



Planning Advisory Committee Report

To: To the Chair and Members of the Planning Advisory Committee
From: Ruchika Angrish, MCIP, RPP, Senior Planner
Date: July 10, 2019
Report: PA-19-31a
Subject: Zoning By-Law Amendment File ZBA15/19/RA
421 Highway #2 – Jane and Peter Varey
Purpose: **Recommendation Report** on a request to amend the Zoning By-Law 61-16 to establish a dog and cat boarding facility on a permanent basis.

Recommendation

That Application ZBA15/19/RA from Jane and Peter Varey, owner of lands described as Part of Lot 21, Concession 1, Part 1 and 2 on Plan 2R-1763, former Township of Burford, County of Brant and located at 421 Highway #2 proposing to amend the current Temporary Zone (T-37) on the property to Special Exception Agricultural Zone (A-142) to permit an additional use of a boarding facility for a maximum of 25 dogs and 15 cats, **BE APPROVED.**

Key Strategic Priority

Undertaking actions that elevate customer service to those we serve.

Financial Considerations

Not applicable.

Executive Summary

The purpose of the report is to provide the Committee with recommendation from staff on the details of the application for Zoning By-law Amendment. The Applicants are proposing to change the zoning on the subject lands to continue the existing boarding facility on a permanent basis. The proposal is in conformity with the policies of both the Provincial Policy Statement (2014) and the County of Brant Official Plan. The report recommends that the application be approved.

Proposal

The Applicant proposes to continue the use of the existing dog and cat boarding facility. The boarding facility was established in an existing building on the property in 2016 on a temporary basis (3 years). The facility allows for boarding of a maximum of 25 dogs and 15 cats.

Location

The subject property is 0.59 hectares in size, located on Highway #2 in the former Township of Burford. The abutting land uses are agricultural in nature.

Report

Planning Act

Section 34(1) of the Planning Act establishes that Zoning By-laws may be passed by Councils of local municipalities.

The lands are designated Agricultural in the Official Plan. The designation allows for agricultural related commercial uses. The proposal meets the general intent of the Official Plan.

The application is consistent with the provisions of the Planning Act.

Provincial Policy Statement

Section 1.1.1 of PPS provides policy direction for planning authorities to consider matters relating to land use planning and development. It provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. Section 1.1.4, 1.1.5 and 2.3 of PPS (see attached) provides policy direction for planning authorities to consider matters relating to prime agricultural areas. In accordance with PPS, land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

The proposal for a boarding facility serves the local community and does not create any public health and safety issues. There have been no nuisance complaints received by the County in the last three years since the establishment of the facility.

The proposal is in keeping with the policies of PPS.

Official Plan

The lands are designated Agricultural in the County of Brant Official Plan. Section 3.3 sets out the policies in for the Agricultural designation. The boarding facility is located in an existing building on the property. Staff have received no complaints on this property since the establishment of the use in 2016 on a temporary basis. The proposal does not conflict with the policies of the Official Plan.

Infrastructure/Servicing

The lands are serviced by Private Services (well and septic).

Zoning By-Law

Section 4(41)(g) of the By-Law 61-16 prohibits the use of kennel in all zones. The reason for the application to amend the Zoning By-law is to permit the otherwise prohibited land use (i.e. kennel) at this location. The applicant wishes to continue the use on a permanent basis on this property.

The subject lands are currently zoned Temporary Zone (T-37). The Applicant is proposing to amend the zoning to Special Exception Agricultural Zone (A-142) to permit an additional use of a boarding facility for a maximum of 25 dogs and 15 cats.

Interdepartmental Considerations

Development Engineering Department (see attached): No objections

Community Services (see attached): No objections.

Energy Plus (see attached): No objections.

Zoning Administrator (see attached): No objections.

Fire Division (see attached): No objections.

Legal Division (see attached): No objections.

The following departments/agencies did not provide any comments with regard to this application:

- Bell Canada
- Brant Heritage Committee
- Building Division
- Forestry
- Six Nation/New Credit
- Union Gas
- Grand Erie District School Board
- Brant Haldimand Norfolk District School Board

Public Considerations

No comments/concerns from public have been received at the time of the writing of this report.

Conclusion and Recommendation

The proposal is to amend the Zoning By-law to rezone the subject lands to allow for a boarding facility for a maximum of 25 dogs and 15 cats on a permanent basis. The existing building on the property is currently being used for the use. The use was established on the property on a temporary basis in 2016 to examine the performance of the Applicants.

At the request of the applicant, Council approved amendment to the Fees and Charges By-Law that for kennel applications, if an existing kennel was approved through the adoption of a temporary use by-law, a zone change application brought forward to make the kennel use permanent shall be the difference between the fee for the permanent application and the fee for the temporary use application at the time the temporary use application was made.

Staff has determined that the proposed land uses are being directed to an appropriate area and will not adversely impact any existing or future land uses in the area.

It is the opinion of staff that the planning application has merit as it is consistent with the Provincial Policy Statement and conforms to the general intent of the Official Plan. This report recommends that the application be approved.

Report prepared by:



RUCHIKA ANGRISH, MCIP, RPP

SENIOR PLANNER

Reviewed by: Rob Trotter, MAES, RPP, Acting General Manager of Development Services

Submitted by: Rob Trotter, MAES, RPP, Acting General Manager of Development Services

Attachments:

1. Official Plan Map
2. Aerial Photo

Copy to:

1. Heather Boyd, Clerk Council Committee Services
2. Jennifer Mayhew, Planning Administrative Assistant
3. Applicant/Agent

File # ZBA-15/19/RA

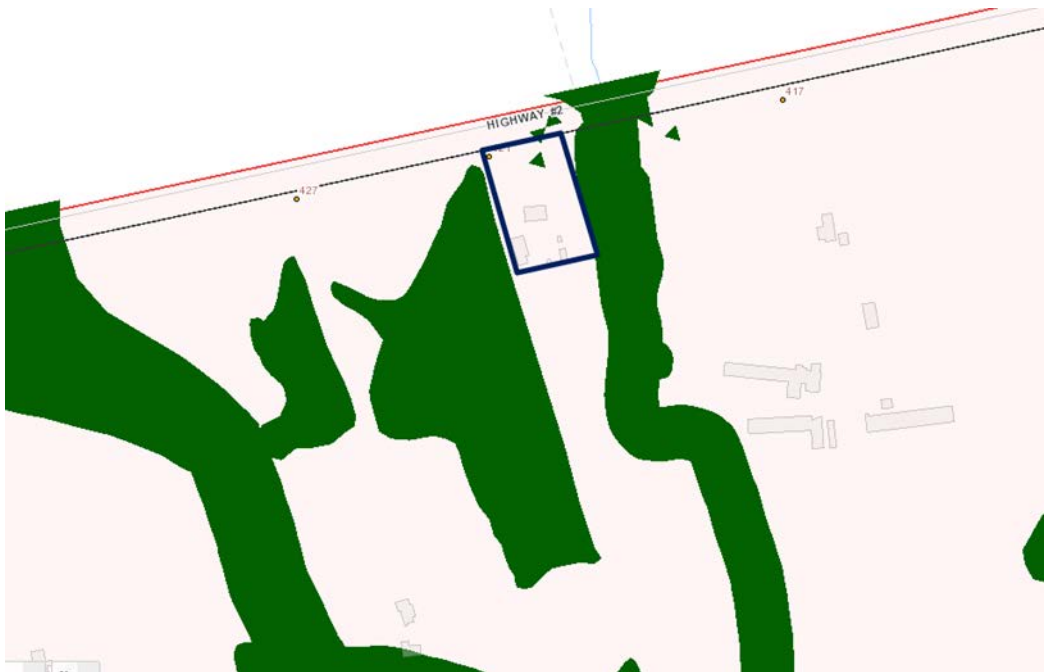
In adopting this report, is a bylaw or agreement required?

By-law required (Yes)

Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)

Is the necessary by-law or agreement being sent concurrently to Council? (Yes)

Excerpt from Official Plan:



Aerial Photograph:

