

September 13, 2021

City of Guelph,
1 Carden Street
Guelph, ON
N1H 3A1

Attention: Committee of Adjustment, City of Guelph

Dear Guelph Committee of Adjustment,

**RE: 82 Woodlawn Road West, Guelph
 Minor Variance Application**

We, Julia Volkov of JV Training and Kristen Smith of Smith Canine Academy, are the tenants at 82 Woodlawn Road West ("the Subject Site", "the Site"). The site is owned by Carbrid Enterprises Limited, and is managed by Green Forest Investments Limited (which is represented by and a subsidiary of Guelph City Realty Ltd). With authorization from the landlord, and with independent planning support from Alexa Volkov, MPI, we are submitting a Minor Variance Application to permit the *Animal Boarding Establishment* use at this address.

SITE DESCRIPTION AND SURROUNDING CONTEXT

The Subject Site is municipally known as 82 Woodlawn Road West and is legally known as PT LOT 30 Division A Guelph Township as in ROS253216; Guelph. The Subject Site is located near the intersection of Woodlawn Rd W and Nicklin Rd. The site is approximately 0.12 hectares, with 21.29 metres of frontage along Woodlawn Road West, which makes up part of the Highway 6 provincial highway. To the north of the Site, across Woodlawn Rd there are industrial uses (Synnex Canada Ltd., Valent Canada Inc.) and the Guelph Junction Railway corridor. To the immediate east, south and west of the Subject Site there are additional service commercial operations (Palmer Cleaning Centres, Brokerlink, Ontario Plowmen's Association). These adjacent sites are additionally managed by Green Forest Investments Limited/Guelph City Realty Ltd. Moving further east, across Nicklin Rd, there are open green spaces, the Guelph Railway Corridor and a park. Further south there are industrial uses (Blount International), past which there are residential developments. Further west there are additional service commercial uses, including large-scale retail stores, restaurants, and a gas station.

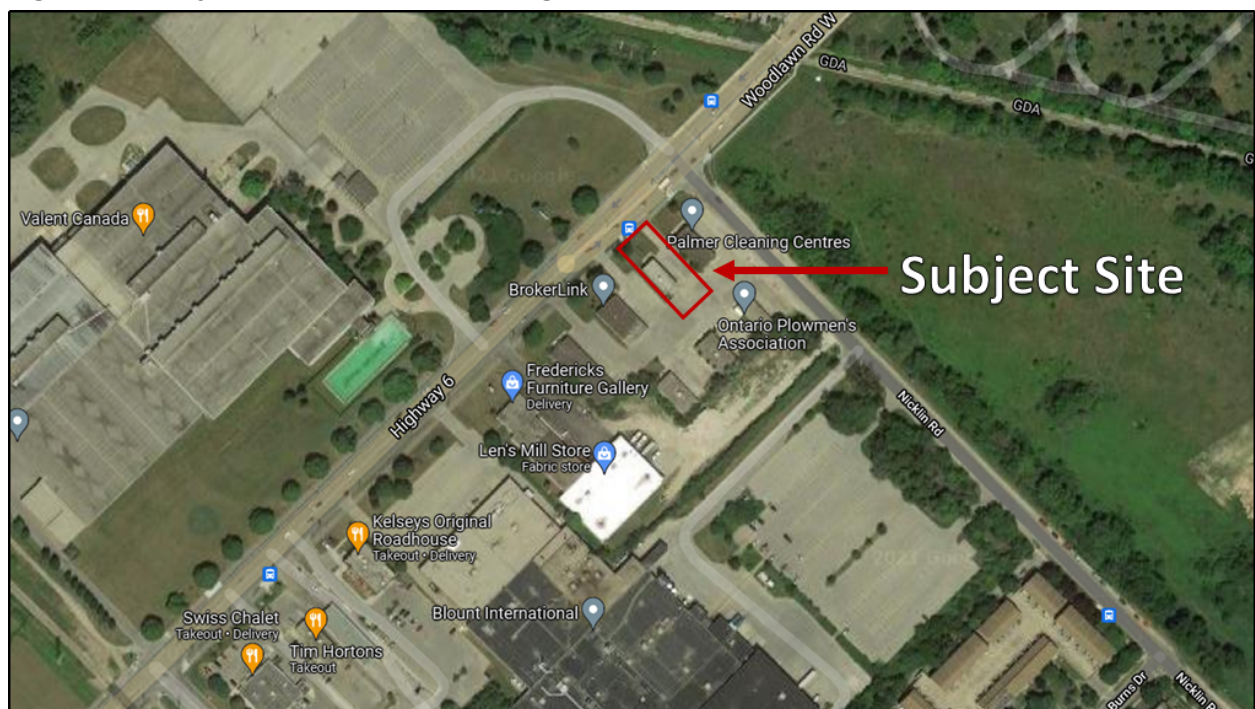
PROPOSED USE

JV Training and Smith Canine Academy propose to use the space at 82 Woodlawn Road West as a Dog Obedience Training Facility. Both businesses are established and professional training businesses that have been working in the Guelph area for a combined total of ten years, and both are CPDT-KA certified. The businesses will be holding training sessions during the day in which we work one on one with dogs from the community to help improve their life skills and behaviour, and holding holding Puppy Classes, Obedience Classes, and Agility Classes in the

evenings and on Saturday in which the client (dog owner) is present as well. Lastly the proposal also includes a retail storefront for dog training supplies and merchandise that will take up no more than 25% of the building. All intended uses will take place within the building, and we will have no outdoor use and no overnight boarding or use. All events hosted by JV Training or Smith Canine Academy outside of these regular services, including outdoor events, are held off-site at a rented location. The planned business hours are:

- Monday to Friday 8am-5pm: one on one dog training sessions and day training with Smith Canine Academy; and,
- Monday to Friday 5-8pm and Saturday 10am - 4pm: Puppy Classes, Obedience Classes, and Agility Classes with JV Training.

Figure 1 - Subject Site and Surrounding Context



Source: Google Maps, 2021

REQUIRED VARIANCE

As per our review and discussion with Planning Staff, the proposed use would be considered an *Animal Boarding Establishment* as laid out in the definitions in Section 3 of the City of Guelph Zoning Bylaw (1995) – 14864. The subject site is zoned Special Highway Service Commercial SC.2-4. According to section 6.4.3.2.4.1, within SC.2-4, permitted uses include a food vehicle, retail sales and display of electronics and audio-visual equipment, furniture and other household furnishings, as well as accessory uses, and occasional uses. Additional uses are permitted within a Mall (however as we understand from our discussion with staff, the Subject Site would not be classified as a mall). *Animal Boarding Establishment* is not a permitted use under section 6.4.3.2.4.1. We are therefore requesting a variance from the requirements of Section 6.4.3.2.4.1 of Zoning Bylaw (1995)-14864 for 82 Woodlawn Road West to permit an *Animal Boarding*

Establishment, under the conditions expressed in the current proposal. Based on our discussions with staff, we welcome any relevant conditions being imposed that reflect the current proposal, including preventing any outdoor use or facilities or any overnight boarding.

ANALYSIS

Section 45(1) of the Planning Act outlines four tests which must be satisfied in order for a variance to be approved. We, the undersigned, are of the opinion that this application meets the four tests as described below.

1. Are the variances minor in nature?

The variance is minor in nature. No changes to the building or site are proposed in both the short and long term. No outdoor use is proposed. There are no other units in the building and there is a substantial distance from the subject building to the nearby uses, as the closest building is estimated to be about 15m away. Therefore, no negative impacts are anticipated from noise or other disturbances. Further, no overnight use or boarding is proposed, therefore any possible impacts are limited to the operating hours of approximately 8am to 8pm. No concerns are anticipated as related to traffic or parking. The maximum anticipated capacity at any given time would be 6 client groups (typically a dog with 1-3 handlers) and two trainers. Parking on site is not striped. The included site plan shows one potential arrangement for parking, which includes at least 11 spots (as required by the Zoning Bylaw). In reality more parking is available; the plan has only demonstrated compliance with the by-law minimums. Further, as discussed, the surrounding sites are under shared management, and the landlord has provided tenants with a schematic for dedicated and shared parking, shown below in **Figure 2**. This demonstrates that ample parking, as well as space for pick-up/drop-offs, is available. Further, the site does not present any potential incompatibilities with the surrounding businesses, particularly due to the standalone nature of the building. In addition, this site, as well as all of the surrounding sites within the SC.2-4 zone are already directly adjacent to industrial zones to the north (B.3) and south (B.4), both of which permit an Animal Boarding Establishment in a mall. As such, there is no concern about the proposed use creating conflicts beyond what is already possible within the current zoning. Finally, the use is similar in terms of potential impact to other uses which are permitted within this area within a mall, including commercial entertainment, recreation centre, or public hall.

As such, the variance is minor in nature.

2. Are the proposed variances desirable for the appropriate development or use of the land?

The proposed variance to permit the businesses as described is a desirable and appropriate use of the land. Firstly, it diversifies the uses permitted/present in this complex, which currently consist of primarily retail and office uses. This helps assist in reducing vacancy in the overall complex, and attracts new patrons which supports the nearby businesses and vitality of the area. This site is particularly well-suited to the proposed business, as it is set back from the road, is stand-alone, and has ample parking. No changes to the Site itself are proposed, and no

adverse impacts are anticipated from the proposed use of the land or the surrounding uses. Additionally, the variance gives the necessary space for small businesses to thrive by allowing an appropriate amount of flexibility in land use permissions. In particular, the dog population is growing in Canada¹, and accessible training services play an increasingly important role in maintaining a healthy human and animal population, while ensuring expectations around noise, cleanliness, and safety are maintained by dog owners.

As such, the proposed variance is desirable and appropriate use of the land.

Figure 2 - On-Site Parking Arrangements as Laid out in Lease Agreement



Colour	Parking For
Red	90 Woodlawn
Dark blue	86 Woodlawn
Green	82 Woodlawn
Pink	80 Woodlawn

Colour	Parking For
Orange	188 Nicklin
Light blue	190 Nicklin
Yellow	192 Nicklin
Black	All Tenants

¹ <https://financialpost.com/globe-newswire/2020-canadian-pet-population-figures-released>

3. Are the proposed variances in keeping with the general intent and purpose of the Zoning By-law?

The zoning for the Subject Site, according to Zoning Bylaw (1995)- 14864, is Special Highway Service Commercial SC.2-4. This allows more limited uses than are typically permitted in the parent SC.2 zoning, and these uses likely reflect the uses that were present at the time the Bylaw was written. The proposed use as described, due to the inclusion of training, would be classified as an *Animal Boarding Establishment*. However, given that no outdoor use or facilities are proposed, and no overnight boarding is proposed, it is in effect much more similar to an *Animal Care Establishment*, as defined under Section 3, which is permitted in a standalone building in the parent SC.2 (Highway Service Commercial) zoning. Further, given that much of the training consists of in-person classes and activities, the use as proposed is similar in nature to a recreation centre, which is currently allowed within a mall in the SC.2-4 zone. Given this, we have no reason to believe the use as proposed would be incompatible with other permitted uses and further contend that despite adding a new use, that the proposal does not substantially alter the use of the land as contemplated by the By-law.

While we recognize that *Animal Boarding Establishment* is typically only permitted in Industrial zones (B.3 and B.4), we are of the opinion that the intent of the zoning by-law is still maintained by permitting this use on site. Some uses may be exclusive to industrial zones because they are not well-suited to other zones due to their potential conflict with nearby sensitive uses, such as residential. While this may have been the intention with the zoning for *Animal Boarding Establishments*, we believe such a consideration is not relevant to our application. The main features which distinguish an *Animal Boarding Establishment* from an *Animal Care Establishment* (which is not industrial and is permitted in SC.2 zoning) include the use of outdoor facilities, overnight boarding, and the breeding and raising of animals, none of which are proposed. The only distinction in this case is the presence of training. However, the nature of dog training can vary, and it has changed in recent decades. Other forms of dog training, particularly those that were more common in the past, more closely resembled a boarding establishment, as trainers would work with one or several dogs over a longer period of time. This form may require outdoor facilities and overnight accommodation in order to humanely keep the dogs for extended periods of time. More modern forms of dog training, including those used by the businesses under question, involve working more directly with the dog's handler for concentrated sessions, or independently with the dog for short periods of time, and as such do not require the ancillary boarding requirement nor additional spaces outdoors to run or house the dogs. In this way, many of the concerns that may arise from the outdoor facilities, overnight boarding, or breeding and raising dogs that may have been anticipated in the zoning for *Animal Boarding Establishments* are not relevant in this situation, making an industrial designation unnecessary. Additionally, it is not uncommon that uses will exist in both industrial and service commercial zones, and Tradesperson's Shop and Vehicle Specialty Repair Shop are two examples of uses with comparable or greater impact than the current proposal which are permitted in both industrial (including B.3 and B.4) zones and SC.2-4 zoning.

As such, the proposed variance is in keeping with the general intent and purpose of the Zoning Bylaw. As mentioned, we would welcome the placing of any conditions on the use as described in order to better align the proposed *Animal Boarding Establishment* with the intent of the Zoning Bylaw.

4. Are the variances in keeping with the general intent and purpose of the Official Plan?

The Subject Site is designated Service Commercial in the City of Guelph Official Plan (June 2021 Office Consolidation) ("the OP"). Policy 1 under Section 9.4.6 ('Service Commercial') in the OP states that "the Service Commercial designation on Schedule 2 of this Plan is intended to provide a location for highway-oriented and service commercial uses that do not normally locate within Downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses." Further, Policy 2 states that "to promote continued commercial viability of Downtown and planned Mixed-use and Commercial areas; the City will limit the range of retail commercial uses that may locate within the Service Commercial designation". Permitted uses under this designation include service commercial uses and complementary uses (including commercial recreation), where service commercial is defined as "uses that support highway-oriented or service-oriented commercial activities that cannot be readily located within the downtown area or within a shopping centre location." A list of main features of a service commercial use is provided in the definition, which includes uses that require a large site area or uses that supply goods and services that are not normally found within the downtown area or a shopping centre.

The proposed use conforms with these policies. Professional dog obedience and training can be described as a service commercial use. It also requires a large (indoor) site area, as for the safety of the dogs and for training purposes, all dog and handler teams must be spaced at least 7 feet apart from each other. In addition to the large space requirements, dog training is typically not well-suited for a downtown area or areas adjacent to residential uses given the possible effects of noise, and the parking requirements for those looking to bring their dogs via car. On this site, however, the large, standalone nature of the building, and the sufficient parking and highway access within this service commercial area makes these impacts negligible. The highway access is particularly useful as some clients come from outside of the city, including from Fergus and Eramosa. Additionally, it is worth noting that at present, the uses of this grouping of buildings is largely limited to the retail uses permitted in the SC.2-4 zoning. The diversification of uses on site reduces the overall retail nature of this block, reducing the potential for this area to detract from Guelph's goals to focus retail in downtown, mixed-use and commercial areas. Lastly, the service commercial designation in the OP also permits complementary uses including commercial recreation. Given the way much of the business consists of classes for people and their dogs, it is similar in nature to commercial recreational uses. This further demonstrates the proposed use's compatibility with surrounding service commercial uses.

As such, the proposed variance is in keeping with the general intent and purpose of the official plan.

Provincial Policies

Pursuant to section 3(5) of the Planning Act, decisions of a local council, committee or other body, including for a Minor Variance, must be consistent with the Provincial Policy Statement, 2020 ("PPS") and must conform with the relevant Provincial plans, which in this case includes the Growth Plan for the Greater Golden Horseshoe (2019) ("Growth Plan"). The proposed application is largely a local planning matter that does not give rise to matters of Provincial interest. To the extent that the PPS and Growth Plan are applicable the proposal is consistent with the PPS and conforms with the Growth Plan.

SUPPORTING DOCUMENTS

In support of this application, we are submitting:

- This cover letter, dated September 13, 2021.
- The application form, completed via the online portal at guelph.ca on September 13, 2021.
- A site plan (drawing number SP-01), prepared by The Biglieri Group and dated September 10, 2021. The site plan shows current conditions and a proposed parking arrangement.
- A letter of authorization from Guelph City Realty, permitting Julia Volkov and Kristen Smith, of JV Training and Smith Canine Academy respectively, to request the minor variance.

CONCLUSION

We wish to thank the committee for considering our application. Our two small businesses have been operating elsewhere in this community for a long time and are deeply connected and committed to the City of Guelph. We look forward to the opportunity to continue working with the Committee of Adjustment and the Guelph Planning Department to make appropriate use of this site, in order that we may continue serving Guelph's residents with our full dedication. We trust that you will find all in order for the inclusion of this request in the October 14 Committee of Adjustment hearing, but should you require any additional information please feel free to contact the undersigned.

Sincerely,

Julia Volkov, Owner
JV Training

Kristen Smith, Owner,
Smith Canine Academy

Alexa Volkov, MPI, Planner