



## PLANNING & DEVELOPMENT

File No. A9/25  
July 8, 2025

Committee of Adjustment

**Re: Township Comments – Minor Variance Application A9/25  
for Consent Application B2/25  
Peter Martin – 3502 Hutchison Road / 4750 Ament Line  
Committee of Adjustment Hearing – July 8, 2025**

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### **Summary:**

The property located at 3502 Hutchison Road is approximately 1.3 ha in area and is within the GRCA regulated area. The lands are zoned A1-70, which has site specific provisions that permit a poultry rearing operation with a maximum floor area of 300m<sup>2</sup>. The zoning also requires that the agricultural building be located a minimum of 20 metres from the top of the bank as established by the GRCA. The abutting property (4750 Ament Line) is zoned A1 and is 32 ha. No new access points are proposed for Hutchison Rd. The subject lands currently contain a house and shed. There is a vacant institutional property (Mennonite School) located across the street.

The owner of the subject property (3502 Hutchison) had an existing two-story chicken barn that recently collapsed due to snow load. The applicant is proposing to reconstruct the chicken barn as a single storey barn, with a larger footprint, and increased capacity than the original. The applicant is requesting the following:

### **Option #1**

- A lot line adjustment where a 0.37ha parcel (triangularly-shaped piece) is severed from 4750 Ament Line (PIN 22153-0239) and added to the rear of 3502 Hutchison Road (PIN 22153-0240) for additional space to build a new barn. (Refer to the corresponding consent application B2/25)
- The proposed severance and chicken barn would require the following variances:

**Retained Parcel - 4750 Ament Line**

Type	Zoning Requirement	Proposed	Variance
Minimum Lot Area	Not Applicable – see description on Zoning Section 4.26 below.	32 ha	N/A

The applicant had requested a variance to permit a smaller agricultural lot than permitted resulting from the corresponding consent application B2/25. During the review of the application, staff determined that this specific variance is not required due to provision 4.26 of the Zoning By-law, which classifies the subject properties as legal non-complying, given both lots, as they currently exist, are undersized in the A1 zone.

**Merged Parcel – 3502 Hutchison Road**

Type	Zoning Requirement	Proposed	Variance
Minimum Setback from the top of bank as established by the GRCA in Section 5.9.70.	20 m	10 m	10m
Maximum Floor Area	300 m <sup>2</sup>	1320 m <sup>2</sup>	1020 m <sup>2</sup>
Maximum Lot Coverage	10 %	12%	2%
MDS II (from the vacant Mennonite school)	117 m	100 m	17 m

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

**Option #2**

The applicant has considered an alternative option to facilitate the development of the chicken barn. The alternative, although not being considered with this application, would propose to construct the chicken barn on the existing property, without obtaining a consent for the lot line adjustment. This alternative would require a reconfigured design of the barn, making it wider, which is not optimal for the ventilation requirements for chickens. This alternative option would require the following variances:

- Minimum setback of 10 m to the top of bank, whereas special provision A1-70 requires 20 m from the top of bank as established by the GRCA;
- Maximum Floor Area of 1305 m<sup>2</sup> for the proposed barn, whereas special provision A1-70 allows for a maximum of 300 m<sup>2</sup>;
- Reduction of MDS II setback to 100 m, whereas 117 m is required from the Institutional property at 3497 Hutchison Road; and

- Increase in the maximum lot coverage from 10% to 19.3% to accommodate the larger barn.

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

The property is within the Prime Agricultural designation on Map 10 of the Wellesley Official Plan.

The primary land uses permitted within the Prime Agricultural Area designation include agricultural uses, agriculture-related uses, and secondary uses. Agricultural uses encompass buildings and structures typically associated with standard farming operations, such as barns, as proposed in this application. The applicant is seeking to replace a collapsed chicken barn with a new, larger facility. Given that the Official Plan supports the use of these lands for agricultural purposes, staff are of the opinion that the requested variances—pertaining to increased floor area, and lot coverage—are consistent with the intent of the Official Plan.

Staff are of the opinion that the requested encroachment into the GRCA setback is consistent with the Official Plan, subject to the GRCA being satisfied that the requested variance does not pose a hazard. GRCA has indicated through their review of the application that they do not have any objections to the variance, but that 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.

Regarding the variance to reduce the MDS II setback, 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 reductions to 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 minor variances requested for a reduction to the MDS II setbacks conforms to the purpose and intent of the Official Plan for two primary reasons:

1. A chicken barn was an existing use on the property prior to the roof collapsing; and
2. Given the constraints that exist with the parcel, such as the size, and the GRCA regulated area, there are no other reasonable alternative locations for the new chicken barn.

The overall intent of the Official Plan is to encourage these lands to be used for agricultural purposes, which the variances allow, with limited impact on surrounding properties.

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

The subject lands are zoned Agricultural A1-70, with site-specific provisions to allow for a chicken rearing operation. The A1-70 zone includes site specific provisions to regulate the size of agricultural buildings, as well as to regulate the setback from the GRCA top of bank.

Staff are of the opinion that the requested variances to permit a building area of 1,320 m<sup>2</sup> where 300 m<sup>2</sup> is required, and to allow a maximum lot coverage of 12% instead of the permitted 10% are consistent with the general intent of the Zoning by-law, which supports poultry rearing operations.

Furthermore, the GRCA has no objection to the proposed minor variance to reduce the setback from the top of bank from 20 metres to 10 metres, provided the applicant obtains a GRCA permit for any development within the regulated area.

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 on site specific circumstances. Circumstances that meet the intent, if not the precise distances of MDS II, or mitigate environmental impacts, may warrant further consideration.”

The intent 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 livestock facilities. The OMAFA Guidance limits the valid considerations for reducing MDS setbacks to such things as environmental impacts and site-specific circumstances.

A two-storey chicken barn existed on the subject property. The proposed new barn will not be situated any closer to the school across the road. Furthermore, there are no reasonable alternative locations on the property that would better comply with the MDS setback requirements. The proposed barn has been positioned to minimize the impact on the MDS setback, resulting in a variance request of 17 metres. Given the barn’s placement, the limited alternatives, and the relatively minor nature of the variance, staff are of the opinion that the general intent of the Zoning By-law is being maintained.

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

The test of being minor is not simply a numerical exercise but rather includes the overall impact of the proposal on the subject property and the surrounding lands. The request for an increased floor area, increased lot coverage, reduced GRCA setback and reduced MDS setback is unlikely to generate significant additional impacts for neighbouring properties in this area given the location of the existing barn and minimal development in the area. Staff are of the opinion that this request is minor in nature.

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

Staff believe that this is an appropriate use of the property. The location of the new barn will have minimal impact and there are no servicing, access or other land use concerns with this proposal.

In addition, the GRCA has no objection to the proposed minor variance application. However, GRCA staff note that additional information will be required during the GRCA permit process to demonstrate that the proposed development satisfies applicable GRCA policies.

#### **Conclusion**

**Notwithstanding the recommendation to deny the associated consent application B2/25, staff are of the opinion that the requested variances (Option #1) required to facilitate the construction of the chicken barn meet the four tests under the Planning Act.**

**If the Committee chooses to deny the severance, staff could support the requested variances under Option #2 should the applicant choose to pursue the construction of the chicken barn without a lot line adjustment.**

Prepared by: Bobby Soosaar, Senior Planner

Reviewed by: Tim Van Hinte, Director of Development Services

Attachment: Attachment 1: Location Map

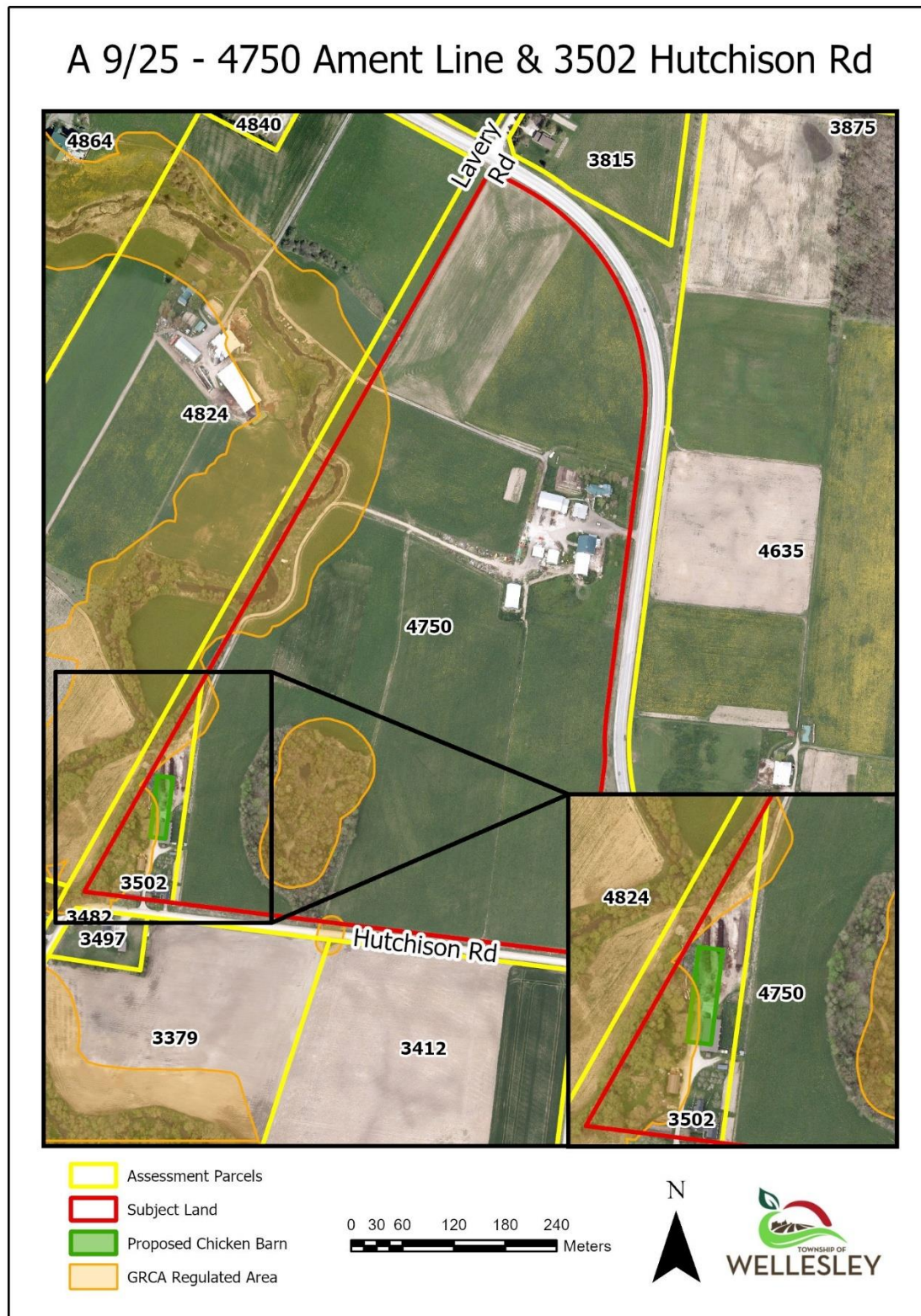
Attachment 2: Site Plan

Attachment 3: GRCA Comments – June 23, 2025

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

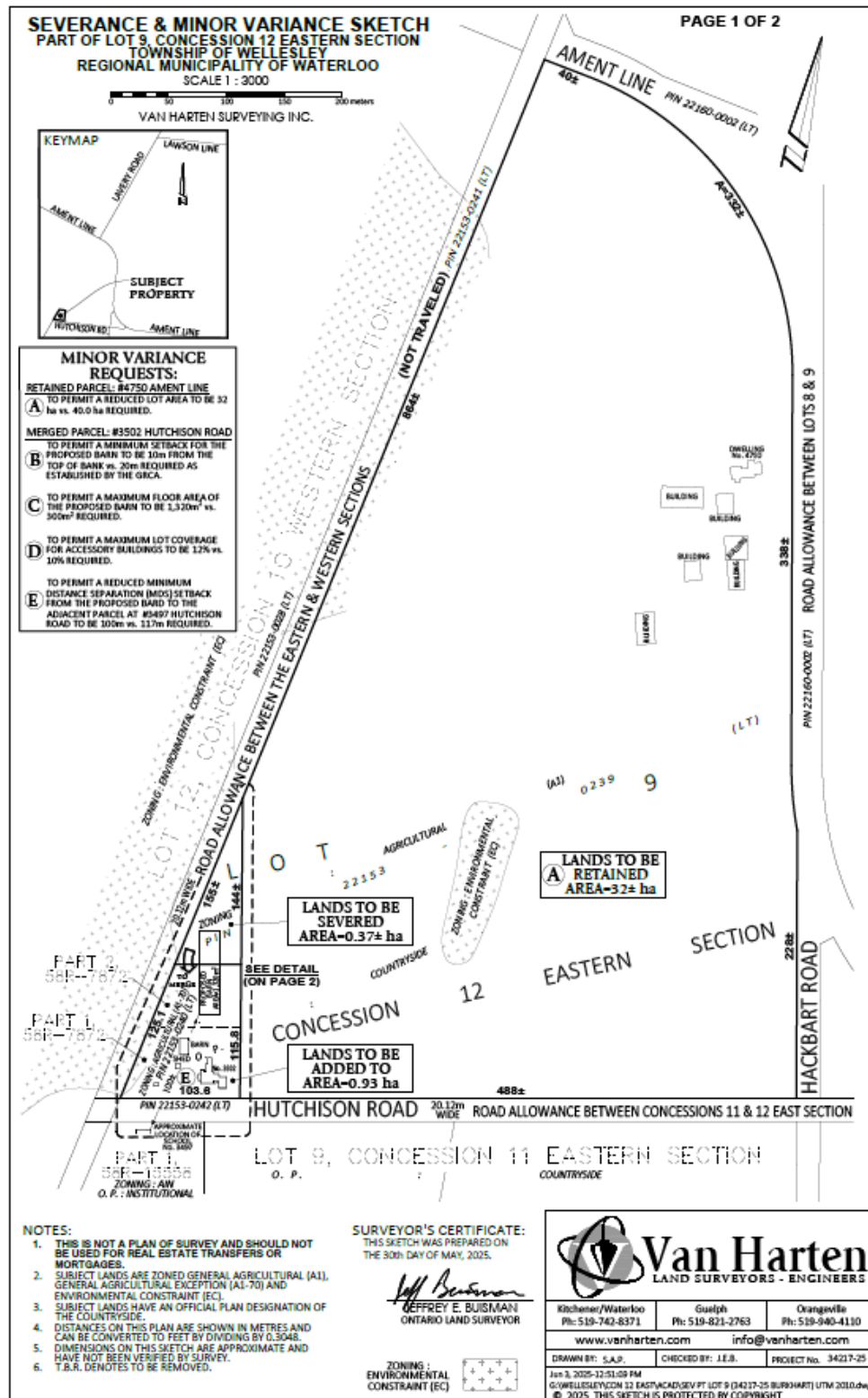
Date: \_\_\_\_\_

## Location Map





# Site Plan







June 23, 2025

via email

GRCA File: B2-25 & A9-25 – 3502 Hutchison Road & 4750 Ament Line

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

Dear Bobby Soosaar,

**Re: Application for Consent B2-25**  
**Application for Minor Variance A9-25**  
3502 Hutchison Road & 4750 Ament Line, Township of Wellesley  
Peter & Lena Martin  
Noah & Irene Sittler

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted applications for consent and minor variance.

**Recommendation**

The GRCA has no objection to the proposed applications.

**GRCA Comments**

GRCA has reviewed these applications 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 retained parcel contains Boomer Creek, floodplain, erosion hazard and valley slopes, a wetland, and the regulated allowance adjacent to these features. The lands to be severed and merged contain erosion hazard and valley slopes, a wetland, 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 consent application proposes to sever a parcel of land from 4750 Ament Line and merge the parcel with 3502 Hutchison Road as a lot addition. Relief from multiple

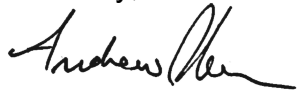
provisions of the Zoning By-law is also required to facilitate a proposed chicken barn on the enlarged parcel. GRCA staff have reviewed the circulated material and we have no objection to the proposed applications.

While GRCA has no objection to the above applications, please note that detailed plans for the proposed barn will be required as part of a complete GRCA permit application. Pre-consultation with GRCA staff is recommended to determine submission requirements for the proposed chicken barn.

Consistent with GRCA's approved fee schedule, these applications are considered minor. Since the applications were reviewed together, one review fee, at the highest rate will be required. The applicant will be invoiced in the amount of \$465.00 for GRCA's review of these applications.

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', with a stylized flourish at the end.

Andrew Herreman, CPT  
Resource Planning Technician  
Grand River Conservation Authority

Enclosed: GRCA Map

Copy: \*Peter & Lena Martin (via regular mail)  
Noah & Irene Sittler (via regular mail)  
Jeff Buisman, Van Harten Surveying Inc. (via email)





Legend

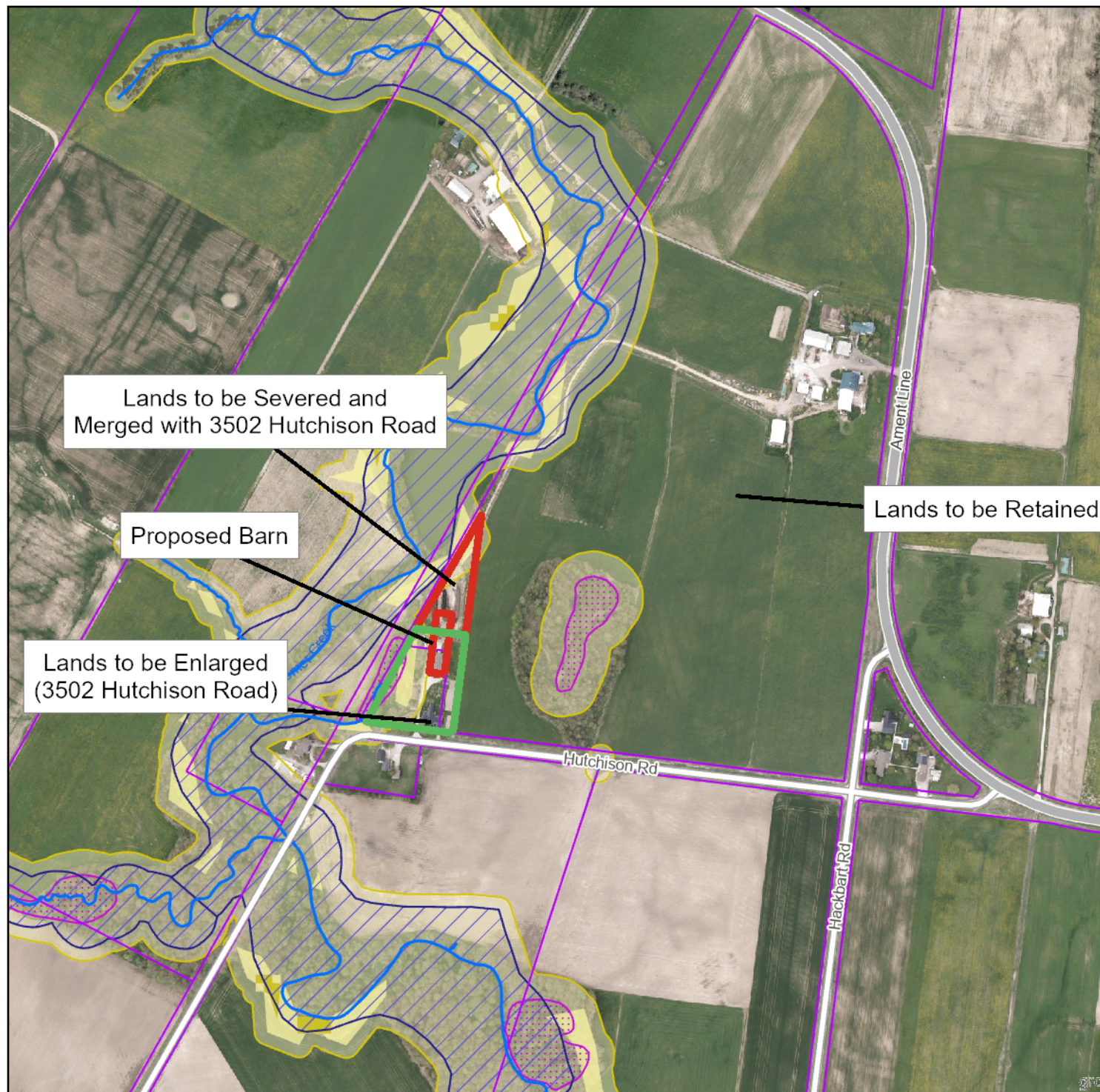
- Regulation Limit (GRCA)
- Floodplain (GRCA)
  - Engineered
  - Estimated
  - Approximate
- Floodplain - Special Policy Area (GRCA)
- Slope Erosion (GRCA)
  - Steep
  - Oversteep
  - Toe
- Slope Valley (GRCA)
  - Steep
  - Oversteep
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (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 1:6,688

NAD83 UTM zone 17 (EPSG:26917)





Lester Frey  
3890 Lavery Rd  
Wallenstein, ON  
N0B 2S0

- Concerning Peter Martin's Submission for a lot line adjustment for additional rear yard and space to build a new barn, due to ~~loss~~ losing his former barn; I would strongly support his request.

Reasons; Being a chicken producer myself for over 40 years, there have been many changes in the chicken industry, and requirements from Chicken Farmers of Ontario (CFO). By allowing additional land; Peter could better build a barn<sup>to</sup> meet CFO requirements of needed foot print, to accommodate the space needed for the minimum requirements.

Also in consideration, of an opportunity to help his son as a potential next generation Chicken Producer to help feed a growing population.

Thank-you for your consideration;  
Sincerely Lester Frey

P.S. I am not able to attend the meeting in person, because of plans to be in Wisconsin USA.

Hilroy



**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