

# THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

## Committee of Adjustment Meeting

In Person/ZOOM

Municipal Council Chambers

February 11<sup>th</sup>, 2026

4:30 P.M.

**PRESENT: MAYOR:** Michael Reider  
**COUNCILLORS:** Mary Bradbury Dave Froats  
Robert Campbell Nikola Grubic

**ABSENT: COUNCILLOR:** Peggy Roque

**DISCLOSURE:** Nil

**STAFF:** Clerk-Treasurer – Candy Beauvais  
Deputy Clerk-Treasurer – Gilles Legault  
Public Works Superintendent – Tony Nuziale  
Administrative Assistant – Angie Nuziale  
Project Coordinator – Sanket Shinde  
Director of Sudbury East Building & By-Law Services – Andrea Tarini

**MEMBERS OF PUBLIC:** 2 (In Person)/2 (ZOOM)

**GUESTS:** 1. Matthew Dumont, Director of Planning  
Sudbury East Planning Board

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The Chair Mayor Reider called meeting to order at 4:30 P.M.

The Chair proceeded to ask Council if there were any declarations of pecuniary interest. Each councillor announced they had no disclosure.

**26-001 BY DAVE FROATS – ROBERT CAMPBELL**

**BE IT RESOLVED THAT** the Committee of Adjustment meeting be opened at 4:32 P.M.

Resolution Result	Recorded Vote	YES	NO
<input checked="" type="checkbox"/> <b>CARRIED</b>	Council Members Mary Bradbury		
<input type="checkbox"/> <b>DEFEATED</b>	Robert Campbell		
<input type="checkbox"/> <b>TABLED</b>	Dave Froats		
<input type="checkbox"/> <b>RECORDED VOTE (SEE RIGHT)</b>	Nikola Grubic		
<input type="checkbox"/> <b>PECUNIARY INTEREST DECLARED</b>	Michael Reider		
<input type="checkbox"/> <b>WITHDRAWN</b>	Peggy Roque		

The Chair stated that this Committee of Adjustment Meeting was scheduled in order to hold a Public Hearing to discuss a proposed Minor Variance:

**Application No. A/01/26/KL (Cheryl & Robert Herbert)**

The Committee of Adjustment is holding a Public Hearing to decide whether or not to approve a Minor Variance Application. The Committee will be presented with the details and background to the minor variance application and will receive comments from the public and agencies before a committee decision is made.

The Director of Planning for the Sudbury East Planning Board, Mr. Matthew Dumont, advised the Committee as to when, how, and to whom Notice of Public Hearing was circulated.

The Director stated that the Notice of the Public Hearings were posted in the Municipal Office and were sent by mail to the assessed owners within 60 metres of the properties subject to the Minor Variance Application, and to those persons and agencies likely to have an interest in the application. The notices were sent on January 30<sup>th</sup>, 2026 being over ten (10) days prior to this evening’s meeting. Included with each Notice was an explanation of the purpose and effect of the minor variance application and a key map showing the location of the property.

The Chair then declared this portion of the meeting to be a Public hearing to deal with **Application No. A/01/26/KL (Cheryl & Robert Herbert)**. Mr. Dumont advised of the purpose and effect of the minor variance application, provided additional information that was relevant, and summarized the correspondence received to date regarding the application as follows:

The Planner stated the Sudbury East Planning Board has received a minor variance application to permit the construction of a secondary unit (also known as an Additional Dwelling Unit, or ADU) at 10 Commissioner Street.

The applicant is proposing a secondary unit with a gross floor area equal to 60% of the gross floor area of the principal dwelling unit, totaling 52.05 square metres. Section 6.42(e) of Zoning By-law 2014-29 requires that a secondary dwelling unit shall not exceed 40% of the gross floor area of the principal dwelling unit or 90 square metres, whichever is less.

The subject property currently contains a single detached dwelling unit, a detached garage, and a shed.

	<u>Zone Requirement</u>	<u>Proposed</u>
Section 6.42 (e) Zoning By-law 2014-29 Secondary Unit (ADU)	gross floor area not exceeding 40% of the gross floor area of the principal dwelling unit or 90 sq.m, whichever is lesser	60% (52.05sq.m.)

**OFFICIAL PLAN:**

Official Plan Designation:

Community Policy Area (Community of Killarney), as identified in the Official Plan for the Sudbury East Planning Area (Approved by the Ministry of Municipal Affairs and Housing July 15th, 2025).

When considering this application, the Committee must consider the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13, which states that a variance from the zoning by-law should:

**Evaluation of the Four Tests**

**1. Is the variance minor in nature?**

Yes.

While the variance represents an increase from 40% to 60%, the actual size of the unit (52.05 m<sup>2</sup>) remains modest and well below the maximum 90 m<sup>2</sup> permitted by the Zoning By-law. The additional floor area does not result in an oversized or visually dominant structure.

The secondary unit will be single story, maintaining a low building profile and ensuring compatibility with surrounding low-rise residential development. Given the larger lot area and frontage of the subject property relative to other lots on Commissioner Street, the increase in proportional floor area is minor in impact and scale.

In addition, the proposed secondary dwelling unit is located further back on the lot than the existing single detached dwelling, situated within the interior side yard, and maintains full compliance with all applicable setback requirements of Zoning By-law 2014-29.

This siting ensures that the unit has minimal visibility from Commissioner Street, does not encroach on adjacent properties, and does not result in any adverse impacts related to privacy, shadowing, or neighbourhood character. The placement of the unit further reduces the functional and visual impact of the increased floor area, reinforcing the minor nature of the variance.

**2. Is the variance desirable for the appropriate development or use of the land?**

Yes.

The proposal facilitates the creation of an Additional Dwelling Unit, which contributes to housing choice and efficient use of existing residential lots. The subject property is located within the Community Policy Area of Killarney, which is fully serviced by municipal water and sewer, making it well suited to accommodate additional residential units.

Commissioner Street is a publicly maintained municipal road with established residential development, and the surrounding area contains predominantly low-rise dwellings, with some small-scale commercial establishments nearby. The proposed secondary unit fits appropriately within this mixed residential context and supports residential intensification without altering neighbourhood character.

**3. Does the variance maintain the general intent and purpose of the Zoning By-law?**

Yes.

The intent of Section 6.42(e) of Zoning By-law 2014-29 is to ensure that secondary dwelling units remain subordinate to the principal dwelling and do not negatively impact surrounding properties.

The proposed unit:

- Remains clearly secondary to the principal dwelling
- Is modest in size
- Is contained within an existing residential lot
- Does not require additional height or massing

The subject property exceeds the minimum lot area (0.15 ha) and minimum frontage (30 m) required for residential development, further reinforcing that the lot can comfortably accommodate the proposed unit. As such, the general intent of the Zoning By-law is maintained.

**4. Does the variance maintain the general intent and purpose of the Official Plan?**

Yes.

The Sudbury East Official Plan supports additional residential units in areas designated for residential use, particularly within Community Policy Areas, where municipal services are available.

The property's location within the Community of Killarney aligns with Official Plan policies that encourage:

- Efficient use of serviced lands
- Infill and residential intensification
- A range of housing forms and tenures

The proposed development is consistent with the surrounding residential character along Commissioner Street, which is characterized by low-rise development, vegetated lots, and varied lot sizes. The single-story design ensures the unit integrates seamlessly with the existing neighbourhood fabric and does not negatively impact adjacent properties.

**Summary**

The proposed variance satisfies all four tests under Section 45(1) of the Planning Act. The variance is minor, desirable, and maintains the general intent and purpose of both the Zoning By-law and the Official Plan. Approval of the application is appropriate and represents good planning.

**AGENCY & NEIGHBOR COMMENTS:**

Chief Administrative Officer/Clerk: Will the new dwelling unit have water and sewer? If so, what is the connection plan. Application will have to be made to the municipality for approval.

Chief Building Official: no issues if building permits are applied for when they are ready to build.

Public Works: no issues.

Fire Department: no issues.

By-law Department: no issues.

Neighbouring property owner to the west: Concerns with undermining the ground; heat source; and interior yard setback and lot frontage. No other comments were received as of the date this report was written. The application for minor variance is consistent with the 2024 Provincial Planning Statement, conforms with the Official Plan for the Sudbury East Planning Area and conforms to the Zoning By-law 2014-29 for the Municipality of Killarney, therefore can be supported from planning perspective.

The Chair invited any presentations from the applicant that he or she may want to make.

The applicant was present and had no presentation to make. The applicant’s agents were present via ZOOM. The agents stated that the Sudbury East Planning Board summarized the Minor Variance Application perfectly and reiterated information regarding lot size, current house location etc.

The Chair invited questions and comments from members of the public and the committee.

Questions by committee members and the general public were answered by both the Sudbury East Planning Board and the Director of Sudbury East Building & By-Law Services.

As there were no other questions, the Chair declared the Public Hearing to be concluded.

The Chair then read the resolution and called for the vote.

**26-002 BY DAVE FROATS – ROBERT CAMPBELL**

**BE IT RESOLVED THAT** the Minor Variance Application No. A/01/26/KL (Municipality of Killarney) – Property Roll No. 5136-000-001-10200 – seeking permission for the construction of a secondary unit (also known as an Additional Dwelling Unit or ADU) at 10 Commissioner Street is hereby granted;

**FURTHER THAT** the necessary Notice of Decision be prepared.

Resolution Result	Recorded Vote		
	Council Members	YES	NO
<input checked="" type="checkbox"/> <b>CARRIED</b>	Mary Bradbury		
<input type="checkbox"/> <b>DEFEATED</b>	Robert Campbell		
<input type="checkbox"/> <b>TABLED</b>	Dave Froats		
<input type="checkbox"/> <b>RECORDED VOTE (SEE RIGHT)</b>	Nikola Grubic		
<input type="checkbox"/> <b>PECUNIARY INTEREST DECLARED</b>	Michael Reider		
<input type="checkbox"/> <b>WITHDRAWN</b>	Peggy Roque		

The Chair advised that **A SPECIFIED PERSON, PUBLIC BODY, OR REGISTERED OWNER** may appeal the decision to the Ontario Land Tribunal by filing a notice of appeal with the Clerk of the Municipality of Killarney. The notice of appeal must set out the reasons for the appeal, and must be accompanied by the required fee, which is prescribed under the Ontario Land Tribunal Act, 2017. This fee should be made payable to the Minister of Finance. All comments will be treated as public records and given out upon request.

The Chair adjourned Minor Variance Application No. A/01/26/KL to be concluded.

**26-003 BY ROBERT CAMPBELL – DAVE FROATS**

**BE IT RESOLVED THAT** we adjourn the Committee of Adjustment meeting held on February 11<sup>th</sup>, 2026 at 4:59 P.M.

Resolution Result	Recorded Vote		
	Council Members	YES	NO
<input checked="" type="checkbox"/> <b>CARRIED</b>	Mary Bradbury		
<input type="checkbox"/> <b>DEFEATED</b>	Robert Campbell		
<input type="checkbox"/> <b>TABLED</b>	Dave Froats		
<input type="checkbox"/> <b>RECORDED VOTE (SEE RIGHT)</b>	Nikola Grubic		
<input type="checkbox"/> <b>PECUNIARY INTEREST DECLARED</b>	Michael Reider		
<input type="checkbox"/> <b>WITHDRAWN</b>	Peggy Roque		

*ORIGINAL DOCUMENT SIGNED*

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*Michael Reider, Chair*

*ORIGINAL DOCUMENT SIGNED*

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*Candy Beauvais, Secretary*