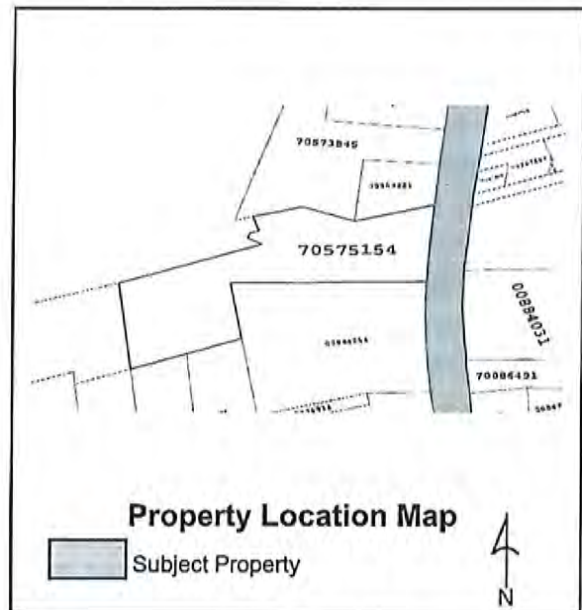


Beaubassin Planning Review and Adjustment Committee
STAFF REPORT
Rulings of Compatibility

Subject : Determine ruling of compatibility
File number: 15-720
Meeting Date: Wednesday, July 15, 2015
From : Nicolas Landriau
 Development Officer

GENERAL INFORMATION

Applicant/: Adrien Dupuis JP Johnson Cellar
Landowner : Adrien Dupuis JP Johnson Cellar
Proposal: Run a home occupation wine appreciation and tasting learning session as a craft learning business.



SITE INFORMATION

Location: 89 Rte 133 Shediac Cape NB , LSD Shediac Cape
PID: 70575154
Lot Size: 7767 m2
Current Use: Residential
Zoning: Environment conservation
Future Land Use: Residential and home occupation
Surrounding Use & Zoning: Residential- Environment conservation and Coastal Residential
Municipal Servicing: GSSC sewer
Access/Egress: Road 134

Municipal Plan Policies

(a) Residential Uses

Policy

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

Proposals

It is proposed that development involving buildings containing dwellings for more than two families shall be permitted uses only in areas near community facilities and structures.

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

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

It is proposed that development and construction standards be established and enforced uniformly for seasonal and permanent residences.

It is proposed that cottage and resort development be controlled and coordinated so that it may eventually be transformed successfully into permanent development.

It is proposed that multi-family dwellings not be permitted in a rural area except pursuant to section 39 of the Community Planning Act.

It is proposed that residential development not be permitted on the island of Shediac except pursuant to section 39 of the Community Planning Act.

It is proposed that a width of land on each side of the road allowance of all public streets that are not serviced by a sewage disposal facility, that is not designated for medium density residential, general commercial, special tourism, institutional, community centre, light industry, conservation, agricultural-forestry or fishing use be designated for rural residential use in order to recognize the essentially rural character of the Beaubassin West Planning Area.

It is proposed that only one mobile home or mini home may be located on an individual lot, with the exception of mobile home parks.

It is proposed that any commercial activity necessitating a large floor area be prohibited within a rural residential area, except through rezoning pursuant to section 39 of the Community Planning Act.

Zoning Bylaw and or Subdivision By-law Regulation

E Zones - Environment Conservation

Permitted Uses

8(1)

In an E zone, any land, buildings or structures may be used for the purposes of, and for no other purpose than

(a) one of the following main uses:

- (i) a public or community park, playground or playing field, or a site for a statue, monument, cenotaph, fountain or other ornamental structure,
- (ii) a passive recreational activity,
- (iii) a community use,
- (iv) a hobby farm,
- (v) a forestry use,
- (vi) a one family dwelling,
- (vii) a rooming house, boarding house or furnished accommodation;
- (b) the carrying on of a home occupation in compliance with section 10.25 as a secondary use; and

Home Occupation

10.25(1)

Subject to subsection (2), where a home occupation is permitted under this Regulation, a dwelling may be used for the carrying on of one of the following occupations

- (a) an occupation as an accountant, architect, artist, dentist, designer, doctor, lawyer, translator, professional engineer or other similar professions carried on in an office or studio within the dwelling;
- (b) an occupation as a hairdresser, craftsperson, insurance agent, photographer, real estate agent, dressmaker, shoe repairer or other similar professions carried on within the dwelling; and
- (c) the operation of a day care centre or nursing home and **the teaching of crafts**, dancing, music and recreational activities or a similar professional activity carried on within the dwelling.

10.25(2)

A home occupation is subject to the requirements that

- (a) no more than one person is engaged in the home occupation in addition to members of the family resident in the dwelling unit in which the home occupation is carried out;
- (b) it is confined to the dwelling unit referred to in paragraph (a), and no part of this activity may be carried on in an accessory building or structure;**
- (c) the floor area of the dwelling unit which is devoted to the home occupation does not exceed the lesser of the following two dimensions
 - (i) 25 percent of the floor area of the dwelling unit, or
 - (ii) 37 square metres;
- (d) no sign advertising the carrying on of a home occupation shall be permitted other than a nonilluminated sign of no more than 0.35 square metres, which may be placed on the building or on the property near the building in which the said home occupation is carried on; and
- (e) the parking spaces for a home occupation are located on the same lot as the home occupation, and are not on public roads adjacent to that lot.

Internal Consultation & External Consultation

The Health department and Alcool NB Liquors are involved in the process.

Discussion

The client want to provide appreciation and tasting learning session into their home as a craft learning business.

The session will be held in 2 rooms of their home and their will be events with local product tasting and wine sample.

The purpose of lesson is to develop capacity to taste win from different places and grape, plus develop the hability to match them with local food products that may be sold on site.

There will be no more than 15 attendants at the same time for each lesson and those lessons will be held two or three times a week.

The duration of lessons is planned for no more than 2 hours each.

The home owner are using their home to run this business and there will no other employees.

The house is located along the road 134 in a residential area just outside of Shediac. The lot is almost 2 acres.

The learning of wine tasting will create no more trouble in the residential are than the teaching of craft.

Public Notice

Public notice was circulated to property owners within 100 meters of the property.

Legal Authority

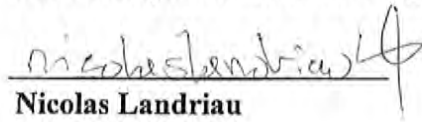
35(1)The advisory committee or regional service commission may permit, subject to such terms and conditions as it considers fit,

(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;

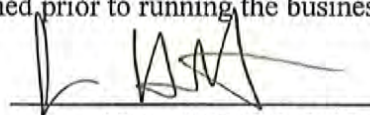
Recommendation

Staff recommends that the Ruling for Compatibility request from Adrien Dupuis and Sophie Robichaud representing JP Johnson Cellars, (PID 70575154), Beaubassin West Planning District, to allow wine appreciation and tasting learning session as a craft learning business for home occupation **BE GRANTED**, under the following conditions:

1. There will be no sale of alcoholic products on site.
2. If required, appropriate licenses from Alcool NB Liquors and/or Health department have to be obtain prior starting the business.
3. The business hours will be held from 6 to 8 PM during business day and between 2 pm and 6 pm on Saturday. No business at all during Sunday.
4. A development and/or building permit will have to be obtained prior to running the business.



Nicolas Landriau
development officer



Jesse Howatt MCIP, RPP
Planner

JP Johnson Cellars

Wine Sourcing Agent

JP Johnson Cellars is a Canadian company, more specifically covering the Atlantic Provinces of New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland. Our focus is on sourcing and representing committed wine producers for the purpose of getting their products into government owned and controlled liquor agencies.

Wine education

JP Johnson Cellars would like to expand into a subsidiary line of business specializing in delivering wine appreciation seminars and courses. We feel that a better understanding of what goes into producing a bottle of wine will guide consumers to educated wine purchases...

The interactive sessions would have a variety of themes and topics. E.g.:

- Wine introduction - from tasting to pairing
- Get to know wines of Bordeaux
- The perfect wines for summer BBQ

During these sessions, participants would be exposed to the characteristics of grapes varietals, winemaking techniques, and the effect of terroir – what makes every product unique. Wine tastings will help demonstrate and reinforce these concepts.

To support the wine experience and to cleanse the palate between wines, we would be looking at serving basic premade food such as baguette and cheeses.

These sessions would be hosted between Thursdays and Saturdays and would last approximately 2 hours. They would be scheduled between 6 and 8pm.

That said, we are looking at using a small portion of our 5,000 sq ft Victorian home as a wine education classroom where we would host approximately 10 - 15 people. Depending on the requirements for zoning, fire code and liquor licenses, the sessions would take place in one or a combination of the following rooms (see Figure A below):

- Living Room
- Living Room #2
- Closed Porch
- Office

Parking will be available onsite (see Figure B below)

Wine appreciation and testing teachings.

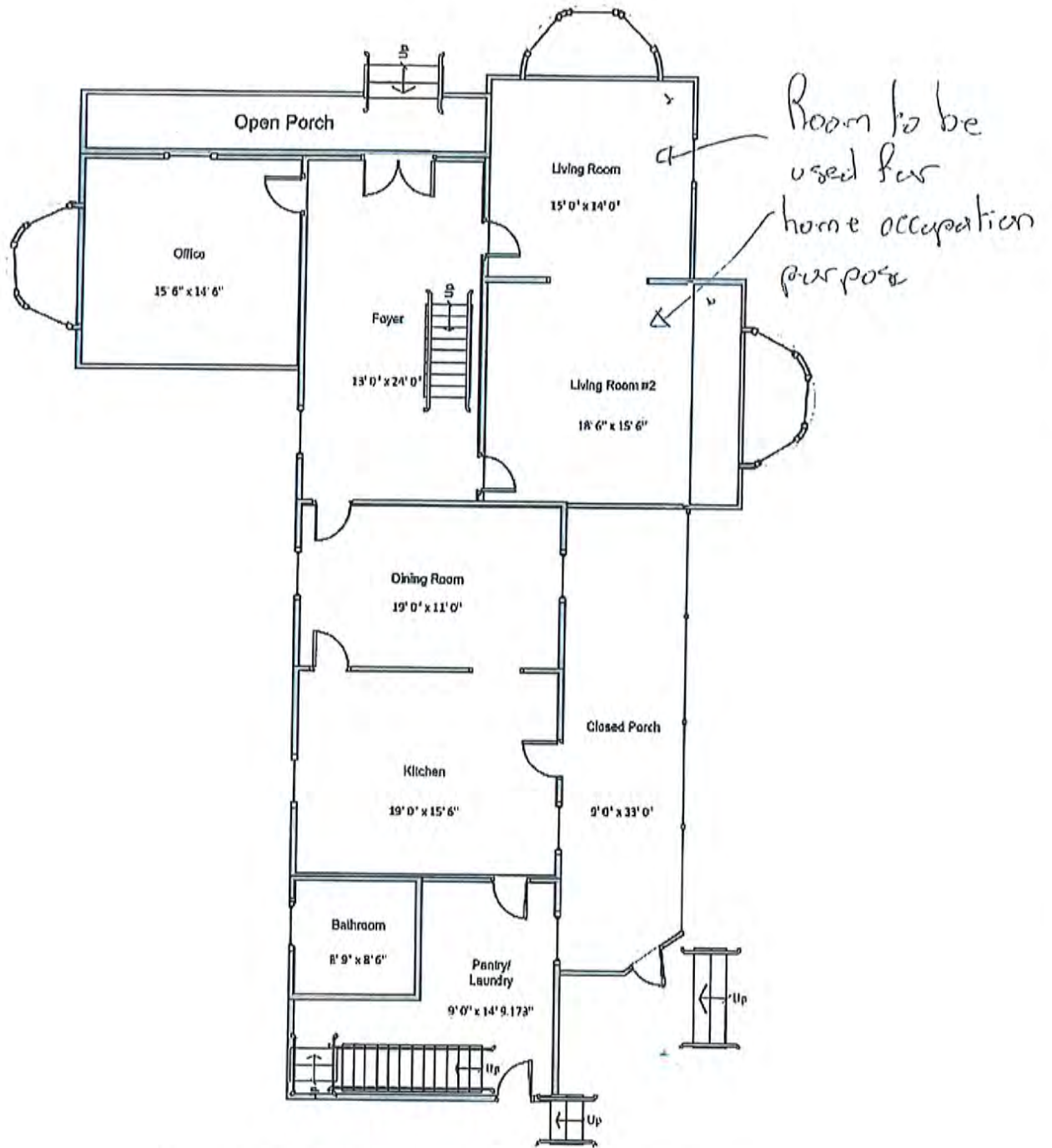


Figure A. Approx dimensions of 1st floor rooms

Date: June 19 2015

Signature: *[Handwritten Signature]*

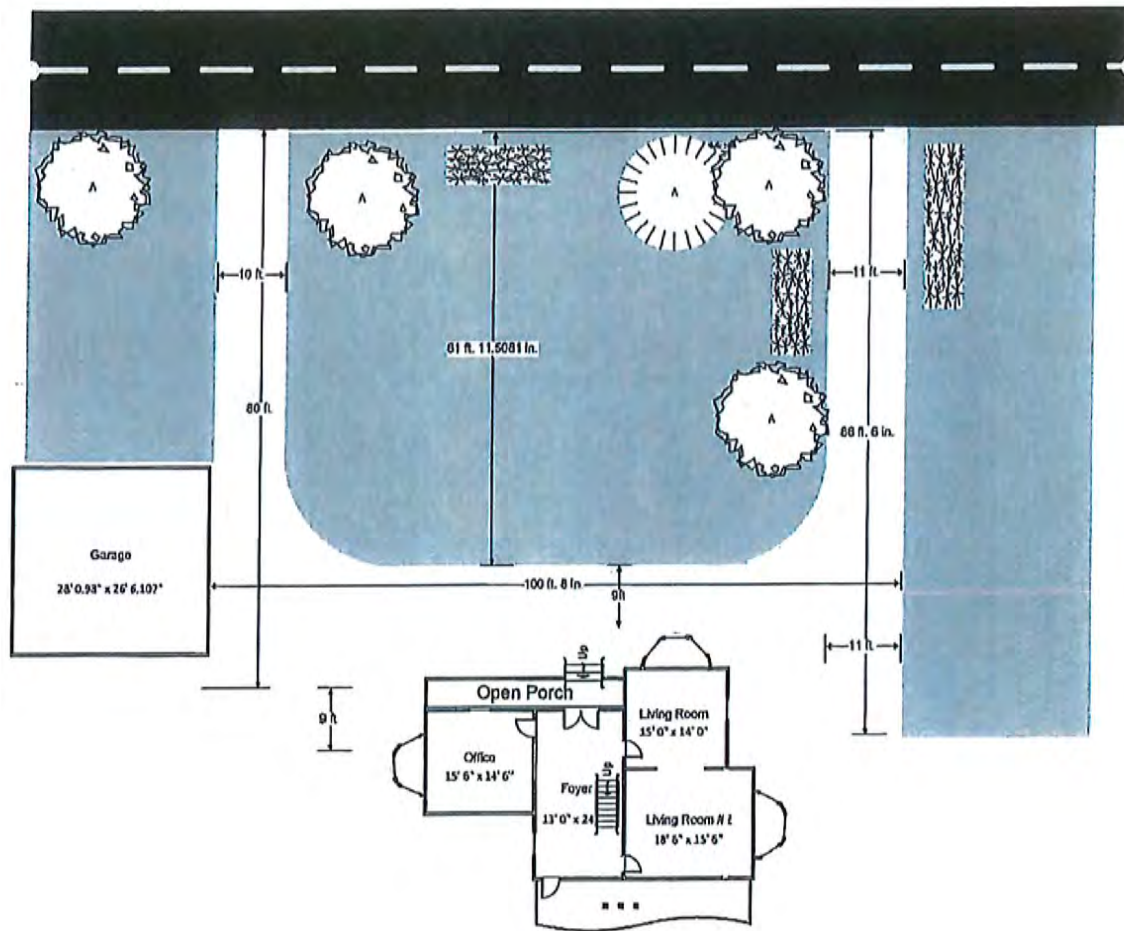


Figure B: Approx dimensions of front yard/driveway



Fig C: House at 89 Route 133

