

From:
To: [Committee of Adjustment \(SM\)](#)
Subject: A-2025-026-250 Frederick COA MARCH 18 2025
Date: Monday, March 17, 2025 2:49:44 AM
Attachments:

Please see that the Committee Of Adjustment gets these opposition copies for the hearing on Tuesday.the 18th

Thank you..
Chris Wilson

Committee of Adjustment City of Kitchener.

The following is a brief list of issues that lead to public opposition in the approval of the A-2025-026-250 Frederick COA application.

- In the new March 18th site plan application A-2025-026, 8 visitor spaces are applied for when currently 28 spaces are required to facilitate 4 new apartments in this 250 Frederick address.. The building is currently overcrowded and visitor parking is already well below what is required by city planning. To diminish the availability of visitor parking by adding more units would further adversely affect the ability for tenants to enjoy their rental tenancy while entertaining visitors that would not have ready access to the building other than difficult to find street parking in a well congested downtown core. Acceptance of this application by the COA will trigger an appeal and an immediate yet another complaint to the Landlord Tenant Board against this property owner for violation of the Residential Tenancies Act 2006, c. 17, s. 22. "Landlord not to interfere with reasonable enjoyment" by means of overcrowding.
- This property owner application was previously denied on the July 16,2024 COA 5.1 A 2024-052 at the 250 Frederick Street agenda ,whereas the seated COA decided the application be refused for the following reasons. 1) The variances requested i n the application were not minor. 2) The application was not desirable for the appropriate development of the property. And 3) the general intent and purpose of the City of Kitchener zoning bylaw and current official plan Is not being maintained on the subject property.
- I have included a petition of tenants and interested parties in the first opposition to this application with the original cover letter and evidence from July 16,2024 COA 5.1 A 2024-052 at the 250 Frederick Street hearing. Nothing has changed with the available visitors parking status of the property as it remains crowded and not maintained as per site plan.

Thank you for your consideration

Chris Wilson

Joint resident petitioned response to the application presented to Kitchener Committee of Adjustment.

Issue Parking;

The current 250 Frederick street multi residential site plan (SP 12/068/F/SR) dated June 27/2013 describes 117 of the 140 required parking spaces in the application A2024-052. Of these 117 there are 13 of the 28 minimum spaces required with open to air parking spaces in the back of the building, 9 of which are for Visitor parking. These are all accounted for in the total of 117 spaces of the 107 required as permission granted by the 2012 Committee of Adjustment. The 117 parking spaces fall short of the 140 total required. The 9 visitor parking spaces of the minimum required 28 are not, and have not been utilized as resident visitor parking as per the current site plan intent when permission for the last adjustment in 2012 was granted. The current plan clearly states that the Owner agrees to "develop and maintain the site in compliance with the approved site plan" (see plan application 12/068/F/S/R).

The applicants for this current adjustment review have presented to the Committee of Adjustment an application when they have permanently used the resident visitors parking space for use other than Resident parking and thus, arbitrarily removed more than half of these spaces (two space no parking and a 3 space dumpster for trash removal) from the plan of 9 available as was intended for the residential parking plan.

Residents are currently and have been receiving Bylaw parking citations (penalty) for parking in Visitor parking spaces as this applicant makes use of bylaw enforcement to limit resident access to the current plan of 9 permitted of the 28 required resident visitor parking spaces alone.

This applicant has also increased the cost of parking inside the building for many existing residents and some by as much as 300%, thus pricing them out of parking within the intended plan and onto the street parking which there is none for overnight. This creates an affordable housing shortage circumstance for the current residents. Our current Kitchener parking Bylaw enforcement resources are being used to cover the city parking overflow of this parking shortage that has been created by the applicant. Through citation and permits, this expense of using city resources is unfair to both the city administration and the taxpayer who is paying for it. We challenge the committee to obtain parking bylaw enforcement history records of the resource utilization not only of the residents of the 250 Frederick address but to include the others in the immediate surrounding area.

Of the parking spaces available in this plan there is no room or consideration inside or outside for resident or visitors that are disabled and in need of parking space or accessibility to their residence in this application. *The Accessibility for Ontarians with Disabilities Act (AODA)* is a law that sets out a process for developing and enforcing accessibility standards. The standards for this location have been framed by the framers with a grandfather clause protecting the property owner from extensive compliance and renovation costs with property built before the implementation of the Act. This grandfather clause should be sufficient to protect the applicant and their financial interest but it falls short of protecting the aged and disabled population residing at 250 Frederick Street. Accessible parking spaces that should be allocated but is not yet, would further reduce the number of parking spaces available to the residents.

The reasons for rejecting this application are clear. Adding more required parking space to an existing overly parking congested situation would be detrimental to the city resources and residents residing at this 250 Frederick location and their ability to park their vehicles.

Name; Unit# Telephone: Email: Date;

NAME

UNIT
#

TELEPHONE

EMAIL

DATE

Tracey Capri

2024

Tessa D'Achille

y 8th/26

Robert Elder

in July

KOU BREKE

21

June TA-

24

Winne &

24

Denise
Josh Bravi

24

Lylor

1/24

Aislinn C

24

Gregor Sim

24

Linda Vos

2024

Raz Ali + LIND

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Joint resident petitioned response to the application presented to Kitchener Committee of Adjustment. (Cont'd)

Name;	Unit#	Telephone:	Email:	Date:
<u>BRENDA Zmija</u>				18/24
<u>Lisa Pietschur</u>				1/24
<u>Maurice Sac</u>				.com
<u>Linda Sachs</u>				ve.ca
<u>Les Hiviller</u>				ent.com
<u>Matt Larrisa</u>				8 2024
<u>Maciej Deo</u>				
<u>Peter Sawar</u>				2024
<u>LINDSAY</u>				1 2024
<u>Mary M +</u>				1/24
<u>Robert</u>				5
<u>Doris K</u>				
<u>NORM PETTIFER</u>				

Joint resident petitioned response to the application presented to Kitchener Committee of Adjustment. (Cont'd)

Name;

Unit#

Telephone:

Email:

Date;

NICK ZEIS

Barb Hynn's

James Ahadie

CHRIS WILSON

Candice Leylar

LINDA ALLEN

Giordana Vi

Vanessa Jo

Francine Le

Ashley Wei

Graeme John

F Cech

Joint resident petitioned response to the application presented to Kitchener Committee of Adjustment. (Cont'd)

Name;	Unit#	Telephone	Email	Date
<u>Steven Mai</u>				
<u>Mamad</u>				
<u>Mamad #</u>				
<u>Bridget #</u>				
<u>WUESS</u>				
<u>Steven #</u>				
<u>KIEFFER</u>				
<u>Kathleen</u>				
<u>FLDHR</u>				
<u>Alexandra</u>				
<u>Heather</u>				
<u>Janice Cl</u>				

Joint resident petitioned response to the application presented to Kitchener Committee of Adjustment. (Cont'd)

Name;

Unit#

Telephone

Email

Date

Jennifer Liew

Melissa Se

Laurie Se

Brandon Ryan

LANA J

Reta

VERA

J. M.

PETTER

Name;

MARC & Kim Boivin

JANET BECKE

Sanja Seku

Sam Haini

KAREN LOAN

Amanda

RECEIVED FROM

SHERYL RICE MENEZES
SENIOR PLANNING TECHNICIAN
PLANNING & HOUSING POLICY DIV
CITY OF KITCHENER

WED - APRIL 24
2024

		SITE PLAN		REVISID:		SITE PLAN APPLICATION: SP 12/068/F/SR	
GRAND RIVER PROPERTY MANAGEMENT 250 FREDERICK ST.		SCALE 1:400 DATE: JUNE 27, 2013		PLAN SHOWING LOTS 1 & 2 OF R.P.429		City of Kitchener COMMUNITY SERVICES DEPARTMENT	
CITY OF KITCHENER COMMUNITY SERVICES DEPARTMENT SITE PLAN APPROVAL PURSUANT TO SECTION 41 OF THE PLANNING ACT		SIGNATURE		DATE		THE OWNER AGREES TO DEVELOP AND MAINTAIN THE SITE IN COMPLIANCE WITH THE APPROVED SITE PLAN AND ACKNOWLEDGES RECEIPT OF ONE COPY OF THE APPROVED SITE PLAN.	
SHERYL RICE MENEZES SENIOR PLANNING TECHNICIAN PLANNING & HOUSING POLICY DIV CITY OF KITCHENER		SIGNATURE		DATE		SIGNATURE:	
WED - APRIL 24 2024		SIGNATURE		DATE		DATE:	

SITE STATISTICS

Zoning- R8
Lot Area- 2,352.30m²
Building Coverage- 641.40m² (27.27 %)
Landscaped Area- 913.65m² (38.84 %)
Asphalt / Hard Surface Area- 797.25m² (33.89 %)

Parking Required:
1) COA A 309 / 86 (1986) granted permission for 107 unit apt bldg. to have 106 parking spaces
2) 2012 - addition of one unit requires 1.25 sp / unit = 1 space
TOTAL required = 107

Parking Provided:
Underground: 100 (B1: 51 spaces, B2: 49 spaces)
Surface: 17 (+ on surface under building + 13 on surface open to air)
TOTAL provided: 117

Parking Space Minimum Dimensions- 2.8m x 5.5m
Number of Visitor Spaces - 9

MULTI-RESIDENTIAL
Number of Units- 108
(two bedroom 61, one bedroom 31, / one bedroom 16)

NOTE:
ALL ASPHALT AREAS TO BE DEFINED WITH 0.15M HIGH
POURED CONCRETE CURBING

CONDITION:
VISITOR PARKING SIGNS TO BE INSTALLED AND
SURFACE PAVEMENT MARKINGS TO BE COMPLETED

COMMITTEE OF ADJUSTMENT

FOR THE

CITY OF KITCHENER

IN THE MATTER OF the application to the Committee of Adjustment for the City of Kitchener, by:

Applicant(s): 250 FREDERICK INC

Submission No.: A 2024-052

This matter having been heard on the 16th day of July, 2024, and due Notice of Hearing having been given in accordance with the Rules of Procedure adopted by this Committee, the Committee of Adjustment for the City of Kitchener hereby renders the following **DECISION**:

That the application of 250 FREDERICK INC requesting minor variances to permit a parking requirement of 117 parking spaces rather than the minimum required 140 parking spaces, and 8 visitor parking spaces rather than the required 28 spaces; to facilitate the development of 4 additional dwelling units to an existing multiple dwelling having 108 units, for a total of 112 units, generally in accordance with Site Plan Application SP24/032/F/SRM, on Part Lots 1 and 2, Plan 429, 250 Frederick Street, Kitchener, Ontario, **BE REFUSED**.

It is the opinion of this Committee that:

1. The variances requested in this application are not minor.
2. This application is not desirable for the appropriate development of the property.
3. The general intent and purpose of the City of Kitchener Zoning By-Law and Official Plan is not being maintained on the subject property.

Pursuant to Section 45 of the Planning Act, all oral and written submissions were considered and taken into account as part of the Committee's decision-making process with respect to the subject application. For more information, please review the meeting minutes, which are available on the City's website at www.kitchener.ca.

Signed at the City of Kitchener this 16th day of July, 2024.

Last Date for Appeal of Decision: August 5, 2024.

A 2024-052 - 250 Frederick Street

Bob McColl	CHAIR
<small>Signed with ConSignO Cloud (2024/07/17) Verify with verifio.com or Adobe Reader.</small>	
Marco Gambetti	MEMBER
<small>Signed with ConSignO Cloud (2024/07/22) Verify with verifio.com or Adobe Reader.</small>	
	MEMBER
	MEMBER

I certify the foregoing to be a true and correct copy of the Decision of the Committee of Adjustment for the City of Kitchener in the above mentioned application.

CL.31

Marilyn Mills
Signed with ConSignO Cloud (2024/07/17)
Verify with verifio.com or Adobe Reader.

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment