

# DECISION/DIRECTION NOTE

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**Title:** 3 Park Place, REZ2000005

**Date Prepared:** November 4, 2020

**Report To:** Committee of the Whole

**Councillor and Role:** Councillor Maggie Burton, Planning & Development

**Ward:** Ward 2

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## **Decision/Direction Required:**

To consider a text amendment to the St. John's Development Regulations that would expand Heritage Use to allow the development of a Dwelling Unit in a designated Carriage House (a historic residential accessory building).

## **Discussion – Background and Current Status:**

The City has received an application to develop a Dwelling Unit in a Carriage House (a historic residential accessory building) at the rear of 3 Park Place along Rennie's Mill Road near Bannerman Park. The subject property is located in Heritage Area 1, is in the Residential Low Density District of the St. John's Municipal Plan and is zoned Residential Low Density (R1). This property is designated by Council as a Heritage Building and is a rare instance where the designation includes the entire property, not just the footprint of the main building. Therefore, both the house and the Carriage House are designated as Heritage Buildings

In the Statement of Significance (attached), the character-defining elements of the Carriage House include those original features that reflect upper-class outbuilding architecture for that period, including a mansard roof with dormers, original window and door openings, large garage doors originally intended for a horse carriage, and location at the rear of the property.

This is a significant change to consider a dwelling unit in an outbuilding on a residential property, and such an application has always been rejected, so some background is important. We have received one similar application in recent years (it did not proceed). The reason this is being considered now is to allow the economic use of a heritage property, with the aim of ensuring that it remains standing rather than being torn down and lost at some time in the future. This is in line with why a heritage designation can enable other uses beyond what is typically allowed in a zone.

Council must be aware of setting a precedent and of considering impacts on nearby property owners, including noise, night-time light, and privacy. The proposed amendment is written specifically for Heritage Use, which applies only to a designated Heritage Building. Therefore, it does not set a precedent for other property owners to allow them to develop a residential dwelling unit in a backyard shed, garage or other outbuilding.

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### Background on Previous Applications

In 2002, the property owners at the time applied for a permit to do interior and exterior renovations on the Carriage House. When the City inspected the renovations, we found that the contractor had installed living quarters (washroom, bedroom and kitchen) in violation of the St. John's Development Regulations. The owner was ordered to remove the bedroom and kitchen and did so.

An application followed soon after to add a living unit in the Carriage House. Residential units are not permitted in accessory buildings, so the application was rejected. The owner at the time appealed the decision; the St. John's Local Board of Appeal denied the appeal.

### Current Application

The current owner is different from the previous owner. The current application requests a text amendment to the Development Regulations to allow a Dwelling Unit in the Carriage House. As the Carriage House is designated by Council as a Heritage Building, a Heritage Use could be considered.

*HERITAGE USE means any Use of a designated heritage building which is, in Council's opinion, compatible with the adjoining Uses.*

The St. John's Regional Fire Department expressed no concerns regarding access for firefighting. However, the SJRFD did note that the developer will need to contact the City's Inspection Services Division to ensure that the National Building Code is followed for renovations. Should Council agree to adopt the amendment to enable such an application, the owner would apply for a renovation permit later.

The application was reviewed by the City's Development and Engineering staff. Engineering staff specified how the building would need to be serviced to accommodate two residential buildings on the one lot, but there were no concerns with the proposed use.

### Draft Amendment

The draft text amendment is attached for reference. The idea of allowing more than one residential building on a lot by converting a Carriage House into a dwelling unit is a new concept for St. John's, though similar developments are allowed in other Canadian cities. The amendment would limit the conversion to designated Heritage Buildings only. Currently, there are four (4) heritage-designated Carriage Houses in the city: Sunnyside Coach House at 70 Circular Road, Angel House at 164 Hamilton Avenue, the Squires Barn and Carriage House at 315-317 Mount Scio Road, and 3 Park Place.

The proposed amendment:

- will not allow a dwelling unit to be developed within an accessory building unless it is designated as a Heritage Building and approved by Council;
- will not allow the property owner of a Heritage Building to apply for a new accessory building for the purpose of adding a residential unit;
- will limit the number of units in a designated Carriage House to 1 Dwelling Unit; and

- could allow someone who owns a non-designated historic Carriage House to apply for designation in order for Council to consider a residential unit in the Carriage House.

To make this clear in the Development Regulations, three changes are required:

1. Add a definition for Carriage House.
2. Exclude Carriage House from the definition of an Accessory Building.
3. Add conditions for a Heritage Use (Carriage House) to Section 7 “Special Developments”.

The attached amendment is in draft form. Edits can be made to the amendment following public consultation and before Council votes on whether to adopt it. Should the amendment proceed, staff recommend that Council advertise the discretionary Heritage Use at 3 Park Place alongside the amendment, which would be city-wide. This will save time for the property owner of 3 Park Place and will also allow the neighbours to comment on the particular application. Staff also recommend that the application be referred to the City’s Built Heritage Experts Panel.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring residential and property owners; heritage organizations; owners of designated Carriage Houses; owners of other Carriage Houses that might merit heritage designation.
3. Alignment with Strategic Directions/Adopted Plans:  
*St. John’s Strategic Plan 2019-2029 – A Sustainable City* – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications: Text amendments to the St. John’s Development Regulations are required. To date, a Dwelling Unit has not been permitted in an outbuilding on a residential property.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Should the amendment proceed, public notice is required under Section 5.5 of the Development Regulations.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

**Recommendation:**

That Council consider a text amendment to the St. John's Development Regulations to allow a Dwelling Unit in a designated Heritage Building (Carriage House) and advertise the proposed amendment for public review and comment.

Further, that Council advertise the Discretionary Use of a Heritage Use (Carriage House) at 3 Park Place as per Section 5.5 of the Development Regulations, and refer the application to the Built Heritage Experts Panel for review.

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**Approved by: Ken O'Brien, MCIP, Chief Municipal Planner**

**Report Approval Details**

Document Title:	3 Park Place, REZ2000005 .docx
Attachments:	- 3 Park Place - Attachments.pdf
Final Approval Date:	Nov 5, 2020

This report and all of its attachments were approved and signed as outlined below:

**Ken O'Brien - Nov 5, 2020 - 1:54 PM**

**Jason Sinyard - Nov 5, 2020 - 2:22 PM**