



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
E-mail: cofa@hamilton.ca

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-20:86

APPLICANTS: Kevin Webster Designs Inc. c/o Kevin Webster on behalf of the owner Duncan McEwen

SUBJECT PROPERTY: Municipal address **42 Franklin Ave., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-laws 96-125 & 19-307

ZONING: "C/S-1364 (Urban Protected Residential) district

PROPOSAL: To permit the alteration of an existing single family dwelling to have two-storeys and nine habitable rooms notwithstanding that:

1. A minimum front yard depth of 4.8 metres shall be provided instead of the minimum required front yard depth of 6.0 metres required.
2. A minimum westerly side yard width of 0.9 metres shall be provided instead of the minimum required side yard width of 1.2 metres required.
3. A gross floor area of 50% shall be permitted instead of the maximum required gross floor area of 45% required.
4. A maximum building height of 9.1 metres shall be provided instead of the maximum building height of 9.0 metres required.
5. An accessory building to be used as a storage shed shall be permitted to be located within the required side yard, at a distance of 0.0 metres from the easterly side lot line where as the by-law requires no accessory building to be erected in a required side yard.
6. 1 parking space shall be permitted instead of the minimum 3 parking spaces required.
7. No onsite maneuvering is provided.

NOTES:

1. Gross Floor Area has been written at the applicant's request. Dimensioned floor plans were not provided with which to ensure the GFA calculations are accurate. If GFA exceeds 50%; further variances will be required.
2. Applicant shall ensure the minimum front yard landscaping has been calculated as defined. No dimensions were provided with which to ensure the front yard landscaping calculations are accurate. If front yard landscaping is less than 50%, further variances will be required.

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

DATE: Thursday, July 16th, 2020
TIME: 3:20p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca
-

DATED: June 30th, 2020.

Original Signed

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.



FRONT YARD LANDSCAPE AREA:
TOTAL AREA: 143 SQ. FT. 10.46 SQ. M
LANDSCAPE AREA: 396 SQ. FT. 36.81 SQ. M 72.5 %

SITE PLAN
SCALE: 1:50

3	MAILED FOR CRY A	03/03/00	KM
2	MAILED FOR REVIEW	10/06/98	KM
1	MAILED FOR PROCESS	01/06/98	KM
NO.	DESCRIPTION	DATE	BY

REVIEWS

64 Peachland Rd., Waterford, Ontario L8B 3S5
(905)293-5285 Fax (905)469-7775

Kevin Webster Designs Inc.
RESIDENTIAL & COMMERCIAL
DESIGN, DRAFTING & CONSULTING

PROJECT NO.	DRAWN
201906	FEB 1989

PROJECT NAME:

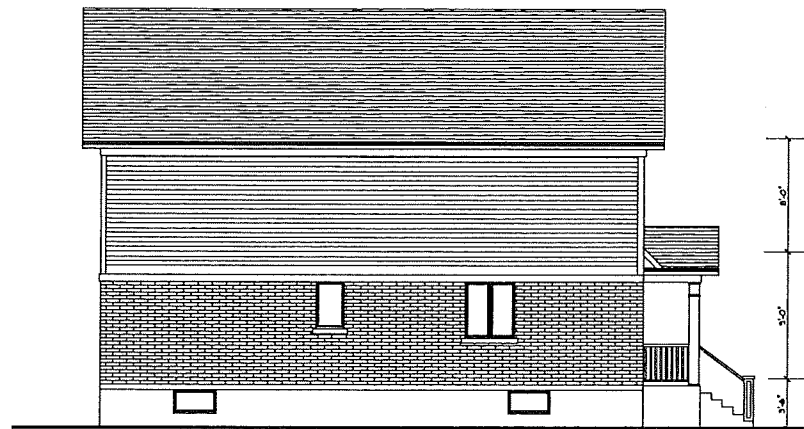
MCWEEN RESIDENCE
42 FRANKLIN AVE.
HAMILTON, ONT.

SCALE:

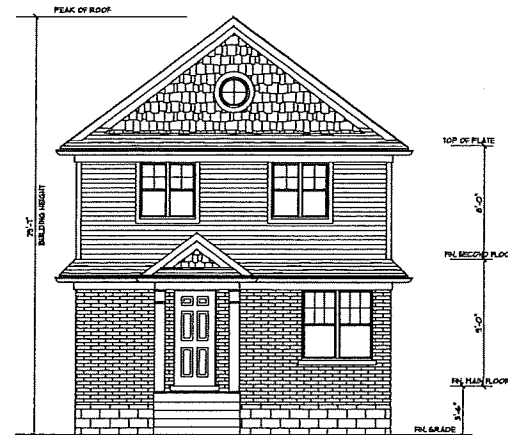
NOTES:

OTHER PLAN	
DRAWN BY:	CHECKED BY:
KW.	KW.
SCALE:	PAINT:
1/4"=1'-0"	PP1

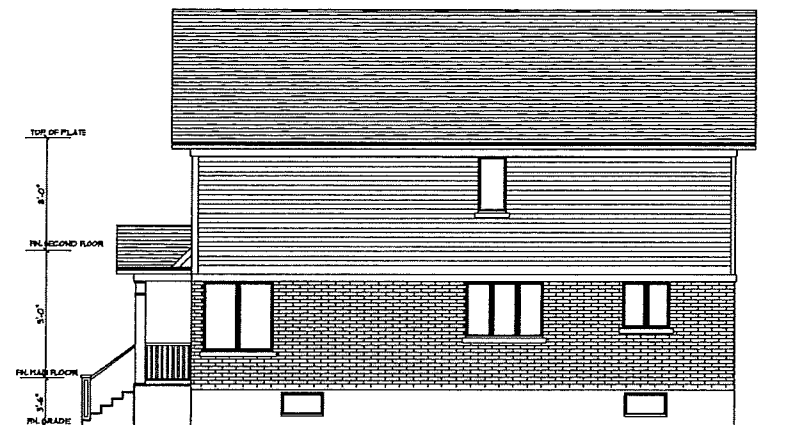
Hm/A 20:86
Sketch 1



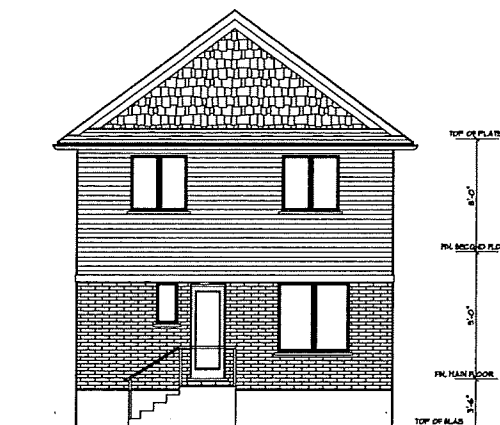
LEFT ELEVATION



FRONT ELEVATION



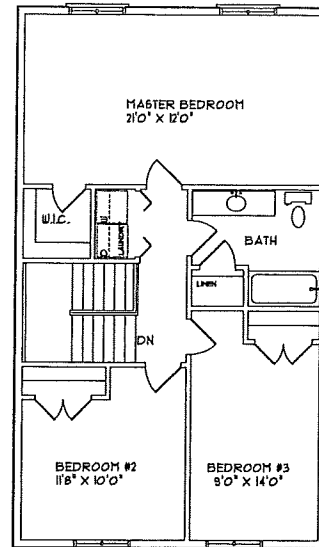
RIGHT ELEVATION



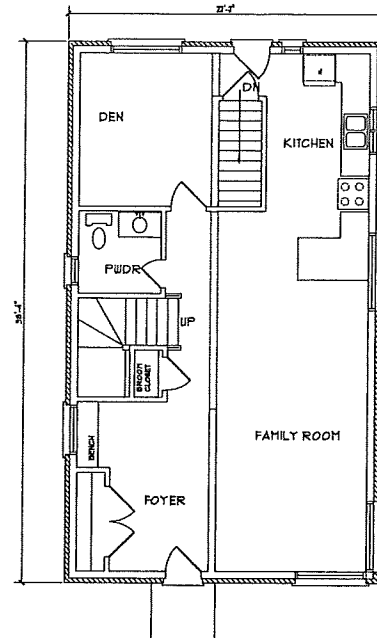
REAR ELEVATION

3	MAILED FOR C OF A	05/01/20	KW
2	MAILED FOR REVISE	02/01/19	KW
1	MAILED FOR PROPOSAL	02/01/19	KW
NO.	DESCRIPTION	DATE	BY
REVISIONS			
Kevin Webster Designs Inc. RESIDENTIAL & COMMERCIAL DESIGN, DRAFTING & CONSULTING 44 Fairchild Rd., Waterville, Ontario L8A 3B5 (905) 739-3889 Fax (905) 888-9773			
PROJECT NO.	DATE		
201905	FEB 2019		
PROJECT NAME			
MCWEN RESIDENCE 42 FRANKLIN AVE. HAMILTON, ONT.			
SHEET			
PROPOSED ELEVATIONS			
DRAWN BY	DESIGNED BY		
KW.	KW.		
SHEET	TOTAL		
1/4"-1'-0"	2		

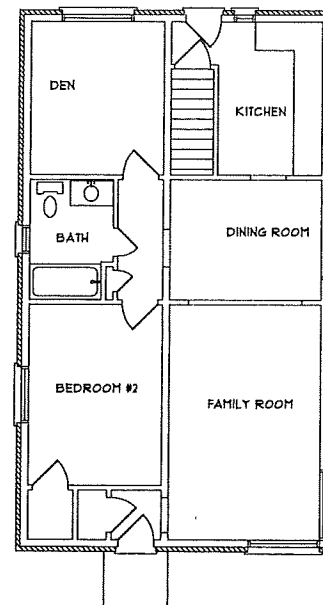
Hm/A 20:86
Sketch 2



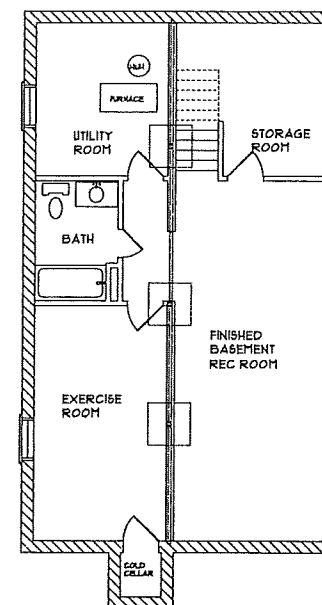
PROPOSED SECOND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



EXISTING GROUND FLOOR PLAN



EXISTING/PROPOSED BASEMENT FLOOR PLAN

3	REVISION FOR C OF A	03/10/20
2	REVISION FOR REVIEW	20/11/19
1	REVISION FOR PRELIM	01/10/19
NO.	DESCRIPTION	DATE
REVISIONS		

Hm/A 20:86
Sketch 3

20.156588



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>HM/A-20:86</u>	DATE APPLICATION RECEIVED <u>MAR 10 2020</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

RECEIVED

MAR 10 2020

COM OF ADJUSTMT

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner SIOBHAN & DUNCAN McLEWEN Telephone No. _____

2. _____

3. Name of Agent KEVIN WEBSTER Telephone No. _____

4. _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

N/A

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

1. FRONT YARD SETBACK REQ. 6.00 - PROPOSED 4.87
2. LEFT SIDE SETBACK REQ. 1.20 - PROPOSED 0.915
3. REQUIRE 2 PARKING SPACES - PROPOSED 1.0
4. GROSS FLOOR AREA ALLOWED 45% 142.15 s.m.
GROSS FLOOR AREA PROPOSED 49.9% 157.87 s.m.

7. Why it is not possible to comply with the provisions of the By-law?

LOCATION OF EXISTING DWELLING PREVENTS
US FROM MEETING EXISTING ZONING.
USING EXISTING FOUNDATION AND GROUND FLOOR
WALLS, ADDING SECOND FLOOR & NEW ROOF.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

REG PLAN 1416 LOT 17 HAMILTON
42 FRANKLIN AVE

9. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural ☐ Vacant ☐

Other

- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes ☐ No ☒ Unknown ☐

- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes ☐ No ☒ Unknown ☐

- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes ☐ No ☒ Unknown ☐

- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes ☐ No ☒ Unknown ☐

- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes ☐ No ☒ Unknown ☐

- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes ☐ No ☒ Unknown ☐

- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes ☐ No ☒ Unknown ☐

- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes ☐ No ☒ Unknown ☐

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
Yes _____ No ☒ Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

COMMON KNOWLEDGE

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes _____ No _____

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Date _____

Signature Property Owner _____

SEE
ATTACHED

Print Name of Owner _____

10. Dimensions of lands affected:

Frontage

34'-0" 10.36 m

Depth

100'-0" 30.48 m

Area

3400 S.F. 315.86 S.M.

Width of street

20'-0"

11. Particulars of all buildings and structures on or proposed for the subject lands:
(Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: GFA - 879 SQ.FT, GROSS FA 879 S.F.

1 STOREY, 22'-0" x 44'-6", 19'-0" HEIGHT

Proposed: GROUND FA - 849.7, GROSS FA - 1699.4

2 STOREY, 22'-0" x 38'-4", 29'-6" HEIGHT (9.0 m)

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

Existing: FRONT SETBACK: 4.87 m

LEFT SIDE: 0.915

RIGHT SIDE: 2.74 m

REAR: 12.01 m

Proposed: FRONT: 4.87 m

LEFT SIDE: 0.94 m

RIGHT SIDE: 2.74 m

REAR: 13.90 m

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes _____ No _____ Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes _____ No _____

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

*

Feb 23, 2020
Date


Signature Property Owner

Siobhan McEwen and Duncan McEwen
Print Name of Owner

10. Dimensions of lands affected:

Frontage _____
Depth _____
Area _____
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands:
(Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _____

Proposed: _____

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

13. Date of acquisition of subject lands:
MAY 20, 2006.
14. Date of construction of all buildings and structures on subject lands:
1960
15. Existing uses of the subject property: SINGLE FAMILY RESIDENTIAL
16. Existing uses of abutting properties: SINGLE FAMILY RESIDENTIAL
17. Length of time the existing uses of the subject property have continued:
SINCE BUILT.
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|----------|-----------|----------|
| Water | <u>✓</u> | Connected | <u>✓</u> |
| Sanitary Sewer | <u>✓</u> | Connected | <u>✓</u> |
| Storm Sewers | <u>✓</u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
NEIGHBOURHOODS
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
R4
21. Has the owner previously applied for relief in respect of the subject property?
- Yes ☐ No ☒
- If the answer is yes, describe briefly.
- _____
- _____
- _____
22. Is the subject property the subject of a current application for consent under Section 53 of The Planning Act?
- Yes ☐ No ☒
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.