

Decision Report

City of Medicine Hat Subdivision and Development Appeal Board

Appeal #3-2025 – Development Application 902 Kingsway Ave SE

Mitch Forster (Applicant/Appellant)

Hearing held on Monday, December 29, 2025, at 10:00 a.m.

MEMBERS PRESENT: J. Taylor, Chair
Councillor B. Cocks
E. Onofrychuk
C. Acton

STAFF PRESENT: M. Wagner, Administrative Assistant (SDAB Board Clerk)
R. Korven, Policy Coordinator, City Clerk Dept.
S. Champagne, Superintendent of Planning
R. Sissons, Manager of Planning

BACKGROUND TO THE APPEAL

- [1] On November 28, 2025, Planning & Development Services refused Development Permit PLDP20250704 related to 902 Kingsway Avenue SE (the "site") for the following summarized reasons:
 1. Incompatibility with Residential Nature of Adjacent Properties.
 2. Noise and Nuisance
 3. Traffic and Safety Concerns
 4. Inadequate Parking
- [2] On December 1, 2025, the Appellant, Mitch Forster, submitted an appeal of the refusal citing grounds summarized as:
 1. Failure to Consider Community Support
 2. Lack of Understanding of the Nature of the Business
 3. Misinterpretation of Compatibility with Mixed-Use District
 4. Insufficient Consideration of Mitigation Measures
- [3] The site is designated as Mixed-Use (MU) District in Land Use Bylaw 4168 where Animal Services is a discretionary use.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- [4] The Board's ruling is to uphold the appeal and grant the development permit, to include:
 - (i) a variance eliminating the setback from the building for parking requirement (Section 5.4.3(ii)(3)(a) of Land Use Bylaw 4168); and
 - (ii) a variance on the stall width to 2.6m (8.5ft) (Section 5.4.3(ii)(2)(a) of Land Use Bylaw 4168).

REASONS FOR THE DECISION

[5] The Board appreciates the submissions both written and in the hearing from the planning authority and the appellant. In reaching this decision the Board considered each of the four reasons for the planning authority's decision to deny this development permit and the appellant's responses to these reasons.

[6] The four reasons for refusal and the findings of the Board are as follows:

(i) Incompatibility with residential nature of adjacent properties.

The Board acknowledged that the site is designated mixed-use, as is much of the surrounding neighborhood. The Board noted that Animal Services is a discretionary use. The neighborhood is reflective of this mixed-use designation, as there are many businesses adjacent to residential homes. The mixture of businesses and homes has existed for decades and functioned satisfactorily for both commercial entities and residents. The Board noted that the surrounding area contains a dog grooming business and veterinary clinic in close proximity to the site in question. These businesses, similar in nature, have not been problematic to the use or enjoyment of the neighborhood. The Board also noted that several residents in the area submitted letters of support for this development, with none against it and with no dissent at the hearing either. Based on this information the Board determined that the development is compatible with the residential nature of adjacent properties.

(ii) Noise and Nuisance

The Board noted the appellant's information provided on noise levels of this type of business and the noise of traffic on Kingsway Avenue, especially during active dog hours. The Board also noted the construction of the building and the plan for renovations for a dedicated entrance and privacy fence for the outside dog run area. The Board also noted the amount of expertise of supervision for the dogs, including bark mitigation. The Board noted that there are plans and procedures for dealing with solid and liquid waste to prevent this being an odor nuisance. The Board also noted the overnight monitoring of the limited numbers of dogs that would board overnight and the use of kennels for dogs to sleep in. Noting all this information, the Board finds that the operating plan and mitigation plan of this business eliminates or mitigates potential noise or nuisance issues.

(iii) Traffic and Safety Concerns

The Board noted that this site has had a few different tenants over the decades and no evidence was presented to suggest there was any traffic or safety issues during this time. The Board did consider the potential for vehicles parked along the north side of the business to potentially protrude onto the sidewalk, though the Board found that there is likely little foot traffic or vehicle traffic on this Cul-de-sac/dead end, and as such, safety concerns are extremely minimal. The Board also noted that if the setback from the building requirement was eased, this issue would be mitigated further. The Board also took into consideration that any street connected with Kingsway Avenue was essentially the same with respect to traffic entering Kingsway Avenue. Based on this information the Board determined that safety or traffic concerns are not a reason for refusal of the development permit. Further to this, the Board grants a variance eliminating the setback from the building for parking requirement Section 5.4.3(ii)(3)(a) of the LUB.

(iv) Inadequate Parking

The Board noted the information from the development authority with respect to parking stall width, length and setbacks from buildings in the Land-Use Bylaw (LUB). The Board also noted the fact that currently the lot accommodates up to five vehicles without issue. The Board also noted that this use is the result of the setback from the building for parking and stall width are not being adhered to, perhaps as a result of its approval based on an earlier version of the LUB. The Board gave weight to the fact that there is no formula in determining the number of parking stalls required for any development in the LUB, perhaps intentionally so, to allow for discretion on the part of the planning authority based on use. The Board gave weight to the Appellants' statement that client arrivals and departures will be staggered over the day, with anywhere from one to three clients at any one time. The Board found that based on this, the current parking area, be it three spaces or five spaces, is sufficient for client parking for this development. The Board also noted that the lay-by parking area along Kingsway Avenue would be used by staff for parking and that some of the staff were either dropped off at work or used transit, limiting the quantity of staff parking required. When the Board considered all this information, they found that there is adequate parking for this development. Further to this the Board grants a variance on the stall width to 2.6m (8.5ft) Section 5.4.3(ii)(2)(a) of the LUB.

APPEAL HEARING

- [7] The Board Chair introduced the Board and city staff members present and provided information related to the hearing and decision process.
- [8] Prior to hearing submissions on the merits of the appeal, the Chair asked the Board members if, in their opinion, they may have a conflict of interest or bias or perceived conflict of interest or bias that may prejudice their decision with regard to this appeal. There were no concerns expressed.
- [9] The Clerk advised the Board that Public Notice of the hearing was published in the Wednesday December 17, 2025, and the Saturday, December 20, 2025, edition of the *Medicine Hat News*. Fifteen notifications were sent out to adjacent/abutting and surrounding property owners. There were no submissions in addition to the applicant/appellant's received.

The following verbal presentations were then heard.

S. Champagne, Superintendent of Planning, provided an overview of the development application and the planning authority's reasons for refusal, summarized as follows:

- [10] Development Permit application PLDP20250704 submitted by Doggos Ltd. proposes a Change of Use at 902 Kingsway Avenue SE from Retail and Consumer Services to Animal Services. The site is designated as Mixed-Use (MU) District in Land Use Bylaw 4168 where Animal Services is a discretionary use. The applicant has advised that the business would accommodate approximately 30 dogs and 4 staff members. The application proposes dog daycare services (with basic training) and overnight boarding where dogs are secured in individual kennels. The application proposes an outdoor area for dogs within an existing parking area abutting the alley.
- [11] The proposed outdoor play area currently consists of three angled parking stalls which would be eliminated. The remaining available parking area is approximately 11.6 meters

wide and 5.2 meters deep. A non-residential parking spot depth is 6.02 meters to the back of sidewalk. A non-residential parking stall must have a minimum width of three meters, so the existing parking area could potentially accommodate 3 parking stalls. However, the parking design requirements in the Land Use Bylaw state that a parking stall must be set back a minimum of two metres from the building facade, so the existing parking area depth is not compliant with the Land Use Bylaw, but in theory could accommodate up to three vehicles. The on-street layby area is 25 meters long and a parallel parking stall must have a minimum length of seven meters, meaning the layby can accommodate 3.5 parking stalls.

- [12] Under the Land Use Bylaw, the subject property is zoned mixed-use, as are the adjacent properties to the north, east, south and west of the subject property. There are three residential homes located to the west of the subject property and four homes located to the south.
- [13] It was identified that the proposed development is in an intensification corridor. Intensification corridors are areas that should be transitioned to livable main streets, which support higher density development while maintaining their function as a primary traffic corridor.
- [14] The South Flats Area Redevelopment Plan (1985) states that the area along Kingsway is suitable for commercial development. However, this plan does also state that commercial development in the area must be controlled in such a fashion that it does not undermine the residential component.
- [15] This property is zoned mixed-use in the Land Use Bylaw. The purpose of the mixed-use district is to maintain and promote key corridors and nodes as focal points for compact mixed-use development. Animal services are a discretionary use in the mixed-use district under the Land Use Bylaw and are defined as a development whose principal use is the treatment, boarding, kenneling, grooming, impoundment, or training of domestic animals, and includes veterinary clinics at grooming, boarding and breeding kennels, impoundment facilities and animal shelters, but does not include confined feeding operations as defined in the Alberta Agricultural Operation Practices Act.
- [16] A permitted use in the Land Use Bylaw is one that could be deemed appropriate everywhere within that district. A discretionary use is one that may not always be appropriate within the district, especially in the case of a broadly defined use such as an animal service.

R. Sissons, Manager of Planning, provided the following clarification:

- [17] The Municipal Development Plan would take precedence over an area redevelopment plan if there were a conflict between the two plans as the Municipal Development Plan was adopted more recently.

Mitch Forster (Applicant/Appellant) provided the following summarized statements:

- [18] Prior to contacting the City Planning Department, they reached out to citizens and businesses in the area around the proposed location to ensure there were no concerns related to having the business in the area. Letters of support from businesses as well as the building owner are included for the Board's consideration.
- [19] There are similar Businesses in the area including a dog groomer a veterinary clinic, and another dog kennel.
- [20] Doggos has donated to local sporting teams, helped to fund the first Pet Fest that had over 1000 visitors. Outside of dogs, Doggos works incredibly closely with Redi Enterprises,

providing strong community connections and opportunities. Community members often come in to visit and pet the dogs.

- [21] With their online presence they have hosted dogs from all over Canada and provided free care for those who were displaced by wildfires in BC and the Yukon for people who had family in Medicine Hat. Some customers bring their dogs from out of town to enjoy the many recreational options Medicine Hat has to offer like restaurants and sporting events.
- [22] In the three years they have been open, they have never had a single noise complaint in their current location, which backs onto a park, and other businesses. There is a nail salon next door which provided a letter of support stating they have never had an issue with noise or nuisance. The dogs have been and will be supervised at all times, including while outside in the fenced area, and are corrected if they misbehave. The dogs are residential dogs and are accustomed to the rules and follow them.
- [23] The new location proposal includes a solid wooden privacy fence, which would prevent the dogs from seeing traffic and getting excited and overstimulated while outside.
- [24] Decibel readings of the noise level were taken outside the current location with the door closed and when opening the door to set the dogs off. Decibel readings were also taken at the proposed location, which ended up being higher. The traffic noise was higher than the noises the dogs made from barking through our current brick building. Both buildings are brick which muffles the noise from the inside. It can be heard, but it is not overly excessive.
- [25] Regarding safety concerns, the dogs will be secured within the facility. When they are dropped off by customers, they are leashed and in control of the owner being walked along the sidewalk. Customers will not be unloading on from the street, but parking along the side along the 9th Street building. The proposed plan includes a vestibule airlock style front entrance/exit and a strict on-leash area to mitigate any potential safety risks involving traffic and the guests.
- [26] In measuring the parking, it was measured as five 8.5 ft. wide stalls on the 9th Street side as well as three parking stalls out front. Customers spend one to two minutes at drop-off and one to fifteen minutes at pick up and drop-offs and pick-ups are staggered throughout the day. The proposed parking would more than accommodate the drop and go business model. There is enough set back from the building for parking on 9th Street as to not hit the building.
- [27] Staff would park out front on Kingsway as there is no time restriction for parking and customers would drop off and pick up on the 9th Street side for added safety measures. The front parking would be more than enough to accommodate the staff as the work schedule is six-hour shifts, and some staff take the bus.
- [28] Any overnight stays are monitored by video and dogs are locked in kennels inside the building where they sleep through the night. Overnight stays range from 2 to 15 dogs depending on busy seasons.
- [29] There have never been more than 30 dogs in the facility at one time. Boxing Day was a particularly busy day at the current location with a total of 26 dogs, but at any given time there were only 17.
- [30] Dog waste is cleaned immediately, sealed in a bag, then put in a trash bag and sealed and taken to the city dumpster. There have been no complaints about smell. Liquid waste is cleaned up immediately and the outside Astroturf area is pressure washed with anti-smell cleaner once a quarter.

Dennis Ulmer, Property Owner (902 Kingsway Ave SE) – In Favor of the Development

- [31] The building has been in the family for the last 40 years. For the last 10 years a quilt shop has been running out of it.
- [32] The building is classified as 902/904/906 Kingsway. It was set up for three businesses, a hair salon, a Bistro and a Century 21 real estate office that had 12 agents.
- [33] Parking has never been an issue with five cars being parked on the 9th Street side. The available parking is comparable with other businesses on Kingsway. There used to be bumper stops on the 9th street parking side, but they were removed as it was hard to remove the snow from the parking lot in the winter.
- [34] Spoke to several surrounding businesses to see if there were any concerns regarding having a dog daycare move in and no concerns were expressed.

Tyler Craig, Co-Owner and General Manager of Doggos Daycare

- [35] Parking for staff will not be an issue as most employees are dropped off (students) or take the bus.
- [36] Drop off and pick up times for dogs are staggered.
- [37] Good community relationships with dogs, dog owners, and staff have been built.

M. Champagne, Superintendent of Planning – was provided the opportunity to make closing comments, summarized as follows:

- [38] When a development permit is considered, public interest is taken into account. The planning or the development permit application is considered against the Land Use Bylaw and any statutory plans. Every development permit application and submission is considered on its own merits
- [39] Reference was made to the building being legal nonconforming. What this means is that there are many buildings in the city that were constructed prior to the adoption of the current Land Use Bylaw. A Land Use Bylaw is updated and changed over time, and it is very common for a building to no longer be compliant with the current Land Use Bylaw. This does not mean that development is appropriate in that building. It is just something to consider in development reviews.
- [40] Regarding parking, the layby area on Kingsway is public parking and would therefore be available for use by anyone, not only the employees or the clients of the business in front of where it is located.
- [41] With regards to cars parking on the 9th Street side, the cars would be hanging over a sidewalk which is a concern from a planning perspective, regardless of how many pedestrians may or may not use that sidewalk.

The appellant was provided with the opportunity and did not offer any closing comments.



Melissa Wagner, Assistant Administrator to the City Clerk
SDAB Board Clerk

cc. Mitch Forster (Applicant/Appellant)
Shawn Champagne, Superintendent of Planning
Robert Sissons, Manager of Planning