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## MEMORANDUM

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**TO:** CHIEF ADMINISTRATIVE OFFICER  
**FROM:** BRIGID REYNOLDS, CONSULTING TOWN PLANNER  
**SUBJECT:** DVP2025-04 – 153 ELK ROAD  
**MEETING DATE:** MAY 27, 2025  
**SUBJECT PROPERTY:** LOT 7, BLOCK 12, SECTION 5, RENFREW DISTRICT, PLAN EPP129725

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### **Purpose**

The purpose of this application is to vary Zoning Bylaw Section 5.1.6 Standards to reduce the minimum setback of the garage face to each of the duplex dwelling units front face from 1.5m to 0m and to reduce the front face differential setback between the two duplex units from 1.5m to 0m to permit the construction of a duplex building including attached garages at the above location.

### **Background**

The property is 790 m<sup>2</sup> (8508 ft<sup>2</sup>) in size and is zoned Traditional Urban (R-3). The proposed development is to build a duplex building.

In the fall of 2024 APC reviewed and at its regular meeting on November 24, 2024 Council approved Zoning Amendment Bylaw 1110,2024 to increase density on single family zone districts by permitting duplexes in the Urban R-2 zone district and permitting triplex and quadplex type dwellings in the Traditional Urban R-3 zone district. The zoning amendment also included changes to regulations for minimum lot size, maximum height, maximum lot coverage, front, rear and side yard setbacks. The purpose of these amendments was to implement Bill 44 Housing Statutes (Residential Development) Amendment Act, 2023.

The building and development community has recently expressed concern about this new regulation. They are specifically concerned with the following:

Section 5.1.6 f. i) minimum front lot line setbacks for principal and accessory buildings or structures:

a) For single detached, duplex, triplex, and quadplex dwellings:

- 6.1 to garage face;
- 4.5 to front face of dwelling;
- the garage face shall in all cases be set back a minimum of 1.5 metres further than the dwelling front face.

Prior to the adoption of Bylaw 1110, 2024, section 5.1.6 c. Minimum setbacks for principal and accessory buildings or structures i. front lot lint 7.5 m

Zoning Amendment Bylaw No. 1110, 2024 also added a new provision to Section 5.1.6 Standards for Traditional Urban R-3 Zone

b. duplex special provisions

i. front face differential setbacks - the front faces of individual units shall be setback from each other by a minimum of 1.5 m.

Prior to the adoption of Bylaw 1110, 2024, there was no differential between two duplex units.

Staff and Council members have received correspondence from frustrated builders, realtors and developers about this recent bylaw amendment as they were unaware of bylaw changes. Some didn't learn of the amendments until they recently submitted building permit applications.

### **Analysis**

The purpose of these amendments was to implement Bill 44 to allow additional housing units on lots and reducing setbacks is one 'lever' that can be used to achieve this goal.

The *Provincial Policy Manual & Site Standards* prepared to support local governments to implement the SSMUH legislation noted the following.

"To create a favourable development environment that encourages landowners to add additional housing units on their lots, local governments may adopt modest lot line setbacks in Restricted Zones. This will help ensure the viability of SSMUH housing forms and provide flexibility for the development of new units through multiple configurations."

"Local governments may also consider reducing their front yard setbacks to bring buildings closer to the sidewalk, which will have the effect of creating more vibrant streets through the 'eyes on the street' effect and increasing the likelihood of social interactions." Reducing front yard setbacks, however, reduces driveway length and potentially reduces or eliminates on-site parking spaces. Therefore the setback of 6.1 m to the garage front was established to ensure parking spaces are long enough to avoid vehicles encroaching into the sidewalk or street.

The applicant is requesting a variance to these provisions to site the duplex building 7.5 m from the front lot line and to remove front face differential setback. The applicant has stated this is a hardship situation because building plans have been prepared and revisions to these plans will be expensive for the homeowner.

### **Advisory Planning Commission**

At its regular meeting on April 24, 2025 the APC heard from a delegation about the matter, discussed it and made the following recommendation:

that the Commission recommend to Council that individuals be required to make application for a Development Variance Permit for their specific circumstances.

### **Public Notification**

Development Approval Procedures and Notification Bylaw No. 1109-2024 and the Local Government Act Section 499 require notice a minimum of 10 days prior to Council's consideration of the request. The notice was mailed out on May 17, 2025 and at the time of preparing the staff report no comments have been received.

### **Options**

- 1) Grant the variance request for this application.
- 2) Deny the variance request for this application.
- 3) Direct the contract planner to prepare a report to consider amendments to the Zoning Bylaw.

### **Recommendation**

The contract planner recommends granting the variance request for this application.

For the property located at 153 Elk Road, legally described as Lot 7, Block 12, Section 5, Renfrew District, Plan EPP129725 vary the subsections b) i) of Section 5.1.6 Standards for Traditional Urban R-3 Zone as follows:

- a) Reduce the minimum front face differential setback for the front face of individual units from 1.5 m. to 0 m; and
- b) Reduce the minimum setback between the garage face and dwelling front face from 1.5 m to 0 m.

Signed:



Brigid Reynolds RPP MCIP  
Contract Planner

Concurrence:

Mark Brown  
Chief Administrative Officer

# ATTACHMENT 1

