

NOVA SCOTIA COURT OF APPEAL

Citation: *Grove v. Chester (Municipality)* 2003 NSCA 4

Date: 20030114

Docket: CA 181794

Registry: Halifax

Between:

James H. Grove, Jr., Nancy H. Grove, and
Jonathan S. Grove

Appellants

v.

The Municipality of the District of Chester,
Geoff MacDonald, Development Officer for Chester, and
Bill Plaskett, Development Officer for Chester

Respondents

JUDGE: Roscoe, J.A.

APPEAL HEARD: November 14, 2002

SUBJECT: Land use planning - application to quash building permit

SUMMARY: The appellants had claimed that three aspects of their neighbour's house plans violated the land use by-law: the deck infringed into the side yard set-back, the eaves intruded into the side yard set-back and the roof of a turret exceeded the maximum height restriction. Their application for *certiorari* to quash a building permit was dismissed by a Supreme Court judge who found that the development officers' decisions were not patently unreasonable.

ISSUE: Did the Chambers judge err in law?

RESULT: Appeal dismissed. No error of law. The Chambers judge properly applied the applicable standard of review. The development officers' decisions could not be said to be patently unreasonable.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S JUDGMENT. QUOTES MUST BE FROM THE JUDGMENT, NOT THIS COVER SHEET. THE FULL COURT JUDGMENT CONSISTS OF 12 PAGES.