BARRISTERS AND SOLICITORS

851 WILSON AVENUE TORONTO, ONTARIO M3K 1E6 TELEPHONE (416) 631-9811 TELEFAX (416) 631-6170



<u>c 7</u> <u>communication</u> cw (ph) <u>Sept 4/12</u> ITEM - <u>3</u>

ENIO ZEPPIERI, Hon. B.A., LL.B. GREGORY T.A. GRYGUC, Hon. B.A., LL.B. DHEERAJ SINDHWANI, LL.B.

September 4, 2012

VIA EMAIL <u>developmentplanning@vaughan.ca</u> and <u>clement.messere@vaughan.ca</u>

City of Vaughan Planning Dept. c/o Mr. Clement Messere 2141 Major Mackenzie Drive Vaughan, ON L6A 1T1

| RE: | Our Client: | Liberata D'Aversa Address: 5317 Highway #7, Vaughan, Ontario L4L 1T4 |
|-----|----------------------------|---|
| | Applicant: File Numbers | John Duca OP.12.003 and Z.12.008 |
| | File Numbers: | UP.12.003 and 2.12.008 |

Please be advised that we have been retained by the owner of the Property municipally known as 5317 Hwy 7, Vaughan, L4L 1T4.

Our client has been provided a Notice of a Public Meeting, scheduled for September 4, 2012, at 7:00 p.m. at Vaughan City Hall, Council Chambers. Unfortunately, our client had been out of town and did not receive this notice until this past weekend. Accordingly, this letter setting out her position is being delivered at this late date and unfortunately no one is available to attend to speak to the matter in opposition this evening.

Take note of the following concerns of our client and ensure that they are properly addressed before any approval is given.

RECEIVED

SEP 4 - 2012

CLERK'S DEPT.



Our client constructed a sidewalk along the boundary – East/West of the Applicant Property and our client's property many years ago. They have enjoyed a right of way and complete use of the property. It would appear that the project applicant now seeks to take away our client's easement and right of way on the boundary. Additionally, a driveway opening is being curtailed so that our client would only have 4-meters width to enter and/or exit from that entrance on Hwy 7. Actually it appears that the existing driveway is going to be closed down and moved down further East to where they have in the draft proposal an opening further East. This would totally eliminate the mutual driveway access that presently exists on the property.

Of additional concern is that our client has an apartment building structure: the second floor will be impacted by the creation of another building immediately to the East blocking sunlight, etcetera. This impact must be dealt with and eliminated. In addition to other concerns such as zoning changes, impact on the future development of our client's property, the diminution of its' market value and other concerns will be dealt with in the future once we have had an opportunity to receive the complete file from the City and determine what the City's position is with respect to this application.

Please note the objection and ensure that no vote is taken on approval of the same at this time.

Would you please reflect in your records that I am the solicitor for the owner Liberata D'Aversa and as such must be copied with any and all documentation and/or information as it is filed. Thanking you in advance.

Yours very truly,

ZEPPIERI & ASSOCIATES

ENIO ZEPPIERI

EZ:zc Enclosure. 1. Copy of Notice of a Public Meeting c.c. Liberata D'Aversa



NOTICE OF A PUBLIC MEETING

A public meeting to receive input on the following planning application(s) will be held on:

COMMITTEE OF THE WHOLE (PUBLIC HEARING) September 4, 2012 at 7:00 pm at VAUGHAN CITY HALL, COUNCIL CHAMBERS 2141 MAJOR MACKENZIE DRIVE, VAUGHAN, ONTARIO, L6A 1T1 **PROPERTY:** 5289 and 5309 Highway 7. Southside of Regional Road 7, west of Kipling Avenue, City of Vaughan (Attachments #1 and #2 - Ward 2). Official Plan Amendment File OP.12.003, specifically to amend OPA **APPLICATION:** 1. #240 (Woodbridge Community Plan), as amended by OPA #345 to redesignate the southerly portion of the subject lands from "General Commercial" to "Prestige Areas - Centres & Avenue Seven Corridor" by OPA #240 (Woodbridge Community Plan), as amended by OPA #661 (The Avenue Seven Secondary Plan), with site-specific policies that would apply a uniform designation to the entirety of the subject property in order to implement the proposal. Zoning By-law Amendment File Z.12.008 to amend Zoning By-law 1-88, 2 specifically to rezone the subject lands shown on Attachments #1 and #2, from C1 Restricted Commercial Zone, subject to Exception 9 (791) (5289 Highway 7) and C1 Restricted Commercial Zone, subject to Exception 9 (424) (5309 Highway 7) to RM2 Multiple Residential Zone, with exceptions. The applications would facilitate the development of 6 stacked townhouse blocks comprising 180 total units with 225 underground parking spaces on a 9,496.1m² site. APPLICANT: John Duca FILE NUMBERS: OP.12.003 and Z.12.008 CONTACT:

Additional information may be obtained from Clement Messere of the Development Planning Department at 905-832-8585, Extension 8409. Comments may also be mailed to the Development Planning Department at the same address, or faxed to (905) 832-6080, or e-mailed to <u>DevelopmentPlanning@vaughan.ca</u> prior to the meeting (please quote file name and number).

The Planning Act, R.S.O. 1990, c.P.13 authorizes the City of Vaughan to collect any personal information in your communication or presentation to City Council or its Committees. The City collects this information to enable it to make informed decisions on the relevant issue(s). If you are submitting letters, facsimiles, e-mails, presentations or other communications to the City, you should be aware that your name and the fact that you communicated with the City will become part of the public record end will appear on the City's website. The City will also make your communication end any personal information in it such as your eddress and postal code or e-mail address available to the public unless you expressly request the City to remove it.

The City audio records Council and Committee meetings. If you make a presentation to a Council or Committee, the City will be audio recording you and City staff may make these recordings available to the public.

Please direct any questions about this collection to the Planner listed above.

JOHN MACKENZIE, Commissioner of Planning JEFFREY A. ABRAMS, City Clerk

<u>NOTE</u>

Official Plan (O. Rog. 543/06)

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Vaughan before the proposed Official Plan Amendment is adopted the person or public body is not entitled to appeal the decision of The City of Vaughan or The Regional Municipality of York, as the case may be, to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Vaughan before the proposed Official Plan Amendment is adopted, the person or public body may not be added as a party to the hearing of an appaal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

If you wish to be notified of the adoption of the proposed Official Plan Amendment, or of the refusal of a request to amend the official plan, you must make a written request to the City of Vaughan, City Clerk's Office, 2141 Major Mackenzie Drive, Vaughan, Ontario L6A 1T1.

Zoning By-law (O. Reg. 545/08)

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Vaughan before the by-law is passed, the person or public body is not entitled to appeal the decision of the City of Vaughan to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the City of Vaughan before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

If you wish to be notified of the passing of a Zoning By-law, you must make a written request to the City of Vaughan, City Clerk's Office, 2141 Major Mackenzie Drive, Vaughan, Ontario L6A 1T1.

DATED at the City of Vaughan this 10th day of August, 2012.











N:\DFT\1 ATTACHMENTS\0P\0p.12.003.d#9

Britto, John

| From: | Messere, Clement |
|--------------|---|
| Sent: | Tuesday, September 04, 2012 4:00 PM |
| То: | Britto, John |
| Subject: | FW: File No. OP.12.003 and Z.12.008 - Applicant John Duca - Meeting September 4, 2012 |
| Attachments: | let.City.Sept.4.12.pdf |
| Importance: | High |

As discussed.

From: Zina [mailto:Zina@zeppieri.com] Sent: Tuesday, September 04, 2012 3:17 PM To: DevelopmentPlanning@vaughan.ca; Messere, Clement Subject: File No. OP.12.003 and Z.12.008 - Applicant John Duca - Meeting September 4, 2012 Importance: High

Hello

>

Please find attached our correspondence dated September 4, 2012.

Thank you.

Zina Caputo > Zeppieri & Associates > 851 Wilson Ave. > Toronto, ON M3K 1E6 > TEL: 416-631-9811 > FAX: 416-631-6170 > > Please note our office closes at 4:00 p.m.on Fridays > > This email may contain confidential information, and is intended only for > the named recipient and may be privileged. Distribution or copying of this > email by anyone other than the named recipient is prohibited. If you are > not the named recipient, please notify us immediately and permanently > destroy this email and all copies. ***** >