



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, 3935 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto: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-21:209

**APPLICANTS:** Agent Chris Harrison  
Owner M. & K. Konstanty

**SUBJECT PROPERTY:** Municipal address **22 Chatham St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended

**ZONING:** "D/S-1787" (Urban Protected Residential) district

**PROPOSAL:** To permit the construction of a new two (2) storey addition onto the rear of the existing single family dwelling and to construct a new 81m<sup>2</sup>, two storey Secondary Dwelling Unit – Detached in the rear yard of the property notwithstanding that:

1. A canopy shall be permitted to project a maximum of 4.8m into the required front yard and provide a minimum setback of 1.2m from the front lot line instead of the maximum 1.5m projection permitted and minimum 1.5m setback required from the front lot line.
2. A side yard width of 0.3m shall be provided instead of the minimum required side yard width of 1.2m.
3. No parking spaces shall be provided for the single family dwelling instead of the minimum required two (2) parking spaces.
4. A side yard width of 0.6m shall be provided for a Secondary Dwelling Unit – Detached, instead of the minimum required side yard width of 1.2m.
5. A height of 6.9m shall be provided instead of the maximum building height of 6.0m permitted for a Secondary Dwelling Unit – Detached.
6. A gross floor area of 81.0m<sup>2</sup> shall be provided instead of the maximum permitted gross floor area of 75.0m<sup>2</sup> for a Secondary Dwelling Unit – Detached.

**NOTES:**

- i. Eaves and gutters associated with the primary Single Family Dwelling building are permitted to project into a required side yard not more than one-half of its required width. Eaves and gutters associated with the Secondary Dwelling Unit – Detached, are permitted to project a maximum of 0.45m into the required side yard. Insufficient information has been provided in order to determine zoning compliance. As such, further variances may be required if compliance cannot be achieved.

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

---

**DATE:** Thursday, July 8th, 2021  
**TIME:** 2:15 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://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:

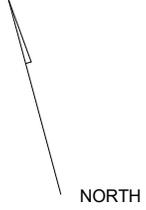
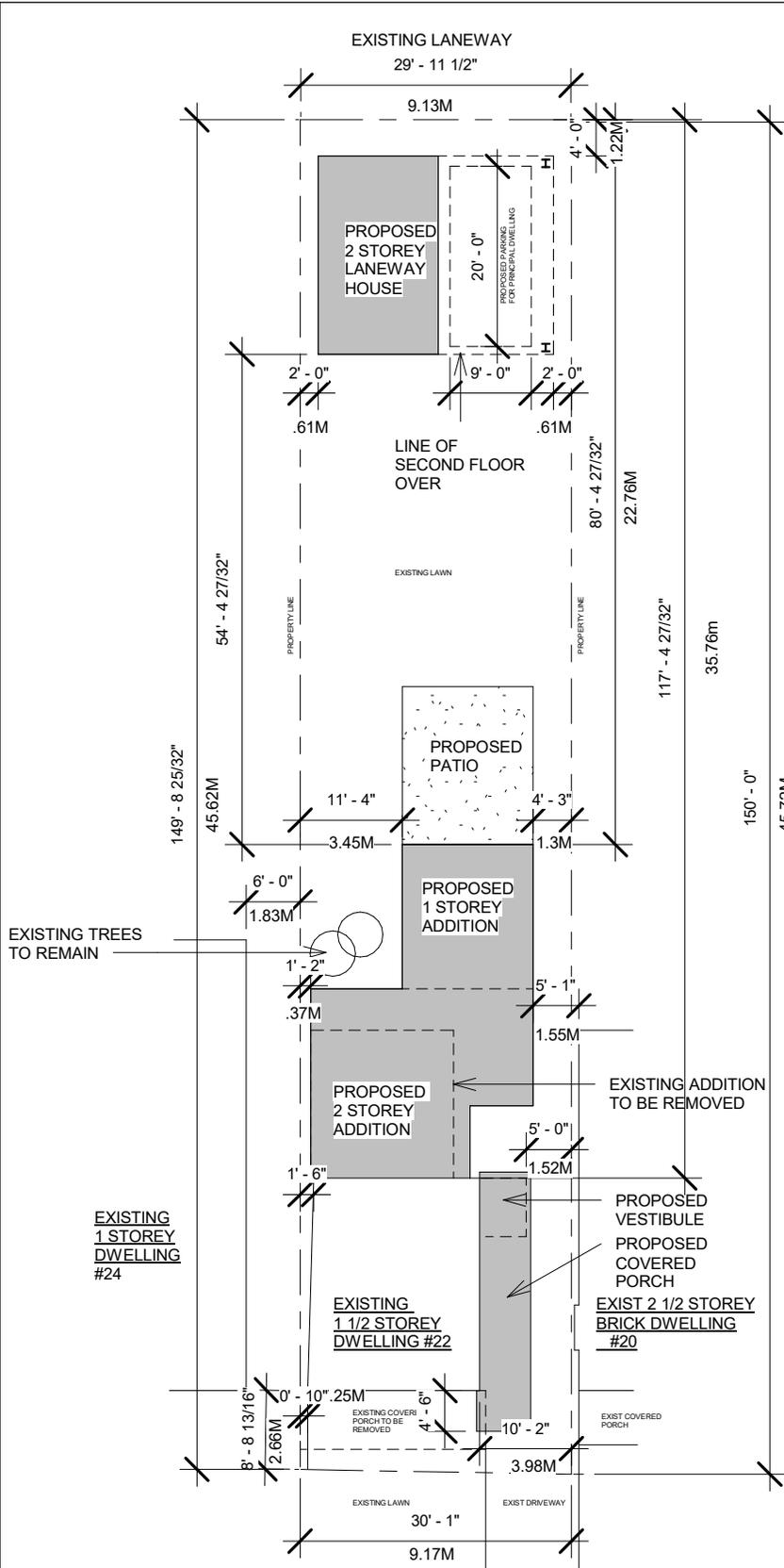
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: June 22nd, 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.***



PROJECT DATA

SITE INFO TAKEN FROM A.T. MCLAREN SURVEY 25 JUNE 1987  
 REG PLAN NO. 253  
 LOTS 92+93 BLOCK F JAMES CHARLES MACKLIN SURVEY

D ZONING URBAN PROTECTED

LOT AREA: 419.25M2  
 LOT FRONTAGE: 9.17M  
 LOT DEPTH: 45.72M

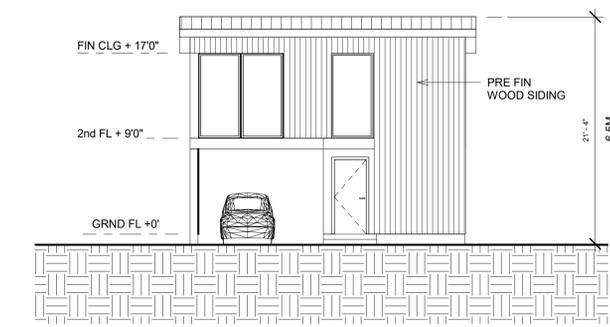
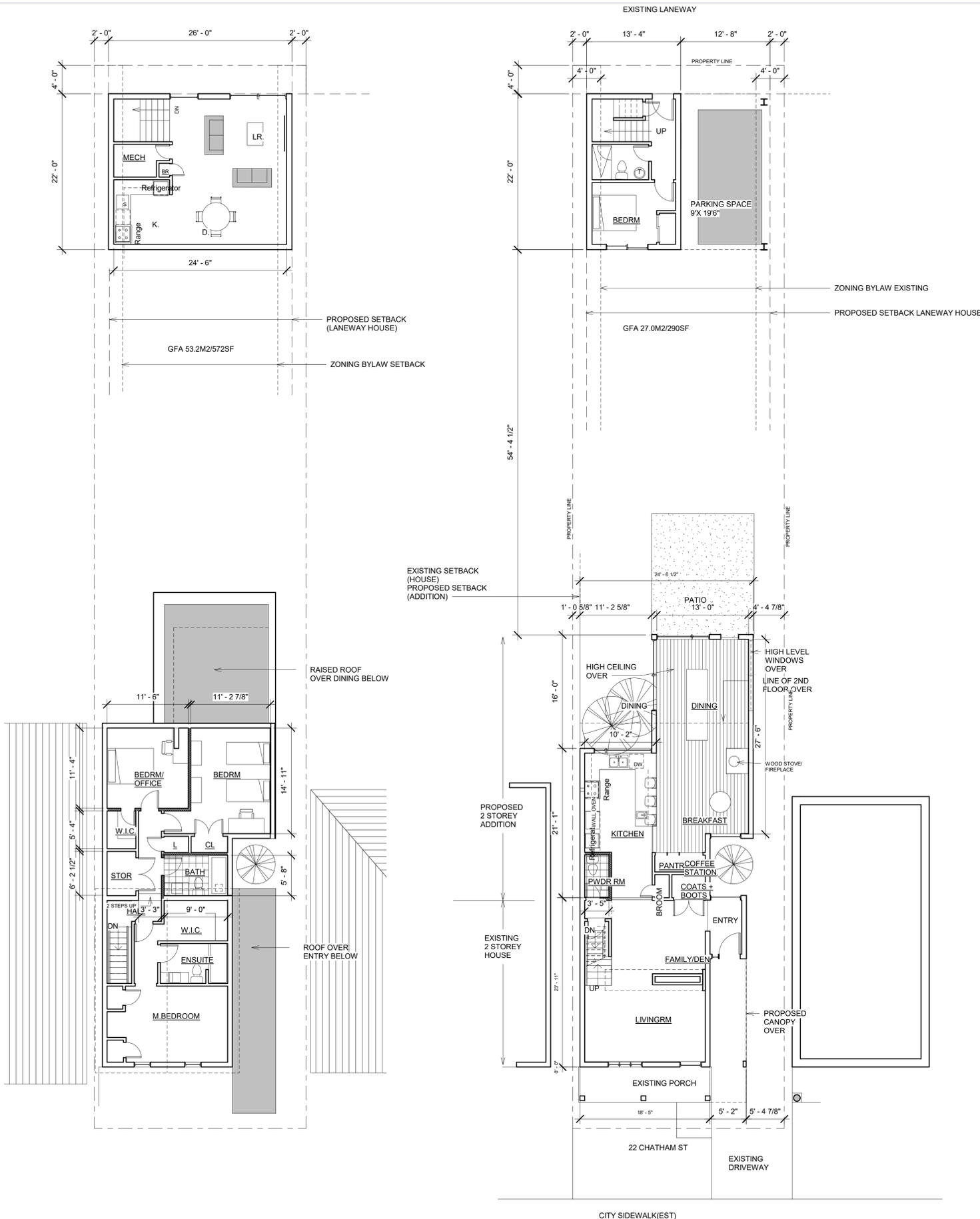
	EXISTING	ADDITIONS	TOTAL	%	PERMITTED %	SETBACKS	EXISTING	PROPOSED
LOT COVERAGE	56.48M2	121.55M2	178M2	42.5		FRONT	2.66M	2.66M
GROSS FLOOR AREA	113.96M2	199.70M2	313.68M2	74.8		REAR	30.78M	24.48M(ADDN) 1.2M(SDU)
LANDSCAPED AREA	318.17M2	(70.42M2)	247.75M2			SIDE(EAST)	3.05M	1.5M(ADDN) .61M(SDU)
NO. STOREYS/ HEIGHT	1.56M	2/9.8M(ADDN) 2/6.3M(SDU)	2/9.8M(ADDN) 2/6.5M(SDU)		3/14M(ADDN) 2/6.0M(SDU)	SIDE(WEST)	26M	.37M(ADDN) .61(SDU)
WIDTH	5.64M	7.52M	7.52M					
DEPTH	12.12M	11.28M	33.40M					
PARKING	0 SP	1 SP	1 SP		1 SP REQD			

SITE PLAN

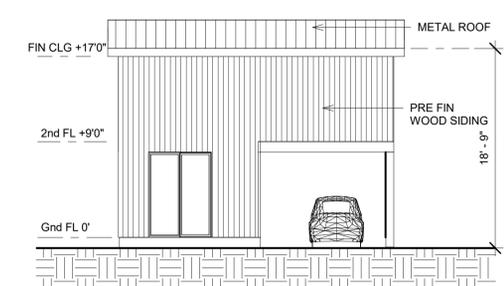
1" = 20 FT (1:240)

CHATHAM ST

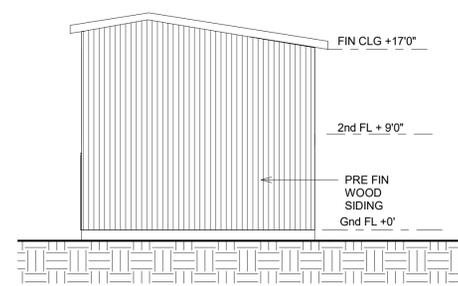
www.harrisonarchitect.com	KONSTANTY ADDITIONS+ RENOVATION	Project Number		SKV_1.0
		Issue Date		
			Scale	1" = 20'-0"



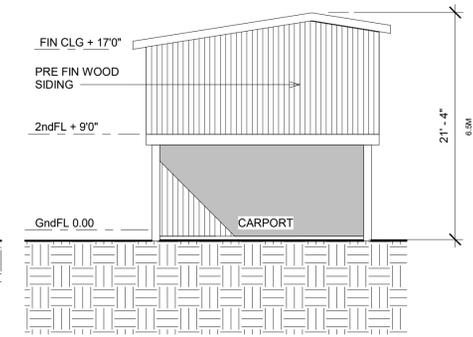
3 LANEWAY HOUSE NORTH ELEVATION  
1/8" = 1'-0"



5 LANEWAY HOUSE SOUTH ELEVATION  
1/8" = 1'-0"



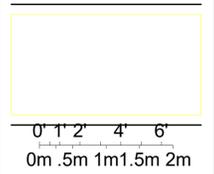
7 LANEWAY WEST ELEVATION  
1/8" = 1'-0"



6 LANEWAY HOUSE EAST ELEVATION  
1/8" = 1'-0"



4 3D View 3



Revisions:

No.	Item	Date
1	VARIANCE APPLICATION	11 MAY 2021

THESE DRAWINGS ARE FOR REPRESENTATION PURPOSES ONLY. ALL DIMENSIONS AND ELEVATIONS MUST BE VERIFIED ON SITE.

**harrisonarchitecture**  
Inc  
6 ANCASTER ST.  
E.  
DUNDAS, ON  
L9H 4K3

Project: 21.02 KONSTANTY  
RENOVATIONS+ADDITION  
Drawing Title:

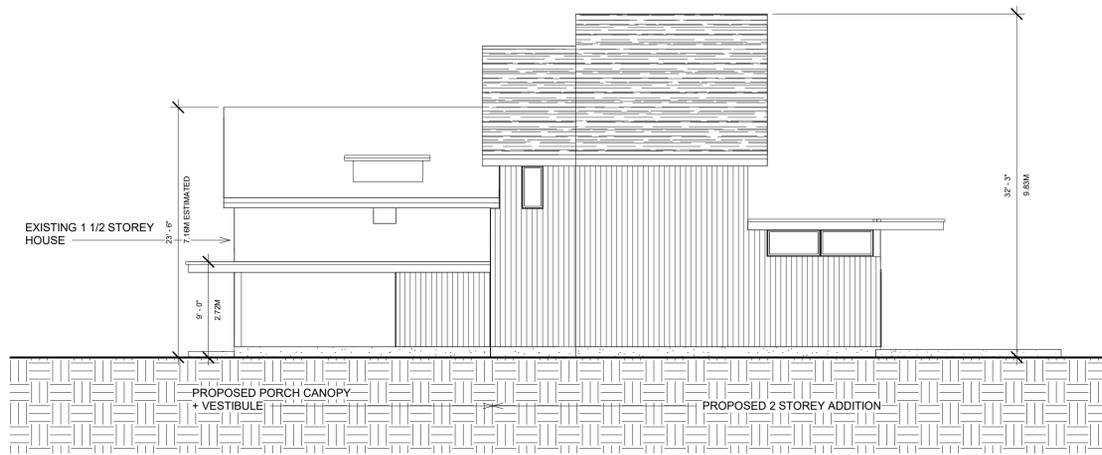
**22 CHATHAM  
LANEWAY HOUSE  
PLANS+ELEVATIONS**

Date:	Drawn By:
Scale:	Checked By:

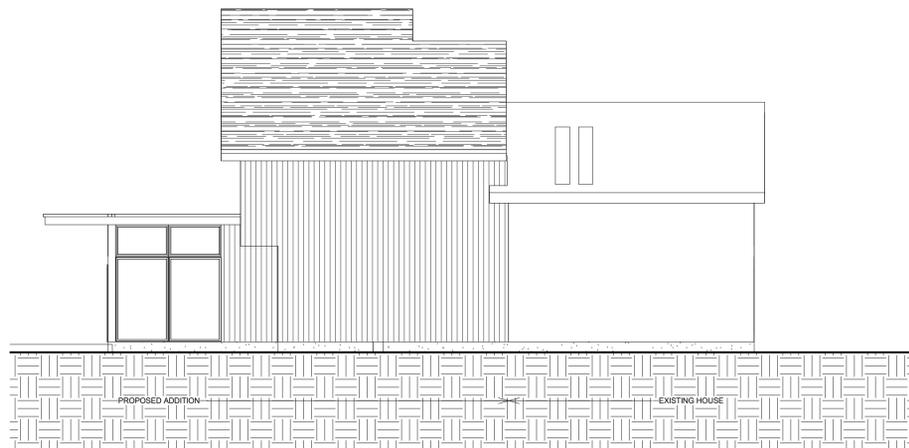
**SKV\_5.3**

1 Level 2 LANEWAY TYPE3  
1/8" = 1'-0"

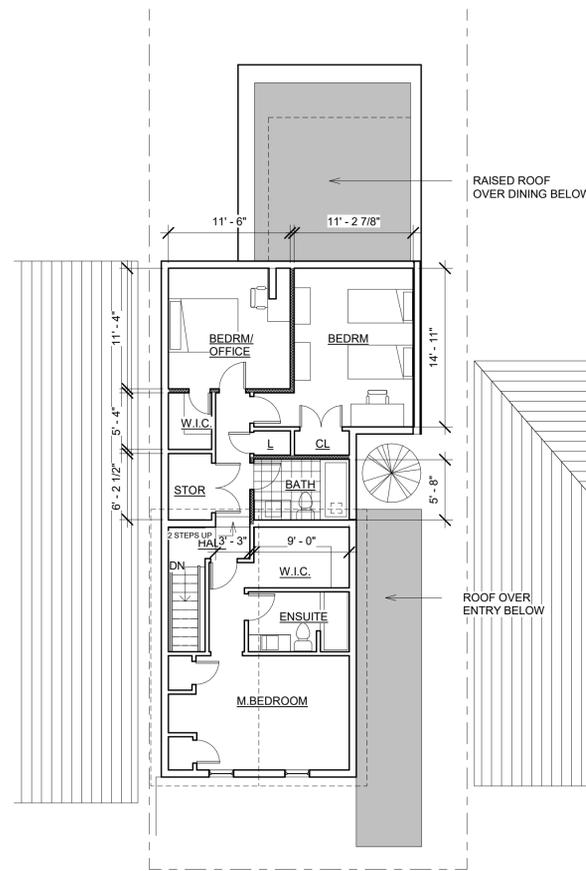
2 Level 1 LANEWAY TYPE3  
1/8" = 1'-0"



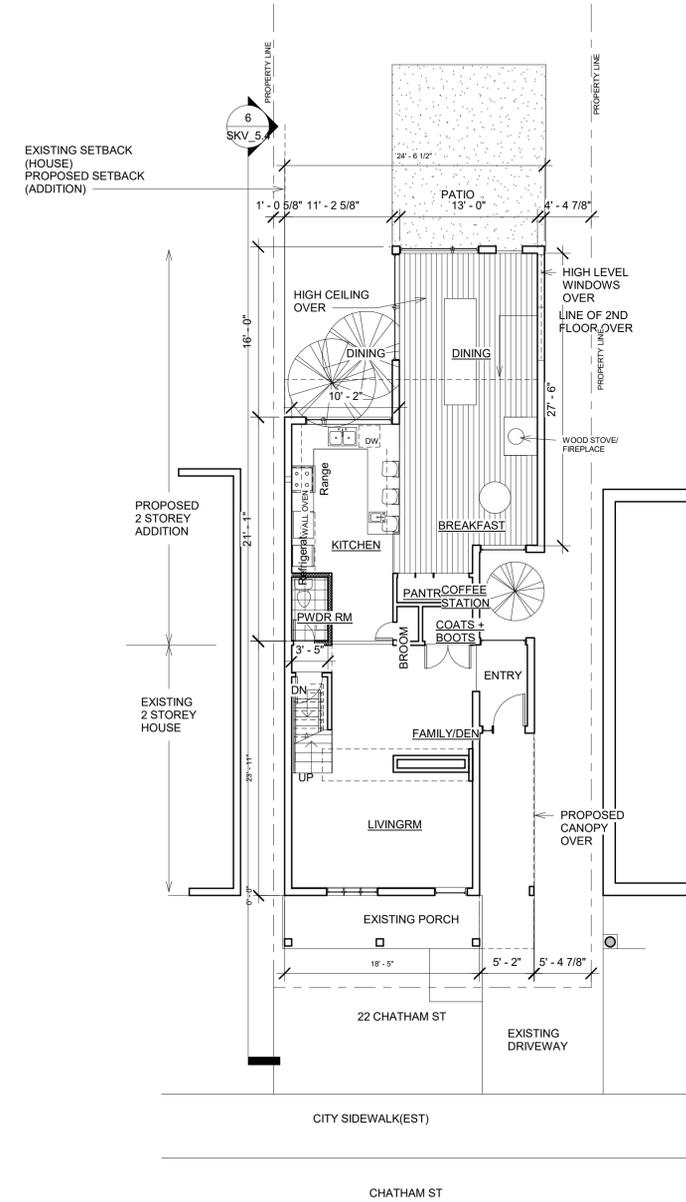
5 HOUSE+ADDITION EAST ELEVATION  
1/8" = 1'-0"



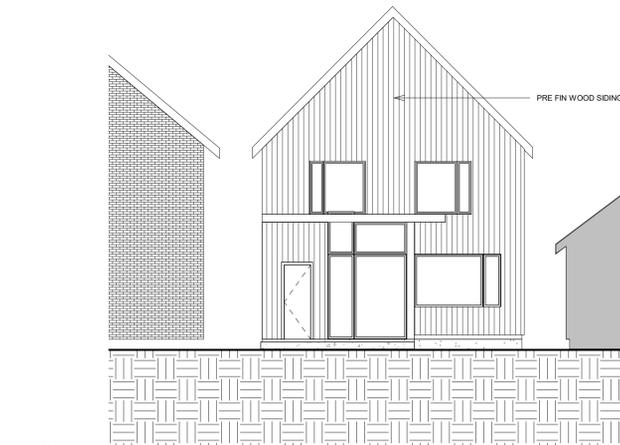
6 WEST ELEVATION HOUSE+ADDITION  
1/8" = 1'-0"



4 Level 2\_HOUSE+ADDITION\_VARIANCE  
APPLICATION  
1/8" = 1'-0"



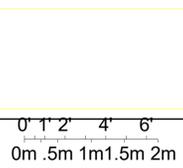
3 Level 1\_HOUSE+ADDITION\_VARIANCE  
APPL  
1/8" = 1'-0"



1 NORTH ELEVATION\_HOUSE+ADDN\_VARIANCE  
APPL  
1/8" = 1'-0"



2 South  
1/8" = 1'-0"



Revisions:

No.	Item	Date

THESE DRAWINGS ARE FOR REPRESENTATION PURPOSES ONLY. ALL DIMENSIONS AND ELEVATIONS MUST BE VERIFIED ON SITE.

**harrisonarchitecture Inc**  
6 ANCASTER ST.  
E. DUNDAS, ON  
L9H 4K3

Project: 21.02 KONSTANTY RENOVATIONS+ADDITION

Drawing Title:

**22 CHATHAM HOUSE+ADDITION PLANS+ELEVATIONS**

Date: Drawn By:  
Scale: Checked By:

**SKV\_5.4**



Hamilton

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

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

### APPLICATION FOR A MINOR VARIANCE

<b>FOR OFFICE USE ONLY.</b>	
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	
Registered Owners(s)	Katherine Konstanty and Michal Konstanty	
Applicant(s)*	Katherine Konstanty and Michal Konstanty	
Agent or Solicitor	Chris Harrison harrisonarchitecture Inc	

**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:  
Bank of Nova Scotia  
999 King St W  
Hamilton, ON  
L83 1K9

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:
- 4.1 Recognise existing setback along west side permit setback of .36m for proposed addition setback
  - 4.2 Recognise existing front setback of 2.66m(unchanged with proposal)
  - 4.3 Permit reduced set back of .61m for east and west sides of proposed SDU
  - 4.4 Permit increased gross floor area of 80m<sup>2</sup> for proposed SDU
  - 4.5 Permit increased building height of 6.90M for SDU
5. Why it is not possible to comply with the provisions of the By-law?
- 5.1 extending the existing house is most efficient working with the existing footprint and setback.
  - 5.2 existing porch blocks light to living area-roof to be revised
  - 5.3 SDU required for multi generational housing(in law suite)
  - 5.4 additional floor area is required for the accomodation of owner's grand parent who faces mobility challenges.
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**):
- 22 Chatham St (principal property)  
 Part of Lots 92 and 93, Block 'F'  
 Registered Plan 253  
 additional lot fronting on Laneway  
 Part 1, Block 'F' Registered Plan 253

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?  
In person observation and owners knowledge of living in the neighbourhood

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.

MAY 12, 2021  
Date

  
Signature Property Owner

MICHAŁ KONSTANTY / KATHERINE KONSTANTY  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 30.15 ft / 9.19m  
Depth 100' + 48.67' = 148.67' / 45.315m  
Area 4482.4 sf / 416.58m<sup>2</sup>  
Width of street 9m(Chatham - estimated) + 3.65m (laneway-survey )

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: Ground Floor Area: 56.48m<sup>2</sup>  
Gross Floor Area : 113.96m<sup>2</sup>  
1 1/2 stories  
5.59m W  
7.29m L  
6.0m H

Proposed Ground Floor Area: Add'n:68.4m<sup>2</sup> + SDU:27.2 m<sup>2</sup> = 95.63m<sup>2</sup>  
Gross Floor Area : Add'n:119.32m<sup>2</sup> + SDU :80.00m<sup>2</sup> = 199.32m<sup>2</sup>  
2 stories(Add'n and SDU)  
Add'n:7.48m W SDU: 7.92m W  
Add'n:11.3m L SDU: 6.7m L  
Add'n:9.85m H SDU:6.92m H

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:2.66M  
WEST: .25M  
EAST 3.98M  
REAR 35.76M

Proposed: FRONT: 2.66M  
WEST-ADD'N: .37M WEST-SDU: .61M  
EAST-ADD'N :1.52M  
EAST-SDU: .61M  
REAR-ADDN: 22.76M  
REAR-SDU:1.22M ♦

13. Date of acquisition of subject lands:  
12 DECEMBER 2012
- 
14. Date of construction of all buildings and structures on subject lands:  
EST 1890
- 
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:  
100 YEARS+
18. Municipal services available: (check the appropriate space or spaces)
- |                |     |           |     |
|----------------|-----|-----------|-----|
| Water          | YES | Connected | YES |
| Sanitary Sewer | YES | Connected | YES |
| Storm Sewers   | YES |           |     |
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:  
D URBAN PROTECTED
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.