

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer  
**From:** Nancy Tuckett, Director of Development Planning  
**Date:** October 2, 2024  
**Name of Owner:** Silvio De Gasperis – Copper Kirby Developments Ltd.  
**Location:** 11363 Highway 27  
**File No.(s):** A127/24

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

1. To permit minimum setback of **0.3 m** from a lot line for a retaining wall with a maximum height of **3.0 m**.

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

1. A retaining wall shall be setback an equal distance to the height of the highest portion of the retaining wall. (A minimum setback of **3.0 m** is required for the retaining wall)

**Official Plan:**

Vaughan Official Plan 2010 ("VOP 2010"): "Low-Rise Residential" by Volume 2, Section 13.47 - 11363 Regional Road 27 (OPA #47)

**Comments:**

The Owner is requesting relief to permit the construction of two (2) retaining walls with the above-noted variance.

The Development Planning Department has no objection to the proposed variance to permit two (2) 3.0 m-tall retaining walls set back 0.3 m from the rear lot lines of residential Lots 195 through to 200 within the Copper Kirby Subdivision (Phase 1), which was Draft Approved through File 19T-22V006 by Vaughan Council on December 12, 2023. Lots 195 to 200 are located south of Kirby Road on a slope running southwest to northeast. The proposed retaining walls consists of two sections separated by Block 247, an overland flow route block through which stormwater within the subdivision can flow north toward Kirby Road. Section One, proposed within Lot 200, is "L"-shaped and is located along a portion of the rear lot line and a portion of the east interior side lot line of Lot 200. Section Two is hook-shaped, located along a portion of the rear lot line of Lot 195, along the rear lot lines of Lots 196 to 199 and a portion of the west interior side lot line of Lot 199. A 2.6 m tall acoustic fence is proposed atop the entire length of the retaining walls.

The provided cross section drawings show that the retaining walls are intended to provide for a level and functional rear yard for Lots 195 to 200. The full extent of the requested variance would only be required for sections of the retaining wall located at the rear of Lots 197, 198, and 199 in response to the relatively steep change in grade at those locations. This section primarily faces a proposed sanitary pumping station rather than Kirby Road, and will have minimal impacts on the public realm. The proposed sanitary pumping station required a Minor Variance Application, file A177/23, which was conditionally approved on April 4, 2024, by the Committee of Adjustment. The approved drawings of file A177/23 show a 6-m sodded buffer with Bur Oaks between the proposed retaining wall and the approved driveway/pavement area serving the sanitary pumping station. The tallest section of the retaining walls maintain sufficient spatial separation from the pumping station, located approximately 10.9 m away from the mutual lot line, and is adequately buffered from nearby infrastructure should any wall failure occur. As such, the retaining walls are not anticipated to have any adverse visual and use impacts to the public right-of-way on Kirby Road and neighbouring properties, and are desirable for the appropriate development of the land.

Development Planning staff recognizes that portions of the proposed retaining walls are located upon a temporary driveway access required to facilitate the continued access to the dwelling on the lot to the east at 5841 Kirby Road while the sanitary pumping station

is being constructed and until the internal road network of the subdivision is extended to provide a new, relocated driveway access to the dwelling. As a condition of approval for file A177/23, Development Engineering staff required the Owner enter into a spine servicing agreement for the construction of the pumping station, which also secures for the temporary driveway access to the dwelling. Once Phase 1 of the subdivision is completed and its roads are assumed by the City, the temporary driveway access will be removed and the driveway realigned in a southern direction to connect with street 'I'. Development Engineering staff are anticipated to impose further conditions, should Committee approve file A127/24, to ensure that the erection of the proposed retaining walls shall not occur prior to the removal of the temporary access driveway serving the existing dwelling to the east.

Accordingly, the Development Planning Department can support the requested variance 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:**

The Development Planning Department recommends approval of the application with the following conditions of approval:

**Condition of Approval:**

If the Committee finds merit in the application, the following condition of approval is recommended:

None

**Comments Prepared by:**

Harry Zhao, Planner 1  
David Harding, Senior Planner