



## Planning Review Adjustment Committee February 21, 2023

Minutes of the meeting of the Planning Review Adjustment Committee of the Fundy Regional Service Commission held on Tuesday February 21, 2023 at 10:00 a.m. at Crane Mountain, Saint John.

### 1. Call to Order

The Vice Chairperson, John Cairns, called the meeting to order at 9:58 a.m.

### 2. Record of Attendance

#### BOARD MEMBERS

Dwight Allaby, Chairperson - **Absent**  
John Cairns, PRAC Member  
Glen Baxter, PRAC Member - **Absent**  
Donna Murchison, PRAC Member  
Ron Bridges, PRAC Member  
Brenda Rathburn, PRAC Member  
Cindy MacCready, PRAC Member - **Absent**  
**Vacancy**

#### STAFF

Alicia Raynes, Recording Secretary, FRSC  
Nick Cameron, Assistant Development Officer  
Ian & Rebecca Hetherington, Similar or Compatible Use (Gardner Creek)

### 3. Approval of Order of Business

The Vice Chairperson asked for approval of the agenda as presented.

**Motion:** To approve the February 21, 2023 Agenda as circulated.

Moved: Brenda Rathburn  
Seconded: Donna Murchison  
Vote: *Motion Carried*

### 4. Disclosure of Conflict of Interest

None

### 5. Approval of Minutes

The Vice Chairperson called for a motion to approve the minutes as circulated.

**Motion:** To approve the November 21, 2022 minutes as circulated.

Moved: Brenda Rathburn  
Seconded: Ron Bridges  
Vote: *Motion Carried*

## **6. Applications**

### **a. Similar or Compatible Use (Dog Grooming), 491 Old Gardner Creek Road, Gardner Creek, Fundy-St. Martins Village**

Nick Cameron, Assistant Development Officer, FRSC, presented the report for the application for a Similar or Compatible Use for a dog grooming business as a home occupation in the main dwelling.

*Applicant:* Ian Hetherington

*Request:* Ian Hetherington has made an application to operate a dog grooming business within his home at 491 Old Gardner Creek Road in Gardner Creek.

*Requirement for Temporary Use:*

It was explained that land use at this property is currently regulated by the Simonds Parish Planning Area Rural Plan Regulation (rural plan). Although the Simonds Local Service District was amalgamated with the Village of Fundy-St. Martins as of January 1, 2023, the Simonds rural plan will remain in effect until repealed and replaced with a new rural plan.

The Simonds rural plan contains a variety of home occupations which are permitted but does not include dog grooming. Section 55 of the Community Planning Act authorizes the Planning Review and Adjustment Committee (PRAC) to permit a use which is not currently permitted if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted by the rural plan. This application is to consider whether dog grooming is similar or compatible with a use currently permitted by the rural plan.

Section 4.17(1) of the Simonds rural plan states that subject to subsection (2), where a home occupation is permitted under this Regulation, one of the following occupations may be conducted as a home occupation in the main building:

- (a) An occupation as a doctor, dentist, architect, artist, designer, accountant, insurance salesman, lawyer, professional engineer, or other similar professions as may be approved by the Commission;
- (b) The teaching of music or dancing, a television repair service, a nursery or daycare, a small appliance repair service or the operation of a beauty shop or barber shop or other similar professions as may be approved by the Commission.

In section 4.17(2), a home occupation is subject to several requirements which were reviewed with the Commission and which this application has met.

*Consultation:*

As per section 6.2 of the PRAC By-law and Operating Procedures, notices were sent to property owners within 100m of 491 Old Gardner Creek Road, Gardner Creek (subject property) on January 25, 2023. In total, notices were sent to four property owners and a deadline for written submissions was set for February 13, 2023. To date, no written comments have been received. In addition, at their meeting on February 7, 2023, the village council of Fundy-St. Martins approved a motion supporting the application.

*Overview of Application:*

The applicant has proposed the operation of a dog grooming business in their home at 491 Old Gardner Creek Road, Gardner Creek (subject property). Appointments would be spaced 1 to 2 hours apart, taking no more than 6 dogs per day. Appointment times would be available Monday through Saturday during daytime hours. The applicant has stated the proposal does not include overnight boarding or breeding.

The proposed use would take place in an area measuring approximately 8' x 20' (15 m<sup>2</sup>) in the basement of the home. The property owners (Ian and Rebecca Hetherington) would be the only persons engaged in the business. Other than customer parking, no activities related to the business would take place outdoors.

The property is a 2-hectare lot, mostly wooded and contains a single-family dwelling with a hobby farm. The closest neighbouring uses are single-family dwellings at 455 Old Gardner Creek Road and 495 Old Gardner Creek Road, approximately 100 metres and 160 metres respectively, from the dwelling of the subject property. Old Gardner Creek Road is a public maintained road with a dirt surface.

The Fundy Regional Service Commission has not received any comments or complaints from the public regarding this proposal.

A site visit was conducted by FRSC staff. The subject property contains enough area to provide off-street parking for customers with adequate room for vehicles to maneuver and leave the property front end first. The site distance from the driveway looking down Old Gardner Creek Road appears adequate.

A dog grooming business contained in the main dwelling has a similar impact to traffic as other land uses permitted in the rural plan, such as a beauty shop or barber shop in the main dwelling. Higher levels of noise could be generated by dogs if a high number of dogs are kept on the property, outside or for longer periods of time. It is recommended that PRAC set appropriate conditions to ensure noise levels do not exceed normal levels produced by a residence, as per section 4.17(2)(g) of the rural plan.

Pet grooming is not considered a pet establishment that requires a license by the NB SPCA. Breeding and overnight boarding would require a license from the SPCA. The applicant has confirmed that breeding and overnight boarding is not included in the proposal.

Given the nature of the use and the area, there are no adverse land use impacts associated with the application, with reasonable conditions to control noise.

*Recommendation:*

Whereas subsection 4.17(1)(b) of the rural plan currently permits the following home occupations in the main dwelling: the teaching of music or dancing, a television repair service, a nursery or daycare, a small appliance repair service of the operations of a beauty shop or barber shop or other similar professions as may be approved by the Commission;

And whereas dog grooming is similar to and compatible with uses listed under 4.17(b) of the rural plan;

And whereas subsection 55(1)(a) of the Community Planning Act authorizes PRAC to permit a use 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;

It is recommended that the application from Ian Hetherington to permit dog grooming as a home occupation in the main dwelling at 491 Old Gardner Creek Road, Gardner Creek (PID 55086177) be permitted with the following conditions:

1. There shall not be any outdoor kennel for animals associated with the business;
2. There shall not be any overnight accommodation for animals associated with the business and;
3. The maximum number of animals associated with the business shall not exceed three on the lot at any one time.

There were no comments or questions from the applicant.

**Motion:** To accept the recommendation by the Fundy Regional Service Commission to permit dog grooming as a home occupation in the main dwelling at 491 Old Gardner Creek Road, Gardner Creek (PID 55086177) with recommended conditions.

Moved: Donna Murchison  
Seconded: Brenda Rathburn  
Vote: *Motion Carried*

**6. Other Business**

**a. PRAC member vacancies**

Nick Cameron, Assistant Development Officer, FRSC, presented a table showing each PRAC member’s term date. It was explained that there is 1 vacancy due to the removal of Musquash from the region. It was also explained that in April, 2023, there are two member terms that will expire and cannot be renewed as well as two member terms that will expire and are eligible to be renewed. The FRSC board will appoint new members in April and current members were encouraged to start putting out the word for potential candidates. There is a minimum requirement of at least 1 candidate from both the Fundy Rural District and the Fundy-St. Martins District.

**Motion:** The Vice Chairperson called for a motion to adjourn at 10:17am.

Moved: Brenda Rathburn  
Seconded: Ron Bridges  
Vote: *Motion Carried*

APPROVED (date) \_\_\_\_\_

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John Cairns, Vice Chairperson

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Alicia Raynes, Recording Secretary