



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

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

**To:** Committee of Adjustment

**From:** Zoning Examination Section

**File Number:** HM/A-23:338

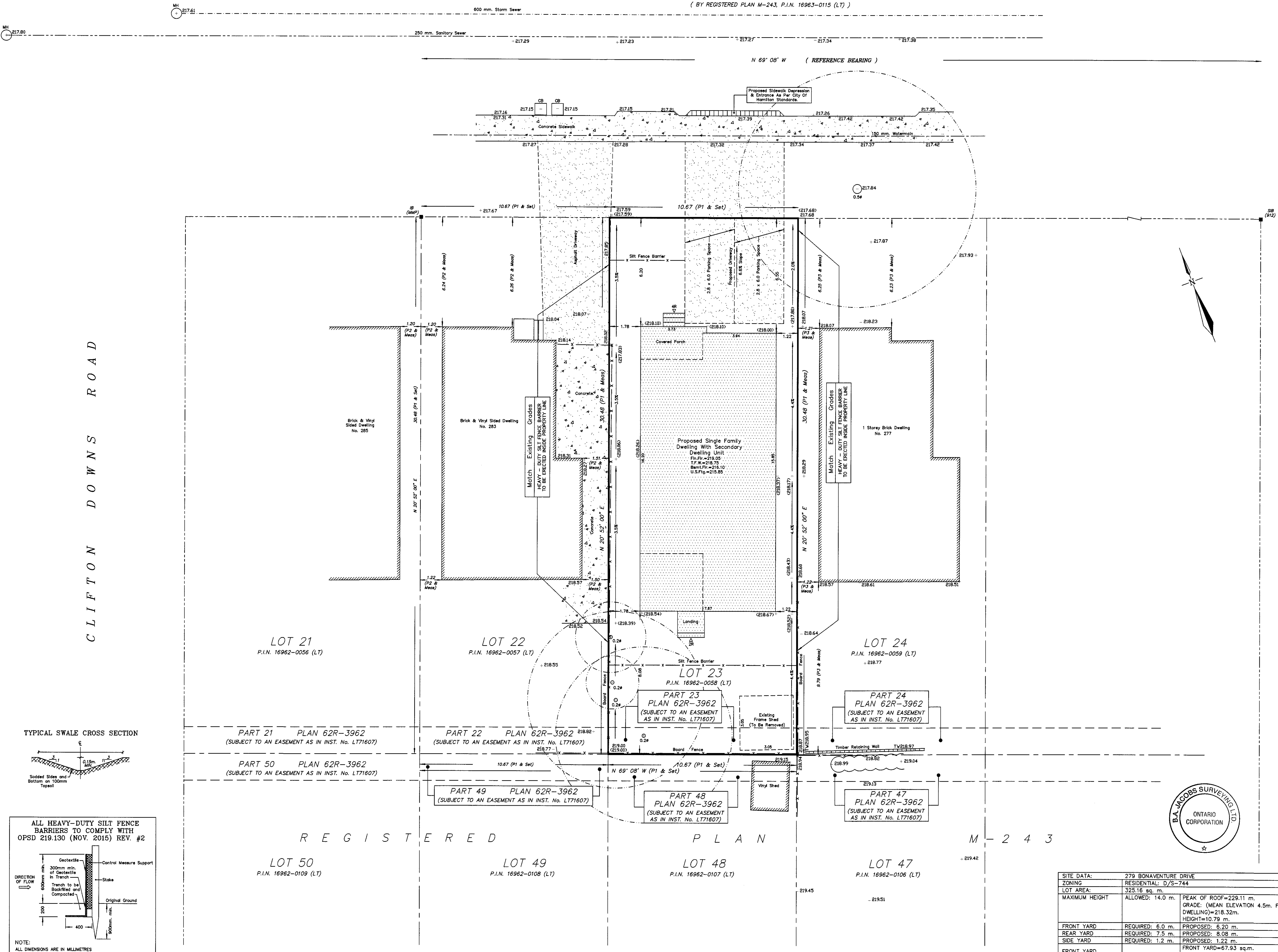
**Address:** 279 Bonaventure Drive, Hamilton

**Subject:** Additional Committee of Adjustment File Comments – February 13, 2024

---

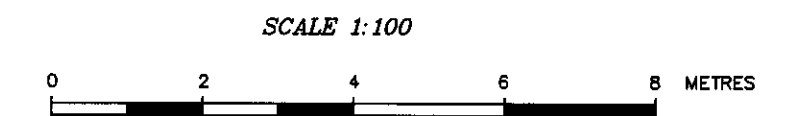
Recommendation	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>1. Further to the receipt of Building Division comments, Zoning staff have identified that the information and drawings provided in support of Minor Variance Application (HM/A-23:338) are incorrect and do not reflect the drawings submitted for Building Permit #23-312803 and Order to Comply Notice #23-315381. The variances requested by the Owner do not address all of the deficiencies. The Owner shall be required to submit revised drawings for circulation, notice and review to assess the full extent of the modifications.</li> <li>2. 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.</li> <li>3. 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.</li> <li>4. 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.</li> </ol>

**BONAVENTURE DRIVE**  
( BY REGISTERED PLAN M-243, P.I.N. 16963-0115 (LT) )



**PROPOSED DWELLING AND GRADING PLAN**  
( 279 BONAVENTURE DRIVE )  
**LOT 23**  
**REGISTERED PLAN M-243**

**CITY OF HAMILTON**



B.A. JACOBS SURVEYING LTD.  
ONTARIO LAND SURVEYOR

**METRIC NOTE:**  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

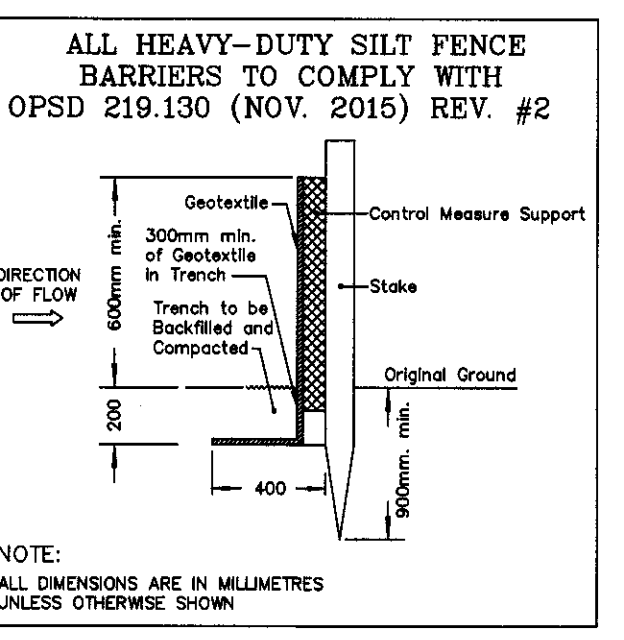
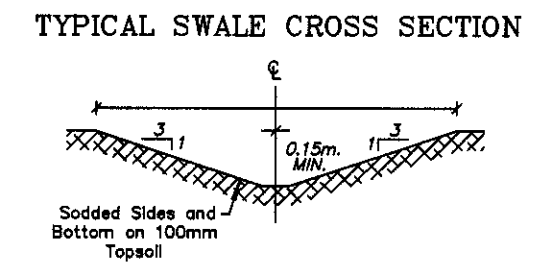
**BEARING NOTE:**  
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF BONAVENTURE DRIVE AS SHOWN ON REGISTERED PLAN M-243, HAVING A BEARING OF N 69° 08' W.

- LEGEND:**
- DENOTES SURVEY MONUMENT FOUND
  - ▬ DENOTES STANDARD IRON BAR
  - IB DENOTES IRON BAR
  - P1 DENOTES REGISTERED PLAN M-243
  - P2 DENOTES PLAN BY A.J. CLARKE LTD. (FILE: R-3272)
  - P3 DENOTES PLAN BY MACHAY MACKAY & PETERS (FILE: 18-204)
  - (912) DENOTES A.J. CLARKE O.L.S.
  - (MMP) DENOTES MACHAY MACKAY & PETERS
  - c.b. DENOTES CATCH BASIN
  - 0.3# DENOTES DIAMETER OF TREE
  - x 218.00 DENOTES EXISTING ELEVATION
  - x (218.00) DENOTES PROPOSED ELEVATION

**ELEVATION NOTE:**  
ELEVATIONS SHOWN ON THIS PLAN ARE REFERRED TO CITY OF HAMILTON CONTROL MONUMENT No. 07720090018.  
LOCATION: RIB WITH BRASS CAP, LOCATED IN WILLIAM McCULLOUGH PARK, NORTH OF THE INTERSECTION OF CLIFTON DOWNS ROAD AND BONAVENTURE DRIVE, 22 m. NORTH OF THE CENTRELINE OF BONAVENTURE DRIVE.  
ELEVATION = 219.564 m. (CGVD28:78)

**NOTE:**  
UNDERGROUND SERVICE LOCATIONS WERE DERIVED FROM INFORMATION PROVIDED BY THE CITY OF HAMILTON.  
UNDERGROUND SERVICE LOCATIONS AND INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION.

**ROOFWATER LEADERS NOTE:**  
ALL ROOFWATER LEADERS SHALL DISCHARGE ONTO SPLASH PADS AND THEN TO GRASSED OR LANDSCAPED AREAS A MIN. OF 0.6m. FROM THE BUILDING FACE.



**REGISTERED PLAN M-243**

**LOT 21** P.I.N. 16962-0056 (LT)  
**LOT 22** P.I.N. 16962-0057 (LT)  
**LOT 23** P.I.N. 16962-0058 (LT)  
**LOT 24** P.I.N. 16962-0059 (LT)  
**LOT 47** P.I.N. 16962-0106 (LT)  
**LOT 48** P.I.N. 16962-0107 (LT)  
**LOT 49** P.I.N. 16962-0108 (LT)  
**LOT 50** P.I.N. 16962-0109 (LT)

**PART 21 PLAN 62R-3962** (SUBJECT TO AN EASEMENT AS IN INST. No. L71607)  
**PART 22 PLAN 62R-3962** (SUBJECT TO AN EASEMENT AS IN INST. No. L71607)  
**PART 23 PLAN 62R-3962** (SUBJECT TO AN EASEMENT AS IN INST. No. L71607)  
**PART 24 PLAN 62R-3962** (SUBJECT TO AN EASEMENT AS IN INST. No. L71607)  
**PART 47 PLAN 62R-3962** (SUBJECT TO AN EASEMENT AS IN INST. No. L71607)  
**PART 48 PLAN 62R-3962** (SUBJECT TO AN EASEMENT AS IN INST. No. L71607)  
**PART 49 PLAN 62R-3962** (SUBJECT TO AN EASEMENT AS IN INST. No. L71607)  
**PART 50 PLAN 62R-3962** (SUBJECT TO AN EASEMENT AS IN INST. No. L71607)



SITE DATA: 279 BONAVENTURE DRIVE	
ZONING: RESIDENTIAL D/S-744	
LOT AREA: 325.16 sq. m.	
MAXIMUM HEIGHT: ALLOWED: 14.0 m.	PEAK OF ROOF=229.11 m.
	GRADE: (MEAN ELEVATION 4.5m. FROM DWELLING)=218.32m.
	HEIGHT=10.79 m.
FRONT YARD: REQUIRED: 6.0 m.	PROPOSED: 6.20 m.
REAR YARD: REQUIRED: 7.5 m.	PROPOSED: 8.08 m.
SIDE YARD: REQUIRED: 1.2 m.	PROPOSED: 1.22 m.
FRONT YARD LANDSCAPING: REQUIRED: 50 %	FRONT YARD=67.93 sq.m.
	LANDSCAPED AREA=34.33 sq.m.
	PROPOSED=50.5 %

DECEMBER 15, 2023	REVISED AS PER CITY COMMENTS	BAJ
DATE	REVISIONS	INITIAL

DECEMBER 15, 2023  
DATE

BRYAN JACOBS  
ONTARIO LAND SURVEYOR

**B.A. JACOBS SURVEYING LTD.**  
152 JACKSON STREET EAST, SUITE 102  
HAMILTON, ONTARIO (L9N 1L3)  
PHONE 905-521-1535 bajacobs@rogers.com

**From:** [Keith Fazekas](#)  
**To:** [Committee of adjustment](#)  
**Subject:** 279 Bonaventure Dr. Hamilton Building Permit Issues & Adjustments  
**Date:** Friday, February 9, 2024 12:56:27 PM

---

Hello,

I am officially complaining of a 3 story dwelling which is obviously a 3 story apartment building and NOT a single family home with a dwelling on the bottom level. I have questions and issues with city & building.

1. Is there an actual building permit that was issued by the city for a 3 story apartment building?
2. Was it originally supposed to be a single family dwelling and a separate dwelling on the main floor?
3. Was the 3<sup>rd</sup> floor added to look like a monster high dwelling without a permit?
4. Were 2 stairways added to the 2<sup>nd</sup> and 3<sup>rd</sup> floor in the original plans approved by the city knowing it might be possible that it was intended to be a completely separate apartments in the future?
5. Does the 3 story comply with the original neighborhood being only 2 story when the neighborhood was built?
6. Did the city even consider that the other property owners will have issues in selling their property because of lack of privacy in their own back yards with a towering 3 story unit?

I hope the city doesn't approve a 3 story on that small lot in the residential area that was supposed to be 2 story with 3 car parking originally.

Yes I agree with allowing extra parking on their front grass designated area as the parking on the street is filled to max from the townhouses across the street where the townhouses when designed did not have enough onsite parking for future double or triple car owners of the complex.

I saw the house being worked on 7 days a week long shifts and wondered if they had proper building permits.

In my opinion the 3<sup>rd</sup> story should be removed to the neighborhood bylaws originally formed.

Keith Fazekas  
242 Clifton Downs Rd  
Hamilton, ON L9C 7B5  
519-761-0148  
[keithfazekas@hotmail.com](mailto:keithfazekas@hotmail.com)

To: COMMITTEE OF ADJUSTMENT  
CITY HALL COUNCIL CHAMBERS  
71 MAIN STREET WEST., HAMILTON ONTARIO

February 8th 2024

APPLICANTS: Owner: OMRE TAHA  
APPLICANT : MICHAEL SABELLI

SUBJECT: 279 BONAVENTURE DRIVE  
HAMILTON, ONTARIO L9C 7B2

Dear Sir/Madam

We live in Canada, a beautiful country that is home to a diverse population. People from various ethnicities including White, Black, Greek, Italian, Portuguese, German, Polish, Filipino, and more come to Canada in search of a better life and opportunities for their children to receive a good education. We strive to build a peaceful and harmonious community with our neighbors. However, in our district we have a problem with a building that is too high and blocks off the sun, our backyard privacy, and our enjoyment of outdoor activities.

The building in question is a humongous home that looks like NASA is ready to ship off to space. Most of the residents in our district have back-split bungalows, bungalows, and side-split homes. They are family dwellings 1 & 2 residential, but this monster of a building is three floors up plus the basement, which is not in line with the area's regulations.

The builder, Omre Taha, thinks he's above the LAW. Instead of waiting for approval, he took it upon himself to build beyond the approved height limit. His actions are a violation of the law, and he should face legal consequences. Having laws is important to ensure that people follow them. Those who do not respect the law should face legal consequences.

I suggest that the builder pays the fine and brings down the building to one floor or a maximum of two floors. The infrastructure of the streets, Bonaventure Drive and Clifton Downs, does not provide adequate parking for residents as it currently stands. I do suggest that three parking spaces be mandated to the new building at 279 Bonaventure to ensure parking is not further an issue.

I can be contact at 905-389-2658

Respectful Resident



Mary Sue Alessi  
2 Colgate Court  
Hamilton, Ontario L9C 6Z6

PETITIONS

Petition : "D/S-744 &S-1822"

(Urban Protected Residential - 1 & 2 Family Dwelling

Application: HM/A-23:338

APPLICANTS: Owner : OMRE TAHA

The undersigned object to the height of the building on  
SUBJECT : 279 BONAVENTURE DRIVE 279 BONAVENTURE DRIVE

HAMILTION ONTARIO L9C 7B2

Name:

Address & Postal Code

Signature & phone#

Lao LE	5 Colgate crt L9C 926	[Signature] 905-921-2544
SE Pham	15 Colgate crt L9C 926	[Signature] 905-929-0025
Cue LE	15 Colgate crt L9C 926	[Signature] 905-921-2544
Phu Huynh	5 Colgate crt L9C 926	[Signature] 905-921-2544
Lucia widow	17 Colgate Court	
Andre Spadofora	29-788-10 L9C 626	Andre Spadofora (visits grandmother 29 Colgate Ct)
Ida Spadofora	29 Colgate	905-388-0557
Yvonne Kwon	25 Colgate Court	[Signature] 905-869-5425
Ryan Rebelo	318 Rymal Road West (visits grandmother daily) 29 Colgate Ct	[Signature] 905-923-2661
Joe + Louise Spina	36 Colgate crt Mrs Spina	905-575-1132
Robert Amodeo	24 Colgate Crt	[Signature] 905-921-2538
Joe Raposo	16 COLGATE CRT	[Signature] 905-383-0902
Nellie Raposo	16 Colgate Crt.	[Signature] 905-383-0902
KLAUS ECKHARDT	10 COLGATE CRT.	[Signature] 905-388-7094

**From:** [Craig andrecyk](#)  
**To:** [Committee of adjustment](#)  
**Cc:** [Atchison, Chris](#); [Craig andrecyk](#)  
**Subject:** APPLICATION NO HM/A 23:338 279 BONAVENTURE DRIVE HAMILTON  
**Date:** Saturday, February 3, 2024 3:22:11 PM

---

I am writing to you today to express my displeasure that this monstrosity is being allowed to be built. Please all of you that is reading this today. take a look at the picture in front of you. imagine this in your neighbour hood, or your parents or kids. This owner has already shown his true colors of not following the rules. So was the owner before him. We are sick of this. Where are the 2, 3 or 4 families going to park? Where does the garbage go? The house already is an eye sore our property values have plummeted. Do you want to live beside this? We already have a massive affordable housing complex across the street that takes up all the parking. This owner keeps building even threw the stop work order. So he does not care about you us or the rules which will continue after he builds it.

I pay over 4000 in property taxes are you willing to reduce this amount to reflect basically the price decrease this one man has caused me and my neighbours. Just before I sat down to type this Saturday at 3:00p.m I walk over there somebody is clearly working in there at this moment.

Look at the design it is a complex no front door no front windows. it is just going to pack the people in. Please please please make him follow the rules and tear down at least one story.

thank you for taking your time today to read my concerns.

Craig Andrecyk 265 Bonaventure drive. if you can leave my name out much appreciated.

**From:** [Ted Brearley](#)  
**To:** [Committee of adjustment](#)  
**Subject:** File HM/A23:338  
**Date:** Friday, February 2, 2024 1:14:57 PM

---

File HM/A-23:338

I am curious to know how this monstrosity can even be built. This is not a residence any more it is a small apartment building. I live around the corner and have put up with construction and blocked roads for years while there have been several construction projects at this address that do not meet zoning and or Building Code rules. The apartment building does not fit the neighborhood. Does not have adequate parking if any, there is not even adequate street parking for an Apartment building of this size. All the houses around it will lose all privacy and sunlight while it towers over them. A two Story Maybe, with parking.

Zoning Bylaws and Building codes are in place to protect our neighborhoods and safety. I can understand the need for a Minor Variance for a bigger shed or garage. I do understand we are allowed thanks to our PC government 3 units in a residential building. But when you take away all the sun and privacy from the neighbors that's wrong. I do not believe this is even close to minor, this is several Zoning violations and far from minor. Where do we stop if we allow something like the.

What are the zoning issues and how do we stop this type of thing from taking over the neighborhood.

Please call or text as needed, Thank you.

Ted Brearley  
153 Clifton Downs Rd  
905-635-4075

Sent from [Mail](#) for Windows

**Comments for Public Hearing, February 13, 2024**

**Application No: HM/A-23:338**

**Subject Property: 279 Bonaventure Drive, Hamilton**

To whom it may concern:

We are not in favour of any exceptions or changes to the current zoning regulations.

It is our expressed opinion as long term residents of this neighbourhood, that this apartment building is severely out of character and would prove a detriment to the neighbourhood and will negatively impact the resale value of all the homes in the area. We feel strongly that construction should not be allowed to continue and the owner should submit a new plan for a structure more in character with this neighbourhood. We are appalled by the owners' flagrant disregard of laws and regulations and we question the quality of any structure this owner would build. We would strongly urge the city to be vigilant in their inspections of any structure built on this site.

We also want to say the following:

1. The owner lists the property as a single family dwelling with a possible second unit. That is blatantly false, if not an outright lie. This building is a four level apartment building. Basement plus three floors. In addition, putting a pitched roof on this building, rather than a standard flat roof, does not disguise this apartment building as a single family dwelling.
2. The foundation of the building is several feet higher than the foundations of the adjacent homes. When you add three stories on top of that it makes a tower over the neighbouring single storey homes.
3. The city issued a stop work order on December 6, 2023, as it is our understanding the owner did not have any permits. The owner disregarded the order and continued to build daily during December 2023, January and to date February 2024.
4. As this is a potential 4 unit apartment building, there is a possibility of at least 6-8 cars being added to an already much stressed parking and traffic area.

Thank you for your consideration regarding these issues.

Heather & Paul Potter

[hpotter6896@gmail.com](mailto:hpotter6896@gmail.com) 905-549-6896