



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2024

HM/A-23:338 – 279 Bonaventure Drive, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

1. That the Applicant shall pay the difference in fee between the Routine Minor Variance application fee and the After the Fact Minor Variance application fee, to the satisfaction of the Manager of Zoning and Committee of Adjustment.

Proposed Notes:

Staff note the proposed three-storey single detached dwelling with a secondary dwelling unit is currently under construction.



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Development Planning:

Background

To facilitate the construction of a single detached dwelling together with a secondary dwelling unit.

Staff note that the incorrect application fee (being the Routine minor variance application fee) was collected for this Minor Variance application, whereas the correct would have been the After the Fact fee.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1 - Urban Land Use Designations under the Urban Hamilton Official Plan and are identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policies found in Sections B.2.4.2, and E.3.2.4, amongst others, are applicable. The proposed residential use is permitted.

Archeology

No Comment

Cultural Heritage

No Comment

Gilbert Neighbourhood Plan

The subject site is further identified as “Single and Double” in the Gilbert Neighbourhood Plan. The proposed residential uses are in keeping with the intent of the plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D/S-744” and “D/S-1822” (Urban Protected Residential – 1 & 2 Family Dwellings Etc.) District, Modified under Former City of Hamilton Zoning By-law No. 6593. The proposed single detached dwelling and secondary dwelling unit are permitted.

Variance 1

1. A minimum easterly side yard width of 1.2 metres and a minimum westerly side yard width of 1.7 metres shall be permitted whereas the By-law requires a minimum side yard width of 2.7 metres for a single-family dwelling over 2.5 storeys or 11.0 metres in height.



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The intent of this provision is to ensure that adequate space is provided within the side yards of a property for access, maintenance and drainage purposes. Staff defer any grading or drainage concerns to Development Engineering.

Staff are of the opinion that the requested minimum side yard widths of 1.2 metres and 1.7 metres would provide sufficient space on the subject property for access and maintenance purposes. Staff are of the opinion the requested variance is minor in nature.

Variance 2

2. A minimum of two parking spaces shall be permitted whereas the By-law requires a minimum of three parking spaces.

The intent of these provisions is to ensure adequate parking is provided on site for residents.

Staff note that the lot size and shape combined with the requirement that at least 50% of the front yard be landscaped reduce the opportunities to provide three parking spaces on the subject property. Staff are of the opinion that the proposed minor variance balances the intent of the Official Plan policies and Zoning By-law and considers the characteristics of the exiting neighbourhood. There are bus stops for the Upper Paradise – 34 bus route within walking distance (less than 500 metres) from the subject property, which provides an alternative mode of transportation for residents and reducing the need for personal transportation. Therefore, staff do not anticipate negative impacts on the surrounding neighbourhood or traffic flow on Bonaventure Drive. Therefore, the variance is minor in nature.

Staff are of the opinion that variances 1 and 2 meet the four tests of a minor variance. Based on the foregoing, **staff support the variances.**

3. One parking space shall be permitted to maintain a parking space length of 5.9 metres whereas the By-law requires a minimum parking space length of 6.0 metres.

The intent of this provision is to ensure parking spaces are sufficiently sized to accommodate a broad range of vehicle types. Staff note that the parking space, as shown on the site sketch submitted with the application, is shown to be 5.998 metres in length and can be rounded to 6 metres, which represents a rounding error. Therefore, the proposed parking space meets the required dimensions for a parking space and this variance is not necessary.

Zoning:

Recommendation:	Comments Only
Comments:	1. The applicant requested a variance to permit parking in the front yard; however, the variance is not required as parking is permitted in the



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	<p>required front yard for a single family dwelling and for a secondary dwelling unit.</p> <p>2. 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.</p> <p>3. An eave or gutter may project into a required yard not more than one-half of its width or 1.0m whichever 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.</p>
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Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	The proposed easterly side yard width of 1.2 m is suitably sized to provide an adequate drainage swale for conveyance of stormwater flows. Therefore, Development Engineering has no objections to the proposed minor variances.

Transportation Planning:

Recommendation:	Approve
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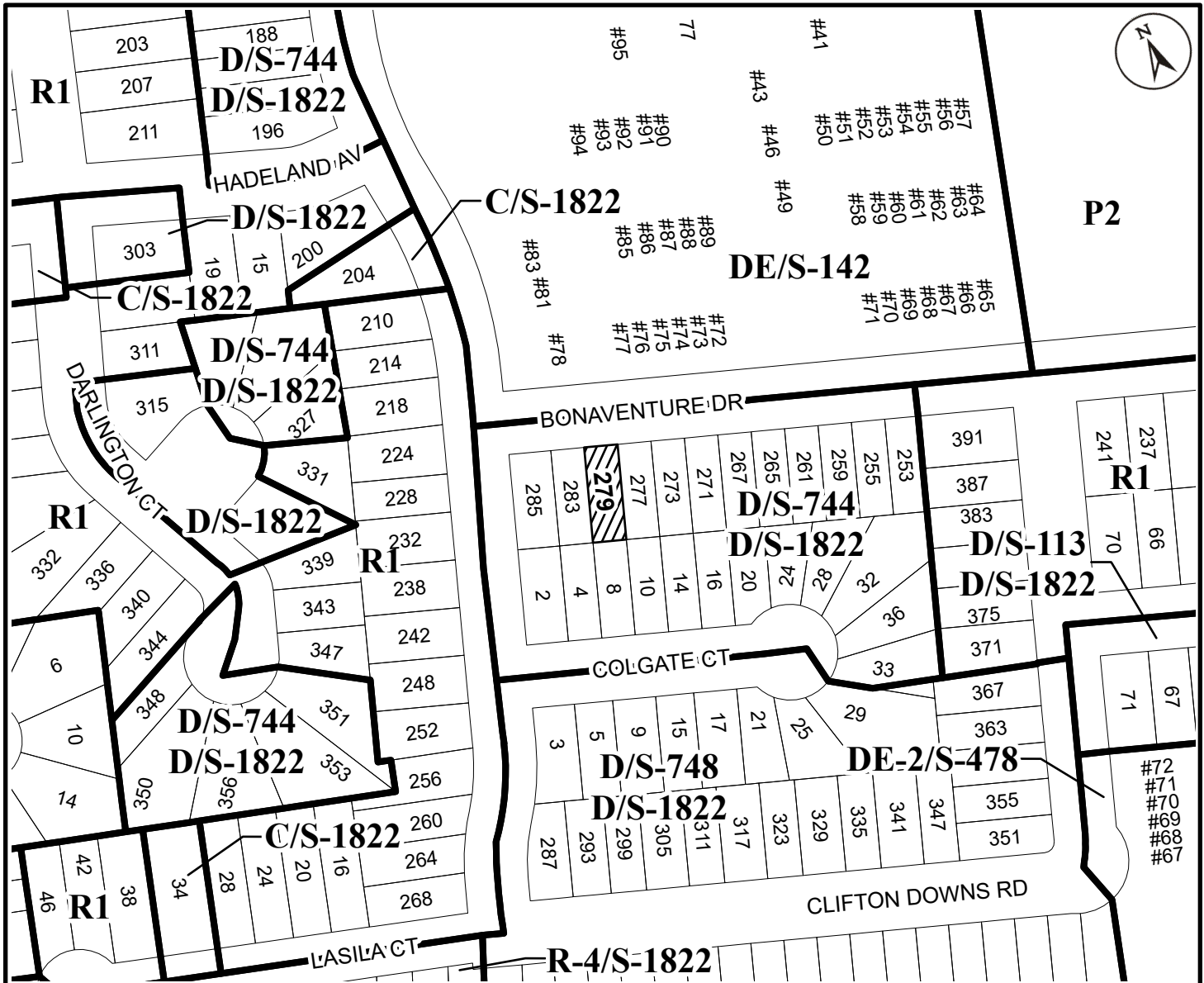
Building Engineering:

Recommendation:	Comments Only
Notes:	<p>A building permit is required for the construction of the proposed single-family dwelling with a secondary dwelling unit.</p> <p>Order to Comply 23 315381, dated December 6, 2023 remains outstanding.</p>

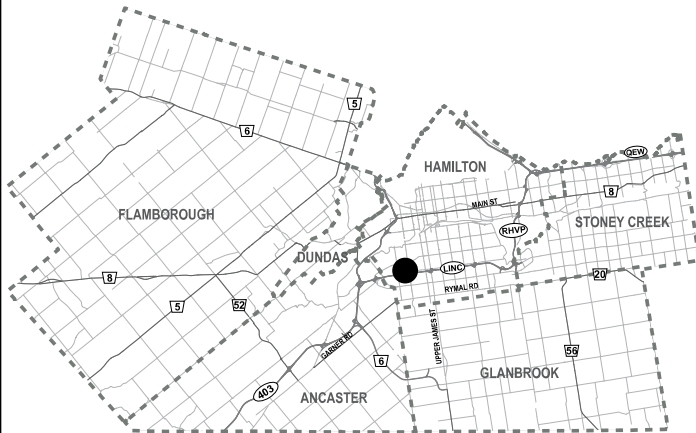
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



279 Bonaventure Drive, Hamilton
(Ward 14)

File Name/Number:

HM/A-23-388

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



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