

Planning Rationale

**To: Greg Pinchin, Secretary-Treasurer
City of Belleville Committee Adjustment
City of Belleville**

From: Spencer Hutchison

Date: December 15, 2025

**Re: Application for Minor Variance – 197 Charles Street
City of Belleville (Walms Property Inc. (Andrew Walmsley))**

This memo is written to summarize our planning opinion in support of an Application for a Minor Variance for two (2) minor variances for the subject property, municipally known as 197 Charles Street.

In doing so, the four (4) “tests” for considering a minor variance request are reviewed and explained in the context of this application.

SITE

The subject property is located on the southeast corner of Bridge Street East and Charles Street in the City of Belleville as shown on **APPENDIX 1**.

As shown on **APPENDIX 2**, the subject property has a lot frontage of 24.3 metres on the south side of Bridge Street East, a frontage of 30.61 metres on the east side of Charles Street and an area of 865.7m².

This property is essentially rectangular in shape but with a separate property, municipally known as 165 Bridge Street East, 9.1 metres wide by 18.3 metres deep, removed from the northeast corner of the subject property and with a slight skew to the eastern and western property lines.

Currently there is an older 2½-storey residential building on the subject property as shown on **APPENDIX 3**. This building has an area of approximately 206.2 m².

There is also an older detached garage located back in the southeast corner of the property which faces Bridge Street East and cannot be accessed from Charles Street.

SURROUNDING LAND USES:

APPENDIX 1, shows the subject property and surrounding uses. From this map, it can be seen that the subject property is located on a major east/west street in

Belleville and in an older, more mature residential area of the municipality with a mixture of owner occupied and rental properties.

The surrounding land uses include:

To the north: Bridge Street East and residential buildings;

To the east: converted commercial now residential building; residential buildings;

To the south: residential buildings;

To the west: residential buildings.

The surrounding lands are depicted in the photos on **APPENDIX 4**.

MINOR VARIANCES REQUESTED

The Owner of the subject lands wishes to demolish the older, existing garage on the property which is not readily accessible and replace it with a new 2-car 2-storey garage facing Charles Street. This new garage would be south of the main residential building and access Charles Street.

The location and dimensions of the proposed garage are shown on **APPENDIX 2**.

Elevations, and a cross-section of the proposed garage are shown on **APPENDIX 5**.

A rendering of how the proposed garage would look from Charles Street is shown on **APPENDIX 6**.

To construct the new garage in the proposed location, two (2) minor variances are required:

1. A minimum exterior side yard setback of 4.0 metres instead of 5.25 metres. [No accessory building or structure shall be located closer to the street line(s) than the main building on the lot];
2. A maximum height of the proposed garage of 8.5 metres instead of the standard 4.5 metres.

SECTION 45(1) OF THE PLANNING ACT, RSO 1990, CHAPTER P.13

As referenced at the top of the next page, the Planning Act sets forth planning law as it pertains to the Committee of Adjustment and minor variances.

“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.”*

In addition, as shown below, recent changes to the Planning Act in 2025 granted variations from setback requirements “as a right” without needing approval from the municipality or the Committee of Adjustment.

Planning Act

R.S.O. 1990, CHAPTER P.13

Consolidation Period: From November 27, 2025.

PART V LAND USE CONTROLS AND RELATED ADMINISTRATION

Section 34 – Zoning by-laws

Provision re setbacks

(1.4) Subject to subsection (1.5), a minimum setback distance is deemed to be the prescribed percentage of the setback distance. 2025, c. 9, Sched. 7, s. 4 (1).

Same, Greenbelt

(1.5) Subsections (1.3.1), (1.3.3) and (1.4) do not apply to a building or structure located,
(a) in the Greenbelt Area within the meaning of the Greenbelt Act, 2005;
(b) on a parcel of land that is not a parcel of urban residential land; or
(c) on a parcel of land that includes any land in an area prescribed for the purposes of subsection 41 (1.2) of this Act. 2025, c. 9, Sched. 7, s. 4 (1); 2025, c. 14, Sched. 10, s. 4 (2).

ONTARIO REGULATION 257/25

made under the

PLANNING ACT

1. Ontario Regulation 545/06 is amended by adding the following section:

1. Prescribed percentage of setback distance

1.1 For the purposes of subsection 34 (1.4) of the Act, the prescribed percentage is 90 per cent.

So, pursuant to this legislation, the proposed variance for the garage setback would be as follows:

1. A minimum exterior side yard setback of 4.0 metres instead of 4.73 metres. [No accessory building or structure shall be located closer to the street line(s) than the main building on the lot];

CITY OF BELLEVILLE OFFICIAL PLAN

The City's Official Plan picks up the wording of the Planning Act and in Section 8.11.1 provides policies that apply to the Committee of Adjustment and minor variances 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.

"The urban service area will be the focus of the majority of future residential growth and non-residential development. [Policy 2.2.4]

"The Municipality will accommodate a range of housing choices to meet the growing and changing needs of the City." [Policy 2.2.12]

"The Municipality supports intensification as a means of achieving an efficient use of land and infrastructure, curbing urban sprawl, and creating more walkable neighbourhoods, while also meeting the projected needs of the City." [Policy 2.2.12]

Accessory structures such as a garage are seen as an inherent component of providing housing whether they be attached or detached structures.

- 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;*

The subject property is a corner lot which by nature reduces the amount of usable rear yard space because of the definition of the exterior side yard setback. More importantly, residential property owners want to maximize their outdoor amenity space and provide as much outdoor living space as possible. Hence this request to expand the usable space of the subject property by “pushing” the proposed garage westward by 1.25 metres and demolishing the existing garage.

A photograph of the rear yard of the subject property in **APPENDIX 7**, shows a trampoline in the back yard, outdoor living space and a back deck with a BBQ on it. Consequently, by removing the existing garage and adjusting the location of the new garage, the size of the outdoor amenity space can be increased.

Secondly, the existing garage on the subject property occupies a lot of space as currently situated. This area of the rear yard can be better utilized for outdoor open space by removing this garage and replacing it with a garage closer to the rear and western property lines.

- 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 rendering of the proposed garage has been provided in **APPENDIX 6** along with the proposed elevations of this garage in **APPENDIX 5**.

Photographs of nearby houses are shown in **APPENDIX 4**.

From these range of photographs in **APPENDICES 4 and 6**, it can be seen that the proposed garage has been designed to fit into the existing streetscape and historical style of the existing residential building on the subject property.

However, it is noted that the houses in the immediate area are each unique in their own way and are far from uniform in style or size. A varied range of structures.

The house to the south has parking in the front yard right up to the sidewalk.

The house across the street is relatively close to Charles Street and the house to the south of this has an attached garage that projects closer to the street than the main dwelling.

The house to the east of the subject property consists of a ground floor converted convenience store to housing with a wooden staircase leading to the second floor.

Moreover, the façade of this house is replicated in the façade and roofline of the proposed garage.

Lastly, the house across the street on the north side of Bridge Street East is set behind an extensive hedge which is planted right adjacent to the city sidewalk. In effect, creating a “wall” somewhat equivalent to a fence. In this way, it is much closer to the street line than the main structure on this property.

On the plot plan (**APPENDIX 4**), the aim is line up the proposed garage in relative alignment with the northwest corner of the building on the subject property and on the abutting house to the south and to locate it behind the existing privacy fence. In fact, the garage is inline with the house to the south.

Consequently, it felt that the proposed location of the new garage reflects “development standards associated with adjacent properties”

As for the height and peaked nature of the garage they replicate the west face of the existing building and visually ties the two structures together. A lower peaked roofline would not have this visual impact.

Thus, “the proposed development (garage) will be compatible with surrounding uses, buildings or structures.”

iv. *comments from City Departments;*

None have been currently received apart from pre-consultation comments from the Engineering & Development Services Department, and those comments are being addressed through this report and other documents provided to the municipality as part of a complete application.

v. *comments from adjacent landowners or residents;*

Not currently available but can be addressed if they arise.

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. Access to the garage will be directly from Charles Street, a side street and not from Bridge Street East which is a major street. Moreover, the garage provides additional sheltered parking and indoor

storage.

- 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 proposed garage fronts on Charles Street and not Bridge Street East and does not impact the streetscape looking east and west along Bridge Street East. Moreover, as noted previously, it is felt that this new garage reflects "development standards associated with adjacent properties".

- 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. The house on the property has been altered through time by several additions including a metal emergency fire escape and a 1-storey addition.

- 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. The two deficiencies fall within the purview of a minor variance application.

- 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 several examples of detached garages being constructed on corner lots in this older area of Belleville that have successfully gone

through the minor variance process.

- 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.

ZONING BY-LAW NO. 2024-100

The regulations controlling the placing of an accessory structure such as a detached garage on a property in Belleville is covered in Section 15.1 of the Zoning By-law as shown below.

The applicable regulations are highlighted in yellow.

15. General Provisions | 15-1

15. General Provisions

The following General Provisions shall apply to the use of land and the erecting, altering, enlarging, locating, and using of buildings or structures in all zones as specified in this By-law.

15.1 Accessory Buildings or Structures

- (1) The total lot coverage of all accessory buildings and structures, excluding swimming pools, and porches and/or decks without a perimeter foundation, is subject to the following provisions:
 - a) Accessory buildings shall not exceed 10% total lot coverage.
 - b) Despite Subsection a), in Rural and Agriculture Zones, farm buildings such as barns, greenhouses, stables, and other agriculturally related buildings are not considered accessory buildings.
- (2) The minimum required interior side yard width and rear yard depth for accessory buildings or structures is:
 - a) 30.0 metres within the Aggregate and Extractive Industrial and Waste Disposal Zones, except 90.0 metres where abutting a residential zone.
 - b) 7.5 metres within the General Industrial and Rural Industrial Zones, except 12.0 metres where abutting a residential zone.
 - c) 7.5 metres within the Agriculture and Loyalist College Zones.
 - d) 3.0 metres within the Rural and Rural Residential Zones.
 - e) 1.0 metre within all other zones.
- (3) The maximum permitted height of accessory buildings or structures is:
 - a) 10.0 metres within the Rural, Agriculture, General Industrial, Rural Industrial, Aggregate and Extractive Industrial, and Waste Disposal Zones.
 - b) 6.0 metres within the Rural Residential Zone.
 - c) 4.5 metres within all other zones.
- (4) Accessory buildings and structures are subject to the following additional provisions:
 - a) Distance between an accessory building or structure and the main building on the lot (minimum): 1.0 metre
 - b) Subsection a) does not apply to decks, porches, steps, and other structures normally attached to a main building.
 - c) Distance between a detached accessory building or structure and any other detached accessory building or structure (minimum): 1.0 metre
 - d) No accessory building or structure shall be located closer to the street line(s) than the main building on the lot, except for the rear yards of through lots.
 - e) No accessory building or structure shall be located on a required landscaped area or buffer, natural hazard, wetland, watercourse, or body of water.
 - f) Within any Residential Zone, except the Rural Residential Zone, the maximum number of accessory buildings and structures shall be four (4).
 - g) Except as specifically stated elsewhere in this By-law, the use of any accessory building for human habitation is not permitted.

The proposed garage meets the requirements for maximum lot coverage, distance from the main building, interior side yard and rear yard setbacks.

As noted previously, the garage does not meet the height restriction nor the exterior side yard setback.

The basis of the Zoning By-law is to control the location and size of structures, both the main structure or building on a property as well as accessory structures such as a garage.

The proposed location of the garage adheres to the intent of the Zoning By-law by maintaining an appropriate setback from the rear property line and the exterior side yard lot line.

No variance is required for the rear yard setback from the southern property line.

Moreover, if the new garage was constructed on the abutting property to the south, and not the subject property, then no variance would be required since the front face of the garage and the adjacent dwelling are in line and of equal distance to the street line.

As with regards to the height of the new garage, the intent of the Zoning By-law is to regulate accessory structures so that they are complementary but secondary to the main structure on the property and do not overshadow or “overpower” it.

In saying so, it must be recognized that throughout the municipality there are a range of housing sizes and heights. Therefore, restricting a garage to 4.5 metres in height is in essence restricting a garage to 1-storey which is roughly 4 metres to the roof ridge with a low slope roof of 4:12.

However, there are houses within the municipality such as the subject property that are much larger and higher as reflects an older generation of housing. In this situation, a higher garage with a more peaked roof would be a better match to the existing house and would not dominate it. It would remain secondary to the main dwelling as set out by the Zoning By-law.

It is our professional planning opinion that the current minor variance application is in conformity with the general purpose and intent of Zoning By-law 2024-100. As amended.

PLANNING ANALYSIS OF VARIANCES REQUESTED

In preceding sections, we have reviewed the two minor variances with regards to conformity with the City’s Official By-law and Zoning By-law.

The last two “tests” when considering a minor variance deal with whether the proposal is desirable for the appropriate development of the subject lands and constitute a minor departure.

The Appropriate Development

In general, a garage on a residential property is almost a certainty. It is very rare to find a residential property that does not have either an attached or detached garage especially on properties where the house has been constructed in the last 40 years.

So, the proposed garage in itself would be considered appropriate and consequently we are talking about the location and height of the garage.

As noted previously, the location of the new garage allows for increased outdoor amenity space on the property with no significant impact on the overall setback of the garage from the street line. There is still sufficient depth between the garage and the municipal sidewalk to park motor vehicles.

In addition, the new garage would be located further back from the street than an existing privacy fence which already provides a physical or visual barrier to anyone using Charles Street.

As for the height of the garage, it would not be considered inappropriate on a larger lot in this older established residential neighbourhood with higher pitched roofs.

Therefore, it is our professional opinion that the proposed variances for the new garage represent appropriate development as required by the Planning Act.

Constitute A Minor Departure

The consideration of what is "minor" in terms of a minor variance has through practice become a relative and not absolute measurement.

In this regard, the Province through recent changes to planning legislation has signalled that a 10% variation to a setback requirement is minor.

So, the question becomes whether the proposed location and height of the new garage is a minor change from the requirements of the Zoning By-law.

It is suggested that the impact of these two variances is relatively insignificant. Given the existing built form of the surrounding residential area, it is felt that the local residents would be unlikely to consider the garage that could be built if the variances were approved as having a major impact.

Therefore, it is our professional opinion that the proposed variances for the new garage are minor in nature as required by the Planning Act.

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 197 Charles Street, the preceding Planning Rationale has been prepared on behalf of Walms Property Inc. (Andrew Walmsley).

If approved, this application will allow for the construction of a new 2-storey, 2-car garage on the subject property to improve the outdoor amenity space of the subject property.

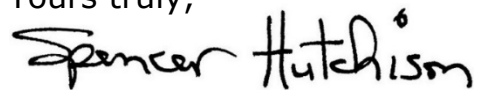
In summary, it is our professional opinion that the minor variances requested in this application, for a reduction in the minimum exterior side yard setback and the maximum height of a new garage:

- conform to the 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;
- support the appropriate development and use of the subject property;
- are minor in nature; and,
- represent good planning.

If you have any questions about this information, please do not hesitate to contact the undersigned.

SIGNATURE OF AUTHOR

Yours truly,

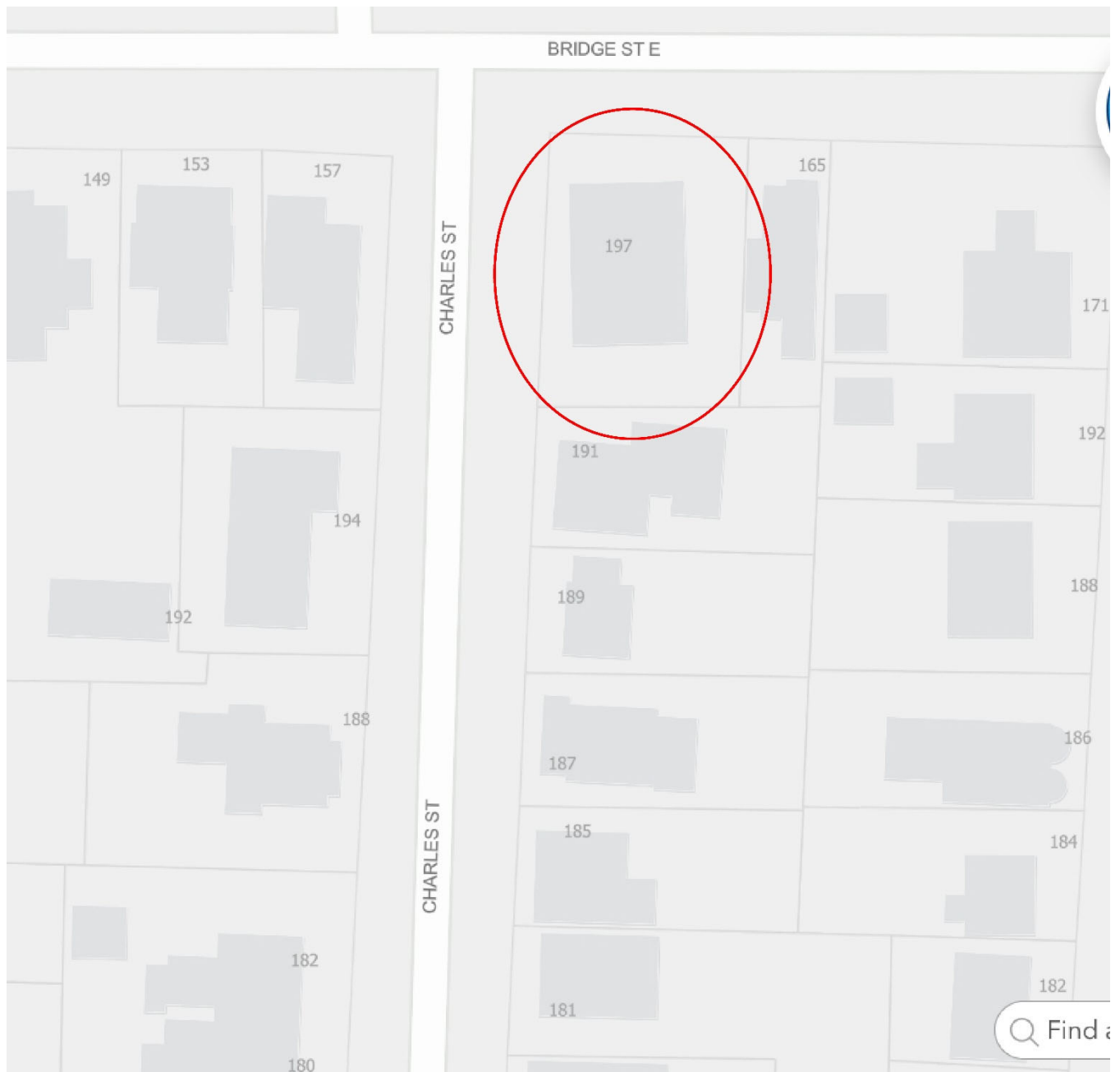


Spencer Hutchison, RPP



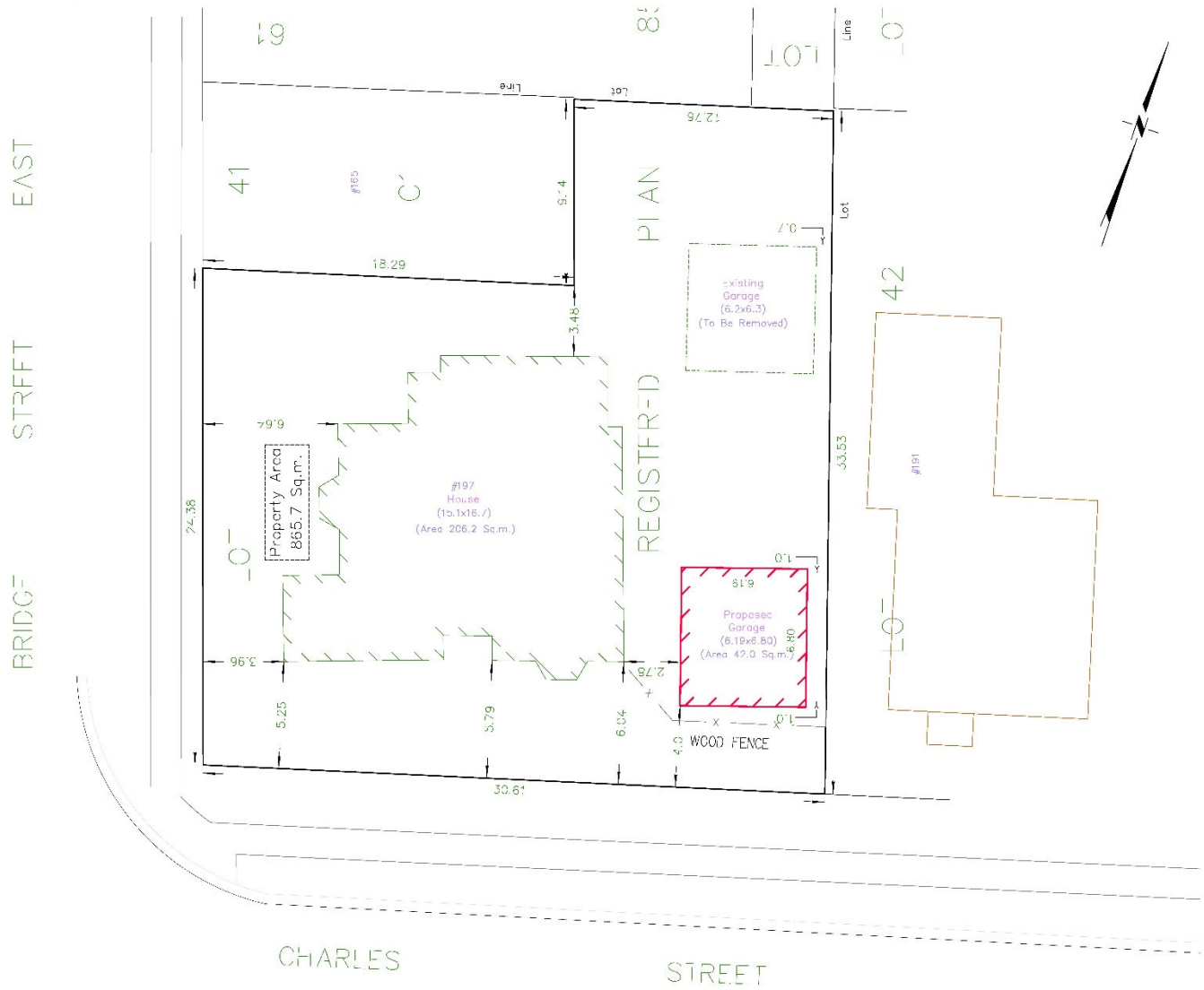
APPENDIX 1

Location Map



APPENDIX 2

Plot Plan



APPENDIX 3

Photograph of 197 Charles Street



APPENDIX 4

Photographs of Neighbourhood



House to the south on Charles Street



House across Charles Street on west side.



Second House from Bridge Street East across Charles Street on west side.



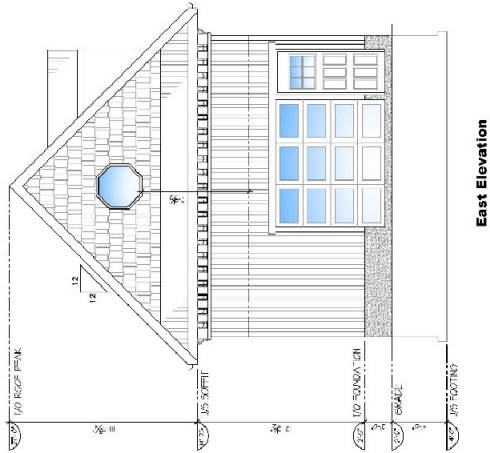
House across Bridge Street East on north side.



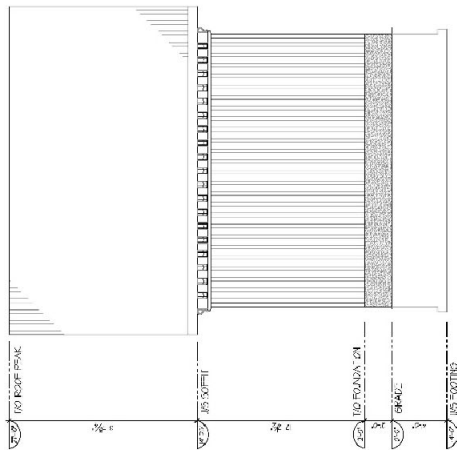
Converted house to the east along Bridge Street East.

APPENDIX 5

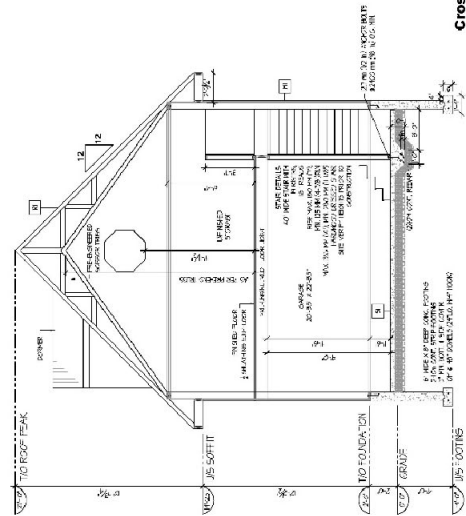
Garage Elevations



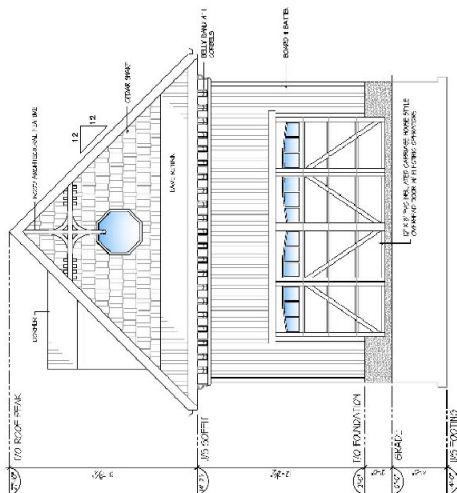
East Elevation



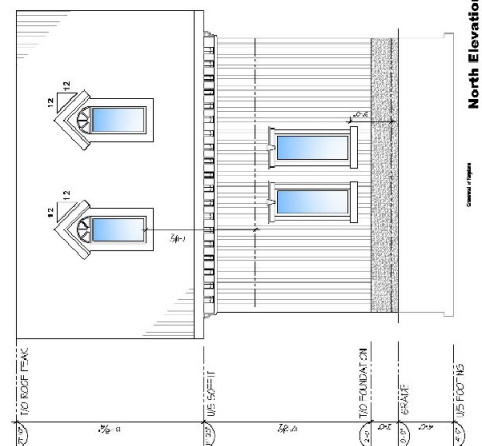
South Elevation



Cross-section



West Elevation



North Elevation

APPENDIX 6

Ground Level View



APPENDIX 7

Photograph of Rear Yard of Subject Property

