



RECEIVED: July 20, 2023

Notice of Appeal

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

5 pages

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** or the Municipal Council of Borden-Carleton (name of City, Town or Community) on the 3rd day of July, 2023, wherein the Minister/Community Council made a decision to issue Development Permit BC-23-16 for PID # 211532 in violation of the Town of Borden-Carleton municipal bylaws and to the detriment of nearby property owners.

(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 attached.)

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)

- Cancel Development Permit BC-23-16
- Determine who was responsible for the issuance of this permit in clear violation of Municipal ByLaws and to the detriment of surrounding property owners.
- Hold individual(s) fully accountable for their error in approving this permit.
- Put mechanisms in place to prevent re-occurrence.

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

Name(s) of Appellant(s): J. Alex Harris & Darlene A. Worth
Please Print

Signature(s) of Appellant(s):

Mailing Address: 1259 Noonan Shore Road

City/Town: Borden-Carleton

Province: Prince Edward Island

Postal Code: C0B1X0

Email Address: 1259noonanshoreroad@gmail.com

Telephone: 902.412.9232

Dated this 20th day of July, 2023
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.

PEI Planning Decisions

This feature contains land use planning decisions for the communities and municipalities under provincial planning authority and municipalities with local land use planning responsibility. Search for the status of a decision and other details about subdivision, development permits or recently approved municipal bylaw amendments, including rezonings.

To search the full directory, select **All** under **Application Type** and leave remaining fields blank.

The following municipalities are not covered by this site:

- City of Charlottetown
- City of Summerside
- Town of Cornwall
- Town of Stratford
- Town of Three Rivers

For municipal contact information search the [Municipal Directory](#)

This feature contains records dating back to December of 2022. For older records, please reach out to your municipality using the municipal directory above or by contacting Provincial Planning at 902-368-5590.

Community	BORDEN-CARLETON
Application Type	Development Permits
Address	1263 Noonan Shore Road, Borden-Carleton, C0B 1X0
File Number	BC-23-16
Nature of Decision	Approved
PID	211532
Consolidation PIDs	
Decision Date	2023-07-03

Posted Date 2023-07-04

Last Appeal Date 2023-07-25

Application Details Construction of a new cottage.

Approving Authority Town of Borden-Carleton



Published date: September 22, 2022

Housing, Land and Communities

General Inquiries

Provincial Planning

J. Elmer Blanchard Building

31 Gordon Drive

PO Box 2000

Charlottetown, PE C1A 7N8

Phone: 902-368-5590

Fax: 902-368-5526

landsdivision@gov.pe.ca

Appeal of PEI Planning Decision - Development Permit - Borden-Carleton - File # BC-23-16 - PID # 211532

1 message

Alex Harris or Darlene Worth <1259noonanshoreroad@gmail.com>

Wed, Jul 19, 2023 at 4:31 PM

To: jcmacclaren@gov.pe.ca

Cc: jdfoxmla@assembly.pe.ca, Jim Wentzell <bcadmin@borden-carleton.ca>, Derek French <dfrenchservices@gmail.com>

Good day,

Please accept this email as an **official appeal** of the Development Permit issued by the Town of Borden-Carleton, Prince Edward Island - File # BC-23-16 - PID # 211532 (see attached.)

For background purposes, we are full-time residential owners/occupants of the waterfront home located on neighbouring PID # 708784. Our property flanks the one in question on two sides. We also have an approved development permit (File # BC-23-06).

As discussed with Jamie Fox on March 25, 2023, at his office in Kinkora, our decision to request a development permit and proceed with renovations to our home was predicated on our neighbours being subjected to the same Municipal ByLaws as ourselves. **This has not occurred with the above decision.**

It was understood from a conversation, today, with Jim Wentzell of the Town of Borden-Carleton, that the structure to be built under the above development permit is to be 22 feet wide and 24 feet long. The civic address is 1263 Noonan Shore Road and, therefore, the frontage of the property would be facing that road.

According to Jim Wentzell, the applicant cited Bridgeview Lane as their frontage; however, per the attached (from your website), the applicant's PID does not adjoin that private road. In fact, unlike ourselves and some of our neighbours, we suspect that the applicant does not even have deeded access to Bridgeview Lane.

That being said, the depth of PID # 211532 from Noonan Shore Road is 50 feet. According to the Town of Borden-Carleton Municipal Bylaws, a development permit requires 17 feet of frontage setback and 25 feet of rear yard setback along with 6 feet of side yard setback.

Thus, there seems to have been a grave misunderstanding/error with respect to the frontage of this property and the issuing of this development permit. Please see to it that this is addressed and corrected, immediately.

Kindly confirm receipt of this email and that it is sufficient for effecting this appeal.

Also, kindly advise of the timelines respecting the appeal process, specifically, when we can expect a revised decision, such that our neighbours will be required to abide by the Municipal Bylaws of the Town of Borden-Carleton.

Regards,

J. Alex Harris & Darlene A. Worth
1259 Noonan Shore Road
Borden-Carleton, PEI
C0B1X0
902.412.9232

 **PID 211532 Planning Decision.pdf**
228K