

13 November 2025

VIA EMAIL

Island Regulatory and Appeals Commission
National Bank Tower, Suite 501
134 Kent Street
Charlottetown, PE C1A 7L1

Our File: 15042-303dk

Dear Ms. Walsh-Doucette:

RE: Appeal LA25015 Jamie Rodgerson v City of Summerside

We write further to your letter dated 26 September 2025, in which you requested the City of Summerside (the “**City**”) to file a Record and Reply to the Notice of Appeal filed by Jamie Rodgerson (the “**Appellant**”) on 23 September 2025 (the “**Appeal**”). Please accept this correspondence as the City’s Reply to the Notice of Appeal.

NATURE OF THE APPEAL

The Appeal relates to the City’s denial of an application to concurrently amend the City’s Official Plan – Future Land Use Map, adopt textual amendments to the City’s Zoning Bylaw, and to amend the Zoning Map from Light Industrial (M1) to Comprehensive Development Area (CDA). The Appellant applied for rezoning to facilitate the development of forty (40) “tiny homes” on a single parcel of land comprising 1.86 acres which is surrounded by Light Industrial (M1) uses.

GROUND OFS OF APPEAL

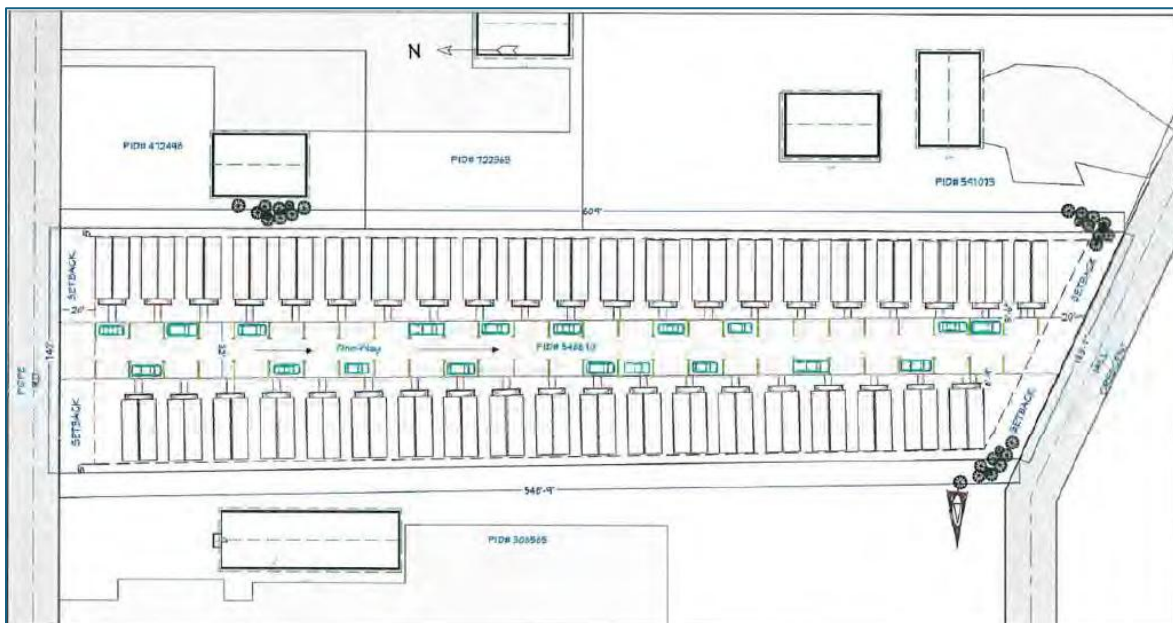
The Appellant’s grounds of appeal appear to assert that Council gave insufficient reasons for its decision and based its decision on irrelevant grounds.

RESPONSE TO APPEAL

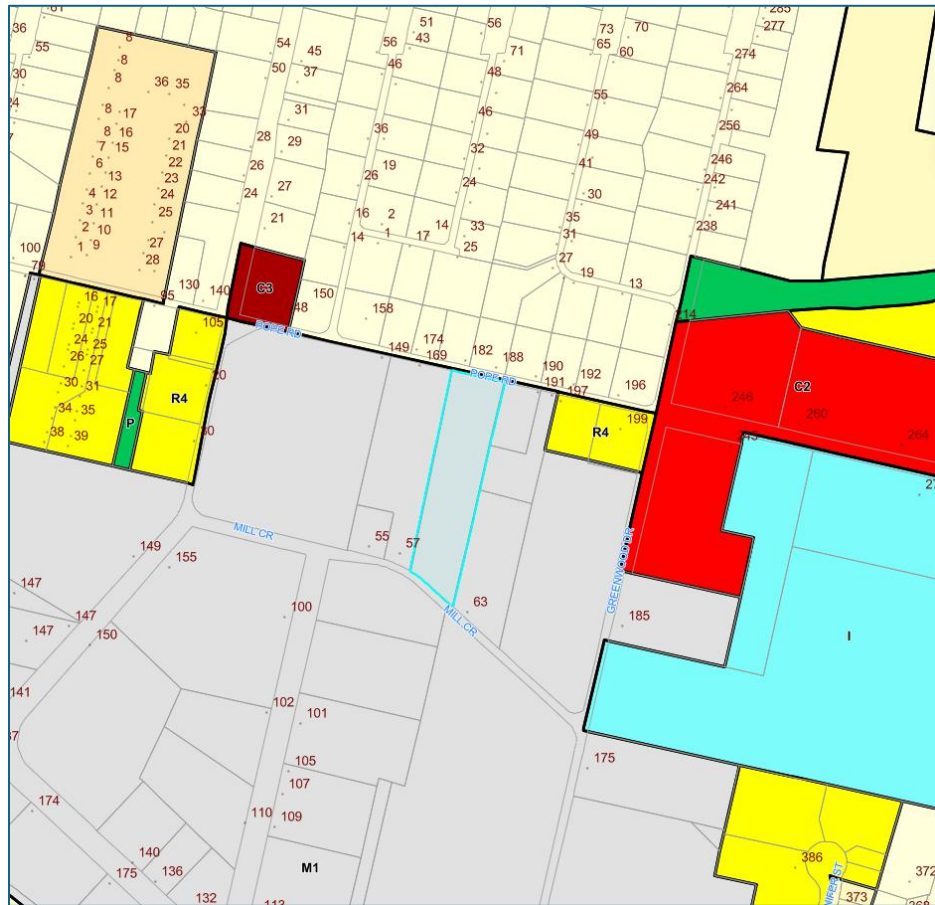
The Appellant applied to rezone lands known as PID 548610 located at 185 Pope Road (the “**Subject Property**”). Provincial records reflect that the Subject Property is 1.86 acres in size. It is located on the south side of Pope Road in Summerside. It is presently vacant land.



The Appellant proposed a residential development comprised of forty (40) 'tiny homes' on a single parcel of land. As the proposed development could not comply with the development standards applicable to any of the City's six (6) Residential zones, the Appellant applied to have the property rezoned Comprehensive Development Area (CDA):



The Subject Property is bounded to the West, South, and East by Light Industrial (M1) uses. Across Pope Road is a mature residential subdivision containing single-family homes.



It is apparent from the reasons given by Councillors during their meeting of September 2nd, 2025, that the primary reason for denying this rezoning application is its location. Indeed, the proposed development would create a highly dense residential development adjacent to existing Industrial uses, including the City's Industrial Park to the South.

While the City's Staff Planning Report ultimately recommended approving the application, the Report identified sound planning reasons why the Council could choose to deny the application:

The need to separate industrial and residential development from each other is one of the primary reasons for land use zoning. Not only does this separation limit the exposure of residents to the hazards and nuisance factors typically present in industrial developments, but it ensures industrial developments, a major economic driver for municipalities, are able to develop and expand without needing to take extra steps to protect the adjacent landowners.

CONCLUSION

The Subject Property is not designated for Residential development on either the City's current Zoning Map or its Future Land Use Map. Rather, the property is designated for Industrial Use, consistent with the use of the surrounding properties. Council was concerned with locating a highly dense residential development – one that could not be accommodated in any of the City's numerous existing Residential zones – in the middle of existing Industrial uses.

While the City's Staff Planner ultimately recommended approval, their report contains a balanced assessment of the Application, including the concerns regarding incompatibility of surrounding land uses and potential nuisance. Council is entitled to weigh these considerations differently than their Staff Planner and to reach a different conclusion.

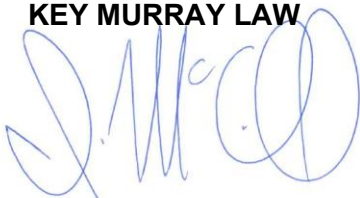
In the present matter, Council's decision on the merits is reasonable and supported by the evidence. It ought to be upheld by the Commission.

The City reserves the right to present additional evidence and argument at a hearing of this matter.

After a hearing of this matter, the City will respectfully request that the Appeal be dismissed.

Yours very truly,

KEY MURRAY LAW



Iain M. McCarvill, JD, LL.M

cc. Jamie Rodgerson, Appellant
 Kendra Gunn, City of Summerside
 Derek D. Key, K.C.