



Committee of Adjustment
Hamilton City Hall
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COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-11:22
SUBMISSION NO. A-22/11

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 6593, of the City of Hamilton, Sections 13C, 14, 18 and 18A.

AND IN THE MATTER OF the Premises known as Municipal number 175 Young Street, in the City of Hamilton and in a "G-3 and H" (Public Parking Lots and Community Shopping and Commercial, etc.) district;

AND IN THE MATTER OF AN APPLICATION by the agent DeFilippis Design on behalf of the owner Corktown Pub & Fare Inc., for relief from the provisions of the Zoning By-Law No. 6593, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the establishment of an outdoor commercial patio adjacent to the easterly lot line to operate in conjunction with the existing restaurant notwithstanding;

1. The outdoor commercial patio shall be located on a lot adjacent to a residential district notwithstanding an outdoor commercial patio is not permitted to be located on a lot the abuts a residential district; and,
2. A minimum parking space size of 2.6 metres by 5.5 metres shall be provided instead of the minimum required parking space size of 2.7 metres by 6.0 metres.

NOTES:

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 the cross the property line such as the road allowance.
3. 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.
4. Young Street has been deemed to be the front lot line.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.

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DATED AT HAMILTON this 9th day of July, 2015.

M. Dudzic (Chairman)

I. Dunlop

L. Gaddy

D. Smith

N. Mieczko

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD
MAY BE FILED IS July 29th, 2015.

NOTE: This decision is not final and binding unless otherwise noted.