LA26017

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OCT 23 2026
in person
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** or the Municipal Council of Brackley Beach. (name of City, Town or Community) on the 31 day of July, 2026., wherein the Minister/Community Council made a decision to decline approval of developement

(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)

-did not say the kitchen will no be used for 1 season commercial uses related to tourism.
-need the kitchen first in order to take direction

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)

- the date that the application put in doesn't match the letter.

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

Name(s) of Appellant(s): Bethany Cudmore. (Please Print)
Signature(s) of Appellant(s): B Cudmore.

Mailing Address: 23 Spruce Court
City/Town: Brackley Beach.
Province: P.E.I.
Postal Code: C1E 2X7.
Email Address: yourdesignplus@gmail.com
Telephone: 902-394-3238

Dated this 23 (day) **day of** Oct (month), 2026. (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.**

Land and Environment

Terres et Environnement

31 Gordon Drive
P.O. Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

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

October 1, 2026

Jamie & Bethany Cudmore
23 Spruce Court
Brackley Beach, PE C1E 1Z3

Dear Applicant:

Re: Development application – PID #625640, Spruce Court, Brackley Beach

The Department of Land and Environment has completed the evaluation of your development permit application that you submitted August 31, 2026 requesting permission to operate a Residential (home-based business) commercial kitchen use on property #908905 located on Spruce Court in Brackley Beach.

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), 6(1), 6(2)(c), 17(3)(b) and 67.1(a) 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

The *Planning Act* Subdivision and Development Regulations provide provisions for permitted uses on a private road. Property #908905 is located on Spruce Court, which is a private road. Sections 6(1), of the *Planning Act* Subdivision and Development Regulations state that no year-round uses are permitted off a private road. Sections 6(2)(c) and 17(3)(b) further explain that only seasonal commercial uses related to tourism are permitted on lots serviced by a private road. The application proposes a commercial kitchen with no indication that it will be used seasonally or for tourism purposes only. Therefore, this application must be denied. Please refer to the *Planning Act* Subdivision and Development Regulations sections 3(2)(a), 6(1), 6(2)(c), 17(3)(b) and 67.1(a).

Tel/Tél. : 902 368 5280 *PrinceEdwardIsland.ca* Fax/Téléc. : 902 368 5526

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

***3.(2)* No development permit shall be issued where a proposed building, structure, or its altercation, repair, location, or use or change of use would:**
(a) not conform to these regulations or any other regulations made pursuant to the Act.

6. Development, private road
(1) No development for any year round use shall be permitted on a lot or parcel served by a private road.

(2) Permitted development uses
Notwithstanding subsection (1), the following types of development may be permitted on a lot or parcel served by a private road:
(a) commercial rental cottages;
(b) farm buildings or buildings for another resource use;
(c) seasonal commercial uses related to tourism;

17. Permitted development on private roads
(3) The following types of development may be allowed on lots that have frontage onto a private road:
(a) commercial rental cottages;
(b) seasonal commercial uses related to tourism;

67.1 Subject to these regulations, no person shall
(a) commence any development for a year round use on a lot or parcel served by a private road in contravention of section 6;

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

5th Floor Suite 501
134 Kent Street.

Development Permit Application

PAID
JUL 31 2026
Amount $250.00
Receipt # 14,729

Prince Edward Island
CANADA

Where you live will determine what Development Permit Application you will need to complete.

If you live **outside** of a municipal area, you will need to complete this application. As per the **Provincial *PLANNING ACT* SUBDIVISION AND DEVELOPMENT REGULATIONS,** no person shall, without first obtaining a development permit:

Office Use Only	
Sub. Case File #:	
Permit #:	
PID #:	
Permit Fee:	$250.00
Received:	July 31/26
PIC Reviewed:	☐

- commence the construction of any building or structure;
- locate any building or structure, or change the location of any building or structure on a lot;
- make any structural alterations that will change the exterior dimensions of any building or structure;
- change the use of any building or structure or land, or part thereof; or intensify any non-conforming use;
- locate a travel trailer on any lot as the main or accessory use, other than in a travel trailer park where utility services are provided; or create a mobile home park

If you live **inside** a Municipal Area with planning authority you will need to apply for a **Development Permit from that local Municipal Office.**

Are you wanting to subdivide your parcel of land into smaller lots or change the official use of the property? If **yes,** you are required to complete the **Subdivision of Land/Change of Use Application** before completing this Development Permit Application and any Building Permit Applications.

Property Information: 625640

Property Tax Number: ~~0745~~	**Community Name:** Brackley Beach
Civic Address Number: 23	**Street Name:** SPRUCE CRT.
	Lot Number— if applicable:

Property Owner Information:

Full Legal Name: JAMIE Patrick CUMMORE		
Company Name: Jarred Garden		
Street Address: 23 SPRUCE CRT		
Community: Brackley Beach	**Province:** P.E.I.	**Postal Code:** C1E 2X7
Email: yourdesignplus@gmail.com	**Phone:** 902 394 1866	

Applicant Information if different from Owner:

Full Legal Name:		
Company Name: SAME		
Street Address:		
Community:	**Province:**	**Postal Code:**
Email:	**Phone:**	

What is the property currently used for?

☑Residential (Single-unit) ☐Residential (Duplex) ☐Residential (Multi-unit) ☐Rental Accommodation

☐Commercial ☐ Industrial ☐Institutional ☐ Agriculture ☐Aquaculture/Fisheries ☐Forestry

☐ Recreational ☐Resource ☑Home-Based Business ☐ Vacant ☐ Other:_____

Describe the current land use in detail. If the property is used for livestock operation, include the type of livestock, the number of animals, whether there is a manure storage facility, and complete and attach a "Project Information Form—Commercial Livestock Operations".

Are there existing buildings on the property? ☑ Yes ☐ No

Please describe the use of each building in detail:

Shop has a greenhouse, cold room + workshop
House has two bedrooms, living room, kitchen

What type of development or activity are you proposing? Please check all that apply:

☐ New detached structure ☐ Addition to existing structure ☐ Relocation of structure

☐ Change of use of existing structure

What will the proposed development be used for? Please check all that apply:

☐Residential (Single-unit) ☐Residential (Duplex) ☐Residential (Multi-unit) ☐ Accessory Dwelling Unit

☐Rental Accommodation ☐Commercial ☐ Industrial ☐Institutional ☐ Agriculture ☐Aquaculture/Fisheries

☐Forestry ☐ Recreational ☐Resource ☑ Home-Based Business ☐ Vacant ☐ Other:_____

Will the proposed structure be the main structure on the property? ☑ Yes ☐ No

Please describe how the proposed structure will be used in detail:

The garage on our house will be a commercial kitchen, where we will be making preserves to sell in other locations.

Will the proposed development require the creation of a new driveway or the relocation of an existing driveway to the road/highway? ☐ Yes ☑ No

How will the new proposed structure receive sewer services?

☐ New on-site septic wastewater system ☑ Existing on-site system

☐ Municipal wastewater treatment ☑ Private central wastewater treatment

Was a Site Suitability Assessment completed?

☐ Yes ☐ No ☑ N/A

How many bedrooms are in the proposed/existing structure? 2

Are you proposing to add any additional bedrooms? If so, how many? NO

What type of foundation are you proposing for the structure? N/A

☐ Standard Concrete ☐ Insulated Concrete Form (ICF) ☐ Wood posts ☐ Other:_____

What siding material are you proposing for the structure? cedar shingles

What roofing material are you proposing for the structure? Metal

What are the dimensions of the structure that you are proposing?

Width (ft): 24'	24 feet	Number of Storeys:	2
Depth (ft): 36'	36 Feet	Main Floor Area (ft²)	864 sq ft
Height of Structure:		Total Floor Area (ft²):	864 sq ft

If your proposed development is Multi-unit residential, how many units are you proposing? N/A

If your proposed development is Industrial, Commercial, Institutional, Recreational or Home-Based Business please answer the following:

- What will be the hours of operation? 8 hrs per day
- How many staff are you intending on having at this location? N/A
- Will there be onsite parking for staff ? ☐ Yes ☐ No ☑ N/A
- Will there be shipping and/or receiving operations? ☐ Yes ☐ No ☑ N/A

Describe in detail the Industrial, Commercial, Institutional, Recreational or Home-Based Business operations you will be undertaking at this site:

Our home-based business would consist of making preserves in our commercial kitchen. The sales of our product will be in other locations.

Please provide the name, email and phone number for the various individuals that will be involved in your proposed development:

	Name	Email Address	Phone Number
Surveyor:			
Site Assessor:			
Septic Contractor:			
Lawyer:			
Engineer:			
General Contractor:			

Please Note: Your application will be considered incomplete and will be returned if any of the requirements outlined are missing, unclear, illegible, or if fees have not been paid. For applications to be given adequate consideration, it may be necessary for staff to consult with various departments and agencies. Staff may also carry out a site inspection.

Declaration

I, Jamie Cudmore hereby certify that I am (select one)

☐ the registered owner of the land proposed for development

☐ authorized to act on behalf of the registered owner of the land proposed for development

And hereby declare that all statements contained within this application are complete and true.

Signatures

Registered Owner(s) Jamie Cudmore Date: July 29th 2026

Bethany Cudmore Date: July 29th, 2026

or

Written confirmation from the current property owner(s) allowing this Development Permit Application to proceed. This documented proof must be supplied at time of application. _____ Date: _____

Applicant: _____ Date: _____

Submit Applications to a Land Division Office located at:

- Elmer J. Blanchard Building – 31 Gordon Drive, Charlottetown, PE
- Access PEI O'Leary – 45 East Dr, O'Leary, PE
- Access PEI Summerside – 120 Heather Moyse Dr, Summerside, PE
- Access PEI Montague – 41 Wood Islands Rd, Montague, PE

Office Use only

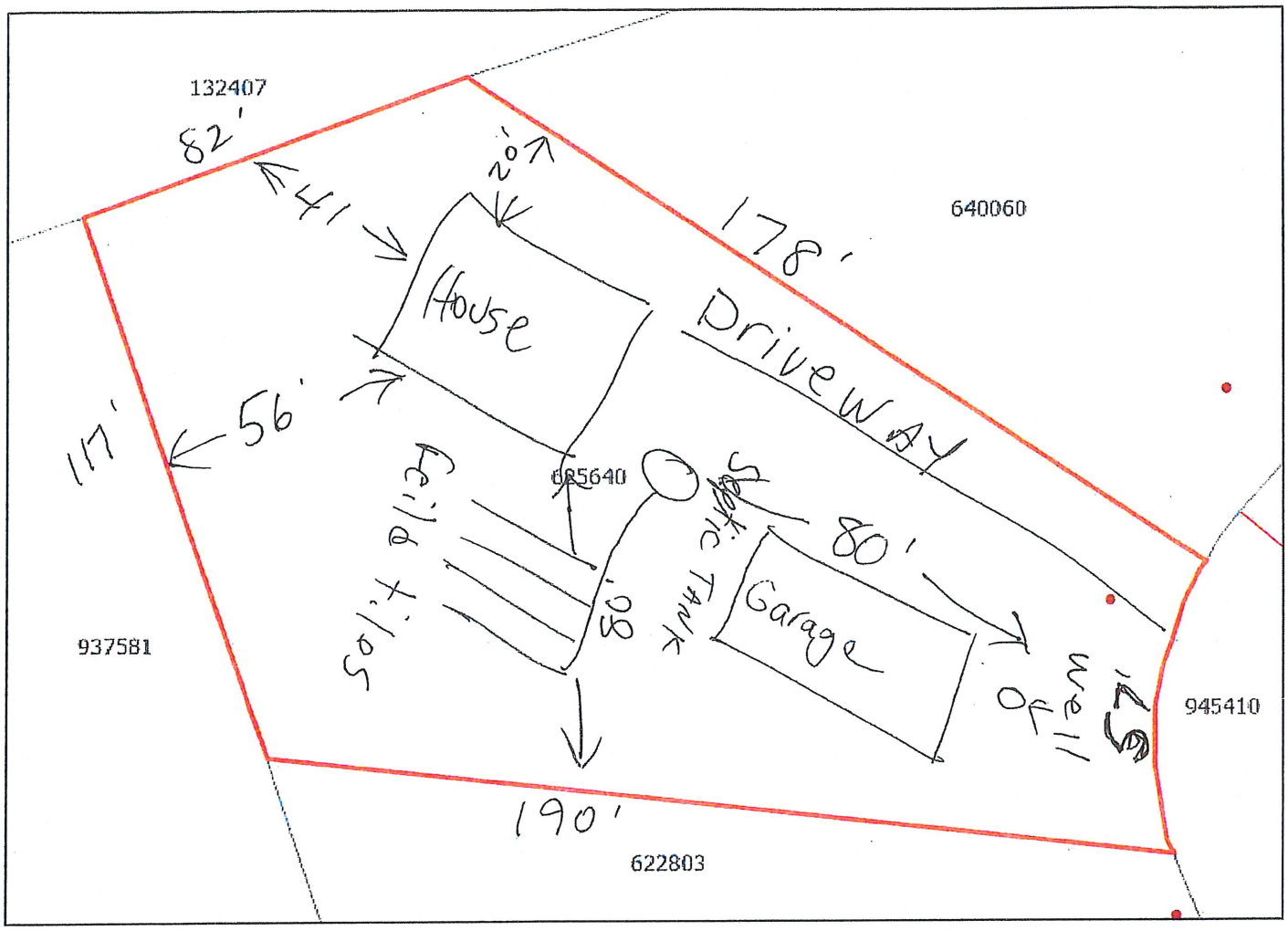
DEVELOPMENT PERMIT FEES

Residential ($250)	=
Industrial/Commercial/Institutional/Recreation ($600)	=
Resource ($500)	=
Other Applicable Fees	=
Total	=

Personal information on this form is collected under section 31 of the *Freedom of Information and Protection of Privacy Act* for the purpose of land development and services as expressly authorized under the *Planning Act*, R.S.P.E.I. 1988, Cap. P-8. If you have any questions about this collection of personal information, you may contact the Land Division Office at (902) 368-5280 or landsdivision@gov.pe.ca for more information.

Disclaimer: This application may be transferred to the subject municipality for processing if jurisdictional planning areas change from the Province to the municipality.

PROPERTY INFORMATION



CREATED ON 2026-07-31 11:24 AM

PARCEL NUMBER
625640

SCALE
1:410

ACREAGE
0.51

OWNER
JAMIE P & BETHANY CUDMORE

ADDRESS
23 SPRUCE CRT, BRACKLEY BEACH

N

0 0.01 0.01 km

DISCLAIMER: Care has been taken to provide high quality information from the data available to the Department. However, the user is cautioned that data may have been obtained from third party sources and it may be incomplete or inaccurate. Conditions may also have changed since the collection of the data.

GOVERNMENT OF PRINCE EDWARD ISLAND
DEPARTMENT OF FINANCE
TAXATION AND PROPERTY RECORDS DIVISION
95 Rochford Street
1st Floor Shaw Building - South
Charlottetown, PE C1A 7N8

Office: (902) 368-4070
Fax: (902) 368-6164
taxandland@gov.pe.ca

Development Permit Application

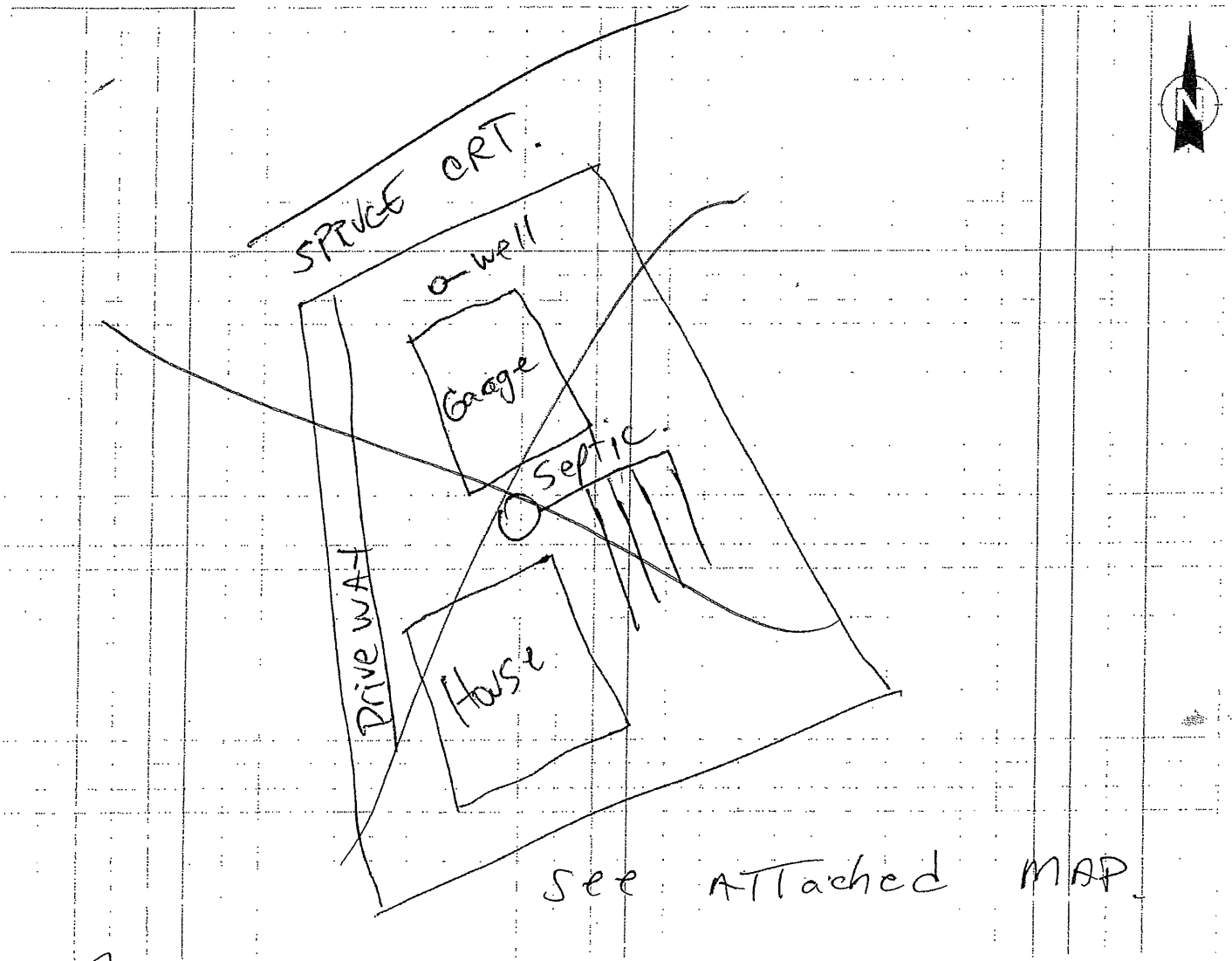
Pursuant to the Planning Act

This sketch is required as part of the Development Permit Application and must include the following:

- ☐ All Property lines with their lengths (in ft)
- ☐ All Buildings with their sizes listed (in ft)
- ☐ Road(s), including their name(s)
- ☐ Arrow showing the natural slope of the land
- ☐ Distance from Septic Tank to Well (ft): _____
- ☐ Distance from Septic Field Tile to Well (ft): _____

Provide the minimum distance from your proposed structure to the following:

- ☐ Centre of Road (front yard) (ft): _____
- ☐ Rear Yard Property Line (ft): _____
- ☐ Left Side Property Line (ft): _____
- ☐ Right Side Property Line (ft): _____
- ☐ Shoreline or Top of Bank (ft): _____
- ☐ Wetland or Watercourse (ft): _____
- ☐ Dunes (ft): _____
- ☐ Water Well (ft): _____
- ☐ Septic Tank (ft): _____
- ☐ Septic Field Tile (ft): _____



See ATTached MAP.

Jamie Culmore
Property Owner's Signature or Applicant

July 29th 2026
Date