

LABRADOR REGIONAL APPEAL BOARD
URBAN AND RURAL PLANNING ACT, 2000

15-006-057-037

APPEAL

BETWEEN

Kirk Foster

Appellant(s)

AND

Town of Labrador City

Respondent

RESPECTING

refused an application to construct a covered deck at the subject property 827 Hudson Dr., Labrador City, NL

BOARD MEMBERS

George Andrews (Acting Chair)
Reginald Hutchings
Nina Pye

DATE OF HEARING

May 14, 2019

IN ATTENDANCE

Kirk Foster, Appellant

Terrielynn Foster, Appellant

Craig Purves, Town of Labrador City

Robert Cotter, Secretary to the Labrador Regional Appeal Board

Christopher Hardy, Technical Advisor to the Labrador Regional Appeal Board

DECISION

Facts/Background

The Appellant applied for a permit to construct a gazebo at 827 Hudson Drive in Labrador City, NL that was denied.

The Appellant appealed the refusal on the following grounds:

1. The point of measurement is not clear in the regulations,
2. That adding a cover over a deck does not change that there is an existing deck,
3. That other nearby properties have similar structures.

The appeal was filed in accordance with section 42(4) and (5) of the Urban and Rural Planning Act, 2000.

Legislation, Municipal Plans and Regulations considered by the Board

Urban and Rural Planning Act, 2000

Town of Labrador City Development Regulations

Matters presented to and considered by the Board

Did the development meet the current side-yard requirements of the Town Regulations?

The development did not meet with the existing requirements of the R-1 zone as outlined in Schedule "C" of the Town's Development Regulations.

Did the Town act within the scope of their Development Regulations?

The Board finds that the Town did act within their Development Regulations.

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 that the Town of Labrador City acted in accordance with the Town of Labrador City Development Regulations

Therefore, the Board confirms the Respondent's decision to refuse a permit and request removal of any unpermitted structures at 827 Hudson Dr. Labrador City, NL.

Order

Based on the information presented, the Board orders that the decision to refuse a permit and request removal of any unpermitted structure at 827 Hudson Dr. Labrador City, NL, be confirmed.

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

According to section 46 of the *Urban and Rural Planning Act, 2000*, the decision of the Labrador 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 Happy Valley-Goose Bay, Newfoundland and Labrador, this 14 day of May.



George Andrews a/Chair
Labrador Regional Appeal Board



Reg Hutchings Member
Labrador Regional Appeal Board



Nina Pye Member
Labrador Regional Appeal Board