

To: Mayor and Members of South-West Oxford Township Council

From: Laurel Davies Snyder, Development Planner, Community Planning

Application for Zone Change

ZN4-26-04 – Peter and Sylva Liboiron

REPORT HIGHLIGHTS

- This zone change application proposes to amend the existing 'Special Limited Agricultural Zone (A1-9)' to facilitate the conversion of the existing 75 m² (807 ft²) Garden Suite to a detached Additional Residential Unit (ARU). No new development is proposed as part of this application.
- Planning Staff are recommending that the application be approved as it is generally consistent with the Provincial Planning Statement (PPS) and maintains the intent and purpose of the Official Plan with respect to detached Additional Residential Units (ARUs) where full municipal services are not available.

DISCUSSION

Background

OWNERS/APPLICANTS: Peter and Sylva Liboiron
333140 Plank Line, Mount Elgin, ON N0J 1N0

LOCATION:

The subject property is legally described as Part Lot 10, Concession 5 (Dereham), in the Township of South-West Oxford. The property is located on the east side of Plank Line (Highway 19), south of the Village of Mount Elgin, between Mount Elgin Road and Daniel Road and known municipally as 333140 Plank Line.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "S-1" Township of South-West Oxford Land Use Plan Agricultural Reserve

TOWNSHIP OF SOUTH-WEST OXFORD ZONING BY-LAW NO. 25-98:

Existing Zoning 'Special Limited Agricultural Zone (A1-9)'

Proposed Zoning: 'Amended Special Limited Agricultural Zone (A1-9)'

PROPOSAL:

This zone change application proposes to amend the existing 'Special Limited Agricultural Zone (A1-9)' zoning to convert the existing 75 m² (807 ft²) Garden Suite to a detached Additional Residential Unit (ARU). The Garden Suite was established by a previous owner and approved by Township Council in 2014 (ZN4-14-07) for a period of ten (10) years, ending in October 2024. No new development is proposed as part of this application.

The subject property is approximately 1.9 ha (4.7 ac) in area and contains a 158 m² (1,700 ft²) principal dwelling, a 75 m² (807 ft²) Garden Suite established in 2014, accessory structures (garage and shed), and agricultural structures. The property is serviced by private well and individual septic system. The Campbell Municipal Drain runs across the subject property. The existing Garden Suite is located approximately 215 m (705.4 ft) from the active CPCK rail line.

Surrounding land uses are predominately agricultural to the east and west, while rural residential uses exist to the immediate north and south of the subject lands. The Village of Mount Elgin is located to the north of the subject property.

Plate 1, Location Map with Existing Zoning, shows the location of the subject property and the existing zoning in the immediate vicinity.

Plate 2a, Aerial Map (2025), provides an aerial view and existing zoning of the subject property and surrounding area.

Plate 2b, Close-Up Aerial Map (2025), shows the location of the subject property and the location of the existing Garden Suite to be converted to a detached ARU.

Plate 3, Applicants' Sketch, shows the location of the existing buildings on the subject property, as provided by the applicant.

Application Review

2024 PROVINCIAL PLANNING STATEMENT

The 2024 Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the *Planning Act*, where a municipality is exercising its authority affecting a planning matter, such decisions shall be consistent with the statements issued under the Act. The following outlines the key PPS policies that have been considered but is not intended to be an exhaustive list.

Section 2.2 provides that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the immediate area by:

- a) establishing and implementing minimum targets for the provision of housing that is affordable to low- and moderate-income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;
- b) permitting and facilitating:
 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;
- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
- d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

OFFICIAL PLAN

The subject property is located within the Agricultural Reserve designation according to the Township of South-West Oxford Land Use Plan as contained in the Official Plan. Lands in the Agricultural Reserve designation are to be developed for a wide variety of agricultural land uses, including general farming, animal or poultry operations, regulated livestock farms, cash crop farms and specialty crop farms. Permitted uses also include woodlands, market gardening, tobacco farming, nurseries and orchards, together with farm buildings and structures necessary to the farming operation, and accessory residential uses required for the farm.

The subject lands are in proximity to the CPCK Rail Line which is located approximately 215 m (705.4 ft) to the west of the subject lands as illustrated on Plate 2. Section 3.3.3.1 of the Official Plan addresses human made constraints with respect to noise, vibration and safety. This section provides that the Township and County recognize that there may be noise or vibrations that affect sensitive land uses located in proximity to industrial uses, major roads and railways. The objective of the Official Plan is to prevent or minimize the encroachment of noise sensitive land uses upon these areas and vice versa. Consequently, in accordance with Provincial criteria, County Council adopted noise level objectives as outlined in the Official Plan, and established that studies may be required to address the measurement, analysis and mitigation of noise or vibration effects prior to, or, as a condition of development and in recognition of the safety issues associated with locating sensitive land uses in proximity to railways, additional safety measures will be incorporated into new development as appropriate.

Notwithstanding minimum separation distances between sensitive land uses and industrial uses, major roads, and railways, the County or Town may reduce the requirement for the minimum separation distances from rail yards and waive the requirement for feasibility and/or noise studies where infilling or redevelopment for residential or mixed use is proposed on existing lots of record and for the creation of a single lot through the consent process for infilling, provided that:

- the proposed development is no closer to the zoned and designated facilities than existing sensitive land uses in the immediate area;
- existing railway authorities within the prescribed minimum separation distance are notified of the proposed development and have been provided the opportunity to comment, and;
- the composition and nature of the industrial land uses within the minimum separation distances are relatively stable and/or there is evidence that these areas are undergoing transition to other more compatible uses.

Oxford County Council adopted policies regarding additional residential units (ARUs) on February 8, 2023 (Official Plan Amendment 285).

ARUs are permitted in the Agricultural Reserve designation within a single detached dwelling and/or in a structure ancillary to the principal dwelling, provided that both dwellings are located on a lot zoned for agricultural or rural residential use that permits a dwelling in accordance with

the policies of the Official Plan. A maximum of two (2) additional residential units shall be permitted per farm unit, two (2) in a principal dwelling, or one (1) in a principal dwelling and/or one (1) in a structure ancillary to that dwelling.

ARUs located outside of a settlement area shall be in accordance with the following:

- The ARU shall be clearly secondary and subordinate to the principal dwelling on the lot and have a cumulative gross floor area of no greater than 50% of the gross floor area of the principal dwelling, to a maximum of 140 m² (1,506 ft²);
- ARUs shall not generally be permitted where a lot or dwelling already contains other accessory residential dwelling and/or uses, including a group home, boarding or lodging house or a home occupation that is characterized by higher occupancy such as a bed and breakfast, a farm vacation rental or other similar uses;
- Individual on-site water supply and sewage services are demonstrated to be adequate to serve the proposed use, in accordance with the applicable policies;
- The existing principal dwelling and the lot are of sufficient size to accommodate the creation of an ARU and to provide adequate off-street parking, landscaping, stormwater management and outdoor amenity areas;
- The principal dwelling must have direct, individual vehicular access to a public street and all ARUs shall use the same driveway as the principal dwelling;
- There is adequate access from the front lot line and parking area to each ARU for both occupant use and emergency response;
- To the extent feasible, existing trees and other desirable vegetation are preserved;
- Land use compatibility concerns (e.g. due to proximity to industrial areas or major facilities) will not be created or intensified;
- The location of ARUs and related services and outdoor amenities shall comply with all other applicable policies of the Official Plan;
- All other municipal requirements, such as servicing, stormwater management, waste management and emergency access, can be adequately addressed.

The following additional policies shall apply to the establishment of an ARU in a detached ancillary structure:

- The lot must be a minimum of 0.6 ha (1.48 ac) in area;
- The siting, design and orientation of the ancillary structure, parking areas and outdoor amenity areas will allow for privacy for the occupants of the ARU, principal dwelling and abutting residential properties; and
- An ARU will satisfy MDS I or will not further reduce an existing insufficient setback.

The cumulative area of the lot utilized for residential purposes shall be minimized to the extent feasible to a maximum of 0.8 ha (2 ac) and the location of the ARU and/or related services and outdoor amenity areas shall minimize the loss of tillable agricultural land and potential impact on the farm operation and adjacent farms.

An additional residential unit shall not be severed from the lot containing the principal dwelling or converted into a separately transferable unit through plan of condominium.

ZONING BY-LAW

The subject lands are currently zoned 'Special Limited Agricultural Zone (A1-9)' according to the Township of South-West Zoning By-law. The 'A1-9' zone requires a minimum lot frontage of 168 m (551.2 ft), a minimum lot area of 1.8 ha (4.4 ac), and permits a temporary Garden Suite up to 75 m² (807 ft²) in area until October 7, 2024.

Township Council approved the Zoning Provisions for Additional Residential Units (ARUs) at the July 11, 2023, meeting of Council. Section 6.4.2, Additional Residential Units, allows for the consideration of ARUs on properties zoned 'A1', subject to criteria set out in Table 6.4.2.3 and Table 6.4.2.4. These criteria include, but are not limited to provisions regarding location, lot area, front and rear yard setbacks, and parking.

The intent and purpose of the criteria contained in Table 6.4.2.4 is to generally ensure that detached ARUs remain secondary to the principal dwelling and that sufficient space exists to accommodate all dwellings and associated buildings and structures and the necessary private services (septic systems and wells). The intent of the provision limiting the distance from the principal dwelling is to ensure both dwellings are located within the same general cluster, and to not unnecessarily remove agricultural lands from production or create greater MDS conflicts for existing or new livestock operations on surrounding agricultural parcels.

AGENCY COMMENTS

The application was circulated to public agencies considered to have an interest in the proposal. All the comments received through the circulation process are summarized below.

Canada Post replied that all mail delivery will be via an existing community mailbox, and they do not have any concerns regarding this proposal.

CPKC commented that they are not in favour of residential uses that are not compatible with rail operations as the safety and welfare of residents can be adversely affected by rail operations. CPKC freight trains operate 24/7 and schedules/volumes are subject to change. CPKC recommends that all proposed developments (whether residential, commercial, or industrial) follow the 2013 Proximity Guidelines. It is incumbent upon the developer to incorporate these safety measures to a degree that satisfies the requirements of the relevant agencies issuing building and development permits.

CPKC recommends that the below conditions be inserted in all property and tenancy agreements or future offers of purchase and sale for all dwelling units in the proposed building(s):

“CPKC and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, CPKC will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.”

Township of South-West Oxford Chief Building Official (CBO)/Drainage Superintendent, Township of South-West Oxford Fire Services, Oxford County Public Works, Long Point Region Conservation Area (LPRCA) staff, Township of South-West Oxford Works Superintendent replied that they do not have any comments or concerns.

PUBLIC CONSULTATION

Notice of Complete Application and Notice of Public Meeting regarding the application for Zone Change were provided to surrounding property owners in accordance with the requirements of

the *Planning Act* on April 17, 2026, and May 13, 2026, respectively. At the time of writing the report, Planning staff had not received any comments from the public.

Planning Analysis

This application has been reviewed under the policy direction of the Provincial Planning Statement (PPS) and the County Official Plan.

This zone change application proposes to amend the existing 'Special Limited Agricultural Zone (A1-9)' zoning to facilitate the conversion of the existing temporary 75 m² (807.3 ft²) Garden Suite to a detached Additional Residential Unit (ARU). No new development is proposed as part of this application.

As noted, the subject lands are located approximately 215 m (705.4 ft) west of the CPOK Rail Line. While it is an objective of the Official Plan to prevent or minimize the encroachment of noise sensitive land uses on these areas, the Official Plan does provide that the typical setbacks and the need for a noise study may be waived for the purpose of infill development on existing lots of record where the proposed development is to be located no closer to the rail line than existing sensitive land uses in the immediate area. The proposed ARU is further away from the existing rail line than existing residential land uses also on Plank Line (Highway 19) and separated from the rail line by a provincial highway (Highway 19) and as such Planning staff are satisfied that the proposal meets the policy criteria for development in proximity to adjacent rail line corridors. CKCP provided comments on the proposal which included their standard conditions for development; these have been forwarded to the Applicants for their information. Planning staff are satisfied that the proposed ARU is sufficiently set back, located further from existing residential development and separated by a provincial highway, and meets the policy intent of the PPS and Official Plan for development in proximity to rail facilities.

Official Plan policies permit Additional Residential Units (ARUs) in the Agricultural Reserve, subject to satisfying several criteria, and the Township's Zoning By-law permits detached ARUs outside of settlement areas subject to meeting specific provisions.

Planning staff are of the opinion that the proposal to convert the Garden Suite to a detached ARU maintains the intent and purpose of the Official Plan policies and the criteria and provisions set out on the Zoning By-law respecting establishing ARUs outside of serviced settlement areas.

The existing temporary Garden Suite has functioned effectively for just over ten (10) years and is not being altered in any way and can reasonably be reclassified as a permanent ARU. The subject property is 1.9 ha (4.7 ac) which exceeds the minimum property size for a detached ARU. As the gross floor area of the ARU is 75 m² (807 ft²), which is less than 50% of the gross floor area of the principal dwelling and less than the maximum permitted GFA of a detached ARU (i.e. 140 m² (1,506 ft²)), it will remain secondary and subordinate to the principal dwelling. Sufficient space exists to provide for access and parking, and the vehicular access to Plank Line (Highway 19) will continue to be shared by the ARU and principal dwelling. County Public Works confirmed that there are no concerns with respect to the availability of services.

It is the opinion of Staff that the location of the ARU is appropriate on the subject property. The ARU is located approximately 22.3 m (73 ft) from the principal dwelling, which is less than the maximum of 30 m (98.6 ft). Converting the existing Garden Suite to a permanent detached ARU is not anticipated to result in any land use conflicts (e.g. compatibility with surrounding land uses, the location of the proposed ARU will remain compliant with required MDS setbacks). The ARU will not negatively impact the surrounding area, nor will it remove any agricultural lands from

production. The subject property is of sufficient size to accommodate a detached ARU and provide adequate off-street parking, landscaping, stormwater management and outdoor amenity areas.

Recognizing that the Garden Suite has functioned as a dwelling unit for just over ten (10) years without issue, Planning staff are of the opinion that it will not pose any negative impacts to surrounding properties. To date, Staff has not received any comments or concerns from adjacent property owners or the public.

Planning staff are of the opinion that converting the existing Garden Suite to be a detached Additional Residential Unit (ARU) is appropriate and in-keeping with the objectives and policies of the Official Plan with respect to detached Additional Residential Units (ARUs) where full municipal services are not available and are recommending that the zone change application be approved.

RECOMMENDATIONS

That the Council of the Township of South-West Oxford approve the zone change application submitted by Peter and Sylva Liboiron for lands described as Part Lot 10, Concession 5, Township of South-West Oxford to amend the 'Special Limited Agricultural Zone (A1-9)' to permit a 75 m² (807 ft²) detached Additional Residential Unit (ARU) on the subject lands as described in Report CP 2026-173.

SIGNATURES

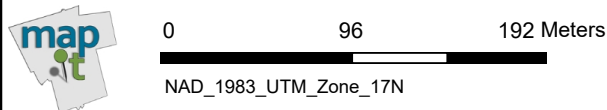
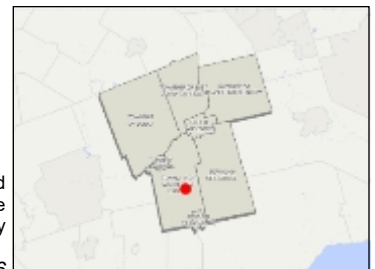
| | | |
|--------------------------|--------------------|--|
| Authored by: | Original Signed By | Laurel Davies Snyder, RPP, MCIP Development Planner |
| Approved for submission: | Original Signed By | Heather St. Clair, MCIP, RPP Senior Development Planner |



Legend

- Parcel Lines**
 - Municipal Boundary
 - Property Boundary
 - Assessment Boundary
 - Road
 - Unit
- Zoning Floodlines**
- Regulation Limit**
 - ◆ 100 Year Flood Line
 - ▲ 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)
- Constructed Drains**
 - Open or Unknown
 - - Closed/Tiled
- SWOX Constructed Drains**
 - Open
 - - Closed/Tiled

Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

April 15, 2026



Legend

- Parcel Lines**
 - Municipal Boundary
 - Property Boundary
 - Assessment Boundary
 - Road
 - Unit
- Zoning Floodlines Regulation Limit**
 - ◆ 100 Year Flood Line
 - ▲ 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)
- Constructed Drains**
 - Open or Unknown
 - - Closed/Tiled

Notes



0 96 192 Meters

NAD_1983_UTM_Zone_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

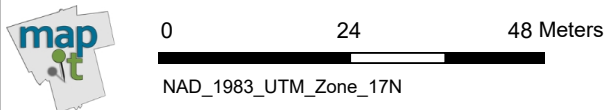
April 24, 2026



Legend

- Parcel Lines**
 - Municipal Boundary
 - Property Boundary
 - Assessment Boundary
 - Road
 - Unit
- Zoning Floodlines Regulation Limit**
 - ◆ 100 Year Flood Line
 - ▲ 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)
- Constructed Drains**
 - Open or Unknown
 - - Closed/Tiled

Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

April 24, 2026

