

5. Business Arising from Minutes - Notice of Decision

Carson Hill Estates Phase 1 Tentative Subdivision Plan

Moved By Brenda Fowlie

Seconded By Kendall Mason

That the Notice of Decision be received and filed.

Motion Carried

6. Unfinished Business

6.1 247 Hampton Road - Home Business

Ms. Judy Mullin attended with an application for a Home Business, that of Hair Salon and Nail Technician Services, at the property of 247 Hampton Road, PID 91827. This application was tabled from February 11, 2020 to allow time for staff to obtain legal information on the option of a Notwithstanding Clause and seek information on whether the business can continue under new management during the process of Council's rezoning due to the fact that the application was for a business where none of the property owners will be in the operation.

Mr. Colbourne stated at the February 11, 2020 PAC meeting that the application as submitted was not compliant with or in keeping with the intent of the Town of Quispamsis Zoning By-law Section 6.(K)(2)(b) as renting the chairs does not make the application a home occupation but more like a commercial endeavour. Further to the February 11, 2020 PAC meeting, the Municipal Development Officer reviewed the application with the Town's Legal Advisor, and it was recognized that in order to have the property of 247 Hampton Road compliant with the Zoning By-law and the proposed use of operating a business that does not have a property owner providing the services directly, a Zoning By-law and Municipal Plan amendment is required to designate the property as Commercial. Since Municipal elections are occurring on May 11th, the last regular meeting of this Council is May 5th. Unfortunately, this creates a significant time constraint on the rezoning and Municipal Plan amendment process in which 3rd and Final Reading would not be possible on or before May 5th. If the amendment process was to start with the current Council and not be enacted, the whole process would have to be started again with the new Council. Therefore, it is advantageousness to delay any Zoning By-law and Municipal Plan amendment process until the new Council is in place. It was also noted that a Notwithstanding Clause is similar in process to a Zoning Change and takes the same amount of time.

Mr. Colbourne noted the history of the existing business, that of the Hair Salon Services in operation for over 25 years without concerns from residents in the Town. He also noted that the new Zoning By-law is scheduled to be completed in 2020 and with this would be the opportunity to change the zone of the subject property to Commercial as per the Municipal Plan, Section 4.10.1 which states that

“It shall be a proposal of Council to Foster the continued growth and expansion of a Central Commercial core in the Town along Hampton Road”. Furthermore, the Municipal Plan states “It is conceivable that in the future, market forces will push commercial and business development potentially as far as Autumn Avenue in the longer term. In the near term, development should be focused within a reasonable radius of the Town Hall, approximately as far as Lake Road to the east.” However, if the Zoning By-law amendments are not completed within one year of the approval for a Temporary Use for 247 Hampton Road, the property owner must make an application to Council to rezone the property or seek an amendment to the Zoning By-law as a Notwithstanding Clause.

Following a discussion on the difference between a Notwithstanding Clause and a Zone Change, Mr. Colbourne stated that a Notwithstanding Clause can be looked at during the By-law amendment as well as changing the identity of the property to commercial since a Notwithstanding Clause can also have conditions through an agreement.

Moved By John Groden

Seconded By Darren Bishop

That the Planning Advisory Committee grant a Temporary Use, as per Section 3.(B)(1) of the Town’s Zoning By-law 038, for a period of one (1) year, to allow the business of the Hair Salon and Nail Technician Services to continue at 247 Hampton Road, PID 91827, subject to the following terms and conditions:

1. The property is to be rezoned to a Commercial designation, or the property owner seeks a Notwithstanding Clause to the Zoning By-law 038, either through the amendment of the Town’s Zoning By-law or through a rezoning process initiated by the property owners within one (1) year of this approval;
2. The business shall be secondary to the main residential use of the dwelling;
3. Not more than three (3) persons are engaged therein;
4. It is confined to the dwelling unit and no part of it is located in an accessory building or structure;
5. The floor area of the dwelling unit, which is devoted to it, does not exceed the lesser of twenty-five (25) percent of the floor area of the dwelling unit, or thirty-two (32) square meters. However, the building does not have to be reconfigured from the current size being used for the business and the business cannot be expanded beyond the floor space being used as per the floor plan that was presented in this application;
6. No change, except for a sign, pursuant to the Town’s Sign By-law is made in the outside appearance of the building which would indicate that a home occupation is being conducted therein;
7. No goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;

8. No equipment or material used therein is stored other than in the dwelling unit;
9. Not more than one (1) commercial vehicle used in connection therewith, or not more than one (1) vehicle of any kind bearing a sign in connection therewith is parked on the lot;
10. There is to be no parking on the street or within Town property;
11. The business cannot be expanded beyond what was presented in this application, that of two (2) hair salon stations and one (1) nail technician; and
12. No other type of business can operate from the property of 247 Hampton Road other than the approved Hair Salon and Nail Technician.

7. New Business

None

8. Information Items and/or Discussion

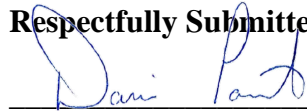
None

9. Adjournment

Moved By Darren Bishop

Meeting adjourned at 7:25 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY