

**EASTERN NEWFOUNDLAND REGIONAL APPEAL BOARD**

**URBAN AND RURAL PLANNING ACT, 2000**

**APPEAL**

**BETWEEN** Stephanie Snelgrove **Appellant**

**AND** Town of Conception Bay South **Respondent**

**RESPECTING** Conditions of Approval of a single dwelling at 58-64 Woodview Place,  
Conception Bay South File No. 15-006-057-005

**BOARD MEMBERS** Cliff Johnston, Chair  
Carol Ann Smith, Member  
Robert Warren, Member

**DATE OF HEARING** May 22, 2019

**IN ATTENDANCE**

Stephanie Snelgrove, Appellant  
Robert Snelgrove, in support of Appellant  
Randy Wellon, Solicitor for the Appellant  
Corrie Davis, Director of Planning and Development, Town of Conception Bay South  
John McKeever, Manager of Engineering, Town of Conception Bay South  
Robert Cotter, Secretary to the Eastern Newfoundland Regional Appeal Board  
Tolulope Victoria Akerele, Technical Advisor to the Eastern Newfoundland Regional Appeal Board

## **DECISION**

### **Facts/Background**

The Board learned that Stephanie Snelgrove (Appellant) completed an appeal summary on June 13, 2018 after she received the decision of the Conception Bay South (the Authority) Council to approve her development application subject to certain conditions which were not consistent with a prior approval. The appellant had previously submitted a development application for her single dwelling at 58-64 Woodview Place, Conception Bay South in 2009 and was given conditional approval with a 12 month validity of approval. The appeal summary form indicates that the decision being appealed is the new "Condition of Approval" with respect to the second development application made in 2018 for the subject property.

According to the documents provided, the appeal was filed on June 13, 2018 against the May 25, 2018 decision. The appellant's submission included the grounds for appeal, and appeal filing fee, and an appeal summary form.

### **Legislation, Municipal Plans and Regulations considered by the Board**

Urban and Rural Planning Act, 2000

Town of Conception Bay South Municipal Plan

Town of Conception Bay South Development Regulations 2011-2021

### **Matters presented to and considered by the Board**

**Q. Did the Town have the authority to issue an Approval subject to conditions?**

**A. Yes.** The Board reviewed the Town of Conception Bay South Development Regulations 2011 – 2021 and confirmed that the Town has the authority to attach conditions to a development approval as per section 4.11(2) of the Town's Development Regulations. Section 4.11(2) states:

*"The Authority may attach to a development approval such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations."*

**Q. Did the Town have the authority to approve the single dwelling with the condition that the Appellant extend Woodview Place to provide frontage for the property to be developed?**

**A. Yes.** The Board has determined that the property does not front on a publicly maintained street/road. Section 4.3.18 of the Town's Development Regulations requires that all residential and commercial developments shall have direct frontage on a publicly owned and maintained street. Further, Section 4.3.5(2) of the Town of Conception Bay South Municipal Plan requires any developer to pay for and install necessary public infrastructure that would be required to accommodate a development.

### **Conclusion**

In arriving at its decision, the Board reviewed the submissions and comments given by all parties present along with the technical information and planning advice.

The Board is bound by section 42 of the *Urban and Rural Planning Act, 2000* and therefore must make a decision that complies with the applicable legislation, policy and regulations.

Based on its findings, the Board determined the Town of the Conception Bay South had the authority and exercised it appropriately when it issued the Appellant an approval with conditions for a single dwelling at 58-64 Woodview Place, Conception Bay South.

Therefore, the Board confirms the Authority's decision to issue an approval with conditions for a single dwelling at 58-64 Woodview Place, Conception Bay South.

**Order**

Based on the information presented, the Board orders that the decision made on May 25, 2018 by the Town of Conception Bay South for a conditional approval of a single dwelling at 58-64 Woodview Place, Conception Bay South, be confirmed.

The Respondent and the Appellant(s) are bound by this decision of the Eastern Newfoundland Regional Appeal Board.

According to section 46 of the *Urban and Rural Planning Act, 2000*, the decision of the Eastern Newfoundland Regional Appeal Board may be appealed to the Supreme Court of Newfoundland and Labrador on a question of law or jurisdiction. If this action is contemplated, the appeal must be filed no later than ten (10) days after the Board's decision has been received by the Appellant(s).

**DATED** at Portugal Cove-St. Philip's, Newfoundland and Labrador, the 22nd day of May, 2019.



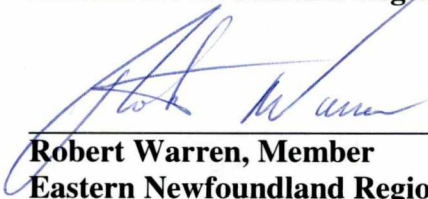
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**Cliff Johnston, Chair**  
**Eastern Newfoundland Regional Appeal Board**



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**Carol Ann Smith, Member**  
**Eastern Newfoundland Regional Appeal Board**



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**Robert Warren, Member**  
**Eastern Newfoundland Regional Appeal Board**