

City of Guelph

Planning and Building Services
Working Together to Build Our Community



**COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER A-50/04**

Decision

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, a variance from the requirements of Section 4.17.2.5. of Zoning By-law (1995)-14864, as amended, for 739 Woolwich Street, to permit an outdoor patio to be situate 1.57 metres (5.17 feet) from parking spaces to the right side of the patio when the By-law requires that every outdoor patio shall be located a minimum of 3 metres (9.84 feet) away from any loading space, parking space, parking aisle or driveway, be approved, subject to the following conditions:

1. That prior to the issuance of a building permit, the owner shall receive approval from the City for a Site Plan showing the proposed outdoor patio in relation to the parking spaces of the adjacent property.
2. That prior to the use of the outdoor patio, the owner shall provide a certificate from a Professional Engineer, which states that adequate safety features have been constructed to prevent vehicles from leaving the parking area or traffic aisles and hitting any person or persons on the outdoor patio.
3. That an application for site plan approval is submitted to the City and satisfactory to the Director of Planning and Building Services within 90 days of the decision.
4. That a visual screen is incorporated into the design of the patio, satisfactory to the Director of Planning and Building Services and constructed within 120 days of the decision.
5. That appropriate safety features be incorporated into the design to ensure that the patrons on the patio are protected from vehicles adjacent to the patio, to the satisfaction of the Director of Planning and Building Services, within 90 days of the decision or the decision is null and void.”

Members of Committee
Concurring in this Decision



The last day on which a Notice of Appeal to the Ontario Municipal Board may be filed is **May 3, 2004.**

I, Kim Fairfull, 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 meeting held on **April 13, 2004.**
Dated: **April 16, 2004.** Signed: 

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