



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: [barb.ofield@hamilton.ca](mailto:barb.ofield@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

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**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
  - Applicant/agent on file, or
  - Person likely to be interested in this application
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**APPLICATION NO.:** HM/A-17:444

**APPLICANTS:** Agent A.J. Clarke and Associates (Franz Kloibhofer) on behalf of the owner Al Giannattasio

**SUBJECT PROPERTY:** Municipal address **190 Locke Street**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended, and Zoning By-law 05-200, as Amended (By-law 17-240)

**ZONING:** H – Community Shopping and Commercial (6593) district  
C5a – Mixed Use Medium Density – Pedestrian Focus

**PROPOSAL:**

To permit the establishment of an outdoor commercial patio to operate in conjunction with an existing restaurant notwithstanding the outdoor commercial patio shall be located in the northerly side yard whereas an outdoor commercial patio is only permitted to be located in a front yard where the rear lot line abuts a residential zone.

**NOTES:**

1. The subject lands are presently zoned H according to Hamilton Zoning By-law 6593. Be advised that By-law 17-240 was passed on November 8, 2017 which changed the zoning of this property from H to C5a under Hamilton Zoning By-law 05-200. However, By-law 17-240 has been appealed to the Ontario Municipal Board and is therefore not yet final. At present, all proposed development is reviewed under both the existing and proposed Zoning By-laws with the more restrictive zoning regulations of both Zoning By-laws being applied, with the exception of building permits, which are reviewed under the former existing zoning until such time that By-law 17-240 comes into force. If By-law 17-240 is approved at the Ontario Municipal Board, the zoning under this By-law will be applicable.

2. The variance has been written as requested by the applicant. This property is subject to Site Plan Control; to date, Building Division has not provided comments for MDA-17-227 and a full zoning review has not been conducted on the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.

3. The lot line abutting Locke Street South is deemed to be the front lot line.

This application will be heard by the Committee as shown below:

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**DATE:** Thursday, January 25<sup>th</sup>, 2018  
**TIME:** 3:25 p.m.  
**PLACE:** Rooms 192 & 193, 1<sup>st</sup> floor  
Hamilton City Hall

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#### **PUBLIC INPUT**

**In person:** This public meeting will allow for any member of the public to speak to the committee regarding this request.

**In writing:** If you are unable to attend the meeting, you may also send your comments in writing to the Secretary-Treasurer prior to the meeting date. Refer to the contact information at the top of this notice to submit comments via e-mail, mail or fax. You may also use this means of contact to request notice of the committee's decision.

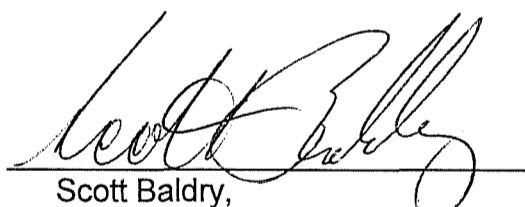
**Important note:** *If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal.*

#### **MORE INFORMATION**

For further information on this application, including access to drawings illustrating this request:

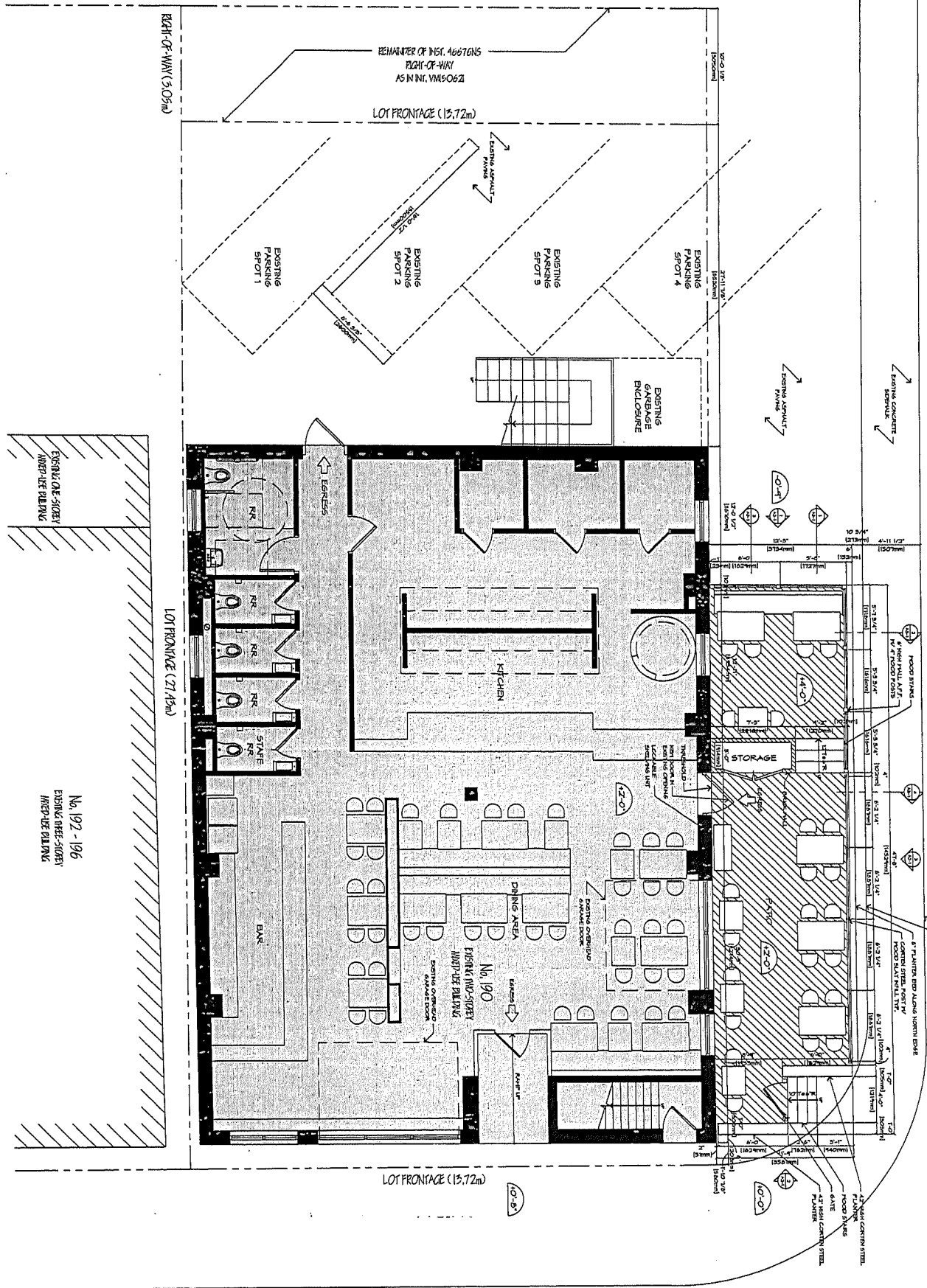
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, 4144 or 3935
- Visit the Committee of Adjustment office in person at Hamilton City Hall, 71 Main Street West, 5<sup>th</sup> Floor

DATED: January 9<sup>th</sup>, 2018.

  
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Scott Baldry,  
Secretary-Treasurer  
Committee of Adjustment

**Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.**

MELBOURNE STREET  
P.I.N. 17139 - 043 (LT)



LOCKE STREET SOUTH  
P.I.N. 17137 - 0193 (LT)

<b>BUILDING AREA</b>
EXISTING INTERIOR: 214.05 m <sup>2</sup>
PROPOSED EXTERIOR PATIO: 50.35 m <sup>2</sup>
TOTAL AREA: 264.4 m <sup>2</sup>
<b>SEATING CAPACITY</b>
EXISTING INTERIOR: 56 SEATS
PROPOSED EXTERIOR PATIO: 29 SEATS
TOTAL SEATING CAPACITY: 84 SEATS
<b>WATER CLOSET FIXTURE COUNT</b>
TOTAL PATRONS SEATS: 84
NUMBER OF EACH SEX: 21 - 10 (BASED ON 50%)
MIN. NUMBER OF FIXTURES: 2 (FOR EACH SEX AS PER TABLE 314.3.D)
TOTAL FIXTURE COUNT REQUIRED: 4 (NOT INCL. 1 STAFF RESTROOM)

SKETCH (1)  
NM/A-17-444



- General Notes
1. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
  2. DO NOT SCALE DIMENSIONS.
  3. REPORT ALL DISCREPANCIES OR ERRORS, OR DISCREPANCIES TO THE ARCHITECT OR DESIGNER AS APPLICABLE.
  4. DESIGN AND CONSTRUCTION OF THE PROJECT SHALL COMPLY WITH THE NATIONAL AND LOCAL BUILDING CODES UNLESS OTHERWISE NOTED.
  5. ALL SPACES AND MATERIALS SHALL COMPLY WITH ALL RELEVANT PROVINCE REGULATIONS.



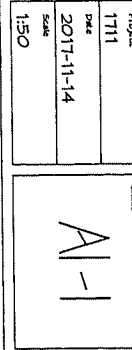
**J + B ENGINEERING INC.**

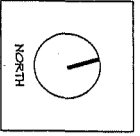
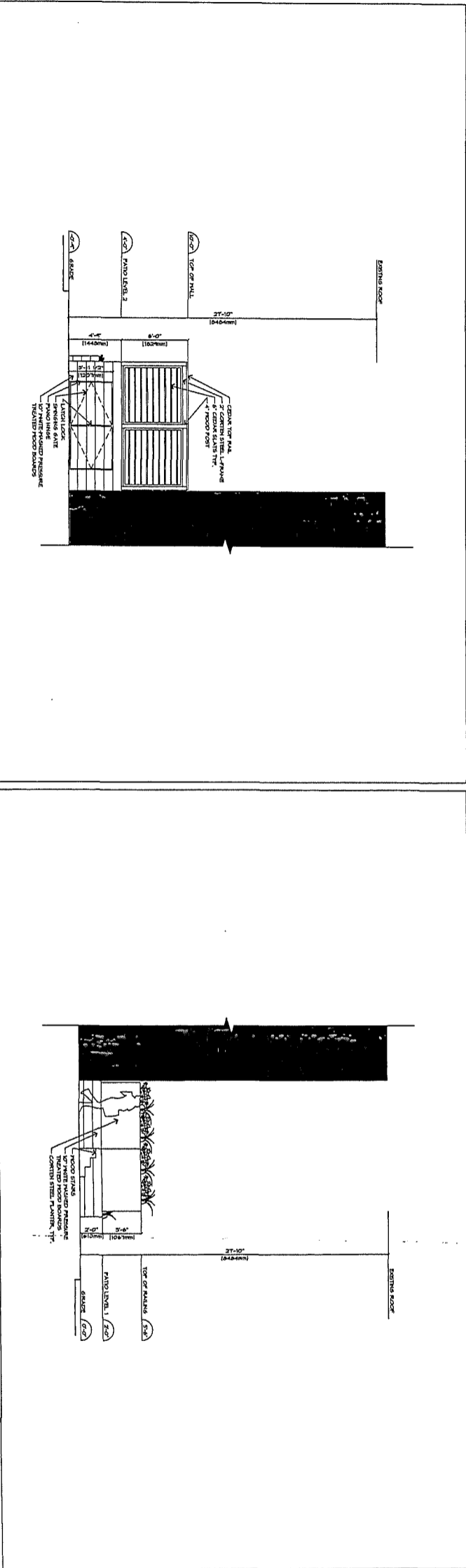
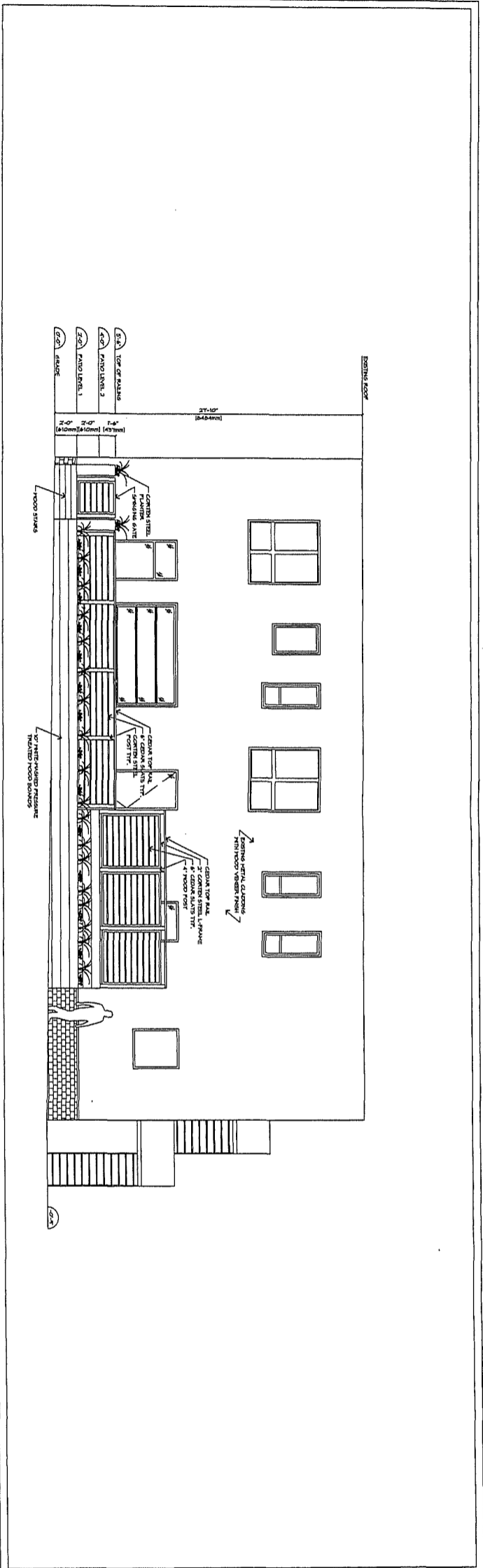
1000 TORONTO  
1000 EASTERN AVE. TORONTO, ONT. M4M 1B7  
TEL: 416-223-2323  
FAX: 416-223-2323  
WWW.JBENGINEERING.COM

**antone.ca**  
architectural design

Project Name and Address:  
CIMA Enoteca Patio  
190 Locke Street South  
Hamilton, Ontario  
L8P 4B4

Project	1711
Date	2017-11-14
Scale	1:50





- General Notes**
1. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
  2. DO NOT SCALE DRAWINGS.
  3. REPORT ALL DISCREPANCIES OF RECORD, OMISSIONS OR INADEQUACIES TO THE ARCHITECT OR DESIGN BUSINESS AS APPLICABLE.
  4. PERMIT AND COMPLETION OF THIS PROJECT SHALL CONFORM WITH THE PROVISIONS AND LOCAL BUILDING CODES LATEST EDITION.
  5. ALL WORKS AND MATERIALS USED SHALL CONFORM AS REQUIRED BY THE LOCAL BUILDING CODES LATEST EDITION.
  6. THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL RELEVANT DRAWINGS AND SPECIFICATIONS.



**J + B ENGINEERING INC.**

2800 BROADVIEW AVE. SUITE 100  
 MISSISSAUGA, ONTARIO L4X 1L4  
 TEL: 905.277.1111  
 FAX: 905.277.1112

**antone.ca**  
 architectural design

Drinking Trail  
 Exterior Patio Elevations

Project Name and Address  
**CIMA Enoteca Outdoor Patio**  
 140 Locke Street South  
 Hamilton, Ontario  
 L8P 4B4

Project: 1711  
 Date: 2017-11-14  
 Scale: 1:50

Sheet: **A2-1**

SKETCH (2)  
 NIM/D-17-444

SKETCH (3)  
 AM/A - 17.444



**J+B**  
**J + B ENGINEERING INC.**

TORONTO  
 25 CENTURIA DR.  
 SUITE 201  
 MARKHAM, ON L3R 0K1  
 416 223 2438

CALGARY  
 720-1ST AVE. SW  
 SUITE 100  
 CALGARY AB T2R 6R3  
 403 233 2235

**antone.ca**  
 architectural design

Drawing Title:  
 Exterior Rendering

Project Name and Address  
 CIMA Enoteca Patio  
 190 Locke Street South  
 Hamilton, Ontario  
 L8P 4B4

Project  
 1711

Date  
 2017-11-14

Scale  
 N.T.S.

Sheet  
 A3-1