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 NOTIC	E that I/we hereb	y appeal the c	lecision i	made l	by the Minister	r respor	sible for the ad	ministration of
various developn	nent regulations	of the Plannin	g Act or	the Mi	Inicipal Counc	cil of	Stratt	
(name of City, To	own or Communit	y) on the1	1th da	y of	June		2025 , where	
Minister/Commun	nity Council made	e a decision to	deny the	e reque	est from R&D	Builders	to rezone parce	el number
PID 289512, loc	ated at the end o	f Hollis Avenue	from th	e Medi	um Density R	esidenti	al (R2) Zone wit	h a
Sustainable Sub	division (SS) Ove	erlay Zone to t	ne Multip	le Unit	Residential (I	R3) Zon		y of the decision).
AND FURTHE Act, the grounds See attached pa	TOT THIS ADDREST AT	ICE that, in a	ccordan use separat	ce with	the provision if necessary)	s of Sec	ction 28.(5) of th	e <i>Planning</i>
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AND ELIDTHE	D TAVE NOT	10E						
AND FURTHE Planning Act, I/N See attached page	we seek the follow	wing relief: (use	separate p	ce witi	necessary)	ns of Se	ction 28.(5) of th	ie
						_		
			_	ν,				
EACH APPELLA	NT MUST COMP	LETE THE FO	LLOWII	VG : (p	rint separate	sheets a	as necessary)	
Name(s) of Appellant(s): R &	D Builders & De		Signatu Appella	re(s) c nt(s): _	f see attache	ed page		
Mailing Address:	Heritage Law, 5	Prince Street			City/Town:	Charlo	ttetown	
Province:	PE	•••			Postal Code:	C1A 4	P4	
Email Address:	see attached pa	ige			Telephone:	see atta	ached page	
Dated this	day of	June	,	2025 year	<u>.</u>			

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.

Notice of Appeal (Continued)

(Pursuant to Section 28 of the Planning Act)

Name of Appellant: R & D Builders & Developers Ltd.

Appellant's Lawyers: Geoff Gibson and Deanna R. Kerry

Heritage Law

5 Prince Street

Charlottetown, PE C1A 4P4

Contact:

Geoff Gibson - ggibson@heritagelawpei.com - 902-330-7772

Deanna R. Kerry - dkerry@heritagelawpei.com - 902 330-1127

(continued from previous page) 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:

The Town of Stratford ("Stratford"), in its decision to deny the Appellant's re-zoning request, failed to

- 1. comply with the principles and objectives of the Stratford bylaws and official plan;
- 2. properly consider and apply sound planning principles;
- 3. properly consider all evidence presented;
- 4. provide sufficient reasons; and
- 5. articulate why the stated reasons for decision support said decision.

The Appellant will advise of any further grounds of appeal as may become apparent and as the Island Regulatory and Appeals Commission may permit.

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, we seek the following relief:

- a) The Commission should allow the appeal, quash the June 11, 2025 decision of the Stratford Council to deny the re-zoning of PID 289512, and order that the re-zoning be granted as requested; and
- b) Such further and other relief as the Appellant may advise and as the Island Regulatory and Appeals Commission may permit.

June 26/2025 Date

Geoff Gibson and Deanna R. Kerry

Lawyers for the Appellant, B&D Builders & Developers Ltd.



June 13, 2025

Imagine that!

R & D Builders 1016 Pownal Road, Route 26 Alexandra, PE C1B 0P5

Dear Mr. Mitch Roggeveen:

Re: RZ001-24-R & D Builders Rezoning Request – Medium Density Residential (R2) with a Sustainable Subdivision Overlay (SS) to Multiple Unit Residential (R3)

Please be advised that, during the regular Council meeting held on June 11, 2025, Council denied the request from R & D Builders to rezone parcel numbers PID 289512 (approx. 11.34 acres), located at the end of Hollis Avenue from the Medium Density Residential (R2) Zone with a Sustainable Subdivision (SS) Overlay Zone to the Multiple Unit Residential (R3) Zone for the reasons stated below:

- 1. This proposed rezoning would result in a spot zone with an R3 zone surrounded by R2 zones.
- 2. The proposed rezoning does not comply with the Official Plan designations (Section 3.2.2(b))
- 3. The future intended development would negatively impact the road safety and drastically increase traffic along Hollis Avenue (Section 3.2.2(i))
- 4. The future proposed density and development is not consistent with the original design for the 2014 Forest Trails subdivision and the character of the surrounding neighbourhood (Section 3.2.2(e))
- 5. Comments received from residents on the proposed rezoning, particularly those that were received from residents living within the area, expressed concerns with the future intended development (Section 3.2.2(f))
- 6. Part of the future intended development is incompatible with the surrounding environment feature (designated wetland) (Section 3.2.2(j))

Town of Stratford 234 Shakespeare Drive Stratford PE C1B 2V8 Section 3.2.2 of the Town's Zoning Bylaw outlines the general criteria that Council considers when reviewing applications of Zoning and Development Bylaw amendments.

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If you are dissatisfied with the decision of Council, you have the right to appeal to the Island Regulatory and Appeals Commission (IRAC). A notice of appeal must be filed with the Commission within 21 days after the date of the decision being appealed.

Should you have further questions please do not hesitate to contact the Stratford Planning Department at (902) 569-6253.

Sincerely,

Phil Rough

Hough

Town Planner