



# 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 Charlottetown (name of City, Town or Community) on the 17th day of November, 2022, wherein the Minister/Community Council made a decision to approve Development Permit 009-BLD-22 regarding a new 12 unit apartment building; and a decision to approve lot subdivision 002-LS-22, both approvals relating to property located at 1 Palmers' Lane. (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 City of Charlottetown failed to follow its proper process as set out in its bylaws, the Planning Act, and the law in general, including the duty of procedural fairness; and

The City of Charlottetown failed to render a decision which accords with sound planning principles in the field of land use planning, including ensuring proper site boundaries and setbacks were followed.

**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 Commission to quash the approval of Development Permit 009-BLD-22 and Lot Subdivision 002-LS-22.

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

Name(s) of Appellant(s): M. Lynn Murray, K.C. Signature(s) of Appellant(s):   
Please Print

Mailing Address: c/o Iain McCarvill 494 Granville St. City/Town: Summerside

Province: PE Postal Code: C1N 4K4

Email Address: iain.mccarvill@keymurraylaw.com Telephone: 902-436-4851

Dated this 6th day of December, 2022.  
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.



## Planning & Heritage Summary (Week ending November 18, 2022)

### ISLAND REGULATORY APPEALS COMMISSION (IRAC) APPEAL PERIOD INFORMATION

The information provided on this page is intended to provide notice to the public when building and development permits have been approved by the Charlottetown Planning and Heritage Department. Residents or interested parties have **21 days to appeal** to the Island Regulatory and Appeals Commission (IRAC) any building and development permit approvals listed below within the required time period.

If you have any questions regarding the approvals listed below please contact the Planning and Heritage Department at 902-629-4158.

### Planning Development Permit Approvals

FILE#	PID	PERMIT#	APPLICATION DATE	DECISION DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
21-098	1124262	106-BLD-21	19-Feb-21	17-Nov-22	APPROVED	70-72 Kindred Avenue (Lot 67)	Occupancy Permit: New semi-detached dwelling	Homeway Builders PEI Inc.	8-Dec-22
21-478	1100528	561-BLD-21	21-Jul-21	18-Nov-22	APPROVED	18 Gilbert Drive (Lot 46A2)	Occupancy Permit: New 32-unit apartment building	Affleck Construction	9-Dec-22
21-663	1100528	825-BLD-21	08-Nov-21	14-Nov-22	APPROVED	76 Anne Avenue (Lot 102)	Occupancy Permit: New single family dwelling	Curran Developments Inc.	5-Dec-22
21-700	1016294	882-BLD-21	13-Dec-21	17-Nov-22	APPROVED	25-27 Aidan Street (Lot 22B)	Occupancy Permit: New semi-detached dwelling	Prebilt Structures Ltd.	8-Dec-22
21-701	1016294	883-BLD-21	13-Dec-21	17-Nov-22	APPROVED	29-31 Aidan Street (Lot 21B)	Occupancy permit: New semi-detached dwelling	Prebilt Structures Ltd.	8-Dec-22
22-044	275313	009-BLD-22	17-Jan-22	17-Nov-22	APPROVED	1 Palmers Lane	New 12-unit apartment building	Open Practice Inc. - Aaron Stavert	8-Dec-22
22-065	1141670	012-BLD-22	25-Jan-22	17-Nov-22	APPROVED	49 Anne Avenue (Lot 60A)	Occupancy Permit: New single-detached dwelling	Leading Edge Group	8-Dec-22
22-085	390534	021-BLD-22	02-Feb-22	16-Nov-22	APPROVED	6-8-10-12-14-16 Cody Lane	Temporary Occupancy Permit: 14 & 16 Cody Lane only	Pan American Properties	7-Dec-22
22-096	1141514	028-BLD-22	11-Feb-22	14-Nov-22	APPROVED	17-19-21-23 Cordial Street (Lot 63A)	Occupancy Permit: New 4-unit townhouse	Hoffmann & Curran Builders Inc.	5-Dec-22
22-1437	373126	043-SGN-22	06-Oct-22	14-Nov-22	APPROVED	550 University Avenue	Temporary building/window wrap for Canada Games	Jackie MacPhail	5-Dec-22
22-1445	347047	396-BLD-22	07-Oct-22	15-Nov-22	APPROVED	298 Euston Street	Interior renovations of single-detached dwelling	Morgan Kenny	6-Dec-22
22-1464	1140714	398-BLD-22	11-Oct-22	17-Nov-22	APPROVED	16-18-20-22 Cordial Street (Lot 58A)	New 4-unit townhouse	Mark Skinner	8-Dec-22
22-1574	387365	044-SGN-22	27-Oct-22	14-Nov-22	APPROVED	320 Capital Drive	New signage for Tim's	Jayden Fradsham	5-Dec-22
22-1596	1112432	428-BLD-22	01-Nov-22	18-Nov-22	APPROVED	156 Nassau Street	construct a 10' x 16' accessory building	Chin Keung Yu	9-Dec-22
22-1597	585844	429-BLD-22	01-Nov-22	17-Nov-22	APPROVED	26 MacMillan Crescent	construct a 10' x 8' accessory building	Theodore Van Lumen	8-Dec-22
22-1619	1029974	431-BLD-22	02-Nov-22	18-Nov-22	APPROVED	25 Gardiner Drive	10' x 12' accessory building	Tyler Lelacheur	9-Dec-22



### Lot Subdivisions

FILE#	PID	CASE#	APPLICATION DATE	APPROVAL DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
2021-062	390534, 390559	19-Oct-2021	14-Nov-2022	14-Nov-2022	APPROVED	Towers Road/Mount Edward Road	Lot subdivision (Lots 21-1 to 21-5 and Parcel R-1)	Pan American Properties	5-Dec-2022
2021-080	700294	13-Dec-2021	16-Nov-2022	17-Nov-2022	APPROVED	44-46 Westwood Crescent	Lot subdivision	Paul Jenkins	8-Dec-2022
22-043	275313, 275735	002-LS-22	17-Jan-2022	17-Nov-2022	APPROVED	1 Palmers Lane	Lot subdivision/consolidation of Lots 22-1 and 22-2 (Updated plan to supersede approval from July 28, 2022)	Open Practice Inc. - Aaron Stavert	8-Dec-2022
22-1849	390765 & 387761)	065-LS-22	13-Oct-2022	7-Nov-2022	APPROVED	660-670 University Ave (Connector Rd between Towers Rd & Spencer Dr)	Lot Subdivision (Parcel R-20-1, R-20-2 and R-20-3)	City of Charlottetown & Govt of PEI	28-Nov-2022

### Council Approvals

FILE#	PID	PERMIT#	APPLICATION DATE	APPROVAL DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
22-1421	346528	032-MJV-22	05-Oct-22	14-Nov-22	APPROVED	201 Weymouth Street	Major Variance to decrease the rear yard setback in the Downtown Mixed Use Neighbourhood (DMUN) Zone from 19.7 ft. (6 m.) representing the average rear yard setback on the block to approximately 3 ft. (0.91 m.) to allow for an addition on the south side of the existing building located at 201 Weymouth Street (PID #346528).	Joe Corrigan	5-Dec-22