



ADDENDUM
AGENDA ITEM
#13
COMMITTEE OF ADJUSTMENT

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July 8, 2020

VIA EMAIL

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attention: Christine Vigneault, Secretary Treasurer

**RE: 5289 Highway 7, Woodbridge
City of Vaughan File A040/20
Application for Minor Variance
Request for Notice**

We are the lawyers for Liberata D’Aversa, the owner of the lands municipally known as 5317 Highway 7 on the south side of Highway 7, west of Kipling Avenue (the “**D’Aversa Lands**”), located immediately west of 5289 Highway 7 (the “**Subject Lands**”).

We are aware that this application will be heard by the Committee of Adjustment on July 9, 2020. We are writing to request notice of any decisions in this matter, and to outline our client’s interest in ensuring that the requested variances will not impact the current commercial operations on the D’Aversa Lands and the future development of the D’Aversa Lands.

Background & Access Easement on Subject Lands

We have previously submitted correspondence to the City of Vaughan on July 17, 2019 in respect of the development of the Subject Lands, and we have had follow-up discussions with Vaughan Planning Staff since that time. In particular, we have requested notice of any condominium applications for the Subject Lands and requested that the City impose a condition on the approval of a condominium or condominiums to ensure that a pedestrian and vehicular access easement is provided in favour of the D’Aversa Lands. This easement is anticipated by the planning approvals on the Subject Lands and imposed as a condition in the Site Plan Agreement for the Subject Lands.

On February 28, 2014, the Ontario Municipal Board (as it then was) issued a decision in respect of the proposed Official Plan Amendment and Zoning By-law Amendment for the Subject Lands in Case No. PL121343. The Board held that the final site plan would provide for a future interconnection to the D’Aversa Lands:

“[101] Thus the Board finds that the final site plan shall protect for a future interconnection for the property to the west”

Further, on August 26, 2015 the Board issued a decision in respect of the site plan for the Subject Lands. The Board approved in principle the revised site plan which implemented the Board's February 28, 2014 Decision, which was revised to protect for a future interconnection. As noted in the Board's site plan decision:

[11] "Mr. Fordyce provided a detailed review of the changes to the site plan to implement the Board's decision He demonstrated to the Board how the site plan had been revised to protect for a future interconnection"

The owner of the Subject Lands entered into a Site Plan Agreement with the City on September 8, 2017, registered as Instrument No. YR-2730903, which contains specific provisions requiring an easement in favour of our client to provide pedestrian and vehicular access.

We note the Staff Report associated with this Minor Variance application indicates that a revised Site Plan Application DA.20.021 has been submitted for the Subject Lands. We are reviewing the documents available to us to ensure that the revised Site Plan does not affect the requirement to deliver the access easement secured in the previous Site Plan Approval.

Minor Variance Application

We have recently received the Notice of the hearing of the Minor Variance application, scheduled for July 9, 2020. We are currently reviewing the Staff Report to understand the location of the reduced setbacks referenced in the requested variances to determine how they related to our client's existing commercial operations on the property and the future development on the D'Aversa Lands.

Our client wants to be sure that the proposed reduced setbacks will not impact access to the east side of the D'Aversa Lands, including an existing walkway and stairway in that location.

Our client is also concerned with ensuring that the future development on the D'Aversa Lands, as envisioned by the LPAT-approved settlement, will not be impacted by the proposed variances.

Finally, our client has an interest in ensuring that the variances will not negatively impact the access easement which is required to be granted over the Subject Lands as a condition of approval of the condominium application (City File No. 19CDM-20V001t) to facilitate the future pedestrian and vehicle interconnection between the two sites as envisioned by the planning approvals to date.

Please provide us with written notice of the Committee of Adjustment decision in this matter, as well as notice of any further hearings in respect of the Subject Lands. Our address for notice is provided herein.

Yours truly,

Overland LLP



Per: Natalie Ast
Associate
c. Client