

# DECISION/DIRECTION NOTE

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**Title:** Proposed Subdivide for Two Additional Building Lots  
36 Cabot Avenue  
SUB2000006

**Date Prepared:** July 21, 2020

**Report To:** Regular Meeting of Council

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

**Ward:** Ward 2

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**Decision/Direction Required:** That Council approve the creation of two additional building lots for Single Detached Dwellings at 36 Cabot Avenue.

**Discussion – Background and Current Status:**

The City has received an application to subdivide the property at 36 Cabot Avenue into three Lots. The subdivision would add two Lots with Single Detached Dwellings fronting Battery Road. Each dwelling is proposed to be a 3 storey, Single Detached Dwelling with an in-house garage. The proposed Floor Area for the Dwelling located on Lot A is 148.65 m<sup>2</sup>, while the Floor Area for the Dwelling on Lot B is 232.25 m<sup>2</sup>. The proposed dwellings are comparable in size and scale with other dwellings in the area. The properties are required to meet the standards of Heritage Area 3, therefore the application was referred to the Built Heritage Experts Panel; their recommendation will be provided in a separate Decision Note to Council.

To accommodate the proposed dwellings based on the slope of the land, the applicant is requesting Council re-establish the building line at 3.0 meters, which would place the proposed Single Detached Dwelling in line with the adjacent, existing Semi-detached Dwellings on Battery Road. Council has the power to establish or re-establish the Building Line for any existing Street, subject to Section 8.3.1.

As per the St. John's Development Regulations Appendix A: "Footprint and Height Control Overlay for the Battery Development Area", the existing dwelling at 36 Cabot Avenue is identified, however the Appendix does not consider the Lot being subdivided for additional buildings. Since the table is silent, Section 7.28 of the Development Regulations allows Council to approve development in the Battery Development Area, provided the applicant undertakes a Land Use Assessment Report (LUAR) on the proposed development. Planning, Engineering & Regulatory Services received the LUAR for the subject property and was satisfied with the information provided. Property owners within the development area that could be affected by the proposal were notified in writing.

The application was referred to the Regular Meeting of Council on June 23, 2020, where Council directed that additional public notification to a wider radius be carried out. The

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application was advertised in the Telegram Newspaper for two consecutive weeks and a notice was sent to all property owners within the Battery neighbourhood. Written submissions were received.

Written submissions ranged in favour of and against the proposed development. Concerns related to a loss of green space on the site, extra traffic and congestion within the area, that overall scale/design were not in line with the Battery area, and that further development should not be considered within the neighbourhood. There was also correspondence from the St. John's Port Authority identifying an easement in the area, which they have since noted will not be impacted by the proposed development. Each of the proposed Dwellings will have a small driveway with an in-house garage for parking. The proposed scale and design were reviewed by the Built Heritage Experts Panel, who have no concerns with the proposal. The proposed Lots meet the Residential Battery (RB) Zone requirements and the general intent of the Battery Development Area.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighbouring property owners.
3. Alignment with Strategic Directions/Adopted Plans: A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications: St. John's Development Regulations Section 10.8; Section 7.28; Section 8.3.1; and Appendix A.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Advertised before a Council decision.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

**Recommendation:**

That Council approve the subdivision of 36 Cabot Avenue for two additional Lots and to reestablish the Building Line for each Lot at 3.0 meters.

**Report Approval Details**

Document Title:	Proposed Subdivide for Two Additional Building Lots 36 Cabot Avenue SUB2000006.docx
Attachments:	- 36 Cabot Avenue site plan.pdf
Final Approval Date:	Jul 29, 2020

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

**Jason Sinyard - Jul 29, 2020 - 8:16 PM**