



## PLANNING & DEVELOPMENT

File No. A7/25  
July 8, 2025

Committee of Adjustment

**Re: Township Comments – Minor Variance Application A7/25  
6335 Road 116 – Ezra Zehr  
Committee of Adjustment Hearing, July 8, 2025**

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### Summary:

The owner of 6335 Road 116 is requesting minor variances to reduce the required minimum distance separation (MDS) setback to build a new 750 m<sup>2</sup> swine barn and manure storage. The property is 37 hectares in area and has a house, barn, and shed on the property. The lands are designated Prime Agricultural in the Official Plan and are zoned Agricultural (A1) under the Zoning By-law. The subject lands are also partially within the GRCA Regulated Floodplain as a result of a creek on the property.

The required MDS setback for the proposed swine barn is 318 metres and the required setback to the proposed manure storage is 387 metres. The applicant is requesting six variances to the MDS setbacks outlined in the tables below.

Property	Required MDS II Setback (Barn)	Proposed Setback	Variance
Parochial School (Mennonite School)	318 m	107.76 m	210.24 m
Residence 6339 Road 116	318 m	120.70 m	197.3 m
Residence 6334 Road 116	318 m	268.72 m	49.28 m

Property	Required MDS II Setback (Manure Storage)	Proposed Setback	Variance
Parochial School (Mennonite School)	387 m	140.32 m	246.68 m
Residence 6339 Road 116	387 m	139.33 m	247.67 m
Residence 6334 Road 116	387 m	286.45 m	100.55 m

The attached air photo map shows the location of the proposed new barn and manure storage as well as the required MDS setback distances.

### **TEST OF GENERAL INTENT & PURPOSE OF OP:**

The subject lands are designated “Prime Agricultural” in the Township Official Plan (Map 10). Section 3.1.8 of the Official Plan states:

3.1.8 New land uses, including the creation of separate lots, expansions of existing lots and the development of new or expanding livestock facilities will comply with the minimum distance separation formulae and the Nutrient Management Act. (...)

The Ontario Ministry of Agriculture, Food, and Agribusiness (OMAFRA) provides guidance with respect to MDS setbacks through their Implementation Guidelines document. The intent of the MDS setbacks is to mitigate odour nuisances.

Section 8.2 of the MDS Guideline Document further details the necessary considerations regarding the reduction of MDS setbacks. OMAFA reinforces that, “MDS setbacks are used to reduce odour conflicts by separating incompatible land uses.” They also state that in general, “OMAFRA does not support or encourage reductions to MDS setbacks. Allowing for reductions to MDS setbacks can increase the potential for land use conflicts and undermine the intent of this MDS Guideline Document.” OMAFA states that decisions regarding the desirability and appropriateness of an MDS setback reduction should analyze several factors including:

- Is the MDS setback reduction necessary or should another suitable alternative location (relocating the proposed lot/designation/building) be considered?
- Is the reduced setback going to impact the type, size or intensity of agricultural uses in the surrounding area?
- Is the reduced setback going to impact flexibility for existing or future agricultural operations, including their ability to expand if desired? If this reduced setback is allowed, will it set precedent for others in the local community?

The MDS Guideline Document also states that, “OMAFRA does not endorse a specific % decrease (e.g., 5% or 10%) for MDS setbacks” and that, “The perception of what is ‘small’ or ‘minor’ in nature will vary depending on local site specific circumstances. Determining if a reduction to MDS setbacks is appropriate is the responsibility of the local municipality.”

Staff are of the opinion that the proposed barn could be relocated to an alternative location in the southeastern portion of the property, further away from nearby dwellings and school to mitigate MDS concerns. Attachment 2 displays the MDS setback requirements from the nearby dwellings and school, which shows a portion of the property where the barn could be located with minimal MDS conflicts.

The applicant has claimed that locating the barn to an alternate location on the farm will increase economic costs and will result in more land removed from agricultural production. The OMAFA Guidelines do not reference economic costs as a rationale for considering a reduced MDS setback. The intent of the MDS setbacks, which are included as policy to be conformed to in the Township OP, is to mitigate odour nuisances. In this circumstance, staff are of the opinion that locating a significantly larger swine barn and manure storage in close proximity to sensitive land uses (parochial school and residence) would increase odour nuisances. In summary, reducing the MDS setbacks by a significant amount, while there are alternative locations available, does not conform to the general intent and purpose of the Official Plan.

### **TEST OF GENERAL INTENT & PURPOSE OF ZONING BY-LAW:**

The subject lands are zoned Agricultural (A1), which permits a broad range of agricultural type uses. Section 4.22.2 of the Zoning By-law requires that MDS II applies to any new or expanding livestock facility. The MDS Implementation Guidelines prepared by OMAFA states in Guideline 43 that “Minor variances to MDS II distances can be considered based onsite specific circumstances. Circumstances that meet the intent, if not the precise distances of MDS II, or mitigate environmental impacts, may warrant further consideration.”

Section 4.22.2 of the Zoning By-law is intended to reduce potential adverse impacts associated with the establishment or expansion of livestock facilities. According to OMAFA guidelines, valid reasons for reducing MDS setbacks are limited to environmental considerations (including hazards), public health and safety and site-specific constraints. In this situation, the proposed reduction of the MDS setbacks by over 200 metres in some instances appears to be driven primarily by economic factors, despite the availability of alternative locations. This rationale does not align with OMAFA’s intent and does not conform to purpose and objectives of the Zoning By-law.

### **TEST OF MINOR AS TO PURPOSE & EFFECT:**

While the subject property currently contains a sheep barn that is situated closer to neighboring properties than the proposed swine barn, staff are of the opinion that the introduction of a new, substantially larger swine facility in close proximity to sensitive uses would create a level of impact that cannot be considered minor.

One of the primary factors in calculating MDS setbacks is the type of livestock a barn is planning to house. The MDS Guideline sets out this factor based on the relative potential for emanating offensive odours. The higher the odour potential will result in greater MDS setbacks. The odour factor assigned to swine is the highest among all types of livestock outlined in the MDS Guidelines, meaning that swine emanate a higher degree of offensive odours than other types of livestock.

Given that the proposed swine barn and manure storage do not meet the MDS setback requirements for three properties - falling short by approximately 200 metres for two of

them - and considering that, according to Provincial guidelines, swine typically generate more offensive odours than other types of livestock, staff is of the opinion that the requested variances to the MDS setbacks would have a significant impact on surrounding properties and therefore cannot be considered minor.

### **TEST OF APPROPRIATE USE OF LAND, BUILDING OR STRUCTURE:**

The proposed barn is a permitted use in the Agricultural Zone. To meet the MDS setbacks would require the barn to be built approximately 300 metres farther to the southeast to comply with the setback requirements from the neighbouring residences and school. In addition, staff are of the opinion that it is unclear if the proposed location of the barn and manure storage will create impacts on the ability of the parochial school (6327 Road 116) and residence (6339 Road 116) to meet MDS I setbacks should any future development occur on the properties. The proposed new barn satisfies the test of being an appropriate use of land, building or structure, but the Committee needs to be satisfied that the location of the barn, with a reduced MDS setback is appropriate for this property.

### **Conclusion**

When considering the four tests under the Planning Act for support of a minor variance, the Committee must be satisfied that all of the tests are met before supporting the application. Staff is of the opinion that the variance can be considered an appropriate use of the lands but does not appear to meet the purpose and intent of the Official Plan and Zoning By-law and is not minor in nature. Therefore, staff does not recommend approval of the minor variances.

**In summary, staff recommend denying this application to allow for a reduction in the required MDS II setbacks to the proposed barn and manure storage from the neighbouring residences and school.**

Prepared by: Bobby Soosaar, Senior Planner

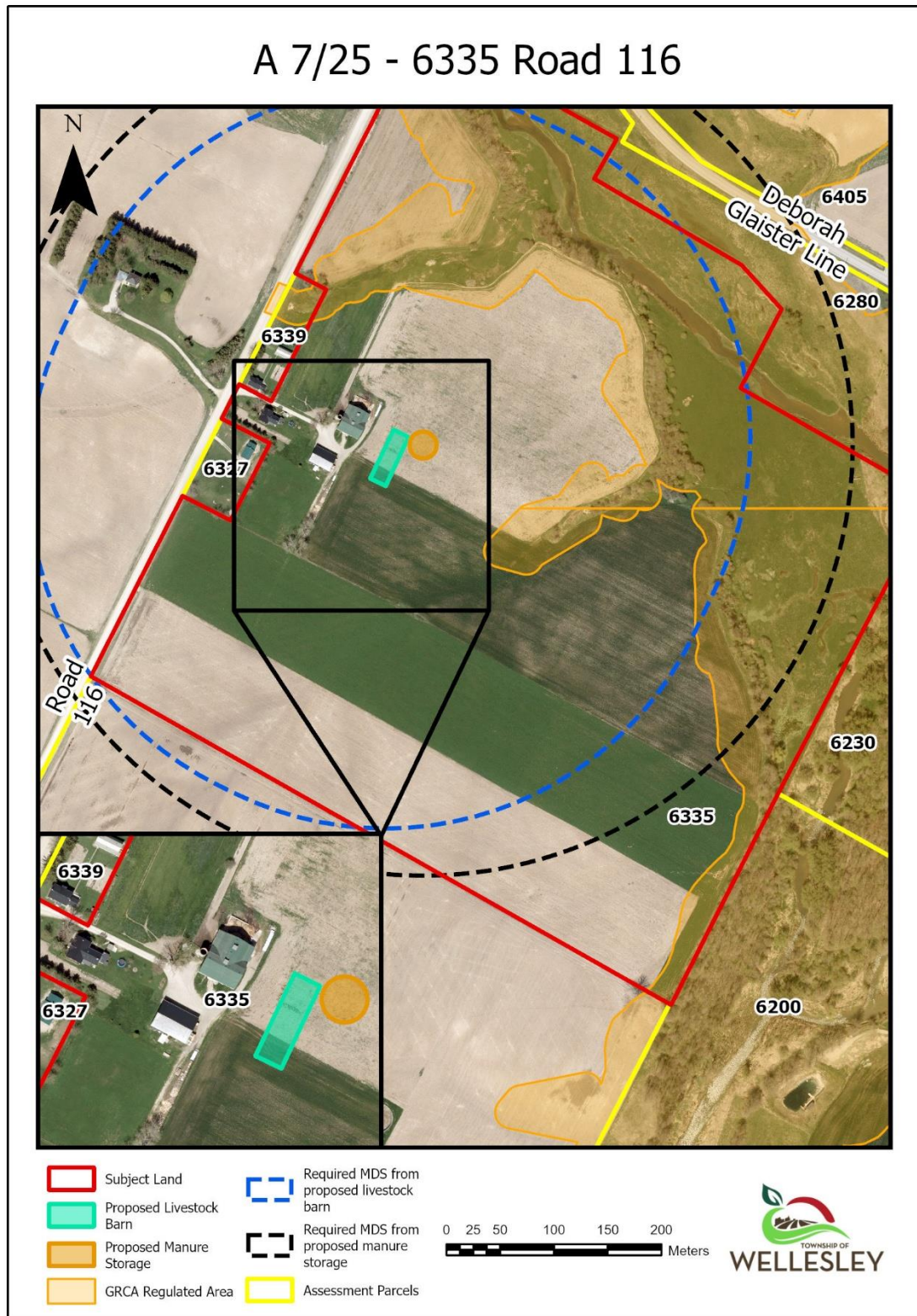
Reviewed by: Tim Van Hinte, Director of Development Services

Attachment: Location Map  
MDS Alternative Location Map  
Site Plan  
Acknowledgements

Approved by: \_\_\_\_\_, CAO

Date: \_\_\_\_\_

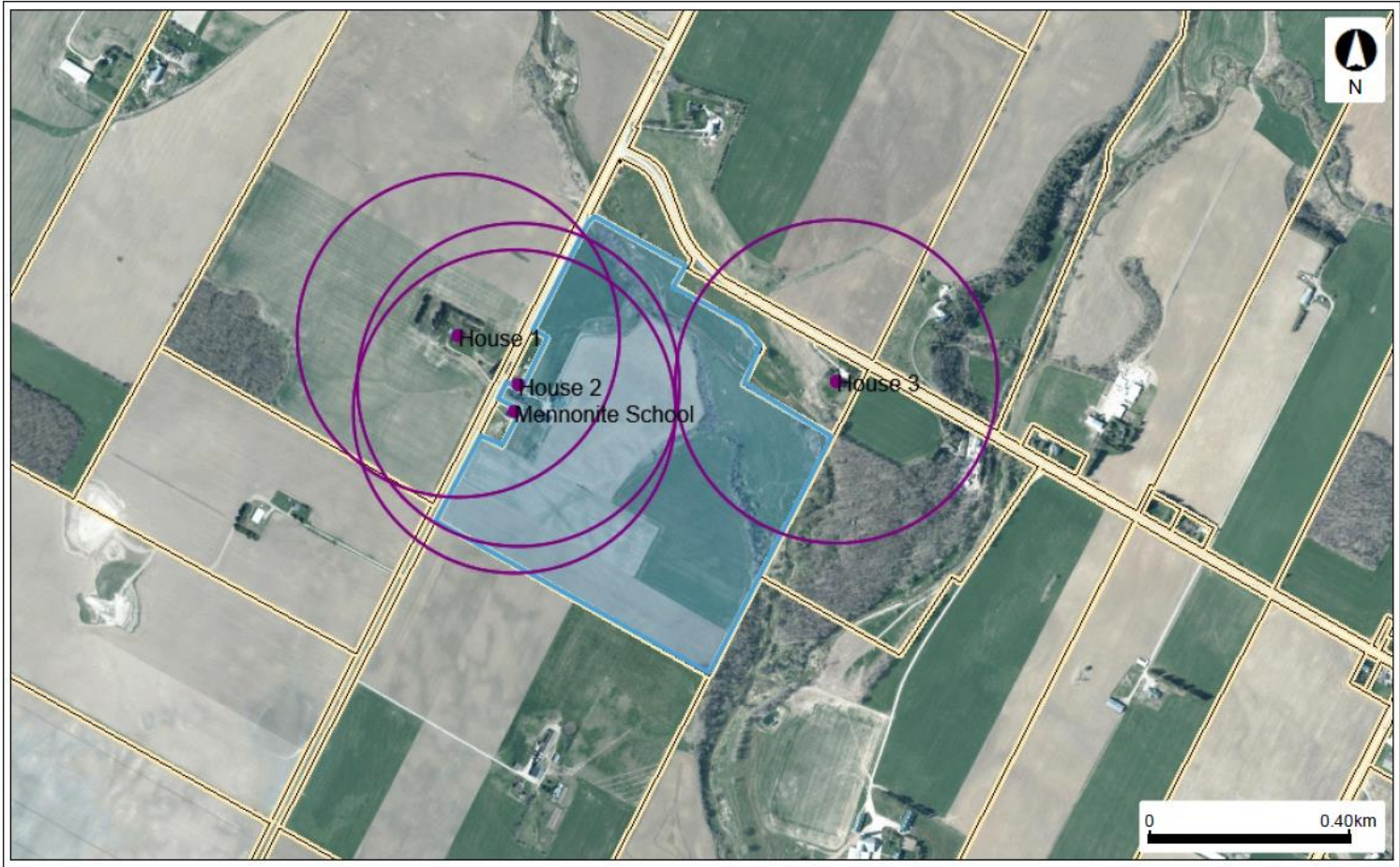
## Location Map





MDS Alternative Location Map

A7/25 - MDS Setbacks



<b>Prepared By:</b> Bobby Soosaar	<b>Notes:</b>
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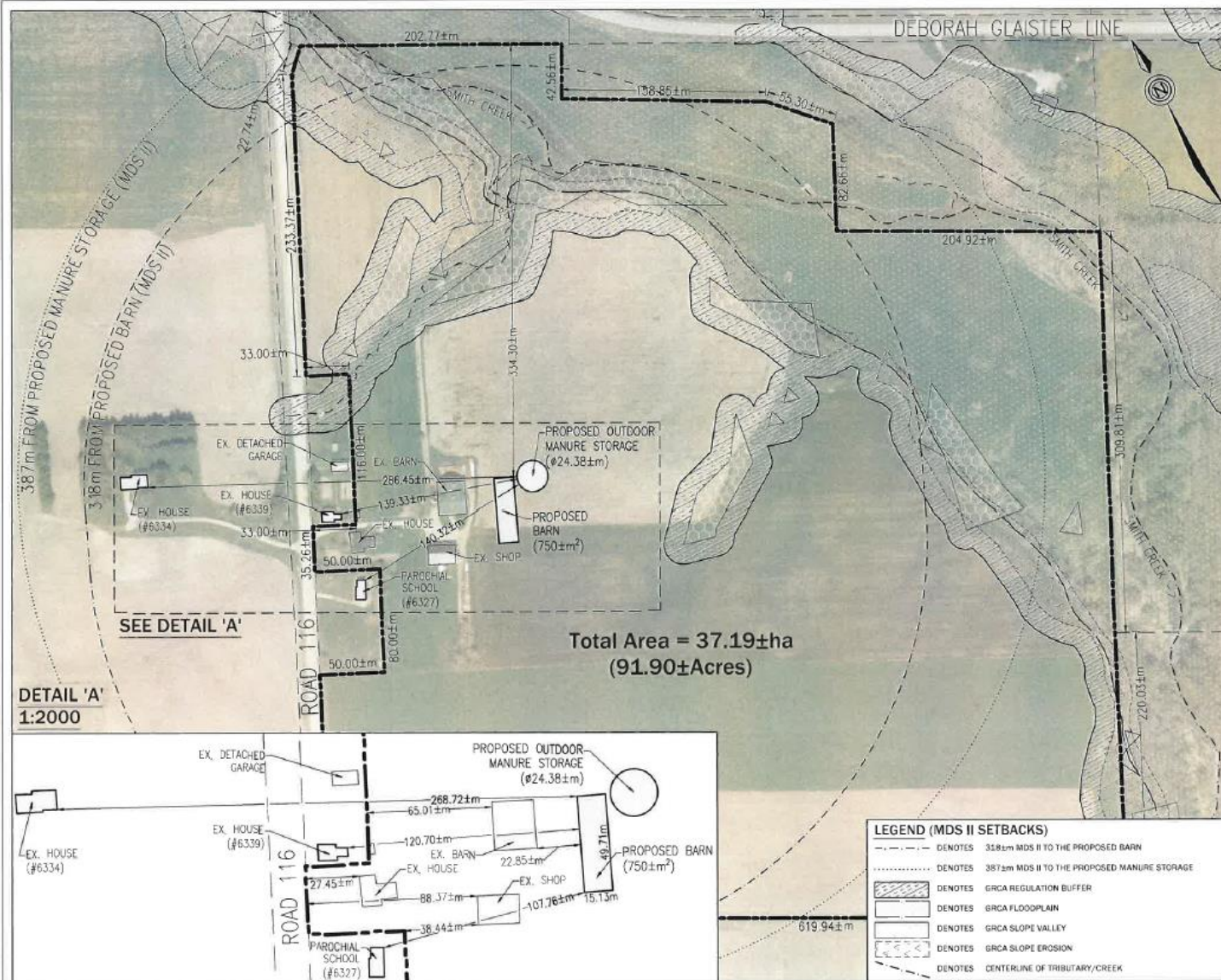


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THIS IS NOT A PLAN OF SURVEY.

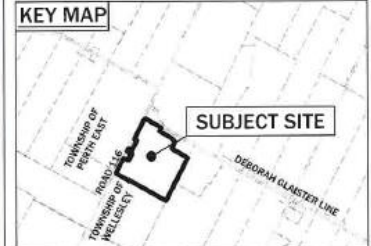
Map Created: 6/17/2025  
Map Center: 43.51588 N, -80.85095 W



## Site Plan



**SKETCH PLAN (MDS II)**  
**6335 ROAD 116**  
 WEST SECTION CONCESSION 2, PART  
 LOT 1, TOWNSHIP OF WELLESLEY  
 REGION OF WATERLOO  
 ROLL # 302402000708700



### ZONING MATRIX: General Agricultural (A1)

#6335	REQUIRED	PROVIDED	COMPLIANCE
LOT AREA (MIN)	40.0 ha	37.19±ha	L.N.C.
LOT WIDTH	230.0 m	620 ±m	YES
FRONT YARD SETBACK	15.0 m	28.88 ±m	YES
SIDE YARD SA	3.0 m	276.40 ±m	YES
REAR YARD SETBACK	7.5 m	>400 m	YES
FLOOR AREA (DWELLING)	Min. 100 m²	233 ±m²	YES
LOT COVERAGE (MAX)	10%	10.0%	YES
MDS II - BARN (#6327)		107±m	NO (MV)
MDS II - BARN (#6334)	318m	268±m	NO (MV)
MDS II - BARN (#6339)		120±m	NO (MV)
MDS II - MANURE (#6327)		340±m	NO (MV)
MDS II - MANURE (#6334)	387m	286±m	NO (MV)
MDS II - MANURE (#6339)		139±m	NO (MV)

### PROP. DEVELOPMENT

- Proposing to build a new 750±m² barn at 6335 ROAD 116, to permit the development, the following variances are requested:
- MDS II**
  - 1. Reduction of the MDS II requirement for the proposed barn to the existing parochial school at #6327 Road 116; 107±m proposed whereas the MDS II requirement is 318m
  - 2. Reduction of the MDS II requirement for the proposed barn to the existing house at #6334 Road 116; 268±m proposed whereas the MDS II requirement is 318m
  - 3. Reduction of the MDS II requirement for the proposed barn to the existing house at #6339 Road 116; 120±m proposed whereas the MDS II requirement is 318m
  - 4. Reduction of the MDS II requirement for the proposed manure storage to the existing shed at #6327 Road 116; 140±m proposed whereas the MDS II requirement is 387m
  - 5. Reduction of the MDS II requirement for the proposed manure storage to the existing house at #6334 Road 116; 268±m proposed whereas the MDS II requirement is 387m
  - 6. Reduction of the MDS II requirement for the proposed manure storage to the existing house at #6339 Road 116; 139±m proposed whereas the MDS II requirement is 387m

**DRYDEN & SMITH HEAD**  
 Planning Consultants Ltd.

DATE: APRIL 30, 2025  
 PROJECT No. 17260  
 DWG TITLE: 17260-MDS-ConcessionPlan  
 DRAWN BY: JAM  
 SCALE: 1:3000  
 REVISION - MAY 16, 2025: CHANGED MDS II TO MDS II

## ACKNOWLEDGMENT

TO;           The Corporation of the Township of Wellesley

RE:           Implications of an additional farm animal barn to be located behind the existing farm barn at 6335 Road 116, Wellesley on the existing nonfarm residence and the Mennonite School.

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The undersigned, being the registered owner(s) of the property located at 6339 Road 116, Township of Wellesley, hereby acknowledges and understands that the erection of an additional farm barn on the subject property may produce farm odors from the swine operation. Living in a predominately farming area, we are accustomed to these odors from time to time and have no objections to the Committee of Adjustment grantint the minor variance to permit the location of the new barn as noted on the application.

DATED this *twenty sixth* day of *April*, 2025

*Leri Zehr*

*Mary Edith Zehr*



## ACKNOWLEDGMENT

TO;           The Corporation of the Township of Wellesley

RE:           Implications of an additional farm animal barn to be located behind the existing farm barn at 6335 Road 116, Wellesley on the existing nonfarm residence and the Mennonite School.

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The undersigned, being the registered owner(s) of the property located at 6334 Road 116, Township of Wellesley, hereby acknowledges and understands that the erection of an additional farm barn on the subject property may produce farm odors from the swine operation. Living in a predominately farming area, we are accustomed to these odors from time to time and have no objections to the Committee of Adjustment grantint the minor variance to permit the location of the new barn as noted on the application.

DATED this 25<sup>th</sup> day of April, 2025

Helson Martin

Rachel Martin

## ACKNOWLEDGMENT

TO; The Corporation of the Township of Wellesley

RE: Implications of an additional farm animal barn to be located behind the existing farm barn at 6335 Road 116, Wellesley on the existing nonfarm residence and the Mennonite School.

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The undersigned, being the registered owner(s) of the property located at 6327 Road 116, Township of Wellesley, hereby acknowledges and understands that the erection of an additional farm barn on the subject property may produce farm odors from the swine operation. Living in a predominately farming area, we are accustomed to these odors from time to time and have no objections to the Committee of Adjustment grantint the minor variance to permit the location of the new barn as noted on the application.

DATED this 25 day of APR., 2025



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June 2, 2025

via email

GRCA File: A7-25 – 6335 Road 116

Bobby Soosaar, Senior Planner  
Township of Wellesley  
4639 Lobsinger Line  
St. Clements, ON N0B 2M0

Dear Bobby Soosaar,

**Re: Application for Minor Variance A7/25**  
6335 Road 116, Township of Wellesley  
Ezra and Linda Zehr

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted minor variance application requesting reduced Minimum Distance Separation (MDS) setbacks.

**Recommendation**

The GRCA has no objection to the proposed minor variance application.

**GRCA Comments**

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains Smith Creek, an additional watercourse, floodplain, valley slopes and erosion hazard, and the regulated allowance adjacent to these features. A copy of GRCA's resource mapping is attached.

Due to the presence of the features noted above, a portion of the subject property is regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.

The proposed minor variance application requests reduced MDS setbacks from a proposed barn and manure storage to neighbouring dwellings and a school. GRCA staff have reviewed the circulated plans and the proposed development is located outside of the natural hazard features and the associated regulated area. As such, the GRCA has no objection to the minor variance application.

Consistent with GRCA's approved fee schedule, this application is considered a 'minor' minor variance and the applicant will be invoiced in the amount of \$300.00 for the GRCA's review of this application.

Should you have any questions, please contact me at 519-621-2763 ext. 2228 or [aherreman@grandriver.ca](mailto:aherreman@grandriver.ca).

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Herreman, CPT  
Resource Planning Technician  
Grand River Conservation Authority

Enclosed: GRCA Mapping

Copy: Ezra & Linda Zehr (via regular mail)

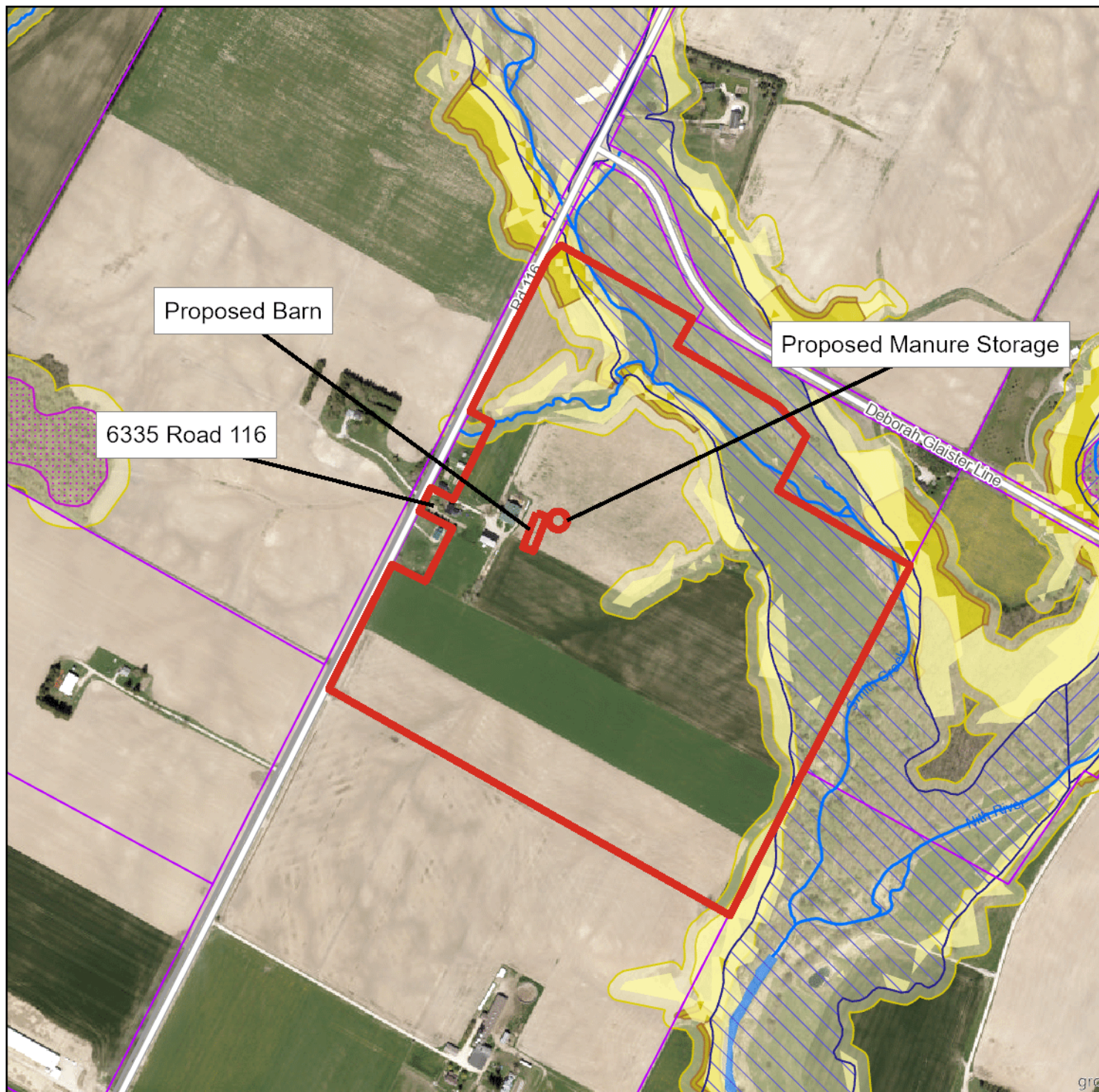
Sam Head, Dryden, Smith & Head Planning Consultants Ltd. (via email)





Legend

- Regulation Limit (GRCA)
- Floodplain (GRCA)
  - Engineered
  - Estimated
  - Approximate
- Floodplain - Special Policy Area (GRCA)
- Slope Erosion (GRCA)
  - Steep
  - Oversteep
  - Toe
- Slope Valley (GRCA)
  - Steep
  - Oversteep
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)
- Conservation Area Boundary (GRCA)



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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. See [Sources and Citations](#) for details.

Scale 1:7,540

NAD83 UTM zone 17 (EPSG:26917)





PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES

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Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

May 21, 2025

Tim Van Hinte  
Township of Wellesley  
4639 Lobsinger Line,  
St. Clements, ON N0B 2M0

File No.: D20-20/VAR WEL

Dear Mr. Hinte:

**Re: Committee of Adjustment Meeting, July 8, 2025, Township of Wellesley**

Regional staff have reviewed the following Committee of Adjustment application(s) and provide the following comment:

A-7/25, 6335 Road 116 - No Concerns

Please be advised that any development on the subject lands is subject to the provisions of the Regional Development Charge By-law 19-037 or any successor thereof and may require the payment of Regional Development Charges for these developments prior to the issuance of a building permit.

The comments contained in this letter pertain to the Application numbers listed. If a site is subject to more than one application, additional comments may apply.

Please forward any decisions on the above mentioned application(s) to the undersigned.

Yours truly,

*Cheryl Marcy*

Cheryl Marcy, C.E.T.  
Manager, Corridor Development  
226-753-1093



**The Corporation of the Township of Wellesley**  
**Office of the Chief Building Official**  
**4639 Lobsinger Line, RR#1 St. Clements, On. N0B 2M0**  
**Tel: 519.699.3950 Fax: 519.699.4540**

*MEMORANDUM – Request for Comment*

To: Bobby Soosaar  
Planner

From: Darryl Denny  
Chief Building Official

Date: June 24, 2025

Re: **Request for Comment**  
**A-7, A-8, A-9, A-11**  
**6335 Rd 116, 5462 Deborah Glaister Rd, 3502 Hutchison Rd, 6220 Ament**  
**Line**

A review of the proposed developments on the aforementioned applications was conducted with the following noted:

There are no concerns with the proposed applications at this time. A Building Permit confirming compliance with the 2024 Ontario Building Code will be required if the application is approved and the project wishes to proceed.

Regards,

Darryl Denny  
Chief Building Official