

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 17, 2015

Item 16, Report No. 7, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on February 17, 2015, as follows:

By approving the recommendation set out in Communication C14 from the Commissioner of Planning, dated February 13, 2015, as follows:

1. *That staff recommendation #1 in the report of the Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning, dated September 2, 2014, respecting Zoning By-law Amendment File Z.13.027 (Clarzan Developments Inc.) be deleted and replaced with the following:*
 1. *That Zoning By-law Amendment File Z.13.027 (Clarzan Developments Inc.) be approved, to amend Zoning By-law 1-88, specifically to rezone the subject lands from A Agricultural Zone and R1 Residential Zone, subject to site-specific Exception 9(845) and Exception 9(827) to R1 Residential Zone (minimum 18 m frontage with no exceptions to the R1 Zone standards), to facilitate the creation of 4 lots for detached dwelling units with frontage on Appian Way, in the manner shown on revised Attachment #3 to this Communication; and*
 2. *That the revised lotting pattern shown in "Revised Attachment #3" to this Communication, be approved, and replace Attachment #3 in the staff report.*

16

**ZONING BY-LAW AMENDMENT FILE Z.13.027
CLARZAN DEVELOPMENTS INC.
WARD 2 - VICINITY OF CLARENCE STREET AND RUTHERFORD ROAD
(Referred)**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning, dated September 2, 2014, be approved subject to a revised plan being submitted to the Council meeting of February 17, 2015, based on the revised proposal outlined in Communication C5, from the applicant, Mr. Mark Zanette, Castel Homes, Langstaff Road, Concord, dated February 2, 2015, to increase the lot frontage for lots 1 and 2; and
- 2) That the following deputations and Communications be received:
 1. Mr. Jim Kotsopoulos, G. Group Developments, Yonge Street, Richmond Hill; and
 2. Ms. Monica Fiorini, Appian Way, Vaughan, and Communications C6, dated February 1, 2015, and C9, elevation drawing.

Recommendation

The Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.13.027 (Clarzan Developments Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to:

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- a) rezone the subject lands from A Agricultural Zone and R1 Residential Zone, subject to site-specific Exception 9(845) and Exception 9(827) to R1 Residential Zone, to facilitate the creation of 5 lots for detached dwelling units with frontage on Appian Way, in the manner shown on Attachment #3;
- b) permit a minimum lot frontage of 15 m for Lots 1 and 2, as shown on Attachment #3, whereas 18 m is required; and,
- c) that the proposed reduction in front yard setback from 7.5 m to 4.5 m for Lots #3 to #5, not be supported.

Contribution to Sustainability

The application implements the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy - 2031, and by ensuring that the strategy is subject to periodic review and renewal
- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth

The creation of 5 lots for single detached dwellings in an existing residential subdivision will facilitate development that is compatible with the surrounding land uses, supports the expected population growth and conforms with the Official Plan.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

On November 1, 2013, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands. The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and a Notice sign installed on the property in accordance with the City's Sign Notification Protocol. The recommendation of the Committee of the Whole to receive the Public Hearing report of November 26, 2013, and forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on December 10, 2013.

A notice of this subject Committee of the Whole meeting was sent to individuals that attended the Public Hearing or have provided written correspondence to date.

To date, one email correspondence was received by the Planning Department from Rocki Guzzo, area resident, with the following comments:

- i. The proposal will negatively change the character of the existing residential neighbourhood.
- ii. The proposal will have a negative impact on the existing residential area due to the proposed lot areas, frontages and setbacks.

Based on comments received at the Public Hearing and concerns identified by the Planning Department, area residents and Vaughan Council, the owner revised their development applications as follows:

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- i. The number of proposed lots has been reduced from 6 lots to 5 lots. The revised proposal conforms to the in-effect Official Plan, and therefore, the related Official Plan Amendment File OP.13.012 is no longer required and has been closed by the Owner.
- ii. The proposed reduction in the minimum required lot frontage from 18 m to 15 m for Lots #3 to #5 inclusive is no longer being requested.
- iii. The proposed reduction in the minimum required lot area from 540 m² to 500 m² for the proposed lots is no longer being requested.
- iv. The proposed lot coverage increase from the permitted maximum of 35% to 40% for the proposed lots is no longer being requested.

The Owner is proposing to maintain a reduced front yard setback for Lots #3 to #5, and a reduced lot frontage for Lots #1 and #2, as shown on Attachment #3. The zoning exceptions are identified in the “Purpose” section and discussed further in the “Zoning” section of this report.

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.13.027 for the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically to rezone the subject lands from A Agricultural Zone and R1 Residential Zone, subject to site-specific Exception 9(845) and Exception 9(827) to R1 Residential Zone, to facilitate the creation of 5 lots for detached dwelling units with frontage on Appian Way, in the manner shown on Attachment #3, together with the following site-specific zoning exceptions:

Table 1:

	By-law Standard	Zoning By-law 1-88 Requirements of the R1 Residential Zone	Proposed Exceptions to R1 Residential Zone
a.	Minimum Lot Frontage	18 m	15 m (for Lots #1 and #2 shown on Attachment #3)
b.	Minimum Front Yard Setback	7.5 m	4.5 m (for Lots #3 to #5 shown on Attachment #3)

Background - Analysis and Options

Location

The subject lands are located on the east side of Clarence Street, south of Rutherford Road, shown as “Subject Lands” on Attachments #1 and #2. The subject lands are comprised of two lots, municipally known as 1115 Clarence Street and 40 Appian Way, respectively, and are currently vacant. The surrounding land uses are shown on Attachment #2.

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Official Plan

a) In-effect Official Plan

The subject lands are designated “Low Density Residential” by in-effect OPA #240 (Woodbridge Community Plan), which permits detached and semi-detached dwelling units. The subject lands are located within the boundary of Neighbourhood 4C of OPA #240 as shown on Attachment #2. The maximum density permitted for Neighbourhood 4C is 7.4 units per gross hectare. For the purpose of calculating density for the subject lands, a gross hectare includes the net residential land area, the local roads, and one-half of the boundary roads. Based on this definition, Neighbourhood 4C has a gross area of 16.18 ha, which would permit 120 units. Neighbourhood 4C currently maintains 115 units. The creation of 5 lots for detached dwelling units on the subject lands would increase the total number of units to 120, which is the maximum permissible through the density calculation of OPA #240, and therefore conforms to the in-effect Official Plan.

b) Vaughan Official Plan 2010 (VOP 2010)

The subject lands are designated “Low-Rise Residential” by Vaughan Official Plan 2010 (VOP 2010), which was approved by the Ontario Municipal Board (OMB) on February 3, 2014. At the time of application submission, VOP 2010 was not yet approved and in-effect.

The “Low-Rise Residential” designation permits detached dwellings with a maximum building height of 3-storeys. There is no maximum density provision in VOP 2010 for the “Low-Rise Residential” designation. The proposed development conforms to VOP 2010.

Zoning By-law 1-88

The subject lands are comprised of two lots, municipally known as 1115 Clarence Street and 40 Appian Way. The lands known as 1115 Clarence Street are zoned A Agricultural Zone and R1 Residential Zone, subject to site-specific Exception 9(845), and the lands known as 40 Appian Way are zoned R1 Residential Zone, subject to site-specific Exception 9(827). The owner is proposing to rezone the entirety of the subject lands to R1 Residential Zone, in the manner shown on Attachment #3, together with the site-specific zoning exceptions identified in Table 1 of this report. The Planning Department has reviewed the proposed exceptions and provides the following comments:

a. Proposed Minimum Lot Frontage of 15 m for Lots #1 and #2, whereas 18 m is required

The Planning Department can support the proposed reduction in lot frontage for Lots #1 and #2, as shown on Attachment #3, from 18 m to 15 m. The proposed lot frontage will not negatively impact the existing residential dwellings and will maintain the character of the existing subdivision. Lots #1 and #2 will maintain minimum areas of 665 m² and 671 m², respectively, and are approximately 45 m in depth, which are consistent with the existing lots in Neighbourhood 4C of OPA #240 and greater than the minimum required lot area (540 m²) for lands zoned R1 Residential Zone by Zoning By-law 1-88. This measurement is inclusive of land to be dedicated as road widening that the City of Vaughan will acquire along Clarence Street, through a future Consent (Severance) application to the Vaughan Committee of Adjustment. Furthermore, the proposed lots can accommodate dwellings that meet all minimum development standards, including all yard setbacks, building height and lot coverage requirements of the R1 Residential Zone of Zoning By-law 1-88.

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- b. Proposed Front Yard Setback of 4.5 m for Lots #3 to #5 inclusive, whereas 7.5 m is required.

The Planning Department is of the opinion that the proposed front yard setback of 4.5 m for Lots 3, 4 and 5 will have an impact on the existing streetscape on Appian Way and the character of the existing residential neighbourhood. The existing dwellings on Appian Way meet the 7.5 m front yard setback requirement. In addition, within the Neighbourhood 4C of OPA #240 as shown on Attachment #2, there has been no reduction to the required front yard setback of 7.5 m. To maintain the character and existing development form on Appian Way and within the neighbourhood, the Planning Department does not support the proposed front yard setback of 4.5 m for Lots #3 to #5 inclusive.

Future Consent Applications

Should Vaughan Council approve this application, the owner must apply to create the 5 residential lots through Consent Applications for successful approval by the Vaughan Committee of Adjustment. As discussed earlier, the Owner will be required to convey to the City of Vaughan a 5 m wide strip of land to be dedicated as a road widening and 0.3 m reserve, as shown on Attachment #3, along Clarence Street. This will be a condition of Consent Application approval.

Prior to the issuance of a Building Permit(s), and approval of any Consent Applications, the implementing Zoning By-law must be final and binding and all conditions required to be satisfied by the Owner with the City, including the requirement to enter into a Development Agreement with the City of Vaughan for the provision of the road and engineering services as discussed below, must be satisfied to the satisfaction of the City of Vaughan.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the proposal and provides the following comments:

a) Development Engineering

Road Network:

The proposed 5 residential lots for single detached dwellings will have driveways and access from the existing or future extension of Appian Way. Any existing access/driveway from Clarence Avenue shall be removed and restored to the satisfaction of the City of Vaughan. The alignment of the future extension of Appian Way, as shown on Attachment #3, has now been finalized, and the design and construction shall be coordinated by the Owner's Engineering Consultant with the adjacent Owner to the north, to the satisfaction of the City of Vaughan.

The Owner shall convey a 0.3m reserve to the lots along the inside site triangle adjacent to Lot 3 free of charge or encumbrances.

Municipal Servicing:

The Owner has submitted a Functional Servicing Report (FSR) prepared by AME-TECH Developments Limited, dated June 2013, in support of the proposed application. The report concludes that the proposed site development can be serviced by connections to the existing municipal sanitary and storm sewers and watermain on Appian Way and new sewers and connections on the future extension of Appian Way, which outlet to the former.

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Appian Way and the associated municipal services were constructed in conjunction with the DiNardo Estates Subdivision, File19T-89056. Pursuant to the noted subdivision agreement, Clarzan Developments Inc. will be required to pay its proportionate share of the cost of constructing the road and services as a condition of development approval.

In addition, Block 7 on Plan 65M-4260 shall be developed in conjunction with the Lots 3 to 5 inclusive.

Environmental Noise Impact:

The Owner has submitted a Detailed Noise Control Study dated July 29, 2013, prepared by SS Wilson Associates. The report identifies traffic on Clarence Avenue as the primary source of noise for the site development. The study proposes an acoustic barrier and the provision for central air conditioning to meet the City of Vaughan and Ministry of Environment's noise criteria for the lots backing onto Clarence Avenue, including standard warning clauses.

Further comments:

An R-plan shall be prepared and copies submitted with the submission of the Consent applications, should the zoning amendment application be approved by Vaughan Council. Lots #3 to #5 shall be joined in conjunction with Block 7 on Registered Plan 65M-4260, and Lot #5 shall be joined in conjunction with Block 106 on Registered Plan 65M-2975, as shown on Attachment #3. Block 6, as shown on Attachment #3, shall be conveyed to the City of Vaughan as part of the completion of Appian Way.

b) Engineering Planning & Studies

The City of Vaughan's 2013 allocation report was endorsed by Vaughan Council on October 29, 2013. Although the above noted application was not specifically included on any of the schedules, the City of Vaughan does have unrestricted servicing capacity that can be applied to the development at the appropriate time (i.e. submission of Consent applications).

c) Environmental Engineering

Environmental Engineering has reviewed the additional environmental site assessment documents submitted and is satisfied that the Owner's environmental consultant has addressed all City comments.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i. Plan and Manage Growth & Economic Vitality

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010, as the proposal to rezone the subject lands to R1 Residential Zone implements the in-effect land use designation.

Regional Implications

The York Region Transportation and Community Planning Department has advised that they have no concerns or objections to the application.

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Conclusion

The Vaughan Planning Department has reviewed Zoning By-law Amendment File Z.13.027 in consideration of the policies of OPA #240, Vaughan Official Plan 2010 (VOP 2010), the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, and an area resident, and the overall neighbourhood context. The Vaughan Planning Department is satisfied that the proposed rezoning to facilitate the creation of 5 lots for single detached dwellings, together with the proposed site-specific exception for 15 m frontages for Lots #1 and #2, is appropriate and compatible with the existing residential neighbourhood. The Planning Department does not support the proposed reduction in front yard setback from 7.5 m to 4.5 m for Lots #3 to #5 inclusive, as this would deviate away from what all other properties in the community have provided and would create a negative impact on the existing residential streetscape on Appian Way. Accordingly, the Vaughan Planning Department recommends approval of the Zoning By-law Amendment Application, subject to the recommendation in this report.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Lot Creation, Road Extension, and Zoning
4. Communications C7, C9, C22 and C32
5. Communication C5, C10 and C11

Report prepared by:

Daniel Woolfson, Planner, ext. 8213
Carmela Marrelli, Senior Planner, ext. 8791

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)



memorandum

C	<u>14</u>
Item #	<u>16</u>
Report No.	<u>7 (cw)</u>
<u>Council - February 17/15</u>	

DATE: FEBRUARY 13, 2015
TO: HONOURABLE MAYOR & MEMBERS OF COUNCIL
FROM: JOHN MACKENZIE, COMMISSIONER OF PLANNING
RE: COMMUNICATION
COUNCIL MEETING – FEBRUARY 17, 2015

ITEM #16, COMMITTEE OF THE WHOLE MEETING – FEBRUARY 3, 2015
ZONING BY-LAW AMENDMENT FILE Z.13.027
CLARZAN DEVELOPMENTS INC.
WARD 2 – VICINITY OF CLARENCE STREET AND RUTHERFORD ROAD

Recommendation

The Commissioner of Planning recommends:

1. THAT staff recommendation #1 in Item #16 to the Committee of the Whole agenda dated February 3, 2015, respecting Zoning By-law Amendment File Z.13.027 (Clarzan Developments Inc.) be deleted and replaced with the following:
 - "1. THAT Zoning By-law Amendment File Z.13.027 (Clarzan Developments Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the subject lands from A Agricultural Zone and R1 Residential Zone, subject to site-specific Exception 9(845) and Exception 9(827) to R1 Residential Zone (minimum 18 m frontage with no exceptions to the R1 Zone standards), to facilitate the creation of 4 lots for detached dwelling units with frontage on Appian Way, in the manner shown on revised Attachment #3 to this Communication.
2. THAT the revised lotting pattern shown in "Revised Attachment #3" to this Communication, BE APPROVED, and replace Attachment #3 in the staff report."

Background

On February 3, 2015, the Committee of the Whole considered the above-noted item and resolved:

"That the recommendation contained in the following report of the Commissioner of Planning, Interim Director of Planning / Director of Development Planning, and Manager of Development Planning, dated September 2014, be approved subject to a revised plan being submitted to the Council meeting of February 17, 2015, based on the revised proposal outlined in Communication C5, from the applicant, Mr. Mark Zanette, Castel Homes, Langstaff Road, Concord, dated February 2, 2015, to increase the lot frontage for lots 1 and 2."

On February 13, 2015, Vaughan Planning staff received a revised lotting plan (see Revised Attachment #3 attached to this Communication) from the applicant, which showed a reduction in the number of lots abutting Clarence Street from 2 to 1 lot and a reduction in the overall number of lots in the plan from 5 to 4 lots all with minimum 18 m frontages in accordance with the R1 Residential Zone in Zoning By-law 1-88. The revised Lot 1 now has a lot frontage of 30.4 m. There is no change to the proposed 3 lots on the east side of the Appian Way road extension.

The applicant is also no longer pursuing a reduction in the front yard setback from 7.5 m to 4.5 m for Lots 2 to 4 on the revised lotting plan to this Communication, which staff did not support in its report. All homes sited on lots in the revised plan will have a minimum 7.5 m front yard setback. The applicant is proposing to comply with all zone requirements of the R1 Residential Zone (ie. no exceptions).

In light of the changes to the lotting plan, it will be necessary to revise the staff recommendation in the report to reflect the changes to the plan attached to this Communication, as follows:

- a. Recommendation 1a) will need to reflect that there will be 4 lots rather than 5;
- b. Recommendation 1b) can now be eliminated as all lots will be a minimum of 18 m in frontage, and there are no longer any 15 m frontage lots proposed in the plan;
- c. Recommendation 1c) can now be eliminated as all lots in the plan will have a minimum 7.5m front yard setback in accordance with the R1 Zone requirement as noted in this report.

Should the Committee concur, the revised staff recommendation including the "Revised Attachment #3" to this Communication can be approved.

Attachment

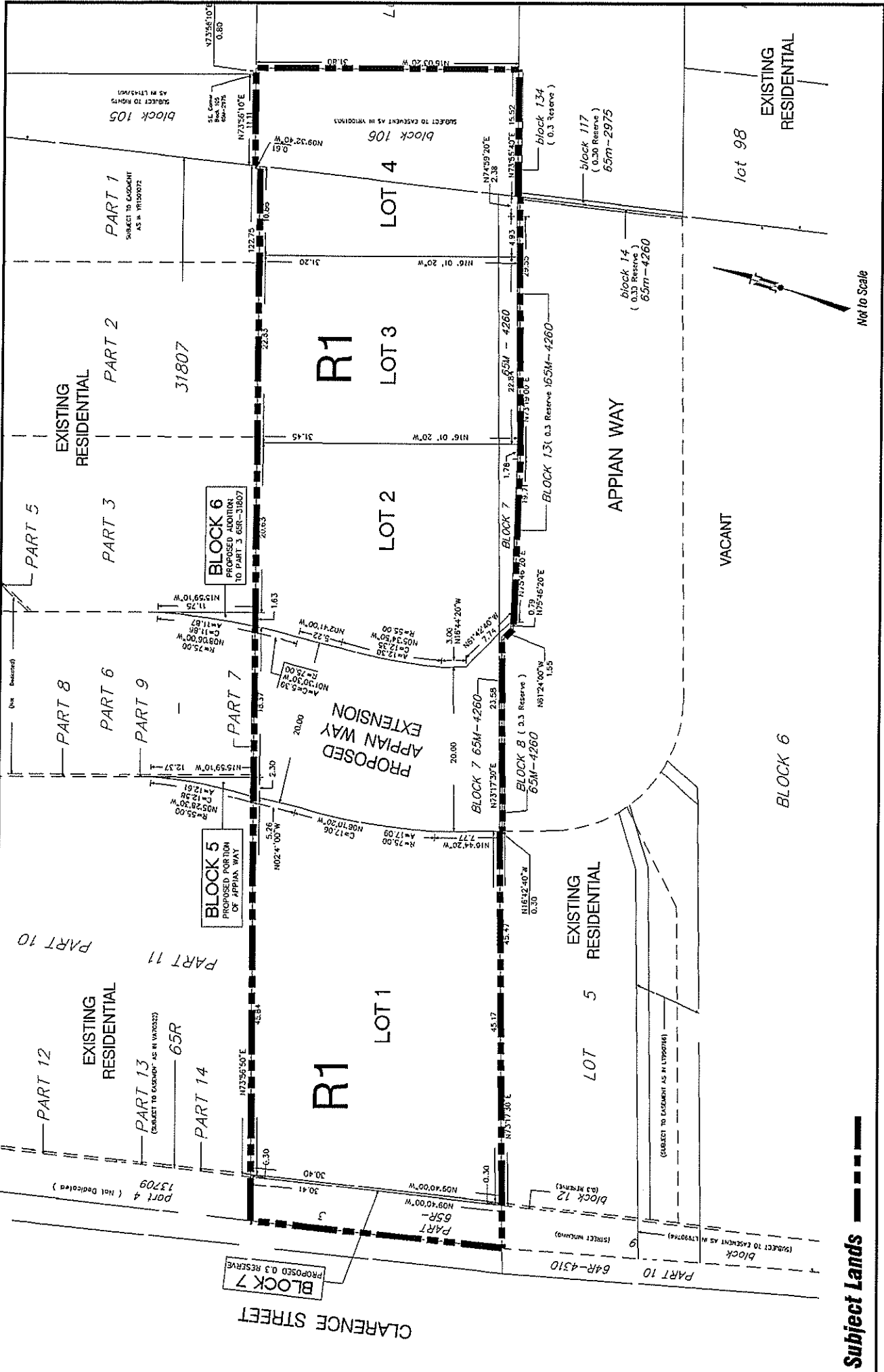
Revised Attachment #3

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John Mackenzie', with a long horizontal flourish extending to the right.

JOHN MACKENZIE
Commissioner of Planning

GU/cm



Subject Lands ————

Proposed Lot Creation, Road Extension, and Zoning

LOCATION: Part of Lot 15, Concession 7
 APPLICANT: Clarzan Developments Inc.



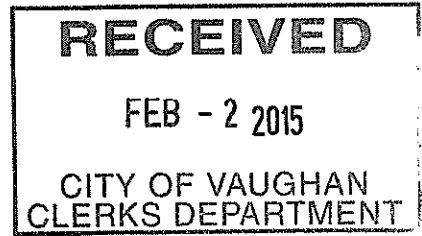
Revised Attachment

FILE: Z.13.027
 DATE: February 13, 2015

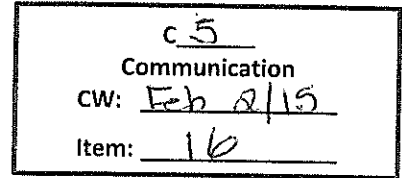
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I:\DFT\1 ATTACHMENTS\Z-13-027.dwg

February 2, 2015 -



Clarzan Developments
3000 Longstaff Road, #18
Concord, ON L4K 4R7



Hand delivered to the Clerk's office.

Mayor and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Re: Item 16, Agenda February 3, 2015.
Clarzan Developments, File # Z13027

Please be advised that Clarzan wishes to amend the above captioned application as follows. We wish to revise our currently proposed lots 1 and 2 from 50' front footage to 100' front footage.

Although this was never an original intent, this temporary revision to our current application will allow Clarzan to meet certain financial obligations to its financial lenders and further mitigate potential losses, while private matters are resolved between Clarzan and DiNardo regarding the disposition of this lot. Thank you for your consideration.

Sincerely

[Signature]
Director - Development

Mrs. Monica Fiorini and Mr. Alessandro Fiorini
116 Appian Way
Vaughan, Ontario
L4L 8Y4

c 6
Communication
CW: Feb 3/15
Item: 16

February 1, 2015

City Clerk's Office
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

clerks@vaughan.ca

Dear Sir/Madam;

RE: Committee of The Whole
Item 16 –Zoning By-Law Amendment File Z.13.027
Ward 2-Vicinity of Clarence Street and Rutherford Road

Without Prejudice

City of Vaughan Council,

On Tuesday January 27th, 2015 a few of the residents of Appian Way (due to the short notice for the upcoming meeting in February 2015) met with Mark Zanette, along with his Planner Jim Katsopolous and his Real Estate Agent, Maria Cassale. Mr. Katsopolous began the discussion with a review of the proposal, starting with the initial proposal made in August 2013, which included 6 lots; 2 lots of 50ft, the other 4 between 50- 57 foot frontages, along with a 4.5M set back. The initial proposal was declined by City staff, due to the density requirements. The City also did not approve the 4.5M set back. The Zanette's then put forward a second proposal, which included 2 lots with an approximate frontage of 50ft and 3 lots with a 75ft approximate frontage. Mr. Zanette, conceded to the 7.5M setback, although he did state that he felt 4.5M was preferable, as it would allow for a larger backyard, however, he would concede and proceed with 7.5m setback. Mr. Zanette also stated he would be building homes between 3800 to 4200sq.ft. on all lots, including those with a 50 foot frontage, with sale price of \$1.5M but did not have any designs to show as examples. The Appian Way residents made it very clear to Mr. Zanette that we were not in agreement with having him build homes on Appian Way, with a minimum 50ft or 15M lot frontage. We were also concerned that the size of home being built on those lots, would not fit with the character of our community, as the home would be built **long and narrow**, in order to fit a home of that size, on a 50ft(15M) frontage. Mr. Zanette insulted our community by claiming Appian Way "didn't have a Character". His comments insulted the residents of the community, as this is where we live, our home, and we want to preserve our neighbourhood. Although Mr. Zanette has owned the property for a number of years, he has never lived in the area and this not his home; his interest is strictly for profit.

The residents asked Mr. Zanette to try and work with Mrs. Dzamba, who owns the neighbouring property, 1125 Clarence Street, and build 3 homes on the combined lots. Mr. Zanette claims he has

spoken to Mrs. Dzamba and that she has no interest in selling her property or "losing a lot". This statement confuses everyone because Mrs. Dzamba's lot has not been severed and to date, she has not received approval for 2 lots on her property (as per the Planning Department), therefore her statement, of losing a lot, is strictly an assumption that she would be approved. The Residents of Appian way asked Mr. Zanette to try again, however, he was reluctant as he claims he has attempted for several times to speak with her to no avail. We, the community of Appian Way, decided we would like to speak to Mrs. Dzamba. We asked Mr. Zanette to give us more time to organize ourselves, given that the Committee of the Whole meeting was 1 week away and also, the meeting with the community was scheduled last minute, and a number of Appian Way residents were not present for the meeting. Mr. Zanette did not agree to this, he stated that he had waited long enough and that the only reason he waited this long, was because his Planner, Jim Katsopolous encouraged him to do so; otherwise he was ready to proceed in 2013, when he submitted his initial proposal. Jim apparently was encouraging him to work with the community.

Zanette asked the residents their intentions for the February 3rd meeting; the residence made it clear to Mr. Zanette that we would be asking Council to postpone hearing this matter until the Committee of the Whole meeting in March 2015. We intern, asked Mr. Zanette what his intentions are, should Council agree to postpone or if it was not approved for the 15m frontages. He stated he would go to the OMB and when pressed, he also mentioned, he would request the 4.5M setback as he didn't feel this was out of line for the neighbourhood. In fact, they would be improving the neighbourhood with their designs. Mr. Zanette also stated he believed he would win at the OMB as "**Staff has already sided with me**" the councillors would "**look like idiots**" and have to pay \$100K in fees to defend their position, given City staff sided with him. He then went on to state, who is going to pay for his loss? This comment appeared to be a threat to the residents of Appian Way. We believe he was saying we were holding up his \$10M development by opposing him, when the City has already approved and therefore we would be responsible to cover his loses. We are the residents of this community and we have the right to oppose development in our neighbourhood that we feel would have a negative impact to our community. Mr. Zanette's underhanded threat was a bullying tactic.

Mr. Zanette made it very clear to us that he had no real interest in compromising with us. He was meeting with us because Council had asked him to do so; however, he is not willing to work with the community, who were asking him to stay within the R1 Zoning. Mr. Zanette has no concern on how his development will impact the residents or how it will change the landscape of our community, he believes it is his property and no one, including the residents has the right to tell him how or what he can do with his property.

We reiterate that 15M lot frontage on a straight away is not acceptable to our neighborhood where R1 Zoning should be upheld. Intensification does not justify allowing changes to be made to our neighborhood street scape or the exemption to the Zoning By Law 1-88. Our neighborhood is young and other new developments recently completed in 2013/2014 has abided by the Zoning Requirements and all we ask is that the City and the Planning Department not allow changes to an area already developed and Zoned R1.

We are intending to speak with the owner Mrs. Dzamba as stated above and therefore need more time to help Mr. Zanette to persuade her so that the two properties may come together to make a proposal for future development of 3 lots with minimum 18M frontage and all the required setbacks for R1. Therefore we request that the meeting be Deferred to March 2015 to give us time to speak with Mrs. Dzamba and that the absent residents of Appian Way could be updated and informed that there is a meeting in March 2015.

Thank you,

Monica Fiorini

Sandro Fiorini

And the residents in attendance.

Cc; Tony.Carella@vaughan.ca

Michael.dibiase@vaughan.ca

Gino.Rosati@vaughan.ca

Maurizio.bevilacqua@vaughan.ca

Mauro.Ferri@vaughan.ca

Marilyn.iafrate@vaughan.ca

Rosanna.defrancesca@vaughan.ca

COMMITTEE OF THE WHOLE - FEBRUARY 3, 2015

ZONING BY-LAW AMENDMENT FILE Z.13.027

CLARZAN DEVELOPMENTS INC.

WARD 2 - VICINITY OF CLARENCE STREET AND RUTHERFORD ROAD

(Referred)

Council, at its meeting of January 20, 2015, adopted the following recommendation (Item 14, Report No. 2):

Recommendation of the Committee of the Whole meeting of January 13, 2015:

- 1) That consideration of this matter be deferred to the Committee of the Whole meeting of February 3, 2015, to allow further consultation by the applicant with the affected residents;
- 2) That the following deputations and Communication be received:
 1. Ms. Monica Fiorini, Appian Way, Vaughan and Communication C10, dated January 12, 2015; and
 2. Mr. Mario Di Nardo, Clarence Street, Woodbridge; and
- 3) That the following Communications be received:
 - C5. Mr. Mark Zanette, Castel Homes, Langstaff Road, Concord, dated December 15, 2014; and
 - C11. Ms. Rocki Guzzo, dated January 12, 2015.

Council, at its meeting of September 9, 2014, adopted the following recommendation (Item 19, Report No. 36):

Recommendation of the Committee of the Whole meeting of September 2, 2014:

The Committee of the Whole recommends:

- 1) That consideration of this matter be deferred to a future Committee of the Whole meeting to allow further consultation by the applicant and the residents in an effort to work on a revised plan that is compatible with the R1 zoning of the community; and
- 2) That the following deputations and Communications be received:
 1. Mr. Mario Di Nardo, Clarence Street, Woodbridge, and Communication C7, petition, and C32;
 2. Mr. Syed M. Iqbal, Appian Way, Woodbridge; and
 3. Ms. Monica Fiorini, Appian Way, Woodbridge, and Communication C9, petition.

(Communication C22 from Mr. Patrick Di Monte, Barrister, Solicitor, Notary, Steeles Avenue West, Concord, dated September 5, 2014, was provided at the Council meeting of September 9, 2014.)

Recommendation of the Commissioner of Planning, Interim Director of Planning/ Director of Development Planning, and Manager of Development Planning, dated September 2, 2014

Recommendation

The Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.13.027 (Clarzan Developments Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to:
 - a) rezone the subject lands from A Agricultural Zone and R1 Residential Zone, subject to site-specific Exception 9(845) and Exception 9(827) to R1 Residential Zone, to facilitate the creation of 5 lots for detached dwelling units with frontage on Appian Way, in the manner shown on Attachment #3;
 - b) permit a minimum lot frontage of 15 m for Lots 1 and 2, as shown on Attachment #3, whereas 18 m is required; and,
 - c) that the proposed reduction in front yard setback from 7.5 m to 4.5 m for Lots #3 to #5, not be supported.

Contribution to Sustainability

The application implements the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy - 2031, and by ensuring that the strategy is subject to periodic review and renewal
- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth

The creation of 5 lots for single detached dwellings in an existing residential subdivision will facilitate development that is compatible with the surrounding land uses, supports the expected population growth and conforms with the Official Plan.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

On November 1, 2013, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands. The Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and a Notice sign installed on the property in accordance with the City's Sign Notification Protocol. The recommendation of the Committee of the Whole to receive the Public Hearing report of November 26, 2013, and forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on December 10, 2013.

A notice of this subject Committee of the Whole meeting was sent to individuals that attended the Public Hearing or have provided written correspondence to date.

To date, one email correspondence was received by the Planning Department from Rocki Guzzo, area resident, with the following comments:

- i. The proposal will negatively change the character of the existing residential neighbourhood.
- ii. The proposal will have a negative impact on the existing residential area due to the proposed lot areas, frontages and setbacks.

Based on comments received at the Public Hearing and concerns identified by the Planning Department, area residents and Vaughan Council, the owner revised their development applications as follows:

- i. The number of proposed lots has been reduced from 6 lots to 5 lots. The revised proposal conforms to the in-effect Official Plan, and therefore, the related Official Plan Amendment File OP.13.012 is no longer required and has been closed by the Owner.
- ii. The proposed reduction in the minimum required lot frontage from 18 m to 15 m for Lots #3 to #5 inclusive is no longer being requested.
- iii. The proposed reduction in the minimum required lot area from 540 m² to 500 m² for the proposed lots is no longer being requested.
- iv. The proposed lot coverage increase from the permitted maximum of 35% to 40% for the proposed lots is no longer being requested.

The Owner is proposing to maintain a reduced front yard setback for Lots #3 to #5, and a reduced lot frontage for Lots #1 and #2, as shown on Attachment #3. The zoning exceptions are identified in the “Purpose” section and discussed further in the “Zoning” section of this report.

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.13.027 for the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88, specifically to rezone the subject lands from A Agricultural Zone and R1 Residential Zone, subject to site-specific Exception 9(845) and Exception 9(827) to R1 Residential Zone, to facilitate the creation of 5 lots for detached dwelling units with frontage on Appian Way, in the manner shown on Attachment #3, together with the following site-specific zoning exceptions:

Table 1:

	By-law Standard	Zoning By-law 1-88 Requirements of the R1 Residential Zone	Proposed Exceptions to R1 Residential Zone
a.	Minimum Lot Frontage	18 m	15 m (for Lots #1 and #2 shown on Attachment #3)
b.	Minimum Front Yard Setback	7.5 m	4.5 m (for Lots #3 to #5 shown on Attachment #3)

Background - Analysis and Options

Location

The subject lands are located on the east side of Clarence Street, south of Rutherford Road, shown as "Subject Lands" on Attachments #1 and #2. The subject lands are comprised of two lots, municipally known as 1115 Clarence Street and 40 Appian Way, respectively, and are currently vacant. The surrounding land uses are shown on Attachment #2.

Official Plan

a) In-effect Official Plan

The subject lands are designated "Low Density Residential" by in-effect OPA #240 (Woodbridge Community Plan), which permits detached and semi-detached dwelling units. The subject lands are located within the boundary of Neighbourhood 4C of OPA #240 as shown on Attachment #2. The maximum density permitted for Neighbourhood 4C is 7.4 units per gross hectare. For the purpose of calculating density for the subject lands, a gross hectare includes the net residential land area, the local roads, and one-half of the boundary roads. Based on this definition, Neighbourhood 4C has a gross area of 16.18 ha, which would permit 120 units. Neighbourhood 4C currently maintains 115 units. The creation of 5 lots for detached dwelling units on the subject lands would increase the total number of units to 120, which is the maximum permissible through the density calculation of OPA #240, and therefore conforms to the in-effect Official Plan.

b) Vaughan Official Plan 2010 (VOP 2010)

The subject lands are designated "Low-Rise Residential" by Vaughan Official Plan 2010 (VOP 2010), which was approved by the Ontario Municipal Board (OMB) on February 3, 2014. At the time of application submission, VOP 2010 was not yet approved and in-effect.

The "Low-Rise Residential" designation permits detached dwellings with a maximum building height of 3-storeys. There is no maximum density provision in VOP 2010 for the "Low-Rise Residential" designation. The proposed development conforms to VOP 2010.

Zoning By-law 1-88

The subject lands are comprised of two lots, municipally known as 1115 Clarence Street and 40 Appian Way. The lands known as 1115 Clarence Street are zoned A Agricultural Zone and R1 Residential Zone, subject to site-specific Exception 9(845), and the lands known as 40 Appian Way are zoned R1 Residential Zone, subject to site-specific Exception 9(827). The owner is proposing to rezone the entirety of the subject lands to R1 Residential Zone, in the manner shown on Attachment #3, together with the site-specific zoning exceptions identified in Table 1 of this report. The Planning Department has reviewed the proposed exceptions and provides the following comments:

a. Proposed Minimum Lot Frontage of 15 m for Lots #1 and #2, whereas 18 m is required

The Planning Department can support the proposed reduction in lot frontage for Lots #1 and #2, as shown on Attachment #3, from 18 m to 15 m. The proposed lot frontage will not negatively impact the existing residential dwellings and will maintain the character of the existing subdivision. Lots #1 and #2 will maintain minimum areas of 665 m² and 671 m², respectively, and are approximately 45 m in depth, which are consistent with the existing lots in Neighbourhood 4C of OPA #240 and greater than the minimum required lot area (540 m²) for lands zoned R1 Residential Zone by Zoning By-law 1-88. This measurement is inclusive of land to be dedicated as road widening that the City of Vaughan will acquire along Clarence Street, through a future Consent (Severance) application to the Vaughan Committee of Adjustment. Furthermore, the proposed lots can accommodate dwellings that meet all minimum development standards,

including all yard setbacks, building height and lot coverage requirements of the R1 Residential Zone of Zoning By-law 1-88.

b. Proposed Front Yard Setback of 4.5 m for Lots #3 to #5 inclusive, whereas 7.5 m is required.

The Planning Department is of the opinion that the proposed front yard setback of 4.5 m for Lots 3, 4 and 5 will have an impact on the existing streetscape on Appian Way and the character of the existing residential neighbourhood. The existing dwellings on Appian Way meet the 7.5 m front yard setback requirement. In addition, within the Neighbourhood 4C of OPA #240 as shown on Attachment #2, there has been no reduction to the required front yard setback of 7.5 m. To maintain the character and existing development form on Appian Way and within the neighbourhood, the Planning Department does not support the proposed front yard setback of 4.5 m for Lots #3 to #5 inclusive.

Future Consent Applications

Should Vaughan Council approve this application, the owner must apply to create the 5 residential lots through Consent Applications for successful approval by the Vaughan Committee of Adjustment. As discussed earlier, the Owner will be required to convey to the City of Vaughan a 5 m wide strip of land to be dedicated as a road widening and 0.3 m reserve, as shown on Attachment #3, along Clarence Street. This will be a condition of Consent Application approval.

Prior to the issuance of a Building Permit(s), and approval of any Consent Applications, the implementing Zoning By-law must be final and binding and all conditions required to be satisfied by the Owner with the City, including the requirement to enter into a Development Agreement with the City of Vaughan for the provision of the road and engineering services as discussed below, must be satisfied to the satisfaction of the City of Vaughan.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the proposal and provides the following comments:

a) Development Engineering

Road Network:

The proposed 5 residential lots for single detached dwellings will have driveways and access from the existing or future extension of Appian Way. Any existing access/driveway from Clarence Avenue shall be removed and restored to the satisfaction of the City of Vaughan. The alignment of the future extension of Appian Way, as shown on Attachment #3, has now been finalized, and the design and construction shall be coordinated by the Owner's Engineering Consultant with the adjacent Owner to the north, to the satisfaction of the City of Vaughan.

The Owner shall convey a 0.3m reserve to the lots along the inside site triangle adjacent to Lot 3 free of charge or encumbrances.

Municipal Servicing:

The Owner has submitted a Functional Servicing Report (FSR) prepared by AME-TECH Developments Limited, dated June 2013, in support of the proposed application. The report concludes that the proposed site development can be serviced by connections to the existing municipal sanitary and storm sewers and watermain on Appian Way and new sewers and connections on the future extension of Appian Way, which outlet to the former.

Appian Way and the associated municipal services were constructed in conjunction with the DiNardo Estates Subdivision, File19T-89056. Pursuant to the noted subdivision agreement, Clarzan Developments Inc. will be required to pay its proportionate share of the cost of constructing the road and services as a condition of development approval.

In addition, Block 7 on Plan 65M-4260 shall be developed in conjunction with the Lots 3 to 5 inclusive.

Environmental Noise Impact:

The Owner has submitted a Detailed Noise Control Study dated July 29, 2013, prepared by SS Wilson Associates. The report identifies traffic on Clarence Avenue as the primary source of noise for the site development. The study proposes an acoustic barrier and the provision for central air conditioning to meet the City of Vaughan and Ministry of Environment's noise criteria for the lots backing onto Clarence Avenue, including standard warning clauses.

Further comments:

An R-plan shall be prepared and copies submitted with the submission of the Consent applications, should the zoning amendment application be approved by Vaughan Council. Lots #3 to #5 shall be joined in conjunction with Block 7 on Registered Plan 65M-4260, and Lot #5 shall be joined in conjunction with Block 106 on Registered Plan 65M-2975, as shown on Attachment #3. Block 6, as shown on Attachment #3, shall be conveyed to the City of Vaughan as part of the completion of Appian Way.

b) **Engineering Planning & Studies**

The City of Vaughan's 2013 allocation report was endorsed by Vaughan Council on October 29, 2013. Although the above noted application was not specifically included on any of the schedules, the City of Vaughan does have unrestricted servicing capacity that can be applied to the development at the appropriate time (i.e. submission of Consent applications).

c) **Environmental Engineering**

Environmental Engineering has reviewed the additional environmental site assessment documents submitted and is satisfied that the Owner's environmental consultant has addressed all City comments.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i. **Plan and Manage Growth & Economic Vitality**

The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010, as the proposal to rezone the subject lands to R1 Residential Zone implements the in-effect land use designation.

Regional Implications

The York Region Transportation and Community Planning Department has advised that they have no concerns or objections to the application.

Conclusion

The Vaughan Planning Department has reviewed Zoning By-law Amendment File Z.13.027 in consideration of the policies of OPA #240, Vaughan Official Plan 2010 (VOP 2010), the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, and an area resident, and the overall neighbourhood context. The Vaughan Planning Department is satisfied that the proposed rezoning to facilitate the creation of 5 lots for single detached dwellings, together with the proposed site-specific exception for 15 m frontages for Lots #1 and #2, is appropriate and compatible with the existing residential neighbourhood. The Planning Department does not support the proposed reduction in front yard setback from 7.5 m to 4.5 m for Lots #3 to #5 inclusive, as this would deviate away from what all other properties in the community have provided and would create a negative impact on the existing residential streetscape on Appian Way. Accordingly, the Vaughan Planning Department recommends approval of the Zoning By-law Amendment Application, subject to the recommendation in this report.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Lot Creation, Road Extension, and Zoning
4. Communications C7, C9, C22 and C32
5. Communication C5, C10 and C11

Report prepared by:

Daniel Woolfson, Planner, ext. 8213
Carmela Marrelli, Senior Planner, ext. 8791



Context Location Map

LOCATION:
Part of Lot 15, Concession 7

APPLICANT:
Clarzan Developments Inc.

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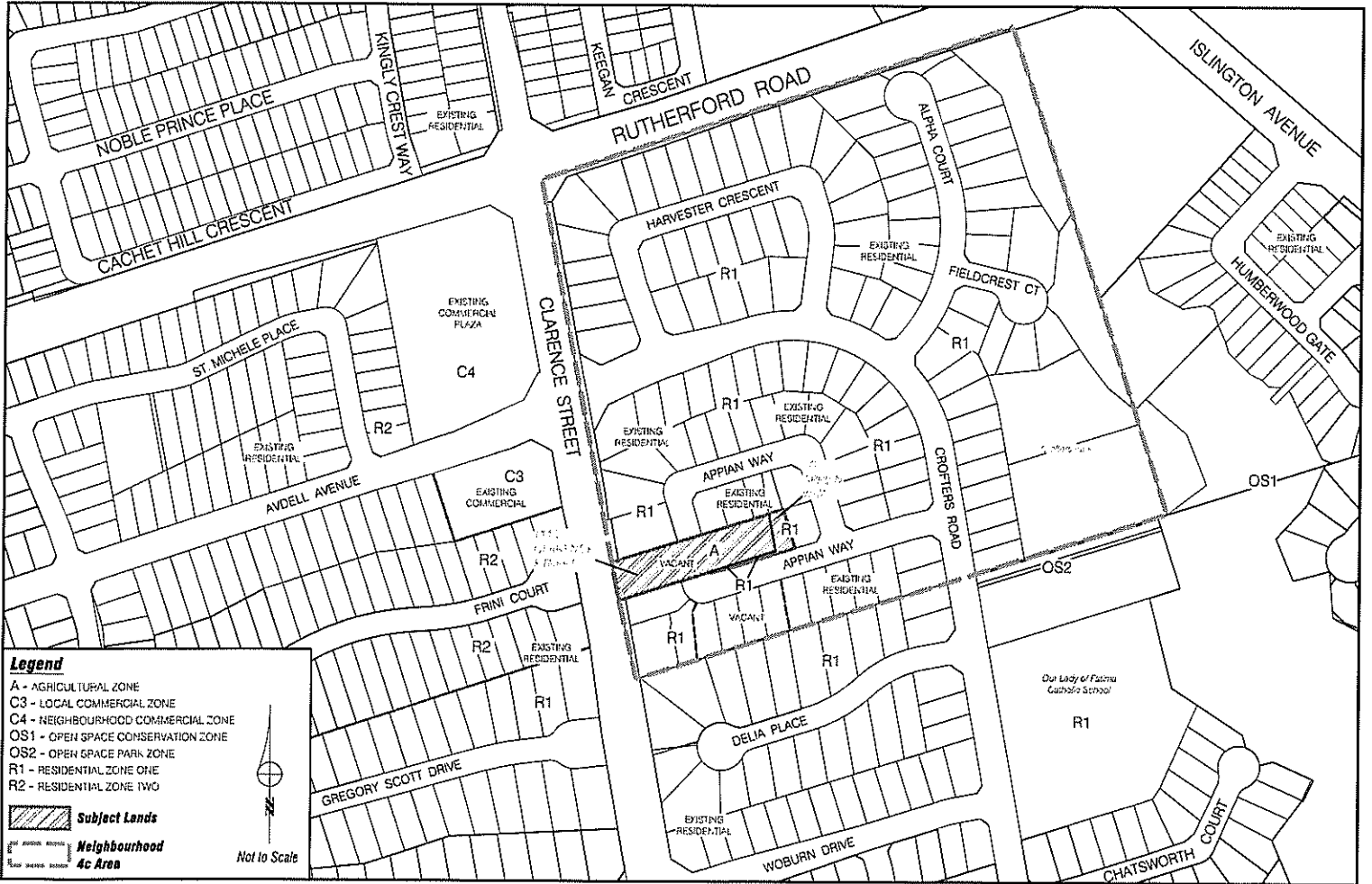


Attachment

FILE: Z.13.027

DATE: August 5, 2014

1



Location Map

LOCATION:
Part of Lot 15, Concession 7

APPLICANT:
Clarzan Developments Inc

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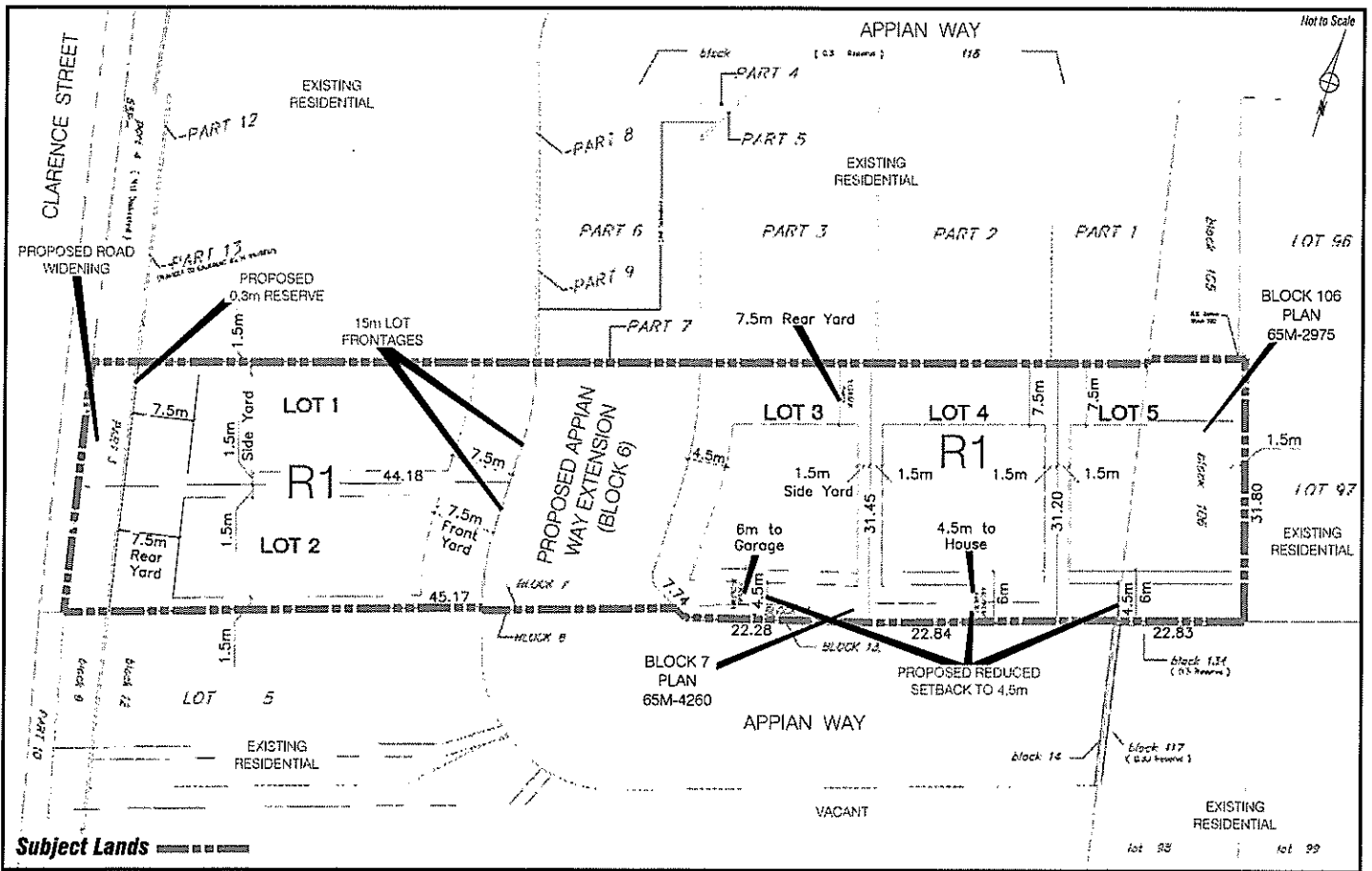


Attachment

FILE: Z.13.027

2

DATE: August 5, 2014



Proposed Lot Creation, Road Extension, and Zoning

LOCATION:
Part of Lot 15, Concession 7

APPLICANT:
Clarzan Developments Inc.

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Attachment

FILE Z.13.027

3

DATE: August 5, 2014

Attachment 4

- Communications C7, C9 and C32 from Committee of the Whole, September 2, 2014; and
- Communication C22 from Council September 9, 2014.



c 7
Communication
CW: <u>Sept 2/14</u>
Item: <u>19</u>

**COMMUNICATION C7
COMMITTEE OF THE WHOLE
SEPTEMBER 2, 2014**

**RE: Item 19, Report No. 36
ZONING BY-LAW AMENDMENT FILE Z.13.027
CLARZAN DEVELOPMENTS INC.
WARD 2 – VICINITY OF CLARENCE STREET AND RUTHERFORD ROAD**

The City Clerk's Office has received a petition from area residents regarding the above noted application with the summary wording below.

The total number of signatures on the petition are: 23.

Wording:

" We the undersigned, owners of properties in neighbour 4C and vicinity, petition Council to maintain 1115 Clarence Street and 40 Appian Way and the creation of new lots thereon in accordance with By-Law 1-88 for R1 Residential Zone namely:

<i>Minimum lot frontage</i>	<i>18m</i>
<i>Minimum lot area</i>	<i>540m²</i>
<i>Minimum lot coverage</i>	<i>35%</i>
<i>Minimum front yard setback</i>	<i>7.5m</i>

This is necessary to maintain the integrity of the planning and community standards to which we ourselves subscribe."

A copy of the entire petition document containing a total of 8 pages is on file in the office of the City Clerk.

Magnifico, Rose

Subject: Item#19 Sept.2/14, AppianWay planning
Attachments: Petition.pdf; Scan0001.jpg

c9
Communication
CW: <u>Sept 2/14</u>
Item: <u>19</u>

From: Monica Fiorini [<mailto:monica.fiorini77@gmail.com>]
Sent: Thursday, August 28, 2014 2:38 PM
To: Magnifico, Rose
Subject: Item#19 Sept.2/14, AppianWay planning

Hello Rose,

As per our conversation please find attached our petition concerning the properties on Appian Way and Clarence Street. I have sent you the signed form by PDF and Jpeg. If you have any difficulty please call me at 905-264-0586. Thank you for your assistance.

Regards,
Monica Fiorini



PETITION

To: City of Vaughan
 Committee of The Whole (Public Hearing)
 September 2, 2014

Re: Official Plan Amendment File o.P. 13.012
 Zoning By-Law Amendment File z - 13.027
 Clarzan Developments Inc. Ward 2

We the undersigned, owners of properties in neighbour 4C and vicinity, petition council to maintain 1115 Clarence Street and 40 Appian Way and the creation of new lots thereon in accordance with By-Law 1-88 for R1 Residential Zone namely

Minimum lot frontage 18 m
 Minimum lot area 540 m²
 Maximum lot coverage 35%
 Minimum front yard setback 7.5 m

This is necessary to maintain the integrity of the planning and community standards to which we ourselves subscribe.

Address	Name & Signature	Date
116 Appian Way	Monica Fierini	
	[Signature]	Aug 28/14
116 Appian Way	Alessandro Fierini	
	[Signature]	Aug 28/14

MARCO DIWARDO
C32
Mem 19.

c 32 Communication CW: Sept 2/14 Item: 19
--

Members of the Committee, I draw your attention to Attachment 3 to Item 19. The application, in its original form, proposed 6 lots, not 5 as shown---two lots at the west end (still labeled Lots 1 and 2) and four at the east (Lots 3 to 6), all under 18m wide, with a minimum front yard setback of 4.5m, a minimum required lot area of 500m², and a proposed lot coverage increase from the permitted maximum of 35% to 40%.

Although the applicant has withdrawn a few of his initial requests (reducing the total number of lots from 6 to 5), he is still requesting amendments which are incompatible with the existing neighbourhood. Specifically a reduction to 15m from 18m in the minimum lot frontage of Lots 1 and 2 and the minimum front yard setback of 4.5m from 7.5m for Lots 3 to 5 will seriously alter the existing streetscape.

Due to the negative impact the setback would have to the existing streetscape of APPIAN WAY, the Planning Department is not recommending any front yard setbacks of 4.5m. We support that recommendation, and thank the Planning Department.

But the residents also want to ensure that the reduction of the minimum lot frontage on Lots 1 and 2, from 18m to 15m, is not approved. We would like the Staff and Council to protect the residents of Appian Way, who purchased homes in the neighbourhood with the understanding that lots in the immediate area would be consistent and compatible with the existing lots---not just in terms of front yard set-backs of 7.5 m but in terms of frontage widths as well. Why should R2 frontages and widths be permitted in a very small neighbourhood with existing R1 frontages and widths?

I ask the Planning Department to take this opportunity to help a very anxious community, and re -think its support for the reduction in minimum lot frontage from 18m to 15m, for Lots 1 and 2. If the reduction on these two lots is approved as staff is recommending, we believe that the applicant will then appeal to the OMB the reduction in the front yard setback from 7.5m to 4.5m.

And believe me, Member of the Committee, this is how it will play out:

Once before the OMB, the applicant will argue that if the City Of Vaughan's Planning Department did not see anything wrong with supporting a 15m lot frontage on lots 1 and 2, then what would be the problem with the original application of 4 Lots of 15m of frontage on the rest of the lands? **In effect, what the applicant plans to do is use the refusal of one thing he wants (4.5 m setbacks) as an excuse to go to the OMB, and once at the OMB, use staff's support of 15m frontages on Lots 1 and 2 at the west end to get an extra lot (Lot 6) on the east end.**

Don't be fooled! Approve just one 30 m lot at the west end, not two of 15 m, and let the applicant work with the owner of the highly-developable 30 m lot to the north. They can come back together with a proposal for three 20m lots, and everyone of the residents of the existing neighbourhood will believe the members of this committee are planning geniuses!

Do the right thing!!!

Thank you!

*

COURT

*

*

(o) The Vendor and Purchasers shall agree to a restriction as to the future development of Block 7, the Zanette Lots and all other lots/blocks within the Plan, such that development thereon will be restricted to the City of Vaughan's R1 single family dwelling-zoning as per the Zone Requirement Table By-Law 1-88 in effect today, attached as Schedule "C". No future change in By-Law 1-88 shall affect the definition of R1 single family dwelling-zoning. This provision shall not be registered on title to any of the properties;

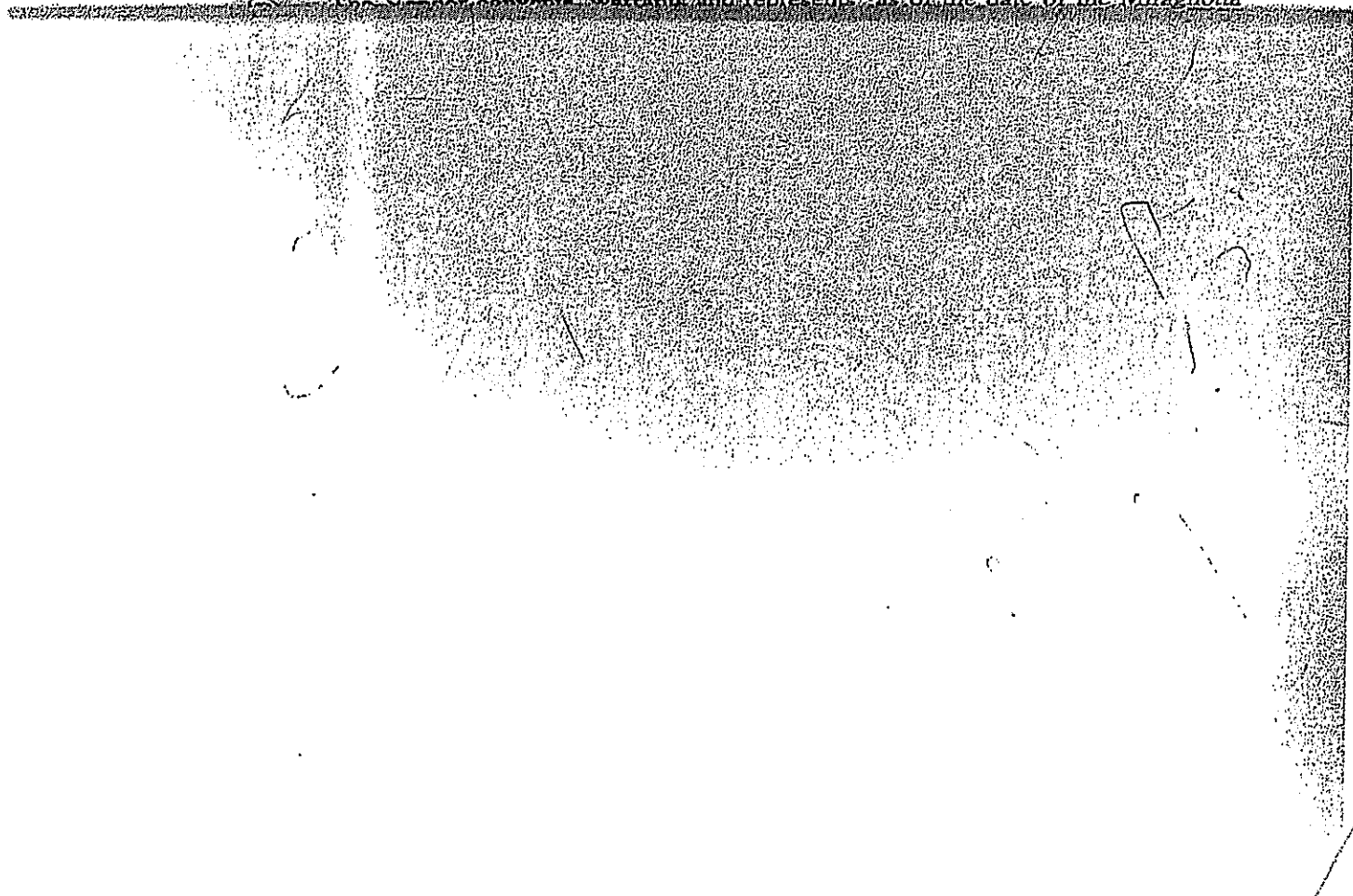
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ECT

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GET ON THE RECORD.

The Vendor warrants and represents, as of the date of the Miragliotta



PATRICK DI MONTE, B.A., LL.B
Barrister, Solicitor, Notary

*Suite 211
3100 Steeles Avenue West
Concord, Ontario
L4K 3R1*

*Telephone: (905) 738-2101
Facsimile: (905) 738-1168*

VIA FAX 905-832-8535 & EMAIL council@vaughan.ca

September 5, 2014

Committee of the Whole
City of Vaughan
2141 Major MacKenzie Drive
Vaughan, Ontario
L6A 1T1

C	<u>22</u>
Item #	<u>19</u>
Report No.	<u>36 (cw)</u>
<u>Council - September 9/14</u>	

Attention: Mayor Maurizio Bevilacqua, Deputy Mayor and Regional Councilor Gino Rosati, Regional Councilor Michael Di Biase, Regional Councilor Deb Schulte, Ward 1 Councilor Marilyn Iafrate, Ward 2 Councilor Tony Carella, Ward 3 Councilor Rosanna DeFrancesca, Ward 4 Councilor Sandra Yeung Racco, Ward 5 Councilor Alan Shefman

Dear Mayor Maurizio Bevilacqua and Members of Council Sitting on the Committee of the Whole:

RE: Application for Severance and to amend Zoning By-Law by Clarazan Development Limited
Francesco Di Nardo and Amelia Miragliotta
Official Plan Amendment File: OP-13-012
Zoning By-Law Amendment File: Z-13-027 (1115 Clarence Street and 40 Appain Way)
Clarzan Developments Inc.
Heard: September 2, 2014 at 11:00 a.m.

I act for Amelia Miragliotta also known as Amelia Miragliotta Di Nardo, the registered owner of Lots 3, 4 and 5 on Plan 65M-4260 and Block 6.

Clarzan Developments Inc. took title to Block 7, Plan 65M-4260 by direction from Mark Zanette, Stephen Zanette and Randy Zanette by Instrument Number: YR1891258 on September 27, 2012.

Clarzan submitted an application for a zoning by-law amendment and the creation of five (5) lots for single detached dwelling in an existing residential sub-division.

At Committee of the Whole, Mr. Mario Di Nardo, my client's son and other individuals present in person or by petition requested Council to maintain 1115 Clarence Street and 40 Appain Way and the creation of new lots in accordance with by-law 1-884R1 Residential Zone, namely minimum lot frontage 18 meters, minimum lot area 540 square meters, maximum lot coverage 35%, minimum front yard setback 7.5 meters.

I was in attendance for a period of four (4) hours but had to depart at 3:00 p.m. because of other commitments. I had submitted my name to make a five (5) minute deputation. The purpose of my attendance was to advise Members of the Committee and Staff present for the City of Vaughan that there is a Superior Court Order dated the 3rd day of August, 2010 of the Honourable Justice Mulligan in Newmarket which was an Order on Consent of all parties. The operative paragraph is found on page 6 of the Court Order which reads as follows:

"The Vendor and Purchasers shall agree to a restriction as to the future development of Block 7, the Zanette Lots and all other lots/blocks within the Plan, such that development thereon will be restricted to the City of Vaughan's R1 single family dwelling-zoning as per the Zone Requirement Table By-Law 1-88 in effect today attached as Schedule "C". No future change in By-Law 1-88 shall affect the definition of R1 single family dwelling-zoning. This provision shall not be registered on title to any of the properties."

The vendor referred to Amelia Miragliotta and the purchasers were Mark Zanette, Stephen Zanette and Randy Zanette who directed title to Clarzan Developments Inc.

To the best of my understanding, Clarzan takes the position at paragraph "O" above recited only applies to the future lots 3, 4 and 5 whereas my client takes the position that it applies to all proposed lots including lots 1, 2, 3, 4 and 5.

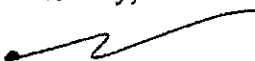
Clearly then the proposed lots 3, 4 and 5 must comply in every respect to By-Law 1-88 R1 single family dwelling-zoning. The only question up for debate is whether this clause applies to the proposed lots 1 and 2, the Clarence Lands.

Because of this disagreement, my client has asked that this matter be once again referred to the court for interpretation of Justice Mulligan's Order. The date chosen for this motion is Thursday October 23, 2014 at 10:00 a.m. in Newmarket.

I understand that Francesco Di Nardo delivered a full copy of the court order to you previously and therefore I shall not be sending you a copy with this letter. If you require a full copy of the court order, I shall be pleased to provide it to you.

If you have any questions relating to any of the above matters, please do not hesitate to call me anytime. I understand that the next time this matter will be revisited is Tuesday September 9, 2014.

Yours truly,



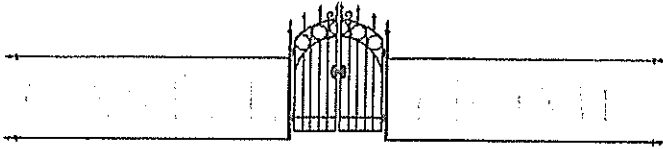
Patrick Di Monte
PDM/dm

- c.c. Mr. Di Nardo
- c.c. Mrs. Amelia Miragliotta
- c.c. Mr. Angelo Vumbaca

Attachment 5

- Communications C5, C10 and C11 from Committee of the Whole, January 13, 2015.

DW



C 5 COMMUNICATION	
CW -	January 13, 2015
ITEM -	14

December 15, 2014

City Clerk's Office
c/o Mr. Jeffrey A. Abrams
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Dear Sir:

Re: 1115 Clarence Avenue, Vaughan
Z.13.027 - Clarzan Developments Inc.

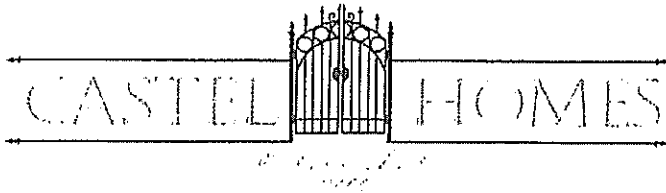
As per the request by Council on the Committee of the Whole meeting held, September 2, 2014, We attempted to contact Mrs. Dzamba on two occasions (September 9 and 14, 2014), in order to discuss the potential purchase of her property. On both of these attempts, we received no return phone call.

However, on September 15, 2014 a call was placed to Ashley Park Homes (APH) who was the Builder that purchased 3 lots from Mrs. Dzamba and built 3 houses on the northerly section of Appian Way. Mr. Mirigiello, principal of APH, expressed that he has the "right of first refusal" on the remaining Dzamba lands that abut our proposed lots 1 and 2 to the north. Mr. Mirigiello was very clear that he would not endorse the partial sale of land to the Zanettes as it would jeopardize his future stake.

Further, on September 23, 2014 our forces were cutting grass, cleaning up debris and conducting general maintenance of the site. Upon my arrival, Mrs. Dzamba was coincidentally speaking to my Father. I greeted them and initiated a conversation directly with Mrs. Dzamba. Here is a brief synopsis of this conversation.

- I asked whether her lands are for sale. Her response was 'not a chance in hell'; she vowed to her husband on his death bed that she would never sell
- I asked whether she would consider selling a portion of her lands
- She queried why we needed "just" a portion
- I subsequently explained that we need a portion of her lands to adjoin to ours to create two 70' lots and that this would ultimately leave her with only one 70' lot
- She was despondent. "Why would we want to lose a lot?"
- Apparently she promised her remaining lands to her 2 sons and that they would eventually divide the property into two lots, i.e. one lot for each son

In short, we believe that the crux of Council's September 9, 2014 resolution deals with the proposed 15m wide lots along the Clarence street frontage of the property. The remaining three




(3) lots along the northerly street of Appian Way all meet and exceed the lot frontage and area requirements of the R1 Zone. As such, it is our opinion that we have valiantly attempted to discuss the possibility of acquiring additional lands from Mrs. Dzamba. She has unequivocally advised us that she has no interest in selling any portion of her lands in order that we may potentially increase the width of the proposed lots 1 and 2.

As such we graciously request that our application be placed on the January 13, 2015 agenda for Council's consideration and approval.

Your assistance is greatly appreciated.

Thank you.


Mark Zanette
President

Cc: Mr. John Mac Kenzie – Commissioner of Planning
Mr. Grant Uyeyama – Director of Planning

Mrs. Monica Fiorini and Mr. Alessandro Fiorini
116 Appian Way
Vaughan, On
L4L 8Y4

January 12, 2015

City Clerk's Office
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

C 10 COMMUNICATION	
CW	January 13/15
ITEM -	14

Dear Sir/Madam;

RE: Committee of The Whole
Item 14 –Zoning By-Law Amendment file Z.13.027
Ward 2 –Vicinity of Clarence Street and Rutherford Road

We are requesting that the above mentioned Item #14 be deferred to a future Committee of the Whole meeting date, possibly March 3, 2015. This request is being made due to the fact that the neighbors in the area have **not** been properly notified of the dates or times of these Public Hearings, from the beginning. This will also allow “further consultation by the applicant and the residents in an effort to work on a revised plan that is compatible with the R1 zoning of the community” as stated in the Minutes of September 9, 2014, which have not taken place so far. We also feel that this Item should be deferred due to our Councillor of Ward 2, Mr. Tony Carella being absent from this meeting due to being out of town. He is aware of our concerns and our position in these matters and we appreciate his support to date.

Many of our neighbors are absent and/or surprised to not have been notified and the searching of this information on-line is not acceptable by everyone. The neighbors within 150m of the property in question have never been notified from the beginning of these proceedings and continue to be neglected. This should have been rectified after the first meeting when we had brought it to the City's attention. Deferring this Item#14 will be appreciated by everyone.

Thank you
Monica Fiorini
905-264-0586

Cc; Tony.Carella@vaughan.ca
Michael.dibiase@vaughan.ca
Gino.Rosati@vaughan.ca
Maurizio.bevilacqua@vaughan.ca
Mauro.Ferri@vaughan.ca

Subject: FW: January 13, 2015 Committee of the Whole Agenda Item#14

CW
January 13/15
ITEM - 14

Dear Mr. Ferri and Councilors

As a concerned resident of Appian way, I would respectfully like to request that Agenda item #14 on the January 13, 2015 be deferred to the March 2015 meeting for the following reasons;

1. Not all concerned residents who attended prior meetings and who have requested notification of future meetings have been notified of the January 13th meeting.
2. Our ward Councilor, Mr. Carella who has detail knowledge of this matter and who supports and shares the views and concerns of the area residents, will not be in attendance at this meeting.
3. At the September 2, 2014, the Committee of the Whole recommended more time "to allow further consultation by the applicant and the residents in an effort to work on a revised plan this is compatible with the R1 zoning". This has not happened.
3. The postponement would allow the planning department to provide more clarity on the item below;

According to the planning department there are currently 115 developed units. With the addition of the current proposed 5 lots this will bring the total to 120 units which is the permitted amount. However there remain additional lands that have not been addressed. How do those lands fit into the overall Official plan?

Official Plan

a) In-effect Official Plan

The subject lands are designated "Low Density Residential" by in-effect OPA #240 (Woodbridge Community Plan), which permits detached and semi-detached dwelling units. The subject lands are located within the boundary of Neighbourhood 4C of OPA #240 as shown on Attachment #2. The maximum density permitted for Neighbourhood 4C is 7.4 units per gross hectare. For the purpose of calculating density for the subject lands, a gross hectare includes the net residential land area, the local roads, and one-half of the boundary roads. Based on this definition, Neighbourhood 4C has a gross area of 16.18 ha, which would permit 120 units. Neighbourhood 4C currently maintains 115 units. The creation of 5 lots for detached dwelling units on the subject lands would increase the total number of units to 120, which is the maximum permissible through the density calculation of OPA #240, and therefore conforms to the in-effect Official Plan.

4. Today I was made aware of a letter. This letter is not found on the documentation that has been attached to the calendar event. This short notice does not allow sufficient time to review the information contained in the letter.

For the above reason, I ask you to defer this matter to a later date. The deferment would allow additional time to review and consult as well as ensure that all concerned residents have been appropriately notified of the meeting. As this matter is of critical importance to the residents of Appian way, it would be prudent to allow the matter as much due process as needed.

Thank you for your kind consideration,

Rocki Guzzo
Appian Way Resident