

November 21, 2018

David Stevenson and Jason Henry  
3025 Route 225  
Hartsville, PE  
COA 1Y0

Dear Mr. Stevenson and Mr. Henry:

**Re: Case C- 2018-0399 Application to change the use from vacant building to commercial use to support cider production on property #493122.**

The Department of Communities, Land and Environment has reviewed your application to change the use of the existing vacant building to commercial or industrial use on property # 493122. **The application is denied.**

This parcel of land is located in a geographic area that does not have an official plan or zoning. There is no safe stopping distance along the frontage of PID 493122. Staff responsible for the *Roads Act* have reviewed safe stopping distance for the adjacent property under the same ownership, and have commented that there are no potential options.

This application for a change of use has been denied based on Sections 3.(2)(a)(b) & (d), Sections 13 (a)(d) & (g) and Section 35 of the Subdivision and Development Regulations under the *Planning Act*.

**3. (2) No development permit shall be issued where a proposed building, structure, or its alteration, repair, location, or use or change of use would**  
**(a) not conform to these regulations or any other regulations made pursuant to the Act;**  
**(b) precipitate premature development or unnecessary public expenditure;**  
**(d) have a detrimental impact;**

**13. Subdivision designs shall be based on sound planning, engineering, and environmental principles, and shall demonstrate that the proposed subdivision is suited to the intended use, having due regard for**  
**(a) compatibility with surrounding uses;**  
**(d) traffic generation onto adjacent highways;**  
**(g) the provision of lots suitable for the intended use;**

**35. Subject to section 8, no development permit shall be issued for any parcel of land where the entrance way does not conform to the sight distance standards for entrance ways set out in the Roads Act Highway Access Regulations.**

Please note that other regulations may have been considered as part of this review.

- Section 3, the subject lot is out of conformance with these regulations.
- Section 13, sound planning, engineering and environmental principles look at the overall impact of intended development, and consider the impact introducing commercial use into an area currently in residential or resource use.
- Section 35, no safe stopping distance is available.

Please be aware that this decision may be appealed to the Island Regulatory & Appeals Commission (P O Box 577, Charlottetown, PE, C1A 7L1). Any request for an appeal must be submitted within 21 days of the date of this letter or the Commission is under no obligation to hear the appeal.

If you have any questions in regards to this decision, contact me at (902) 620-3459.

Sincerely,

Janice Harper MPL MCIP  
Senior Provincial Planner