

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Sheryl Rice Menezes, Senior Planning Technician,
519-783-8944

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: March 6, 2025

REPORT NO.: DSD-2025-126

SUBJECT: Minor Variance Application A2025-026 – 250 Frederick St

RECOMMENDATION:

That Minor Variance Application A2025-026 for 250 Frederick Street requesting relief from the following sections of Zoning By-law 85-1:

- i) Section 6.1.2 a) to permit a parking requirement of 117 parking spaces instead of the minimum required 140 parking spaces; and
- ii) Section 6.1.2 b) vi) to permit 8 visitor parking spaces instead of the minimum required 28 parking spaces;

to facilitate the development of four (4) additional dwelling units in an existing multiple dwelling having 108 units, for a total of 112 units, generally in accordance with Site Plan Application SP24/032/F/SRM, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to permit the conversion of common amenity space on the top floor of a high-rise apartment building to be converted into four residential dwelling units with reduced parking requirements for overall parking and visitor parking spaces.
- The key finding of this report is that the requested minor variances meet all the four tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.



Figure 1: Aerial photo

BACKGROUND:

The subject property is located at the intersection of Frederick and Gordon Streets.

It is identified as 'Community Area' on Map 2 – Urban Structure and is designated 'High Rise Multiple Residential' in the Central Frederick Neighbourhood Plan in the City's 1994 Official Plan.

The property is zoned 'Residential Nine Zone (R-9)' in Zoning By-law 85-1.

The purpose of the application is to permit two variances for parking to enable the conversion of existing common space on the top floor (17th floor) to four dwelling units. The common space is on the 17th floor, the top floor, and was originally designed as recreation area with a sauna room and a hobby room. The owner would like to use these unutilized vacant rooms to provide additional rental dwelling units for the community. It is noted that the basement and parking levels in the building have storage lockers and laundry facilities.

Site Plan Application SP24/032/F/SRM has received '*Conditional Approval*' for the four proposed additional dwelling units. The plan was primarily prepared to identify the required Visitor and Barrier Free parking spaces. The conditional Site Plan drawing, as well as two levels of underground parking garage plans, are attached to this staff report.

The owner previously applied for the same parking variances at a previous Committee of Adjustment meeting, July 16, 2024. Previous staff report, DSD-24-322, supported the parking variances. However, delegates attended the meeting with concerns. The Committee ultimately refused the application.

Staff visited the site for this 2025 application on February 28, 2025.

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The intent of the High Rise Multiple Residential designation in the Central Frederick Neighbourhood Plan is to acknowledge and permit the existing Acadian Apartment on the subject land. Multiple dwellings more than 200 units per hectare are permitted. The maximum floor space ratio is 4, with the above grade gross floor area not exceeding 4 times the lot area. As the building area is existing floor area, the residential conversion of space is permitted and will meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the parking requirement is to ensure sufficient parking spaces are available for residents and visitors of the building. It is noted that minor variance A209/86 (1986) granted permission for 107 units to have 106 parking spaces (under Bylaw 4830). Then in 2012 (Bylaw 85-1), one additional unit was added for a total of 107 spaces required. There were 117 spaces provided at that time as well.

The current zoning, 'R-9', is within By-law 85-1 which has existed since 1994 on this property. This zoning requires the proposed total of 112 dwelling units to have 140 parking spaces (1.25 parking spaces per dwelling unit) and 28 visitor parking spaces (20% of the required parking). It is noted that the property will be rezoned in the future into the newest City Zoning By-law 2019-051.

In the new by-law, 2019-051, the parking requirement for 112 units would be 1 space per dwelling unit resulting in 112 spaces being required; as well as 12 visitor parking spaces for a total of 124 required parking spaces. This is substantially less parking than currently required and is closer to the 117 spaces proposed in the Site Plan.



Figure 3: View of property from street.

Currently, there are no visitor parking spaces on site as this was not a requirement when the building was constructed in 1968. By providing eight visitor spaces on the surface outside the property will ensure demarcated and dedicated parking spaces for visitors. Staff note that the property is one block from the Strategic Growth Area which has no minimum parking requirement. The property is on a bus route and just outside the 800 metres to an LRT station. Transportation Planning staff support the proposed parking variance.

It is noted that 5 barrier-free parking spaces are required (under both by-laws) and that 5 barrier-free spaces are proposed. There is no variance required for these spaces. Accordingly, the variances will meet the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

As noted above, the proposed parking reduction is closer to what will be required when the property is rezoned under By-law 2019-051 which would be 124 spaces. The property is close to public transportation and within walking distance to the city's downtown area. The owner has also noted on the Site Plan that vertical bicycle parking will be provided on the ground floor adjacent to the building. It is also noted that the applicant has provided comments in Appendix 5 of his application that notes a study by Paradigm Transportation Solutions concludes that the existing 117 spaces are 'expected to be sufficient for the

proposed development'. As noted previously, City Transportation have advised that they have no concerns. Staff are of the opinion that the parking variances are minor.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The common amenity space on the top floor was originally a recreation area with a sauna and hobby room and viewed to be unutilized vacant area by the current owner. There does exist a landscaped area with a picnic table in the north-east corner of the property as shown on the ground level of the Site Plan.

The addition of dwelling units is a gentle intensification of the existing residential building on the subject property and supports the City Housing Pledge in the supply more residential rental units.

The proposed parking are desirable for the appropriate development and can be considered minor and meeting the intent of both Official Plan and Zoning By-law.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

The property municipally addressed as 250 Frederick Street does not have any heritage status. However, the subject property is located within the Central Frederick Neighborhood Cultural Heritage Landscape (CHL). The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The owner and the public will be consulted as the City considers listing CHLs on the Municipal Heritage Register, identifying CHLs in the Official Plan, and preparing action plans for each CHL with specific conservation options.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the additional residential units in the existing building is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

All Parks requirements will be addressed through Site Plan Application SP24/031/F/SRM.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

No comments.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*
- *Minor variance application A2024-052*

ATTACHMENTS:

Attachment A – Site Plan (Conditionally Approved)

Attachment B - Underground garage parking plan (2 levels)