

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER A-15/19



The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 5.1.1, Table 5.1.2 Rows 6a, 8, and 12 and Section 4.20.9 of Zoning By-law (1995)-14864, as amended, for 128 Starwood Drive,

- a) to permit a temporary sales trailer and temporary parking area on the lot, when the By-law permits a variety of uses in the R.1D zone, but does not permit a temporary sales trailer and temporary parking area;
- b) to permit a minimum exterior side yard of 3.9 metres for the temporary sales trailer, when the By-law requires a minimum exterior side yard of 4.5 metres;
- c) to permit a minimum rear yard of 3.3 metres for the temporary sales trailer, when the By-law requires a minimum rear yard of 7.5 metres or 20% of the lot depth (being 7 metres), whichever is less;
- d) to permit a parking area within the front yard for the temporary sales trailer, when the By-law requires that the front yard on any lot, excepting the driveway (residential) shall be landscaped and no parking shall be permitted within this landscaped open space; and
- e) to permit a fence without a height of 1.5 metres in the front yard, when the By-law requires that within any residential zone, any fence located in the front yard shall not exceed 0.8 metres in height,

be **APPROVED** subject to the following conditions:

1. That the temporary sales trailer be permitted for a maximum of three (3) years from the date of issuance of a building permit.
2. That the owner enters into a Development Agreement registered on title of the property prior to the issuance of a building permit, requiring that the temporary sales trailer be removed within three (3) years of the date of issuance of a building permit.
3. That the fence variance only be permitted while the temporary sales trailer is on the property.

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REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

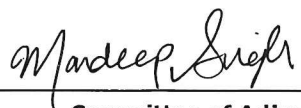
Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

**Members of Committee
Concurring in this Decision**



I, Mandeep Singh, Acting Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a hearing held on February 14, 2019.

Dated: February 20, 2019

Signed: 

Committee of Adjustment

**The last day on which a Notice of Appeal
to the Local Planning Appeal Tribunal
may be filed is March 6, 2019.**

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