



September 21, 2020

**MINUTES OF  
COMMITTEE OF ADJUSTMENT**

**Township of South Glengarry**

A meeting of the Committee of Adjustment was held at 6:30 pm on September 21, 2020 via a public zoom webinar with phone access.

**Committee Members present were:** Mayor Frank Prevost, Deputy Mayor Lyle Warden (Chairperson), Councillor Sam McDonell, Councillor Martin Lang, Councillor Stephanie Jaworski, Kaylyn MacDonald, Deputy Clerk, and Secretary-Treasurer Joanne Haley

**MOVED BY:** Martin Lang

**SECONDED BY:** Sam McDonell

**BE IT RESOLVED THAT** the Committee of Adjustment meeting of September 21, 2020 is hereby called to order.

**CARRIED**

**Meeting was called to order at 6:30 pm**

**Approval of Agenda**

**MOVED BY:** Frank Prevost

**SECONDED BY:** Sam McDonell

**BE IT RESOLVED THAT** the Agenda be approved as presented.

**CARRIED**

**Approval of Minutes**

**MOVED BY:** Martin Lang

**SECONDED BY:** Stephanie Jaworski

**BE IT RESOLVED THAT** the Minutes of the September 8th, 2020 meeting be approved as presented.

**CARRIED**



## **Declaration of Pecuniary Interest**

None Declared

## **Review of Application:**

### **Application A-27- 20 -Grant**

Joanne Haley provided to the Committee the following information:

- Subject Property:

Part of Lot 45, Concession 2, NRR (County Road 18 & Beaverbrook Road) in the Geographic Township of Charlottenburgh, now in the Township of South Glengarry, County of Glengarry

- Proposed Minor Variance:

The applicant proposes to construct a single detached dwelling that is undersized in a rural zone and therefore will not conform to the Zoning By-law, the following relief from the Zoning By-Law 38-09 is requested:

Part 10.2 - to reduce the minimum gross floor area of the proposed single detached dwelling from 75 sq. meters (807.3 sq. ft) to 55 sq. meters (592.03 sq. ft.)

- Planning:

The property is designated Rural District in the County Official Plan. This application conforms to the general intent of the Official Plan  
The property is zoned Rural and conforms to the general intent of the Zoning By-law

- Consultation:

This application was circulated to applicable municipal staff as well as the United Counties of SDG

Planning and Building have no concerns with this application

The United Counties of SDG has no issues with the requested minor variance  
I have received no public comments to date

- Recommendation:

Planning and Building have no concerns with this application



## Discussion:

S. Jaworski- If the property owner wanted to take advantage of the opportunity to have a secondary dwelling, would it have to be smaller than the original dwelling? J Haley explained it would have to be smaller than 592sq ft. There is nothing saying in the future they could do an addition to this dwelling to make it larger that would then allow for a secondary dwelling unit to be built at a smaller size later.

S. Jaworski- What is the rationale around having a minimum size of 75 square meters. J Haley explained that size has been in our zoning by law for many years. It's a common size within the province. This is the first application received to reduce the gross floor area and it's a common number found in most zoning by laws.

No questions from the public.

**MOVED BY:** Frank Prevost

**SECONDED BY:** Stephanie Jaworski

This application has been **Approved** as the variance is considered minor in nature and desirable for the use of the land. No public comments were received regarding this application that resulted in the need to refuse the application; therefore, the committee **approves** the application.

**CARRIED**

### **Application A-28-20- Brady**

Joanne Haley provided to the Committee the following information:

- Subject Property:  
Part of Lot 49, Concession 3, NRR in the Geographic Township of Charlottenburgh, now in the Township of South Glengarry, County of Glengarry also known as 4890 Johnson Road (County Road 19)  
The applicant is a dog breeder for Australian Shepherds and wishes to increase the number of dogs on the subject property in order to also breed another breed of dogs to board up to 25 dogs during the breeding cycles  
The subject property does not operate as a boarding kennel that is open to the public
- Proposed Minor Variance:  
The applicant proposes to increase the number of dogs boarded at an existing kennel, the following relief from the Zoning By-Law 38-09 is requested:



Part 3.22 - to reduce the minimum distance of 300 meters (984.3 ft) to 169 meters 554.46 from a kennel to the dwelling unit located at 4926 Johnson Road.

The Township's Animal Control By-law requires all adult dogs to be licensed. Dogs under 3 months of age do not require to be licensed.

The property is designated Rural District in the Official Plan and conforms to the general intent of the Official Plan.

The property is zoned Rural and conforms to the general intent of the zoning by-law.

- **Consultation:**

I have received no formal oral or written comments from the public to date; I did receive two phone calls from one person asking general questions about the current operation, requirements of the by-law etc.

The United Counties of SDG were circulated on this application, they have no concerns with the requested minor variance

- **Recommendation:**

The Manager of By-Law Enforcement has no concerns with the requested variance. The current property owner has been breeding dogs since 2018, no formal or informal complaints have been received to date. Inspections of the subject property has been conducted with no concerns were found. Planning and Building staff have no concerns with the requested variance

### **Discussion:**

S. Jaworski: Asked for clarification on the request for up to 25 dogs. How many do they have to date? J Haley explained that the purpose of this meeting is not to decide on the number of dogs. The animal control by law states we can license up to 15 dogs. If property owners want to go over 15 dogs, a request to Council is required. In this case this applicant wants 25 dogs. The request came into our office, and that triggered the review by the Manager of bylaw enforcement. When the request was being processed, the 300-meter separation distance is what triggered the minor variance request. The purpose of the meeting is to reduce the separation distance from 300 to the 169 meters. If the committee approves this application, a request would then be brought to Council at a subsequent meeting to determine if Council would give staff permission to license more than 15 dogs. J Haley further explained the reason she put the number of dogs in the presentation is because when she



had a conversation with a member of the public over the phone, they were asking the maximum number of dogs on the site.

Paul Richard 4926 Johnson Rd – Mr. Richard’s concern is that the minor variance proposes that it would permit 25 dogs at half the legal distance to their property. He is also concerned that the property owner could change their present intentions. There is no mention of purpose to breed, types or size of dogs or any plans to control the sound levels which studies show as problematic. Studies confirm that people who complain and must deal with the noise from kennels is justified. The bylaw requiring a minimum of 300 meters to the nearest home for 25 dogs is not arbitrary or uninformed. The property owners at the end of Johnson Rd which is 600-700 meters away say they can hear the dogs barking. Mr. Richard shared examples of data and research on noise studies. Mr. Richard explained that exposure to high levels of sound throughout the day put both animals and humans at risk for damage to their hearing and may result in decreased quality and quantity of sleep in dogs and night barking will decrease sleep for humans. Mr. Richard has no intention to make a complaint about the existing barking, they no longer enjoying sitting in their front porch when the dogs are barking. The other concern is the potential loss in property sales value. Mr. Richard reached out to several realtors who confirmed that it is likely that properties nearby would have a lower resale value when buyers have a concern with noise issues. Some potential buyers will not even consider purchase. The cost to them is not only the loss of tranquility, but the negative home value tied to having a kennel next door. He also indicated that the notice was not clear that breeding is their intention and is concerned that if breeding doesn’t work, they could potentially board 25 dogs of various breeds and sizes.

J. Haley explained the reason the notice is written the way it is. The zoning bylaw does not regular the number of dogs, the animal control bylaw does. The purpose of this minor variance is to reduce the required setback in the zoning bylaw to 300 meters to 169 meters. J. Haley was not able to include the number of dogs in the notice because that was not the purpose of the request. The property owner is wanting to increase it to 25, and they will need to bring that request to Council. If this is approved by the Committee, it will be up to Council to decide if they are going to allow the dogs to be at 25 on site.

Heather Brady 4890 Johnson Rd: Mrs. Brady explained that she takes pride in what they are doing, and they don’t over breed dogs and ensures they keep the barking to a minimum. She wanted to confirm that the neighbours to the right have never heard any of her dogs bark. They are constantly on top of that just to be sure. They always want to make sure that the dogs are disciplined and don’t bark. However, there are other dogs in the area that Mrs. Brady hears barking. If other dogs in the area bark, it will make her dogs bark. There are also coyotes in the area that will trigger all neighborhood dogs to bark. She wants to ensure that the barking is not only pinpointed to her dogs specifically.

L. Warden- Was a license given to this property for a kennel in the past? J. Haley explained that in 2018 the property owner was given dog tags up to 15 dogs. Now we’re dealing with a



new animal control bylaw that was approved in 2020 by Council. In 2018 they were permitted to have 15 licenses.

L. Warden- Are property owners permitted more animals based on the zoning or is it a standardized across the Township? J. Haley explained residential properties are capped at 5. In Rural zoning, anything over 5 triggers a kennel license, anything over 15 triggers approval by Council.

L. Warden- At what point did these property owners seek approval for a kennel license? J. Haley explained they did not need to as it was based on licensing in 2018.

L. Warden- Shouldn't someone have to apply for a kennel before they can get 15 licenses? J. Haley confirmed yes, with the current bylaw. The new bylaw would require the property owner to come in and apply for a kennel approval and it would have to meet the 300-meter setback. Keep in mind you can have a breeder that may only own 4 dogs and they fit perfectly within the rules because they are under five. They could bring in another dog as part of that breeding process for a short period of time and then the dog goes back home. Puppies are not required to be licensed if they are under 3 months of age. J. Haley's understanding is that oftentimes they are sold when they are between 8-12 weeks, so we are not dealing with licensing puppies all the time.

S. Jaworski- In the past, was there a setback and are we changing the setback? If this is not passed tonight does that mean there will be an effect on the number of dogs they already have. J. Haley explains that the zoning bylaw always required 300-meter setback. She did not have the previous bylaw in front of her so she couldn't provide clarification. She did confirm that administration will not take licenses away from the property owner because of the previous bylaw. They can keep 15 dogs, as they have licenses. The purpose of the meeting tonight is to approve the requested 169-meter setback.

Anna Richard 4920 Johnson Rd- When you are saying 25 dogs, does it mean 25 dogs that could have puppies, or does it mean 25 dogs licensed and puppies? J. Haley confirmed it's based on the number of dogs, not including puppies. J. Haley explained again the purpose of the meeting is not for the number of dogs, but because of the setback.

Moved by Frank Prevost, accept as presented.  
No Seconder.

Move to **NOT** Approve as presented:

**MOVED BY:** Sam McDonell  
**SECONDED BY:** Stephanie Jaworski

**Carried**



This application has been **Denied** as the variance is not considered minor in nature. There were comments and concerns from the public regarding this application that resulted in the need to deny the application; therefore, the committee **denies** the application.

**CARRIED**

Next Meeting date: October 5, 2020

**Adjournment**

**BE IT RESOLVED THAT** the meeting of September 21, 2020 be adjourned to the call of the Chair @ 7:07 p.m.