



PLANNING & DEVELOPMENT

File No. A10/25
July 8, 2025

Committee of Adjustment

**Re: Township Comments – Minor Variance Application A10/25
3700 Herrgott Road - Marlon Bauman
Committee of Adjustment Hearing, July 8, 2025**

Summary:

The owner of 3700 Herrgott Road is proposing the construction of a new single-detached dwelling, with two internal additional dwelling units (ADU) within the primary dwelling. The proposal requires the following variances:

1. To permit two additional dwelling units within the primary dwelling, whereas one additional dwelling unit within a primary dwelling is required in Section 4.2.1.1.b) of the Zoning by-law.
2. To permit an attached additional dwelling unit with a maximum of three bedrooms, whereas a maximum of two bedrooms is required in Section 4.2.1.1.c) of the Zoning by-law.

The property is 36 hectares in area and has a barn, two drive sheds, and an accessory agricultural structure on the property. The lands are designated Prime Agricultural in the Official Plan and are zoned Agricultural (A1-42) 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 subject lands are surrounded by agricultural uses to the north, south and west. The Hawkesville Settlement Area is located to the east of the site and contains employment, institutional, and residential properties.

TEST OF GENERAL INTENT & PURPOSE OF OFFICIAL PLAN:

The property is designated Prime Agricultural in the Wellesley Official Plan. There are two primary policy considerations for residential development in the prime agricultural areas. Section 3.4 allows for temporary and permanent forms of housing that are directly related to full time farm help and section 4.2.6 allows for an additional residential units. The regulations of Section 4.2.6 are noted below:

4.2.6 The development of an *additional residential unit* on a farm or non-farm residential property in the agricultural and rural designation may only be permitted where the new residential unit:

- a. Is subordinate to the main dwelling on the lot.
- b. Appropriate parking is provided in close proximity to the dwelling on the lot as set out in the Township Zoning By-law.
- c. Is serviced with private water and septic to the satisfaction of the Region and Township. It is to be demonstrated that the use can be accommodated within the capacity of the existing private servicing and where site conditions are suitable for the long-term provision of such services.
- d. Is compatible in design and scale with the built form on the lot and the surrounding residential neighbourhood in terms of massing, height and visual appearance.
- e. Can satisfy requirements such as servicing, parking, access, stormwater management, tree preservation, landscaping and the provision of amenity areas.
- f. Where an *additional residential unit* is proposed within a structure accessory to a dwelling, a lot grading and drainage plan may be required.
- g. Any additional residential unit shall be constructed in accordance with the setbacks as set out in the Township Zoning By-law.
- h. Any additional residential unit shall be located in close proximity to the existing primary dwelling use on these lands.
- i. An *additional residential unit* in the form of a detached building shall not be permitted to be severed.

These policies are somewhat general in nature except for the requirement to be in close proximity to the primary residential unit. Even this policy does allow for some interpretation and flexibility based on individual circumstance. Overall, additional residential units are permitted in the Official Plan. Additional details and implementation of these policies are set out in the Zoning By-law. Staff are satisfied that the purpose and intent of the Official Plan is being maintained.

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

Section 4.2.1.2 of the Zoning By-law allows for additional dwelling units (ADUs). This section contains regulations that apply to smaller lots in settlement areas as well as larger farm properties. The highlighted sections relate to the requested variances:

4.2.1.2 Dwelling Unit (Attached), Additional

An Additional Attached Dwelling Units is permitted to be located in a single detached; semi-detached or townhouse dwelling provided that:

- a) The use is secondary to the principle use within the same dwelling unit;
- b) A maximum of one additional attached dwelling units may be permitted per lot within an existing dwelling;
- c) An additional attached dwelling unit shall contain a maximum of two (2) bedrooms;
- d) An additional attached dwelling unit must contain a private washroom with shower facilities, and a private kitchen;
- e) An additional attached dwelling unit must be connected to municipal water and/or sewer services where available;
- f) Where municipal services are not available, an additional attached dwelling unit may be connected to private services to the satisfaction of the Township;
- g) The additional attached dwelling unit must have an entrance separate from the principal dwelling, accessed from the rear, interior, or exterior side yard, or from a common vestibule;
- h) An additional attached dwelling unit, if located at or above grade, shall not be larger than 50% of the gross floor area of the principal dwelling;
- i) An additional attached dwelling unit, if located in the basement of a principal dwelling, may occupy the entire basement area.
- j) One (1) additional parking space for the sole use of the occupant of the additional attached dwelling unit is required for each additional dwelling unit. A parking space that is provided and maintained for the sole use of the occupant of an additional attached dwelling unit may be a tandem parking space.

In addition to permitting one attached ADU, the Zoning by-law also allows for a detached ADU on certain properties. The overall intent of this provision is to enable up to three residential units per lot.

The subject property meets the criteria to accommodate three dwelling units: a primary residence, one attached ADU, and one detached ADU. Staff are of the opinion that the proposed construction of a new single-detached dwelling containing two internal ADUs aligns with the general purpose and intent of the Zoning by-law, which is to support up to three residential units on a single lot.

One of the proposed ADUs includes three bedrooms, which does not comply with Zoning Provision 4.2.1.2 (c), stating that “an additional attached dwelling unit shall contain a maximum of two (2) bedrooms.” However, staff are of the opinion that the proposed ADU, despite having three bedrooms, remains subordinate to the primary dwelling. This is supported by the fact that the ADUs total floor area represents 39% of the gross floor area of the main residence—well below the permitted maximum of 50%.

In conclusion, while the proposal deviates from the specific provisions of the Zoning By-law, it maintains the general intent and purpose of the By-law.

TEST OF MINOR AS TO PURPOSE & EFFECT:

The requested variances are minor in nature, as they do not substantially alter the character of the property or the surrounding area, and they do not pose any negative impacts on adjacent properties. This proposal seeks approval for a variance to permit one ADU in the basement and a second, attached ADU above grade, rather than in a detached structure. Consolidating both units within a single building reduces the overall footprint, promotes more efficient land use, and helps preserve the agricultural character of the property.

Additionally, the request to increase the number of bedrooms in one of the ADUs from two to three is a modest adjustment that is necessary to meet the housing needs of certain demographics. The ADU will occupy less than the Zoning By-law’s maximum provision of 50% of the gross floor area of the primary dwelling. As such, both variances are considered minor in nature and do not pose any significant impact on the surrounding area or the overall agricultural function of the property.

TEST OF APPROPRIATE USE OF LAND, BUILDING OR STRUCTURE:

The proposed development will not disrupt the agricultural character of the property, as the ADUs will be integrated within the primary dwelling and the residential use will be secondary to the primary agricultural use. The proposed development is positioned in such a way that avoids taking farmland out of production. In addition, the request to allow one ADU with up to three bedrooms is reasonable and necessary to accommodate the size of the family. The three-bedroom ADU is still less than 50% of the size of the primary dwelling making it subordinate. Therefore, this development is a desirable and appropriate use of land. The proposal satisfies the test of being an appropriate use of land, building or structure.

Conclusion

In conclusion, the proposed variance for two attached ADUs within the primary dwelling, with one unit containing up to three bedrooms, meets all four tests for a minor variance under the Planning Act. Staff recommend approval of this application.

In summary, staff has no objection to this application to allow for two attached ADUs and to allow for one unit to contain up to three bedrooms.

Prepared by: Bobby Soosaar
Senior Planner

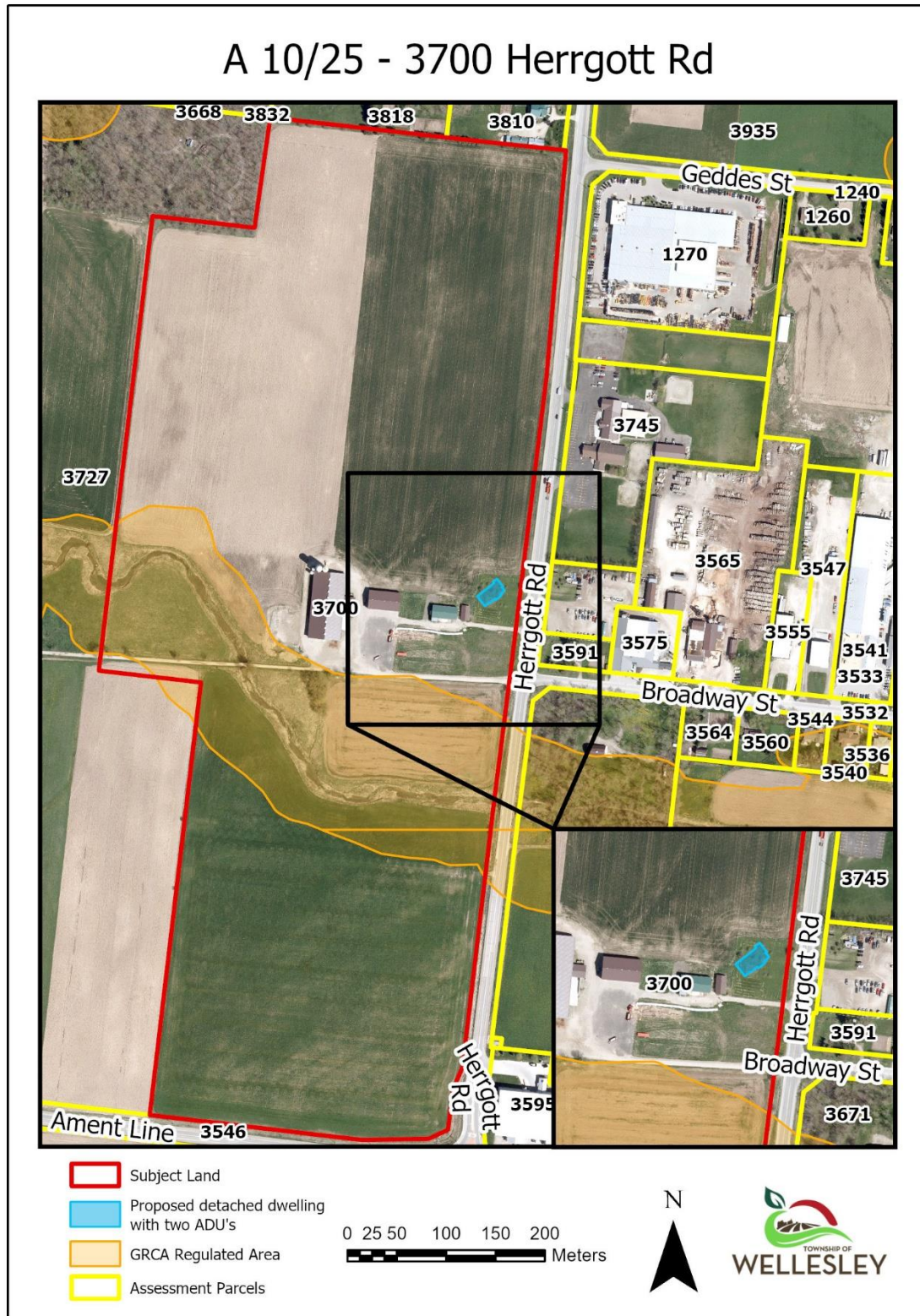
Reviewed by: Tim Van Hinte
Director of Development Services

Attachment: Location Map
Site Plan

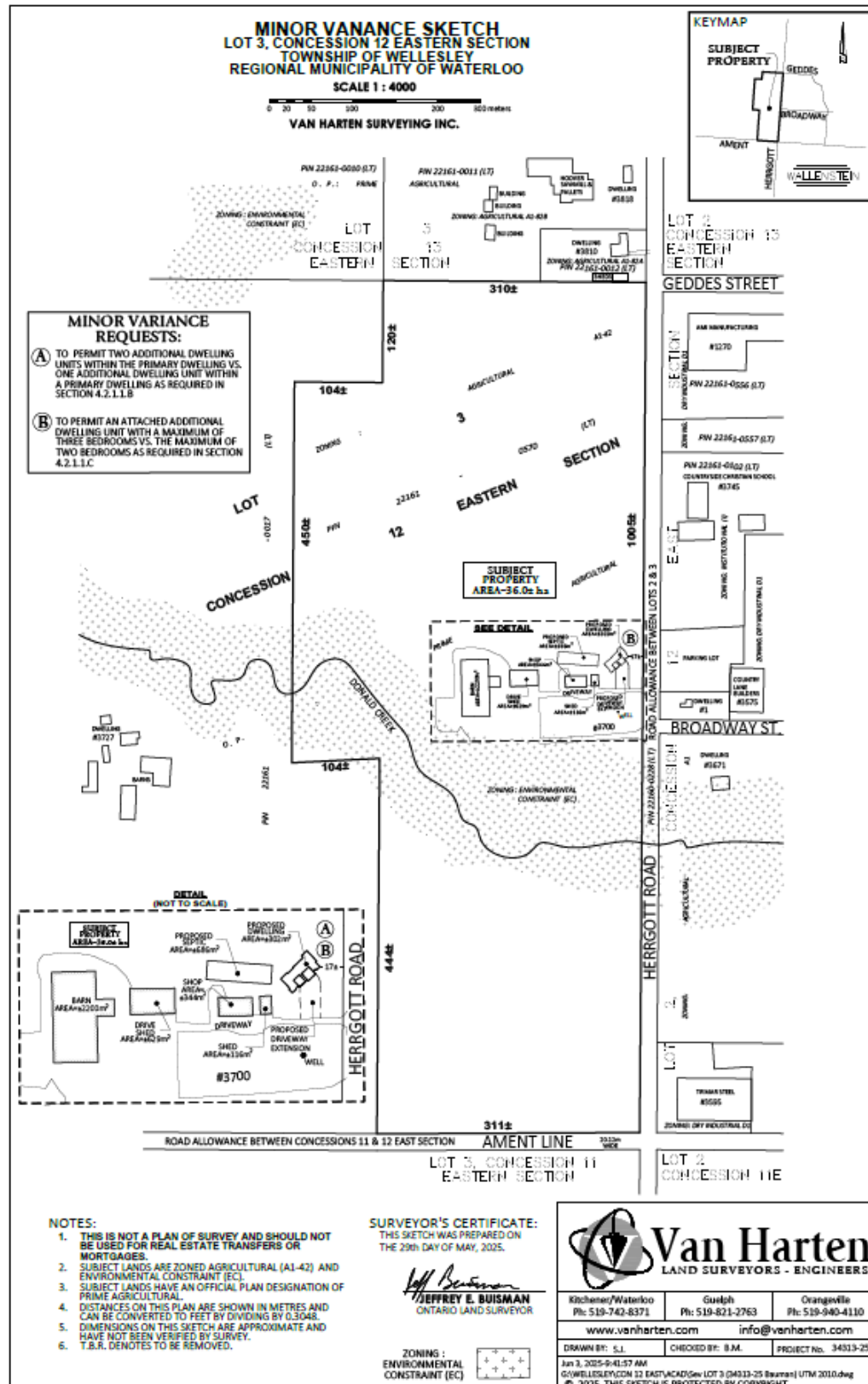
Approved by: _____, CAO

Date: _____

Location Map



Site Plan





June 23, 2025

via email

GRCA File: A10-25 – 3700 Herrgott Road

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

Dear Bobby Soosaar,

Re: Application for Minor Variance A10/25
3700 Herrgott Road, Township of Wellesley
Bauman Real Estate Holdings Ltd.

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted minor variance application requesting two additional dwelling units within the primary dwelling and a third bedroom in one of the additional dwelling units.

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 Donald Creek, its associated floodplain, 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 permission to allow two additional dwelling units (ADUs) within the primary dwelling and an additional bedroom in one ADU. The proposed dwelling units and septic system are located outside of the natural hazard features and 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.

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

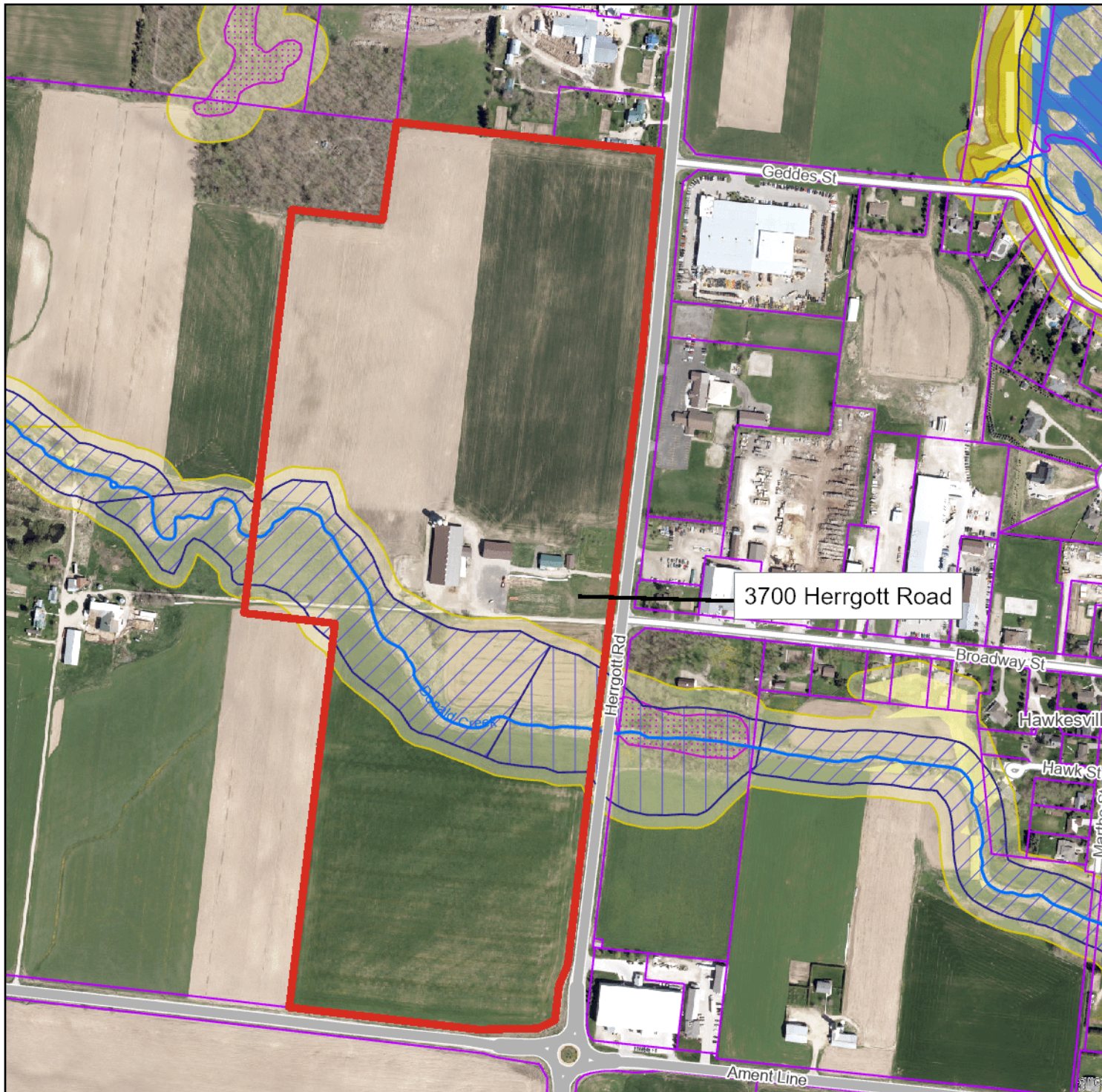
Copy: *Marlon Bauman (via email)
Brianna Miller, Van Harten Surveying Inc. (via email)



A10-25 - 3700 Herrgott Road

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)



Copyright Grand River Conservation Authority, 2025.

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

150 Frederick Street, 8th Floor
Kitchener ON N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4449
www.regionofwaterloo.ca

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 Real Estate 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