



PLANNING & DEVELOPMENT

File No. B2/25
July 8, 2025

Committee of Adjustment

**Re: Township Comments – Consent Applications B2/25
Peter Martin – 3502 Hutchison Road / Noah Sittler - 4750 Ament Line
Committee of Adjustment Hearing – July 8, 2025**

Summary:

The applicant is requesting 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 rear yard space to build a new chicken barn. The applicant is of the opinion that the triangle is a logical extension of the existing side property lines. The retained parcel and farm (4750 Ament Line) will have an area of 32ha which will continue to be used for agricultural purposes and will be unaffected in terms of its current field operations.

The applicant has advised that the previous barn held 8,600 broilers that equated to a 10,000 unit chicken quota. The association overseeing chicken farmers has advised that the replacement barn must be one-storey (rather than two), and sized to accommodate the current minimum chicken quota of 14,000 units.

Provincial Planning Statement 2024

Section 4.3.3 of the Provincial Planning Statement (PPS 2024) contains policies related to lot creation and lot adjustments in prime agricultural areas. In general, lot creation or alternation is generally discouraged in prime agricultural areas and is only permitted under the specific circumstances listed in policy 4.3.3.2.

4.3.3.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

The PPS defines “legal or technical reasons” as “severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.”

Staff is of the opinion that the proposed application would be a “minor boundary adjustment” as defined by the PPS.

Regional Official Plan and Wellesley Official Plan

The Regional Official Plan (ROP) and Township Official Plan set out the planning policies that govern land use in the Township. The property is designated Prime Agricultural, which allows for a variety of agricultural and accessory uses. Township Official Plan Policies 3.1.9 and 3.2.1 are the guiding policies related to this request (Please note that ROP Policies 6.E.3 and 6.E.15 are virtually the same as the Township Official Plan Policies in this regard):

3.1.9 Notwithstanding the lot creation Policies of this Chapter, a new farm or new lot shall not be deemed to have been created where consent is given for the following purposes:

- a) minor adjustments to lots so as to permit conformity with existing patterns of exclusive use and occupancy, or to rectify problems created by the encroachment of buildings, structures, private wells or individual wastewater treatment systems on abutting lots, provided that such adjustments do not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act;
- b) minor adjustments to the boundaries of two adjoining non-farm lots recognized by the Township’s Zoning By-law, provided that such adjustments do not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act;
- c) minor adjustment to the boundaries between an adjoining farm and a non-farm lot that does not decrease the size of the farming operation;
- d) acquisitions of land for infrastructure, where the need for the project has been demonstrated through an Environmental Assessment or other appropriate study and the facility or corridor cannot be accommodated through the use of easements or rights-of-way;
- e) addressing legal or technical matters such as easements, rights-of-way, corrections of deeds, and quit claims that do not result in the creation of a separate lot, except where such easements or rights-of-way are intended to facilitate the construction of new buildings or structures on a vacant lot of record otherwise undevelopable due to a lack of frontage onto a public road. Consents for such easements will be considered an application to create a new lot and will be subject to the provisions set out in Policy 3.2.1 as applicable; or
- f) severing from each other two or more rural lots that have unintentionally merged in title, provided the severances reflect the original lot lines.

3.2.1 Development applications to create a new farm parcel, or reconfigure existing farm parcels within Prime Agricultural Area or Rural Areas, where lands are severed from one farm parcel and conveyed as a lot addition to an adjoining farm and held in one ownership, will comply with the following:

- a) each resultant farm that is created must have a minimum area of 40 hectares; or
- b) resultant farms having less than a minimum of 40 hectares will:
 - i. be of a size appropriate for the type of agricultural uses common in the area; and
 - ii. be sufficiently large enough to sustain an economically viable farm operation and to maintain flexibility for future changes in the type or size of agricultural operations; and
 - iii. be permitted by a site specific zoning by-law amendment.

In this case, the relevant policies are 3.1.9 (a), 3.2.1 (a) and 3.2.1 (b). Policy 3.1.9 (a) speaks to permitting a lot adjustment where there are “existing patterns of exclusive use and occupancy”. As outlined in the covering letter to this application, the proposed lot adjustment lands are used primarily by the owner of the retained parcel (4750 Ament Line) for composting, with some material from 3502 Hutchison Road. Given this description provided by the applicant, the proposal fails to comply with policy 3.1.9 (a), as there is not enough evidence to support that the owner of 3502 Hutchison Road uses/occupies the proposed lands exclusively.

Policy 3.2.1 (a) permits minor lot adjustment if each resultant farm is a minimum of 40 hectares. The proposal will result in two undersized farm parcels, and therefore, would not conform to this policy.

Policy 3.2.1 (b) sets out criteria to permit a lot adjustment for a circumstance where the resultant farms are under the 40-hectare minimum requirement. Policy 3.2.1 (b i) requires the farm to be of a size appropriate for the type of agricultural uses common in the area. Given that many of the surrounding farm properties in the area are well above 40 hectares in area, it is the opinion of staff that the resultant farm at 3502 Hutchison, which would be approximately 1 hectare, does not meet the required criteria for a lot line adjustment. In addition, since the farm parcel at 4750 Ament Line is already undersized (32 ha), a further reduction in size as a result of this request does not meet the purpose and intent of the Official Plan policies.

In summary, staff are of the opinion that the proposed lot severance cannot be supported by the policies in the ROP or the Township Official Plan.

Zoning By-law:

The severed and retained lands are zoned Agricultural (A1) and the Zoning By-law sets out the regulations for lot size (minimum 40 ha) and lot frontage (minimum 230 m). The lands at 3502 Hutchison and 4750 Ament Line are both undersized and do not meet the by-law

requirements. They are considered to be legal non-complying. The Township Zoning By-law includes the following clause in Section 4.26 which addresses these types of situations and no further action is required to address the change in legal non-complying status.

4.26 NON-COMPLYING USES

Where an undersized lot or lot with insufficient frontage existed at the date of passing of this by-law, and is considered to be legal non-complying, and the lot area and/or lot frontage has been changed through an application for consent approved by the Township of Wellesley Committee of Adjustment, the amended lot shall be deemed to comply with the provisions of this by-law and a further amendment to this by-law is not required. This provision shall not apply to lots that currently comply with the lot area and frontage requirements of the respective zone and will no longer comply as a result of a consent application approved by the Township of Wellesley Committee of Adjustment.

A portion of the subject lands are within the Grand River Conservation Authority (GRCA) regulated area and any construction on these lands may require approval of the GRCA. The owners of 3502 Hutchison Road are proposing to reconstruct a new, larger chicken barn. The current configuration of the proposed chicken barn requires the lot line adjustment in order to construct it.

Other Department/Agency Comments:

GRCA – No objection

Region of Waterloo – No objection

RECOMMENDATION:

That the Committee of Adjustment deny application B2/25 as it is not in compliance with the policies of the Regional Official Plan and the Township Official Plan.

Prepared by: Bobby Soosaar, Senior Planner

Reviewed by: Tim Van Hinte, Director of Development Services

Attachment 1: Location Map

Attachment 2: Consent Sketch

Attachment 3: Region of Waterloo Comments – June 12, 2025

Attachment 4: GRCA Comments – June 23, 2025

Approved by: _____, CAO
Date: _____

Attachment 1 – Location Map

B 2/25 - 4750 Ament Line & 3502 Hutchison Rd

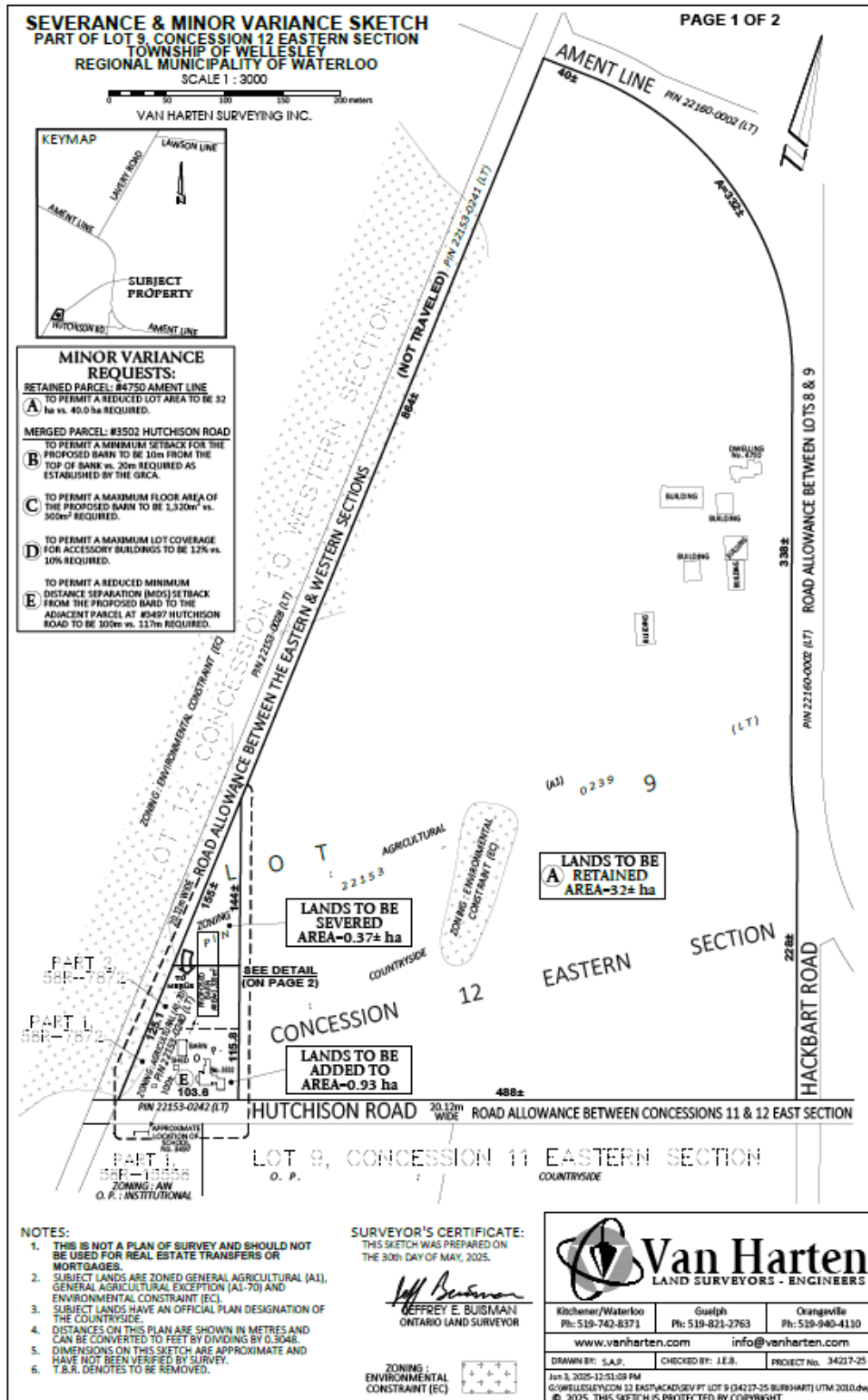


-  Assessment Parcels
-  Subject Land
-  Proposed Land to be Severed from 4750 Ament Line and Added to 3502 Hutchison Rd

0 30 60 120 180 240 Meters



Attachment 2 – Consent Sketch





PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
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Susanna Reid
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sreid@regionofwaterloo.ca

June 12, 2025

Bobby Soosar
Senior Planner, Township of Wellesley
VIA EMAIL: bsoosar@wellesley.ca

**Re: Revised Regional Comments for Consent Application B2-25
3502 Hutchison Road/4750 Ament Line, Township of Wellesley
Committee of Adjustment Hearing July 8, 2025**

Please accept the Region's comments for Consent application B2-25 in the Township of Wellesley.

These comments update the June 5, 2025 comments for this file. The Regional review fee was received on June 12, 2025. These revised comments remove the condition for the Regional review fee to be paid to the Region.

B2-25 **4750 Ament Line Linwood**
Owners: **Noah and Irene Sitter**
Applicant: **Jeff Buisman, Van Harten Land Surveyors-Engineers**

The owners/applicants have applied for a to sever a .37 ha parcel to enlarge a neighbouring undersized agricultural parcel located at 3502 Hutchison Road. The undersized agricultural parcel (3502 Hutchison Road) has an area of .93 ha. There was a two-storey chicken barn on this property, and it was destroyed by fire. The owners of 3502 Hutchison Road plan on building a one storey chicken barn. The one storey chicken barn proposes a larger footprint with an increased capacity.

Regional Comments

The Region has no comments.

Regional Fee: The Region received the \$350 consent application review fee on June 12, 2025.

The Region has no objections to Consent application B2-25.

General Comments:

Please accept this letter as the Region's request for a copy of the decision and minutes pertaining to the consent application noted above.

Any submission requirements may be subject to peer review, at the owner/applicant's expense as per By-law 24-052. Prior to final approval, Township staff must be in receipt of Regional condition clearance.

Any future development on the lands subject to the above-noted consent applications will be subject to the provisions of Regional Development Charge By-law 19-037, or any successor thereof.

If you have any questions, please contact this office.

Sincerely,

Susanna Reid, MCIP, RPP
Senior Planner



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

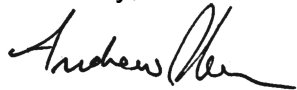
provisions of the Zoning By-law is also required to facilitate a proposed chicken barn on the enlarged parcel. GRCA staff have reviewed the circulated material and we have no objection to the proposed applications.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman". The signature is fluid and cursive, written over a white background.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

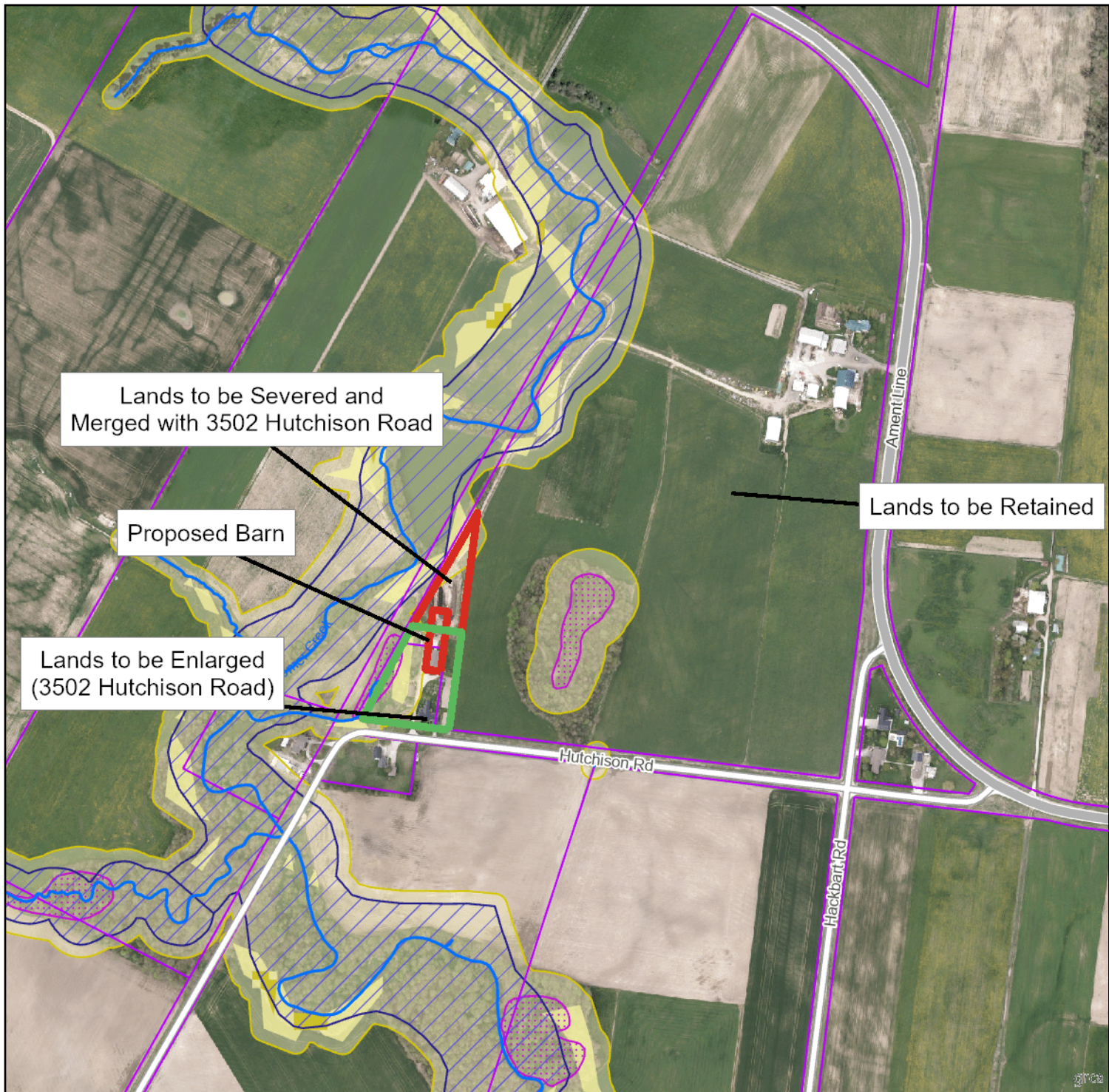
Enclosed: GRCA Map

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)



Lands to be Severed and Merged with 3502 Hutchison Road

Proposed Barn

Lands to be Retained

Lands to be Enlarged (3502 Hutchison Road)

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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.



Lester Frey
3890 Lavery Rd
Wallenstein, ON
NOB 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, to 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