



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** or the **Municipal Council** of Little Sands (name of City, Town or Community) on the 17th day of September, 2024, wherein the Minister/Community Council made a decision to deny our application

(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)

My sister and I acquired a parcel of land in the late 1990's from our parents who owned and lived on the farm from the late 1940's. In 2016, we divided our parcel in half to give each of us our own separate deeds. Both properties have access (cont)

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)

Permission to subdivide 2 lots from our 5 acre parcel. Both lots would be used for single dwelling homes as both our children plan to downsize and move closer to us.

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

Name(s) of Appellant(s): J WARREN MACLEAN Sandra MacLean
Please Print

Signature(s) of Appellant(s): J Warren Maclean Sandra Maclean

Mailing Address: 11807 Shore Rd, Murray River City/Town: Little Sands
Province: PE Postal Code: C0A 1W0

Email Address: maclean4851@gmail.com Telephone: 902-962-3098

Dated this 17th day of September, 2024.
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.

to Route 4 via separate driveways.

My husband and I would like to give each of our two children an acre of land from our 5 acre parcel that had belonged to their grandfather. We do not require another driveway onto Route 4. We can all access the present lane and Driveway which we would widen if required by regulations.

Thank you for considering our request.

Sandra McLean



Housing, Land
and Communities

Logement, Terres
et Communautés



41 Wood Islands Road
PO Box 1500, Montague
Prince Edward Island
Canada C0A 1R0

41, chemin Wood Islands
C.P. 1500, Montague
Île-du-Prince-Édouard
Canada C0A 1R0

September 3, 2024

Warren & Sandra MacLean
11807 Shore Road
Little Sands, PE C0A 1W0

Dear Mr. & Mrs. MacLean:

Subject: Application to Subdivide 2 Residential Lots
Property ID #: 792002
Property Location: Shore Road, Little Sands, Kings County
Our File References: Case # 64188

The Department of Housing, Land & Communities has reviewed your application to subdivide 2 lots from PID#792002 for Residential (Single-Unit) Dwelling use.

A. The Application

Subdivision: The Subject Property is currently used for Residential (Single-Unit) Dwelling use. The application was submitted to subdivide 2 lots from the subject property for Residential (Single-Unit) Dwelling use along Shore Road – Route 4 which is classified as a Collector Highway.

B. Decision

The Subject Property is within a geographic area where land use and development are 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 clause 6(c) of the *Planning Act* and subsections 3.(1)(a) and 25.(3) of the *Planning Act* Subdivision and Development Regulations, the above noted application is Denied. The reasons for this decision are explained in detail below.

C. Reasons

The Planning Act Subdivision and Development Regulations provide provisions for the subdivision of a parcel of land along a collector highway as per Section 25.(3). Property #792002 was created in 2016 as Lot 2015-2 in Case #63133B, meaning that it is not an existing parcel of land. An existing parcel of land is defined in Section 1.(h) as a lot that was in existence prior to February 3rd, 1979. Section 25.(3) states that, "No person shall subdivide a parcel of land that abuts, and requires access to, a collector highway, unless it is an existing parcel of land." As property #792002 is not an existing parcel of land, it cannot be subdivided under the current regulations.

Please refer to the *Planning Act* Subdivision and Development Regulations sections 1.(h), 3.(1)(a) & 25.(3).

1.(h) "existing parcel of land" means any parcel of land or lot in existence prior to February 3, 1979.

3.(1) No person shall be permitted to subdivide land where the proposed subdivision would;

(a) not conform to these regulations or any other regulations made pursuant to the Act.

25.(3) Collector Highways

No person shall subdivide a parcel of land that abuts, and requires access to, a collector highway, unless it is an existing parcel of land.

D. 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) 838-0639 or ddcarroll@gov.pe.ca.

Sincerely,



Dean Carroll
Property Development Officer