

1.0 252 North Front Street Minor Variance Applications

In support of an application for a Minor Variance submitted to the City of Belleville for the property municipally known as 252 North Front Street, the following Planning Justification Report has been prepared on behalf of the property owner Bexhill Properties Limited.

The subject property is located on the northwest corner of North Front Street and Valleyview Crescent, as shown in **Figure 1** below.



Figure 1: Location Map – Subject Property is outlined in red

Currently situated on the subject property is a used car dealership with a 1½-storey office building and parking areas for motor vehicles. [A soft sided storage building/garage used to be on the property but has been removed.]

The purchaser of the subject property is proposing to clear the property of all existing structures and build an oil change facility.

Due to the relatively small size and width of the subject property and an indication by the City that a daylighting triangle at the corner of Valleyview Crescent and North Front Street and road widening along Valleyview Crescent and North Front Street will be required as part of any future development of this property, a minor variance request has been applied for to reduce the northerly side yard abutting the existing commercial use from 4.5 metres to 0.7 metres and to reduce the southerly exterior side yard from 7.5 metres to 4.5 metres.

All other zoning standards for the C3 – Regional Commercial Zone except for an existing non-conforming lot frontage will be met.

1.1 Site Location & Context

Site Area and Frontage:

As shown on **APPENDIX 1**, the subject property, legally known as Parts 1-4 on Plan 21R-4123, has a lot frontage of 20.9 metres on the west side of North Front Street, a frontage of 16.8 metres on the east side of Valleyview Court, a frontage of 64.9 metres on the north side of Valleyview Crescent and an area of 1,232m².

This property is essentially rectangular in shape with a slight jog in the northern property line.

Surrounding Land Uses:

Figure 1 above, shows the subject property and surrounding uses. From this photograph, it can be seen that the subject property is in one of the main commercial areas of Belleville on a major north/south commercial street.

The surrounding land uses include:

To the north: motor vehicle commercial use;

To the east: North Front Street; hotel;

To the south: Valleyview Crescent; bank;

To the west: Valleyview Court; townhouses.

Site Context:

The subject property is located along the major north/south commercial corridor in the City of Belleville. All along both sides of North Front Street is a wide range of commercial uses including those that cater to motor vehicles sales and repair. This includes the subject property (car sales) and abutting property to the north (auto service and tires).

Behind, or to the east and west of the commercial corridor is abutting residential areas. In the case of the subject property, townhouses and single detached dwellings.

The subject property has frontage on three (3) sides by municipal streets with the only access to the subject property via Valleyview Crescent. A set of traffic signals provide controlled access to North Front Street.

The subject property is flat and essentially completely surfaced in asphalt and gravel with very little landscaping.

The site and surrounding lands are depicted in the photos on the following pages.



Figure 2: Looking east along northern property line



Figure 3: Looking north along western property line.



Figure 4: Looking south along eastern property line.



Figure 5: Looking north along eastern property line.

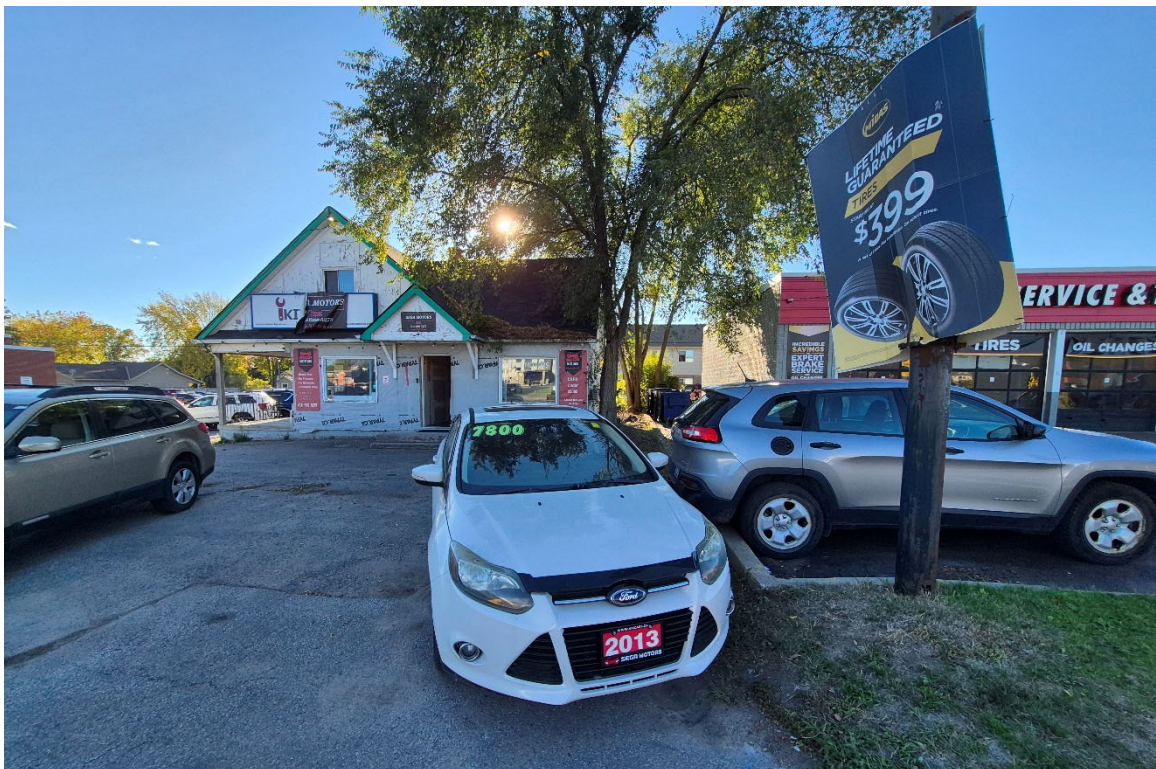


Figure 6: Looking west along northern property line.



Figure 7: Looking west along northern property line.

2.0 Section 45(1) of the Planning Act, RSO 1990, Chapter P.13

Powers of committee

45 (1) *The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.*

As was noted previously, this minor variance application is to seek relief in the form of a reduction of the minimum northerly interior side yard setback from 4.5 metres to 0.7 metres, adjacent to a commercial zone, and a reduction of the minimum southerly exterior side yard setback from 7.5 metres to 4.5 metres.

Outlined in **Figure 8** below are the complete C3 Zone regulations.

Provisions for Main Uses

(3) The following requirements shall apply to the main uses in the C3 Zone:

Table 4-4 Requirements for Main Uses in the C3 Zone

Land Use Type	Min. Lot Frontage	Max. Height
All Permitted Uses	30.0 metres	13.5 metres

Max. Lot Coverage	Min. Front Yard Depth	Min. Interior Side Yard Width	Min. Rear Yard Depth
50%	7.5 metres	4.5 metres, except 7.5 metres when abutting a residential zone	7.5 metres

Figure 8: C3 Zone Regulations.

In addition, Section 15.4 Exterior Side Yard Requirement of the Zoning By-law states that,

“(1) Unless otherwise specified in this By-law, the exterior side yard requirement is the same as the front yard requirement for the zone in which such corner lot is situated.”

As a result, the minimum exterior side setback for the subject property would be 7.5 metres.

Currently the subject property has a legal non-conforming status for a minimum lot frontage of 20.9 metres instead of the required 30.0 metres. Thus, technically the subject property is approximately too narrow by 9 metres from north to south.

Furthermore, the City has indicated in their preliminary comments on this application that *“Firstly, there is a sizeable road widening that this property would need to contribute towards, which would be for both the North Front Street side of the property and potentially the Valleyview Court side.”*

It was then further elaborated that the likely land dedication to the City would be as follows:

"some approximations in the past, but the last estimates we had were:

- *1.7m on Valleyview Cr.*
- *1.83m on North Front St. (we took 1.83m from the hotel across the street)*
- *9mX5m daylight triangle on the corner of Valleyview and North Front."*

Thus, the width of the property would be reduced further by approximately 1.7 metres on the south side.

Consequently, it becomes quite challenging to construct a new commercial building on the subject property if the full north side setback is held to 4.5 metres and the full south side setback is held to 7.5 metres.

It is also important to note that the existing building on the subject property, which has existed for a considerable period of time, has a deficient north interior side setback of 1.33 metres instead of the required 4.5 metres. This can clearly be seen in **Figure 7** above.

As shown conceptually in **APPENDIX 1**, the future owner intends to construct an oil change facility on the subject lands that would fit and be functional with the reduced width of the lot, if the minor variance relief is granted.

It is acknowledged that any future development of the subject property will require the submission and approval by the City of Belleville of a site plan.

This site plan will ensure that any new building constructed on this property will meet all of the requirements of the Ontario Building Code including proper fire separation standards for the north side of the new building abutting the northern interior side yard. This will entail requirements on building materials, fire ratings and openings.

This will ensure no impacts on the abutting property to the north.

The site plan process will also ensure the future site layout of this property is properly reviewed and that there will be no access from North Front Street to the property, limited and controlled access to Valleyview Crescent and approximate landscaping and surface treatment adjacent to Valleyview Court and the abutting residential property.

Thus, in summary it is our professional planning opinion that the requested minor variance is desirable for the appropriate development or use of the subject land and any future building constructed thereon.

Secondly, in the context of the existing width of the subject property and the intended use, it is our opinion that the two (2) variances being requested are “minor” in nature. By this it is meant that a narrow lot invites narrower side yard setbacks.

In addition, it is our belief that the site layout and operation of this property will work with the requested reductions and not negatively impact the abutting property to the north or the street allowance to the south.

3.0 City of Belleville Official Plan

The third criteria that needs to be considered when reviewing a minor variance application is whether the intent and purpose of the official plan has been maintained.

The subject property and abutting lands to the north and south, and across North Front Street are designated Commercial Land Use.

The commercial Official Plan policies that apply to the subject lands are as follows:

- a) “3.9.5 North Front/Highway 62 Corridor
 - a) The North Front/Highway 62 Corridor represents the major existing and developing arterial commercial strip that is intended to serve regional and local markets, as well as provide specialty services for the tourism sector. A variety of commercial land uses, ranging from highway commercial to general commercial and non-retail uses are located in this area.

As the major arterial entrance to the City from the north, it is important that the North Front/ Highway 62 Corridor be as attractive and accessible as possible to both the citizens of Belleville and the traveling public. Therefore, development and redevelopment of this area should focus not only on future land use but also on relevant urban design policies that address issues such as road width,

intersection improvements, ingress and egress, landscaping, signage and services.

The intent of this application is to allow for redevelopment of the subject property in a way to improve the urban design of this part of North Front Street. This would address road widening, ingress and egress and landscaping by allowing this site to be cleared and replaced with a new modern site plan and building.

- b) the uses permitted on lands designated Commercial in the North Front/Highway 62 Corridor shall include those commercial establishments offering goods and services which primarily serve the whole of the community's market area, including business and professional offices, retail commercial uses, assembly halls, places of entertainment, restaurants, hotels and motels, automotive sales and service, personal service uses, day cares, community facilities, public uses, recreational uses, either in the form of individual stores or in plazas or clusters.

The proposed use of the subject property is in keeping with this policy.

- c) It is important that the Municipality undertake a corridor study as soon as possible for the North Front/Highway 62 corridor to address issues pertaining to land use, traffic flow, servicing of the north end of the corridor, and the manner by which private developments occur along the corridor to ensure the corridor is developed in a safe, attractive and functional manner. This study may be completed in two parts (one south of Highway 401 and one north of Highway 401) due to the different physical characteristics of these areas.

This study has been undertaken, and it is believed the future use of the subject lands will be in conformity with the corridor study.

- d) Developments should be co-ordinated as much as possible with adjacent uses and those on the opposite side of the street in order to limit the number of and establish effective locations for accesses onto the roadway to ensure safe

traffic flow and to promote efficient traffic circulation between uses.

The future redevelopment of the subject lands will improve the existing pattern of road access.

- e) Where possible, parking areas should be located in the rear or side yards in an attempt to improve the visual appearance of the corridor from the street.

The future redevelopment of the subject lands will provide the majority of on-site parking in the rear yard.

- f) Outdoor storage areas should be limited primarily to sales and display areas; where general storage areas are required, such areas should be adequately screened from the public street.

The future redevelopment of the subject lands will ensure that any general storage areas will be screened from adjacent streets.

The Official Plan policies that apply the Committee of Adjustment and minor variances are as follows:

"8.11.1 Committee of Adjustment

When considering an application for minor variance, the Committee must be satisfied that:

- i. the general purpose and intent of this Plan is maintained;
- ii. the general purpose and intent of the by-law being varied is maintained;
- iii. the variance would constitute a minor departure from the by-law being varied; and
- iv. the variance is desirable for the appropriate development or use of the land, building, or structure.

In considering whether a variance is desirable for the appropriate development or use of the land, building or structure, the Committee of Adjustment will have regard for, but will not necessarily be limited to the following:

- i. the proposed development meets the intent of Section 2, and all

other applicable policies of this Plan;

It is our opinion that this request does.

- ii. whether there is a clear and demonstrable hardship in meeting the requirements of the by-law being varied due to the physical or inherent conditions of the site involved;

This is the fundamental crux of this application. Due to the existing reduced lot width and potential City requirements for road widening and a daylight triangle, without relief, it will be difficult to redevelop this property in the future. Reduced side yards would overcome this hardship.

- iii. the proposed development will be compatible with surrounding uses, buildings or structures and development standards associated with adjacent properties, and if necessary, incorporate means of alleviating adverse effects on abutting land uses;

A very old building and "tired" site plan will get the needed attention required to modernize and incorporate more timely and appropriate development standards.

- iv. comments from City Departments;

Not currently available.

- v. comments from adjacent landowners or residents;

Not currently available but the future redevelopment of the subject lands will protect the abutting residential and commercial properties.

- vi. the ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles or any other matter and means of improving such function including considerations for universal accessibility;

The proposed redevelopment of the subject lands will allow the site to function in an appropriate manner.

- vii. the conformity of the proposal to any applicable urban design policies endorsed by Council, particularly if the site includes or could impact a built heritage resource or is within a Heritage District;

The subject property is not near a built heritage resource, but the site will be redeveloped to ensure appropriate and improved urban design.

- viii. if the site is designated under the *Heritage Act*, the application shall be reviewed by Heritage Belleville for approval. If the property is adjacent to a designated property under the *Heritage Act*, then a heritage impact statement may be required to assist staff to determine if the resulting development is desirable;

Not applicable.

- ix. the resulting development has adequate municipal water and sewage services within the Urban Boundary, or is capable of providing individual on-site water and sewage services outside the Urban Boundary;

Full municipal servicing is available.

- x. whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable Zoning By-law;

The desire is to avoid site specific, or spot zoning, if it is not necessary. It is believed not to be necessary.

- xi. the Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application for a minor variance including any reasonable requirements, recommendations of City departments, or the submission of studies as listed in Section 8.12.3 of this Plan that may be required to properly evaluate the application;

It is not believed that any conditions are necessary.

- xii. the degree to which such approval may set an undesirable precedent for the immediate area; and

It is not believed that an undesirable precedent in the immediate area will be created. There are relatively few corner lots on North Front Street and each will have to be analysed on their own merits and conditions.

- xiii. the availability of alternative modes of transportation (e.g. cycling, transit, etc.) and public facilities including sidewalks when considering reductions in parking and/or increasing density.

No reduction in parking or increase in density is being proposed.

It is our professional planning opinion that the current minor variance application is in conformity with the general purpose and intent of the Official Plan.

4.0 Zoning By-law No. 2024-100

Finally, the fourth, and last criteria that needs to be considered when reviewing a minor variance application is whether the intent and purpose of the zoning by-law has been maintained.

As was outlined previously, the subject property and abutting lands to the north and south, and across North Front Street are zoned C3 – Regional Commercial Zone.

The proposed use of the subject property clearly maintains the purpose of the Zoning By-law as set out by the uses permitted in the C3 Zone. As well, notwithstanding the undersized width (frontage) of the subject lands, appropriate reduced side yard setbacks help compensate from this deficiency in width especially when the City will benefit from two (2) road widenings and a daylight triangle.

And lastly, the reduced side yard setbacks are offset by the fact that while the property is narrow it is overly deep with access not from the front but from the exterior side yard.

Normally side yard setbacks are required to provide access to the rear yard from the front yard and the driveway, In other words, to get around a building from front to back and vice versa.

In this case of the subject property, access to the rear yard is from the side street and there is no need to get around any building on the subject property. The rear yard will be accessed via Valleyview Crescent and not North Front Street.

Thus, it is our professional planning opinion that the current minor variance application is in conformity with the general purpose and intent of the Zoning By-law.

5.0 Planning Opinion and Conclusion

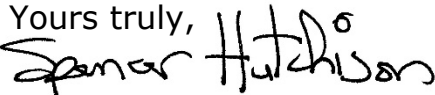
In support of an application for a Minor Variance submitted to the City of Belleville for the property municipally known as 252 North Front Street, the preceding Planning Justification Report has been prepared on behalf of Bexhill Properties Limited.

If approved, this application will allow for the redevelopment of the subject property in a comprehensive and controlled manner to improve the streetscape along North Front Street.

In summary, it is our professional opinion that the minor variances requested in this application for a reduction in the northern interior side yard setback, adjacent to a commercial use, and the reduction in the southerly exterior side yard setback:

- are consistent with the 2024 Provincial Policy;
- conform to the Commercial Land Use policies of the City of Belleville Official Plan;
- are in conformity with the intent of the City of Belleville Zoning By-law 2024-100, as amended, and in particular the C3 – Regional Commercial Zone uses and regulations;
- support the appropriate development and use of the subject property;
- are minor in nature; and,
- represent good planning.

8. Signature of Author

Yours truly,

Spencer Hutchison, RPP



APPENDIX 1: Survey Of Subject Lands

