**COMMITTEE OF ADJUSTMENT** 



City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5 Telephone (905) 546-2424, ext. 4221 E-mail: <u>cofa@hamilton.ca</u>

# NOTICE OF PUBLIC HEARING Minor Variance

# 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

| APPLICATION NO.: | HM/A-23:338  | SUBJECT<br>PROPERTY: | 279 BONAVENTURE DRIVE,<br>HAMILTON                                   |
|------------------|--|----------------------|--|
| ZONE:            | "D/S-744 & S-1822" (Urban<br>Protected Residential – 1 & 2<br>Family Dwellings Etc.) | ZONING BY-<br>LAW:   | Zoning By-law former City of<br>Hamilton 6593, as Amended 22-<br>195 |

## APPLICANTS: Owner: OMRE TAHA Applicant: MICHAEL SABELLI

The following variances are requested:

- 1. A minimum easterly side yard width of 1.2m and a minimum westerly side yard width of 1.7m shall be permitted instead of the minimum 2.7m side yard width required for a single-family dwelling over two and a half storeys or 11.0m in height.
- 2. A minimum of two (2) parking spaces shall be permitted instead of the minimum three (3) parking spaces required.
- 3. One parking space shall be permitted to maintain a minimum parking space length of 5.9m instead of the minimum 6.0m parking space length required.

**PURPOSE & EFFECT:** To facilitate the construction of a single-family dwelling together with a secondary dwelling unit.

## Notes:

The applicant requested a variance to permit parking in the front yard; however, the variance is not required as parking is permitted in the required front yard for a single-family dwelling and for a secondary dwelling unit.

No floor plans were provided for the secondary dwelling unit from which to confirm the total number of bedrooms proposed. If the proposal is for more than two bedrooms, further variances shall be required.

An eave or gutter may project into a required yard not more than one-half of its width or 1.0m whichever

## HM/A-23:338

is the lesser. Insufficient information was shown from which to determine compliance. The applicant shall ensure compliance is achieved; otherwise, further variances may be required.

# This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

| DATE:  | Tuesday, February 13, 2024                                 |  |  |
|--------|--|--|--|
| TIME:  | 2:25 p.m.  |  |  |
| PLACE: | Via video link or call in (see attached sheet for details) |  |  |
|        | City Hall Council Chambers (71 Main St. W., Hamilton)      |  |  |
|        | To be streamed (viewing only) at                           |  |  |
|        | www.hamilton.ca/committeeofadjustment                      |  |  |

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit <u>www.hamilton.ca/committeeofadjustment</u>
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

## PUBLIC INPUT

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than February 9, 2024

**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than February 12, 2024

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:338, you must submit a written request to <u>cofa@hamilton.ca</u> or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing <u>cofa@hamilton.ca</u> or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



DATED: January 25, 2024

Jamila Sheffield, 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, and may include posting electronic versions.

# **COMMITTEE OF ADJUSTMENT**



City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5 Telephone (905) 546-2424, ext. 4221 E-mail: <u>cofa@hamilton.ca</u>

# PARTICIPATION PROCEDURES

# Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing advance of the meeting. Comments can be submitted by emailing <u>cofa@hamilton.ca</u> or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon on the date listed on the Notice of Public Hearing.** 

Comments are available the Friday prior to the Hearing and are available on our website: <a href="https://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

# **Oral Submissions**

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

# 1. Virtual Oral Submissions

Interested members of the public, agents, and owners **must register by noon on the day listed on the Notice of Public Hearing to** participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email <u>cofa@hamilton.ca</u>. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

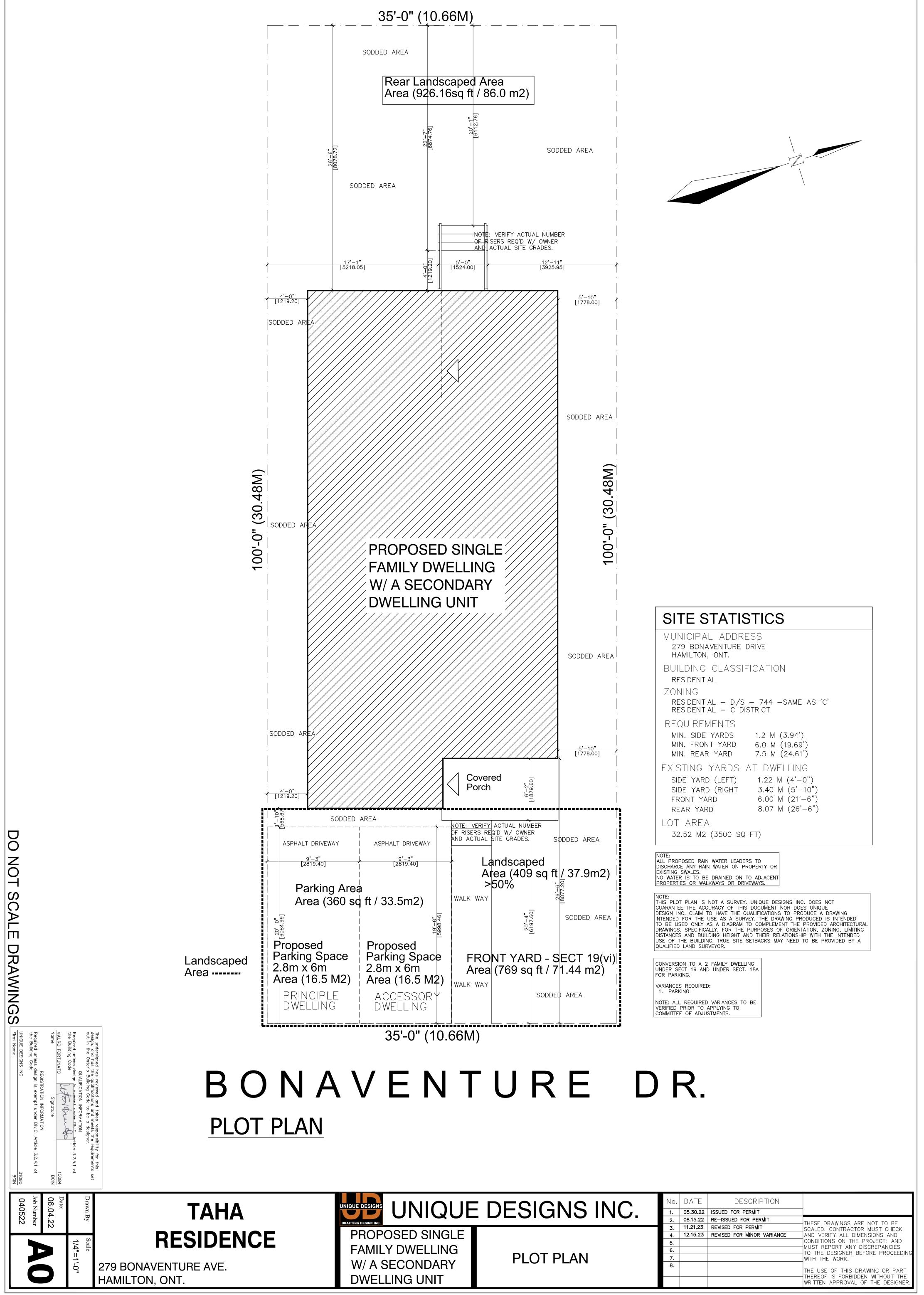
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

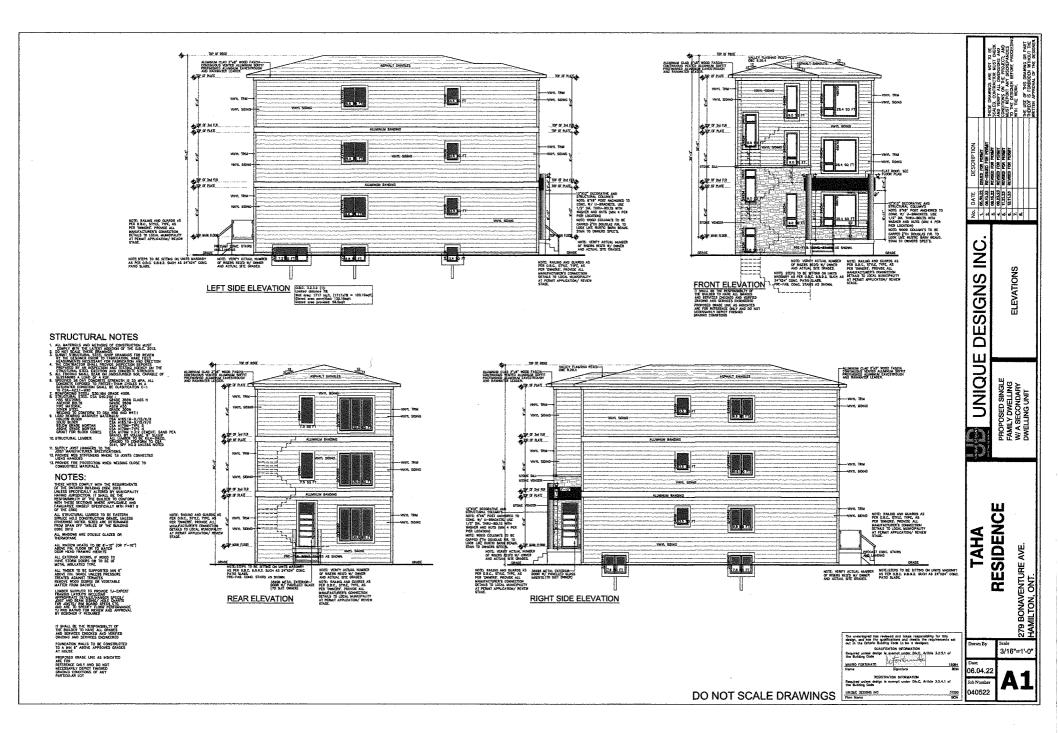
## 2. In person Oral Submissions

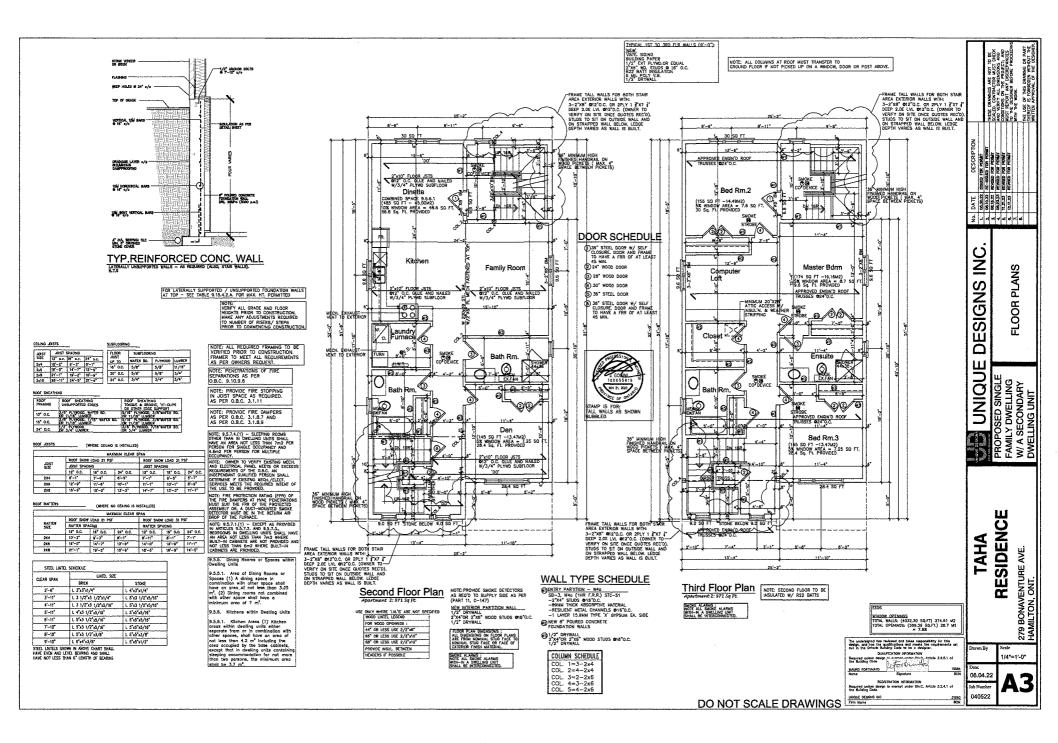
Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 10 minutes** before the time of the Public Hearing as noted on the Notice of Public Hearing.

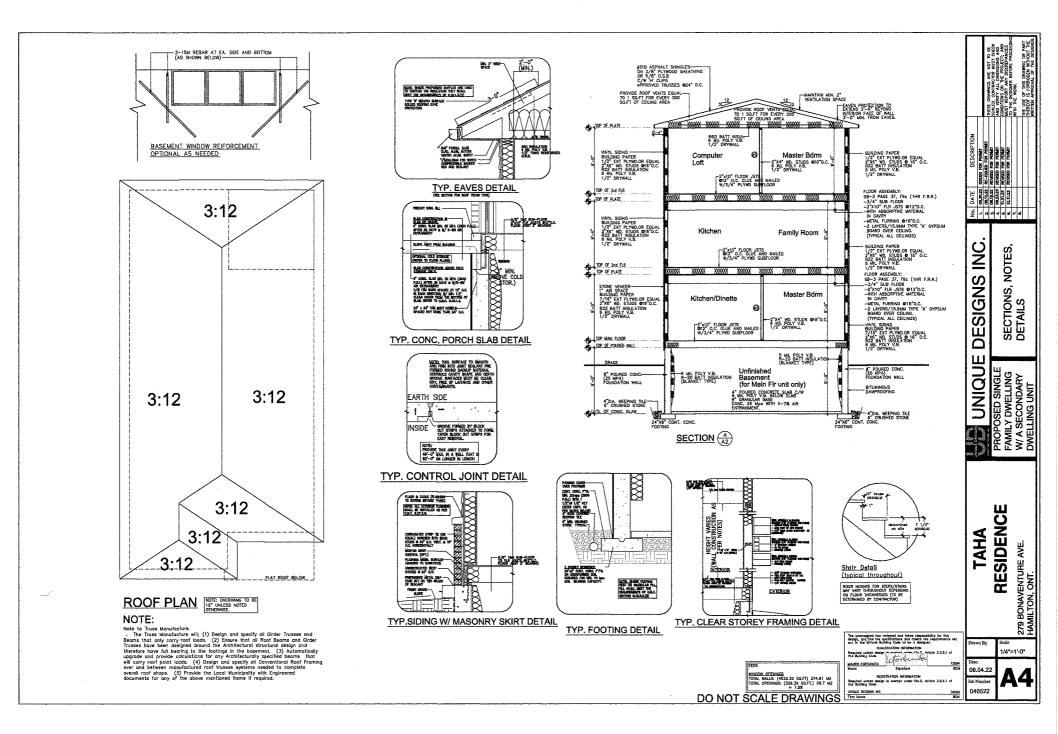
We hope this is of assistance and if you need clarification or have any questions, please email <u>cofa@hamilton.ca</u> or by phone at 905-546-2424 ext. 4221.

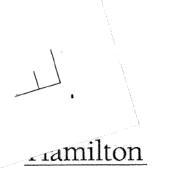
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.











Committee of Adjustment City Hall, 5<sup>th</sup> Floor, 71 Main St. W., Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221 Email: <u>cofa@hamilton.ca</u>

# APPLICATION FOR A MINOR VARIANCE/PERMISSION

UNDER SECTION 45 OF THE PLANNING ACT

### 1. APPLICANT INFORMATION

|                         | NAME                  |         |
|-------------------------|-----------------------|---------|
| Registered<br>Owners(s) | OMRE TAHA             |         |
| Applicant(s)            | MICHAEL P.<br>SABELLI |         |
| Agent or<br>Solicitor   | SAME AS<br>APPLICANT  | E-mail: |

| 1.2 | All correspondence should be sent to                   | Purchas   |        | ☐ Owner<br>☐ Agent/Solicitor |  |
|-----|--|-----------|--------|------------------------------|--|
| 1.3 | Sign should be sent to                                 | ☐ Purchas |        | ☑ Owner<br>□ AgentSolicitor  |  |
| 1.4 | Request for digital copy of sign                       | □Yes*     | 1 No   |                              |  |
|     | If YES, provide email address where sign is to be sent |           |        |                              |  |
| 1.5 | All correspondence may be sent by email                | il        | □ Yes* | 12 No                        |  |

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

| Municipal Address         | 279 Bon       | AVENTURE AVENUE |
|---------------------------|---------------|-----------------|
| Assessment Roll Number    |               | Perman          |
| Former Municipality       |               | 0               |
| Lot                       |               | Concession -    |
| Registered Plan Number    | Conceptor and | Lot(s)          |
| Reference Plan Number (s) |               | Part(s) —       |

2.2 Are there any easements or restrictive covenants affecting the subject land?

🗆 Yes 🖳 No

If YES, describe the easement or covenant and its effect:

## 3. PURPOSE OF THE APPLICATION

# Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

Nature and extent of relief applied for: - TO PERMIT FRONT YARD PARKING FOR TWO (2) PROPOSED 3.1 PARKING SPACES, - TO PERMIT TOUD (2) PROPOSED PARKING SPACES INSTEAD OF RECOMPRED THREE (3) PARKING SPACES Second Dwelling Unit Reconstruction of Existing Dwelling

3.2 Why it is not possible to comply with the provisions of the By-law?
- SIZE OF LOT TO NOT ALLOW FOR ADDITIONAL REQUIRED PARKING SPACES AND LOCATION OF PROVIDED PARKING SPACES
3.3 Is this an application 45(2) of the Planning Act.

17No

If yes, please provide an explanation:

## 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

| Lot Frontage | Lot Depth | Lot Area | Width of Street |
|--------------|-----------|----------|-----------------|
| 10,66M       | 30.48M    | 32,52m2  | 20 M            |

4.2 Location of all buildings and structures on or proposed for the subject lands: (Specify distance from side, rear and front lot lines)

Existing:

| Type of Structure | Front Yard<br>Setback           | Rear Yard Setback | Side Yard<br>Setbacks | Date of<br>Construction |
|-------------------|---------------------------------|-------------------|-----------------------|-------------------------|
|                   | $\rightarrow$ $\downarrow$ $Ac$ | CANT              |                       |                         |
|                   | ~ / T                           |                   |                       |                         |

### Proposed:

| Type of Structure  | Front Yard<br>Setback | Rear Yard Setback | Side Yard<br>Setbacks | Date of<br>Construction |
|--------------------|-----------------------|-------------------|-----------------------|-------------------------|
| SINCE-FAMILY DWELL | ING 6.0 m             | 8.01M 1           | 12-7-1-22m RIGH-3402  | 1 202A                  |
|                    |                       |                   | 7                     |                         |
|                    |                       |                   |                       |                         |

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

#### Existing:

| Type of Structure | Ground Floor Area | Gross Floor Area | Number of Storeys | Height |
|-------------------|-------------------|------------------|-------------------|--------|
|                   |                   | 1/AC DAK         |                   |        |
|                   |                   | VACANI           |                   |        |
|                   |                   |                  |                   |        |

#### Proposed:

| Type of Structure  | Ground Floor Area | Gross Floor Area | Number of Storeys | Heiaht |
|--------------------|-------------------|------------------|-------------------|--------|
| SINGLE-FAMILY DUCL | NG 90.5M2         | 271/10=          | 3                 | 11.05M |
|                    |                   |                  |                   | • 4 •  |
|                    |                   |                  |                   |        |
|                    |                   |                  |                   |        |

- 4.4 Type of water supply: (check appropriate box)
  ☑ publicly owned and operated piped water system
  ☑ privately owned and operated individual well
- 4.5 Type of storm drainage: (check appropriate boxes)
   ☐ publicly owned and operated storm sewers
   ☐ swales

| lake or other water body |
|--------------------------|
| other means (specify)    |

| ditches     |           |
|-------------|-----------|
| other means | (specify) |

4.6 Type of sewage disposal proposed: (check appropriate box)

Publicly owned and operated sanitary sewage

system privately owned and operated individual

septic system other means (specify)

4.7 Type of access: (check appropriate box)
provincial highway
municipal road, seasonally maintained
municipal road, maintained all year

☐ right of way ☐ other public road

- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.): SINGLE-FAMILT DWELLING WITH A SECONDARY DWELLING UNIT,
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

SINGLE- FAMILY DETACHED DWELLINGS

# 7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc) GINGLE-DETACHED DWELLING
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

VACANT

7.4 Length of time the existing uses of the subject property have continued:

MORE THAN 50 YEARS

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable):

Rural Settlement Area:

Urban Hamilton Official Plan designation (if applicable) <u>RESIDENTIAL</u>

Please provide an explanation of how the application conforms with the Official Plan.

PROPOSED DEVELOPMENT COMPLIES WITH OFFICIAR RAN,

- 7.6 What is the existing zoning of the subject land? D/S 744
- 7.8 Has the owner previously applied for relief in respect of the subject property? (Zoning By-lawAmendment or Minor Variance)
   Yes

If yes, please provide the file number:

APPLICATION FOR A MINOR VARIANCE/PERMISSION (September 1, 2022)

| 7.9 | Is the subject property the subject of a | current application for consent under Section | n 53 of the |
|-----|--|---|-------------|
|     | Planning Act?                            |   |             |

| 🗌 Yes |  |
|-------|--|
|-------|--|

If yes, please provide the file number:

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

| 🗌 Yes | 🗌 No |
|-------|------|
|-------|------|

7.11 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

## 8 ADDITIONAL INFORMATION

- 8.1 Number of Dwelling Units Existing:
- 8.2 Number of Dwelling Units Proposed:  $\mathcal{Q}$
- 8.3 Additional Information (please include separate sheet if needed):

### 11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications Application Fee Site Sketch Complete Application form Signatures Sheet 11.4 Other Information Deemed Necessary Cover Letter/Planning Justification Report Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance Minimum Distance Separation Formulae (data sheet available upon request) Hydrogeological Assessment Septic Assessment Archeological Assessment Noise Study Parking Study