

DECISION/DIRECTION NOTE

Title:	Request for Accessory Building Extension in the Floodplain Buffer and Variance – 36 Smithville Crescent – INT2300001
Date Prepared:	February 7, 2023
Report To:	Regular Meeting of Council
Councillor and Role:	Councillor Jamie Korab, Development
Ward:	Ward 4

Decision/Direction Required: To seek approval for an extension to the Accessory Building within the Floodplain Buffer and a 0.83% Variance at 36 Smithville Crescent.

Discussion – Background and Current Status:

An application was submitted for the replacement of an Accessory Building at 36 Smithville Crescent, which was destroyed by fire. The previous Accessory Building was 74.13 m² and located at the rear of the property in the Floodplain Buffer, with a small portion of the building within the Floodplain.

Subject to Section 7.5(g) “Non-Conforming” Use regulations, the portion of the Accessory Building located within the Floodplain is permitted to be rebuilt as it was used for residential purposes and was destroyed by fire. As part of the rebuild, the applicant is proposing to expand the footprint of the Accessory Building by 26m². This extension will be located within the Floodplain Buffer and is subject to Council’s approval under Section 4.10.4(a). Residential Accessory Buildings do not require consultation by the Environment and Sustainability Experts Panel prior to Council’s consideration.

Accessory Buildings must adhere to Section 6.2 of the St. John’s Development Regulations and shall be located a minimum of 1.2 metres from any Lot Line. The proposed extension, which is in alignment with the existing Accessory Building, is setback 1.19 metres from the rear property boundary; therefore, the applicant is requesting a 0.83% Variance to allow a reduced setback. Section 7.4 of the Development Regulations provides that up to a 10% variance from any applicable requirement can be considered.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Abutting property owners.



3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

Choose an item.

4. Alignment with Adopted Plans: St. John's Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: St. John's Development Regulations Section 4.10 (4) and (6) "Waterways, Wetlands, Pond or Lakes", Section 6.2 "Accessory Building", Section 7.4 "Variances" and Section 7.5 "Non-Conforming".
7. Privacy Implications: Not applicable.
8. Engagement and Communications: Written notices were sent to all persons whose land abuts the Development that is the subject of the Variance.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

Recommendation:

That Council approve the extension of the Accessory Building within the Floodplain Buffer and a 0.83% Variance to allow a reduced setback from the Lot Line at 36 Smithville Crescent.

Prepared by:

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Planning, Engineering and Regulatory Services

Approved by:

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Planning, Engineering and Regulatory Services

Report Approval Details

Document Title:	Development Committee - Accessory Building Variance - 36 Smithville Crescent - INT2300001.docx
Attachments:	- 36 SMITHVILLE CRESCENT.pdf
Final Approval Date:	Feb 7, 2023

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

Jason Sinyard - Feb 7, 2023 - 1:44 PM