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Please reply to the TORONTO OFFICE

ADDENDUM
AGENDA ITEM
15
COMMITTEE OF ADJUSTMENT

May 26, 2020

File No. 2200555

BY E-MAIL

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

Dear Ms. Christine Vigneault:

**RE: York Region Condominium Corporation No. 1105 (the "Corporation")
Minor Variance Application File No. A012/20 (the "Application")
Market Lane Holdings Inc. (the "Applicant")
166 Woodbridge Avenue, Unit A, City of Vaughan (the "Property")**

We are the lawyers of the Corporation.

The Corporation manages a residential building located at 160 Woodbridge Avenue, Vaughan, Ontario. The Corporation strongly opposes the proposed variance and asks that the Committee of Adjustment not to approve the Application. In the alternative, the Corporation requests that:

- the Application be deferred until sufficient noise, odour, traffic and parking studies can be completed; or
- if the Application is to be approved, that the approval include conditions to adequately address the concerns of the Corporation as set out in greater detail below.

Background

The Applicant is requesting permission to operate an eating establishment (a café) within the Property which is currently not permitted under the site-specific zoning by-law. The property is zoned "RA2 Apartment Residential Zone" by Zoning By-law 1-88, subject to site specific exception

9(1201) which permits the ground floor commercial space to be used for business and professional offices, a bank and/or financial institution, personal service shops and retail stores.

The Property is designated “Low-Rise Mixed-Use” within the Woodbridge Centre Secondary Plan of Vaughan Official Plan 2010, which permits eating establishments provided that they are located at grade level.

Site Specific Use

As set out above, the site specific zoning by-law permits only a very specific list of uses that may be permitted within the Property. While the Corporation has no knowledge of the specific considerations that caused the Property to be subject to such limited uses, it is clear that the City of Vaughan turned its mind to the most appropriate use of the Property at the time the site specific exemption was put in place. Had the City of Vaughan intended to permit an eating establishment within the Property, the City of Vaughan could have included the use in the site specific exemption.

The Corporation submits that the use of the Property as an eating establishment would not be appropriate for the following reasons.

Traffic

There are presently very serious vehicular traffic flow concerns in light of the location of ingress and egress points and parking areas within the Corporation's property. Woodbridge Avenue is already a very busy road with a 4 way stop in front of the Property. Pedestrian traffic congestion remains very high in this area (in part because of the an abundance of pedestrian traffic created by an adjacent development) and will intensify significantly if an eating establishment is permitted within the Property.

Parking

The Corporation currently has difficulty providing sufficient visitor parking for the guests of its residents because patrons the commercial establishments within 166 Woodbridge Avenue make use of a portion of the Corporation's visitor parking. Permitting any portion of 166 Woodbridge Avenue to be used as a restaurant would only further reduce the availability of parking for the guests of the Corporation's residents.

Noise and Odour

The Corporation's residents are concerned with noise that may be created if an eating establishment is permitted within the Property. Further, residents of units on the east side of the building are currently affected by odours omitted from existing eating establishments in an adjacent development. While the Corporation understands that there is no required minimum separation between residential land and other land uses, it is clear that the limited distance between these uses can cause a nuisance and disturb the use and enjoyment of the building by the Corporation's residents. The Corporation notes that it is not uncommon for a municipality to require there to be a minimum separation distance between residential land and other land uses in light of the competing

nature of various land uses. For example, the City of Mississauga requires that an eating establishment be separated at least 60m from residential land.

Requested Relief

The Property is not a suitable location for an eating establishment. It would be unfair to subject the Corporation's residents to nuisances that will arise from permitting an eating establishment within the Property.

In light of the foregoing, the Corporation request that the Application not be approved. In the alternative, the Corporation requests that the Application be deferred until sufficient noise, odour and parking studies can be completed, or if approved, that the approval be subject to certain conditions providing that:

- (a) the Applicant complete and submit of noise, odour, traffic and parking studies to the satisfaction of the Committee of Adjustment;
- (b) the Applicant complete and submit a parking plan illustrating how the parking needs of the Property will be satisfied;
- (c) no line may be formed that extends beyond the boundary of the Property;
- (d) no more than of ten (10) persons (including staff) may be permitted within the Property at any one (1) time;
- (e) the eating establishment close each day no later than 9:00p.m.;
- (f) the eating establishment be prohibited from selling or serving alcohol; and
- (g) the eating establishment not include any warming, heating, cooking, and/or preparatory facilities whatsoever.

While the Corporation recognizes that development must continue, the Corporation insists that good planning includes the consideration of adjacent existing uses. To that end, enclosed with this letter is a petition circulated amongst adjacent property owners and owners of units in the Corporation as well as the specific concerns of certain individuals that oppose permitting an eating establishment within the Property.

Yours truly

SHIBLEY RIGHTON LLP

A handwritten signature in black ink, appearing to read "Evan Holt", with a stylized flourish extending from the end.

Evan Holt
Enclosures

City of Vaughan
Committee of Adjustment
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Committee Members,


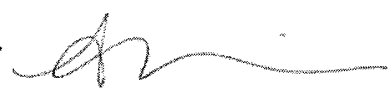
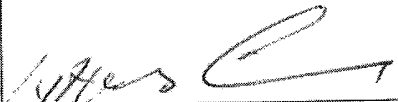


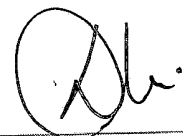

Re: Minor Variance Application A012/20
166 Woodbridge Ave. Unit A, Woodbridge ON
Relief from By-law to permit Restaurant

We the undersigned strongly object to the variance application noted above to allow a Restaurant for the following reasons and ask that you consider the interests of the community members impacted by this proposed relief from the existing by-law:

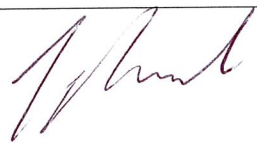

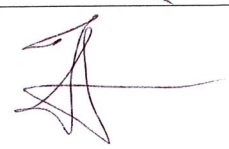



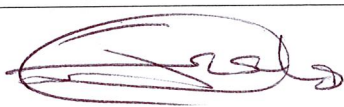

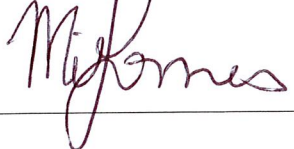
- 1. 166 Woodbridge Ave. is built into a residential condominium building at 160 Woodbridge Ave. which will be impacted by carbon monoxide and smoke from the required exhaust fans of a restaurant.**
- 2. 166 Woodbridge Ave.'s water supply and sanitary services are connected to 160 Woodbridge Ave and are not designed to handle the additional demands of a restaurant.**
- 3. 166 Woodbridge Ave. does not have land for the storage or removal of grease and waste/recycling.**
- 4. 166 Woodbridge Ave. does not have a loading area or site parking for the delivery of supplies.**
- 5. 166 Woodbridge Ave. does not have any parking spaces for employees or patrons other than limited street parking on Woodbridge Ave.**
- 6. 166 Woodbridge Ave. does not have barrier free access.**
- 7. 166 Woodbridge Ave. is a historical building constructed of combustible materials and would be an irreplaceable loss as well as posing a hazard to adjacent properties.**

Thank you for your consideration and respect for the community,

By Signing this Petition, I acknowledge having read and understood the objections to permitting a restaurant at 166 Woodbridge Ave. listed on page 1 of this petition and consent to being contacted by the City of Vaughan Committee of Adjustments or other City of Vaughan Representatives.

NAME	ADDRESS	SIGNATURE
SUSAN MARCHESI	160 WOODBRIDGE AVE STE. 300.	
Sabrina Di Biase	160 Woodbridge Ave. Ste 306.	
GIUSEPPINA PAOLUCCI	160 Woodbridge Ave #11	Giuseppina Paolucci
LAURETTA	166 Woodbridge Ave A10	
MASSIMO M.	160 WOODBRIDGE AVE #66	
MARCHI, OTAVIO	160 Woodbridge Ave / Apt #602	
TONY ANADIO	160 WOODBRIDGE AVE 606	
CARMELA ANADIO	160 Woodbridge Ave #PH6	

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NAME	ADDRESS	SIGNATURE
John Pizzoli	50 clarence st	
Sofia Voudouri	84 Clarencest	
Frank Staro	94 Clarene	
	130 Clarence	
Matt Fragale	117 Clarence	
Selvana Talar	93 Clarencest	
PAOLA Zagana	26 Park Dr	
Mike Gomes	30 Park Dr	

Clarence | Park - 16, 26, 30
 50, 78, 84, 126, 117, 93




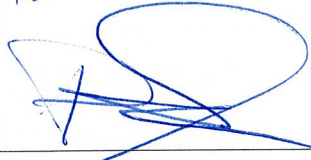
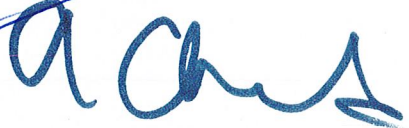
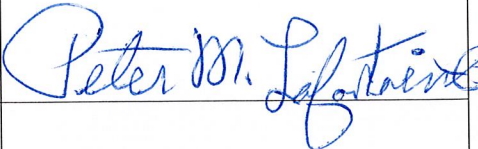


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NAME	ADDRESS	SIGNATURE
A. Steede	20 Fairground Lane	A. Steede
A Voronin	22 Fairground Lane	A Voronin
Fay	24 Fairground Lane	Fay
Laura Della Roca	25 Fairground Lane	Laura Della Roca
A. JANSSENS	20 WALLACE ST #5	A. JANSSENS
M. Brown	20 WALLACE ST. # 3	M. Brown
M. Pascente	20 Wallace #1	M. Pascente
[Signature]	#1 12 William Fair Lane	[Signature]
[Signature]	20 William Fair Lane	[Signature]

20 Wallace St - 5, 3, 11
 20^{#5}
 201

William Ford
 22, 12

By Signing this Petition, I acknowledge having read and understood the objections to permitting a restaurant at 166 Woodbridge Ave. listed on page 1 of this petition and consent to being contacted by the City of Vaughan Committee of Adjustments or other City of Vaughan Representatives.

NAME	ADDRESS	SIGNATURE
TONIA NARDI	35 OLD FIREHALL LANE	
Gianfranco Sombuè	35 Old Firehall Lane	
IGIA SHWARB	211 Woodbridge Ave	
Joe Taverre	213 Woodbridge Ave	
P. Sacco	12 Amos Maynard	
A Choralambas	4 Amos Maynard	
Peter M. Lafontaine		
Peter M. Lafontaine	18 Fairground Lane	
DEREK STEESE	20 FAIRGROUND LANE	
MARIA MASTRACCHIO	18 FAIRGROUND LANE	

17, 19, 35, 11, 17

Firehall

Woodbridge Ave
190

Amos Maynard

12, 4

Fairground Lane

25, 23

10, 18, 20, 29
24, 22

By Signing this Petition, I acknowledge having read and understood the objections to permitting a restaurant at 166 Woodbridge Ave. listed on page 1 of this petition and consent to being contacted by the City of Vaughan Committee of Adjustments or other City of Vaughan Representatives.

NAME	ADDRESS	SIGNATURE
JAMES DeAngelis	46 PARK PL	JAMES DeAngelis
Joe Rodhe	55 PARK DRIVE	Joe Rodhe
MICHAEL TONPERA	45 PARK DRIVE	Michael Tonpera
MIRANDA SILVESTRI	41 PARK DR.	M.A.
Saeed Jaghola	69 Clarence ST	St.

Park - 46, 48, 55, 53, 47, 41

Clarence, 69

By Signing this Petition, I acknowledge having read and understood the objections to permitting a restaurant at 166 Woodbridge Ave. listed on page 1 of this petition and consent to being contacted by the City of Vaughan Committee of Adjustments or other City of Vaughan Representatives.

NAME	ADDRESS	SIGNATURE
THOMAS ARGET	140 ROSEBURY LANE	Thomas Arget
Debbie Gerace	146 Rosebury Lane	D Gerace
Adele McLaughlin	121 Rosebury Lane	Adele
Patti Marshall	105 Rosebury Lane	Patti Marshall
Flavia Parejo	101 Rosebury	Flavia Parejo
Susan + Kevin	63 Rosebury Lane	Susan + Kevin
Angelo Pot Kids + Fam	27 Rosebury Lane	Angelo
R. Bazzio	23 Rosebury Lane	R. Bazzio

Rosebury Lane

140, 146, 101, 195, 123
121, 105, 81, 63, 159, 127

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NAME	ADDRESS	SIGNATURE
Estherina Scilla	140 Andy Cres	
Paula Alonzi	26 Wallace St	P. Alonzi
N. Palombo	26 Rosebury	n. Palombo
J. Jazzi	40 Rosebury	Terese Jazzi
Jean Balda	44 Rosebury	J. Balda
V. MUSAIB-ALI	15 ROSEWOOD CRT	Bluh
Tania Deighan	19 Rosewood Court.	Tania Deighan.
Anna Levalier	88 Rosebury	Anna Levalier
	34 Rosebury	

Walke 32
 Rosewood 15, 19
 Rosebury 32, 26, 40, 44, 134
 4

David Pal

From: connie raso [REDACTED]
Sent: Tuesday, March 10, 2020 5:17 PM
To: David Pal
Subject: RE: 166 Woodbridge Ave. Variance to allow restaurant

Hello David,

I am writing on behalf of Maria De Lio 160 Woodbridge Ave, apt 303.

We are in receipt of your e-mail, regarding the opening of a restaurant at #166 Woodbridge Ave. I am not able to attend the meeting, at the same time I would vote to NO, we have already several restaurants in the area, and yes, the noise, smell, and parking impact, might become overwhelming, as the square is not exactly a large one.

Thank you,

I would appreciate some feedback on this situation

Mrs. Maria De Lio Apt 303

Sent from my Samsung Galaxy smartphone.

Wednesday, March 11, 2020

City of Vaughan
Committee of Adjustment
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Via Email To: CofA@vaughan.ca

Dear: Madam/Sir,

RE: Minor Variance Application - 166 Woodbridge Ave., Unit A

I am writing in opposition to the proposed amendment for the above-noted. My dwelling unit is situated in the direct vicinity of where the proposed restaurant would potentially be located. Allowing an establishment such as an eatery will personally affect my everyday lifestyle.

The odours emitting from such an establishment will prohibit me from being able to freely open my windows and balcony doors.

I fear that the noise level will increase which will hinder my ability to sleep. This will affect my livelihood as I work as early as 5:00am at times.

Lastly, parking is already scarce in my neighbourhood. It is inevitable that the car traffic will increase which will definitely be an issue in my community.

I appreciate your consideration with this matter.

Sincerely,

Michelina Mastrandrea
Unit Owner
160 Woodbridge Avenue

David Pal

From: Mike Panno [REDACTED]
Sent: Friday, May 22, 2020 4:11 PM
To: CoA@vaughan.ca
Cc: David Pal
Subject: 160 Woodbridge Ave, Variance to all a restaurant

We are writing today to express our concern with allowing a restaurant on the subject location

The building in question is mainly inhabited by seniors who are very protective of their surroundings and their personal security. Allowing a restaurant that may be open to the public late in the evening will very much pose an issue of inconvenience (loud noise/smell) as well as compromise the buildings security.

My name is Angela Panno, unit 401, and I very much apose any addition of a restaurant within our building.

Thank you

Sent from my iPhone

David Pal

From: Carlo Ruso [REDACTED]
Sent: Sunday, March 15, 2020 9:25 PM
To: David Pal
Subject: Fwd: City of Vaughan Committee of Adjustments

Sent from my iPad

Begin forwarded message:

From: Carlo Ruso <[REDACTED]>
Date: March 15, 2020 at 9:17:12 PM EDT
To: CofA@vaughan.ca
Subject: City of Vaughan Committee of Adjustments

Re: Application to permit restaurant at 166 Woodbridge Ave., (Inkerman House)

We are owners and residents at 160 Woodbridge Ave., we feel that changing the zoning by-law to allow a restaurant to be attached to our building will have a negative impact on our condo building and the neighborhood.

1. The value of our homes will decrease.
2. Increased noise levels.
3. Increased loitering and smoking in front of our building entrance.
4. Increased traffic to an already congested Woodbridge Avenue.
5. There is a shortage of parking spaces available.
6. Already an abundance of restaurants in the area.

The majority of residents in this area are seniors who enjoy a quiet and orderly neighborhood.

Changing of zoning would cause a negative impact on this area.

We ask you to please consider the wishes the resident tax payers and not just the developers.

Carlo and Adele Ruso
Apt. 403, 160 Woodbridge Ave.,
Woodbridge, Ontario L4L 0B8

David Pal

From: ENNIO & JUDY PESCHIUTTA [REDACTED]
Sent: Friday, March 13, 2020 4:08 PM
To: CofA@vaughan.ca; David Pal
Subject: 166 Woodbridge Ave. restaurant proposal

To whom it may concern,

Please note that we in unit 510, 160 Woodbridge ave. do not want a restaurant attached to our condo building. We feel it is neither sanitary nor should it be permitted.

Please accept this submission of concern.

Thank you for your time and consideration;
Judy and Ennio Peschiutta

David Pal

From: Addie Mattiace Real Estate <[REDACTED]>
Sent: Tuesday, March 17, 2020 4:44 PM
To: CofA@vaughan.ca
Cc: Addie Mattiace
Subject: Fwd: 166 Woodbridge Avenue (Inkerman House) Minor Variance Application A012/20

Hello,

My family and I live in the adjacent property at 166 Woodbridge Avenue (Inkerman House) and have objections with regards to a restaurant being opened there due to the risk of fire, the odours, noise levels, increase in garbage and increase in demand for parking which is already a significant problem.

Kind regards,

Adelaide (Addie) Mattiace, BCom
[REDACTED]

----- Forwarded message -----

From: Addie Mattiace Real Estate <[REDACTED]>
Date: Tue., Mar. 17, 2020, 4:24 p.m.
Subject: 166 Woodbridge Avenue (Inkerman House) Minor Variance Application A012/20
To: <CofA@vaughan.ca>

Hello,

My family and I live adjacent to the above property and wish to express my concern with their request to open a restaurant in that space. Our concerns are the risk of fire, the noise levels, garbage and the odours commonly associated with restaurants.

Kind regards,

Adelaide (Addie) Mattiace, BCom
[REDACTED]

David Pal

From: carmela amadio <[REDACTED]>
Sent: Thursday, May 21, 2020 3:32 PM
To: coa@vaughan.ca
Cc: Tony Amadio; David Pal
Subject: Hearing for 166 Woodbridge Ave. Variance to allow restaurant

Dear Committee members:

We live at 160 Woodbridge Avenue and we are absolutely opposed to having a restaurant at 166 Woodbridge Avenue.

Please take into consideration the following:

- 1) The smell from the cooking will directly affect us
- 2) The parking situation at our building is already very stressed without adding a restaurant clientele
- 3) There will be increases traffic in the area and Woodbridge Avenue and Wallace Avenue is already a high traffic area with frequent accidents, so adding more vehicles is a bad idea

The location of **166 Woodbridge Avenue is directly attached to our building at 160 Woodbridge Avenue.** We the owners at 160 Woodbridge Avenue are extremely concerned should a restaurant be allowed as this will be detrimental to the value of our building, and we respectfully urge the committee to deny the request for a restaurant.

Thank you,

Tony and Carmela Amadio