



Committee of Adjustment
City Hall
7th floor, 71 Main Street West
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-07:130
SUBMISSION NO. A-130/07

IN THE MATTER OF The Planning Act, 1990 and of the Zoning By-Law No. 6593, of the City of Hamilton, Sections 13C, 14 and 18.

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

AND IN THE MATTER OF AN APPLICATION by the agent Tony Connelly on behalf of the owners 1087257 Ontario Inc. & 1694512 Ontario Inc. (c/o Gary Ceppetelli), 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 an 87.7m² "L" shaped sixty (60) seat outdoor patio at the south-east corner of the building (having a width of 15.29m along Young Street and a depth of 13.31m along Ferguson Avenue) accessory to an existing restaurant notwithstanding that residential districts adjoin the lot lines along the rear (north) lot line and westerly side lot line.

NOTE:

- (i) The rear lot line adjoins an "A" district and the westerly lot line adjoins an "E" district.
- (ii) The site plan submitted does not accurately reflect the property lines. The lot lines do not extend to the Ferguson Avenue or Young Street sidewalks.
- (iii) The outdoor patio shall not be used as a place of entertainment for the purpose of providing entertainment or amusement including live or recorded music or dance facilities.

THE DECISION OF THE COMMITTEE IS:

That the said application **IS DENIED** for the following reasons:

1. The Committee, after site inspecting the subject property and carefully reviewing the evidence and submissions made by the parties prefers the evidence of the area residents that the establishment of the patio at the proposed location will have a significant negative impact on the surrounding residential area (many residences as well as a public park and school are existing in this area).
2. The Committee is satisfied from the evidence before it that the establishment of the patio in association with the existing tavern is not desirable for the appropriate development of the land and building and is not minor in nature.
3. The Committee is of the opinion that the relief requested for the establishment of the patio in such close proximity to a residential area as well as a public park and school is 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.

DATED AT HAMILTON this 20th day of June, 2007

M. Dudzic (Chairman)

C. Lewis

D. Drury

V. Abraham

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **July 10th, 2007**.

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