

# DECISION/DIRECTION NOTE

**Title:** Accessory Building, 38 Discovery Crescent, Town of Paradise  
PER File No. INT1900065

**Date Prepared:** July 11, 2019

**Report To:** His Worship the Mayor and Members of Council

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

**Ward:** Not applicable.

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**Decision/Direction Required:**

To seek approval of the application for an Accessory Building.

**Discussion – Background and Current Status:**

It was recently discovered by staff at the Town of Paradise that an application to erect an accessory building at the above noted address was approved without referral to the City of St. John's for planning staff review and Council consideration of same. The lot straddles the municipal boundaries of the Town of Paradise and the City of St. John's. The dwelling is located entirely in the Town of Paradise; however, the accessory building is located within the boundary of the City of St. John's and is also situated in the Broad Cove River Watershed.

The permit for the accessory building was issued some years ago, in error, by the Town of Paradise. However, the property is now for sale and its sale is pending the approval of the accessory building by the City of St. John's.

On July 4, 2019, an application was referred to the City of St. John's requesting Council's approval for the above noted constructed accessory building. The existing building comprises of a floor area of 33.5 m<sup>2</sup> which is slightly larger than the maximum size (30m<sup>2</sup>) of an accessory building Council would normally allow in the Broad Cove River Watershed Zone.

Accessory Buildings in a Watershed can be considered for approval by Council under Section 104 (4)(a) of the City of St. John's Act. Only buildings accessory to an existing residential use can be approved. Section 104 (4) (b) allows the City Manager to make recommendation on the construction of a building or extension in the watershed.

The current accessory building size is 3.5 m<sup>2</sup> larger than would normally be approved, however, staff are of the opinion that this slightly larger accessory building will not have a deleterious affect on the watershed.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.

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2. Partners or Other Stakeholders: Not applicable.
3. Alignment with Strategic Directions/Adopted Plans: Not applicable.
4. Legal or Policy Implications:  
Section 104 (4)(d) of the City of St. John's Act.
5. Engagement and Communications Considerations: Not applicable.
6. Human Resource Implications: Not applicable.
7. Procurement Implications: Not applicable.
8. Information Technology Implications: Not applicable.
9. Other Recommendation: Not applicable.

**Recommendation:**

The Development Committee recommends approval of the subject application for the Accessory Building in the Watershed Zone. The approval shall state that the Accessory Building cannot be increased in size and, if replaced, must meet City standards at the time of replacement.

**Prepared by/Signature:**

Gerard Doran, C.E.T.  
Supervisor of Development  
Planning, Engineering and Regulatory Services

Signature: \_\_\_\_\_

**Approved by/Date/Signature:**

Kevin Breen  
City Manager

Signature: \_\_\_\_\_

**Attachments:**

None