

# Notice of Appeal

(Pursuant to Section 28 of the *Planning Act*)

TO: The Island Regulatory and Appeals Commission  
National Bank Tower, Suite 501, 134 Kent Street  
P.O. Box 577, Charlottetown PE C1A 7L1  
Telephone: 902-892-3501 Toll free: 1-800-501-6268  
Fax: 902-566-4076 Website: www.irc.pe.ca

**NOTE:**  
Appeal process is a public process.

**TAKE NOTICE** that I/we hereby appeal the decision made by the Minister responsible for the administration of various development regulations of the **Planning Act** or the Municipal Council of Charlottetown (name of City, Town or Community) on the 27th day of November, 2017, wherein the Minister/Community Council made a decision to see page 2

(attach a copy of the decision).

**AND FURTHER TAKE NOTICE** that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, the grounds for this appeal are as follows: (use separate page(s) if necessary)  
see page 3

**AND FURTHER TAKE NOTICE** that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, I/we seek the following relief: (use separate page(s) if necessary)  
the Commission substitute its own decision for the one appealed, allow the appeal, quash the City's decision to pass/grant/approve the site specific bylaw amendment and deny the application for the site specific bylaw amendment.

Name(s) of Appellant(s): Queens County Condominium No. 40 (aka The Rockford Condominium) Signature(s) of Appellant(s): [Signature]  
Please Print Matthew Bradley, Solicitor Per Appellant

Mailing Address: 65 Queen Street, P.O. Box 522 City/Town: Charlottetown  
Province: P.E.I. Postal Code: C1A 7L1  
Email Address: mbradley@csmlaw.com Telephone: 902-892-4156

Dated this 15 day of December, 2017  
day month year

## IMPORTANT

Under Section 28.(6) of the *Planning Act*, the Appellant must, within seven days of filing an appeal with the Commission serve a copy of the notice of appeal on the municipal council or the Minister as the case may be.

**Service of the Notice of Appeal is the responsibility of the Appellant**

Information on this Form is collected pursuant to the *Planning Act* and will be used by the Commission in processing this appeal. For additional information, contact the Commission at 902-892-3501 or by email at info@irc.pe.ca.

**Decision Being Appealed**

pass/grant/approve a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit a four storey, 23-unit apartment dwelling on the consolidated property at 55 Richmond Street (PID #339911) and 59 Richmond Street (PID# 339929).

**GROUNDS OF APPEAL**

1. the City failed to follow its own Zoning and Development Bylaw and exceeded its authority in approving the site specific bylaw;
2. the City failed to properly exercise the authority conferred on to it pursuant to the *Planning Act*, R.S.P.E.I. 1988, c. P-8;
3. the City failed to properly interpret the Zoning and Development Bylaw, including but not limited to sections 4.31 and 4.32;
4. the City failed to apply sound planning principles in approving the Bylaw amendment by:
  - a. approving the Bylaw amendment despite the objections of the residents in the immediate area;
  - b. approving the variances when the Zoning and Development Bylaw clearly indicated the variances are inappropriate;
  - c. failure to consider the safety ramifications of the Bylaw amendment on the neighbouring properties;
  - d. approving the Bylaw amendment and allowing a 23 unit apartment building to be built on the property with no on-site parking to act as a buffer between the neighbouring properties;
  - e. failure to consider the impact of the lack of on-site parking for the property on the neighbouring properties and the neighbourhood in general;
  - f. failure to consider the impact of the property no longer being used as a parking area itself and the impact it would have on the community;
  - g. failure to consider that before the variances no apartment building could be built on the property and as a result of the variances a 23 unit apartment building can now be built on the property; and
  - h. such further and other failures to apply sound planning principles as counsel for the appellant may advise in a timely manner upon review of the record and the Commission may permit;
5. such further and other grounds as counsel for the appellant may advise in a timely manner upon review of the record and the Commission may permit.



Excerpt from Special Mtg  
of Council of November  
27, 2017. Minutes not yet  
approved

**Special Meeting of Council  
Monday, November 27, 2017 at 5:30 PM  
Council Chambers, City Hall**

**Mayor Clifford Lee presiding**

**Present:** Deputy Mayor Mike Duffy                      Councillor Greg Rivard  
                  Councillor Terry MacLeod                      Councillor Kevin Ramsay  
                  Councillor Jason Coady

**Also:** Peter Kelly, CAO    Alex Forbes, PM  
                  Tracey McLean, RMC

**Regrets:** Councillor Mitchell Tweel                      Councillor Terry Bernard

Mayor Lee called the meeting to order.

1. **3rd reading of the Zoning & Development Bylaw** - For a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit a four storey, 23-unit apartment dwelling on the consolidated property at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929).

Moved by Councillor Greg Rivard  
Secoded by Councillor Terry MacLeod

**RESOLVED:**

That the City of Charlottetown Zoning and Development Bylaw be read a third time and that the said Bylaw do now pass.

**CARRIED 4-1  
Deputy Mayor Duffy opposed**

**End of Excerpt**



CITY OF CHARLOTTETOWN  
BYLAW

For a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit a four storey, 23-unit apartment dwelling on the consolidated property at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929).

**RESOLVED: THAT** the bylaw to amend the CITY OF CHARLOTTETOWN ZONING AND DEVELOPMENT BYLAW” be read a first time.

Moved by Councillor [Signature]  Greg Rivard

Seconded by Councillor [Signature]  Terry MacLeod  
Date: November 14, 2017

*[Handwritten notes: C-1-0]*

**RESOLVED: THAT** the said bylaw be read a second time and that the bylaw be committed to a Committee of the Whole Council, and the Mayor be Chairman of the Committee.

Moved by Councillor [Signature]  Greg Rivard

Seconded by Councillor [Signature]  Terry MacLeod  
Date: November 14, 2017

*[Handwritten notes: C-1-0]*

**RESOLVED: THAT** the Chairman reports progress of the Committee and that the Bylaw be adopted (as amended) (without amendments).

Moved by Councillor [Signature]  Greg Rivard

Seconded by Councillor [Signature]  Terry MacLeod  
Date: November 14, 2017

*[Handwritten notes: C-1-0]*

**RESOLVED: THAT** the bylaw be now engrossed as a City Bylaw and that it be entitled the “CITY OF CHARLOTTETOWN ZONING AND DEVELOPMENT BYLAW” and that it be read a third time at the next Public Meeting of Council.

Moved by Councillor [Signature]  Greg Rivard

Seconded by Councillor [Signature]  Terry MacLeod  
Date: November 14, 2017

*[Handwritten notes: C-1-0]*

**RESOLVED: THAT** the “CITY OF CHARLOTTETOWN ZONING AND DEVELOPMENT BYLAW” be read a third time and that the said Bylaw do now pass.

Moved by Councillor [Signature]  GREG RIVARD

Seconded by Councillor [Signature]  Terry MacLeod  
Date: November 27, 2017

*[Handwritten notes: C-1-0]*

**For a site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit a four storey, 23-unit apartment dwelling on the consolidated property at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929).**

