

DECISION/DIRECTION NOTE

Title: Proposed Redevelopment of a Non-Conforming Dwelling – 4A Middle Battery Road– DEV2400079

Date Prepared: July 3, 2024

Report To: Regular Meeting of Council

Councillor and Role: Councillor Carl Ridgeley, Development

Ward: Ward 2

Decision/Direction Required:

To seek approval to redevelop a Non-Conforming Dwelling and set the Building Line for 4A Middle Battery Road.

Discussion – Background and Current Status:

An application was submitted to redevelop a Single Detached Dwelling at 4A Middle Battery Road. The site was previously developed, and a portion of the old foundation still exists on the property. The minimum Building Line in the Residential Battery (RB) Zone is 4.5 metres. The applicant is proposing a Building Line at 1.07 metres, which is in line with setbacks in the area. As per **Section 7.2.1** of the **Envision St. John’s Development Regulations**, Council shall have the power to establish or re-establish the Building Line for any Street, or for any Lot that Council deems appropriate.

The RB Zone requires a Rear Yard setback of 4.5metres; the Dwelling is proposed to be reconstructed at the existing non-conforming setback of 1.07 metres, where the original foundation is located. Under **Section 7.5 “Non-Conforming”** development shall not be externally varied without Council approval; the proposed rebuild would be located at the original setback and will not increase the degree of non-conformity.

Key Considerations/Implications:

1. Budget/Financial Implications: Not Applicable.
2. Partners or Other Stakeholders: Not Applicable.
3. Is this a New Plan or Strategy: No
4. 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.

5. Alignment with Adopted Plans: **Envision St. John's Municipal Plan and Development Regulations.**
6. Accessibility and Inclusion: Not Applicable.
7. Legal or Policy Implications: **Envision St. John's Development Regulations Section 7.2.1 "Building Line-Yards," Section 7.5. "Non-Conforming" and Section 10 "Residential Battery (RB) Zone".**
8. Privacy Implications: Not Applicable.
9. Engagement and Communications Considerations: Not Applicable
10. Human Resource Implications: Not Applicable.
11. Procurement Implications: Not Applicable.
12. Information Technology Implications: Not Applicable.
13. Other Implications: Not Applicable.

Recommendation:

That Council approve a Building Line at 1.07 metres and the existing Non-Conforming Rear Yard setback at 1.07 metres to allow the redevelopment of a Single Detached Dwelling at 4A Middle Battery Road.

Prepared by:

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Planning, Engineering and Regulatory Services

Approved by:

Jason Sinyard, P. Eng., MBA, Deputy City Manager-
Planning, Engineering and Regulatory Services

Report Approval Details

Document Title:	Development Committee - Proposed Reconstruction of Non-Conforming Dwelling – 4A Middle Battery Road– DEV2400079.docx
Attachments:	- Map and House Location.pdf
Final Approval Date:	Jul 4, 2024

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

Lindsay Lyghtle Brushett - Jul 3, 2024 - 3:41 PM

Jason Sinyard - Jul 4, 2024 - 10:09 AM