

PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ILE-DU-PRINCE-ÉDOUARD

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Commission Case Number
(Commission Office Use Only)

LA22-04

Date Stamp
Appeal Received by the Commission

RECEIVED
JAN 31 2022

The Island Regulatory
and Appeals Commission

Notice of Appeal


(Pursuant to Section 28 of the Planning Act)

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. In addition, the Commission requires the Appellant to provide the Notice of Appeal to any parties directly affected by the Notice of Appeal on the same date the municipal council or Minister is notified.

Please review each section of the form carefully and fill out all relevant sections. Kindly note that if a Notice of Appeal is deficient it may not be accepted for filing.

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 appealinquiries@irac.pe.ca.

Section 1 – Contact Information**NOTE: Fill out a separate Contact Information Sheet for each individual appellant if applicable**

Appellant Information			
Last Name: NUESCH		First Name: SABINE	
Company Name or Association Name (if applicable): VICTORIAS GLASS STUDIO			
Email address: victoriassglassstudio@hotmail.com			
Daytime Telephone Number: 902-658-2038		Alternative Telephone Number: Cell. 902-314-5574	
Mailing Address			
Unit Number:	Street Number: 24	Street Name: BARDIN STREET	P.O. Box: 32
City / Town / Community VICTORIA	Province: P.E.	Country CANADA	Postal Code COA 2G0
Signature of Appellant / Legal Counsel (if applicable): 			

Representative Information (If Applicable)			
<input type="checkbox"/> I hereby authorize the named individual(s) to represent me.			
Last Name:		First Name:	
Company Name or Association Name (if applicable):			
Email address:			
Daytime Telephone Number:		Alternative Telephone Number:	
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City / Town / Community	Province:	Country	Postal Code
<input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Legal Profession Act</i> and I have provided my written authorization (attached) to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time.			
Signature of Appellant:			
Signature of Representative:			

Section 2 - Appeal Information

Appeal Reasons and Specific Information

Municipal Reference Number(s) (if applicable):

List the Reasons for your appeal (if more space is required, kindly fill out a separate sheet and attach it to this form):

PLEASE SEE ATTACHED SHEET . THANK you

Has a public meeting been held by the municipality? Yes No

Did you apply for a development permit, occupancy permit, subdivision approval, change of use amendment or bylaw amendment? Yes No

Oral / Written submissions to council

Did you make your opinion regarding this matter known to council / the Minister?

Oral Submissions at a public meeting of council / the Minister?

Written Submissions to council

Not Applicable

Related Matters

Are there other appeals not yet filed with the Commission?

Yes No

Are there other matters related to this appeal? (For example: **An Environmental Protection Act Appeal**)

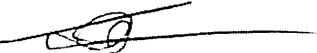
Yes No

If yes, please provide the Commission Appeal Number(s) and / or Municipal File Number(s) and / or the Provincial File Number(s) or Court Docket Number(s) for the related matters:

Section 3 – Declaration**Declaration**

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant	Signature of Appellant or Legal Counsel	Date (yyyy/mm/dd)
SABINE NUESCH		2022/01/30
Name of Representative (if applicable)	Signature of Representative	Date (yyyy/mm/dd)

Personal information or documentation requested on this form is collected under the authority of the *Island Regulatory and Appeals Commission Act* and the legislation under which the proceeding is commenced. All information collected is included in the IRAC case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act*, some of the information collected herein may be available to the public subject to exceptions.

January 30, 2022

Sabine Nuesch
Victoria Glass Studio
24 Bardin Street
Victoria, PE C0A 2G0

Notice of Appeal

Section 2 Appeal Reason:

This appeal is in response to a request to an addition to be added to my existing business. This area will be used to provide an area for locally sources food products and fresh produce which is currently being sold in the existing retail area and Post Office.

Being an essential business during the pandemic we were able to provide services to our local residents as well as retail space for our local producers. The demand has grown to provide more products in a safe, local retail and we need better and more storage for our produce. We had planned years ago to have our own kitchen and to expand to a small bakery as a response to local demand.

With great support from the community, we applied for a small extension to be built to the right side of the building facing the front which would match the existing addition on the left side of the main building.

This addition would comprise of a small bakery and cool storage. My proposal was not a "Major Change" but an expansion of approximately 600sq feet on the ground level. This space would provide for a more consistent, controlled space and supply to eliminate waste and financial loss. This space will also allow for a larger local selection to our customers.

We are currently the only year-round business in this village and provide essential services as well as an outlet for local craft and

food producers. We are currently supporting 15-20 individuals and small businesses.

The addition is within the bylaws and is not a takeout, as was explained during my public presentation. It is not a new structure but an addition to the existing building. As the addition would match the other side of the building it would fit with the overall visual appeal of the building.

In addition to the above, I feel that I was not properly notified of the rejection to my application. I only received an email response after specifically requesting a response in writing. The information I received over the phone contradicted with the written response I received. During this phone call with the Administrator, I was advised that this was a major development and had to apply to the province. I was further disappointed when I asked for assistance and was rudely told to go look it up.

I have included, with this appeal, the response I received from the municipality of Victoria and I look forward to a response.

Thank you,

Sabine Nuesch
902-314-5574
victoriasglasstudio@hotmail.com

Municipality Victoria
Re: Permit for addition
Jan 20, 2022 at 1:41:07 PM
Sabine Nuesch
Barb Stevenson

Good afternoon

As I explained to you in our telephone conversation, Council declined your application to build at 24 Baardin Street for two reasons:

Section 7.0 (7.3)(1)(m): "fastfood/take out operations to a maximum of 200 sq ft in total area"

The kitchen, cooling area and the front take out area far exceeds the 200 sq ft maximum.

Appendix B; Major Developments; "1. new commercial operations or existing commercial operations wishing to expand"

This Major Change of Use is not permitted.

I trust this clarifies the issue for you sufficiently.

Should you have any questions, please do not hesitate to contact me.

Thank you

Margaret K Andrade
CAO, Rural Municipality of Victoria
902-658-2541