



Meeting Date: September 17, 2025

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Report No: PLA-49-2025

Subject: Application for Zoning By-law Amendment (ZBA-6-2025) for 20636 Pulham Road; Filed by Mahmoud Soufan

Recommendation:

THAT Zoning By-law Amendment application (ZBA-6-2025) for a temporary use zone, filed by Mahmoud Soufan, to permit two single-detached dwellings on one property for up to three years to allow a new residence to be constructed on the land known as 20636 Pulham Road, be APPROVED;

AND THAT the owner be required to enter into a Temporary Use Agreement with the Municipality and submit a deposit of \$15,000 to ensure the removal of the existing residence.

Purpose:

This report is to provide Council with a recommendation regarding a proposal to temporarily re-zone a property located on the east side of Pulham Road and east of the Pulham Road and Vanneck Road (County Road 38) intersection. The property is legally described as Concession 3 Pt Lot 32 (geographic Township of London), Municipality of Middlesex Centre and known municipally as 20636 Pulham Road.

A location map is included as Attachment 1.

Background:

The purpose and effect of the rezoning application is to temporarily permit two single-detached dwellings for a period not to exceed three years which will continue to allow the construction of a new residence on the subject land. The existing residence would be removed from the land upon expiration of the three-year period or the occupancy of the new single-detached dwelling; whichever occurs first.

The applicant proposes a new dwelling to be located generally behind the existing dwelling and make use of the existing driveway access with minimal removal of farmed land. A sketch of the applicant's proposal is attached as Attachment 2.

The subject land is an undersized farm parcel with an area of 11.6 ha (28.6 ac) that contains actively farmed land and an existing residence with private servicing. Surrounding land uses are predominantly rural residential and agricultural. The back of the property (east side) contains a small portion of a Significant Woodland and natural heritage system. Both, CP Railway and CN Railway corridors abut the lands to the north and south, respectively.

Policy Regulation:

The property is designated 'Agricultural Area' within the County of Middlesex Official Plan, and 'Agriculture' within the Middlesex Centre Official Plan. The land is also zoned 'Agricultural (A1)' within Middlesex Centre's Zoning By-law. As such, the policies and provisions below are applicable to the land.

Provincial Planning Statement, 2024 (PPS):

Section 4.3 – Agriculture directs that prime agricultural areas shall be protected for long-term for agriculture. Permitted uses include agricultural uses, agriculture-related uses and on-farm diversified. A principal dwelling associated with an agricultural operation shall be permitted in prime agricultural areas as an agricultural use

County of Middlesex Official Plan:

Section 3.3 – Agricultural Areas-Permitted Uses of the County Plan recognizes that Agricultural Areas shall be preserved as the agricultural industry is vital to the Middlesex economy. Permitted uses include agricultural and related uses including up to two (2) farm residences provided the second farm residence is a temporary residential unit.

Middlesex Centre Official Plan:

Section 2.0 – Policies for Agricultural Areas recognizes that the agricultural land base is one of the most significant economic and community assets within the municipality. Agricultural Areas are intended to be used predominantly for agriculture and agriculture related uses including a principal farm dwelling and related buildings and structures.

Section 10.11 – Temporary Use By-laws allows Council to pass a temporary use by-law to allow a use otherwise prohibited by the Municipality's zoning by-law. The period of time which it is in effect is not to exceed three (3) years from the day of the passing of the by-law, and Council may extend this period by passing further by-laws each of which shall not exceed a period of more than three (3) years.

In enacting a temporary use by-law, Council shall have regard for the following as a minimum: (a) the compatibility of the proposed use with the surrounding land uses; (b) the adequacy of any services that may be required for the proposed use; (c) access and parking requirements; (d) traffic impacts; and (e) the conformity of the proposed use with the policies of this Plan. Temporary use by-laws shall not be passed for the purpose of permitting uses that are not in conformity with the Official Plan.

Middlesex Centre's adopted Official Plan Amendment (OPA No. 59) does not propose changes to Section 2.0 related to permitting a principal farm dwelling on an agricultural property.

Middlesex Centre Zoning By-law:

The subject land is zoned 'Agricultural (A1)' which permits a single detached dwelling in addition to other agricultural uses. The requested amendment proposes a temporary use zone (t-1) to temporarily allow two (2) single detached dwellings on the property for a period up to three (3) years, and the 'Agricultural (A1)' zone would continue to apply to the property. The temporary zone (t-1) would allow the new residence to be constructed on the land, and the existing home will be removed when the new home is occupied or at the end of the three (3) year period.

Consultation:

Notice of Complete Application and Public Meeting were circulated to agencies, as well as property owners in accordance with the *Planning Act* and Ontario Regulation 545/06.

Public Comments:

At the time of writing this report, no comments or concerns have been received from the public regarding this rezoning application.

Agency Comments:

At the time of writing the subject report the following comments had been received:

The Municipality's Chief Building Official and the Public Works and Engineering Department reviewed the application and request the applicant to submit a deposit of up to \$15,000, and enter into a new Temporary Use Agreement with the Municipality to ensure the removal of the existing residence promptly once occupancy is provided to the new residence

The Municipality's Transportation Manager identified that a road occupancy permit will be required for the new construction due to the nature of the work being undertaken, and the need for heavy equipment and delivery of vehicles that may damage the municipal right-of-way. The permit will need to be submitted and completed at the time of a building permit application.

CN Railway reviewed the application and provided the following comments:

1. CN requests the implementation of a 120 meters minimum setback from CN's right of way for the construction of the new single detached dwelling, unless a safety berm is constructed along the mutual property line. The minimum safety setback may be reduced up to 30 meters from the railway right of way if a safety berm is integrated in the site design.
2. The required safety berm shall be adjoining and parallel to a Principal Main line right-of-way with returns at the ends, 2.5 meters above grade at the property line, with side slopes not steeper than 2.5 to 1.
3. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 meters from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

CP Railway has not provided comments at the time of writing this report.

Analysis:

The PPS, County Official Plan, Middlesex Centre Official Plan and Zoning By-law contain policies that permit agriculture-related uses. This includes all forms of farming including related uses and buildings such as principal farm residences. Additionally, the Zoning By-law permit a single detached dwelling on lands zoned 'Agricultural (A1)'.

The *Planning Act* authorizes municipalities to allow temporary uses on land, buildings or structures for any purposes that is otherwise not permitted within the Zoning By-law for a period of up to three (3) years. This authorization is further communicated through policies of the Middlesex Centre Official Plan provided that the proposed use is compatible with the surrounding area; adequate services exist for the proposed use; access, traffic and parking are addressed; and that the use being proposed conforms to the Official Plan, among other items.

The effect of the Zoning By-law amendment application is to replace an existing single-detached dwelling with a new single-detached dwelling. In general, the use of a dwelling as a primary residence is permitted on this property as established in the Middlesex Centre Official Plan and Zoning By-law. Planning Staff do not anticipate an increase in traffic or parking requirements for the residence as the new dwelling will be under construction, and the existing dwelling will be removed from the property.

Planning Staff note the identification of Significant Woodland and the natural heritage system on the subject lands and are confident that the location of the new dwelling will have minimal on the natural features.

Staff have also advised the applicant that a security deposit of \$15,000 is requested through a temporary use agreement between the landowner and the Municipality to ensure the existing residence is removed upon completion of the new residence. Planning Staff have advised the applicant **that retention of the existing dwelling as an additional residential unit will not be permitted** especially where it does not comply with the adopted and approved Additional Residential Unit policies in the Official Plan and Zoning By-law Updates.

With regard to the increase setback from the railway corridor, Planning Staff advise that the increased setback for noise and vibration mitigation is generally requested by the railway companies for any new sensitive land use including a residential use. As it would be onerous for the landowner to complete a noise study or similar, Planning Staff are supportive of a minimum 120 m setback from the railway corridors or 30 m if a berm is constructed. Planning Staff recommend including this setback within the proposed Temporary Use Zone and limiting the boundary of the Temporary Use Zone to the area immediately surrounding the existing dwelling. With an increased setback and limited area, the new dwelling will be located in the general area of the existing dwelling.

Given the above, planning staff determined that the requested zoning by-law amendment for a temporary use zone for a period of up to three (3) years is consistent with the Provincial Planning Statement, 2024, the County of Middlesex Official Plan, Middlesex Centre's Official Plan, and Middlesex Centre's Zoning By-law.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, Council is advised to take such information into account when considering the application.

Financial Implications:

None.

Attachments:

Attachment 1 – Location Map

Attachment 2 – Applicant's Sketch