

Permit No.: C07-13
Date: April 8th, 2008



NOTICE OF APPEAL DECISION

This is to notify you that an appeal against the Development Permit # C07-13 at #9 Ugyuk Street, Block 7, Lot 1, Plan, 208 was:

APPROVAL:

APPROVAL - with conditions:

REFUSED: X

of a Development Permit with regard to the following: Ramp and Variance Request.

Was considered by the DEVELOPMENT APPEAL REVIEW BOARD on February 27th, 2008 and the decision of the DEVELOPMENT APPEAL REVIEW BOARD made on March 7th, 2008, with regard to the appeal is as follows and for the following reasons:

The appeal shall be DENIED, and the Board **CONFIRMS** the decision of the Municipal Council in regards to the Development Permit # C07-13 at #9 Ugyuk Street, Block 7, Lot 1, Plan 208.

The Board rendered their decision for the following reasons:

1. The Board felt that proper Administration procedures were followed by the Development Officer and Hamlet Council in regards to the Zoning bylaw #97 and the Planning Act R.S.N.W.T, 1988, c P-7, s-4.
2. The practices and procedures followed by the Development Officer in this matter and Hamlet Council were subsequently supported by the Kitikmeot Regional Planner for Community Government Services (CGS).
3. The Board noted that the Hamlet referenced a legal survey approved and registered by Natural Resources Canada (NRCAN) and Nunavut Legal Registries, and completed by a Certified Lands Surveyor (CLS) in order to determine the Setback.
4. As defined in the Zoning bylaw #97 "Setback" means the distance measured perpendicular from a lot line to the nearest part of a main building or structure on the lot.

5. The Zoning bylaw #97 section 2.2.2 d) states that in Residential Zones there must be a three (3) metre Setback from the lot line. Section 3.9 b) states that no development ... shall be located within two (2) meter of a lot line. This allows for up to a one (1) metre minor variance.
6. A minor variance was previously granted by the Hamlet Council for the upper section the ramp so that after deconstruction the remainder of the ramp falls within the one (1) metre variance allowance for a Residential Zone.
7. The Board recognizes the convenience of utilizing a ramp and that the Appellant will continue to have use and enjoyment of the majority of the ramp after the lower section of the ramp is removed.

Date

Megan Livingston, Secretary of the Development Appeal Board

NOTE:

1. *A decision of the Development Appeal Board is final and binding on all parties and persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 51 of the Planning Act. An application for leave to appeal to the Supreme Court shall be made:
(a) to a judge of the Supreme Court; and
(b) within 30 days after the issue of the order, decision, permit or approval sought to be appealed.*