

Reset Form

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.lrac.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 VICTORIA (name of City, Town or Community) on the 21 day of MAY, 2023, wherein the Minister/Community Council made a decision to GRANT A PERMIT AND A CHANGE OF USE AND EXPANSION OF SQUARE FOOTAGE FOR 19 WATERBURY
PID # 404467 PERMIT# V-23-03 (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)
ACCORDING TO THE BYLAWS FOR EVERY 500 FEET OF RESTAURANT EXPANSION YOU REQUIRE PARKING (APPENDIX C) TO OPERATE A TAKE OUT ON TOP OF THE EXISTING RESTAURANT REQUIRES A PERMIT + EXTRA PARKING, TAKE-OUT AND OUTDOOR SEATING WHICH CREATED TEMPORARY INCLUDING OUTDOOR SEATING DURING COVID RESTRICTIONS WHERE INDOOR DINING WAS NOT EXISTING OR LIMITED.

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)

PLEASE VIEW ADDITIONAL PAGE FOR MORE INFORMATION AND DETAILS

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

Name(s) of Appellant(s): SABINE NNESSCH
Please Print

Signature(s) of Appellant(s):

Mailing Address: 1 NELSON STREET

City/Town: VICTORIA

Province: P.E.I.

Postal Code: COA 2G0

Email Address: sabinessglass@gmail.com

Telephone: 902-314-5574

Dated this 21 day of MAY, 2023.
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@lrac.pe.ca.

From: Sabine Nuesch sabinesglass@gmail.com

Date: May 21, 2023 at 7:36:54 PM

To: victoriasglasstudio@hotmail.com



Dear Council and municipality

I am writing this in Appeal of the change of use and expansions PID 404467 permit. It appears to me that an expansion of a restaurant requires parking for every 50 square feet including for staff (appendix C). To operate a take out on top of the existing restaurant also requires a permit and parking. The take out was being used and created temporarily during COVID at a time when indoor seating were not allowed and then limited. The same temporary situation was set up for outdoor seating to allow proper distancing.

These Covid requirements are no longer in place and a permit would have to be applied for to have seating on a boardwalk or operate a takeout. Both would increase requirements for parking and overall square footage. The owners of this property are well aware of the bylaws being on planing board and also have the knowledge of the requirements for parking having already 2 establishments with no proper parking. To board in a boardwalk requires a permit , the same should have been requested when boarding in the landmark restaurant. Covering and boarding in are not the same. Also that deck in this situation has never been approved as I understand for example.

It states in the bylaws what is required.

Extra outdoor seating adds to the overall square footage .

The establishments require deliveries and people need to walk on the wharf safely also keeping in mind this is a working wharf and taking over more space from save foot traffic and accessibility is a concern.

The quality of live for full time residents in this village is very important and increasing the commercial establishments with out proper and adequate parking causes problems and safety issues in and around the wharf and has already caused fender benders and issues with traffic flow in the past. 4.15(4)(5)

Also increased volumes requires more waste disposal and there have been issues before with 4.9 (f) 4.15 (3)proper and sightly waste disposal and pickups on the wharf. How will this be properly addressed.

I think the proper requirements have to be addressed and the proper permits applied for, before giving any permit for this establishments expansion and changes of use and new uses.

Sincerely


RE PERMIT # V-23-03