

July 9th, 2015

Amended
HM/A-11:22 (175 Young Street, Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban:

The applicant requires minor variance approval in order to establish a 40 seat outdoor patio for an existing restaurant.

Provincial Policy Statement

The application is consistent with the policies of the Provincial Policy Statement.

Urban Hamilton Official Plan

The subject property is identified as "Neighbourhoods" on Schedule "E" and designated "Neighbourhoods" on Schedule "E-1" in the Urban Hamilton Official Plan.

Policy E.3.2.3 states "The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

- a) residential dwellings, including second dwelling units and housing with supports.
- b) open space and parks;
- c) local *community facilities/services*; and,
- d) local commercial uses.

E.3.8.1 states "Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhoods designation.

E.3.8.2 states "The following uses shall be permitted:

- a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, medical office, business office, professional office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service;"

.../2

HM/A-11:22
Page 2

E.3.8.9 states "*Development and redevelopment* of local commercial uses shall:

- a) front and have access to a major arterial, minor arterial, or collector road;
- b) provide safe and convenient access for pedestrians and cyclists; and,
- c) be *compatible* with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.

Restaurant uses are permitted as local commercial uses within the Neighbourhoods designation; however, local commercial uses are required to be compatible with surrounding area with respect to noise impacts among other issues. It is noted that no justification has been provided to demonstrate that the proposed 44 seat outdoor patio will not negatively impact surrounding residential properties with respect to noise.

Corktown Neighbourhood Plan

The subject lands are designated "Commercial" and "Medium Density Apartments" within the Corktown Neighbourhood Plan.

Built Heritage:

The subject property is included in the City's *Inventory of Buildings of Architectural and/or Historical Interest*. Further, the property is located adjacent to 163 Young Street, a property also included in the City's *Inventory of Buildings of Architectural and/or Historical Interest*.

Accordingly, the following section of the Urban Hamilton Official Plan, Volume 1, applies:

- B.3.4.1.3 "Ensure that all new *development*, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or *adjacent cultural heritage resources*."

The proponent proposes to permit the establishment of an outdoor commercial patio adjacent to the easterly lot line.

Staff are of the opinion that the heritage attributes of the heritage property will be conserved. (AG/ES 2015 06 29)

The City of Hamilton Zoning By-Law

The subject property is split zoned: the east portion of the property which contains the

.../3

HM/A-11:22
Page 3

existing Restaurant and the proposed patio is zoned "H" (Community Shopping and Commercial, etc.) District, which permits restaurants, and the west portion of the property which is a parking area is zoned "G-3" (Public Parking Lots) District to which the use complies.

The proposed patio is subject to site plan control the applicant has submitted a Site Plan Application which is currently being reviewed. Changes to the proposed patio and additional variances may be identified through the site plan review process, therefore the applicant should consider tabling the application until Site Plan review has been completed.

Variance 1:

The purpose and intent of prohibiting outdoor patios from being located on a property that abuts a residentially zoned property are to protect against noxious impacts and incompatibilities.

The proposed variance does not meet the intent and purpose of the Zoning By-law. A previous minor variance application for a 60 seat outdoor patio was denied by the Ontario Municipal Board as there was insufficient justification to support the proposed variance. The proposed 40 seat outdoor patio is only a minor change from the original application and no justification has been submitted to support the proposed 40 seat outdoor patio. The applicant should consider tabling the application in order to provide proper justification to support the proposed patio or to modify the proposed patio to reduce the impact of the patio on the neighbouring residents.

Variance 2:

The intent and purpose of requiring a minimum parking space size of 2.7m by 6m is to ensure that the parking spaces are of sufficient size to accommodate a wide variety of different types of vehicles.

The proposed variance to establish parking spaces that are 2.6m by 5.5m is in line with the standard parking space size outlined in the new City of Hamilton Zoning By-law 05-200. The new parking space size has been deemed to be of sufficient size to accommodate a wide variety of different types of vehicles. Therefore the proposed variance is considered to be minor in nature, is desirable and appropriate and meets the intent and purpose of the Zoning By-law.

Recommendation:

The applicant should consider **Tabling** the application in order to provide proper

HM/A-11:22
Page 4

justification to support the proposed patio or to modify the proposal to reduce the impacts of the patio on the neighbouring residential properties. However, should the applicant wish to proceed with the variance at this time, staff makes the following recommendation:

It is the opinion of staff that variance 1 is not minor in nature, is not desirable and appropriate for the use of the lands, and does not meet the intent and purpose of the Zoning By-law. Therefore, staff recommends that variance 1 be **Denied**.

It is the opinion of staff that variance 2 is minor in nature, is desirable and appropriate for the use of the lands, and meets the intent and purpose of the Official Plan and Zoning By-law. Therefore, staff recommends that variance 2 be **Approved**.

Building Division:

1. The lands are subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.
2. An outdoor commercial patio is inclusive of all outdoor areas and portions of the patio that cross the property line, such as the road allowance.
3. An encroachment agreement with the Public Works Department may be required for the patio shown to encroach on the road allowance.
4. No parking spaces or loading spaces are required to be provided for an outdoor commercial patio. Please be advised that there are no requirements within Hamilton Zoning By-law 6593 regarding barrier free parking spaces.
5. Young Street has been deemed the front lot line.
6. The use and operation of an outdoor commercial patio is subject to the issuance and maintenance of a municipal licence from the Municipal Law Enforcement Section of the Parking and By-law Services Division.

Development Engineering – West:

Information:

Detailed comments will be provided at the time of Site Plan Application.

.../5

HM/A-11:22

Page 5

Comments:

Engineering Approvals has no concerns provided that the drainage patterns remain unaltered.

Hamilton Municipal Parking System (Parking Services):

No Comment

PUBLIC WORKS DEPARTMENT

Traffic, Engineering and Operations Division:

A significant portion of the corner of Young and Ferguson must remain clear to ensure sightlines for pedestrians and vehicles. We will provide more details in this regard at the site plan stage.

The existing parking space adjacent to the sidewalk should be removed as it is within the road allowance. The parking of vehicles this close to the sidewalk is not preferred.

We are awaiting information on whether or not an Encroachment Agreement is required for the existing building. If the Applicant cannot show proof that one exists or an agreement is not on file, the Applicant may have to apply for one

See attached for additional comments.

Baldry, Scott

From: Farr, Jason
Sent: July-01-15 8:41 PM
To: Danielle Daigle; Baldry, Scott
Subject: Re: Corktown Pub Patio

Danielle, thank you for taking the time to craft this email and share what issues you have and how you feel they would escalate with an outdoor patio immediately across the street from your new home.

I have spoken to your husband in the past and found him to be both reasonable and engaged.

There are many in the immediate vicinity who share your concerns.

Thank you also for cc'd the coordinator of Committee of Adjustment.

Scott, it looks as if a large majority of residents in the area and the Councillor are opposed to the patio.

Like Danielle says, nothing against the owner. This is just not appropriate for this predominantly residential street.

I am aware of a by-law that does not permit patios abutting residential. Please confirm that the by-law would apply in this case and as it has in the past.

Thank you.

Jay

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Danielle Daigle
Sent: Wednesday, July 1, 2015 7:45 PM
To: Baldry, Scott; Farr, Jason
Subject: Corktown Pub Patio

I am writing to express our objection to the patio being proposed by the Corktown Pub.

My husband and I recently purchased our first home located at 151 Ferguson Avenue South - across the street from the Corktown Pub, and directly facing the proposed patio site. We had been renting this property for nearly three years when we recently had an opportunity to purchase it. We were initially very excited at the idea of owning this little house we had grown to love, in this nice family neighborhood that we have seen improve and grow over the last few years - then we had to seriously consider what living across from a patio would do to our quality of life if it in fact gets approved. To say we were discouraged would be an understatement.

As renters, we had learned to accept the negatives that come with living across the street from this bar. The noise, the drunk patrons, the mess - all are tolerable when you know it's not every single night and after all - we didn't own it. We have adjusted to the noise levels by sleeping with a fan running - although it's sometimes not

enough to drown out the noise, especially when the bar closes and the crowd continues the party outside. My husband is a Stationary Engineer who works 12 hour shifts, both day and night - so the addition of a patio directly across the street from our house would have a huge impact on his sleep. I myself have a demanding job in Business Development at the Royal Botanical Gardens and rely on getting a full nights rest in order to manage my busy schedule. We knew to a degree what we were getting into when we initially decided to rent a house across from a bar - but we also knew because the area was almost entirely residential and one block away from a school, it was highly unlikely it would ever turn into another Augusta Street or Hess Village. That was until we were informed of the new owner's intent to add even more disruption to our neighborhood.

Now, as home owners, we are still willing to tolerate the negatives that come from this establishment - but we draw a line at the addition of a patio. Instead of the noise and mess being mostly contained inside of the building until closing, it would be out in the open affecting the quiet enjoyment of our home, our sense of security, and the value of our property. As it is now we have patrons doing drugs and urinating beside our house, leaving cigarette butts, garbage, and liquor bottles around our property, and hanging around outside after the bar closes. I would love to know how the owner thinks a patio would be any different, or easier to manage.

The proposed patio would be on a busy school route that is used by families and children everyday - as well as people that use this route to access the parks and rail trail. I personally avoid walking in front of the Corktown Pub when I come home from work because of the patrons smoking outside that are often drunk and make rude or inappropriate comments. I almost never take that route and instead go through the park behind the bar because even during the day there is a chance of getting "cat called" by drunk men. As a young woman I shutter to think about the kind of comments I would be subjected to if I decided to work on my front garden, cut the lawn, or try to enjoy a coffee on my front porch if there were a patio directly facing our house. I'm not saying this type of behavior is entirely limited to those consuming alcohol, but we all know that it doesn't bring out the best in people.

I'd like to share one encounter I had with an extremely inebriated patron this time last year. I was home by myself on a weekday cooking dinner when I heard someone bang on the front door. As it was just after 7pm - I assumed it was my husband coming home from work, maybe with his hands full and needing help with the locked door. Was I ever wrong. I opened the door to find an older man - so drunk he was slurring his speech and staggering - who started insisting a woman he had just met at the Corktown Pub lived here. I told him he was mistaken and went to shut the door. Just as the door was closing, he pushed his weight into it, forcing it open and out of my hands. My two dogs immediately jumped in between us and started defensively barking at the man - startling him enough that he backed up allowing me to get the door shut and locked. The whole encounter lasted only a minute but it was extremely upsetting and could have been so much worse had my dogs not jumped in to protect me. It's this kind of encounter than makes living beside a bar difficult at times and the idea of a patio extremely upsetting if patrons are over served to that degree.

We aren't against people having a good time, watching live music, or enjoying drinks with their friends - my husband and I enjoy all of those things ourselves from time to time. We are against a patio because we have seen first hand how out of control a patio can get - when patrons are out of sight of the servers and staff, they are left to carry on outside affecting only the neighborhood. Bottles get smashed, cigarette butts get thrown everywhere, fights get started, and it attracts people looking to buy and sell drugs. If the owner and staff have trouble controlling the patrons they currently have, then how do they expect to control a large patio?

This is not a fight against the owner or the bar itself - but against the negative affects a patio would have on our neighborhood. We know there are negatives that come from living near such an establishment and we do our best to tolerate them - and we rarely, if ever, complain. In the three years we've been living here we have not seen any improvement in what the Corktown Pub brings to our neighborhood. It may look better on the outside because of a paint job and recently paved parking lot - but it's still a bar in a residential zone. A patio would simply create an even bigger disruption to our residential neighborhood than the bar already draws. Patios do

not belong in residential areas, period. I think you will find that this sentiment is echoed throughout the neighborhood.

The owner has never received our support for this project and only mentioned it in passing to my husband saying that it wasn't against us personally, but a decision for his business. We have seen from his application that he only plans to install a small barrier around the patio - a far cry from any kind of privacy or noise blocking fence. This shows us he is not concerned about how the patio will affect us and our neighbours, so we will not support it. Please let us know how you plan to address our concerns and keep us updated on how the situation progresses.

Thank you for your time,

Danielle Daigle
& Pete Tessier
151 Ferguson Ave South
Hamilton, ON L8N 2M8

Baldry, Scott

From: laine giran
Sent: June-30-15 10:00 PM
To: Baldry, Scott
Subject: Corktown patio opposition letter

I have lived in the Corktown neighbourhood since 2004.

My house is on the corner of Ferguson and Young, closest to the Old Stone Building that was owned by Mr Garwood-Jones.

Although I haven't had any big concerns about the patrons from the bar, I have had the odd beer bottle and garbage left in the front of my house.

The music on our side isn't too loud; however there are nights when I can hear it through our closed windows and their closed doors.

That being said I feel that having a patio will mean the music will be heard outside all day it will be more audible. I also feel that having an outdoor patio with an elementary school about 500 yards away and 2 major parks isn't appropriate to have drinking visible to the younger kids. It is bad enough that the patrons at night stand out on the sidewalk smoking cigarettes and doing other stuff which children should not be subjected to. They leave their cigarette butts on the ground. The proposal doesn't screen this from view.

I feel that as a mom, if my 2 boys were younger, it isn't something that I would want them to be privy to. In regards to people and their alcohol, some people are ok and can control themselves however there are some that are not able to. The Patios that are on Augusta St do not have a school close by and are located in a commercial district.

This is a residential area and it has been cleaned up quite nicely and is becoming a nice area to live in.

My main concern is the children and what this patio may lead to with drinking outside, loud, obnoxious people swearing and more broken glass or bottles left in the parks. The broken glass there is already bad enough.

Thank you for this opportunity for me to place my concerns.
179 Young St
Elaine Giran

--

☀Laine Giran☀

Baldry, Scott

From:
Sent: June-30-15 2:32 PM
To: Baldry, Scott
Subject: Corktown Tavern 175 Young - request for minor variance

June 30th, 2015

To: Hamilton Committee of Adjustments
Attention: Secretary-Treasurer:

I was transferred to Hamilton by Canada Mortgage and Housing Corp in Toronto in 2002 as a Mortgage Underwriter. I researched the City of Hamilton's housing areas at that time and scoped for a residential location that, in my perspective and research, deemed would grow and prosper. Serious considerations were taken when evaluating the positive and negative influences in the Corktown downtown neighborhood.

Back then, Corktown was nowhere near flourishing as it is today. However, considering how the positives outweighed the negatives, at that time, it was predominantly a residential neighborhood with a local elementary school, Parks, Bruce Trail, St. Joe's Hospital, and Go Station. I was confident that purchasing my principal residence in this neighborhood was a sound decision with future potential. The only negative influences were the Corktown Tavern and the rail line. Over the decade the neighborhood property owners and investors have collectively been instrumental in working with our councilors and taking the initiative in making it a desirable area of Downtown Hamilton.

During the course of the last 12 years, I have endured the challenges with the pub, that still exist.

Noise: Loud live bands play in this tavern that is surrounded by Residential dwellings. The frequent use of the bar entrance for patrons that come and go, and for those who smoke is a concern. With this door constantly revolving, the loud music spills out onto the streets and into our homes. I cannot have any windows open late at night. The peak times for the heightened activity is from 10pm-2am. These are the times the bands play.

After a very late night of drinking and partying, and after the doors are locked at the Tavern at 2am, patrons tend to take their party and congregate to the parking lot and in the adjacent park, behind the tavern. I have witnessed patrons walk out of the pub with drinks still in hand. Others walk to their car, and produce a beverage; they howl, sing, use profuse language, and the neighborhood becomes vulnerable to vandalism, loitering, aggressive behavior, and many other negatives attributes.

There is a side door entrance that is located on the side of the parking lot. It leads directly to the stage. That door on many occasions is left wide open. Attempts are made with the owner to remedy the issue; however, the phone goes unanswered and the owner gets upset when texting him because he claims texts cost him money.

The proposed patio specifications exhibit no attempt to restrict the noise. The perimeter patio railing is set at only 3 feet in height. Considering you can no longer smoke on outdoor patios, we currently have a noise issue with patrons smoking and congregating out front of the tavern; now we will have heightened noise with the 40 seated patio on the East side of the Tavern. Therefore the residents will be surrounded by noise. The servers will be going in and out of the outdoor patio, which will keep the door revolving, thus causing the loud band music to spill out onto Ferguson Street, and into residential homes.

Loitering: Often over the years I have cleaned up beer bottles, beer cans, often found broken in my flower bed, sometimes smashed on the sidewalk. I've even had the misfortune of having to hose down vomit. I often observe early Sunday mornings, when I walk my dog, those less fortunate scoping the parking lot and the perimeter of the

tavern collecting cigarette butts with a bag in hand. Thus the after math of cigarette butts that accumulates from any busy night.

The parking lot has been consistently unkempt with garbage and debris that accumulates since the owner purchased the property in 2013. However, this is been an never-ending issue with this tavern's owners, past and present. Having said that, recently since the current owners have applied for a minor variance, I have witnessed the owner taking the initiative to clean his parking lot, cut trees, resurface his parking lot, front entrance and back parking spots. Ironic the owner expresses to us neighbors that he cannot afford to hire security, on the weekends for this tavern, but can afford these costly expenditures.

Traffic:

We already have an ongoing issue with traffic and speeding. Last year, we had a little boy near the school on Ferguson Ave S get hit by a car. An outdoor patio will only heighten this existing traffic problem. Currently we already have limited amount of street parking. Hospital employees and patients come so far as to park on our streets. A few years back those of us on Young Street petitioned to obtain permit parking due to this recurring problem. It was granted. Ferguson Ave South, however, where the patio is to be potentially located does not have permit parking, and spaces are already limited.

Granted I realized when purchasing my home that there were going to be issues with the tavern. I was prepared to tolerate them, however, within reasonable limitations. It already affects the enjoyment of my property, and an outdoor patio will only add to the detrimental influences.

I strongly oppose this request for an outdoor patio as it will be a significant negative influence to our residential, family oriented neighborhood.

Sincerely

Nora Grancich
168 Young St
Hamilton, Ontario



Mark R. Giavedoni

June 29, 2015

SENT VIA EMAIL: Scott.Baldry@hamilton.ca

Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Attention: Mr. Scott Baldry, Secretary-Treasurer

Dear Sirs:

Re: Opposition to Minor Variance Application No. HM/A-11:22
- 175 Young Street, Hamilton (the "Application")
- Hearing Date: Thursday, July 9, 2015 at 1:45 p.m.
Our File No. 18-5136

We have been retained by a group of concerned neighbours who are expressing their opposition to the above Application who are copied hereto. Please be advised that we will be attending the hearing of the Application to make submissions in opposition to the Application including, but not limited to, the issues noted herein.

ISSUE ESTOPPEL

We confirm that the subject property was the subject of a similar minor variance application (No. HM/A-07:130) which was heard in June 2007 (the "2007 Application"). The relief sought was virtually identical to the existing Application other than the Application contemplates a 40-seat outdoor patio and the 2007 Application contemplated a 60-seat outdoor patio. The location of the patio has also been slightly altered under the existing Application. None of the by-laws or abutting, adjacent or proximate property uses have changed since the 2007 Application was heard. The Committee of Adjustment denied the 2007 Application and the owner appealed to the Ontario Municipal Board (the "OMB"). The OMB denied the variance in its decision PL070565 dated December 19, 2007. We argue that the Applicant is prohibited from bringing the same application now in 2015 given that there has been no material change to the circumstances upon which the original denials have been issued.

ENCROACHMENT

In any event, it appears that the proposed outdoor patio encroaches outside of the boundaries of the subject property and onto the road allowance on Ferguson Street South. We remind the Committee of Adjustment that its powers to grant minor variances are limited under subsection 45(2)(a)(i) in that "No permission may be given to enlarge or extend the building or structure beyond the limits of the lands owned and used in connection therewith on the day the by-law was passed" on the presumption that the existing use is a legal non-conforming use.

It is unclear whether the City of Hamilton has otherwise consented to the significant encroachment onto its road allowance for the purposes of a commercial patio and this should be ascertained before the Application is considered.

APPLICATION IS PREMATURE

We suggest that the Application is premature in that the Applicant has not yet submitted a Site Plan Application for the expanded use and it is likely that additional variances from the City of Hamilton zoning by-law will be required. These variances are not included in the Application and the Application should be dismissed on those grounds.

FOUR-PART TEST FOR MINOR VARIANCE

As you are aware, the Committee of Adjustment may only approve and grant a minor variance where:

1. the variance is considered minor;
2. the variance is desirable for the appropriate development of the land, building or structures;
3. that the variance would still maintain the general intent and purpose of the zoning by-law; and,
4. that the variance would maintain the general purpose and intent of the Official Plan.

We respectfully submit that the Application does not fall within this criteria in that the primary relief sought under the zoning by-law is to permit a commercial patio where a commercial patio is precluded, namely on a land adjacent to or abutting a residential district. We maintain that the original prohibition in the zoning by-law was included for valid planning purposes, namely the resulting concerns and issues arising from a patio ancillary to a tavern has direct implications on nearby residences. In addition, the subject property is in close proximity to a public park and an elementary school which further heightens the concern about having a commercial patio given the frequent pedestrian traffic to and from these areas.

In addition to the request not being minor in nature, it significantly impacts the orderly development of the community as it would either introduce or exacerbate planning-related concerns in the area which include the following:

ESB Lawyers LLP

- 3 -

June 29, 2015

1. enhanced nuisance experienced by the bar or its patrons such as public urination, vomiting, vandalism, excessive noise beyond the standard contemplated by the City of Hamilton's noise by-law, concerns with lighting which may emanate from the commercial patio and other potential undesired effects;
2. there is heightened concern about security from inebriated patrons and the size of the fencing contemplated by the proposed patio of approximately three feet in height. The fencing is not conducive to proper screening;
3. we also express a concern that the location of the commercial patio will impact the daylight triangle at the intersection of Young and Ferguson Street South, reiterating our concerns that the patio would abut a residential district. Due to frequent pedestrian traffic relating to the close parks and schools, it is important to maintain an appropriate daylight triangle; and,
4. we understand that additional parking may not be required for commercial outdoor patios; however, this has the potential of increasing the tavern's patronage by up to 40 additional patrons and, without additional parking on the premises, the concern is that patrons will park on the streets of the residential district. This is not an acceptable alternative.

We request that you file these submissions with the Committee of Adjustment's file for this hearing and we will attend on July 9, 2015, in opposition to same on behalf of our clients. In the interim, we would respectfully request that you provide us with a full copy of the Application as submitted to the Committee of Adjustment for our further review.

Yours very truly



Mark R. Giavedoni

MRG/tl

cc: Ms. Nora Grancich, 168 Young Street, Hamilton, Ontario, L8N 1V8
Mr. Peter Tessier & Ms. Danielle Diagle, 151 Ferguson Avenue South, Hamilton, Ontario, L8M 2N8
Mr. Robert Adoranti, 177 Young Street, Hamilton, Ontario, L8N 1V9
Ms. Patricia Wilson, 161 Young Street, Hamilton, Ontario, L8N 1V7
Ms. Elaine Giran & Mr. Paul Giran, 179 Young Street, Hamilton, Ontario, L8N 1V9
Ms. Laura Hagan, 190 Forest Avenue, Hamilton, Ontario, L8N 1X9

Baldry, Scott

From: Jim Perdikoulis
Sent: July-02-15 1:51 PM
To: Baldry, Scott; Farr, Jason
Cc: Fabac, Anita; Robichaud, Steve
Subject: RE: Corktown Pub - Patio HM/A-11:22 - 175 Young Street
Attachments: Re: Corktown Pub Patio Support; Re: Corktown Pub Patio; Re: Corktown Pub Patio; scanpatio0001.pdf

Dear Members,

I would like to submit the following signatures of support for the application for patio. I will also be providing these and other documents at the meeting. I wanted to offer you these for your review.

From the support I have received, I am most proud of my immediate neighbors, Mr. Shawn Maher, Ms. Sandra Cronk and Mr. Robert Charko. Also I am very happy to have the support of Mr. Robert Bratina and Ms. Peggy Costie (see attachment)

I have attached emails where I was not able to personally meet with individuals.
I would like to add, we are currently working on another support letter.

Finally, I have also attached a map of those neighbors that are in support of the patio.
I have not approached the tenants of homes 151, 177 and 168 as I was told these are owned by Ms. Nora Grancich, who does not support the patio. The other unmarked homes on the map does not mean they do not support the patio. We were not able to obtain their signatures because they were not present when we approached their homes after repeated attempts.

Any concerns, please do not hesitate to ask.

Sincerest regards,
Jim Perdikoulis

From: Baldry, Scott [mailto:Scott.Baldry@hamilton.ca]
Sent: Tuesday, June 23, 2015 3:10 PM
To: Farr, Jason; Jim Perdikoulis
Cc: Fabac, Anita; Robichaud, Steve
Subject: RE: Corktown Pub - Patio HM/A-11:22 - 175 Young Street

Good afternoon Councillor:

I am sorry for the delay in this response as I was facilitating a training session, yesterday and today.

This file is an older file from 2011 and was requested to be placed on an agenda as there were some revisions to the original proposal. This application was tabled at the past hearing.

Notices were sent out in the normal manner for the area residents within 60 metres. In addition we had a list of people who attended the hearing in 2011 who were also sent notification. The problem with the list of people from 2011 was that they only provided email addresses. To this end and to meet the Planning Act requirements for recirculation, we had to send the notice out electronically.

I checked with the Committee Clerk who did attend the counter in regards to the inquiry today in my absence. The hard copies went out today and the package with the sign was being sent to the agent for the applicant. They were asked if they wanted the sign, as the application indicated that it was to be sent to the agent. The indication was to let it go through the normal process and he would discuss the file with the agent.

I have attached an electronic copy of the notice that was provided to the email addresses that we had on file.

Do you require any additional information?

Planning staff and other departments are only receiving the notice now and comments are not due until closer to the hearing. The comments will be available on Wednesday July 8 at the latest and hopefully before that time. We do usually have them available on the Tuesday of the hearing week being in this case Tuesday July 7th. I will send them as they become available.

If you have any questions or require clarification of the material contained within this email, please feel free to contact the undersigned.

Scott Baldry,
Secretary Treasurer,
Committee of Adjustment
Planning & Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5
Phone: 905-546-2424 extension 4144
Fax: 905-546-4202

From: Farr, Jason
Sent: June-23-15 2:35 PM
To: Jim Perdikoulis
Cc: Baldry, Scott
Subject: Re: Corktown Pub - Patio

I have no idea how she would have received schematics. I have copied our front person with committee of adjustment, Scott.

Scott, please see trail and advise.

Jay

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Jim Perdikoulis
Sent: Tuesday, June 23, 2015 2:30 PM
To: Farr, Jason
Reply To:
Subject: RE: Corktown Pub - Patio

Sorry Jason,

One other thing. Nora is gathering signatures when the city hasn't released the schematics or the stipulations that I am only requesting to be open till 11pm.

I went to the city today to get my notice as soon as I heard Nora was going around showing the schematic to the neighborhood and gathering signatures. I wanted to put my notice of request for minor variance in the window. I hadn't received it yet. I didn't want to be accused of not making the public aware of my intent. Today I went to the city to ask for those documents and the city indicated that they have not mailed them out. They indicated that today they would be mailed out. So if I may ask, how did Nora get a copy of the Schematic when I didn't give her a copy and the city hasn't mailed them out yet?

This is completely unfair to collect signatures when individuals do not have all the information or that info is being skewed when presented to them.

Regards,
jim

From: Farr, Jason [<mailto:Jason.Farr@hamilton.ca>]
Sent: Tuesday, June 23, 2015 1:16 PM
To: Jim Perdikoulis
Subject: Re: Corktown Pub - Patio

Not looking good with the neighbours signing off, Jim. At our last meeting, you said you had a good report with Nora and that you would seek her support. I told you that nearby neighbour support was key.

Sorry, but I cannot support a patio with neighbourhood residents not on board.

Jay

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Jim Perdikoulis

Sent: Tuesday, June 23, 2015 12:50 PM
To: Farr, Jason
Reply To:
Subject: FW: Corktown Pub - Patio

Sorry Jason,

I apologize, I wasn't very clear.

What I meant to say is, I would like to meet with you any time between now and prior to the meeting with the committee of the adjustments on July 9th.

I would like to discuss the patio approval situation with you.

Kindest regards,
jim

From: Jim Perdikoulis
Sent: Tuesday, June 23, 2015 12:36 PM
To: 'Jason Farr'
Subject: Corktown Pub - Patio

Hello Jason,

I hope you are well and that I am not troubling you.

I would like to meet with you and have an approximately 30 minute meeting prior to meeting with the committee of adjustments on July 9th.

Please let me know?

Kindest regards,
jim



This email has been checked for viruses by Avast antivirus software.
www.avast.com



This email has been checked for viruses by Avast antivirus software.
www.avast.com



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Baldry, Scott

From: Laura
Sent: July-02-15 2:49 PM
To: Baldry, Scott; Farr, Jason
Subject: HM/A-11:22 - 175 Young Street

Attn: Committee of Adjustment
Formal objection to HM/A-11:22 - 175 Young Street

July 2 2015

Once again I wish to formally object to the purposed patio at the Corktown Pub. This is the third owner since I have resided in this neighbourhood. We have made our concerns and position very clear.

I am a 21 year resident and homeowner (currently residing on Forest Avenue) for the past 17 years and on Charlton Avenue for the previous 4 years.

This is the third owner of the pub since I have lived here. Nothing has changed. There is still constant late night noise. I am one block away facing the pub and only recently was awoken at 2 am to people standing outside yelling. I am a shift worker and this is an infringement on my life. This owner is no different than the others. The calls to noise by law have continued.

As you are aware that this went before the Committee of Adjustment in June of 2007 and was denied. The owner, Gary Cepeteli appealed at the OMB level and was once again denied. I don't know why we have to go through this again! All of the concerns we had 8 years ago are still valid. If not even more so. I walk past the patio at Gallagher's on Augusta at John. They have security and its still awful. If I have to live near that I will sell. We are a residential neighbourhood. Its not the place for it.

As a resident, who was willing to put my money into a home in this area I am strongly opposed to this patio. The reasons I and other neighbours oppose this is due to the noise that emits from this pub as it stands now. I have noise complaints on file and we have had to call the Police on numerous occasions. When there is a band playing we have to tolerate drunks hanging around in the park at all hours yelling, screaming. There is constant Marijuana smoking occurring right in front of the pub, in the parking lot and behind as you walk through the park. The staff do not police outside at all. Not to mention the vomit that turns up on the road and sidewalks on a regular basis.

We have a school one block from the pub and the park which is kitty corner to the pub. This park is used for under 8 soccer. As well as a regular play area. Queen Victoria School also uses this park daily for physical education classes. These kids do not need to walk past a pub on daily basis with loud drunks. I realize not all people over imbibe, but even those who don't tend to get loud when gathering with friends. This is a very small area and voices travel. I have had to close my windows numerous times in the spring/summer when the smokers are outside the pub.

Thank You

Regards

Laura Hagan
190 Forest Avenue
Hamilton ON L8N 1X9

Baldry, Scott

From: rob adoranti ·
Sent: July-02-15 12:24 PM
To: Baldry, Scott
Subject: Fwd: corktown letter

Sent from my iPhone

Begin forwarded message:

From: 1
Date: July 2, 2015 at 12:22:03 PM EDT
To: "
Subject: corktown letter
Reply-To:

My name is Robert Adoranti, I am an Engineer recently retired from 33 years at Arcelor Mittal Dofasco as a Business Unit Manager. I am the owner of 177 Young Street located across the street from the proposed patio variance request. I have owned this property since 2009. I purchased it for investment purposes and it has been tenanted since 2009. I take pride in this investment and have made significant improvements to the property and screen my tenants wisely. Over the course of the years, tenants have expressed how they love the neighborhood due to its close proximity to the two parks, Corktown Park and Shamrock Park, along with the elementary school. The current tenants are a young couple with a young child.

Complaints and concerns stem from noise level,, loitering, high volume of traffic, cars speeding down Young and challenging street parking. I was informed by my current tenant that a little boy last year was hit by a car on Ferguson Avenue South, in front of Corktown Park. My tenants have a toddler that will soon be attending the elementary school, so certainly this is a concern to them. The outdoor patio will only increase the level of traffic and cannot accommodate the space for needed parking. We already have these existing issues I can only image how an outdoor patio is only going to heighten these existing problems. Many children walk past the proposed patio on a daily basis to attend school and play in the parks. This local neighborhood is predominantly residential. Surrounded by parks and an elementary school approximately 400 yards from the proposed patio. How would an outdoor liquor license patio be considered any type of positive influence for the neighborhood. The concern of the outdoor patio I have is the safety and disturbance in a residential neighborhood. I am told it gets very loud late into the evenings and early mornings since the Tavern is opened till 2am. It also appears that there is no security hired by the tavern. I have observed that they have outdoor cameras however, when the bar locks their doors at 2am the neighborhood is at high risk to various determents.

The current tenants and neighbours have expressed concerns about these issues and I believe the best interest of all parties is to not allow an outdoor patio.

Robert Adoranti

Owner of: 177 Young Street

Nora Grancich - Mortgage Agent
The Mortgage Centre Lic# 10584
25 Years Mortgage Experience

Fa
7 Days A Week 9am - 9pm

Baldry, Scott

From: thom ringer <
Sent: June-27-15 1:10 PM
To:
Subject: Re: Corktown Pub Patio Support

To Whom It May Concern:

I am writing to support Corktown Pub's application for a permit to build a patio. I live on the same block as the Pub and am an occasional patron. I have been pleased with the quality of its service and would definitely visit more often if a patio were installed.

The neighbourhood adjacent to Corktown along James St. and Augusta St. has a burgeoning food and bar scene that attracts people from across the city of Hamilton. Adding a patio will draw additional foot traffic east of James Street and support the expansion of the James Street business district, which will be good for the neighbourhood's growth, property values, walkability, safety, and overall character.

There are few businesses located in the immediate area and enhancing the scale and attractiveness of the pub will add to the immediate area's overall appeal.

Regards,

Thom Ringer
159 Walnut St. S.
Hamilton ON L8N 0A8

On Fri, Jun 26, 2015 at 2:05 PM, Jim Perdikoulis < wrote:

Hello Thom,

Sorry to trouble you.

Again, just to reiterate what we spoke about on the phone.

We are asking for support for the patio.

If you and your roommate could reply with a statement of support you would be helping us out tremendously.

Please provide your address as well so that it will indicate that you live in the community.

Kindest regards,

Jim



This email has been checked for viruses by Avast antivirus software.
www.avast.com

--
Thom Ringer

Baldry, Scott

From: Garden Brewers <
Sent: June-25-15 9:00 AM
To: Jim Perdikoulis
Subject: Re: Corktown Pub Patio

Hi Jim!

Of Course! We're happy to support the patio. I'm glad to hear that you're making progress with the process,

Cheers!

-Victor

On Wed, Jun 24, 2015 at 5:16 PM, Jim Perdikoulis < > wrote:

Hello Sonja and Victor,

I hope both of you are doing well and your quest for the right brewing facility is coming along.

I was hoping I could trouble you for support for my application for a patio.

To give you some insight. I am requesting it to be on the east side of the building and to be operational from the hours of 11am till 11:30pm

I am reaching out to both of you as you stated in our previous discussions that you both reside in The Corktowns and as such you would be residents in the community that will be receiving a notice of request in the mail.

Please let me know that you would support the Corktown with a reply. If not, I understand and I thank you for your time.

Finally, please don't hesitate to call on me if you have any concerns or questions.

Kindest regards,

Jim P.



This email has been checked for viruses by Avast antivirus software.
www.avast.com

--
Garden Brewers
Hamilton's Ambitious Brewery

www.gardenbrewers.ca
Sonja North -
Victor North -

Baldry, Scott

From: Peggy Costie <.....>
Sent: June-24-15 10:34 AM
To:
Subject: Re: Corktown Pub Patio

Hi Jim
Yes definitely have my personal support.
Peggy

On Wed, Jun 24, 2015 at 10:17 AM, Jim Perdikoulis <.....> wrote:

Hello Margaret,

Thank you for getting back to me!

The residents will be informed over the next couple of days by mail. Some have been contacted already by email.

Jason is also aware of the application and I have been corresponding with him with the various issues I have. I indicated to him I would reach out for community support.

Depending on how much support I receive, I might also post on Corktown Facebook page and the Neighborhood page as well?

The intent of my email was just to ask for your personal support. However, if you do not feel comfortable, I understand. My stance is that without a patio and in this area of Corktown, that it may not be financially viable for me to continue on. Simply put, I cannot compete on nice weather days

However, I would like to thank you for your time Margaret.

Kindest regards,

jim

From: Margaret Costie [mailto:
Sent: Wednesday, June 24, 2015 9:59 AM
To: <
Subject: Re: Corktown Pub Patio

Hi Jim

Rebecca and I cannot make a decision for the Corktown Neighbourhood Association, but we can forward your email to our neighbourhood association contact list and if they have any concerns or questions to contact Jason. Farrs office.

Let me know

thanks

Peggy Costie

Sent from my iPad

On Jun 23, 2015, at 7:01 PM, Jim Perdikoulis < > wrote:

Hello Peggy and Rebecca,

I am reaching out to members of the Corktown community for support. I have recently submitted the application for a patio for Corktown Pub to be on the east side of the building (Ferguson Ave) and for it to be open 11am till 11:30pm. This is so that I might be able to eventually open during the day and catch those that would like to dine at Corktown during nice weather days.

I would very much appreciate your support by way of a reply as I know Jason Farr things very highly of the both of you. Also, it would mean a lot to me personally as it would acknowledge you are both accepting of the work I have done to make this establishment and the Corktown community a better place.

If you could please let me know by way of a reply, it would be greatly appreciated. If not, I understand.

Thank you both for your time and if you have any concerns please do not hesitate to contact me at any time.

Sincerest regards,

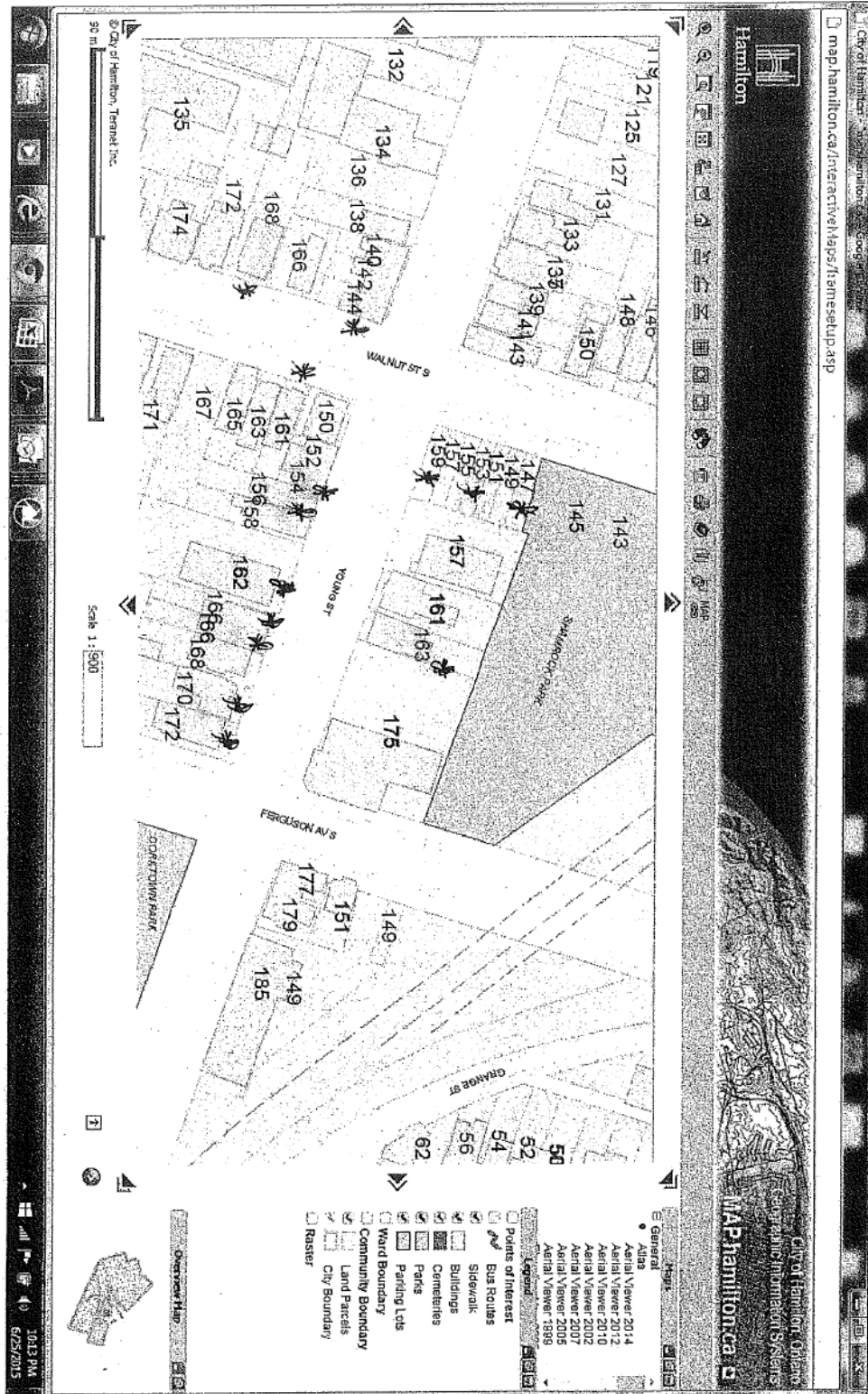
Jim P



This email has been checked for viruses by Avast antivirus software.
www.avast.com



This email has been checked for viruses by Avast antivirus software.
www.avast.com



Supporters of the Proposed Outdoor Patio at the Corktown Pub

The owner of the Corktown Pub has applied to the Committee of Adjustment for an outdoor commercial patio. The hearing will be held at the City of Hamilton city hall, 71 Main St W Hamilton. The hearing will take place on Thursday July 9th 2015 at 1:45 pm, first floor, rooms 192 and 193. The following who have signed below agree with this proposal and look forward to this outdoor patio.

June 23, 2015

Name	Address	Signature
SANDRA CRONK	24 MAPLEWOOD AVE HAMILTON	Sandra Cronk
Matt Logie	180 BOLD	Matt Logie
Robert Chapman	185 Belmont	R. Chapman
Patrick Minnick	19 Liberty St.	P. Minnick
Ryder Chapman	92 Barge St.	Ryder Chapman
J. Jones	172 Young Street	J. Jones
W. McBae	174 O'Farrell St	W. McBae
O. Scott	172 Young St.	O. Scott
M. Scott	172 Young St.	M. Scott
M. Sherrard	19 Madison Ave	M. Sherrard
MIKE SINCLAIR	66 MAPLEWOOD AVE #4	Mike Sinclair
M. MAMMOLITE	103 YOUNG ST.	M. Mammolite
T. TAYLOR	103 YOUNG ST.	T. Taylor
Steph Mammolite	103 Young St.	Steph Mammolite
P. Taylor	107 Young St.	P. Taylor
Lizzy Taylor	107 Young St.	Lizzy Taylor
Cynthia D. DiDato	797 Barton St E.	Cynthia D. DiDato
Ally St.	297 Barton	Ally St.
Cedeviere Digi	24 MAPLEWOOD AVE. HAMILTON	Cedeviere Digi
Tommy Smith	170 Young St	Tommy Smith
Sharon Mulligan	144 Young St	Sharon Mulligan
Robert Leach	120 Maplewood Ave S	Robert Leach
Robert Leach	170 Young St	Robert Leach
Elizabeth Leach	170 Young St	Elizabeth Leach
Alex Gosses	170 Young St	Alex Gosses
P. Shannon	170 Young St	P. Shannon
P. Saville	" " "	P. Saville
M. RAMPERSAD	170 Young St	M. Rampersad
Annette Bronstra	161 Walnut Sts.	Annette Bronstra
RALPH GIBSON	24 MAPLEWOOD	Ralph Gibson
BOB BRATINA	168 WALNUT ST SOUTH	Bob Bratina
PETER STIRLING	225 E. 27 th ST. HAM.	Peter Stirling
Jon Chen	100 Forest Ave.	Jon Chen

The owner of the Corktown Pub has applied to the Committee of Adjustment for an outdoor commercial patio. The hearing will be held at the City of Hamilton city hall, 71 Main St W Hamilton. The hearing will take place on Thursday July 9th 2015 at 1:45 pm, first floor, rooms 192 and 193. The following who have signed below agree with this proposal and look forward to this outdoor patio.

Name	Address	Signature
Sarah Young	153 Walnut St. S	Sarah Young
DAVE FAULKNER	153 Walnut St S	Dave Faulkner
JAMES Molan	89 Aurora St	James Molan
Suzanne Byers	91 Stanton Ave	Suzanne Byers
WAYNE TOWER	195 WELLINGTON ST S	Wayne Tower
BILL NEGRITT	97 FERGUSON AVE. S.	Bill Negritt
KATE OXLEY	97 FERGUSON AVE. S	Kate Oxley
Ken Stead	166 1/2 Young St	Ken Stead
G. POWER	195 Wellington S	G. Power
SHAWN DODD	157 WELLINGTON ST. S.	Shawn Dodd
RYAN DEWAR	150 CHARLTON AVE E UNIT 703	Ryan Dewar
Melinda Spicer	210 Charlton Ave East	Melinda Spicer
Dorinda Robinson	211-199 Wellington St S	Dorinda Robinson
Jeffrey Beithin	121 Charles St	Jeffrey Beithin
Kimberly Shan	269 New New Leschal Rd	Kimberly Shan
Dorinda Paquet	162 Young St #5	Dorinda Paquet
W. McNamara	162 Young St #8	W. McNamara
Cinda Burke	154 Young St	Cinda Burke
Kevin Burke	154 Young St.	Kevin Burke
Paula Tramor	147 Catharine St. S.	Paula Tramor
C.J. Collins	36 Jumbo St. S. Apt. 1502	C.J. Collins
Karel Svoboda	147 Catharine St S	Karel Svoboda
Crul. MONTECHIANO	86 Crooks. St. Ham	Crul. MONTECHIANO
COLIN MITCHELL	812 - ROBINSON ST - Burlington	Colin Mitchell
JAMES Holmes	27 Benemar crt	James Holmes
Zoe Siskos	27 Benemar crt	Zoe Siskos
Mark Dease	105 Augusta street.	Mark Dease
MARK BERKA	12 CAMERON AVE S. HAM.	Mark Berka
Alexander Bates	215 Kensington Ave. S. Ham.	Alexander Bates
MASSIMO ORLANDI	269 SHERMAN AVE. S. HAM.	Massimo Orlandi
Bue CS132AR	166 YOUNG ST.	Bue CS132AR

Supporters of the Proposed Outdoor Patio at the Corktown Pub

The owner of the Corktown Pub has applied to the Committee of Adjustment for an outdoor commercial patio. The hearing will be held at the City of Hamilton city hall, 71 Main St W Hamilton. The hearing will take place on Thursday July 9th 2015 at 1:45 pm, first floor, rooms 192 and 193. The following who have signed below agree with this proposal and look forward to this outdoor patio.

June 23, 2015

Name	Address	Signature
Jane Costello Hal Costa D & M	67 Liberty 11 Luther St	[Signature]
Daniel Binder Matt Runstedler	1160 HWY 56 TOUR 156 Young st.	Daniel Binder Matt Runstedler
CHRIS O'DEN JOHN MCCONNELL	4065 CHARLES AVE W. 22 BAYSH ST, HAMMOND	[Signature] John McConnell
Dan Mayo JIM NIGHMUNGALE Allen Turner	6 Broadview Cr., Kitchener Kings St E. 136 ERIE ST 136 ERIE ST	[Signature] Dan Mayo Jim Nighmungaile Allen Turner
Vera Zimmerman Linda Quest Tom Sut or Melissa Dooley Penny Folet KATHRYN LONGI SETH COYLE	667 Cord 134 Stingon St. 222 S 2nd CEDAR 180 BIRCHCLIFFE CRES 163 WELLINGTON ST SOUTH 163 Wellington St South 163 WELLINGTON STREET SOUTH	Linda Quest Tom Sut or Melissa Dooley Penny Folet Kathryn Longi Seth Coyle

Sandra Cronk
24 Maplewood Ave
Hamilton, ON L8M 1W4

June 25, 2015

To Whom It May Concern:

I am the owner of 170 Young St Hamilton which is right across the street from the Corktown Pub. Although I know longer live in the home (it is rented now) I did live there for twelve years.

I am in favour of the outdoor patio as I was six or seven years ago when the previous owner applied. I have travelled extensively, and know that outdoor patios are an integral part of neighbourhoods in many European countries including Scandinavia. Because of our climate, we love to be outside in good weather. It is a great place to meet neighbours and friends.

An attractive outdoor patio includes flowers or greenery which would enhance the appearance of that corner. Some fencing and tables and chairs would look great.

Currently the patrons of Corktown congregate outside only to smoke. If families or others are having dinner or otherwise enjoying the outdoor patio, I think it would change the mood of the outdoor crowd.

I would be happy to attend the hearing and express my opinion.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Cronk".

Sandra Cronk

June 23, 2015

To Whom It May Concern

I am a resident of Corktown. I have lived at 107 Young St Hamilton for the last two decades. I understand that the owners of the Corktown are applying for an outdoor patio. I am in agreement to support such a venture. I would appreciate on July 9, 2015, being given the opportunity to present my support verbally before this committee.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kenny', followed by a large, stylized circular flourish.

Kenny Persad

107 Young St., Apt 4
Hamilton, ON L8N 1V5

Property manager of 172 Young St Hamilton and 174 Fergusson Ave S
Hamilton.