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Town of Aurora
Committee of Adjustment Report
No. MV-2024-07

Subject: Minor Variance Application
J.E. Del Management Inc.
2 Scanlon Court
PLAN 246 PT LOT 105 RP 65R1005 PT PART 3
File: MV-2024-07

Prepared by: Antonio Greco, Planner

Department: Planning and Development Services

Date: April 11, 2024

Application

The owner is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to permit overnight accommodation within the "Pet Services" permitted use. The following relief is being requested:

- a) Section 3 under Definitions of the Zoning By-law 6000-17 defines "Pet Services" which does not allow overnight accommodation. The applicant is proposing overnight accommodation for pets.

Background

Subject Property and Area Context

The subject property is located at the northwest quadrant of Scanlon Court and Industrial Parkway North, approximately 300 m (984.25 ft) north of Wellington Street East. The subject property has an area of roughly 6,150.31 m² (66,201.38 ft²) and a frontage of approximately 98.68 m (323.75 ft) on Industrial Parkway North and 63.86 m (209.51 ft) on Scanlon Court. The subject property contains a 32,500 ft² two-storey industrial building, which Council approved on March 30, 2021.

Proposal

The applicant is requesting a minor variance application to permit overnight accommodation within the "Pet Services" permitted use, specifically for units eight (8) and nine (9) of the industrial building. The proposal will allow for the relocation of a local business called "The Social Pup," located at 14799 Yonge Street. Since their inception in 2019, the company has continued to expand its operations, resulting in the need for a more prominent location. The company provides a comprehensive list of services such as daycare, boarding, grooming and training services. No changes to the existing industrial building or subject property are proposed in this variance application.

Official Plan

The subject property is designated "Existing Employment - Light Industrial/Service Designation" by the Town of Aurora Official Plan. This designation is intended to accommodate a broad range of employment opportunities as well as service commercial and retail uses.

Zoning

The Subject property is zoned "E2—General Employment Zone" under Zoning By-law 6000-17, as amended. This zoning permits pet services and various employment-related uses.

Preliminary Zoning Review

The Town of Aurora's Building Division has completed a preliminary zoning review (PZR). The PZR identified the required variance, and no other non-compliance was identified.

Applicant's stated reason(s) for not complying with the Zoning By-law

The application form states that the Zoning By-law does not permit overnight boarding. We currently offer overnight dog boarding in our existing location (14799 Yonge Street) and want to continue offering the same services in our new location.

Planning Comments

Planning staff have evaluated Minor Variance Application MV-2024-07 pursuant to the prescribed tests as set out in Section 45 (1) of the Planning Act, as follows:

a) The proposed variance meets the general intent of the Official Plan

The subject property is designated “Existing Employment - Light Industrial/Service Designation” by the Town of Aurora Official Plan. This designation is intended to accommodate a broad range of employment opportunities as well as service commercial and retail uses of a quasi-industrial nature within existing employment areas, including areas along the Industrial Parkway North and South and in the Aurora East Employment Areas. The proposed activities will be entirely contained within the building as per the Official Plan.

The proposed “Pet Services” business conforms to the Official Plan and provides for a service commercial use that is permitted under the Existing Employment—Light Industrial/Service designation. Additionally, the proposed variance will contribute to the Town’s economic growth and generate local job opportunities. Planning staff are of the opinion that the minor variance to permit overnight accommodation to serve as an accessory to the existing permitted “Pet Services” use maintains the general intent and purpose of the Official Plan.

b) The proposed variance meets the general intent of the Zoning By-law

The subject lands are currently zoned “E2 – General Employment” by Zoning By-law 6000-17, as amended, which permits a wide variety of uses such as pet services, industrial uses, offices, food processing establishments, fitness centres, and repair shops. The “Pet Services” use, as defined by Zoning By-law 6000-17, means premises used for the aesthetic care, animal daycare or training facility of animals or birds intended for the use as domestic household pets and shall be placed within a wholly enclosed building. Animal daycare will not include overnight accommodation.

The company will be occupying units eight and nine of the fully enclosed industrial building. Furthermore, the variance request for overnight accommodation will allow the company to operate as it currently does at 14799 Yonge Street. Their current location permitted overnight accommodation, which the Committee granted through a minor variance application (MV-2018-23) by the previous owner. The overnight accommodation use will be an accessory to the primary Pet Services use, which restricts it to being subordinate to the primary use. The proposed use relates to caring for domestic animals, which is consistent with other uses currently permitted in the General Employment (E2) Zone.

The relocation of the company will enable the business to upgrade from 2500 square feet to 7300 square feet and have a maximum capacity of 65 dogs. That said, the daily fluctuation is anywhere between 10 – 65 dogs. In addition, as per the provided floor

plan (Appendix C) they are providing 12 boarding rooms that can accommodate overnight boarding as required. The number of dogs being boarded is contingent on the demand but the increase in unit size will provide the needed space for their business.

A variance to permit overnight accommodation in units eight and nine at the subject property is in keeping with the range of permitted uses in the E2 Zone. The proposed variance is an essential part of their business, and staff are of the opinion that the subject variance maintains the general intent and purpose of the Zoning By-law.

c) The proposed variance is considered desirable for the appropriate development of the land

The subject property is located in an industrial area within the Town that predominantly contains employment, industrial, and manufacturing uses. The industrial building is newly constructed and includes nine separate units. The proposed variance will allow the business to relocate from its Yonge Street location and occupy units eight and nine of this building. Furthermore, the remainder of the units in the building are currently vacant, with this company being the first to occupy this newly constructed building.

The proposed variance also demonstrates the vision and fundamental principles outlined in the Official Plan through the “Advancing the Economy” principle. This speaks to encouraging a competitive business environment and ultimately advancing and sustaining Aurora’s long-term economic prosperity. The proposed minor variance application allows for the expansion of a thriving local business and the ability to live, work, and play within the Town of Aurora. Furthermore, the new location on Scanlon Court is within the Town’s Major Transit Service Area (MTSA), which benefits from transit access for business employees and customers. As such, staff believe that the variance is considered desirable for the appropriate development of the land.

d) The proposed variance is considered minor in nature

The subject variance to permit overnight accommodation use inside the premises is considered to maintain the integrity of the Official Plan and Zoning Bylaw. It is not considered to impact the surrounding neighbourhood. Furthermore, no physical changes to the building or parking are proposed or required. The industrial building was subject to a previous Site Plan Application (SP-2019-01), which Council approved on March 30, 2021.

Additionally, the request to permit overnight accommodation for the “Pet Services” permitted use is minor in nature and will not negatively impact the industrial building

or surrounding area. Given the types of uses immediately surrounding the proposed location of the business, their hours of operation, and the fact that no forms of residential development exist within a 200 m radius of the subject property, the proposed use of the subject property will not detract from the overall site and surrounding area's employment/industrial character. Overall, staff considers the proposed variances minor in nature.

Additional Comments

The minor variance application was circulated to Town Department/Divisions and external agencies for review and comment. The following comments were provided:

Department or Agency	Comments
Building Division	Preliminary Zoning Review completed. No objection.
Engineering Division	No objection.
Operational Services (Parks)	No objection.
Operations (Public Works)	No objection.
Central York Fire Services	No objection.
York Region	No objection.
LSRCA	No objection.
Alectra	No objection.
MTO	No objection.

Public Correspondence

Written submissions were not received when this report was written. If additional written submissions are received after the writing of this report, the Secretary-Treasurer will provide the submission(s) to Committee members at the meeting.

Conclusion

Planning staff have reviewed the application regarding Section 45 (1) of the Planning Act, R.S.O, 1990, c.P.13, as amended, and believe that the requested variance meets the four tests of the Planning Act for granting minor variances. Staff recommend approval of the requested variance subject to the condition outlined in Appendix 'A.'

Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Site Plan

Appendix 'C' – Floor Plan

Appendix 'A' – Conditions of Approval

Planning and Development Services:

1. That the variance only applies to the subject property in conformity with the plans attached as 'Appendix B' to this Staff Report, to the satisfaction of the Director of Planning and Development Services or designate.