

RURAL MUNICIPALITY OF ABERDEEN NO. 373

Public Hearing

Held on December 12th, 2024 at the Municipal Office, located at
101 Industrial Drive, in the Town of Aberdeen



The Reeve Martin Bettker called the public hearing to order at 1:30 pm.

Present: Reeve Martin Bettker, Councilors Graham White, Mark Schaffel, Kevin Kirk, Real Hamoline, Jim Korpan and the C.A.O. Bridgette Shwytky

Ratepayers Present: Sean Jamison, Lindsay Jamison, Chastidy Fleishhacker, Nicholas Weinrauch, Kathleen Hamilton, David Bubnick, and Janine Bubnick.

The purpose of the public hearing was to hear concerns/objections/representations regarding the Discretionary Use Permit Application to operate a wood working business as a home-based business at 110 Louise Crescent, under Bylaw 2007-02 also known as the Zoning Bylaw for the RM of Aberdeen No. 373.

Reeve Martin Bettker chaired the hearing, introduced council and staff and then instructed those attending of the procedure that the hearing would follow.

Reeve Martin Bettker read the Discretionary Use application and the written submissions.

Written submissions:

Nicolas Roy- 111 Louise Cres- **Have no concerns**- Sean and his family are great neighbors. His permit for a small woodworking business would not be a burden to any rate payers in our development. Nobody would be aware of his woodworking unless he has informed you of his hobby. To deny his permit would be shameful.

Ken & Brenda Johnson – 106 Louise Cres- **Have no concerns**- We are Sean Jamison's neighbors directly to the West & while we are not his closest neighbor, we have yet to experience any noise or smells from his home location. Additionally, I have talked with Sean and he has expressed that if we do have any problems moving forward to come and talk with him as his intentions are to be a good neighbor which is very much appreciated.

Jayden Schmiess-120 Louise Cres-**Have no concerns**

Nicholas Weinrauch & Kate Pederson- 121 Louise Cres- **Have no concerns**- To whom it may concern, we are writing today to continue our support for the discretionary use permit proposed at 110 Louise Cres in Cherry Hills. We have toured the proposed business and found nothing of concern. Sean has repeatedly assured us that there will be no extra traffic, sound, or light and should any concerns arise in the future, they will be dealt with immediately. Sean has assured us all that community is his top priority. From years of experience laser engraving as well as providing overseas manufacturer technical support, these laser engraving machines create very little smoke when engraving wood. In fact, many people operate them inside their own homes. A laser engraving operation is very far from being an industrial operation. We have no concerns about this discretionary use permit at 110 Louise Cres, we wouldn't have any concerns if it was adjoining our own property either.

Melanie & Colin Russell-180 Ike Thiessen Road -**Have no concerns**

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Kaylee Smisko & Scott Zelensky-105 Louise Cres-Have no concerns

Greg & Hope Fremont- 104 Louise Cres- Have no concerns- I'm writing in regards to the Discretionary Use Application and hearing for Sean Jamison. My wife and I fully support this business application. Seeing that this has gone to a second application is concerning to both of us and we wanted to show support for our neighbors. Specifically, we are concerned about the precedence that rejecting an application like this could set. The information that Sean has provided about his business goes well above and beyond anything we would have expected and he is clearly making a significant effort to ensure that his business does not disrupt the community in any way. He is also one of the rare people who is actually trying to follow the rules and do everything by the book. This is not some industrial operation – these are good people with a nice side hobby that happens to utilize some advanced technology to make unique products. Rejecting this could have a couple unfortunate implications:

1. It could discourage others from following the rules resulting in unregulated business operations. In that case we're left with the choice of ratting on neighbors and creating a toxic community. I would much rather have neighbors that put the word out and respond to constructive feedback like Sean is trying to do.
2. It calls into question the definition of a business that can be regulated by the RM. This could impact many other PT and hobby business owners. If something like this is rejected, what else will be considered:
 - a. People who work from home part time (or full time during the pandemic)?
 - b. If a bit of customer traffic, noise, or smell is all it takes to reject a business, all of these are at risk:
 - i. People who make and sell other crafts like knitting, quilting, woodworking, sewing, etc.
 - ii. People who do some cooking to sell on the side
 - iii. People selling for one of the many product lines like Avon
 - c. What about kids that babysit or do odd jobs?

In our view, what Sean is doing is no different than any of these examples. I can imagine that some people might try to claim that this business would somehow devalue their property. On the contrary, onerous restrictions to what we can and cannot do on our own properties have the potential to lower the value of our property. This is not some ritzy gated community - we all chose to live in the country to escape the restrictions of city life. Sean and his family have been a great addition to the community. They are polite, respectful and a pleasure to chat with. We think it is great that he is making things that represent Saskatchewan. Cherry Hills is a beautiful development and Sean always keeps a clean, calm and tidy yard. If it wasn't for his application, one would never know there was some kind of "business operation" going on. There is no interruption to my life by having this work done in the quiet of his garage and, if anything, this is a value add to our community. Finally, I'd like to point out that the RM website specifically references the "Code of the West" and it was mentioned to me in a past communication with the RM. The code clearly indicates that people living in rural residential areas should expect to live with all that comes with neighboring farming operations - and we certainly don't get to have a say in what goes on with these operations. In Cherry Hills this commonly includes noise from cattle and farm equipment, strong livestock odors, and chemical drift from sprayers. Not to mention the chainsaws, mowers, blowers, tractors, etc that all of us in Cherry Hills use to maintain our properties on a daily basis. We also frequently here shots from the gun ranges. This "business" of Seans is in no way disruptive, especially when compared to our farming neighbors and our own regular yard maintenance.

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David & Janine Bubnick- 112 Louise Cres- Have concerns- Further to our submission of the Bylaw complaint of September 12, 2024 providing both written description, pictures and video of the toxic smoke. This resulted in the neighbor's application for Discretionary Use application. We provided our written Concerns on letter dated November 12, 2024 and remain with these concerns. With all the above plus our initial complaint and the info we submitted at the last council meeting, we're asking council to put an end to his applications as he is an industrial business with risks and his business is not conducive for residential living. We also find it futile and frustrating to our neighbor to have to come here again, especially when there has been no changes to his application. He states that he wants to be a good neighbor and work with us. If that was the case, his reapplication would have had some form of conciliatory changes. He has been untruthful from the very beginning and at the last council meeting. In summary, our Concerns remain same as stated in our previous written bylaw complaint and Concerns from the last Discretionary use application and the additional information provided for this new application. This Discretionary Use application should not be permitted.

Kerrie Adamson-113 Louise Cres -Have no concerns- I have no concerns regarding the home based business run by Sean Jamison. I am a strong supporter of entrepreneurs and believe we have several in Cherry Hills. I believe Sean has gone above and beyond what is necessary to appease those who have gone against his previous application and most likely against this one as well. If you require further information from me or have any questions, please do not hesitate to reach out.

Verbal Presentations:

Kathleen Hamilton made a presentation in favor of the application. She explained that she has no concerns and that she has never experienced any smoke or noise from this operation.

David Bubnick spoke against the application stating concerns with regards to the proximity of the operation to his property, excessive noise. He also expressed concerns that none of the neighbors reach out to him to ask his opinion or hear his concerns.

Janine Bubnick made a presentation against the application and stating concerns about the materials used and type of business being operated. Mrs. Bubnick expressed concerns with regards to possible toxicity of the resin. Mrs. Bubnick requested information on who regulates potential environmental concerns and asked for clarification between the difference between a hobby and a business and if a hobby such as selling baked goods from your home would also require a permit.

The C.A.O. explained that the Ministry of Environment and Conservation Officers would be the regulatory body for environmental concerns. The C.A.O. also read the definition of a home-based business found within Bylaw 2005-07 known as the Zoning Bylaw and explained that the Zoning bylaw does not differentiate between a hobby and a business and that selling baked goods would also be subject to a discretionary use permit.

Nicholas Weinrauch explained that using a laser engraving machine on resin will cause it to release a chlorine gas and explained that the gas would destroy the laser engraving machine.

Sean Jamison explained that he uses his laser engraver on unfinished wood and puts the finish on after it is engraved. He explained that he currently uses maple wood, cherry wood, and hard woods. He also explained that he has fire and liability coverage through his home insurance policy and that he has commercial liability insurance.

Nicholas Weinrauch gave a presentation in favor of the application. Mr. Weinrauch has expertise with using laser engravers, having his own engraving business, and explained that he has experience

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working with HVAC systems as part of his full-time employment. He provided information on laser machines and gave his professional opinion on the filtering system currently in use by the applicant. He stated that classifying the laser engraver in use by the applicant as an industrial operation would be an exaggeration. He also spoke on the importance of encouraging and supporting small businesses and the impact they play on the current economy in Canada.

Chastidy Fleishhacker gave a presentation in favor of the application. Mrs. Fleishhacker expressed feelings of community pride that may be felt by having such a talented artist in the area. Mrs. Fleishhacker explained that the applicants are community minded and have often made donations to local groups and functions. Mrs. Fleishhacker explained that she toured the operation and spoke of the mitigation efforts made by the applicant. Mrs. Fleishhacker also spoke of all the other smells that may be experienced in the area from surrounding farms and businesses such as sewer, smoke, chemical spray, canola processing, etc. Mrs. Fleishhacker shared that the applicant's operation produces limited noise and smell when compared to surrounding noise, smells, and smoke from everyday life in the country and surrounding farm operations.

David Bubnick expressed concerns that none of his neighbours consulted him with regards to the application. Mr. Bubnick also expressed concerns that the applicant constructed the shop without consulting with him.

David & Janine Bubnick both expressed concerns about the operation, that is currently operating from the attached garage, being moved into the shop, due to the close proximity of the shop to the property line and their residence.

Janine Bubnick expressed concerns of a continuous hum from equipment being heard from in her bedroom. Mrs. Bubnick also explained that she has experienced a terrible smell resulting from the operation and that, in her opinion, is not comparable to a camp fire as others have reported.

David Bubnick also expressed concerns of hours of operations, stating that operation have occurred continuously between 9am to 7pm for multiple days in a row and that the operation can be very noisy when the garage doors are open. Mr. Bubnick expressed that the noise is impacting his ability to peacefully enjoy his property.

Councillor Schaffel explained that the RM currently has a noise bylaw in place, and that property owners are permitted to cause noise outside of the quiet time indicated in the noise bylaw.

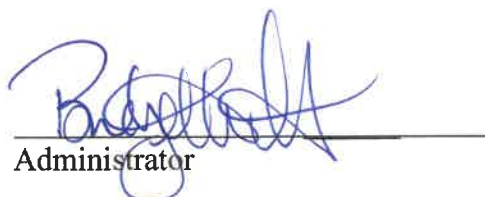
Councillor Korpan asked the applicant about his hours of operations and if he plans to increase his hours of operation.

Sean Jamison responded that he works full time as an engineer and that the woodworking business is completed during his time off. Mr. Jamison confirmed that he has no plans to quit his employment as an engineer.

Reeve Martin Bettker thanked those in attendance for their written submissions and verbal presentations.

The meeting was adjourned at 2:16 pm.


Reeve


Administrator