

PUBLIC PARTICIPATION MEETING COMMENTS

3.7 PUBLIC PARTICIPATION MEETING – Application – Amendments to Section 4.10 (Home Occupations) (Z-8946)

- *(Councillor S. Turner requesting clarification, the rationale for not pursuing the overnight setting is explicitly because the kennel requirements are explicit and it would be in conflict with the zoning provisions for kenneling.);* Ms. M. Sundercock, Planner I, responding that that is correct.
- Tom Masterson, Articling Student, Harrison Pensa, on behalf of Mr. and Mrs. Johnson – advising that Mr. and Mrs. Johnson are a retired couple and residents of Ward 9 who retained their firms' services as they were concerned with the potential amendment to the Zoning By-law, which, if approved, will allow dog sitting as a home occupation; indicating that this matter is important to the Johnson's as twelve years ago they purchased their current home hoping it would be their last; over the past few years, however, their neighbour has operated a dog sitting business which has resulted in nuisances of constant barking and a terrible odour from not picking up after the dogs; indicating that, as one would expect, the substantial noise and significant odour created by the dogs affects the Johnson's everyday use of their property making it impossible for them to enjoy their own backyard; the municipality, by taking steps to amend the relevant by-law and therefor authorizing these conditions experienced by the Johnson's is greatly concerning to them and is why he is here today; advising that the Johnson's have many issues with regard to this potential by-law amendment including concerns with enforcement and the decrease in property value; however, there are two primary points that he would like to specifically address and he hopes the Committee will consider when it comes time to vote; indicating that this amendment is contrary to the general theme of Section 4.10 of the Zoning By-law that home occupations should be both not outside or create nuisances; as well, when considering the specific regulations proposed in the amendment, they do little to ensure that no nuisance will occur; expressing concern with the lack of evidence provided to support this position that this amendment will not result in a nuisance and therefor residential neighbourhood suffering; a single study was completed in the preparation of this proposed amendment and it does not support any change let alone such a radical shift from the current by-law; starting with the nuisance, this amendment will cause and how it is contrary to the general theme of Section 4.10 as stated in the Zoning By-law, that for home occupations a nuisance such as noise, fumes, dust, odour, traffic or parking shall not be created which will interfere with the enjoyment of the residential activities of the neighbourhood; there are seventeen provisions or restrictions with the home occupation by-law to ensure that these nuisances do not occur; one of those provisions, as previously addressed, is By-law 4.10.3, which states in no case shall any outdoor use or outdoor storage be permitted; this makes sense as by keeping home occupations indoors it mitigates the chances of any nuisance such as noise or odour to be experienced by neighbours like the Johnsons; potential for nuisances by animals is recognized in the report to the Planning and Environment Committee in section 4 which states that this amendment can be supported subject to regulations to ensure that no nuisance be created which would interfere with the enjoyment of the residential amenities of the neighbourhood; yet the regulation included in this amendment allows dogs which create both noise and odours outside as long as the yard is enclosed and are supervised; this does little to ensure that the neighbours enjoyment and use of the land will not be affected but rather, and consistent with the Johnson's experience, actually ensures that the nuisance will likely take place; approving this amendment as it currently stands would be the first of its kind as it will be the first home occupation in London to permit outdoor use; this is a significant shift from the current by-law; as explained already, this is not a home occupation that can take place outdoors without the potential neighbours

suffering disturbances; the regulations as they currently stand do not address either the noise or odour issues as dogs being supervised and behind fences still does little to ensure these nuisances will not take place; therefore, allowing someone to profit at someone else's expense; addressing the lack of evidence in support of this amendment, in the report to the Planning and Environment Committee, nine similar cities were consulted on their policies regarding pet boarding and/or pet sitting as home occupations, the results were none of the municipalities consulted permit such occupations, not a single one; it is safe to assume that there must be a reason why these other municipalities do not allow such businesses in residential areas and it seems likely because of the inevitable harm that will be created; if this amendment is to go through as it is currently proposed, not only will it be the first home occupation in London to allow outside use, but also be the first home occupation of its kind out of all the similar cities considered; this lack of evidence makes it difficult to believe that this occupation is suited for residential areas or that no nuisance will occur; in conclusion, due to the inevitable harm and interference this amendment would cause the neighbours of individuals who will operate dog sitting businesses that allow someone to profit at the neighbours expense; it is the Johnson's views that, until it can be ensured through evidence and regulations, that the home occupation of dog sitting will not create a nuisance, it should simply not be permitted; the Johnson's therefore request that you consider the consequences of this amendment and that the Committee opposes this amendment when it is time to vote.