

# INFORMATION NOTE

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**Title:** 78 McNiven Place Zone Line Interpretation INT1900047

**Date Prepared:** July 30, 2020

**Report To:** Committee of the Whole

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

**Ward:** Ward 1

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**Issue:** Interpret the zone line to extend the R1 Zone for the last house on McNiven Place.

## **Discussion – Background and Current Status:**

The property in question is at the end of McNiven Place on the north side and is zoned Open Space (O). The property owner wishes to extend his property in the Residential Low Density (R1) Zone by acquiring City land to have a lot with 70 feet (21 metres) frontage. The City's Parks and Open Space Division has confirmed that they have no intended use for this land and do not object to the property owner expanding his property slightly. No objections were raised by other City staff.

Under the St. John's Development Regulations, Section 3.4 "Boundaries of Zones", where the boundary of a zone is uncertain and substantially follows a street or lot lines, the street or the lot lines can be deemed to be the boundary of the zone. Therefore, in this case, with the sale of City land to expand the owner's lot, I can interpret the boundary between the O Zone and the R1 Zone so that it runs along the new property boundary. Corresponding changes will be made to the Municipal Plan map for the boundaries between the Open Space District and the Residential Low Density District.

## **Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring property owners and the City.
3. Alignment with Strategic Directions/Adopted Plans: Not applicable.
4. Legal or Policy Implications: This is in accordance with rules of interpretation in the St. John's Development Regulations, Section 3.4 "Boundaries of Zones".
5. Privacy Implications: Not applicable.

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6. Engagement and Communications Considerations: Not applicable.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

**Conclusion/Next Steps:** At 78 McNiven Place, on land which the City will sell to the property owner to expand his lot slightly, the zone boundary between the Open Space (O) Zone and the Residential Low Density (R1) Zone is interpreted to run along the new property boundary. A corresponding change will be made to the Future Land Use Map of the St. John's Municipal Plan. This accords with the rules of zone interpretation in Section 3.4 of the St. John's Development Regulations.

### Report Approval Details

Document Title:	78 McNiven Place zone line interpretation.docx
Attachments:	
Final Approval Date:	Jul 30, 2020

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

**Jason Sinyard - Jul 30, 2020 - 11:27 AM**