

March 10, 2017

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**Re: Request for Access to Information Under Part II  
of the Access to Information and Protection Privacy Act  
Transportation Impact Study**

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On February 20, 2017, the City of St. John's received your request for access to the following information:

*"Requesting information on my commercial property at 615 Empire Avenue from back 10 years ago who changed the zoning it wasn't me and how come I can't use it for anything. How was Tony Hogan able to change my zoning."*

Enclosed is the information you requested. As the provision of the information constitutes full disclosure, we now consider this matter completed and will be closing the file.

If you have any further questions, please feel free to contact the undersigned by telephone at 576-8202 or by e-mail: [ehenley@stjohns.ca](mailto:ehenley@stjohns.ca).

Yours truly,



Elaine A. Henley  
City Clerk

Enclosures

**ST. JOHN'S**



**ATIPPA request of Feb. 20, 2017 - 615 Empire Ave.** 

**Ken O'Brien** to: Elaine Henley

2017/03/09 01:28 PM

Cc: Jason Sinyard, Kathy Driscoll, Aggie Westcott, Neachel Keeping

Elaine, this is in reply to your memo to Jason Sinyard dated Feb. 22, 2017, with the following request for information:

*Requesting information on their commercial property at 615 Empire Avenue from 10 years ago, who changed the zoning and why it can't be used for anything.*

*How was [REDACTED] able to change their zoning.*

Staff retrieved the amendment file from Records Management for St. John's Development Regulations Amendment No. 416, 2007:

DR 416, 2007	615 Empire Ave., Tommy's Auto Tech	R1 to CM Zone
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This also involved St. John's Municipal Plan Amendment No. 51, 2007, which redesignated the same property from the Residential Low Density District to the Commercial General District.

Staff also retrieved file B-17-E.11 from 2007; it is associated with application no. 07-00203.

In June 2007, [REDACTED], who owned Tommy's Auto Tech at 615 Empire Avenue, applied to develop a mini-warehouse of self-storage units on the property, and asked for rezoning. At the time, the property was zoned Residential Low Density (R1) and his business was a non-conforming use. The expansion proposed was larger than could be accommodated as an extension to a non-conforming use. Thus, Mr. [REDACTED] asked for rezoning from the R1 Zone to the Commercial Industrial (CI) Zone, where warehousing is a permitted use. The existing automobile repair garage would remain and the self-storage units would be built at the rear of the property.

A staff memo to Council's Planning and Housing Committee dated July 27, 2007, set out the information for the application. The auto repair garage was a long-standing commercial use, going back to when Viking Motors sold Volvo cars here. In the intervening years, Empire Avenue was realigned, the surrounding residential areas developed, and new houses were built on Winslow Street bordering the subject property. Instead of considering the CI Zone, the staff memo recommended that the Committee consider rezoning to the Commercial Mixed Use (CM) Zone, which permits light industrial use, and restrict the other uses that could be allowed by using a text amendment to the CM Zone. The existing commercial garage would remain a non-conforming use, the same as it was in the R1 Zone. The self-storage warehousing could be considered a light industrial use.

The intent was to reduce or remove some of the unsightliness of the vehicles being stored outdoors on the property, accommodate the proposed self-storage units, and protect the nearby residential properties.

On July 31, 2007, the Planning and Housing Committee met and considered the application. They referred the matter to a public meeting, and their report was referred to Council's regular meeting on August 6, 2007. The public meeting was held on September 11, 2007; to prepare, notices were sent to all properties within a radius of 150 metres from the subject property.

The minutes of the public meeting and a staff report were referred to Council's regular meeting of September 17, 2007, with a recommendation to rezone. On that date, Council adopted-in-principle the rezoning and the Municipal Plan amendment. Later, Council appointed an independent commissioner and scheduled a public hearing for November 6, 2007. No written objections were received beforehand so the public hearing was cancelled.

At its regular meeting of November 13, 2007, Council approved the rezoning and Municipal Plan amendment (by Council directive CD #R2007-11-13/7). The amendments came into legal effect on

December 14, 2007. This is the date that shows up in the CM Zone table in the St. John's Development Regulations.

A recent air photo shows that the self-storage units proposed at the rear of the property were never built.

Let me know if you need more information, Elaine.

Ken

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**Ken O'Brien, MCIP** | *Chief Municipal Planner*

*City of St. John's - Planning, Engineering and Regulatory Services*

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**ST. JOHN'S**

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