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The Island Regulatory  
and Appeals Commission

# 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.ircac.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 23 day of Feb, 2023, wherein the Minister/Community Council made a decision to Renovate to accommodate on Owen Rose Rowanston Site at 33 Belmont St Charlottetown PEI C1A 5H1 attached (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)  
Allowing Rowanston Controversy Zoning & Development Bylaw 3.10.3 3.10.4  
Violation of Law 1.12 2.1 2.3 (a) (b)  
Offered Plan Page 11 Page 15 Page 18 Page 23  
all attached

**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)  
Renovations should not take place as no public meeting was held  
No notice was given, not harmonious with the neighbourhood,  
and will be a nuisance to the neighbourhood  
attached

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

Name(s) of Appellant(s): VAUGHAN DAVIES Signature(s) of Appellant(s): Vaughan Davies  
Please Print  
Mailing Address: 34 Elnor ST City/Town: Charlottetown  
Province: PEI Postal Code: C1A 5G4  
Email Address: VAUGHAN0803@OUTLOOK.COM Telephone: 1902 394 5977  
Dated this 12 day of March, 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@ircac.pe.ca.



Allowing renovation contravenes

Zoning and Development Bylaw 3.10.3 3.10.4

Nuisance Bylaw 1.12 2.1 2.3 (a) (b)

Official Plan Page 11 Page 15 Page 18 Page 23

Renovations should not take place as no public meeting was held.

No notice was given.

Not Harmonious with the neighbourhood.

Will be a nuisance to the neighbourhood.



## **City of Charlottetown**

Bylaw Name: Zoning & Development Bylaw (PH-ZD.2)

Effective Date: October 01, 2018

Amendment No./ Revision No.: 033

Date of most recent amendment: December 06, 2022

Document updated: December 28, 2022

3.10.3 Before amending the regulations of this by-law or rezoning any parcel of land, Council shall conduct a public meeting to receive the views and opinions of the public and the applicant. Council may, for reasons that are in the best interests of the City, reject a proposed amendment to this by-law without public notice and without referral to a public meeting, but if an application goes to a public meeting, then Council shall determine the disposition of the application and the applicant may not be allowed to withdraw the application after the public meeting.

3.10.4 Before a Rezoning is heard at a public meeting, the Development Officer shall: a. Provide written notice by ordinary mail advise all Affected Property Owners within 100 m (328.1 ft) of the boundaries of the subject Lot through notification in writing at least seven (7) calendar days prior to the public meeting, of the date of the public meeting; and b. Ensure that the notice identifies the subject Lot and describes the Rezoning application and the date by which written objections must be received. c. Publish a notice in not less than two issues of a newspaper circulating in the City with the first notice at least seven (7) calendar days prior to the public hearing date. d. Post a copy of the notice in at least one (1) conspicuous place on the subject Lot at least seven (7) calendar days prior to the date fixed for the public meeting.

## **City of Charlottetown**

### **NUISANCE BYLAW**

**EFFECTIVE DECEMBER 13, 1989**

**AMENDED OCTOBER 10, 1995**

**AMENDED AUGUST 9, 1999**

**AMENDED SEPTEMBER 20, 2000**

**AMENDED JUNE 27, 2001**

**AMENDED SEPTEMBER 12, 2001**

**AMENDED JANUARY 10, 2005**

**AMENDED JUNE 20, 2005**

**AMENDED JANUARY 09, 2006**

**AMENDED MAY 10, 2006**

**AMENDED OCTOBER 23, 2007**

**AMENDED MAY 9, 2016**

**AMENDED SEPTEMBER 11, 2017**

1.12 “Nuisance” means any person, odor, sound or substance which unreasonably interferes with the enjoyment of life by a person or persons in the City of Charlottetown

2.1 Any person who disturbs neighbors or passers-by by permitting or engaging in shouting, fighting, screaming or the making of any loud noise or any other improper or disorderly conduct in the house or premises occupied by such person is guilty of an offence.

2.3 A person shall be guilty of disorderly conduct if, he or she is likely to create, or has created, a nuisance, by doing one, or more, of the following:

(a) Screaming, shouting, yelling, fighting or initiating any other disruptive noise, commotion or action on public streets, public places or in any premise adjacent thereto in such a manner as to disturb any person within the area of audibility;

(b) Addressing profane, obscene or abusive language or threats of violence to any person present so as to create a nuisance;

## **City of Charlottetown Official Plan**

July 1999

Amended Nov 09, 2022

Document updated 25 Nov 2022

Page 11 The Charlottetown plan defines the contours of this emerging landscape, and provides guidance for harmoniously adapting to these new conditions

Page 15 Our goal is to develop settlement patterns which are efficient in their use of land resources and cost of servicing, encourage equitable and harmonious community relationships, and help to sustain Charlottetown's distinctive character and identity

Page 18 Our objective is to allow moderately higher densities and alternative forms of development in any new residential subdivisions which may be established, provided that this development is well planned overall, and harmonious with existing residential neighbourhoods.

Page 23 Our goal is to encourage new development which is harmonious with Charlottetown's natural setting and with the best of its built environment.