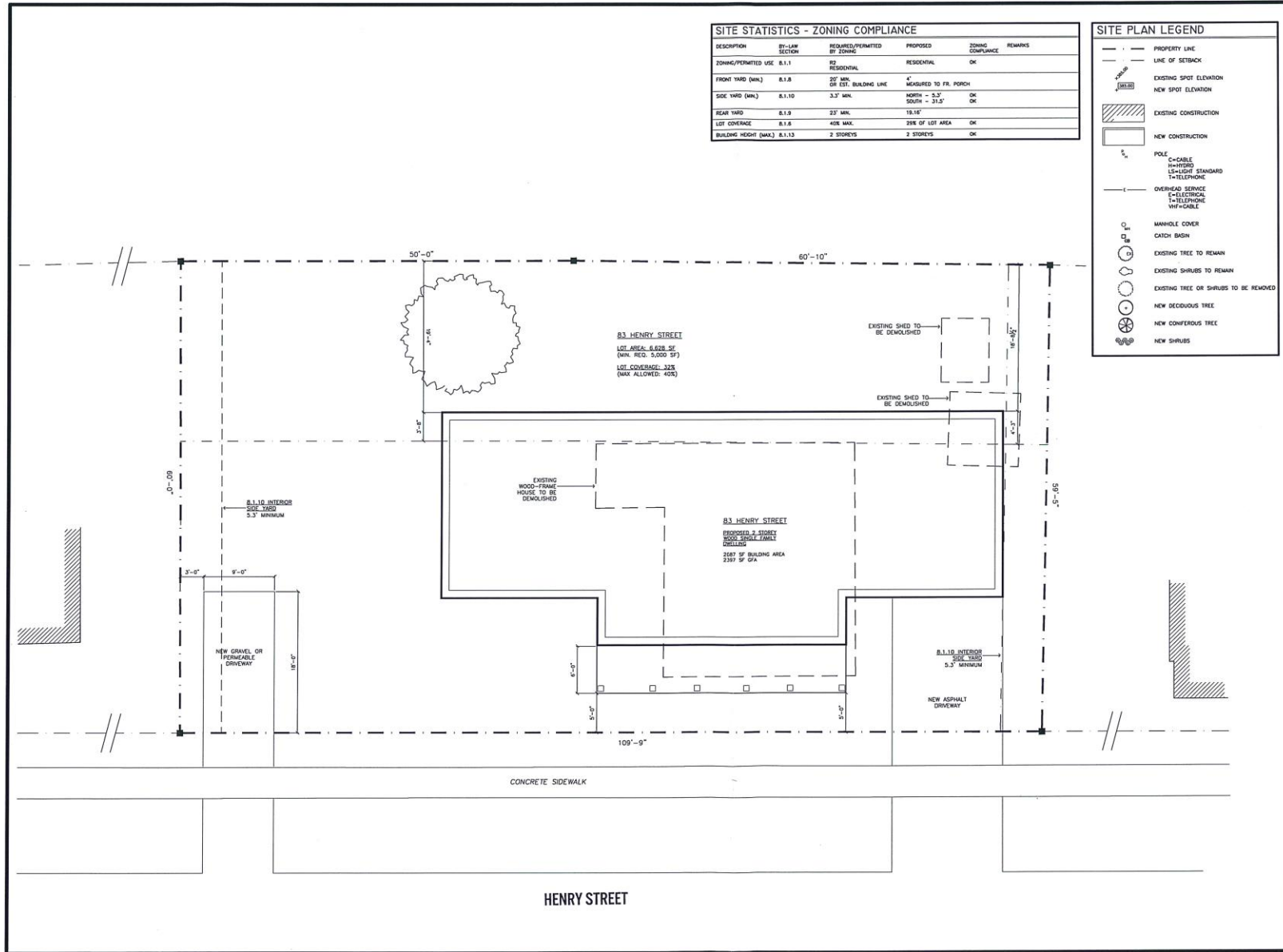
PROJECT
Litt Residence
 Single Family Dwelling
 83 Henry Street, Cobourg, ON

DRAWING
Preliminary Site Plan

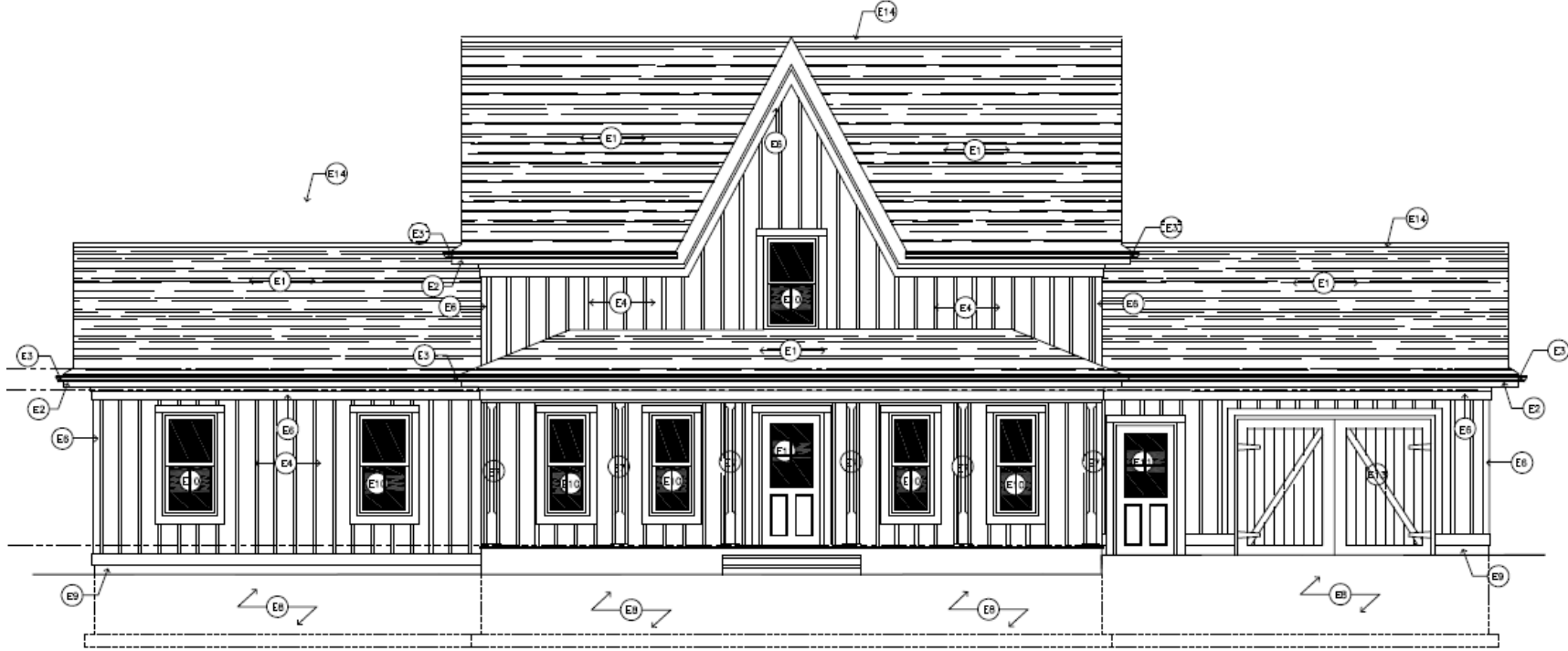
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buildingdesign

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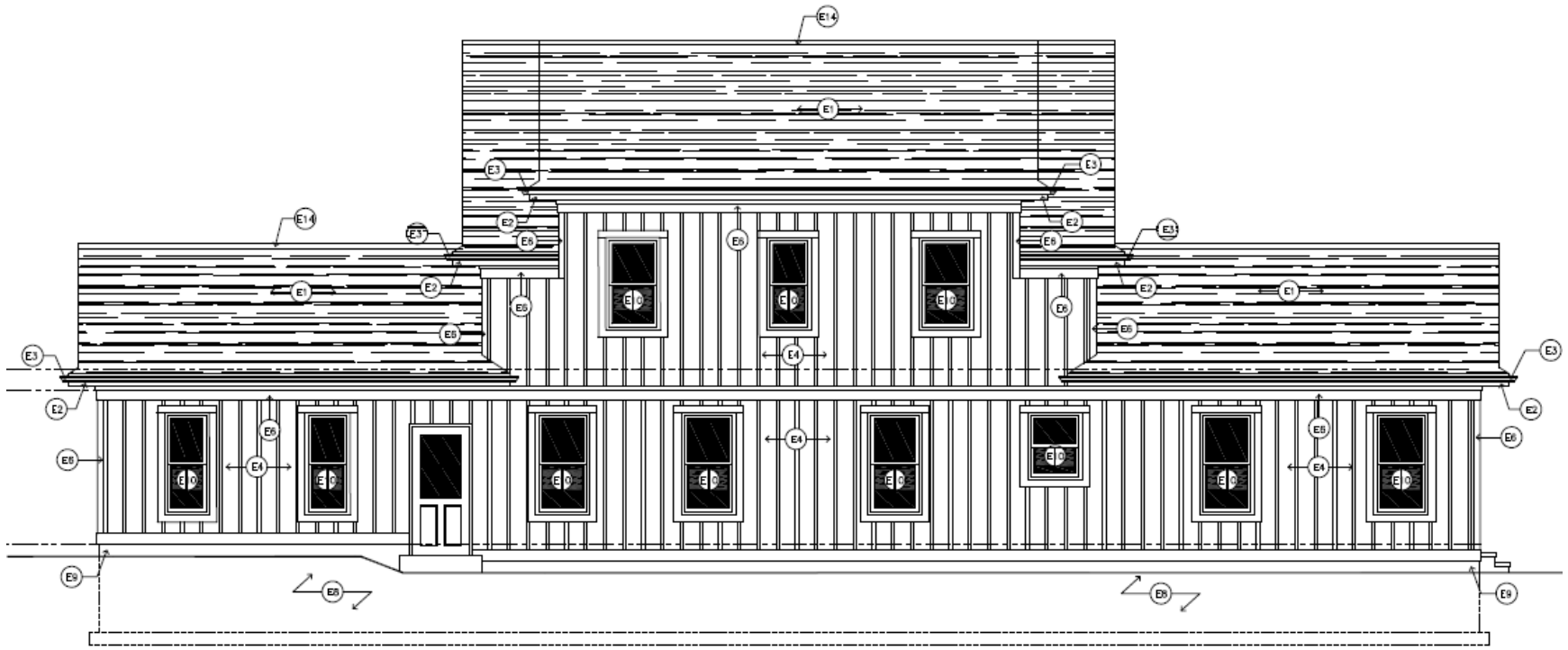
DESIGN	AKS	PROJECT NO.	2018-028
DRAWN	SR	CHK	AKS
DATE	April 2018	SHEET NO.	A100
SCALE	3/16"=1'-0"		



Schedule "C"
Building Elevations



2 FRONT ELEVATION
A300/SCALE 1/4" = 1'-0"



2 REAR ELEVATION
A301 SCALE: 1/4" = 1'-0"



1 SIDE ELEVATION
AS09 SCALE: 1/4" = 1'-0"

Schedule "D"
Site Photos



Looking west, towards the subject property



Looking northwest towards the subject property



Looking northwest, from the rear yard of the subject property towards 195 Bay Street



Looking south west from the rear yard of the subject property, towards 180 Water Street