



## Report Committee of Adjustment

**Filing Date:** November 16, 2023

**Hearing Date:** December 19, 2023

**File:** A-2023-0360

**Owner/  
Applicant:** Cabbage Patch Developments Inc.,  
R.G. Richards & Associates c/o Ron Richards

**Address:** 17 Worthington Ave

**Ward:** 6

**Contact:** Megan Fernandes, Assistant Development Planner

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### **Recommendations:**

That application A-2023-0360 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
  2. That the Kennel shall be limited to a maximum gross floor area of 464 square metres (4,995 square feet);
  3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

The applicant was granted two previous temporary approvals as part of Minor Variance application(s) A17-139 and A18-120. The temporary approvals were recommended by planning staff to limit the size and location of the facility, and ensure that all required licences and permits be obtained to provide time to ensure that the use did not generate negative impacts to the surrounding units.

### Existing Zoning:

The property is zoned 'Commercial 3 – Special Section 1001 (C3-1001)', according to By-law 270-2004, as amended.

### Requested Variance:

The applicant is requesting the following variance:

1. To permit a dog kennel in unit D5, whereas the by-law does not permit the use of a dog kennel.

**Current Situation:**

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated as 'Residential' in the Official Plan and 'District Retail and Special Policy Area 1' in the Fletcher's Meadow Secondary Plan (Area 44). The 'District Retail' designation permits a range of uses in accordance with the Local Retail policies of the Official Plan.

As outlined in section 4.3.5.4, permitted uses within the Local Retail designation typically include mall scale retail stores, supermarkets or specialty stores, junior department stores, pharmacies, restaurants and service establishments that primarily serve the surrounding residential area. Notwithstanding the permission for restaurant uses, drive-through facilities, where permitted shall be located in the site plan sensitive to their impact on adjacent residential areas. The proposed kennel use is for a service establishment which serves local residents and maintains the commercial intent of the Official Plan and Secondary Plan policies. The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan and maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned 'Commercial 3 – Special Section 1001 (C3-1001)', according to By-law 270-2004, as amended.

The variance is requested to permit a dog kennel in unit D5, whereas the by-law does not permit the use of a dog kennel. The intent of the by-law in regulating permitted uses on a property is to ensure complimentary uses to the area.

The proposed use is similar to an animal hospital, which is a permitted use in the parent Commercial 3' zone, in that animals are provided care in an enclosed building, however overnight boarding is not permitted by an animal hospital. Through previous conditions of approvals, the applicant has obtained the required license and modifications to the unit. No adverse impact to the operation of the plaza or to surrounding properties is anticipated. Furthermore, staff have no concerns with providing permanent permissions for this use the applicant is not expanding the use into another unit or adding additional services. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting permission to permanently permit a dog kennel in unit D5, whereas the by-law does not permit the use of a dog kennel. The use has operated on the property for approximately 5 years. During its operation, there have been no formal complaints made in relation to the operation. The use is compatible with other permitted uses in the plaza and provides a service to

the surrounding residents. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The request to allow a Kennel operating out of unit D-5 is not anticipated to have any significant impacts on the businesses within the existing commercial plaza. Subject to the recommended conditions of approval, the requested variance permit a Kennel on a permanent basis is minor in nature.

Respectfully Submitted,

*Signature*

Megan Fernandes, Assistant Development Planner