



## PLANNING & DEVELOPMENT

File No. A11/25  
July 8, 2025

Committee of Adjustment

**Re: Township Comments – Minor Variance Application A11/25  
6170 Ament Line – Earl & David Kuepfer  
Committee of Adjustment Hearing, July 8, 2025**

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### **Summary:**

The owners of 6170 Ament Line are requesting a minor variance to reduce the required Minimum Distance Separation (MDS) setback to build a new 1770 m<sup>2</sup> swine barn. The property is 81.76 hectares in area and has two dwellings, two barns, and two sheds on the property. The lands are designated Prime Agricultural in the Official Plan and are zoned Agricultural (A1-98) under the Zoning By-law. The subject lands are also partially within the GRCA Regulated Floodplain as a result of a creek that is located on the property.

The required MDS setback for the proposed swine barn and manure storage is 397 metres. The applicant is requesting two variances from dwellings outlined in the table below.

Property	Required MDS II Setback	Proposed Setback	Difference
Residence at 6153 Ament Line	397 m	327 m	70 m
Residence at 6225 Ament Line	397 m	285 m	112 m

The attached air photo map shows the location of the proposed new barn as well as the required MDS setback distance.

### **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 are to mitigate odour nuisances.

Section 8.2 of the MDS Guideline Document further details the necessary considerations regarding the reduction of MDS setbacks. OMAFRA 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.” OMAFRA 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 on the southern portion of the property, further away from nearby dwellings to mitigate MDS concerns. Attachment 2 displays the MDS setback requirements from the nearby dwellings, which shows a portion of the property where the barn could be located with minimal MDS conflicts. In this circumstance, reducing the MDS setback 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 OMAFRA 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.”

The intention of Section 4.22.2 of the Zoning By-law is to prevent adverse effects to surrounding properties as a result of adding new or expanding existing livestock facilities. The OMAFA Guidance limits the valid considerations for reducing MDS setbacks to such things as environmental impacts (including hazards), public health and safety, and site-specific circumstances. In this case, the applicant is proposing a significant increase to amount of livestock (swine) on the farm and likely introducing a noticeable increase in odour produced by the operations. In summary, staff is of the opinion that reducing the MDS setbacks by over 100 metres does not conform to the general intent and purpose of the Zoning By-law in this case.

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

The properties affected by the MDS variance (6153 and 6225 Ament Line) each contain an existing livestock barn that is situated closer to the dwelling than the proposed swine barn. It is important to highlight that these existing barns are much smaller in scale and are unlikely to house swine.

Staff are of the opinion that introducing a new, significantly larger swine barn within close proximity to adjacent dwellings will result in an impact that is not 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. Higher odour potential calculations 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 does not meet the MDS setback requirements for two properties - falling short by approximately 112 metres in one case - 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 variance to the MDS setback would have an impact on surrounding properties that would not 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 112 metres farther to the south to comply with the setback requirements from the neighbouring residences. The proposed 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 supporting 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 variance.

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

Prepared by: Bobby Soosaar, Senior Planner

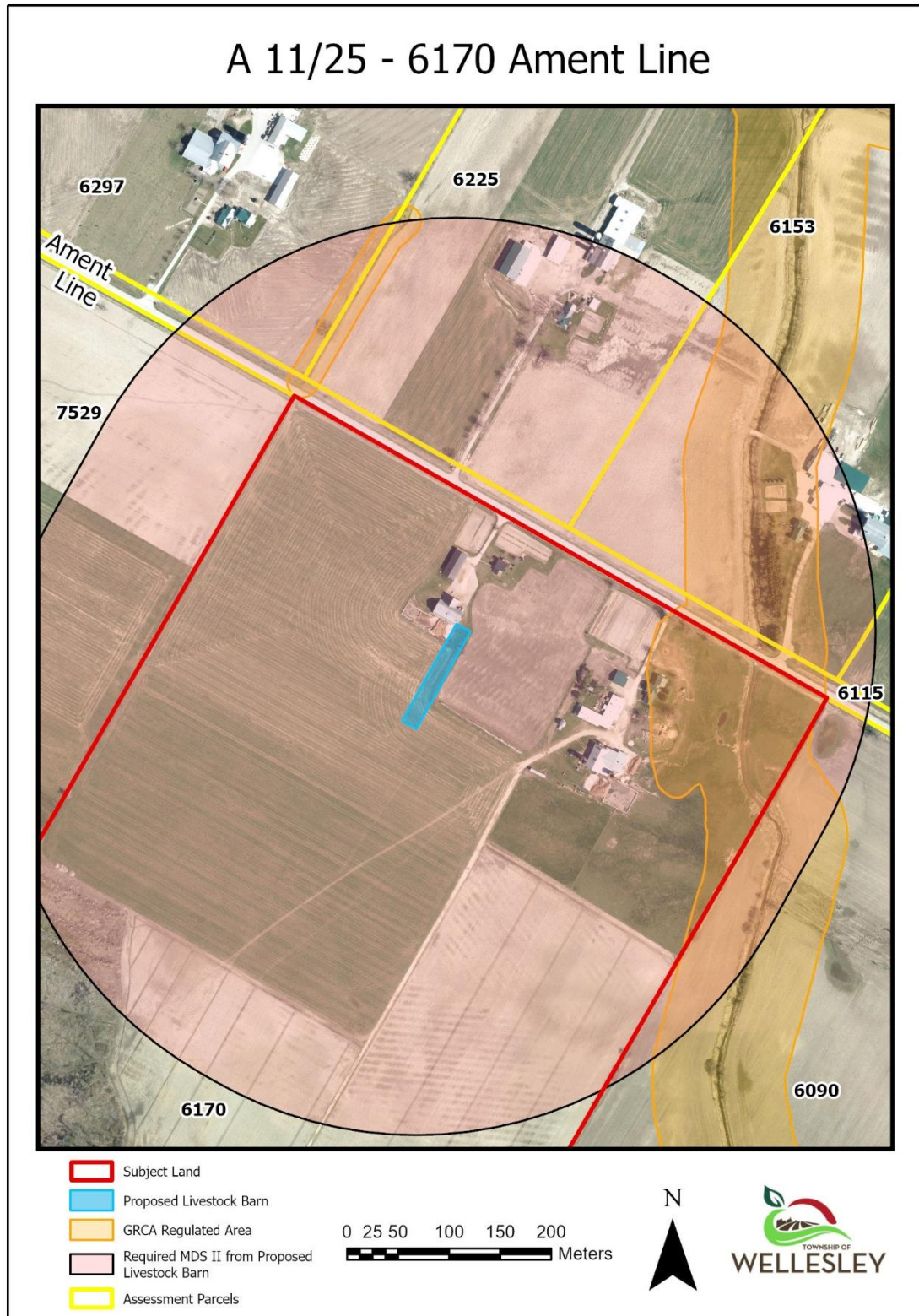
Reviewed by: Tim Van Hinte, Director of Development Services

Attachment: Location Map  
MDS Alternative Location Map  
Site Plan  
Acknowledgements

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

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

## Location Map





## A11/25 - Alternative Location Map



**Prepared By:**  
Bobby Soosaar

**Notes:**



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THIS IS NOT A PLAN OF SURVEY.

Map Created: 6/23/2025  
Map Center: 43.60197 N, -80.77541 W

## Site Plan





## ACKNOWLEDGEMENT

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 6220 Ament Line, Wellesley, on the existing residences.

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The undersigned, being the registered owner(s) of the property located at 6225 Ament Line, Township of Wellesley, hereby acknowledge(s) and understands that the erection of an additional farm barn on the subject property may produce odours from the swine operation. Living in a predominately farming area, we are accustomed to these odours from time to time and have no objections to the Committee of Adjustment granting the minor variances to permit the location of the new barn as noted in the application.

Dated this 26 day of May 2025.

Sylvester R. R. R.

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## ACKNOWLEDGEMENT

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 6220 Ament Line, Wellesley, on the existing residences.

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The undersigned, being the registered owner(s) of the property located at 6153 Ament Line, Township of Wellesley, hereby acknowledge(s) and understands that the erection of an additional farm barn on the subject property may produce odours from the swine operation. Living in a predominately farming area, we are accustomed to these odours from time to time and have no objections to the Committee of Adjustment granting the minor variances to permit the location of the new barn as noted in the application.

Dated this 26 day of May 2025.

John H. H.

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June 24, 2025

via email

GRCA File: A11-25 – 6170 & 6220 Ament Line

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

Dear Bobby Soosaar,

**Re: Application for Minor Variance A11/25**  
6170 & 6220 Ament Line, Township of Wellesley  
Earl Kuepfer, David Kuepfer

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted minor variance application requesting reduced Minimum Distance Separation II (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 lands contain a watercourse, floodplain, wetlands, 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, portions of the subject lands are 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 II setbacks from a proposed barn to neighbouring dwellings. GRCA staff have reviewed the circulated plans and the proposed barn will be 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 [aherremman@grandriver.ca](mailto:aherremman@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: \*Earl Kuepfer/David Kuepfer (via regular mail)  
Andrew Head, Dryden Smith & Head (via email)

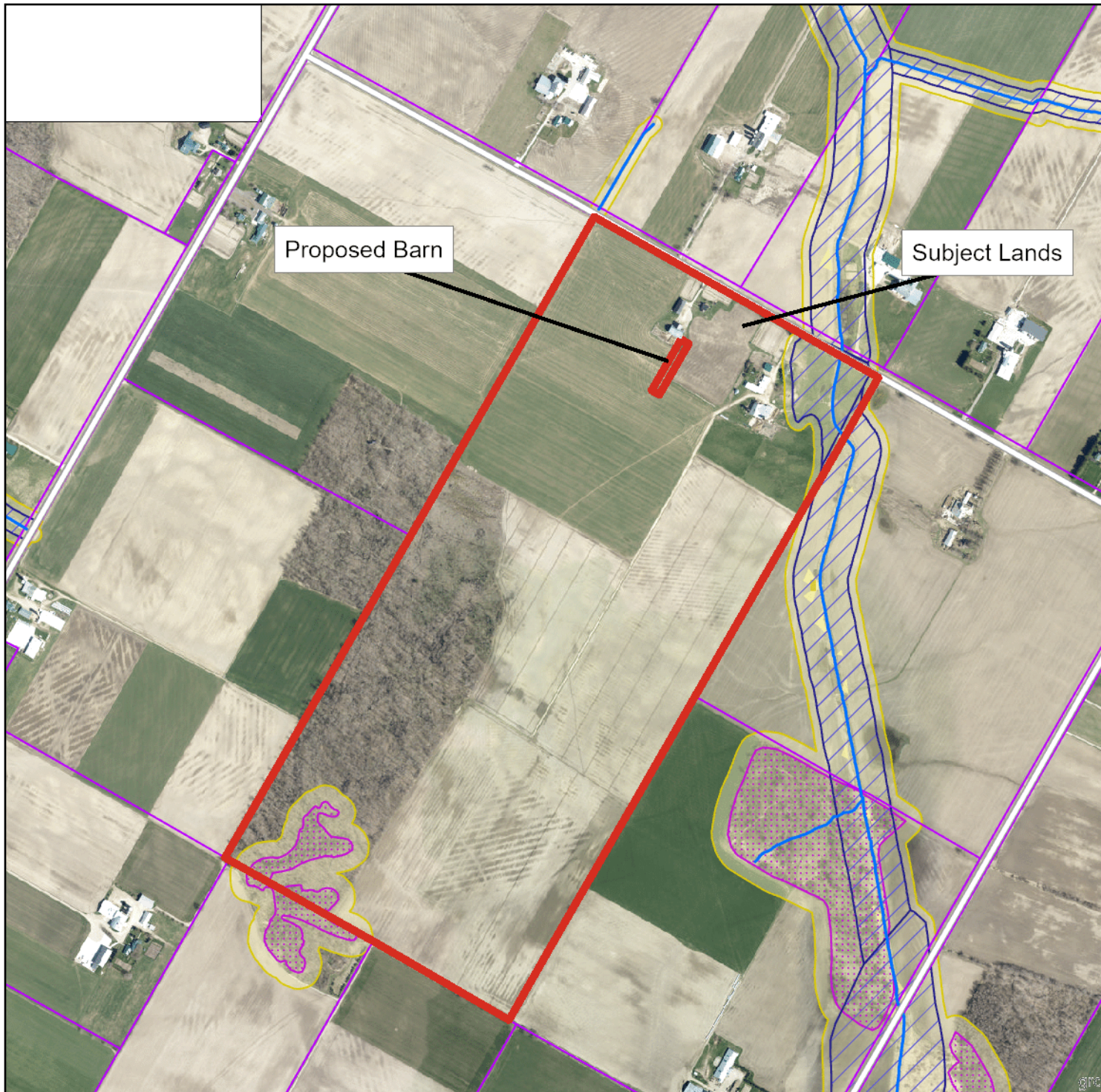




A11-25 - 6170/6220 Ament Line

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.







PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES

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June 9, 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-10/25, 3700 Herrgott Road, Bauman Realestate Holdings Ltd - No Concerns

A-11/25, 6170(6220) Ament Line, Earl & David Kuepfer – 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