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MAY 18 2022

The Island Regulatory
and Appeals Commission**Section 1 – Contact Information****NOTE: Fill out a separate contact information sheet for each individual appellant if applicable****Appellant Information**

Last Name:

DAHL

First Name:

NANCY

Company Name or Association Name (if applicable):

Email address:

NANCY.M.DAHL @ GMAIL.COM

Daytime Telephone Number:

902 886 2590

Alternative Telephone Number:

503 708 0830

Mailing Address 47 CALM WATER COURT GRANVILLE PE C0A1N0

Unit Number:

Street Number:

47

Street Name:

CALM WATER COURT

P.O. Box:

City / Town / Community

GRANVILLE

Province:

PE

Country

PRINCE

Postal Code

C0A1N0

Signature of Appellant / Legal Counsel (if applicable):

my owl

Representative Information (If applicable)☐ 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

☐ I certify that I understand that my representative is not licensed under the *Legal Profession Act* 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 in accordance with the provisions of Section 28.(5) of the **Planning Act** (if more space is required, kindly fill out a separate sheet and attach it to this form):

On 26 April 2022, a permit was issued for development and building on Calm Water Court in Granville – PID 945717.

Development activity began around 5 May 2022 with excavation and landfill to create the building platform. It became immediately apparent that drainage issues on the adjacent property (mine) would result if no additional measures were incorporated into the design.

On 7 May, I raised concern about this issue with the architectural review board of the home owners' association, and they commenced assessment and negotiations with the builder/owner of the new development.

At that time, I also raised the question of compliance with setback regulations under the Planning Act (part3, section 38) which relates to how closely not only the building can be placed in relation to side yard borders but also 'development', which includes changes in the grade (as per definitions in the regulations). The regrading of the development includes an excavation of several feet along the border with an adjacent property on one side and an approximately 40% graded slope that ends on the property line on the other side. The view of the builder and owner of the new development is that the setback regulation does not apply to the excavation or the steeply graded slope.

I am appealing the decision to grant this permit on the bases that it has inadvertently allowed a violation of the sideyard setback regulation.

I believe that the application for this building project may have misrepresented the actual footprint of the development and if a planning officer tasked with assessing the permit application would have been given more accurate information about the extent of the development (as it is defined in the regulations under the Planning Act), the current location of the building on the property would not have been approved.

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 – Relief Sought

Relief Sought and Specific Information

List or describe the relief sought in accordance with the provisions of Section 28.(5) of the **Planning Act** (if more space is required, kindly fill out a separate sheet and attach it to this form):

Reassessment of the development permit with regard to actual extent of development as per its definition under the regulations of the Planning Act.

Relocation or redesign of the building/development to fit within the sideyard setback regulation.

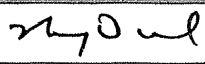
Appropriate drainage management inclusions in the development designs.

Section 4 – 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)
NANCY DAHL		2022/05/18
Name of Representative (if applicable)	Signature of Representative	Date (yyyy/mm/dd)
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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.

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, the Minister or the third party(ies) as the case may be. ***Service of the Notice of Appeal is the responsibility of the Appellant.***

-----Original Message-----

From: Nancy Dahl [mailto:nancy.m.dahl@gmail.com]

Sent: Wednesday, May 18, 2022 3:57 PM

To: Appeal Inquiries <AppealInquiries@irac.pe.ca>

Cc: Nancy Dahl <nancy.m.dahl@gmail.com>

Subject: Appeal of development permit s 2021 0124

Good day Regulatory and Appeal Commission

Attached is a signed appeal form regarding a development permit granted on 26 April 2022 for development / building at PID 945717.

Thank you in advance for your time and consideration of the issues raised.

Nancy Dahl