

# DECISION/DIRECTION NOTE

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**Title:** Non-Conforming Use in the Floodplain and Buffer – 66-72 Forest Pond Road – DEV2500027

**Date Prepared:** May 28, 2025

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Carl Ridgeley, Development

**Ward:** Ward 5

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**Decision/Direction Required:** To consider the demolition and rebuild of a Single Detached Dwelling at 66-72 Forest Pond Road, which is a Non-Conforming Use.

**Discussion – Background and Current Status:**

An application has been received to demolish and rebuild a Single Detached Dwelling at 66-72 Forest Pond Road. The property is zoned Rural Residential Infill (RRI) and is impacted by both the 100-year floodplain and buffer, as well as the 20-year floodplain and buffer. Under **Section 4.10 (6) and (7) of the Development Regulations**, a Single Detached Dwelling is not permitted in either the floodplain or buffer, which makes the existing Dwelling a Non-Conforming Use.

Under **Section 7.5.3(a) of the Development Regulations**, Council may allow a Non-Conforming Building, structure or Development to be internally or externally varied, extended or expanded with approval, along with consideration under **Section 7.5.3(b)** that the development shall not be expanded if the degree of non-conformity would be increased.

In this particular case, the footprint of the proposed Single Detached Dwelling is reduced by 69m<sup>2</sup> and the location is moved further away from the water body within the floodplain, therefore reducing the encroachment and further reducing the risk of flooding. A portion of the new footprint does extend into the floodplain and buffer in an area which is currently undeveloped, however this extension is further from the water body than the original footprint. It is felt that this application does not increase the degree of non-conformity.

As the overall footprint is smaller and the risk of flooding is reduced by the topography and new location being further from the water body, Council may consider this application. Should this application be considered, as a condition of development no substantial changes to the existing grade would be allowed given such changes could affect the floodplain.

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Where a Single Detached Dwelling is not a Use considered under **Section 4.10 (6) or (7)** consultation with the Environment and Sustainability Experts Panel is not required as per **Section 4.10(8)**.

**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: **St. John's Municipal Plan and Development Regulations**.
6. Accessibility and Inclusion: Not applicable.
7. Legal or Policy Implications: **St. John's Development Regulations Section 4.10 "Waterways, Wetlands, Ponds or Lakes," Section 7.5 "Non-Conforming" and Section 10 "Rural Residential Infill (RRI) 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 the demolition and rebuild of a Non-Conforming Use at 66-72 Forest Pond Road to allow the redevelopment of a Single Detached Dwelling in the Floodplain and Buffer subject to conditions on size, location and grading.

**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 - Non-Conforming Use in the Floodplain and Buffer - 66-72 Forest Pond Road - DEV2500027.docx
Attachments:	- 66-72 FOREST POND ROADdev.area.pdf
Final Approval Date:	May 29, 2025

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

**Jason Sinyard - May 29, 2025 - 1:57 PM**