

January 19, 2026

City of Belleville
Engineering and Development Services
City Hall, 169 Front Street
Belleville, ON K8N 2Y8

Attn: Kimar Francis
Principal Planner

Re: Application for Minor Variance
421 Dundas Street West, City of Belleville
EcoVue Reference: 25-2892

Dear Mr. Francis,

The following is being submitted in support of an application for Minor Variance at the above-noted property. The purpose of this Minor Variance application is to seek relief from maximum building height regulation (proposed **16.89 metres** where **15.68 metres** is required) of the Residential Type Three – Exception 14 (R3-14) Zone in the City of Belleville Zoning By-law 2024-100.

As per the requirements for a Minor Variance application noted in the City's Pre-Consultation letter of October 15, 2025, we have included the following:

1. **Application Form**
2. **Pre-Consultation Checklist**
3. Architectural Design Package, which includes:
 - a. **Zoning Matrix**
 - b. **Concept (Site) Plan**
 - c. **Elevation Drawings**
4. **Site Photos** (included herein)

The following justification letter-report will examine the proposed minor variance in the context of the applicable four tests of Section 45(1) of the *Planning Act*.

1.0 BACKGROUND

In 2021, By-law 2021-176 was approved by City of Belleville Council, which had the effect of rezoning the subject property to the Residential Type 7 – Exception 14 (R7-14) Zone under the former City of Belleville Zoning By-law 10245, which was repealed in 2024. The R7-14 Zone included a number of site-specific lot regulations and provisions that would permit the future construction of a four-storey (with a stepped-back fifth floor) apartment building. In 2024, the site-specific regulations of the R7-14 Zone were carried over to the new Zoning By-law 2024-100 as the Residential Type 2-Exception 28 (R2-28) Zone, then renamed as a result of Housekeeping Amendment 2024-138 as the Residential Type 3-Exception 14 (R3-14) Zone.

In late 2025, the current owner of the property submitted an application for Site Plan Approval to City of Belleville in support of the development of a four-storey apartment building. While the design of the building had changed from previous conceptual designs provided during the rezoning stage in 2021, the current design proposal complies with all of the applicable provisions and regulations of the current Zoning By-law 2024-100 and the R3-14 Zone, with the exception of the maximum height regulation.

1.1. Measuring Building Height

The proposed height of the building is **16.89 metres**, where a maximum of **15.68 metres** is required in the R3-14 Zone. The height of the proposed building has been measured from the lowest point of the finished grade at the front face of the building to highest point of the of the roof (see enclosed **Architectural Drawing Package**), in accordance with the building height definition provided in the Zoning By-law 2014-100.

However, it is important to note that the previous City of Belleville Zoning By-law 10245 included a different definition for building height, which was measured from elevation of the centreline of the adjacent street to the highest point of the roof. Using that form of measurement, the height of the proposed building would be 15.68 metres, which would comply with the R3-14 Zone. As noted, the site-specific zone on the property was approved in 2021 under the former Zoning By-law, including the former building height definition.

1.2. Description of Current Proposal

The proposed apartment building will include 37 units within four (4) floors. Units will be a mix of 1, 2 and 3-bedroom types.

The parking area, which will be accessed directly from Dundas Street, will include 40 resident and visitor spaces (including two (2) barrier-free spaces) and a loading space at the rear. Spaces will be located along the western and southern portions of the property. The building will be cantilevered on the west side to allow for a row of parking underneath the second storey. Due to the drop in elevation from the street line to the south, there will also be a small lower level at the rear of the building that will accommodate a maintenance/receiving area.

While the original conceptual design in 2021 included a stepped-back fifth storey comprised of apartment units, the current design will feature a fifth floor amenity space, which will be largely comprised of outdoor space on the roof of the fourth floor. There will also be an indoor space near the rear of the building which will include a general amenity room, bathrooms, and an exit corridor. The proposed height of the building (16.89 metres) has been measured to the roof of this indoor amenity space.

An application for Site Plan Approval for the current design was submitted in November 2025, and the second submission is currently being reviewed by City staff.

2.0 APPLICATION FOR MINOR VARIANCE

Section 45 (1) of the Planning Act sets out “four tests” to be considered when submitting a Minor Variance application. The four tests are:

1. The requested variance meets the general intent of the Official Plan;
2. The requested variance meets the general intent of the Zoning By-law;
3. The requested variance is minor in nature; and
4. The requested variance is desirable for the appropriate development or use of the land, building or structure.

Below is a summary of the proposed Minor Variances in the context of the four tests listed above.

2.1. General Intent of the City of Belleville Official Plan

The subject property is designated Residential Land Use in the City of Belleville Official Plan (BOP). According to Section 3.10.1 of the BOP, the Residential Land Use designation permits varied residential densities and housing forms. It is important to note, however, that the proposed variance will only impact the height of the building and not the approved density or overall housing and built form (aside from height) of the building. As such, many of the policies of the Residential Land Use designation are not directly applicable to this application.

Of particular note, however, is Section 3.10.2 g), which speaks to buildings that are taller than three storeys. It is stated in this section that a *“rezoning may be approved”* to permit taller buildings in the Residential Land Use designation, provided they are supported by an Urban Design Study that addresses conformity with the City’s Urban Design Guidelines and the *“appropriateness of incorporating...an angular plane requirement of 45 degrees (drawn from the foundation of the closest main residential dwellings on all adjacent lower magnitude residentially zoned properties)”*.

As noted, the subject property was subject to a rezoning in 2021, wherein an Urban Design Study was provided in support of the application. The conceptual design of the building was based on the results of the study, as well as the discussion with City staff. The site-specific exception zone that was approved by the City in 2021 reflects this design, which included a fifth floor step-back to prevent massing impacts to the road and adjacent residential properties, and a maximum building height of 15.68 metres.

As noted, the proposed building will have a fifth floor step-back (which will have a smaller floor area than contemplated in the original design), and will be 15.68 metres tall, if measured using the former building height definition of the previous Zoning By-law under which the rezoning was approved. In our opinion, the proposed height variance “increase” does not reflect a change from what was previously approved and contemplated, and reflects the intent of the design policies set out in Section 3.10.2 g).

Therefore, it is our opinion that the proposed increased height meets the intent of the City of Belleville Official Plan.

2.2. General Intent of the City of Belleville Zoning By-law 2024-100

As mentioned, the proposed apartment building will comply with all applicable zone regulations and provisions, with the exception of building height (15.68 m) set out in the R3-14 Zone. The proposed variance will permit a building height of 16.89 metres.

In our opinion, the proposed variance meets the intent of the City of Belleville Zoning By-law 2024-100, particularly the R3-14 Zone. As noted, the original exception zone (which became the R3-14 Zone) was intended to reflect a building design in the context of the since repealed Zoning By-law 10245, including the definition for building height provided therein. As noted, if building height is measured using the definition provided in By-law 10245, the proposed building would comply with the required maximum height of 15.68 metres.

Therefore, it is our opinion that the proposed variance meets the intent of the City of Belleville Zoning By-law.

2.3. The Requested Variance is Minor in Nature

The proposed increased height represents a numerically minor increase (1.21 metres). More importantly, the increased height is a result of a different measurement used in the current Zoning By-law, and not a change in the design that was originally contemplated for the site.

Therefore, it is our opinion that the proposed variance is minor in nature.

2.4. Desirable for the Appropriate Development or Use of the Land, Building or Structure

Given that there is no change to the overall height that was contemplated in the original design, which was thoroughly analyzed in the context of the overall neighbourhood and urban design requirements of the City, it is our opinion that the proposed variance is desirable for the appropriate development or use of the land building or structure.

3.0 SUMMARY


As demonstrated herein, the proposed variance is consistent with the general intent of the City of Belleville Official Plan and Comprehensive Zoning By-law No. 2024-100. The variance is considered

minor in nature and represents an appropriate and desirable form of development for the subject lands and the surrounding area.

Based on the review of the relevant *Planning Act* and policy considerations, it is our opinion that the Minor Variance meets the “four tests” of the *Planning Act* and represents good planning.

Respectfully submitted,

ECOVUE CONSULTING SERVICES INC.


J. Kent Randall B.E.S., MCIP, RPP
Principal Planner



Site Photos*



Subject Property looking southeast



Subject Property looking northeast

**photos courtesy Avison Young Valuation & Advisory Services, LP*



Looking west along the Front Lot Line



Looking east along the Front Lot Line