

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.: AN/A-21:104

APPLICANTS: Brent Wybenga on behalf of the owners B. & R. Franklin

SUBJECT PROPERTY: Municipal address **60 Oleary Dr., Ancaster**

ZONING BY-LAW: Zoning By-law 87-57, as Amended 07-265, 07-329 and 16-185

ZONING: "R4-563" (Residential "R4" Zone)

PROPOSAL: To permit the construction a 5.39m (17'8") x 6.10m (20'0¼") roofed-over rear porch, including a hot tub, onto the existing single detached dwelling and to recognize the location of an existing 2.01m (6'7") x 2.01m (6'7") accessory building (shed) notwithstanding that:

1. A minimum rear yard of 5.6m shall be provided instead of the minimum required rear yard of 7.5m.
2. The hot tub shall be a minimum of 1.6m from the northerly side lot line instead of the requirement that an above-ground swimming pool and its supporting structure shall not be constructed closer than 1.5m to any lot line that does not abut a street, plus a distance equal to the height that the top edge of the supporting structure is above the grade structure [height of 0.914m to the top of the hot tub] at the lot line nearest to such pool or structure [being a minimum setback of 2.414m (1.5m + 0.914m)].
3. The existing shed shall be a minimum of 0.2m from the southerly side lot line and a minimum of 0.1m from the rear lot line instead of the requirement that accessory buildings shall not be located less than 75cm (0.75m) from any lot line.

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

DATE: Thursday, May 27th, 2021

TIME: 2:00 p.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: May 11th, 2021.

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.

GENERAL NOTES:

- 1. UNDER NO CIRCUMSTANCES ARE THESE DRAWINGS TO BE SCALED.
- 2. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST VERSION OF THE ONTARIO BUILDING CODE (OBC) INCLUDING ALL THE LATEST STANDARDS REFERENCED WITHIN.
- 3. ALL DRAWINGS ARE THE PROPERTY OF THE ENGINEER AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT.
- 4. CONTRACTOR/STEEL FABRICATOR IS REQUIRED TO FIELD MEASURE THE STRUCTURE PRIOR TO FABRICATION. ANY DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER.
- 5. CONTRACTOR TO CHECK AND VERIFY ALL STRUCTURAL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE ENGINEER. FAILURE TO DO SO WILL CAUSE FORFEIT TO ANY CLAIM.
- 6. PROVIDE ADEQUATE TEMPORARY SHORING AS REQUIRED DURING DEMOLITION OF STRUCTURAL WALLS AND COMPONENTS. ANY AND ALL RESULTING DAMAGE SHALL BE REPAIRED AT THE CONTRACTOR’S EXPENSE.
- 7. WHERE DOWNSPOUTS ARE PROVIDED AND NOT CONNECTED TO A SEWER, DOWNSPOUT EXTENSIONS SHALL BE PROVIDED TO CARRY RAINWATER AWAY FROM THE BUILDING IN A MANNER THAT WILL PREVENT SOIL EROSION AS PER O.B.C. 9.26.18.2.

LUMBER NOTES:

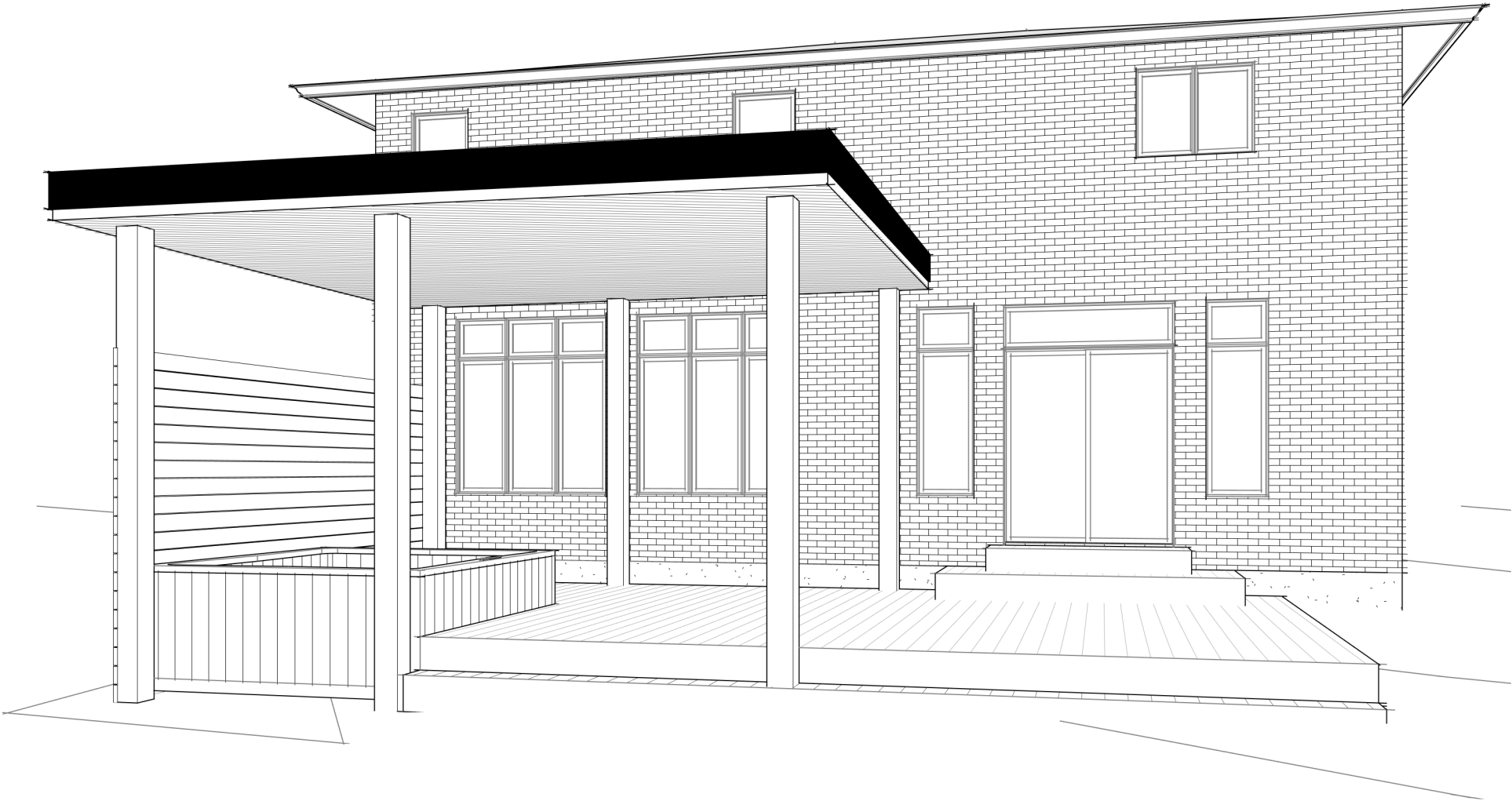
- 1. ALL SAWN LUMBER TO BE S.P.F. No. 2 GRADE or BETTER AND CONFORM TO CSA–0141.
- 2. ALL ENGINEERED BUILT UP BEAMS ARE TO BE LVL’S (GRADE 2.0x10⁶ PSI). REPLACEMENT WITH A HIGHER GRADE IS NOT ALWAYS A SUITABLE EQUIVALENT. CONTACT ENGINEER FOR EQUIVALENT.
- 3. ALL LUMBER EXPOSED TO THE EXTERIOR IS TO BE PRESSURE TREATED U.O.N.
- 4. CONNECT 2”X6” WOOD PLATE TO TOP OF ALL STEEL BEAMS AS PER THE TYPICAL DETAILS.
- 5. TRUSS DESIGN TO BE IN ACCORDANCE WITH PART 4 OF THE O.B.C. PROVIDE HOLD DOWN CLIPS AT ALL TRUSSES, WHICH ARE TO BE DESIGNED BY THE ROOF TRUSS ENGINEERS.
- 6. ROOF SHEATHING TO BE 12 mm (1/2”) PLYWOOD (MINIMUM) T&G , NAILED W/ 10D NAILS AT 6” C/C ALONG EDGES.
- 7. FLOOR SHEATHING TO BE 19 mm (3/4”) PLYWOOD (MINIMUM) T&G, GLUED AND SCREWED.
- 8. WALL SHEATHING TO BE 12 mm (1/2”) ORIENTED STRAND BOARD (OSB) (MINIMUM), NAILED W/ 10D NAILS AT 6” C/C ALONG EDGES.
- 9. PROVIDE SOLID BLOCKING BETWEEN JOISTS BELOW ALL BEARING WALLS WHICH ARE PERPENDICULAR TO THE JOISTS.
- 10. PROVIDE APPROVED BLOCKING OR BRIDGING AT 2000 mm (7’–0”) O/C MAX. FOR FLOOR JOISTS.
- 11. TYPICAL BEARING WALL IS 2”X6” @ 16” O/C MIN. U.O.N.
- 12. ALL LUMBER BEAMS ARE TO BE SUPPORTED ON LUMBER POSTS (U.N.O) WITH EQUAL NUMBER OF LAMINATIONS.
- 13. ALL BUILT–UP POSTS ARE TO BE CONSTRUCTED CONTINUOUSLY TO THE FOUNDATION WITH SOLID TRANSFER BLOCKING AT EACH FLOOR.
- 14. WOOD IS NOT TO BEAR DIRECTLY ON CONCRETE/MASONRY, PROVIDE PRESSURE TREATED, POLY, OR SILL GASKET BETWEEN CONCRETE/MASONRY AND WOOD SILL PLATE.
- 15. ALL JOISTS SHOULD HAVE A MINIMUM OF 40 mm (1 1/2”) OF BEARING U.O.N. BY MANUFACTURER.
- 16. ALL LUMBER BEAMS SHOULD HAVE A MINIMUM OF 75 mm (3”) BEARING.
- 17. BUILT UP POSTS SHALL BE NAILED TOGETHER @ 150 mm (6”) O/C STAGGERED U.O.N.
- 18. PROVIDE TIMBER BUILT–UP LINTELS OVER DOOR AND WINDOW OPENINGS IF NOT INDICATED ON DRAWING:
 - OPENING < 7’–0” – (2–PLY) 2”X10”
 - OPENING < 10’–0” – (3–PLY) 2”X10”

DESIGN LOADS:

- 1. GROUND SNOW (Ss) / RAIN (Sr): 1.5 / 0.4 kPa
- 2. MAXIMUM ROOF SNOW (S): 1.6 kPa
- 3. ROOF DEAD LOAD (D): 1.0 kPa
- 4. WIND (q50): 0.46 kPa

FOUNDATION NOTES:

- 1. ALL FOOTINGS TO BEAR ON NATIVE UNDISTURBED SOIL HAVING A SAFE BEARING CAPACITY OF 1577 P.S.F.
- 2. PROVIDE 4’–0” MIN. FROST PROTECTION FOR EXTERIOR FOOTINGS
- 3. CONTRACTOR TO NOTIFY BLDG. INSPECTOR PRIOR TO THE PLACEMENT OF CONCRETE FOR:
 - A. VERIFICATION OF SOIL BEARING CAPACITY
 - B. INSPECTION OF REINFORCING



REGAN AND BRAD FRANKLIN

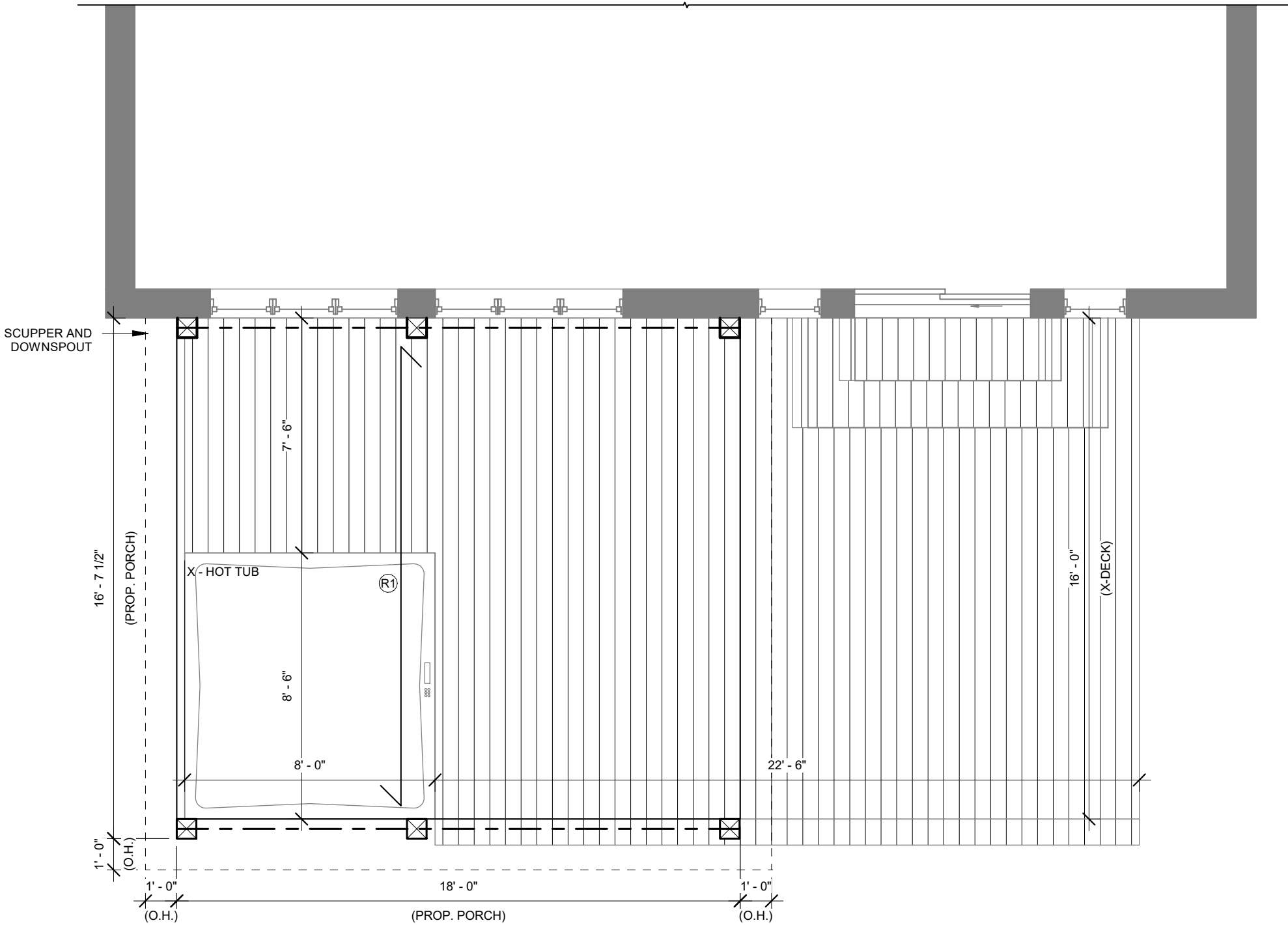
60 OLEARY DR., ANCASTER, ON.

PROP. UNENCLOSED REAR PORCH

No.	Description	Date

PROJECT NOTES

Project number	21008	A0.01
Date	21/02/01	
Drawn by	B.M.W.	
Checked by	B.M.W.	Scale



REGAN AND BRAD FRANKLIN

60 OLEARY DR., ANCASTER, ON.

PROP. UNENCLOSED REAR PORCH

No.	Description	Date

FLOOR PLAN		
Project number	21008	A1.01
Date	21/02/01	
Drawn by	B.M.W.	
Checked by	B.M.W.	
		Scale 1/4" = 1'-0"



① BACK
1/4" = 1'-0"

REGAN AND BRAD FRANKLIN
60 OLEARY DR., ANCASTER, ON.
PROP. UNENCLOSED REAR PORCH

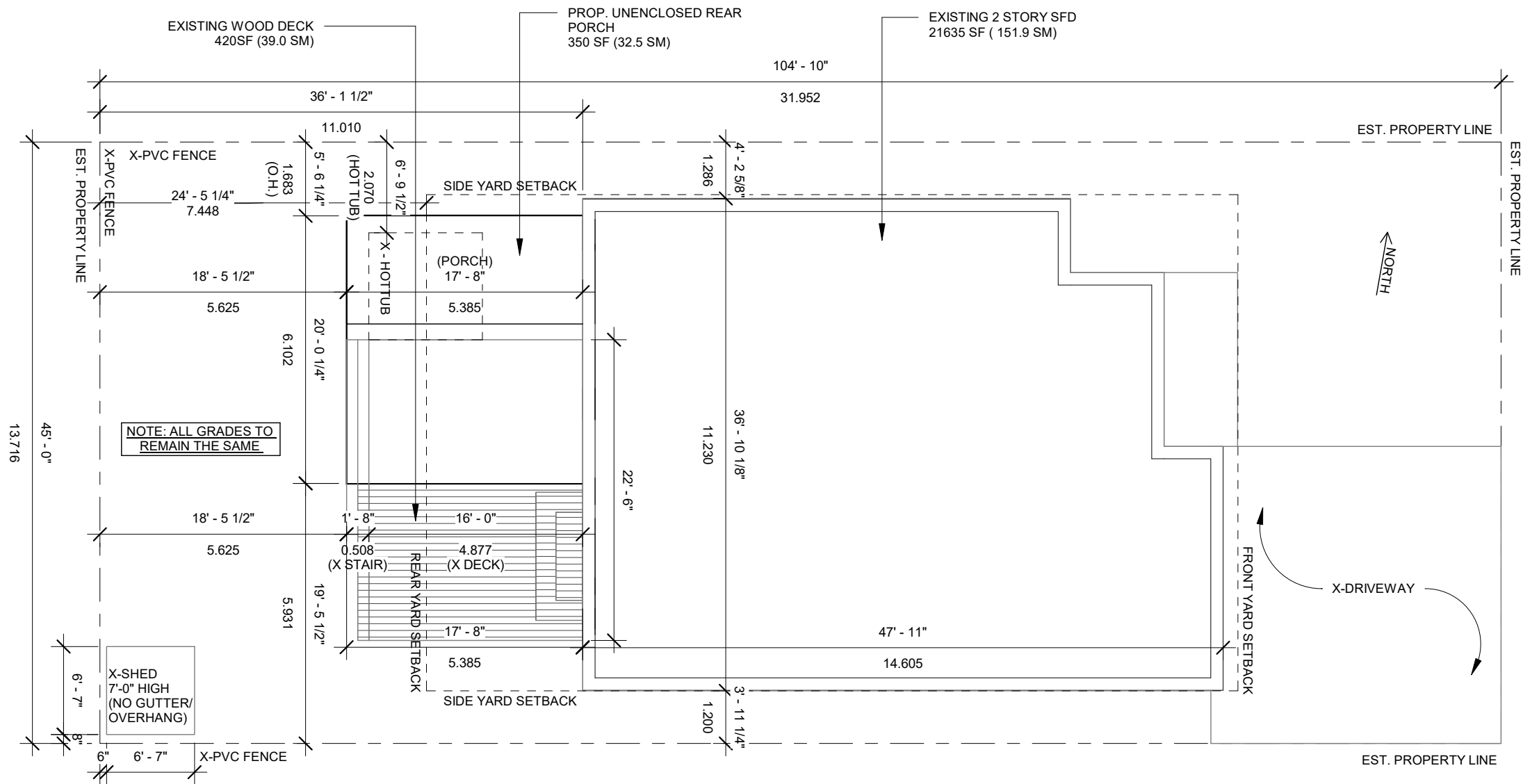
No.	Description	Date

REAR ELEVATION

Project number	21008
Date	21/02/01
Drawn by	B.M.W.
Checked by	B.M.W.

A2.01
Scale 1/4" = 1'-0"

1" = 10'-0"
1
SITE PLAN



REGAN AND BRAD FRANKLIN

60 OLEARY DR., ANCASTER, ON.

PROP. UNENCLOSED REAR PORCH

No.	Description	Date

SITE PLAN		
Project number	21008	SP1.01
Date	21/02/01	
Drawn by	B.M.W.	
Checked by	B.M.W.	
		Scale 1" = 10'-0"



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

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

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

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, 2	NAME	ADDRESS
Registered Owners(s)	Regan & Brad Franklin	
Applicant(s)*		
Agent or Solicitor	Park Eight c/o Brent Wybenga	

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

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
- Regan & Brad Franklin
60 O'Leary Drive, Ancaster, On.
L9K 0B5

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

4. Nature and extent of relief applied for:

Encroachment into rear yard setback with covered (unenclosed) Porch (32.5SM)
Rear yard setback : 5.69m

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

No encroachment for Rear Yard Covered Porches (unenclosed)

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

60 O'Leary Drive, Ancaster, On.
L9K 0B5

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐
Agricultural ☐ Vacant ☐

Other _____

- 8.1 If Industrial or Commercial, specify use _____

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

Yes ☐ No ☒ Unknown ☐

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

Yes ☐ No ☒ Unknown ☐

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

Yes ☐ No ☒ Unknown ☐

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

Yes ☐ No ☒ Unknown ☐

- 8.6 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 ☐

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

Yes ☐ No ☒ Unknown ☐

- 8.8 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 ☐

- 8.9 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 ☐

- 8.10 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 ☐

- 8.11 What information did you use to determine the answers to 9.1 to 9.10 above?
existing subdivision, fences and grades from developer

- 8.12 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 ☒

9. 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.

02/16/2021

Date



Signature Property Owner

Regan Franklin

Print Name of Owner

10. Dimensions of lands affected:

Frontage	13.72m
Depth	32.0m
Area	439.04 SM
Width of street	8.4m

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: _

(SFD) GROUND FLOOR AREA: 151.96 SM, (SFD) NUMBER OF STORIES: 2,
(SFD) WIDTH: 11.28M, (SFD) LENGTH: 14.33 M, (SFD) HEIGHT: 8.43M, X DECK -
39 SM)

Proposed

(SFD) GROUND FLOOR AREA: 151.96 SM, (SFD) NUMBER OF STORIES: 2, (SFD)
WIDTH: 11.28M, (SFD) LENGTH: 14.33 M, (SFD) HEIGHT: 8.43M, X DECK - 39 SM)

PROPOSED UNENCLOSED PORCH: 32.5 SM (OVER X - WOOD DECK)

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

Existing:

(SFD) FRONT N/A, (SFD) SIDE : 1.3M / 1.14M, (SFD) REAR 11.06M

Proposed:

(SFD) FRONT N/A, (SFD) SIDE : 1.3M / 1.14M, (SFD) REAR 11.06M

(PORCH) SIDE 1.68M / 5.93M, (PORCH) REAR 5.69M

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:
10 - 20 years

15. Existing uses of the subject property:
residential - SFD
16. Existing uses of abutting properties:
Residential - SFD
17. Length of time the existing uses of the subject property have continued:
10 - 20 years
18. Municipal services available: (check the appropriate space or spaces)
Water X _____ Connected X _____
Sanitary Sewer X _____ Connected X _____
Storm Sewers X _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
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. Additional Information
24. 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.

PART 25 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

I, BRENT WYBENGA of the CITY of HAMILTON
in the PROVINCE of ONTARIO solemnly declare that:

All of the above statements are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the
at the City of Hamilton)
in the Province)
of Ontario)
this 9 day of MARCH A.D. 2021)

Stephanie Ann Paparella
A Commissioner, etc.

Brent Wybenga
Applicant

Stephanie Ann Paparella,
a Commissioner, etc.,
Province of Ontario, for the City of Hamilton.
Expires June 12, 2021.

PART 26 OWNERS AUTHORIZATION

As of the date of this application, I (NAME) REGAN FRANKLIN am the registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize:

BRENT WYBENGA of PARK EIGHT

to act as my agent in this matter and to provide any of my personal information that will be included in this application or collected during the processing of the application.

DATE FEB 19/2021 SIGNED Regan Franklin

PART 27 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, REGAN FRANKLIN the Owner, hereby agree and acknowledge
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

FEB 19/2021
Date

Regan Franklin
Signature of Owner