

RECEIVED: October 04, 2024

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 _____ (name of City, Town or Community) on the 4th day of October, 2024, wherein the Minister/Community Council made a decision to deny the Development permit for PID#568220 based on the fact that the proposed development falls within the required buffer.

(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)

The buffer zone GPS coordinates (as supplied by the Development Officer on behalf of The Ministry of The Environment) are incorrect and not aligned to the "top of the bank". If the buffer is plotted and measured correctly from the top of the bank there is sufficient setback allowance for both the cottage structure and the septic system to meet the planning requirements.

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)

An order reversing the denial of the development permit.

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

Name(s) of Appellant(s):	<u>Mark Frezell</u>	Signature(s) of Appellant(s):	
	Please Print		
Mailing Address:	<u>403 - 1334 14 Avenue, SE</u>	City/Town:	<u>Calgary</u>
Province:	<u>Alberta</u>	Postal Code:	<u>T3C 0W2</u>
Email Address:	<u>frezell@yahoo.ca</u>	Telephone:	<u>403-827-0179</u>

Dated this 4 day of October, 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.



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

September 19, 2024

Mark Frezell
209 Legacy Point SE
Calgary, AB T2X 3Z3

Dear Mr. Frezell:

Re: Development application – PID #568220, Garden Lane, Donaldston

The Department of Housing, Land and Communities has completed the evaluation of your development permit application that you submitted August 27, 2024, requesting permission to construct a single-family dwelling on property #568220 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 #568220. There is no room for development outside of the buffer zone on the property. 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.ircac.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
Property Development Officer

PID #568220 GPS Coordinates

Attach map(s) showing locations of stakes/flags on the ground		
Stake/Flag location (wetland boundary, buffer zone, etc)	GPS Coordinates	
	Lat	Long
1 BZ 1 (watercourse)	46.373272	-62.999803
2 BZ 2 (watercourse)	46.373422	-62.999896
3 BZ 3 (watercourse)	46.373459	-62.999957
4		
5 Wetland Buffer 1	46.37343	-63.00005
6 Wetland Buffer 2	46.37344	-62.99992
7		
8		

PID #568220 GPS Plot Map



PID #568220 Aerial Photograph with measurements

