

DECISION

Facts/Background

Service NL refused a development permit for a road to access private land located behind 110 and 116 Bonnell Drive, Little Rapids. The appellant, Mr. Todd Flynn, is acting on behalf of the land owner, Mr. Eric Carter. A letter outlining the decision was sent to the appellant on October 12, 2018 and noted the following:

section 23 of the Protected Road Zoning Regulations requires residential, commercial and public buildings to have frontage directly upon a highway or other publically maintained road; and,

the proposed access would accommodate development which does not front onto a publicly maintained road.

Legislation, Municipal Plans and Regulations considered by the Board

Urban and Rural Planning Act, 2000

Protected Road Development Regulations

Matters presented to and considered by the Board

The role of the West Newfoundland Regional Appeal Board is to determine if Service NL acted in accordance with the *Urban and Rural Planning Act, 2000* and the Protected Road Zoning Regulations when it refused the Appellant's development application on October 12, 2018 for an access for residential purposes at Bonnell Drive, Little Rapids.

At the hearing the appellant stated that he had no intention of building a residence on the subject property. The purpose of the application was only to obtain road access to wood on the family property.

What are the grounds of appeal?

The appeal is based on a decision of Service NL to refuse a Development Permit under Section 23 of the Protected Road Zoning Regulations for a driveway to be constructed on the alleged right of way located between #110 and #116 Bonnell Drive, Little Rapids, NL. This driveway is required to provide access to the land of Mr. Eric Carter which lies behind #110 and #116 Bonnell Drive, Little Rapids, NL.

Why was the development refused? What regulations were used?

The board was made aware that the application for a Development Permit under the *Protected Road Zoning* regulations was refused under *Section 23* of the *Protected Road Regulations* which states that a residential, commercial or public building shall not be erected unless the lot fronts directly upon a highway or other publicly maintained road. The proposed access would accommodate development which does not front onto a publicly maintained road.

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 was also presented with multiple documents and comments regarding boundary issues from interested parties at the hearing. The issues regarding boundaries and ownership of properties are outside the jurisdiction of this appeal board.

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 Service NL made a decision in accordance with the Protected Road Zoning Regulations. Therefore, the Board confirms the Respondent's decision to deny the application presented. If the appellant wishes to build an access road for other purposes he must submit an appropriate application for that purpose.

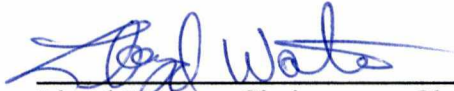
Order

Based on the information presented, the Board orders that the decision of Service NL is confirmed.

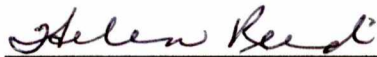
The Respondent and the Appellant(s) are bound by this decision of the West Newfoundland Regional Appeal Board.

According to section 46 of the *Urban and Rural Planning Act, 2000*, this decision of the West 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).

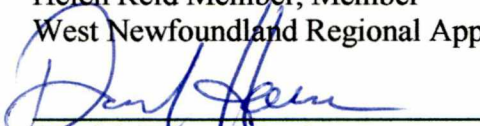
DATED at Corner Brook, Newfoundland and Labrador, this 14 day of June.



Lloyd Walters, Chairperson, Chair
West Newfoundland Regional Appeal Board



Helen Reid Member, Member
West Newfoundland Regional Appeal Board



Derrick House, Member
West Newfoundland Regional Appeal Board