



STATEMENT OF APPEALS COMMITTEE HEARING

History

On January 23, 2024, Wendy Kelley and Gerard Bernauer (the "**Appellants**") as Owner/Occupants of 4965 4th Concession, Harrow, Ontario (the "**Property**") were advised by email, that they exceeded the 3 dog limit per household per the Town's Animal Care and Control By-Law 1966.

On January 31, 2024, the Appellant as Owner/Occupant of the Property, were advised by email (the "**Formal Notice**"), dated January 31, 2024, that the subject property did not meet the zoning requirements and as a result, is not permitted to operate a kennel.

On February 26, 2024, by Appeal Request Form (the "**Appeal Request Form**"), the Appellants as Owner/Occupants of the Property, in accordance with s. 3.4.1 of By-Law 1966, submitted a Request for Appeal to the Formal Notice.

Grounds for Appeal

By Appeal Request Form, dated March 20, 2024, the Appellant as Owner/Occupant of the Property, Request for Appeal to the Formal Notice on the following ground(s):

- "WE HAVE 20 ACRES AND HORSES, BUT IT IS STILL ZONED RESIDENTIAL. THE ZONING OFFICE DOES NOT THINK IT IS APPROPRIATE TO GET A CHANGE TO THE BY-LAW. THE DOGS ARE MOTHER, FATHER, SON AND DAUGHTER OF THE MOTHER AND FATHER AND HAVE BEEN WITH US FOR OVER 2 YEARS. IT WOULD BE AGAINST THE SPIRIT AND INTENT OF THE BYLAW TO FORCE ONE OF THEM TO BE REHOMED. THEY ARE WELL CARED FOR AND LOVED. THEY DO NOT LIVE IN A KENNEL. THEY LIVE IN A PART OF OUR HOUSE WHEN NOT OUTSIDE, WHICH HAS TEMPERATURE CONTROLS AND ALL AMENITIES OF OUR HOUSE. THEY ARE UP TO DATE ON SHOTS, REGULARLY ATTEND THE VET FOR REGULAR APPOINTMENTS AND ARE VERY VERY MUCH LOVED BY US"



CORPORATION OF THE TOWN OF ESSEX

33 Talbot Street South, Essex, Ontario, N8M 1A8
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Convening of Appeals Committee

According to s.6.2 of By-Law 2237:

The Appeals Committee shall be delegated the authority to hear and grant exemptions from the relevant provisions of the by-laws listed in Schedule "A" attached hereto and forming part of this By-Law, as may be amended from time to time, and any other by-laws as are hereafter conferred upon or assigned to the Appeals Committee by municipal by-law or statutory authority, upon the conclusion of any administrative processes describe therein.

Reasonable Notice

By this Statement, Wendy Kelley and Gerard Bernauer as Owner/Occupants of 4965 Concession 4, Harrow Ontario, take notice that the Appeals Committee Hearing with regard to the Appeal Request Form will take place at 33 Talbot Street South, Essex, Ontario, on **July 16, 2024 at 5:00 PM.**

Relevant Sections of By-Law 1966

s.3.4.1		



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APPEAL REQUEST FORM

Town of Essex Appeals Committee

Property Standards Appeals must be submitted using the Property Standards By-Law Notice to Appeal Form which can be obtained by contacting By-Law Enforcement at bylaw@essex.ca or 519-776-7336 ext. 1409.

The undersigned hereby requested the Appeals Committee of The Corporation of the Town of Essex to consider this application in respect to the following, as amended:

Appeals

- ☒ Animal Care and Control By-Law No. 1966
- ☐ Kennel Licensing By-Law No. 2221
- ☐ Short-Term Rental Unit By-Law No. 2025
- ☐ Taxicab Licensing By-Law No. 1052
- ☐ Fortification By-Law No. 2210
- ☐ Tree Management By-Law No. 2205

Fee to appeal (Must accompany request)

- ☐ No Fee
- ☐ \$300.00
- ☐ \$150.00
- ☐ \$150.00
- ☐ \$300.00
- ☐ \$300.00

☐ Order provided on _____

in regard to _____

The undersigned certifies that the information contained herein, on which this request is based, to be true and the owner is aware of this appeal request.

Applicant Information

Applicant/Agent: Wendy Kelley and Gerard Bernauer
Address: 4965 Concession 4
Telephone Number: [REDACTED]

Property Owner Information

Owner(s): Gerard Bernauer
Address: 4965 Concession 4
Telephone Number: [REDACTED]

Subject Property Address:

4965 Concession 4, Harrow, Ontario



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Provision(s) of By-Law for Requested Appeal:

The requirement that we need a recreational kennel licence because we have more than 3 dogs. We have 4 dogs all of whom are pets. Our property is not zoned for any kennel licence.

Reason(s) for Appeal:

Our property is not zoned for a kennel license. We do have 20 acres and horses, but it is still

Zoned residential. The zoning office does not think it is appropriate to get a change to the

By-law and we have been told to therefore ask for this exemption.

The dogs are mother, father, son and daughter of the mother and father and have been with

Us for over 2 years. It would be against the spirit and intent of the bylaw to force one of them


To be rehomed. They are well cared for and loved. They do not live in a kennel. They

Live in a part of our house when not outside, which has temperature controls and all

Amenities of our house. They are up to date on all their shots, regularly attend the to

the vet for regular appointments and are very very much loved by us.

For the purposes of the Municipal Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body any information contained in respect to this request for the purposes of processing this request.


Signature of Applicant/Agent


Date

NOTE: Please attach further information, if required.

Completed Appeal Request Form will only be accepted as follows:

By Mail or In-Person to:

Town of Essex