

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: April 2, 2024
Name of Owners: Alessandro and Lisa Vitaro
Location: 5841 Kirby Road
File No.(s): A177/23

Proposed Variance(s) (By-law 001-2021):

1. To permit a minimum lot frontage of 24.50 m.
2. To permit a minimum lot area of 1,400 m².
3. To permit a minimum front yard of 5.9 m.
4. To permit a retaining wall with a maximum height of 3.5 m to be setback 0 m to the front lot line, and 2 m from the interior side lot line.

By-Law Requirement(s) (By-law 001-2021):

1. A minimum Lot frontage of 45 m is required.
2. A minimum Lot area of 4,000 m² is required.
3. A minimum front yard of 15 m is required.
4. A minimum setback of 3.5 m is required for a retaining wall with a maximum height of 3.5 m.

Official Plan:

City of Vaughan Official Plan 2010 ('VOP 2010'): "Agricultural" and "Natural Areas" by Schedule 13 – Land Use, and "Greenbelt Natural Heritage System" by Schedule 4 – Oak Ridges Moraine Conservation Plan & Greenbelt Areas

Comments:

A sanitary pumping station is proposed to service the future Copper Creek development and the existing developed residential lands located to the west, south, and northwest of the Subject Lands. Ultimately, the operational pumping station and a portion of the Subject Lands surrounding it will be conveyed to the City and become part of its wastewater infrastructure. The portion of land to be conveyed to the City is identified in Schedule K of the Copper Creek Draft Plan of Subdivision Agreement. The future Spine Servicing Agreement will implement part of Schedule K as the mechanism through which the City will obtain the lands. The *Planning Act* does not require a Consent application for lands to be conveyed to the City. While consent to sever is not required, zoning conformity is required in order for the City to assume ownership of the lot ('Sanitary Pumping Station Lot') and for certain structures (pumping station's front wall, front retaining wall) to be constructed in advance of the conveyance. Therefore, the Owners are requesting relief for the purpose of facilitating the conveyance of the new Sanitary Pumping Station Lot and construction of the sanitary pumping station on said lot, with the above-noted variances.

A portion of the Subject Lands including the portion containing the sanitary pumping station is located within the "Protected Countryside" designation of the Greenbelt Plan Area. Section 4.6.1.c of the Greenbelt Plan permits lot creation for the purpose of acquiring land for infrastructure purposes. The northeastern portion of the Subject Lands contain the "Core Feature" designation within the City's Natural Heritage Network ('NHN') in Volume 1, Schedule 2, subject to the relevant policies within Chapter 3 of VOP 2010. Environmental Planning staff have reviewed the materials provided and determined that no natural heritage features will be impacted by the proposal.

Development Planning Department staff has no objection to Variances 1, 2 and 3 for the proposed lot frontage, lot area, and front yard of the Sanitary Pumping Station Lot. The proposed front yard reduction will only be fully utilized by the northeast corner of the building due to how its oriented in relation to the front lot line. The Development Engineering Department has reviewed the proposal and is satisfied that the size of the Sanitary Pumping Station Lot, once the City is in a position to accept the conveyance, is appropriate to facilitate the use of the sanitary pumping station. The proposed lot will

respect the future lotting fabric of the surrounding residential neighbourhood once the Copper Creek development is completed and the lands are subdivided.

Development Planning Department staff has no objection to Variance 4 for the proposed retaining walls. The retaining walls will provide a suitable level surface for municipal infrastructure in an area with adverse topography. No adverse impacts are anticipated to the existing streetscape as only a small length of the requested retaining walls will run along the front lot line. Plantings will be provided within the 2.0 m buffer between the east retaining wall and the interior side lot line. The Development Engineering Department has also reviewed the retaining walls and has no concerns with the location of the retaining walls and is satisfied that drainage within the site will be maintained.

The sanitary pumping station on the Sanitary Pumping Station Lot is proposed over the existing driveway access to the single detached dwelling on the Subject Property. The Owner has provided a sketch identifying that a new, temporary driveway access to the existing dwelling will be provided through a portion of the Sanitary Pumping Station Lot and the rear of Lots 193 to 199 of the draft approved Plan of Subdivision for the Copper Creek lands. Once Phase 1 of the Copper Creek development is completed and the road assumed by the City, the temporary driveway access will be removed and the driveway will be realigned in a southern direction, providing permanent driveway access to the dwelling via Street 'I' of the internal Copper Creek subdivision road network in that phase.

Easements to secure for the interim driveway access to the dwelling on the Subject Lands are required during the development of the pumping station and Copper Creek subdivision until such time as the permanent driveway access in Copper Creek Phase 1 is constructed and the road network assumed. The interim driveway access easements will be secured through the future Spine Servicing Agreement.

Accordingly, Development Planning Department staff can support the requested variances and is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

Recommendation:

Development Planning Department staff recommends approval of the application.

Conditions of Approval:

If the Committee finds merit in the application, the following conditions of approval are recommended:

None

Comments Prepared by:

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