



## PLANNING REPORT

PAC – November 15, 2023

File No. Z-29-2023

P.R. No. 82/23

**To:** Planning Advisory Committee

**From:** Matthew Robinson, City Planner

**Proposal:** Rezoning and consolidation to permit a total of 3 apartment buildings

**Property:** 35 Charles Avenue (PID 01494806, 75297952, 75297960)

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**OWNERS:** NB Housing Corporation  
551 King Street, 3<sup>rd</sup> Floor, P.O. Box 6000  
Fredericton, NB  
E3B 5H1

**APPLICANT:** Same as above (c/o Evan Pemberton)

### **SITE INFORMATION:**

**Location:** Large interior lot parcels and a private driveway off Charles Avenue

**Context:** Existing seniors apartment building and undeveloped area adjacent to a low-rise residential neighbourhood and undeveloped open space land.

**Ward No:** 6

**Municipal Plan:** Established Neighbourhoods

**Zoning:** Institutional Zone 1 (I-1) and Park Zone (P)

**Existing Land Use:** Residential / vacant

**Previous Applications** P.R. 137/86, P.R. 26/91

### **EXECUTIVE SUMMARY:**

The Applicant is proposing to rezone and consolidate three lots to permit a total of 3 apartment buildings on a single MR-2 zoned lot. There is currently a 20-unit seniors residence building on one of the lots, accessed via a private driveway that connects to Charles Avenue and provides access to an existing City-owned Park. Two new apartment buildings are being proposed in an undeveloped area of the site: a 20-unit seniors apartment building and a 10-unit family apartment building. It is proposed that these buildings will be considered public housing, as part of the NB Housing Strategy and done in two phases over the next three years.

Staff are of the opinion that consolidating the lots under the MR-2 zone is most appropriate for this site. Community amenities in the area are supportive of this infill development, which is a modest amount of density for the surrounding low-rise residential community. Overall, Staff support the application subject to terms and conditions.

## **APPLICATION:**

Evan Pemberton, on behalf of the New Brunswick Housing Corporation, has made application for a rezoning from Institutional Zone One (I-1) and Park Zone (P) to Multi-Residential Zone Two (MR-2) on 3 lots [PIDs 01494806, 75297952, 75297960] to permit a total of 3 apartment buildings on property located at 35 Charles Avenue.

## **PLANNING COMMENTS:**

### Background

- The existing 20-unit senior citizen residence on PID 75297952 was developed in 1978. Prior to this development, in 1976, a subdivision was registered that created a right of way in common to allow access to the site from Charles Avenue and allotted a portion of land for public use. This public land is now Charles Avenue Park, which includes several pieces of playground equipment.
- A subsequent application was made in 1986 to rezone the lot to a more appropriate zone for the use at that time (R-2 to Institutional), and a subdivision separated the existing building from the private driveway lot [PID 01494806] and the undeveloped lot [PID 75297960]. When the City transitioned from Zoning By-law 450 to Zoning By-law Z-2, the private driveway lot was inadvertently rezoned to Park Zone, though it's important to note that it was never part of the land for public use allotment and will remain the private access right-of-way.

### Proposal

- The Applicant is proposing to construct two new apartment buildings on the subject properties as part of the NB Housing Strategy for new public housing units, located in the undeveloped area. It is intended to be developed in two phases (as shown on Map II):
  - Phase 1 – a two-storey 20-unit seniors apartment building, consisting of 1-bedroom units.
  - Phase 2 – a two-storey 10-unit family apartment building, consisting of 2-4 bedroom units.
- Construction for Phase 1 is planned to occur in 2024, while Phase 2 would begin later in the year following the design phase. The overall exterior appearance of the Phase 2 building will be relatively similar to Phase 1 (as shown on Map III).
- The applicant has indicated that the parking area will also be done in a phased approach along with the respective building construction. A parking lot to satisfy the requirements of Phase 1 is shown on Map II, while a parking lot to satisfy the full build-out of the site is shown on Map V. It is important to note that there is an active transit stop located on the subject property, which will provide ongoing service to the development. The completed parking area will need to be designed to accommodate a bus turnaround.
- A subsequent consolidation of the subject properties will resolve any legal access issues for the site moving forward. An easement will be required to ensure ongoing access to the park land.

## Municipal Plan

- The subject property is designated Established Neighbourhood. The Municipal Plan contains the following relevant policies for the Established Neighbourhood designation:

*Section 2.2.1(17): Lands within the Established Neighbourhoods Designation may include a full range of residential dwelling types, community facilities, parks and open space, institutional uses and neighbourhood-supporting uses intended to serve local residents, such as local retail and service commercial uses.*

*Section 2.2.1(18): The City shall support the stability of Established Neighbourhood by:*

- i. Encouraging the maintenance of the existing housing stock;*
- ii. Discouraging the encroachment of incompatible uses;*
- iii. Routing higher volume traffic along arterial and collector roads;*
- iv. Maintaining community services and facilities at a scale appropriate for the neighbourhood;*
- v. Encouraging the relocation of existing compatible uses;*
- vi. Enforcing by-laws to ensure acceptable maintenance and occupancy standards; and,*
- vii. Requiring that new or infill development be compatible with adjacent properties.*

- The proposal supports the maintenance of the existing seniors residence and provides these residents with improvements to the site, such as updated parking and landscaping. The two proposed buildings match the scale and height of this existing building, and ensures large setbacks and screening from the surrounding properties. Furthermore, the existing park, nearby trail connection, and on-site transit stop can readily support new residents.

*Section 2.2.1(21): To maintain the stability of residential neighbourhoods, while allowing for incremental change through sensitive new development and redevelopment, new development will respect and reinforce the existing pattern, scale, and character of the Established Neighbourhoods, by ensuring that:*

- i. Any new lots are consistent with the lot pattern in the neighbourhood;*
- ii. Building design is compatible with the surrounding area and contributes positively to the neighbourhood;*
- iii. Adequate servicing, road infrastructure, and other municipal services be readily and efficiently provided; and,*
- iv. Healthy, mature trees are protected whenever feasible.*

*Section 2.2.1(22): Infill development should be appropriately scaled and oriented with the primary entrance facing the public street.*

- The lot pattern for the subject property will remain consistent, with the inclusion of two new buildings to the large undeveloped area located in a manner that respects the character of the neighbourhood. Existing servicing and road infrastructure will be extended and improved. Two-storey building heights are compatible with the scale of the adjacent single-detached dwellings, and the mature treeline in the side yard areas provide natural screening.

The proposed development is a low-rise and affordable residential infill opportunity with public housing units in an area supported by several community amenities. There is transit service and a public park located immediately on site, and the Gibson trail is within close walking distance. The low-rise apartment buildings are appropriately scaled and set back from adjacent properties, providing a modest increase in density that is sensitive to the existing neighbourhood.

## Rezoning

The proposal meets the MR-2 zone standards as follows:

Standard	Permitted	Proposed	Variances
Density (min)	161 m <sup>2</sup> per dwelling unit	15,845 m <sup>2</sup> / 50 units =  <b>316 m<sup>2</sup> per dwelling unit</b>	-
Lot Frontage (min)	34 m	13.5 m	existing condition
Lot Depth (min)	30 m	201 m	-
Lot Coverage (max)	35%	~2320 m <sup>2</sup> total building area / 15,845 m <sup>2</sup> lot area  = <b>14.6%</b>	-
Building Height (max)	14 m	10.2 m	-
Building Setbacks (min)			
Front Yard	6 m	92.13 m	-
Side Yard	7.5 m	14.3 m	-
Rear Yard	4 m	15.3 m	-

- The Multi-Residential Zone Two is an appropriate zone for the proposed development as it allows for more than 1 main residential building on a lot and permits Apartment Buildings as well as Assisted Living buildings, if there is a future need to provide assisted living services to one of the seniors residences.
- All aspects of the development are well within MR-2 zone standards. The substandard lot frontage is an existing condition of the interior lot layout where the private driveway lot provides public street access.

## Building Design & Layout

- Multiple exterior building materials are proposed for the Phase 1 building, satisfying Zoning By-law standards. The Applicant is aware that the Phase 2 building will need to meet the Building Design standard, where no more than two buildings shall appear the

same with regard to overall design, architectural features, exterior building finish materials and colours.

### *Parking*

- Phase 1 provides a total of 23 parking spaces for the 20 1-bedroom units. This exceeds the 1 space / unit parking requirement plus 30% reduction that may be applied to affordable housing dwelling units, which would reduce the Phase 1 requirement to 14 parking spaces. However, during the construction period prior to complete build-out, this parking lot will have the additional capacity serve the existing 20-unit seniors' residence.
- Complete build-out of the site (shown conceptually on Map V) is proposed to provide 66 parking spaces for the 50 total units. This is projected to exceed an estimated 58 required spaces, without applying any of the available parking reductions. Since this layout is still conceptual, City Staff will work with the applicant on a parking lot design that will align with the reduced number of required spaces. It is likely that the project would be eligible for a 60% reduction of required parking, due to the amount of landscaped area on site. This would result in a total parking requirement of 24 parking spaces.
- Staff would also note that a total of 9 bicycle parking spaces will be required for the 30 additional residential units. A final landscape and parking plan prior to building permit approval will ensure conformance to Zoning By-law standards, and City Staff will also ensure the design accommodates the required Transit bus turnaround.

### *Flooding*

- There is no flooding concern on the subject property, however it is important to note that the geodetic elevations in the area are close to the minimum 9 metre threshold per the Zoning By-law. Any habitable floors will need to be constructed above 9 metres.

### *Access & Servicing*


- The City Traffic Engineer has reviewed this application and has no concerns. The traffic impact on the intersection of Charles Street and Greenwood Drive will be minimal. Greenwood Drive is classified as a major collector and is designed to accommodate traffic volumes such as those from this proposed development.
- The existing transit stop on the subject property is being used and maintained by the City's transit department, which has historically provided a convenient turnaround location for the bus. It is anticipated that this will continue to be used, and the inclusion of multi-residential affordable dwelling units further supports the location. Staff would note that the property owner will continue to be responsible for maintenance of the street access.
- The municipal services and stormwater infrastructure and the lane from Charles Avenue to the buildings will remain in the responsibility of the landowner; neither will be public.
- Before a building permit is approved, the applicant will be required to provide a Storm Water Management Plan (SWMP) for the entire property. The purpose of the SWMP is to ensure that surface water is managed appropriately to minimize any adverse impacts on the property, the City storm system, and adjacent properties. Stormwater must be managed during all phases of construction so as not adversely affect adjacent properties.

- The City will not obtain a Local Government Services Easement for the municipal services. However, the City will work with the applicant to ensure there is a formal access agreement for the public use of the lane for access to the small public park lot adjacent to the lane.

**RECOMMENDATION:**

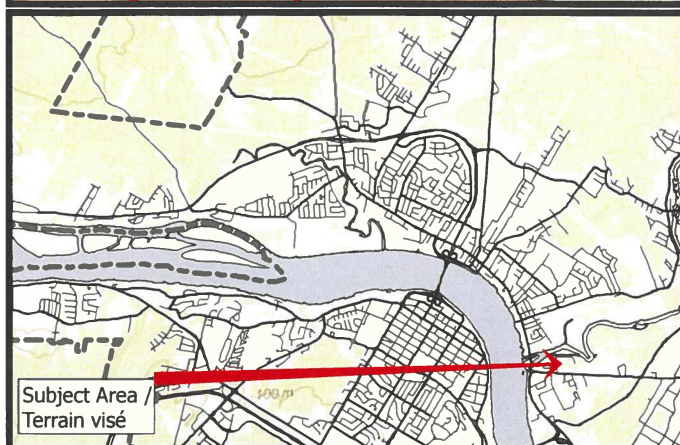
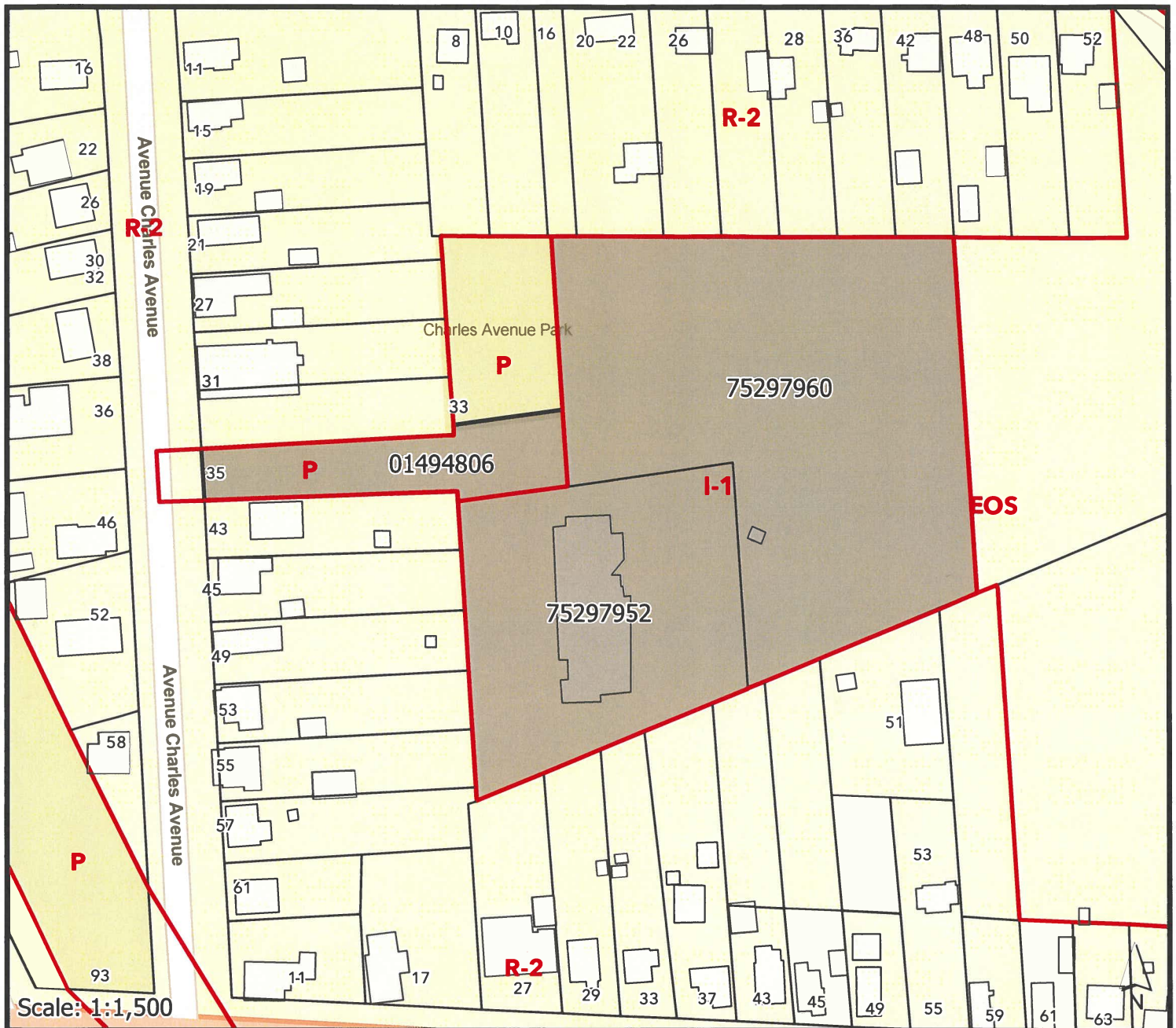
1. It is recommended that the application submitted by Evan Pemberton, on behalf of the New Brunswick Housing Corporation, for a rezoning from Institutional Zone One (I-1) and Park Zone (P) to Multi-Residential Zone Two (MR-2) on 3 lots to permit a total of 3 apartment buildings on property located at 35 Charles Avenue be approved subject to the following conditions:
  - a) The site be developed generally in accordance with Map II attached to P.R. 82/23 to the satisfaction of the Development Officer;
  - b) Final building design be generally in accordance with Maps III and IV attached to P.R. 82/23 and top of floor be above a geodetic elevation of 9 metres to the satisfaction of the Development Officer;
  - c) Final landscape and parking plan be provided to the satisfaction of the Development Officer prior to the issuance of a building permit;
  - d) Servicing, access, lot grading, and storm water management are to be provided to the satisfaction of the Director of Engineering & Operations;
  - e) All municipal services design, construction, and inspection are to be in accordance with the City's General Specifications for Municipal Services. Record drawings stamped by a Professional Engineer are required at completion of the project; and
  - f) All required easements be provided gratuitously to the appropriate authorities.

Prepared by:

  
\_\_\_\_\_  
Matthew Robinson, MCP, MCIP, RPP  
Planner  
Community Planning

Approved by:

  
\_\_\_\_\_  
Marcello Battilana, MCIP  
Assistant Director  
Planning & Development



**Subject Property / Propriete Visé**  
 Rezoning 3 lots [PIDs 75297960, 75297952, and 01494806] from I-1 and P to MR-2 to permit a total of 3 apartment buildings.  
 Le rezonage de 3 lots [NID 75297960, 75297952, 01494806] de I-1 et P à MR-2 afin de permettre un total de trois immeubles d'appartements.



Community Planning  
 Planification urbaine

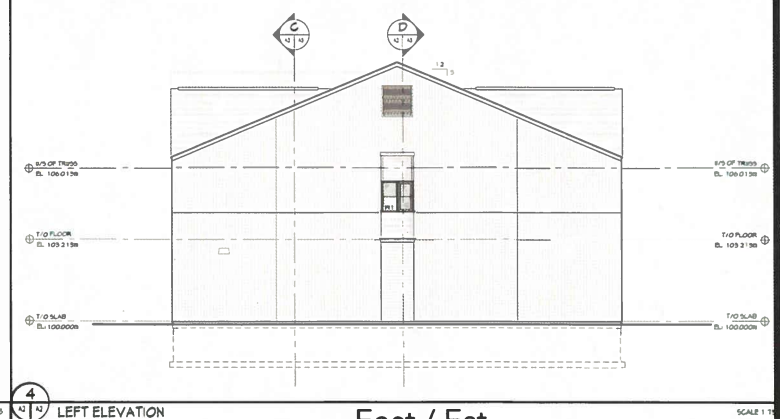
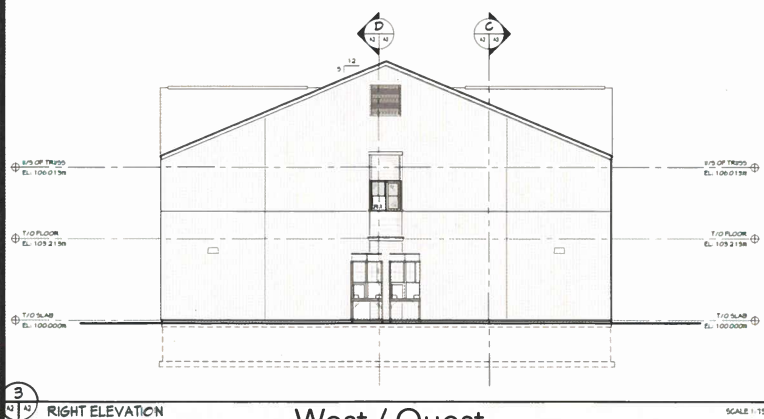
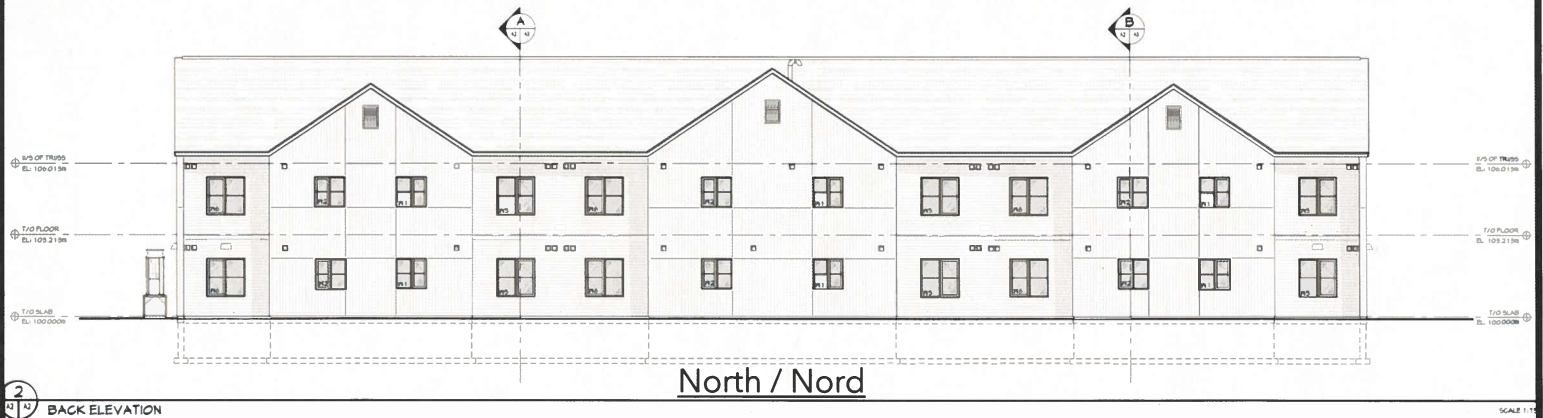
Map \ carte # I  
 File \ fiche: PR-82-2023  
 Date \ date: novembre \ November 15, 2023  
 Subject \ sujet: avenue 35 Charles Avenue  
 NB Housing Corporation  
 (c/o Evan Pemberton)



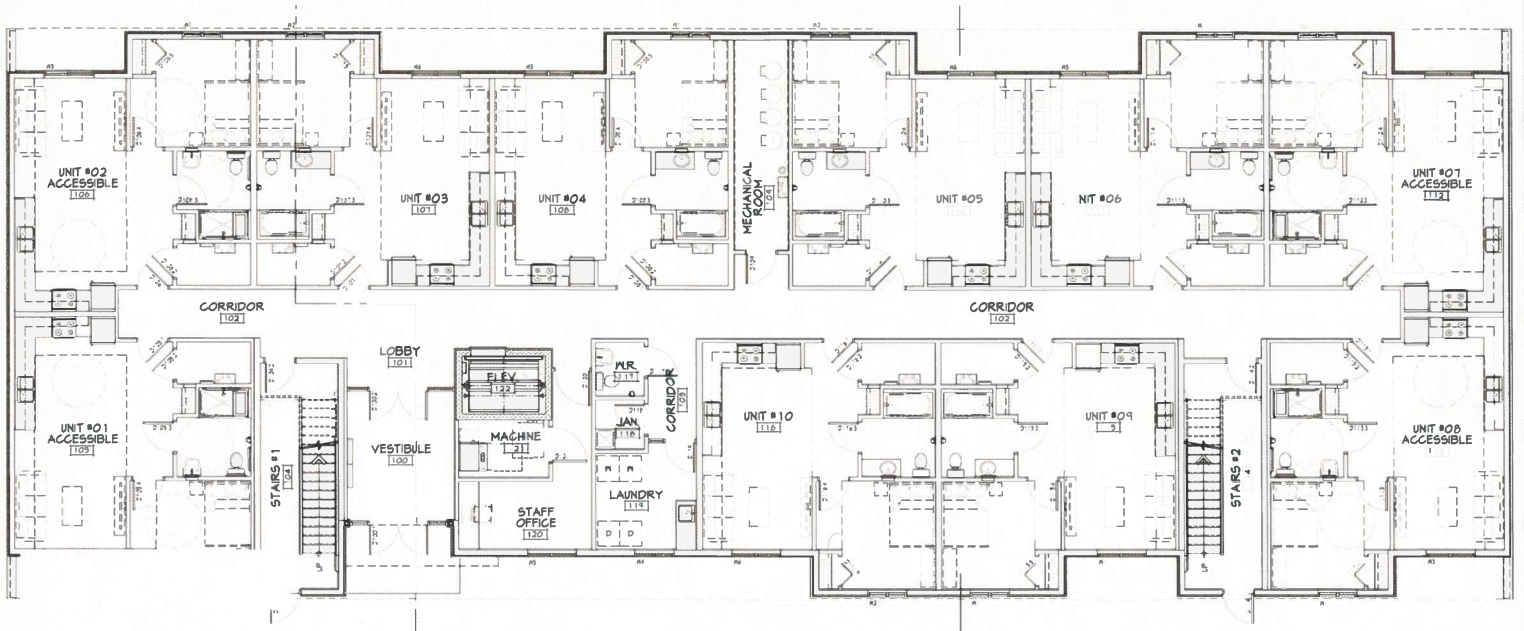




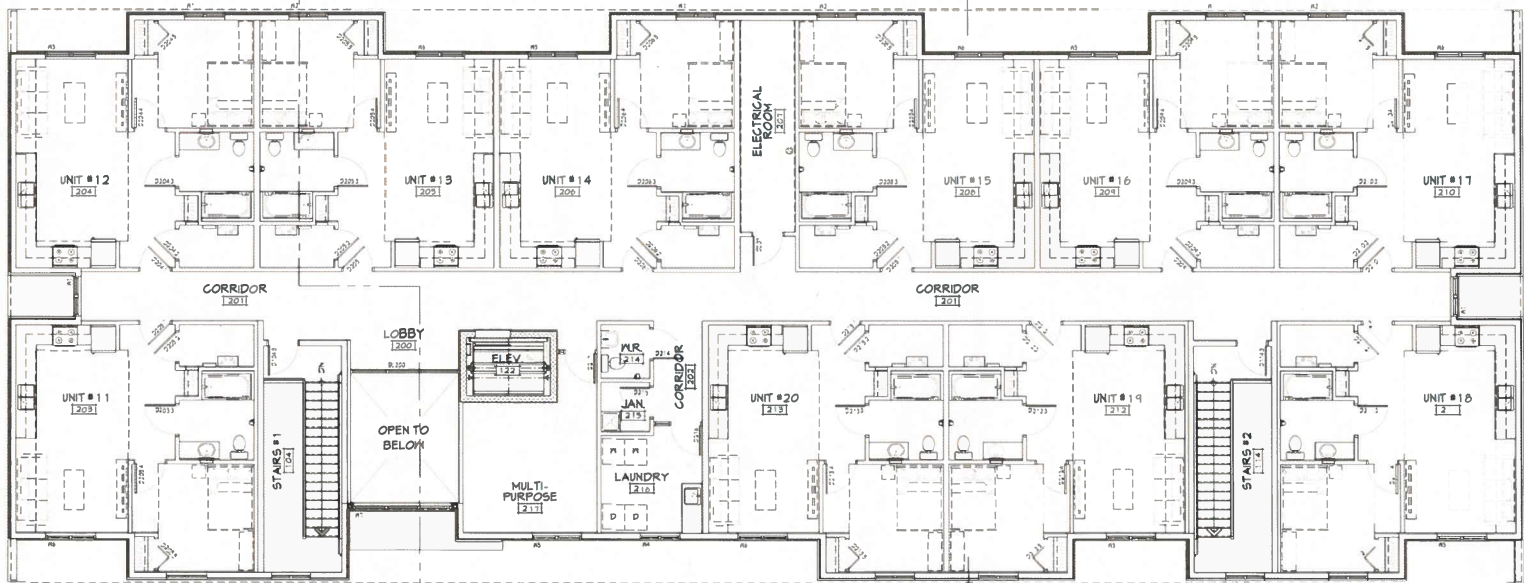
Conceptual / Conceptuel



**Elevations and Concept Plan / Élévations et plan conceptuel**



Ground Floor / Rez-de-chaussée



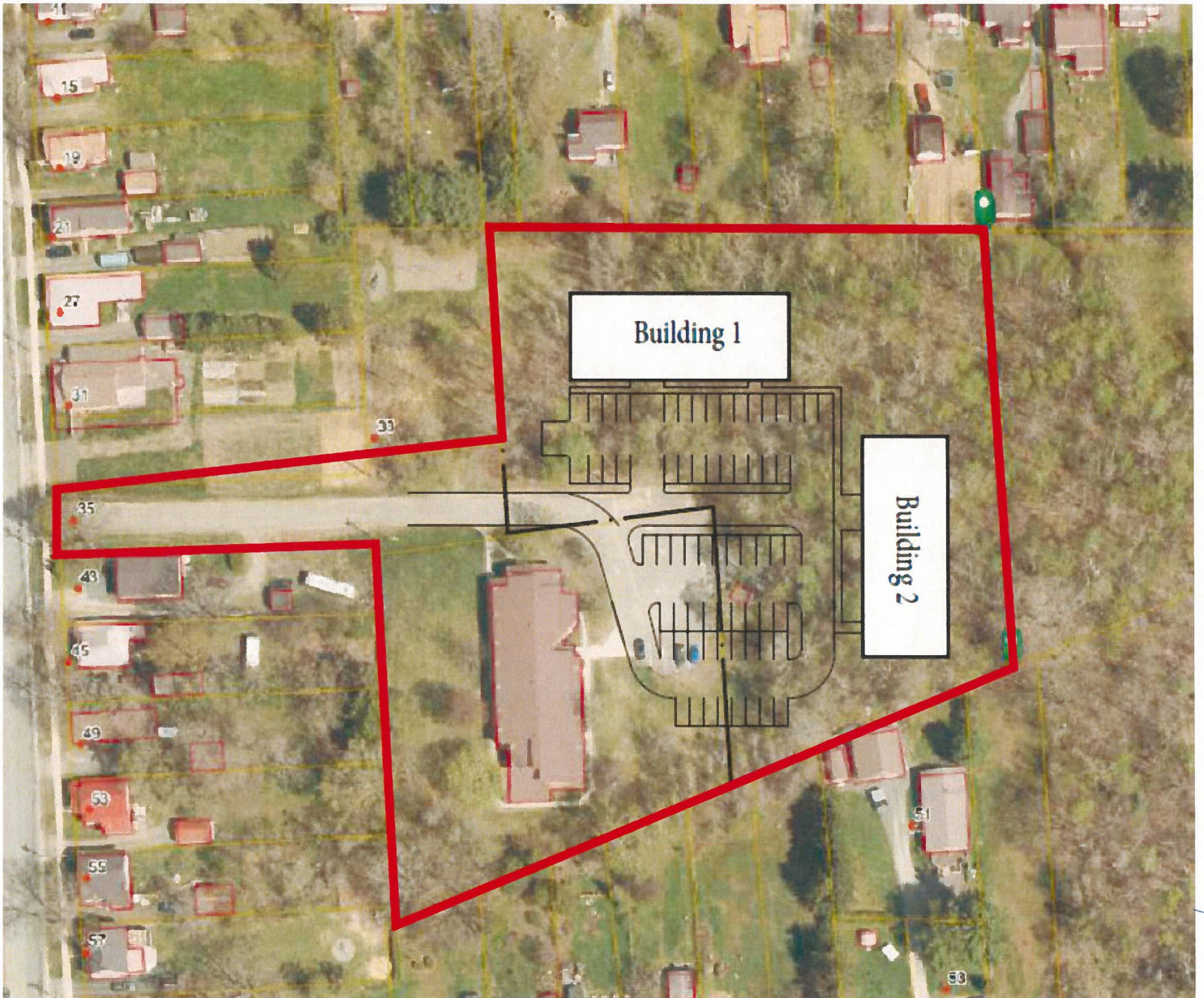
Second Floor / Deuxième étage

Floor Plans / Plans d'étage



Community Planning  
Planification urbaine

Map \ carte # IV  
 File \ fiche: PR-82-2023  
 Date \ date: novembre \ November 15, 2023  
 Subject \ sujet: avenue 35 Charles Avenue  
 NB Housing Corporation  
 (c/o Evan Pemberton)



**Phase 2 Parking / Phase 2 Stationnement**

**Fredericton**

Community Planning  
Planification urbaine

Map \ carte # V

File \ fiche: PR-82-2023

Date \ date: novembre \ November 15, 2023

Subject \ sujet: avenue 35 Charles Avenue  
NB Housing Corporation  
(c/o Evan Pemberton)

35 Charles Avenue

**Murray, Elizabeth**

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**From:** Jill Dunderdale [REDACTED]  
**Sent:** Wednesday, November 8, 2023 11:27 AM  
**To:** PLANNING AND DEVELOPMENT  
**Subject:** Rezoning 3 lots (PIDs 75297960, 75297952 and 01494806)

You don't often get email from j.e.dunderdale@gmail.com. [Learn why this is important](#)

**External email:**

**Do not follow instructions, click links, open attachments, forward or respond to the email unless you recognize the sender and know the content is safe.**

November 8, 2023

To Whom It May Concern:

I am very fortunate to live in Barkers's Point. Our neighbourhood appreciates our surroundings which include the Nashwaak River, its banks and islands, interval land and green spaces. With the current climate crisis at our doorstep, I recognize the need to maintain an environmentally friendly space for residents and wildlife. I see the proposed development as an exciting challenge to both support the need for low income development and to maintain a vibrant, environmentally-friendly community, one that is safe for all concerned.

[The land in question is 35 Charles Ave (PID: 75297960, 75297952 and 01494806).]

On our own, we cannot accomplish this. But together with the city's help along with government funding I think we could put our little corner on the map as a place where a diverse population works together to sustain and even develop a thriving environment. Let us involve people in the know to do this right.

We need to reach out to our city landscape developers, our botanical garden experts, folks on the Leo Hayes Farm project not to mention folks involved in Twelve Neighbours Community and others dedicated to the well-being of all people, regardless their status.

My own personal list of considerations for the proposed development focuses on our surroundings and includes :

- A small raised-bed garden area (interest has already been expressed by current residents)
- Low maintenance rose garden that could incorporate memory benches
- A small planting of mixed native trees that would include sugar maples. Why? Tree-tapping as a community event. Of course on a tiny scale but none-the-less an educational event that would bring folks together and instill community pride.
- Several clothesline areas to support the environment
- Two or three picnic tables and platforms
- Boundary fences and walking trail through the existing small wooded area to encourage outdoor enjoyment and respect for the neighbourhood
- A community wild flower planting event in the remaining woods

I do not believe these suggestions would carry a huge monetary price tag but I do believe their value is worth serious consideration. Their inclusion would make the proposed development attractive and even desirable not only for the new residents but for our entire community. My guess is that many in our neighbourhood would agree and would, in fact, have more to add. This is because we really value what we have in this tiny spot in Barker's Point.

35 Charles Avenue

**Murray, Elizabeth**

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**From:** Cecile Grant <cecilegrant50@gmail.com>  
**Sent:** Friday, November 10, 2023 1:38 PM  
**To:** PLANNING AND DEVELOPMENT  
**Subject:** Proposal to rezone 35 Charles Avenue

You don't often get email from cecilegrant50@gmail.com. [Learn why this is important](#)

**External email:**

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To whom it may concern:

We are the owners of 43 and 46 Charles Avenue and we own and occupy 52 Charles Avenue.

We have been in this location for forty nine and a half years. During this time, we have enjoyed the mostly slow and quiet pace of living in a cul-de-sac. The seniors' subsidized apartments have fitted well into this neighbourhood but there are some serious challenges to consider

We are absolutely opposed the proposed rezoning of the lots at 35 Charles Avenue to MR-2.

Without getting into details, it is a fact that after a parcel of land has been rezoned, there is very little control exerted by the City to ensure that the property is developed according to the current residents' expectations.

This development would be on a dead end lane on a dead end street. Accessibility would definitely come into question.

Think emergency vehicles. There is currently a very busy vehicle repair business at the end of said lane and to say that Charles Avenue is congested and sometimes impassable would not be an exaggeration.

The City bus drivers very often struggle to turn onto 35 Charles.

We suggest that to add seniors' residences to what is already zoned institutional would be a much wiser move.

We recognize that the City wants to partake of the federal funds available to increase housing availability and we believe that housing the seniors will not only help seniors but will also provide other housing as they leave their current, probably larger family homes. It's a win win situation.

Please do not rezone 35 Charles Avenue to MR-2. It's not a good fit and there are better options.

Sincerely,

Cecile Grant and Neil Grant  
52 Charles Avenue  
Fredericton, N.B.  
E3A 3S4

P.O. Box 3746, Sta. B  
Fredericton, N.B.  
E3A 5L8

**Murray, Elizabeth**

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**From:** Annbernard Drost <abdrost@gmail.com>  
**Sent:** Friday, November 10, 2023 10:04 PM  
**To:** PLANNING AND DEVELOPMENT  
**Subject:** Development Proposal for 35 Charles Ave

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**External email:**

**Do not follow instructions, click links, open attachments, forward or respond to the email unless you recognize the sender and know the content is safe.**

Our names are Bernard and Ann Drost we reside at 48 McKay Drive which borders the property at 35 Charles Ave which is up for rezoning. We are opposed to this property being rezoned for a seniors complex and family units , we do not feel that putting these two units together along with the existing seniors complex is a good fit for this area. There is only one driveway into 35 Charles which would leave no place for children to play or ride bikes which could lead to them infringing upon the seniors areas. We would not be opposed to having 2 seniors complexes added to the area and being able to integrate these seniors into our area with help with vegetable gardens and flower gardens . If the property does pass for rezoning we would like to have some conditions considered such as a fence put in around the property and a tree line kept between the property and our property! Thank you for your consideration of our letter Ann and Bernard Drost

35 Charles Avenue

**Murray, Elizabeth**

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**From:** Philip Bock <philipbock@gmail.com>  
**Sent:** Saturday, November 11, 2023 9:55 PM  
**To:** PLANNING AND DEVELOPMENT  
**Subject:** 35 Charles Rezoning plan

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**External email:**

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Dear City of Fredericton Planning department,

I am writing in opposition to the plan to rezone the property at 35 Charles Avenue. Our property is immediately adjacent at the rear of the development site and I am concerned that the children of the 10 new families of phase 2 will cause damage to the woods on our property in their play. I request that any development proposal include a commitment to build and maintain a minimum 6 foot high fence within the property lines to encourage play within designated areas.

If the proposed development could be reserved for housing low-income seniors rather than families this would also mitigate my concerns.

Thank-you for your consideration.

Best regards,

Philip Bock

65 McKay Drive

**Murray, Elizabeth**

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**From:** Karen <nanakaren@bellaliant.net>  
**Sent:** Sunday, November 12, 2023 8:34 PM  
**To:** PLANNING AND DEVELOPMENT  
**Cc:** Karen Estey-Rideout  
**Subject:** Opposition of Proposal for Rezoning of 35 Charles Avenue

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**External email:**

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Hi

My name is Karen Estey-Rideout. The purpose of this email is to oppose the request for rezoning of 35 Charles Avenue to a MR-2 Zone from an Institutional Zone to allow for the development of another senior complex and a 10-unit family building.

My husband, Gary and I have resided at 28 McKay Drive for 35 years, raising our family in a great neighbourhood, that to us is our little piece of paradise. Today, the majority of the residents on our street as well as Charles Avenue are retired seniors who continue to enjoy the quiet tranquility of our two-dead end streets along the Nashwaak River. My husband and I both recognize that change is inevitable and necessary, having seen many over the 35 years. We also are aware that there is a serious housing crisis in the city.

When reading through the city's zoning documentation, the following definition of an Institutional Zone stood out to me, ***"accommodates institutional development at a scale that integrates sensitively with the surrounding residential neighbourhood"***. This rezoning request for 35 Charles Avenue feels that no consideration was given to the sensitivity to the demographics of this area; but rather an opportunity to put up a family unit without consideration not only to the community but also to the 10 families that would be inserted in a senior environment.

Traffic and safety are also key concerns. This piece of property "35 Charles Avenue" is a driveway, not a street, with only one exit. Charles and McKay are secondary streets which gives us a concern for the additional traffic a 10-unit family complex would bring. There is also a business on Charles Avenue (grandfathered zoning we assume) that creates traffic obstacles and congestion with cars on the side of the road which at times during the winter months gives us concern for emergency access.

Our opposition does come with suggestions that the parcel of land remain as an institutional zone which can allow for more senior complexes developed in a green, environmental area for gardening partnerships with our senior community in their love of this hobby. We do have an ask to allow for the current trees to remain on the easement allowing us to continue to have our sense of privacy and the tranquility of rural living.

In summary, our opposition is not in prejudice of a family unit but rather to ask the government to reconsider if putting 10 families on this small parcel of land amongst a senior community is the right choice.



It is our ask that PAC and City Council support our opposition for rezoning, and consider more senior complex development for this parcel of land.

Thank you for this consideration,

Karen and Gary Rideout  
28 McKay Drive  
Fredericton, NB E3A 3S2

**Murray, Elizabeth**

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**From:** Joan Jewett <jajewetts@bellaliant.net>  
**Sent:** Monday, November 13, 2023 2:48 PM  
**To:** PLANNING AND DEVELOPMENT  
**Subject:** Opposition for Rezoning of 35 Charles Avenue

[You don't often get email from jajewetts@bellaliant.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

External email:

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To PAC and city council

My name is Joan Jewett and I reside at 26 McKay Drive. I am 83 years of age and live in my families homestead, one of the 1st on McKay Drive.

My opposition is against allowing development of a 10 unit family building. I have no issue with another seniors complex. I would also like to see the trees stay as well as the city playground.

Thank you,

Joan Jewett

Sent from my iPhone

**Murray, Elizabeth**

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**From:** CITY CLERK'S OFFICE  
**Sent:** Tuesday, November 14, 2023 8:26 AM  
**To:** Philip and Lisa Bock  
**Cc:** PLANNING AND DEVELOPMENT  
**Subject:** RE: Rezoning of 35 Charles Avenue

Lisa,

I am forwarding your email to the Planning Advisory Committee for Wednesday night's meeting.

Sincerely,

**Jennifer Lawson**

City Clerk/Assistant Director Legal, City Clerk & Human Resources  
Secrétaire Municipale/ Directrice Adjointe Juridiques, Secrétaire, Ressources Humaines  
The City of Fredericton / La ville de Fredericton  
397 Queen Street / 397, rue Queen  
Fredericton, NB E3B 1B5  
[Jennifer.Lawson@Fredericton.ca](mailto:Jennifer.Lawson@Fredericton.ca)  
(506) 460-2020

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**From:** Philip and Lisa Bock <philipandlisabock@gmail.com>  
**Sent:** Saturday, November 11, 2023 5:17 PM  
**To:** CITY CLERK'S OFFICE <cityclerk@fredericton.ca>  
**Subject:** Rezoning of 35 Charles Avenue

You don't often get email from [philipandlisabock@gmail.com](mailto:philipandlisabock@gmail.com). [Learn why this is important](#)

**External email:**

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November 11, 2023

Dear Planning Advisory Committee,

Thank-you for your service on this committee and for your willingness to represent the varied needs of our community.

My name is Lisa Bock and I live on McKay drive with my husband and three school aged children. As well, last month our family purchased a home on Charles Avenue for (and with) my aging parents.

I can sincerely say that not a day goes by when I don't reflect on how deeply grateful I am for our home, its peaceful surroundings, and for our caring neighbours.

The path in the woods between McKay drive and Charles avenue has long been a delightful thoroughfare that my children have used to access the city playground, visit neighbours, and through which we imagined that the children would access my parents' new home when we made the recent decision to purchase it.

Over the last month, our family was surprised and saddened to see many of the trees cut down. Many neighbours expressed similar sentiments, but conversations always ended in the assurance that the land at 35 Charles fell under the zoning of institutional 1, and would therefore

“accommodate institutional development at a scale that *integrates sensitively* with the surrounding residential neighbourhood.” [emphasis mine]

Neighbours reasoned that an additional modest sized subsidized housing unit for seniors was being built. There was a general consensus that this change would still “integrate sensitively” with our neighbourhood and that, in spite of the loss of some trees/visibility barrier, this was a necessary change to help with the current housing crisis.

Last week we learned that an application was put forth to rezone the land at 35 Charles to multi-residential zone 2, and to add another seniors apartment as well as one for families. This information piqued the concern of many neighbours and very rapidly a neighbourhood meeting was organized.

At the well attended neighbourhood meeting, many concerns were raised. The majority of neighbours present were seniors who have been living in the neighbourhood for more than 30 years. There was, of course, some variation within the responses of individuals. However, the general consensus was that there was concern (or even alarm) that a rezoning of the land at 35 Charles might open up the possibility of changes that would be disruptive and imposing, rather than integrative and sensitive.

Some key concerns represented at the meeting centered around the potential for:

- 1.
- 2.
3. undefined future development
- 4.
- 5.
- 6.
7. difficulty with traffic flow/congestion/decreased
8. safety (a topic already sensitive to the neighbourhood due to the presence of a business on a residential street)
- 9.
- 10.
- 11.
12. loss of visibility barrier/natural
13. surroundings that is such a value for those who live in this neighbourhood (as evidenced by the number of avid gardeners concentrated in a small area and the surrounding river)
- 14.
- 15.
- 16.
17. Increased population density leading
18. to an increase in noise, disruption of peace, and the potential for increased crime rates
- 19.

If it is possible to help alleviate the current housing crisis without rezoning the parcel of land at 35 Charles avenue from I1 to MR2. Or, if thoughtful assurances could be developed and put into place to ensure that the new development does in fact integrate sensitively with the current residential neighbourhood, it is my humble opinion that the majority of residents in this area would not have concern that the home they know, love, and have invested in is in jeopardy.

Thank-you for taking the time to review my letter and concerns.

Respectfully submitted,  
Dr. Lisa Bock O.D. (resident and neighbour of McKay drive)

35 Charles Avenue

**Murray, Elizabeth**

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**From:** Russell Randall <russellrandall.rr@gmail.com>  
**Sent:** Tuesday, November 14, 2023 4:21 PM  
**To:** PLANNING AND DEVELOPMENT  
**Subject:** 35charles notification

You don't often get email from russellrandall.rr@gmail.com. [Learn why this is important](#)

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hi i would like to say a few words if possible wed night  
im for i- 1 zone  
im not for mr-2  
i live at 29 greenwood dr my property backs onto 35 charles  
they been good neighbours  
i question how mr2 zone propose will change the area  
it looks good no paper  
the quality of the residents is the key to the future  
thanks russell randall

35 Charles Avenue

**Murray, Elizabeth**

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**From:** Alexandra Bain <marie.alexandra.bain@gmail.com>  
**Sent:** Tuesday, November 14, 2023 11:58 PM  
**To:** PLANNING AND DEVELOPMENT  
**Cc:** Michael George  
**Subject:** FILE Z/29/2023

You don't often get email from marie.alexandra.bain@gmail.com. [Learn why this is important](#)

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Dear Planning Committee members:

In addition to our comments below, we wish to know how we may participate in the meeting, tomorrow November 15th at 7pm. Please advise us in this matter.

Dr. Michael George and I have lived at 38 Charles Avenue for the past 18 years. Together with several other families on Charles Avenue, we are deeply concerned about the City's existing zoning bylaws and the ways in which they are already being misused and ignored in our neighbourhood. We have been working with Councillor Eric McGarity, and have already applied to speak to City Council on this issue.

Our neighbourhood of Barker's Point is zoned residential, yet apparently without proper process or documentation an automotive service business at 36 Charles has been allowed to build (and conduct business activities) well beyond the limits of what any existing "grandfathering" documentation might allow, resulting in the deterioration of the neighbourhood's safety and therefore all of our neighbours' well-being. We do NOT support the rezoning of 3 lots (PIDs 75297960, 75297952, and 01494806 from Institutional Zone One (I-1) and Park Zone (P) to Multi-Residential Zone Two until the outstanding issues of zoning and the misuse of the property at 36 Charles Avenue have been adequately addressed.

Your proposal of allowing three multiple residence buildings to co-exist with a very active and non complying automotive service at 36 Charles Avenue seems ill advised. In fact, in your submitted plan, 35 Charles Avenue's only "driveway" (indicated by P in your plan) seems really quite dangerous, given the blockage and even accidents that seem to be a regularly occurrence in front of 36 Charles Avenue. (We have earlier sent photos as evidence to your office, and to that of Bylaw Enforcement officer Don Veysey, at the latter's request.)

We look forward to speaking further with your office regarding our concerns.

Regards,

Dr. Alexandra Bain  
Dr. Michael George

--

Dr. Alexandra Bain  
Associate Professor  
Department of Religious Studies  
St. Thomas University  
Fredericton, New Brunswick  
Canada