

Beaubassin planning review and adjustment committee

STAFF REPORT

Rulings of Compatibility

Subject: Run a nano-brewery as a catering service for home occupation

File number: 15-216

Meeting Date: Wednesday, May 20, 2015

From: Nicolas Landriau Development officer

GENERAL INFORMATION

Applicant: Marc Melanson /Brulé Brewing Company

Landowner: Marc Melanson /Brulé Brewing Company

Proposal: The client is seeking a compatibility ruling on a nanobrewery to be run as a catering service under home occupation provision as per section 10.17(1) of By-law 09-1

SITE INFORMATION

Location: 22 Cap Brulé Rd Boudreau Ouest

PID : 70356852

Lot size : 2.6 Hectares

Current Use : Residential

Futur land Use: Residential and home occupation

Surrounding use&Zoning: Residential, Public Service/Coastal Residential, Community Center

Municipal Servicing: GSSC sewer system

Access/Egress: Cap-Brulé Road

Westmorland-Albert

1222, rue Main Street,
4th floor, Unit/Unité 4000,
Moncton, NB, E1C 1H6
Tel: 506-382-5386

Beaubassin

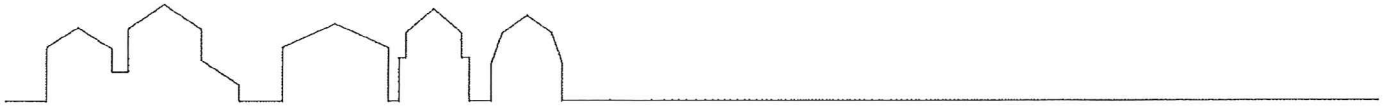
815A, rue Bombardier Street,
Route 15, Exit/sortie 37,
Shediac, NB, E4P 1H9
Tel: 506-533-3637

Tantramar

131H, rue Main Street,
Sackville, NB, E4L 4B2
Tel: 506-364-4701

Solid Waste •

Déchets Solides
2024, rue Berry Mills Road,
Moncton, NB, E1C 8T6
Tel: 506-877-1050



Municipal plan Policies

A) Residential Uses

Policy

It is the policy of the community to conserve the rural character of the existing residential zones.

It is the policy of the community to allow residential development in regions with the proper infrastructures for the uses intended.

Proposal

It is proposed that development along a secondary road be low density.

It is proposed that residential development do not take place near uses creating certain hazards.

It is proposed that the residential area be predominant in areas close to community centres and be integrated with previously developed areas.

B) Commercial Uses

Policies

It is the policy of the community to encourage the development of commercial uses that are complementary to the residential fabric or integrated with the community centre zones.

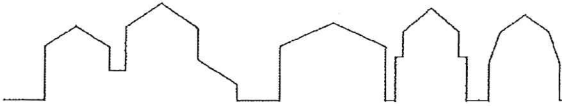
It is the policy of the community to organize most of the new commercial developments as a core, close to the existing commercial centres and major centres adjacent to the Beaubassin-est Rural Community planning area, in order to consolidate these centres and prevent haphazard rural expansion.

It is the policy of the community to organize commercial uses requiring large areas and creating slightly more nuisances than smaller businesses, in terms of transportation, noise, dust, traffic, storage, etc., in areas that are far from residential zones, but close to major roads.

Zoning Bylaw and or Subdivision By-law Regulation

2.2(2) The Commission may, subject to such terms and conditions as it considers fit:

(c) authorize a proposed use of land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the by-law for the zone in which the land or building is located;



Home Occupation

10.17(1) The following uses are home occupations permitted under this by-law, subject to the provisions of each zone:

e) a home arts workshop, including dressmaking, woodworking, arts and crafts, painting, sculpture, moulding, or manufacturing or repairing garden or household ornaments, clothing, personal effects, or toys, and operating a catering service;

Internal Consultation & External Consultation

The client spoke with a development officer to elaborate his project. Representative of Alcool NB Liquors were involved too. The Greater Shediac Sewer Commission mentioned that they may eventually require a sewer line upgrade for the proposed use.

Discussion

When evaluating a variance, the Planning Act provides the following criteria or test to evaluate the requests.

Is it Reasonable?

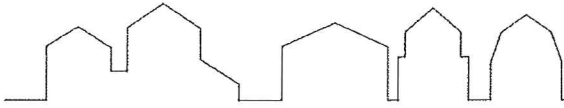
The client is asking to run a nano-brewery in the main building (house) and asking the committee to consider this use as compatible with the home occupation permitted use "catering service" (service de traiteur), as listed in section 10.17 (1)c) of Beaubassin East Community rural plan and defined as following : "catering service" means a home occupation where the landowner uses part of his or her building, in accordance with the provisions of this by-law, to prepare food that is delivered to a client on another property, generally for receptions, conventions or any other social gathering".

As discussed with the client, the business will brew small amount of beer under Province of New-Brunswick licence. The requested material in order to brew small quantities of beer consist in work table, cold storage device, boiling device and brewing kettle, A catering service would not require more or very different equipment.

The request seems reasonable.

Is it desirable for the development of the property?

The proposed use will occur in a residential building. The nano-brewery will be held in a garage. The purpose of this home occupation is to test the local market in order to determine if the beer will find customers. The applicant mention that there will be no retail sell on the property, the beer will be proposed to local licensed retail commerce. If there is a way to grow the business, the client is willing to move the brewery into another location in order to expand the production. Nevertheless, the residential



character of the building and the area will not be compromised as long as the boiling operations are kept inside a building and that there is no retail sell on site.

It seems to be desirable for the property.

Does the variance meets the intentions of the zoning by-law?

The intention of the by-law is to allow home occupation and preserve residential nature of the property. The use of a nano-brewery will not cause more nuisance than a catering services as all operation will be held in a building and all by-law requirement for home occupation will be respected. The residential character of the area will not be compromised as the definition of catering service (a home occupation where the landowner uses part of his or her building, in accordance with the provisions of this by-law, to prepare food that is delivered to a client on another property, generally for receptions, conventions or any other social gathering) prevent the use of the residential unit as a alcohol retail shop. The compatible use met the intentions of the zoning-by-law.

Does the variance meets the intentions of the rural plan?

The intentions of the rural plan is to conserve the rural character of existing residential use while prevent conflict of use between residential and commercial uses. The provisions in the by-law for home occupation are preventing such conflict and the nano-brewery use will not create more problems than the catering service use allowed.

The intentions of the rural plans are met.

Public Notice

Public notice was sent to property owners within a 60 meters radius of the lot having PID 70356852.

Legal Authority

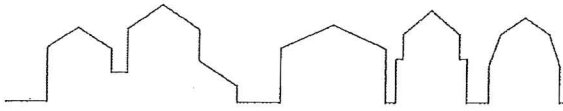
35(1) The advisory committee or regional service commission may permit, subject to such terms and conditions as it considers fit,

(a) a proposed use of land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the by-law for the zone in which the land or building is situated; or

Recommendation

Staff recommends that the Ruling for Compatibility request from Marc Melanson representing Brulé-Brewing Company, (PID 70356852), Beaubassin Est Rural Community, to allow a nano-brewery as a catering service for home occupation **BE GRANTED**, under the following conditions:

1. No brewery or brewery related activities will be held outside of buildings on the lot with PID 70356852 at any time.
2. Proper licence will have to be issued by Alcool NB Liquors prior any operations are held on site.



3. The developer will have to get an approval from Greater Shediac Sewer Commission for the proposed nano-brewery use.

Nicolas Landriau

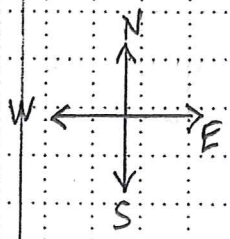
Nicolas Landriau
Development officer

Jesse Howatt

Jesse Howatt MCIP, RPP
Planner

From the workbench of: BRULÉ BREWING COMPANY

Date: APRIL 8, 2015



SCALE
1 square = 1 ft

HOUSE

HALLWAY

S.S. COUNTERTOP
SINK

WORK TABLES

WORK TABLE

COLD BOX

STORAGE

STORAGE

WORKSPACE
307 sq. ft

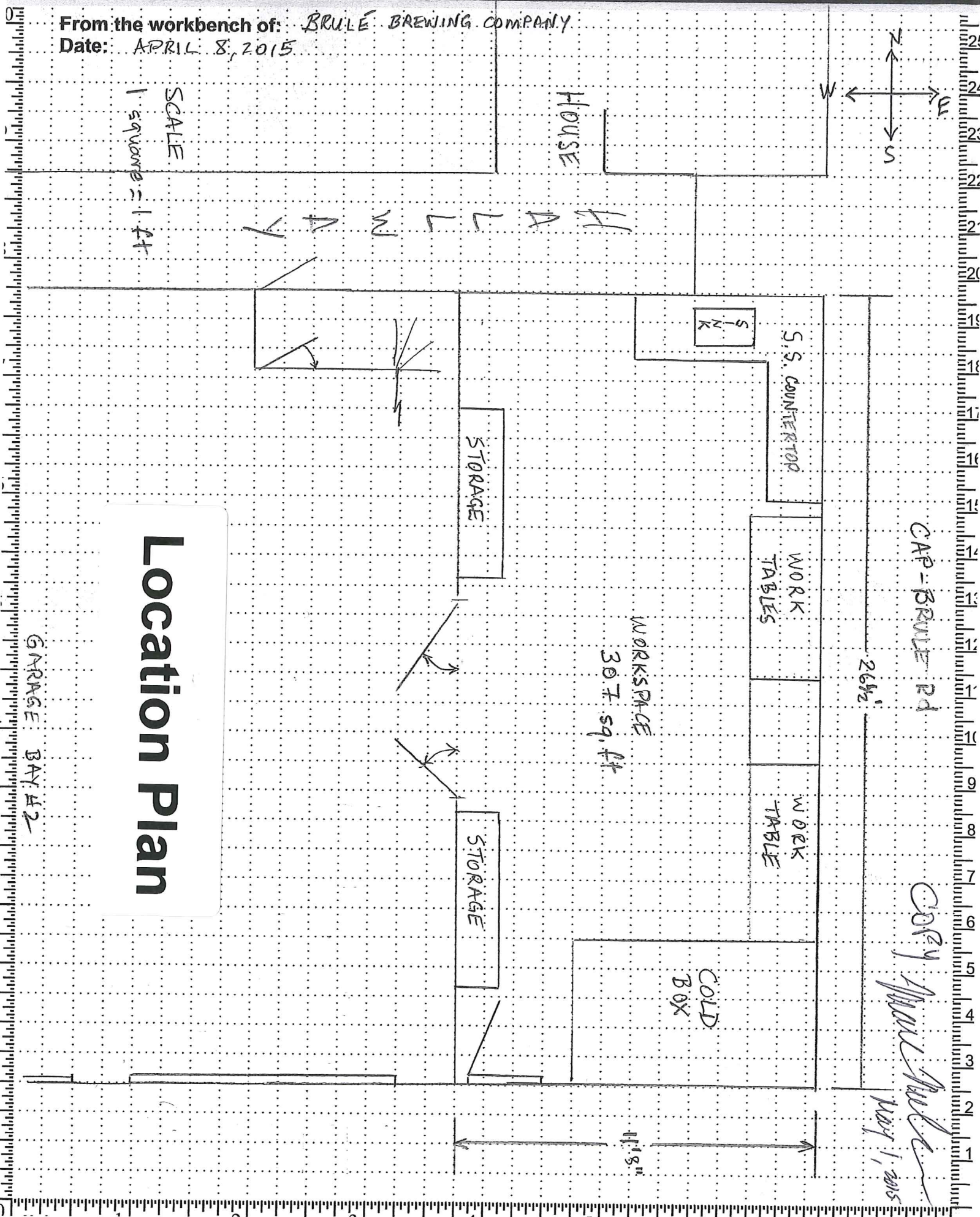
26 1/2'

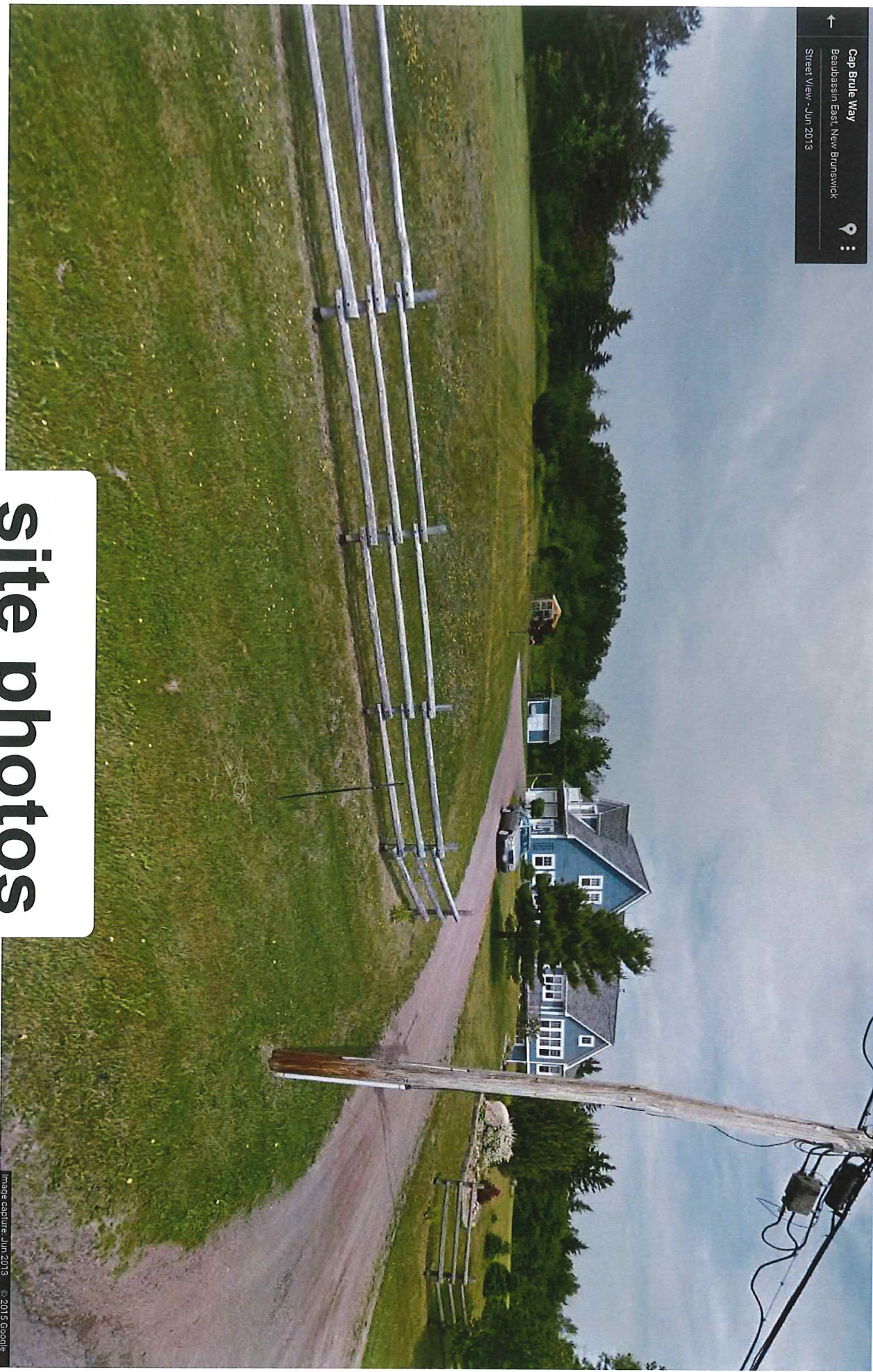
CAP - BRULÉ RD

COPY
April 2015
May 1, 2015

Location Plan

GARAGE BAY #2

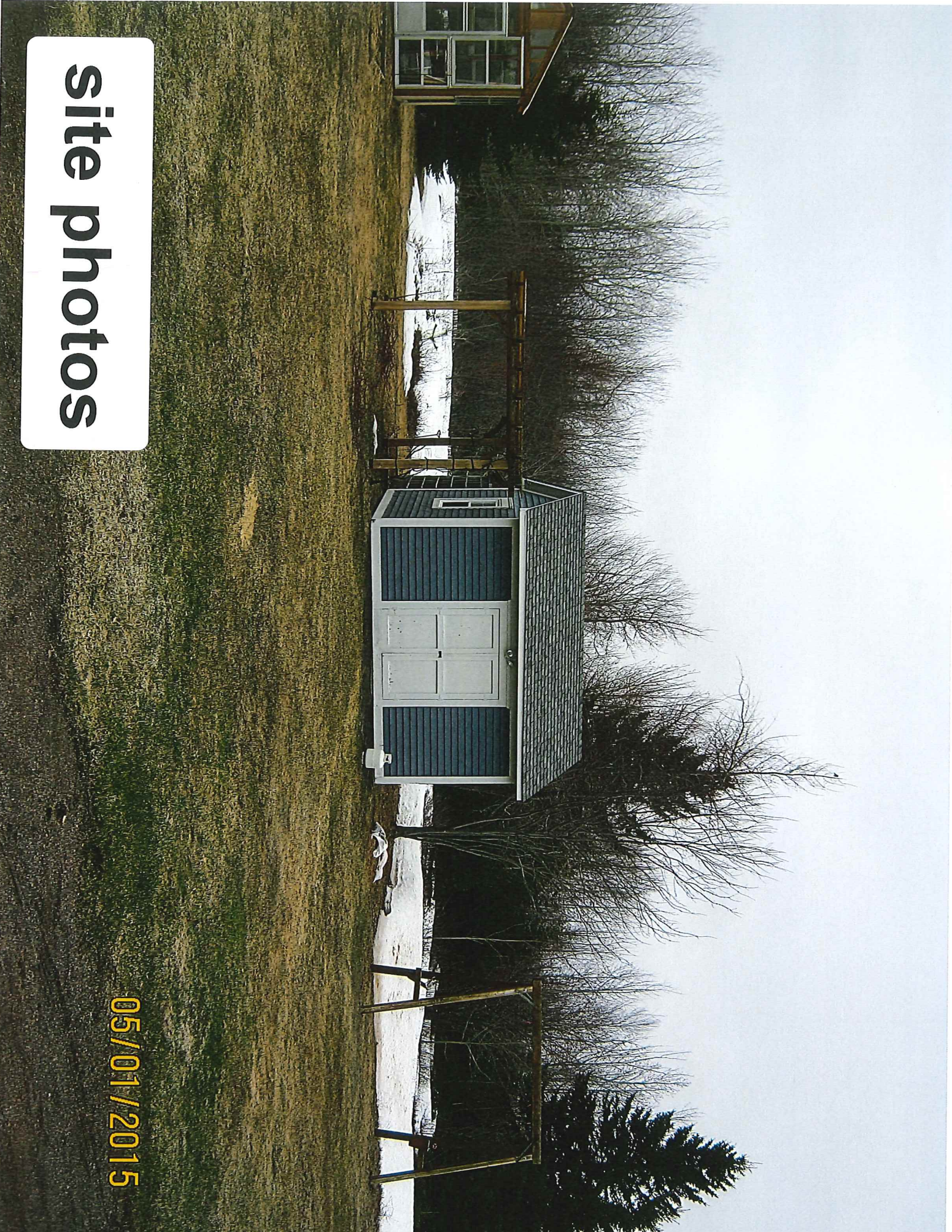




Cap Brule Way
Beaulieu East, New Brunswick
Street View - Jun 2013

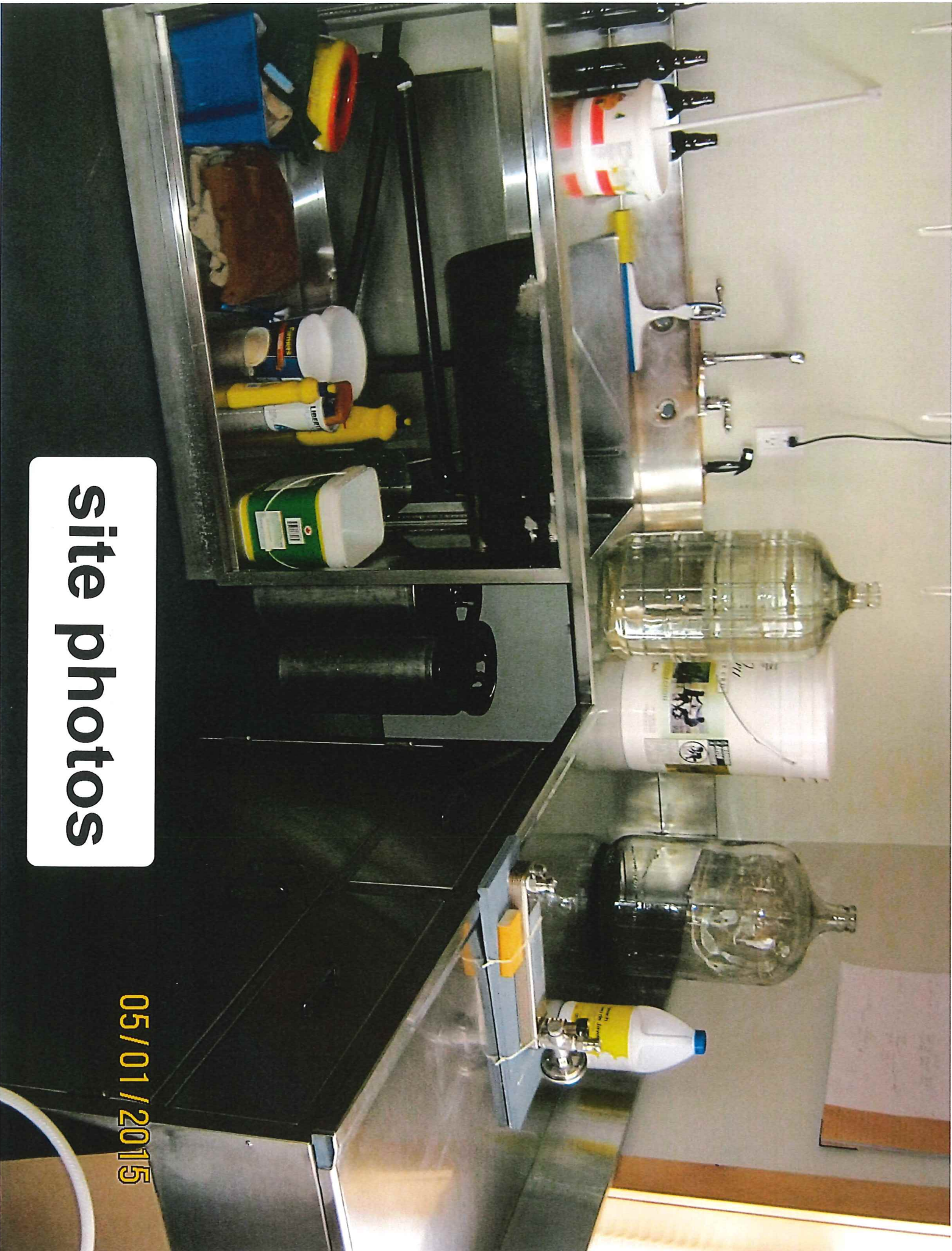
site photos

Image capture Jun 2013 © 2015 Google



site photos

05/01/2015

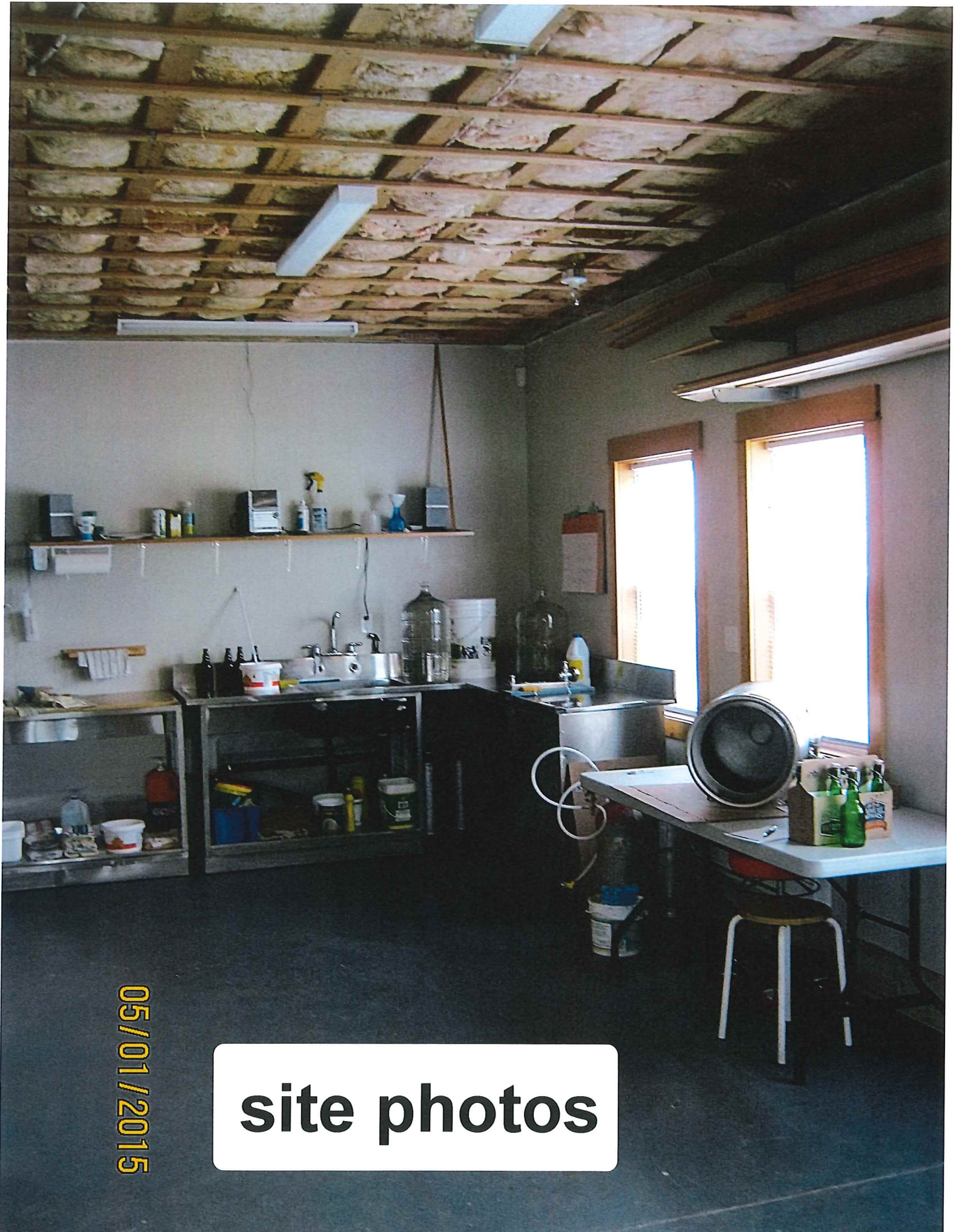


site photos

05/01/2015

05/01/2015

site photos





**Two 10 Gallon
Brews in 7 hours**

Hot Liquor Tank

Bohemian Pilsner Mash

**Scottish Ale
60 min Boil**

**Draining From
Wort Chiller to
Fermentation**

**Recirculating
Heat Exchange**

Oxygenation

Example