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The Island Regulatory and Appeals Commission

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.irac.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** of the Municipal Council of Donaldston (name of City, Town or Community) on the 14th day of February, 2025, wherein the Minister/Community Council made a decision to deny a development permit on lot 7 Garden Lane, Donaldston

(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)

lot is an approved lot in an approved subdivision and meets the requirements for development required for a lot subdivided prior to 1994. buffer zone has been staked out by the department of environment and location for cottage is clearly outside this area. lot depth to meet all requirements is 87', lot is in excess of 90' as measured from pin to top of bank / shoreline protection

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)

I would like the development permit to be approved as I have been waiting since 2021 for a response and at that time I did receive an approval permit for shoreline protection with the intention of developing which was done at a cost of \$27500.

EACH APPELLANT MUST COMPLETE THE FOLLOWING: (print separate sheets as necessary)

Name(s) of Appellant(s): Roderick MacNeil Signature(s) of Appellant(s): 
Please Print
Mailing Address: 1 Laura lane City/Town: Stratford
Province: PE Postal Code: C1B2T4
Email Address: rodmac73@hotmail.com Telephone: 902-314-4701

Dated this 3rd day of March, 2025
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@irac.pe.ca.



Housing, Land
and Communities

Logement, Terres
et Communautés



31 Gordon Drive
PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

31, promenade Gordon
C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

February 12, 2024

Roderick MacNeil
1 Laura Lane
Stratford, PE C1B 2T4

Dear Mr. MacNeil:

Re: Development application – PID #506899, Garden Lane, Donaldston

The Department of Housing, Land and Communities has completed the evaluation of your development permit application that you submitted July 9, 2021, requesting permission to locate a single-family dwelling on property #506899 located on Garden Lane in Donaldston.

A. Decision

The Subject Property is within a geographic area where land use and development is not regulated by a local official plan or zoning by-law. Therefore, the Subject Property falls within the jurisdiction of this Department. Land use and development are regulated by the *Planning Act* Subdivision and Development Regulations and other provincial laws and regulations.

Pursuant to sections 3(2)(a), 5(a) and 16 (4) of the *Planning Act* Subdivision and Development Regulations, the above noted application is Denied. The reasons for this decision are explained in detail below.

B. Reasons

***Planning Act* Subdivision and Development Regulations**

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.

5. No approval shall be given pursuant to these regulations until the following permits or approvals have been obtained as appropriate:

(a) where and environmental assessment or an environmental impact statement is required under the Environmental Protection Act, approval has been given pursuant to that Act.

16. (4) No person shall undertake any development, including a sewage disposal system, within a required buffer.

As stated in section 16. (4) of the **Planning Act Subdivision and Development Regulations** no development can occur within a wetland or buffer zone. The proposed single-unit dwelling is located within the buffer area on property #506899. You may contact the Department of Environment, Energy and Climate Change to discuss and obtain more details as to where development may be suitable. Please contact 902-368-5049.

C. Right of Appeal

Notice of this decision will be posted on the PEI Planning Decisions website. We suggest typing "PEI Planning Decisions" into your internet search engine to link to the website.

Please be advised that pursuant to section 28 of the *Planning Act*, this decision may be appealed to the Island Regulatory & Appeals Commission ("IRAC") (PO Box 577, Charlottetown, PE, C1A 7L1: <http://www.irac.pe.ca>). An appeal must be filed within 21 days after the date of this letter or the Commission is under no obligation to hear the appeal. For more information about appeals, please contact IRAC.

If you have any questions in regards to this decision, contact me at (902) 569-0573 or smacvarish@gov.pe.ca.

Sincerely,

Sarah MacVarish
Senior Development Officer