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Keeping the Peace

A Common Sense Approach to Zoning Bylaws

Ken Bekendam B.A.BUSCOM, L.T.

www.legalsecondsuites.com

www.wyseconstruction.ca



Who is Ken Bekendam?

- Solo Dad to a 6 year old boy
- Designer, Consultant, Contractor, Housing Advocate
- Alpaca Farmer
- Complete approx. 140-150 intensification projects each year. Approx 250 + housing units per year
- Complete projects in over 35 municipalities
- Owner/Founder of King Homes Inc. A full service design/build contractor specializing in multi-family conversion and intensification projects.
- Co-Founder of Wyse Construction Group.
- Co-Founder of BlackBox Property Management



Goals for Today's Discussion

1. To make your lives easier and more enjoyable (stress free)
2. Share real life examples of how outdated zoning bylaws:
 - A. Waste city resources (staff time)
 - B. Destroys neighbour to neighbour relationships
 - C. Causes emotional distress to everyone involved (staff, consultants, property owners, residents)
3. Common Sense vs Outdated Zoning Bylaws

Real Estate

Angry NIMBYs are making Canada's housing shortage worse with campaigns to block developments

One such uproar over a lot division shows why market is almost certain to get even pricier in 2022 and beyond



Bloomberg News
Ari Altstedter

Dec 21, 2021 • December 21, 2021 • 5 minute read • 49 Comments



Homes in the St. Andrew-Windfields neighbourhood of Toronto, Ontario, Canada, on Monday, Dec. 6, 2021. PHOTO BY COLE BURSTON/BLOOMBERG

A proposal to turn one house into two is all it took to transform the quiet Toronto neighbourhood of St. Andrew-Windfields into a battlefield.

LOCAL NEWS

Proposed Hamilton Mountain garage conversion draws wrath of neighbours

Homeowner might not proceed if no buy-in from community



By **Mark Newman** Reporter
Tue., Feb. 8, 2022 • 3 min. read
Article was updated Feb. 28, 2022

Set Hamilton Mountain



STAR COLUMNISTS

OPINION

Never mind the righteous anger — the NIMBY fight against affordable housing proposed for Willowdale is downright unchristian

Neighbours of the proposed development object because the pope slept at the Bayview location, among other reasons.

By **Emma Teitel** City Columnist
Tue., May 31, 2022 • 4 min. read





[Home](#) » [News Centre](#) » [Re: Residents angry over housing project](#)

Re: Residents angry over housing project

Letters to the Editor

The Toronto Star

1 Yonge Street

Toronto ON

M5E 1E6

Dear Editor:

The Ontario Human Rights Commission has identified discriminatory NIMBY "Not in My Back Yard" opposition as a human rights concern and a major barrier to the development of much needed affordable and supportive housing.

Questions about land use are a legitimate part of the planning process. However, meetings that allow people to determine who lives in their neighbourhood are another matter.

Persons and groups identified under the Ontario *Human Rights Code* should not have to ask permission from prospective neighbours before moving in. Efforts to keep out persons with disabilities, including mental illness, are no less offensive than preventing racialized persons from moving into a neighbourhood.

One in five Canadians will experience mental illness and yet be good citizens and good neighbours in every community across the province. There is no place for assuming a link between mental illness and criminality. I applaud Councillor Mammoliti for his efforts as chair of the affordable housing committee to prevent such stereotyping of persons with mental illness.

Yours truly,

Barbara Hall, B.A., LL.B, Ph.D (hon.)

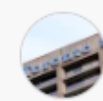
Chief Commissioner



EDITORIAL

City is right to say no to NIMBYism and push ahead on shelters

The uproar over the City of Toronto's plan to turn a former rug shop in the Annex into an emergency shelter is entirely predictable – and the city is entirely right to push ahead despite the blowback.



By **Star Editorial Board**
📅 Mon., Jan. 29, 2018 | ⌚ 3 min. read

[f](#) [🐦](#) [✉](#) [in](#) [🔗](#)



Why do we do this to ourselves?



Ken Bekendam <kenbekendam@gmail.com>

July 6 Committee of Adjustment Meeting

Tue, Jul 5, 2022 at 7:14 PM

I also received a phone call from another resident who was VERY upset. He was incredibly rude, swore at me and threatened (me) twice. He didn't not provide written comments but will be attending the meeting tomorrow.

I am going to advise Security that this meeting could potentially get more heated than usual.

The chair is going to give everyone a 5 minute cap to speak. Please do your best to be concise and stick to the important messages. I will do my best to cover the policy angle, which I believe has a strong rationale for support. I

Example #1

38 Rendell Blvd, Hamilton

- Existing Single Family
- Proposed 2 Units in Principal Building
- Proposed 1 Unit in Existing Garage

1 Variance required

Reduction from 3 required parking spaces to 2 parking spaces

(Property located within 120m of HSR bus stop)

Variances 1

The applicant is seeking to reduce the required minimum number of parking spaces for a single detached dwelling **from three spaces to two spaces**. The intent of the provision is to ensure that there is sufficient parking for residents in order to minimize on-street parking.







Professional City Planning Staff Recommended **APPROVAL**

The subject land is along HSR Bus Routes and within 120 metres of a bus stop. Therefore, the proposed SDU will have potential to increase the use of transit by discouraging car ownership. **Staff are of the opinion that the reduction of one parking space is minor in nature and will not result in increased on-street parking.**

Recommendation:

Having regard for the matters under subsections *45(1) of the Planning Act*, staff is satisfied that the proposed reduction in the required parking will have no adverse affect on the surrounding lands and streetscape. Staff is also satisfied that the purpose and intent of the Urban Hamilton Official Plan and Zoning By-law is maintained, that the variance is desirable for the appropriate development of the land and is minor in nature.

Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **Approved.**

Let's ask Mr. & Mrs. Smith who live 10 doors down, 2 streets over and are the original owners of their 1950's bungalow what their opinion is....

ay no to NIMBYism and push ahead

urn a former rug shop in the Annex into an emergency shelter is entirely predictable – and the city is
ack.

ead

Stressful on everyone!

38 RENDELL BLVD.

PETITION TO STOP GARAGE CONVERSION TO SECONDARY RENTAL UNITS

We the residents of HIGHVIEW community are strongly opposing the variance for 38 Rendell Blvd. The conversion of 38 Rendell to a duplex and secondary residence (garage conversion) will cause not only parking issues but also loss of green space.

We are strongly opposing this garage conversion not only because of parking but also because it will destroy the dynamics of the area and several surrounding neighbours privacy. We have all purchased in this area due to comfortable lot size and privacy. Allowing this garage conversion will destroy that. Also it will reduce the value of our homes. Why were the residences in the area not notified of BY-LAW changes prior to them being implemented?

When the garage is converted to a secondary unit where will the tenants store their snow shovels, lawnmower, gardening, tools etc.? Will they now build a large shed further reducing green space or store them in a closet in the rental unit?

There is also another by-law that the city should be enforced for this property. The by-law states that there needs to be a 1.2-meter setback from the rear and side of the secondary dwelling. The garage is currently .65 meter from the rear and .73 from the side. Another variance will be needed before proceeding.

There are two houses duplexed in the area not far from 38 Rendell. In the first duplex five people live in one unit and three in another. In the second duplex there are two people in one unit and three in the other. There are six additional cars on the street. Keep in mind if they were converting a garage as well, more cars. This is a good scenario of what will happen at 38 Rendell Blvd. The days of single car families are gone.

Is this the answer to our housing shortage? Can't our city come up with a more suitable plan? Part of the reason housing prices are soaring is because these investors are out bidding families who are trying to purchase a house.

By letting this variance go through is opening the floodgates for several other properties in the area to do the same. This property has been kept up due to the single-family tenants that had been in that rental for several years, not by the non-occupied owners. This property we can say will not be kept up as it has been. With three families living here. You only need to take a walk in the summer; you can tell which houses are duplexed rentals, as they are not kept up. Please don't allow this secondary conversion to take place.

WE ARE STRONGLY OPPOSING THIS PROPOSAL!!!

Please help us stop these garage conversions.

Here is a signed petition by several neighbours in the area who are strongly opposing these garage conversions.

Ryan Lee 32 NANCY ST.
2141 BRIDGE 36 NANCY ST. HAMILTON

WE THE RESIDENCE OF HIGHVIEW COMMUNITY ARE OPPOSING THE VARIANCE FOR 38 RENDELL BLVD. AND CONVERSION OF A GARAGE TO A SECONDARY DWELLING UNIT - DETACHED IN THE REAR OF THE YARD ON A RESIDENTIAL PARCEL OF LAND SIGNED;

Emily Stief 10 Mulock Ave, Hamilton
Carol Johnson 3 Mulock Ave, Hamilton

Brian Huthorn 55 EVERTON PL. HAMILTON
Gale Del Zotto 21 Rendell Blvd Hamilton
Genas Lee

Rick + Debbie Mancini - 47 EVERTON PLACE

Michelle Wilson 101 SUNNING HILL

Sandra Snyder 58 EVERTON PL.
Nancy Richards 109 Sunning Hill

Barbara Dean 105 Sunning Hill
17 Rendell Blvd

Emily Stief 10 Mulock Ave, Hamilton
Carol Johnson 3 Mulock Ave, Hamilton

Brian Huthorn 55 EVERTON PL. HAMILTON
Gale Del Zotto 21 Rendell Blvd Hamilton
Genas Lee

Rick + Debbie Mancini - 47 EVERTON PLACE

Michelle Wilson 101 SUNNING HILL

Sandra Snyder 58 EVERTON PL.
Nancy Richards 109 Sunning Hill

Barbara Dean 105 Sunning Hill
17 Rendell Blvd

32 NANCY ST.
21 NANCY ST

Barry Ladeau 44 EVERTON PL.
Boris Ladeau 32 EVERTON PL.
17 NANCY ST.

John Ladeau 15 EVERTON PL.
John Ladeau 15 EVERTON PLACE

Brian Lee 14 EVERTON PL. (Brian)

Clare Wood 12 EVERTON PLACE

Paul + Roberta Ladeau 27 RE

101 SHARON AVE

65 SHARON AVE

Marie Conetobio 44 EVERTON PLACE

Rim + Sharon Bay 48 EVERTON PLACE

Tom + Kelly 56 EVERTON PLACE

Stewart

Smith + Tom 21 EVERTON PL.

149 EVERTON PL.

13 EVERTON BLVD.

94 Sunning Hill

10 NANCY ST.

NAME	ADDRESS	SIGNATURE
Don Wilson	35 Nancy	Don Wilson
Paul Ladeau	32 EVERTON PL.	Paul Ladeau
David Ladeau	32 EVERTON PL.	David Ladeau
Tania Walsh	39 Green Meadow	Tania Walsh
Diana Wilson	32 Green Meadow	Diana Wilson
Brian Wilson	32 Green Meadow Rd.	Brian Wilson
Stewart Wilson	91 SHARON AVE	Stewart Wilson
Henry McLeod	91 Sharon	Henry McLeod

NAME	ADDRESS	SIGNATURE
LAURE JARVIS	50 RENDELL BLVD HAM	Laure Jarvis
LENOX JARVIS	50 RENDELL BLVD HAM	Lenox Jarvis
RITA MURPHY	31 NANCY ST HAM	Rita Murphy
STONE SUTTON	47 NANCY ST HAM	Stone Sutton
HOPE SUTTON	47 NANCY ST HAM	Hope Sutton
Dave Good	60 Nancy St.	Dave Good
Diana Delina	50 Nancy St	Diana Delina
Frank Tole	109 EVELL BLVD	Frank Tole
Anna Seaford	109 Rendell Blvd	Anna Seaford
Don Crooks	95 Rendell Blvd	Don Crooks
Mike Spaulding	54 Rendell Blvd	Mike Spaulding
ANGELA STRAUHAN	54 Rendell Blvd	Angela Strauhan
DAVID WARDROUGH	53 RENDELL BLVD	David Wardrough
BILLY PYTE	36 NANCY ST.	Billy Pyte
CHRIS LEE	32 NANCY ST.	Chris Lee
John Ladeau	15 EVERTON PL.	John Ladeau

Variance was **denied** in a 9-0 vote
On March 17th, 2022

Despite staffs full recommendation for
approval and meeting the 4 tests

Article published in the Hamilton Spectator

A relatively easy planning
decision turns **POLITICAL**
under pressure

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LOCAL : LIFE

Hamilton committee of adjustment denies variance for east Mountain garage conversion

Issue headed for Local Planning Appeal Tribunal

MOUNTAIN News. By [Mark Newman](#) Reporter
Mon., March 21, 2022 | 2 min. read [Set Hamilton Mountain as My Local news](#)

[f](#) [t](#) [e](#) [in](#) [o](#)



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HearingLife

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Taking control of tinnitus for a happier, healthier life

The unexpected benefits of healthy hearing

The life-changing impact of

Chalk one up for the residents in the Highview community on the east Mountain

83 Days later....on June 8th 2022

Planning Committee approves amendments to the Zoning By-Law

Authority: Item 5, Planning Committee
Report: 22-009 (PED20093(c))
CM: June 8, 2022
Ward: City Wide

Bill No. 137

CITY OF HAMILTON
BY-LAW NO. 22-137

To Amend Former City of Hamilton Zoning By-law No. 6593, Respecting Modifications and Updates to Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C, did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 5 of Report 22-009 of the Planning Committee at its meeting held on the 8th day of June, 2022, which recommended that Zoning By-law No. 6593, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, Hamilton-Wentworth Regional Official Plan and City of Hamilton Official Plan;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That SECTION 18: SUPPLEMENTARY REQUIREMENTS AND MODIFICATIONS, be amended by adding the following clause to Subsection 18.(4) (i):

"A. For the purposes of Section 19.(1).2, a Secondary Dwelling Unit – Detached, shall not be considered an accessory building."



**A common sense by-law
was finally enacted...but it
took destroying a
neighbourhood to get it
done.**

2. That SECTION 19: RESIDENTIAL CONVERSION REQUIREMENTS be amended by deleting Section 19.(1) in its entirety and replacing it with the following regulations:

"19.(1) Secondary Dwelling Unit and Secondary Dwelling Unit – Detached in all Residential Districts and "H" (Community Shopping and Commercial, etc.) District

- (i) For the purposes of Section 19.(1), the following definitions shall apply:
 - (a) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
 - (b) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
- (ii) Parking shall be provided in accordance with Section 18(A) of this By-law and the following:
 - (a) **No additional parking space shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained;**
 - (b) Notwithstanding Section 18A.(14a) and 18A.(14h) (i), a **maximum of two parking spaces for a Secondary Dwelling Unit and/or Secondary Dwelling Unit - Detached may be provided in the required Front Yard;** and,
 - (c) In addition to Section 18A.(31), the surface of a parking space and access driveway **may include permeable pavers.**

Example #2

309 Nelson St, Brantford

- Existing Single Family 1.5 Storey
- Proposed second storey addition
- 3 units total

1 Variance required

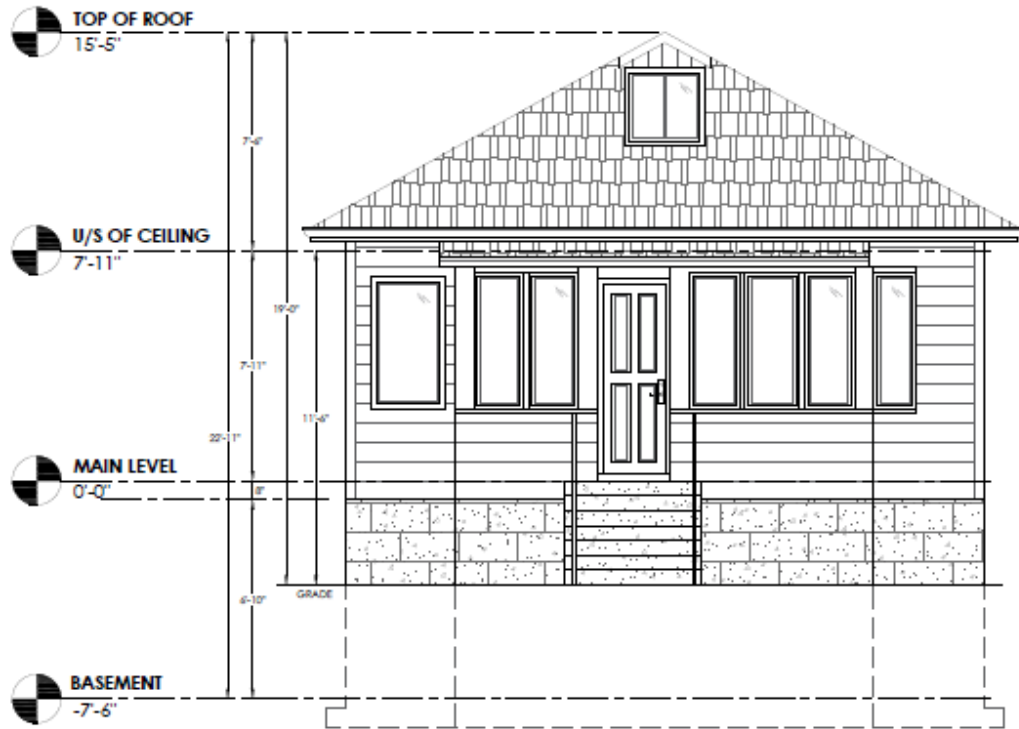
Increase the GFA by 100% whereas the bylaw permits 50%

(if this was a single family home, would be permitted to go to 3 storeys high “as of right”)



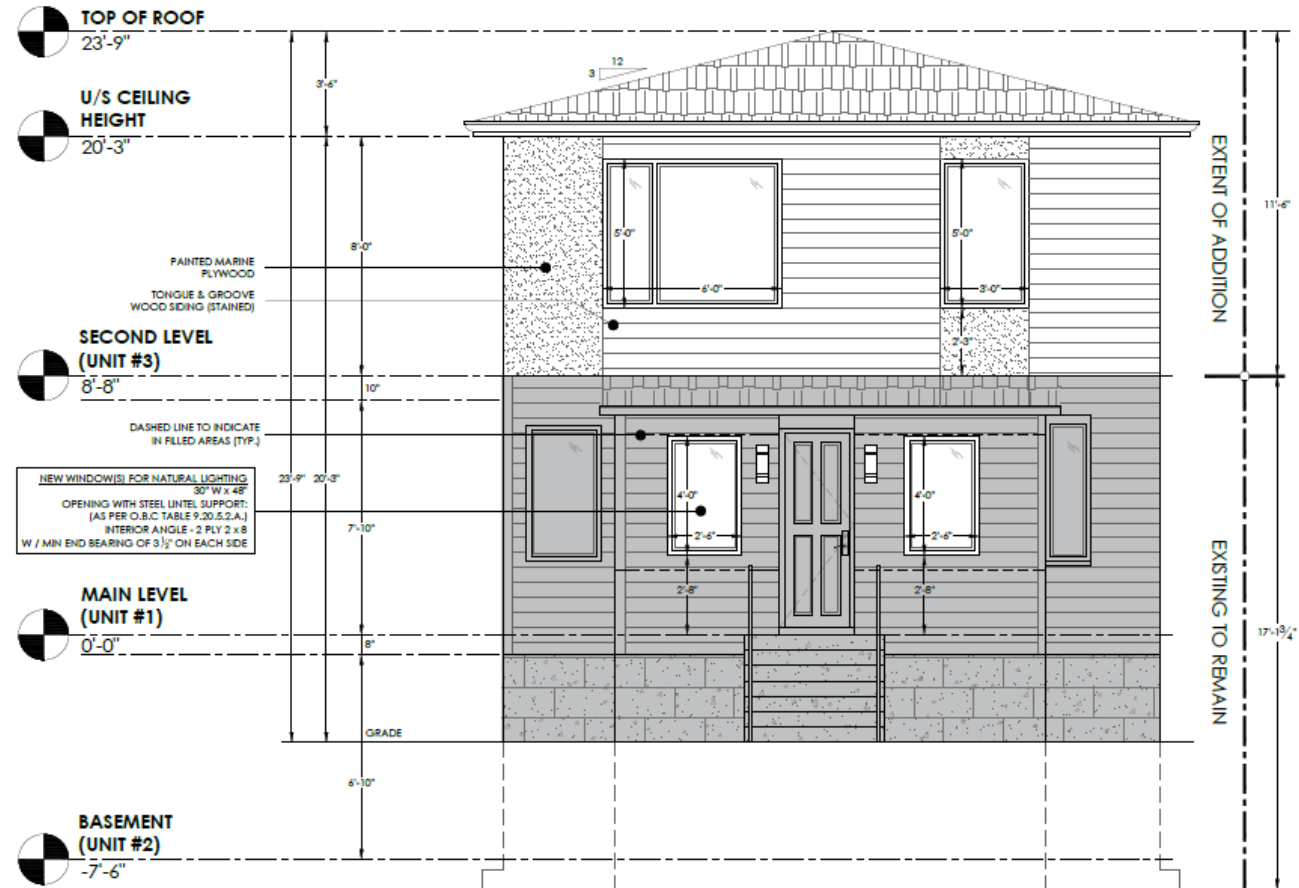
To facilitate the development, the applicant is requesting relief from Section 7.8.2.1.12.1 to permit a 100% increase of the gross floor area (GFA) of the building which existed at the date of passing of this by-law for the expansion of a building to be used for the purpose of a converted dwelling, whereas a 50% increase is permitted.

EXISTING



1 EXISTING SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

PROPOSED



- A. THAT Application A16/2022 seeking relief from Section 7.8.2.1.12.1 of Zoning By-law 160-90 to permit a 100% increase of the gross floor area of the building which existed at the date of passing of this by-law for the expansion of a building to be used for the purpose of a converted dwelling, whereas a 50% increase is permitted **BE APPROVED;** and
- B. THAT the reason(s) for approval are as follows: the proposed variance is in keeping with the general intent of the Official Plan and Zoning By-law, the relief requested is considered minor in nature and is desirable for the appropriate development and use of the land; and

It is not just Planning staff who are involved in reviewing variance applications....

- Development engineer staff**
- Transportation staff**
- Environmental Services staff**
- Building Department staff**
- and many more!**

How many staff hours are spent on reviewing variance applications that involve out dated zoning bylaws??

Let's ask Mr. & Mrs. Smith who live 10 doors down, 2 streets over and are the original owners of their 1950's bungalow what their opinion is....

ay no to NIMBYism and push ahead

urn a former rug shop in the Annex into an emergency shelter is entirely predictable – and the city is
ack.

ead

Hi Ken,

Further to my previous emails, we just received a petition opposed to your application. Below is the blurb at the top of the petition. It currently contains 24 signatures.

To: The City of Brantford – Committee of Adjustment

Re: File No A16/2022 - 309 Nelson Street, Brantford

We the undersigned **oppose** the requested variance for relief from Section 7.8.2.1.12.1 to permit a 100% increase of the gross floor area to facilitate a three unit building at 309 Nelson St. We consider this a 'major' and not a minor variance. We are predominantly a neighbourhood of single family homes and some two unit homes built within the confines of the original structures. We have invested in and take pride in our homes. This proposed variance is to make an 'investment property' viable, a property that is not the investor's home. Although 3 units are allowed under zoning bylaws for our area it does not mean that this 3 unit is appropriate for 309 Nelson, nor does it mean that adding another full story is appropriate to turn what was a small home into a 3 unit apartment building. The proposal will make a profit for the investor(s) but will detract from our neighbourhood of character homes. We ask that the Committee of Adjustment protect our investments in our neighbourhood and our homes and not enhance the portfolio of one individual investor(s) by granting this variance.

JORATHAN PETT	21 WINCHESTER	905-920-4787
Dia Bishop	21 Winchester	416-435-8538
A. Scott	143 Fernwood	905-387-1117
R. monajimzadeh	140 Fernwood	289-232-3824
M. Traune	144 Fernwood	905-303-6011
S. Penner	154 Fernwood	905-741-6364
J. Corrao	158 Fernwood	905-741-6314
Kim Schwartz	177 Fernwood	289-388-0753
Carl Chambers	178 Fernwood	905-382-1214
Dell	189 Fernwood	905-388-0561
Mike Nischeke	193 Fernwood	905-388-3727
April Ryder	205 Fernwood	905-929-5785
Deb Deans	205 Fernwood	905-923-7729
Gloria Clark	29 Fernwood	905-308-5689
Carol Moores	781 Tenth Ave.	905-385-9991
Jan Neat	781 Tenth Ave.	905-572-0264
Cheryl Hynes	19 Winchester	905-402-1597
Erin McKinnell	50 Winchester	905-385-5932
Kevin Gormley	92 WISE CRES.	905-519-3188
Frances Hynes	208 Clifford Ave.	289-489-9741
Nyrrisa Hynes	203 Belmont Ave.	289-808-5764
Aileen Abrantes	602 Ninth Ave.	289-441-2207
Mary Campbell		
Kathy Balloch		

July 5, 2022

To: The Committee of Adjustment

Re: File No A16/2022

I want to thank the Committee of Adjustment for allowing us to speak to this request for a variance, File No A16/2022, to allow the addition of a second floor to an existing vintage bungalow in order to facilitate the building of a full two-story triplex apartment building.

The neighbours of 309 Nelson St, as evidenced by our petition submitted previously, are asking you to deny this application for a variance. Our realtor has advised that our property values will decrease if this variance is approved and a triplex built. For many of us, our homes are our only investment. Mr. Bekendam states online that he and his companies have been involved in over 50 investment properties.

Mr. Bekendam further states on Facebook that 'either I'm doing something right or I'm doing something wrong when I upset 100s of neighbours with my applications'

Declining property values were not the only concerns raised by neighbours about this proposed two-story three-unit apartment building. Quality of life is also a concern.

Parking space was top of mind for many of the immediate neighbours on Nelson St, where parking is already an issue for many, and in particular those with mobility issues and disabilities. The proposed property will contain 3 units incorporating 7 bedrooms. This potentially means that 14 people and their cars will have to find a place to park beyond the 3 parking spots provided for in the plan. The 3 parking spots themselves are also an issue as this leaves little yard space for the enjoyment of the tenants or for curb appeal. There are no back decks or front porches so that tenants can enjoy our neighbourhood. There were also concerns brought forward regarding who will be tending the yard and garden as well as shoveling the sidewalks on this corner lot. We have many walkers in our neighbourhood.

The mature maple tree in the remaining side yard was also of concern to many. It is unlikely that a second story could be added to the existing house without removing all or substantially all of this incredible tree. Neighbourhoods are not just made of brick and mortar. The trees in our neighbourhood greatly contribute to its enjoyment and appeal.

Many were also concerned by the design of the triplex. Our neighbourhood is comprised mostly of character homes from the turn of the last century through the late 1930s and early 1940s. They have gables and dormers and interesting doors, leaded glass windows, shutters, and trim and many have expansive front porches. The proposed triplex is a box and in no way resembles a home and certainly does not resemble or complement any of the homes in our neighbourhood.

Additionally, most of the houses in our neighbourhood are bungalows and one and a half story homes. This proposed triplex is a full two story building. It will shade out neighbour's gardens, loom over bungalows and neighbouring houses and stand out because it will look nothing like the other homes in our neighbourhood.

Many of the neighbours were also concerned that if the variance is approved that there would be egress windows from the basement unit that meet fire safety code. We are a caring bunch. We are a diverse neighbourhood that watches out and takes care of one another.

And the question on everyone's mind was 'What comes next'. Does allowing this conversion mean that every bungalow in our neighbourhood can be turned into a two story triplex box? It is already an issue that people trying to enter the housing market by purchasing these starter homes are being priced out by investors who bid up these small houses looking for a profit, rather than a home. When Mr. Bekendam appealed for investors for 309 Nelson on Facebook he stated that he would turn 309 Nelson from a single family home to a four-plex conversion, later stating that he would add two floors. Is this variance request simply a stepping stone to building a three story four plex?

Mr. Bekendam talks a good line on social media when variances are declined, about wanting to provide affordability and housing options and homes for the homeless. But density does not equal affordability. It may however equal higher profits for investors.

Mr. Bekendam states again on social media that there is an epidemic of NIMBYism (not in my back yard ism) and that there should be less public input in housing decisions. I don't see any public good that is being prevented from denying this variance. I also don't imagine that Mr. Bekendam proposes his high density investment properties in his investor's backyards. This variance is being requested for Mr. Bekendam's investors to make money, plain and simple. Everyone should be concerned with what is going on in their backyard and in their neighbourhood and their community. In fact we should all be concerned when developers go against the wishes of the neighbours of the development no matter what or where that neighbourhood is. I am sure that Mr. Bekendam cares about what goes on in his own back yard and his own neighbourhood.

I would like to thank the Committee of Adjustment for allowing me the time to speak on behalf of my family as well as my neighbours regarding this proposed Variance Application. I hope that the applicant Mr. Bekendam will not shame us on line for exercising our rights to speak to you, as he has shamed other home owners who voiced their opposition to his investment projects to Committees of Adjustment. Neighbours also have the right to organize. Organized neighbours mean a close-knit community, the kind that we all want to live in. I also hope that Mr. Bekendam doesn't call for the Committee's member's removal as he did the Committee of Adjustment members in Hamilton.

Although I love to talk to my neighbours it was sad to talk to them over the past few days. Everyone I spoke with disagreed with the proposed variance, and also felt defeated. They felt that this was a done deal. Many neighbours were shocked that they hadn't received a copy of the proposal. Most felt that they did not have a voice and that they would not be listened to. Many felt that 'money will win'.

Thank you for hearing us. We very much appreciate it. Please do not approve this variance. Many hardworking Brantford residents are counting on you to stand up for us.

Respectfully submitted,

To: The City of Brantford – Committee of Adjustment

Re: File No A16/2022 - 309 Nelson Street, Brantford

We the undersigned **oppose** the requested variance for relief from Section 7.8.2.1.12.1 to permit a 100% increase of the gross floor area to facilitate a three unit building at 309 Nelson St. We consider this a 'major' and not a minor variance. We are predominantly a neighbourhood of single family homes and some two unit homes built within the confines of the original structures. We have invested in and take pride in our homes. This proposed variance is to make an 'investment property' viable, a property that is not the investor's home. Although 3 units are allowed under zoning bylaws for our area it does not mean that this 3 unit is appropriate for 309 Nelson, nor does it mean that adding another full story is appropriate to turn what was a small home into a 3 unit apartment building. The proposal will make a profit for the investor(s) but will detract from our neighbourhood of character homes. We ask that the Committee of Adjustment protect our investments in our neighbourhood and our homes and not enhance the portfolio of one individual investor(s) by granting this variance.

COMMITTEE OF ADJUSTMENT DECISION OF THE COMMITTEE

File Number: A16/2022
Related File Numbers: N/A
Address: 309 Nelson Street
Roll Number: 2906040010253000000
Applicant/Owner: Ken Bekendam
Owner: King Management Group Inc.

IN THE MATTER OF AN APPLICATION FOR VARIANCE MADE UNDER SECTION
45 OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 13 as amended:

PROPOSAL:

A minor variance application has been received for the lands municipally addressed as 309 Nelson Street. The applicant is proposing to convert the existing single detached home into a 3 unit converted dwelling by adding a unit in the basement and constructing a 2nd storey addition with a 3rd unit. The existing footprint will remain unchanged and the existing sheds are proposed to be removed. The existing driveway off Nelson Street will remain and contain 1 parking space and an additional driveway is proposed off Aylmer Street which will contain 2 parking spaces for a total of 3 parking spaces.

To facilitate the development, the applicant is requesting relief from Section 7.8.2.1.12.1 to permit a 100% increase of the gross floor area (GFA) of the building which existed at the date of passing of this by-law for the expansion of a building to be used for the purpose of a converted dwelling, whereas a 50% increase is permitted.

DECISION: **APPROVAL**

DATE: July 6, 2022



Unfortunately.....this outdated zoning bylaw from the 1950s still exists and will only cause more stress in these neighbourhoods until a common sense zoning bylaw is enacted

That's GREAT Ken....we already know there are issues with our outdated zoning by-laws....But what should we do??

To keep the peace in our communities....

1. Planning staff, along with experts in the industry....must **collaborate** and **IDENTIFY** outdated zoning by-laws that are the **SOURCE** of conflict.
2. These amendments to the zoning by-laws need to be **SWIFT** and not drag on for multiple years....time is of the essence
3. Small amendments can be made and approved by Planning Committee at monthly meetings....the average resident is not attending these

Common Sense vs Outdated Zoning Bylaws

*****More specific to SDU's, Tiny Homes, Laneway Houses*****

These are common sense and are easy to work with

These are outdated and trigger a lot of minor variances

	Common Sense Bylaws (maintains PEACE)	Outdated Bylaws (causes CONFLICT)
Side Yard Setback	0.6m (24") or 1.2m (48")	3m (10')
Rear Yard Setback	0.6m (24") or 1.2m (48")	7.5m (25')
Parking #	1 space or 0 spaces	2 spaces per unit (reduces green space)
Parking size	2.6m x 5.2m or 2.7m x 6m	3m x 6.8m
Parking arrangement	Tandem permitted, 2 in front yard	unobstructed, only 1 in front yard (reduces green space)
Unit Size	no min size (must meet OBC minimums still)	70sqm, 40% of gross GFA (wastes space, awkward layouts)
Lot Size, Area, Frontage	Existing lot complies	Need to comply with current lot size, area, frontage
Basement vs Cellar	Basement/Cellar must meet min. OBC heights	Only permitted in "Basements"not "Cellars" by definition
Detached Unit in Garage	100% living space permitted	Must maintain a vehicle space
Unit above a Garage	Unit permitted above a garage	Unit not permitted above a garage
Increased GFA of 50%	100% permitted (to allow second storeys)	50% permitted
Landscaped Area	50% min, permeable pavers permitted	50% min, no permeable pavers
Height	6m (permits two storey)	4m (restricts to one storey)
New Additions	can maintain existing setbacks of building	need to meet new setbacks
1m unobstructed pathway	gates, driveways, vehicles are not obstructions	gates, driveways, vehicles are considered obstructions

Download the Interactive Checklist



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Q&A