

## REPORT TO COUNTY COUNCIL

# Application for Official Plan Amendment OP 24-13-6 – 15559367 Canada Inc.

**To:** Warden and Members of County Council

**From:** Director of Community Planning

## RECOMMENDATIONS

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1. That Oxford County Council approve Application OP 24-13-6, submitted by 15559367 Canada Inc., for the lands described as Part Lot 4 and Lot 5, Block 39, Plan 279, in the Town of Ingersoll, to redesignate the subject lands from 'Low Density Residential' to 'Medium Density Residential' to facilitate the construction of two new multiple unit dwellings containing 4 dwelling units each, for a total of 8 new dwelling units on the subject lands;
2. And further, that Oxford County Council approve the attached Amendment No. 338 to the County Official Plan, and that the necessary By-law to approve Amendment No. 338 be raised.

## REPORT HIGHLIGHTS

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- The purpose of the application for Official Plan amendment is to redesignate the subject lands from 'Low Density Residential' to 'Medium Density Residential' to facilitate the construction of two new multiple unit residential structures (each containing 4 dwelling units), for a total of 8 new dwelling units on the property. The existing converted dwelling (containing 4 units) will be removed.
- An associated application for zone change has been considered and approved in principle by the Council of Town of Ingersoll. The associated zone change proposes to rezone the subject lands from 'Special Residential Type 2 Zone (R2-26)' to 'Special Residential Type 3 Zone (R3-sp)' with special provisions to permit an increase to the maximum permitted height and to reduce the minimum required front yard depth, interior side yard width, and setback from the centreline from an arterial road (Charles Street East).

- The proposal is consistent with the relevant policies of the Provincial Planning statement and supports the strategic initiatives and objectives of the Official Plan and can be supported from a planning perspective.

## IMPLEMENTATION POINTS

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This application will be implemented in accordance with the relevant objectives, strategic initiatives and policies contained in the Official Plan.

### Financial Impact

The approval of this application will have no financial impact beyond what has been approved in the current year's budget.

### Communications

In accordance with the requirements of the Planning Act, Notice of Complete Application and Notice of Public Meeting were circulated to surrounding property owners October 21, 2024 and March 25, 2025 and a public meeting of the Town of Ingersoll Council was held on April 14, 2025 to consider the application.

Various comments and concerns with respect to the proposal were received from the public, with a number of people also speaking in opposition at the Town's public meeting. These comments and concerns are outlined in further detail in the Comments section of this report.



## 2023-2026 STRATEGIC PLAN

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Oxford County Council approved the **2023-2026 Strategic Plan** on September 13, 2023. The Plan outlines 39 goals across three strategic pillars that advance Council's vision of "Working together for a healthy, vibrant, and sustainable future." These pillars are: (1) *Promoting community vitality*, (2) *Enhancing environmental sustainability*, and (3) *Fostering progressive government*.

The recommendations in this report supports the following strategic goals.

## Strategic Plan Pillars and Goals

PILLAR 1	PILLAR 2	PILLAR 3
		
<b>Promoting community vitality</b>	<b>Enhancing environmental sustainability</b>	<b>Fostering progressive government</b>
<p>Goal 1.1 – 100% Housed</p> <p>Goal 1.2 – Sustainable infrastructure and development</p> <p>Goal 1.3 – Community health, safety and well-being</p>		

See: [Oxford County 2023-2026 Strategic Plan](#)

## DISCUSSION

### Background

**Owner:** 15559367 Canada Inc.  
c/o Scott Van Schyndel  
169 Charles Street East, Ingersoll ON, N5C 1J9

### Location:

The subject lands are described as Lot 5 and Part of Lot 4, Block 39, Plan 279 in the Town of Ingersoll. The subject lands are located on the north side of Charles Street East, lying between Pemberton Street and Mutual Street and are municipally known as 169 Charles Street East, Ingersoll.

### County of Oxford Official Plan:

Existing Designation

Schedule "I-1"	Town of Ingersoll Land Use Plan	Residential
Schedule "I-2"	Town of Ingersoll Residential Density Plan	Low Density Residential

## Proposed Designation

Schedule "I-2"	Town of Ingersoll Residential Density Plan	Medium Density Residential
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### Proposal:

The application for Official Plan amendment has been requested to facilitate the construction of two new multiple unit dwellings, each containing 4 dwelling units, for a total of 8 new residential dwelling units on the subject lands, served by a shared parking area. The subject lands currently contain an existing converted dwelling containing 4 dwelling units, which would be removed.

The application for Official Plan amendment proposes to redesignate the subject lands from 'Low Density Residential' to 'Medium Density Residential', and an associated application for zone change proposes to rezone the existing 'Special Residential Type 2 Zone (R2-26)' to 'Special Residential Type 3 Zone (R3-sp)'. Site specific zoning provisions to facilitate the proposed building design have been requested, as follows:

- a reduction to the minimum required front yard depth, from 7.5 m (24.6 ft) to 5 m (16.4 ft);
- a reduction to the minimum required interior side yard width, from 4 m (13.1 ft) to 1.8 m (5.96 ft); and
- a reduction to the minimum required setback to the centreline of a County Road, from 20.5 m (67.3 ft) to 9.8 m (32.1 ft).

An amendment to the maximum permitted height from 3 storeys to 4 storeys was initially included in the application for zone change, however the applicant has indicated they do not intend to build a fourth storey, rather are requesting an increase to the maximum permitted height from 11 m (36.1 ft) to 12 m (39.5 ft) to facilitate the proposed building design. It is noted however, that a 'half storey' has been shown on a concept sketch provided by the applicant to accommodate a greater ceiling height for the basement units, which may result in the technical consideration of a fourth storey from a Zoning By-law perspective and as such 4 storeys, to a maximum of 12 m (39.5 ft), has been included in this review.

The subject lands contain an existing converted dwelling, containing 4 dwelling units, that was built in approximately 1900, according to assessment records on file. The subject lands were rezoned in 2021 to permit the conversion of the existing dwelling to a 4 unit multiple unit dwelling. The subject lands are approximately 1,741.2 m<sup>2</sup> (0.43 ac) in size and the rear portion of the subject lands is regulated by the Upper Thames River Conservation Authority, due to the presence of a riverine erosion hazard associated with the Thames River valley lands. The applicant has provided a Slope Stability Report to assess the location and condition of this erosion hazard in order to determine the long-term stability of the slope and confirm that all development will be located outside of this area.

Surrounding land uses are predominately single detached dwellings and duplexes along Charles Street East, lands owned by the Town of Ingersoll, zoned 'Open Space (OS)' to the rear, as well as the Canadian Pacific Railway to the north and existing industrial uses, north of the rail line (Scott-Douglas Plastics).

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

Plate 2, Aerial Map (2020 Air Photo), provides an aerial view of the subject property and surrounding land uses as of the spring of 2020.

Plate 3, Applicant's Site Sketch, illustrates the layout of the proposed development, as well as the location of the erosion hazard and the required setbacks, as submitted by the applicant.

## Comments

### 2024 Provincial Planning Statement

The Provincial Planning Statement (PPS) is a policy statement, issued under Section 3 of the Planning Act, that provides direction on matters of provincial interest related to land use planning and development. All decisions in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. The PPS policies represent minimum standards and planning authorities, and other decision makers, may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any PPS policy. The following outlines the key PPS policies that have been considered in the review of this proposal 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 by;
- 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 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.

Section 2.3 of the PPS states that settlement areas shall be the focus of growth and development and land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently use land and resources, optimize existing and planned infrastructure and public service facilities, support active transportation, are transit-supportive and are freight supportive.

## Official Plan

Section 2.1.1 of the Official Plan provides that growth and development will be focused in settlement areas and their vitality and regeneration will be promoted. Development will be directed to settlements with centralized waste water and water supply facilities to minimize risks of contamination to air, land, surface water and groundwater, to preserve agricultural land and to reduce the cost of public service facilities and infrastructure. Settlements will be required to develop with land use patterns and a mix of uses and densities that efficiently use land and resources, are appropriate for, and efficiently use, existing or planned infrastructure and public service facilities, support active transportation and minimize negative impacts to air quality and climate change and promote energy efficiency.

Intensification will be promoted in appropriate locations within settlements, particularly those served by centralized waste water and water supply facilities and all forms of housing required to meet the social, health and well-being needs of current and future residents will be permitted and facilitated in appropriate locations through the County.

Section 9.2.2.2 – Tenure and Mix, provides that it is an objective of the Official Plan to provide a range of tenure forms throughout the Town, consistent with the demand, and to maintain an appropriate supply of affordable rental and ownership housing in the Town, while recognizing that housing needs to be suitably maintained and adequate for habitation. Town Council shall encourage the creation of housing opportunities that may result in a mix of tenure forms, such as ownership, rental and cooperative, throughout the Town. Such encouragement will include the provision of opportunities for the development of a variety of housing forms and by permitting sensitive infilling and accessory apartments in built-up areas.

The proposal is considered to be a form of street oriented infill development. Section 9.2.2.5 provides that infill projects are to be sensitive to the existing streetscape and as such, Town Council will ensure that:

- the proposal is consistent with street frontage, lot area, setbacks and spacing of existing development within the immediate residential area;
- for proposals involving more than two dwelling units, the exterior design in terms of height, bulk, scale and layout of the proposed buildings are consistent with present land uses in the area, and;
- the proposal complies with the policies for all infill proposals.

The following criteria apply to all infill proposals:

- existing municipal services and public facilities will be adequate to accommodate the proposed infill project;
- stormwater run-off from the proposal will be adequately controlled and will not negatively affect adjacent properties;
- adequate off-street parking and outdoor amenity areas will be provided;
- the location of vehicular access points, the likely impact of traffic generated by the proposal on public streets and potential traffic impacts on pedestrian and vehicular safety and surrounding properties are acceptable;
- the extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;

- the effect of the proposed development on environmental resources and the effects of environmental constraints on the proposed development will be addressed and mitigated in accordance with Section 3.2;
- consideration of the potential effect of the development on natural and heritage resources and their settings;
- compliance of the proposed development with the provisions of the Zoning By-Law of the Town and other municipal by-laws.

The subject property is currently designated 'Low Density Residential' according to the Town of Ingersoll Residential Density Plan, as contained in the Official Plan. Low Density Residential areas include those lands that are primarily developed or planned for a variety of low rise, low density housing forms including single detached dwellings, semi-detached dwellings, duplex dwellings, converted dwellings, quadraplexes, townhouses and low-density cluster development. In these districts, it is intended that there will be a mixing and integration of different forms of housing to achieve a low overall density of use.

The applicant is proposing to redesignate the subject lands to 'Medium Density Residential' to facilitate the construction of two fourplexes on the subject lands, for a total of eight new dwelling units. Medium Density Residential areas are those lands that are primarily developed or planned for low to medium profile multiple unit development that exceeds densities established for the Low Density Residential designation. Residential uses within Medium Density Residential areas include townhouses, medium density cluster development, converted dwellings and low-rise apartments. In these areas it is intended that there will be a mixing and integration of different forms of housing to achieve an overall medium density. To help achieve a variety of forms of housing, Town Council may choose to restrict the range of uses permitted on individual sites through the Zoning By-law. The maximum net residential density in the Medium Density Residential area is 62 units per ha (25 units per ac) and no building shall exceed four storeys in height. The minimum net residential density shall be 31 units per ha (13 units per ac).

Sites designated as Medium Density Residential shall abut arterial or collector roads or be situated to prevent movements from the development from flowing through any adjoining Low Density Residential areas. Medium Density Residential areas are to be close to shopping, recreation, cultural and community facilities and/or adjacent to lands designated Commercial Areas, Community Facilities or High or Medium Density Residential areas.

Any lands proposed for Medium Density Residential development not identified in the Official Plan will require an amendment to the Official Plan. In addition to the above locational criteria, when considering proposals to designate lands for Medium Density Residential development, Town Council and County Council will be guided by the following site specific criteria:

- the size, configuration and topography of the site provides sufficient flexibility in site design to mitigate adverse effects on the amenities and character of any adjacent Low Density Residential areas through adequate buffering and screening;
- the location of vehicular access points and the likely effects of traffic generated by the proposal on public streets has been assessed and are acceptable;
- adequate hard service capacity including water distribution, sanitary and storm sewers, power and gas distribution facilities is or will be available to accommodate the proposed development;
- off-street parking and outdoor amenity areas can be provided;

- the effect of the proposed development on environmental resources and the effect of environmental constraints on the proposed development will be addressed and mitigated as outlined in Section 3.2.

Section 9.2.7 – Site Design Policies for Multiple Unit Residential Development, provides detailed site design guidance to ensure that multiple unit residential development provides a high quality of life for residents, and that consistent design standards are applied to new multiple unit residential development.

The rear portion of the subject lands contain lands that have been identified as erosion hazard. Section 3.2.8.2.1 of the Official Plan provides that land uses that are in conformity with the underlying land use designation may be permitted on lands identified as erosion hazard, subject to satisfying the policies of the Official Plan.

Prior to permitting proposed new development in areas identified as erosion hazard, County and Town Council will be satisfied that potential erosion hazards can be avoided or acceptably mitigated. A geotechnical study, completed by a qualified geotechnical engineer shall be prepared to the satisfaction of the Conservation Authority. For new development, the geotechnical study shall satisfy that the erosion hazard can be avoided. As part of the development review process, County and Town Councils will require proponents to provide a geotechnical report containing the delineation of the erosion hazard limit for the subject property and a clear indication that the proposed development can avoid the erosion hazard limit.

County and Town Councils will consult with the Conservation Authority with jurisdiction prior to development approval to:

- confirm methodology used by the geotechnical engineer to determine that the location of the erosion limit is satisfactory;
- advise as to whether the erosion hazard can be safely avoided or addressed in accordance with established policies, standards and procedures;
- indicate whether new hazards will be created or existing hazards aggravated as a result of the proposed development;
- confirm that no negative impacts will result from the proposed development, and;
- confirm that people have a way of safely entering and exiting the property during times of flooding, erosion or other emergencies.

Where the Conservation Authority with jurisdiction has confirmed that this criteria can be satisfied, County and Town Council may consider such proposal to be in conformity with the Official Plan.

The subject lands are also in proximity to the Canadian Pacific Rail Line. 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 Town and County recognize that there may be noise or vibrations that affect noise 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, County Council adopts in accordance with Provincial criteria, the noise level objectives outlined in the Official Plan and may require studies 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. These Provincial separation distances are outlined in the Official Plan.



Notwithstanding these minimum separation distances, the County or Town may reduce the requirement for the minimum separation distances from rail yards in areas where infilling or redevelopment for residential or mixed use is taking place, provided that a feasibility assessment is undertaken and that the appropriate attenuation measures are implemented in accordance with the Ministry of Environment guidelines.

Further, notwithstanding these minimum separation distances, 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.

The County and Town may also permit residential development on existing lots of record through single lot infilling proposals in built-up areas adjacent to railway lines where the noise level may exceed the noise levels objectives where, in the opinion of the authority, such exceedance is acceptable.

#### **Agency Comments:**

The applications for Official Plan amendment and Zone Change were circulated to those agencies considered to have an interest in the proposals.

Canada Post has commented that the proposal is to be serviced by an owner installed lock box assembly, at the expense of the owner/developer.

Canadian Pacific Kansas City Rail Line (CPKC) has commented that the safety and welfare of residents can be adversely affected by rail operations and CPKC is not in favour of residential uses that are not compatible with rail operations. CPKC freight trains operate 24 hours a day, 7 days a week and schedules and volumes are subject to change. CPKC's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities (The 2013 Proximity Guidelines).

All construction, continued maintenance, access, ingress and egress must be done without entering railroad right of way. This includes, but is not limited to, maintenance equipment, lawn care, snow plowing and emergency exists via windows and doors.

CPKC recommends that the below condition be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed buildings:

"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."

The Upper Thames River Conservation Authority (UTRCA) has commented that the subject lands are regulated by the UTRCA in accordance with the Conservation Authorities Act and the regulated area is comprised of a riverine erosion hazard associated with the Thames River valley lands. The UTRCA has commented that they have no objections to the applications, however several comments from the slope stability assessment review will need to be addressed prior to the issuance of a Section 28 Permit or Letter of Clearance but these comments are minor in nature and do not impact the proposed development limit.

The County of Oxford Public Works Department, the Thames Valley District School Board, the Town of Ingersoll Engineering Department and the Town of Ingersoll Building Department have indicated that they have no concerns or comments regarding the proposal.

#### **Town of Ingersoll Council:**

Ingersoll Town Council considered the applications at their public meeting on April 14, 2025 and recommended support of the proposed Official Plan amendment at their regular meeting on May 12, 2025, at which time they also approved the proposed rezoning, in principle.

#### **Public Consultation:**

Notice of complete application regarding the proposed Official Plan amendment and Zone Change was provided to surrounding property owners in accordance with the requirements of the Planning Act on October 21, 2024 and notice of public meeting was provided on March 25, 2025.

A petition with approximately 16 signatures was received in opposition to the proposal, as well as one letter outlining concerns from the property owners on either side of the subject lands with respect to:

- negative impact on the existing quality of life
- safety and environmental impact on the neighbourhood
- over-occupation of the proposed units and the ability of the existing infrastructure system to accommodate the additional increases
- increased hard-surfacing of the subject lands and how that may impact stormwater management and potential run-off onto adjacent properties
- loss of natural light
- privacy issues and view obstruction
- improperly stored waste will attract rodents
- negative impact to the resale value of adjacent properties
- proposed structures are not in-keeping with the character of the neighbourhood
- impact to quality of life
- increase to improperly disposed trash and recycle materials
- negative construction impacts with respect to noise, air quality and traffic
- loss of green space and environmental impact/loss of trees
- excavation and construction activity may disrupt adjacent structures
- concerns with By-law enforcement, as in the past there were issues with property maintenance and noise complaints that were not addressed and an increase in occupancy will increase the potential incidence with inadequate enforcement.

Additional concerns were heard from members of the public at the public meeting of Ingersoll Town Council, which was held on April 14, 2025, including:

- eviction of existing tenants and their lack of notice regarding the applications;
- the removal of an existing dwelling;
- loss of privacy;
- additional noise from tenants;
- garbage and property standards is currently a problem and will be exacerbated;
- the subject land are too small to accommodate the proposed structures;
- proposal will be out of character in comparison to neighbouring properties;
- increase likelihood of trespassing;
- increase likelihood of jaywalking;
- increase in vehicle traffic on the site will result in light pollution into neighbouring living room.

A letter was also received from one of the tenants of the existing converted dwelling on the property, expressing concerns with respect to loss of their current housing. The petition and letters are included in Attachment 4 to this report.

## **Planning Analysis**

The applications for Official Plan amendment and zone change have been requested to facilitate the construction of two new fourplexes on the subject lands, for a total of eight new residential dwelling units.

Planning staff have reviewed the proposal under the policy direction of the Provincial Planning Statement and are generally satisfied that the proposal is in-keeping with this policy direction. Specifically, staff are satisfied that it will assist in providing housing options that will meet the social, health, economic and wellbeing requirements of current and future residents. Further, staff are of the opinion that the proposal represents appropriate residential intensification that will provide for new housing options and result in a net increase in residential dwelling units within the Town, while promoting densities that will efficiently use land, resources, infrastructure, and public service facilities.

The application proposes to redesignate the subject lands from 'Low Density Residential' to 'Medium Density Residential' to facilitate the proposed multiple-unit dwellings. The Official Plan provides that settlement areas shall be required to develop with land use patterns and a mix of densities that efficiently use land and resources as well as existing or planned infrastructure and public service facilities. The Official Plan also provides that intensification will be promoted in appropriate locations within settlement areas, particularly those areas served by municipal water and wastewater services. Planning staff are of the opinion that the proposed development is consistent with this policy direction.

Planning staff are also of the opinion that the proposal will increase the range of tenure options within the Town by providing additional rental housing, assist in increasing housing opportunities and maintaining a variety of housing options and, overall, can be considered sensitive infilling within an existing built-up area.

As noted, the proposal would be considered a form of street-oriented infill development, and the Official Plan outlines a number of design criteria that are to be considered to ensure that infill projects are sensitive to the existing streetscape. Firstly, the Official Plan provides that development proposals are to be consistent with the street frontage, lot area, setbacks and

spacing of existing development within the area and that the height, bulk, scale and layout are to be consistent with present land uses in the area.

While it is noted that scale of the proposed structures may vary somewhat from the existing development in the immediate area (which is largely comprised of residential dwellings built in the early 1900's), staff are of the opinion that the proposal will not result in a significant deviation from the development provisions currently applicable in the Low Density Residential designation and the current 'R2-26' zone, which permit fourplexes. Further, the proposed front yard setback will be greater than many of the existing front yard setbacks along Charles Street East, as many of these dwellings were established prior to the implementation of the Zoning By-law and do not meet the minimum setback criteria of Zoning By-law 04-4160. It is also noted that the requested reduction to the interior side yard width and the proposed increase in height would result in only a minor change from what would currently be permitted under the existing zoning provisions which is not anticipated to have significant impact on the adjacent land uses beyond what would currently be permitted in the Zoning By-law. Further, staff are satisfied that the proposed 1.8 m (5.9 ft) interior side yard width will allow for sufficient space for future excavation and property maintenance, as is typical between property boundaries, with the details of excavation to be reviewed during the building permit process.

With respect to the additional infill criteria outlined in the Official Plan, staff are satisfied that sufficient municipal services and public service facilities are available to accommodate the proposed dwellings, as well as sufficient off-street parking and amenity space. Further, the subject lands are located on an arterial road in proximity to the existing services of the downtown core and Town Engineering staff have not identified any concerns with respect to negative impacts on traffic. Staff are also satisfied that the site is sufficiently large enough to accommodate the proposed development, together with the required off-street parking area. It is noted that detailed site design matters will be addressed during the site plan approval stage, including reviewing stormwater in detail to ensure it will be appropriately controlled and that there will be no negative impacts on adjacent lands.

It is noted that the rear portion of the subject lands are regulated by the Upper Thames River Conservation Authority due to the presence of a riverine erosion hazard associated with the Thames River valley lands to the north. To address this, the applicant has provided a Slope Stability Assessment to identify the location of the top of stable slope, as well as the 15 m (49.2 ft) setback requirement, to the satisfaction of the Upper Thames River Conservation Authority. As a result, reductions to the required minimum front yard depth and setback to the centreline of an arterial road have been requested to ensure that all development is located outside of this regulated area. Staff are satisfied that the proposed development will sufficiently avoid the erosion hazard area at the rear of the subject lands and the Upper Thames River Conservation Authority has indicated that they have no concerns with the applications and it will continue to work with the applicant through their future permitting process.

With respect to the requested reductions to front yard depth and setback to the centreline of the arterial road (Charles Street), staff are of the opinion that the requested setbacks can be considered appropriate as they will be in-keeping with, or greater than, many of the existing setbacks to residential uses along Charles Street East. The general intent of these setbacks is to ensure that private development is appropriately setback from an arterial road, as these roads are typically intended to carry heavy traffic loads, at greater speeds. In this instance, the arterial road is a two lane right of way, with a posted speed limit of 50 km/hour, and the Town Engineering Department has indicated they have no concerns with the requested setback reductions.

The subject lands are also located in proximity to the Canadian Pacific Rail Line (CPKC) and while it is an objective of the Official Plan to prevent or minimize the encroachment of noise sensitive land uses on these areas, it also indicates that the typical setback requirements 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 and the railway authority has been notified and provided the opportunity to comment. In this instance, the proposed development will result in a slight increase to the existing setback to the rail line and CPKC has indicated that the rail line in question is considered a principal mainline track, which requires a 30 m (98.4 ft) setback. In this instance, based on the site sketch submitted by the applicant, the proposed development will be located 57.9 m (189.9 ft) from the rail line. As such, staff are satisfied that the policy requirements of the Official Plan with respect to development in proximity to a rail line have been met.

A number of comments from neighbouring property owners were received as part of the public notification and public meeting processes. The main concerns were with respect to loss of privacy and increased instances of nuisances, particularly with respect to noise and garbage. While Section 41 of the *Planning Act* no longer considers development of less than ten residential dwelling units to be considered for site plan approval, the subject lands are located within a prescribed area, as per Ontario Regulation 254/23 due to their proximity to the rail line. As such the applicant will be required to obtain site plan approval from the Town prior to any development occurring or permits issued. This will provide Town staff an opportunity to review the future site plan with a view to ensuring that sufficient privacy fencing and vegetative screening is implemented, as well as garbage enclosures to alleviate those concerns.

Additional comments with respect to loss of trees and snow storage will also be addressed at the time of detailed site plan design and any concerns with respect to noise issues would fall under the purview of the Town's Noise By-law 19-5060. One concern was raised with respect to evictions that would result with the removal of the existing structure and while this is an undesirable consequence of the proposed development, the eviction process would be subject to the *Residential Tenancies Act* and the proposed development will result in an overall net increase in the number of units available for rent within the Town.

## CONCLUSIONS

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Overall, while it is recognized that the proposed development is slightly larger in scale than the existing development in the immediate area, Planning staff are generally satisfied that the proposed development is appropriate in this instance. Specifically, staff are satisfied that the proposed development will provide additional rental housing options for the Town, which is a priority objective from a provincial perspective.

Further, only minor deviations from the existing development standards of the 'R2' zone in the Town of Ingersoll Zoning By-law are required to accommodate the proposed development and staff are satisfied that sufficient space is available on the subject lands to meet the maximum coverage allowances, while providing sufficient area for parking and landscaped open space requirements to be met.

In light of the foregoing, Planning staff are of the opinion that the request to amend the Official Plan to redesignate the lands from 'Low Density Residential' to 'Medium Density Residential' meets the intent of the PPS and the Official Plan with respect to residential development and can be supported from a planning perspective.

## SIGNATURES

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### Report author:

Original signed by \_\_\_\_\_  
Heather St. Clair, RPP, MCIP  
Senior Development Planner

### Departmental approval:

Original signed by \_\_\_\_\_  
Paul Michiels  
Director of Community Planning

### Approved for submission:

Original signed by \_\_\_\_\_  
Benjamin R. Addley  
Chief Administrative Officer

## ATTACHMENTS

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- Attachment 1 – Plate 1, Location Map with Existing Zoning
- Attachment 2 – Plate 2, Aerial Map (2020 Air Photo)
- Attachment 3 – Plate 3, Applicant's Site Sketch
- Attachment 4 – Neighbour Comments
- Attachment 5 – Official Plan Amendment, OPA 338