

***Proposed Bakery***

***Delegate: Brian Wallace  
Re: Proposed Production Bakery  
5491 Rutherford Road, Nanaimo***

***Date: April 11, 2016***

## Bakery Presentation

Your Worship and Councillors

My name is Brian Wallace. I reside at 5384 Vincent Place in Nanaimo. My property borders on the west side of the subject property for which approval is being sought to operate a commercial bakery.

It would be redundant for me to discuss at length the valid concerns already expressed by Ms Chan and Mr Baker other than to say I am in full agreement with their assessments and concerns. I will; however, mention a few. They include noise, traffic congestion on a very busy thoroughfare, traffic safety, impaired property values, excessive waste and garbage and general deterioration of the neighbourhood.

My concerns in addition to the obvious disruption in the neighbourhood this bakery has and will continue to create, is the apparent arbitrary application of By laws, regulations and policies of the City of Nanaimo in this matter.

First: On the city website in the Background section of HBB is a statement that Home Based Businesses will be "the nature and type of business will best complement the residential use of the neighbourhood."

To date, before I believe a business permit has been issued, I note the following...several months ago ( in the fall I believe) the owner of the property had a stand of cedars..I would guess 10 to 15 trees cut down by Davey Tree Service. I've lost my privacy and noise levels have increased dramatically from Rutherford Rd. I believe this is to make way for a parking lot. Could you please explain how this will complement the residential nature of the neighbourhood. It has not so far.

As an aside

At the time I asked the property owner, Mr Clay if he had a permit to remove the trees to which he replied "YES". I subsequently phoned the city arborist who visited the site that day...he returned my call after visiting the site and advised me that there was an application for permit but it had not been approved as yet. Is that how the process is supposed to work?

Second: Section 6.20.4 of the HBB Regulation states "The home based business shall not discharge or emit odorous, toxic, or noxious matters or vapours, heat, glare, noise, vibration, smoke, dust, effluent or other emission hazard, electrical interference or radiation across any lot line."

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Mr Clay is moving his commercial ovens from a commercial location on Rutherford Rd to his home. Can someone explain to me

how a bakery can operate without emitting smoke or odour, please. As it stands right now I can not keep my windows open for the smoke from the subjects wood burning stove.

Third: On the Agenda for today's meeting Mr Stewart, City Planner has written a report which suggests that the application will go forward. Of note in his report, Mr Stewart states that "the applicant will no longer be able to operate as a commercial bakery but instead must operate on a reduced scale as an HBB. Commercial is defined as "concerned with or engaged in commerce". Bakery is defined as an establishment that produces food baked in an oven such as bread cookies..."

Mr Clay will be baking goods, by his own admission for sale to the public. By definition it is a commercial bakery.

One can not alter the definition of what Mr Clay is admittedly doing to suit the definition of a HBB; which appears to be exactly what is happening.

And can you explain to us what "operate on a reduced basis as an HBB" actually means, how is it monitored and by whom?

Is the onus on the taxpayers?

As a final point, a production bakery according to By law 4500 is to be zoned Industrial with the provision for R1 zoning based on compliance with the HBB definition. I have reviewed B/L4500 and note that Crematoriums and Composting facilities are zoned Industrial. I say this in all sincerity...By extension, what can block me from having a crematorium or composting facility on my residential property if it meets the criteria offered to Mr. Clay under the guise of an HBB.

In closing, I suggest the only reason this application is legal is that it supposedly meets HBB conditions.

However for the reasons stated above we do not believe it does meet HBB requirements.

Brian Wallace