



MUNICIPALITY OF NORTH MIDDLESEX

PUBLIC MEETING

MINUTES

A Public Meeting was held on Wednesday November 7, 2018 at 7:00 p.m. in the Council Chambers, Shared Services Building, Parkhill to consider a planning application with a quorum present.

ROLL CALL

Present:

Mayor Don Shipway

Deputy Mayor Brian Ropp

Councillor Ward One – Doreen McLinchey

Councillor Ward Two – Joan Nichol (absent due to illness)

Councillor Ward Three – Gord Moir

Councillor Ward Four – Andrew Hemming

Councillor Ward Five – Adrian Cornelissen

CAO/Director of Finance (Treasurer), Nandini Syed

Deputy CAO/Director of Operations, Jonathon Graham

Infrastructure Supervisor, Jonathan Lampman (portion of meeting)

Clerk Jackie Tiedeman

Planner Christie Kent

DISCLOSURE OF PECUNIARY INTEREST

None

The Clerk provided an introduction to the Public Meeting which disclosed the purpose of the meeting, that comments expressed and written material presented are a matter of public record available for full disclosure and that if a member of the public wished to be notified of a decision on applications being heard this evening that a written request must be submitted to the Municipality.

**7:00 p.m. HEARING –Application for Zoning Amendment (ZBA 6/2018)- 4378
McGillivray Drive**

Planner Christie Kent advised that the above noted application had been received deemed complete and circulated to agencies as well as property owners in accordance to the Planning Act.

Description of Land: Part of Part 1 RP33R8072; Part Lot 15 Con.11
geographic Township of McGillivray
Municipality of North Middlesex
4378 McGillivray Drive

Owner: Brock Rondeau
Agent: Mark Stone, Planner

The purpose and effect of the application for Zoning By-Law Amendment (File No. ZBA-6-2018) is to rezone the subject lands from Hamlet Residential (RH) Zone to Hamlet Residential Exception (RH#) Zone to permit an existing dog kennel with deficient minimum setbacks.

WRITTEN AND ORAL SUBMISSIONS

- Ausable Bayfield Conservation Authority: no concerns
- Municipal Operations: No concerns
- Public Written Comments: As part of the Zoning By-Law amendment, a petition containing 25 signatures was submitted which was favourable for the kennel to remain in its present location. Additionally at the meeting, a letter was provided from a veterinary clinic which provided a favourable assessment of the dogs in this kennel.
- Oral Submissions at meeting:
Brock Rondeau, Owner provided his approval for this application for site specific zoning. He stated that a favorable decision should be made in this case as a compassion situation. They are good tenants (Mr. Deeks and his mother) and the dogs are part of their family. Mr. Rondeau also stated that he would sign a paper with the municipality to allow this site specific zoning on his property if that would be of any assistance.
Allan Webster, neighbour, in favour of the requested zoning to allow the existing kennel to remain at this location. There has been no issue with the dogs.

ANALYSIS

It is the opinion of planning staff that the policies of the North Middlesex Official Plan and the provisions of the Zoning By-law provide the direction that kennels are agricultural-related commercial uses and are best suited within the agriculture area where appropriate setbacks from sensitive land uses can be achieved. The intent of these policies and regulations is to limit potential land use conflicts and provide a significant buffer area around kennel facilities to mitigate off-site impacts, particularly noise and any increased traffic that might be associated with boarding. With respect to the setback requirements contained within the 'General Agricultural (A1) Zone', planning staff note that the existing kennel is located approximately 6.5 m (21 ft) from the nearest lot line, approximately 26 m (85 ft) from the nearest dwelling located on a separate lot and approximately 81 m (266 ft) from an institutional zone.

Planning staff note that the applicant and their agent have requested that the lands be rezoned to a site-specific Hamlet Residential Exception Zone to permit the existing kennel with deficient setbacks. It is the opinion of planning staff that the requested amendment does not reflect the intent of Official Plan policies with respect to the Hamlet Settlement Area land use designation and the types of uses permitted within settlement areas.

Notwithstanding this, planning staff recognize that the kennel is an existing, established use. Planning and municipal staff are not aware of any complaints related to the keeping of dogs on this property. Additionally, the applicant has advised that the existing kennel is not used for commercial boarding purposes, but rather as a personal use facility to house hunting dogs.

Section 9.10.1 of the Official Plan outlines policies for existing uses in the Municipality. Section 9.10.1 (b) indicates that Council may recognize the existing use of land in the implementing Zoning By-law. The policy provides further direction that Council, in co-operation with residents, should attempt to reduce the number of non-conforming uses whenever and wherever possible according to the policies of the Plan. It is the opinion of planning staff that the request to permanently rezone the lands to recognize the existing kennel with deficient setbacks would not be consistent with the intent of the existing use policies contained within the Official Plan. Favourable consideration of a permanent site-specific zone change is not recommended.

Planning staff recommend that the requested amendment to the Zoning By-law be modified to request permission to maintain the existing kennel with deficient setbacks on a temporary basis for a period of three years through a temporary use by-law.

Mr. Stone, Planner and Agent for the applicant then provided his overview of the application. He agreed with the Planner on the OP Policies and the need for an exception to the zoning to allow this kennel. The barn which houses the dogs

represents approximately 2% of the lot coverage on the property. The barn is located at the rear of the property. During his site visit, he noted that the dogs were very well behaved and actually you would not even know they are there. Although he understood the Planner's evaluation of the application, he was not in favour of the temporary use approach and would ask that the application be considered as presented under Section 34 of the Planning Act (site specific rezoning)

It was noted by both Planners that there is a property in Nairn that has site specific zoning to currently permit a kennel and this is a situation where a kennel is not appropriate.

CONCLUSION

Planning staff note that the existing kennel is located at the rear of the subject property and adjacent to an agricultural property with livestock. The location of the kennel on the subject property, the adjacent agricultural land use, in addition to the petition submitted in favour of the existing use, supports the assumption that the existing kennel is not causing significant compatibility issues within the hamlet.

Further, the kennel appears to have adequate servicing, parking and access. As the kennel is not used for commercial boarding purposes, but instead for personal use only, planning staff are of the opinion that site upgrades would not be required to continue the kennel use.

Finally, the Official Plan indicates that a temporary use by-law shall not be passed for the purpose of permitting uses that are not in conformity with the Plan. It is the opinion of planning staff that the use of a temporary use by-law to permit the kennel for a period of time not exceeding three years upholds the intent of the Official Plan with respect to recognizing the existing, non-conforming use within the Zoning By-law for a limited period of time.

It is the opinion of planning staff that the existing kennel is largely temporary in nature, as the construction of new buildings were not required to facilitate the use and permanent land use impacts to the subject lands and surrounding properties are not anticipated. As such, planning staff have prepared an implementing temporary use by-law for Council's consideration.

It was noted a minor amendment was made to the draft temporary use by-law to include the wording "existing Kennel".

Cr. Moir requested clarification from the Planner that the owners offer to sign a paper is not a simple as that? Ms. Kent replied that is correct.

Deputy Mayor Ropp inquired into the max time the temporary use by-law would allow?

Ms. Kent replied that under the Planning Act, the maximum duration is three years with option to apply for an extension after that.

MOTION/2018

MOIR/CORNELISSEN: Be it Recommended that Application for Zoning By-law amendment ZBA 6-2018, as amended by staff to be considered as an Application for a Temporary Use By-law, be approved for a period of three years, as the application: satisfies the requirements of the Planning Act; is consistent with the PPS, conforms to the Official Plans of both the Municipality of North Middlesex and the County of Middlesex and represents sound land use planning.

And further that the landowner or designate enter into a Temporary Use Agreement with the Municipality which outlines the terms and conditions under which the kennel is permitted.

CARRIED

The By-law will be given all three readings during the regular meeting. In addition it was noted that there is a twenty day appeal period which will apply from the date of notice of the passage of the by-law

ADJOURNMENT**MOTION/2018**

MCLINCHEY/CORNELISSEN: That the Public Meeting adjourn to Committee of Adjustment at 7:23 p.m.

CARRIED

MAYOR

CLERK