

DECISION/DIRECTION NOTE

Title: Accessory Building – 13 Devine Pl
Date Prepared: August 25, 2021
Report To: Regular Meeting of Council
Councillor and Role: Councillor Maggie Burton, Planning & Development
Ward: N/A

Decision/Direction Required:

To issue an Order pursuant to section 102(1) of the Urban and Rural Planning Act, 2000 to remove the accessory building at 13 Devine Place that violates the St. John's Development Regulations

Discussion – Background and Current Status:

An accessory building at 13 Devine Place was erected without a permit and is currently located in violation of section 8.3.6(4)(i) of the St. John's Development Regulations. That section states:

Accessory Buildings shall:

- (a) be restricted to the Side and Rear Yards and be located behind the Building Line, subject to Section 8.3.3;*
- (b) be located a minimum of 1.2 metres from the nearest Lot Lines; and*
- (c) be located a minimum of 2.4 metres from any building (main or accessory).*

This section reflects good planning principles, which support setbacks, and that buildings be a certain distance from the building line for reasons such as traffic sight lines and snow clearing/storage.

Repeated attempts to bring the property into compliance failed, and Inspection Services requires further action be taken to address the ongoing violation. The placement of accessory buildings is an important issue, and the Division frequently rejects applications for sheds placed contrary to City regulations. It is therefore necessary for reasons of consistency and fairness for the City to proceed with enforcement action.

After consultation with the Legal Department, Inspection Services is requesting that Council make an Order pursuant to section 102(1) of the Urban and Rural Planning Act, 2000. That section states:

Where, contrary to a plan or development regulations, a person has undertaken or commenced a building or other development, the council, regional authority or authorized administrator

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responsible for that plan or those regulations or the minister where he or she considers it necessary, may order that the person pull down, remove, stop construction fill in or destroy that building or development and may order that the person restore the site or area to its original state

Notice has been already been provided, advising of Council's authority under section 102(1). Should a removal Order be issued we recommend allowing 21 days to comply from date of receipt.

Key Considerations/Implications:

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders: N/A
3. Alignment with Strategic Directions/Adopted Plans: N/A
4. Legal or Policy Implications:
 - The Order will be issued under section 102(1) of the Urban and Rural Planning Act, 2000. If there is failure to comply the City can remove the accessory building under section 102(5).
5. Privacy Implications: N/A
6. Engagement and Communications Considerations: N/A
7. Human Resource Implications: N/A
8. Procurement Implications: N/A
9. Information Technology Implications: N/A
10. Other Implications: N/A

Recommendation:

That Council issue an Order pursuant to section 102(1) of the Urban and Rural Planning Act, 2000 to remove the accessory building at 13 Devine Place which violates the St. John's Development Regulations.

Prepared by:
Approved by:

Report Approval Details

Document Title:	Accessory Building - 13 Devine Place.docx
Attachments:	
Final Approval Date:	Sep 2, 2021

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

No Signature found

Cheryl Mullett - Aug 25, 2021 - 3:01 PM

Randy Carew - Aug 26, 2021 - 3:23 PM

Jason Sinyard - Sep 2, 2021 - 3:51 PM