



Hamilton

STAFF COMMENTS

HEARING DATE: March 26, 2024

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

Recommendation

- 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 Director of Development Planning.

Proposed Notes

N/A



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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 this application was tabled at the February 12, 2024 Committee of Adjustment hearing.

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.

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.

Archeology

No Comment.

Cultural Heritage

No Comment.

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. 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, reduces 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 two 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 and consider the variance minor in nature.

Staff are of the opinion that variance meets the four tests of a minor variance. Based on the foregoing, **staff recommend approval.**

Zoning:

Recommendation:	Comments
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> • Please note that these lands may be: <ul style="list-style-type: none"> - Regulated by a Conservation Authority; - Located within or adjacent to an Environmentally Sensitive Area (ESA); - Designated under the Ontario Heritage Act; - Listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest; and/or, - Included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest. <p>Staff cannot confirm this information at this time and the applicant should make the appropriate inquiries in order to determine what other regulations may be applicable to the subject property.</p> • The City of Hamilton is continuing to develop Hamilton Zoning By-law 05-200 which encompasses the former City of Hamilton and the five (5) outlying municipalities. Please be advised that the next phase is the Residential Zones Project which will include Low Density Residential Zones. The subject property may be impacted



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	<p>by upcoming changes to be heard at the Planning Committee meeting of February 23, 2024.</p> <p>Please visit https://www.hamilton.ca/build-invest-grow/planning-development/zoning/residential-zones-project or email reszoning@hamilton.ca for further information.</p>
Proposed Notes:	

Development Engineering:

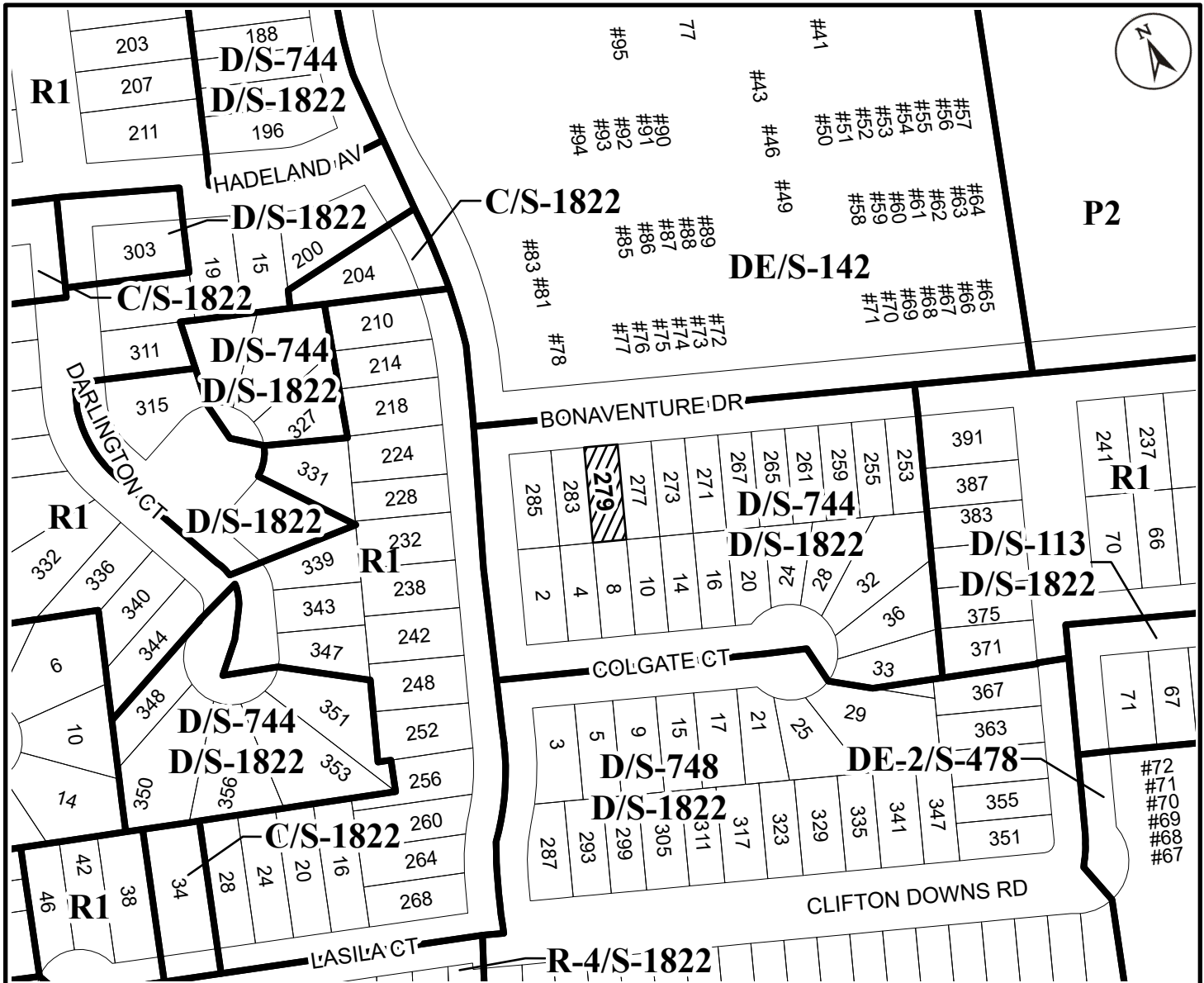
Recommendation:	Approve
Proposed Conditions:	
Comments:	The proposed easterly side yard width of 1.2 m is suitably sized to provide an adequate drainage swale for conveyance of stormwater flows. Therefore, Development Engineering has no objections to the proposed minor variances.
Proposed Notes:	.

Building Engineering:

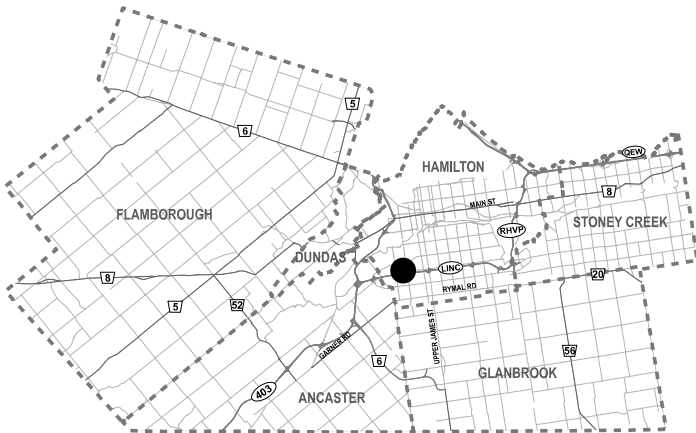
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	<p>A building permit is required for the construction of the proposed single-family dwelling with a secondary dwelling unit.</p> <p>Order to Comply 23 315381, dated December 6, 2023 remains outstanding.</p>

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● 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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