

**3717 Sheppard Avenue East, Rezoning Application –  
Final Report**

<b>Date:</b>	June 2, 2008
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 40 – Scarborough-Agincourt
<b>Reference Number:</b>	07 274376 ESC 40 OZ

**SUMMARY**

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

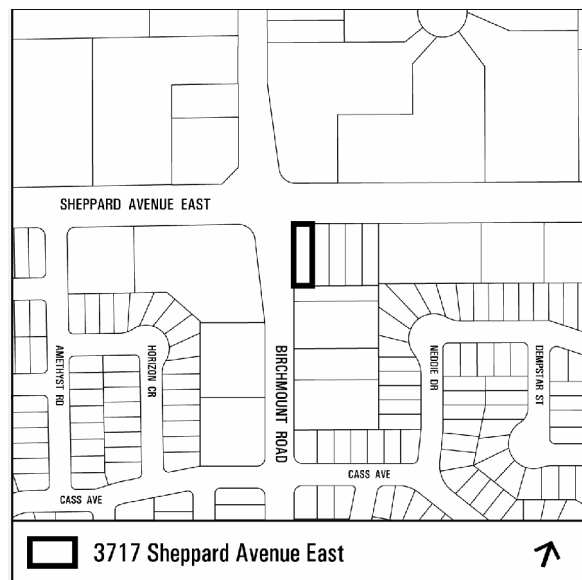
The applicant proposes a temporary rezoning to permit an existing dentist’s office to remain for a further three-year period at 3717 Sheppard Avenue East.

This report reviews and recommends approval of the application to amend the zoning by-law for a further three-year period.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend the zoning by-law for the Tam O’Shanter Community No. 12360 substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 4.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

Dr. Filipko has operated her dental office in the house at this location since 2001. Two previous 3-year temporary use zoning approvals have been made for this use, the first by the Ontario Municipal Board in 2001 and the more recent by Council in 2004. The latter approval expired on October 28, 2007. An application to amend the zoning by-law to extend the temporary use for a three-year period was submitted on October 30, 2007.

### **Proposal**

The application is to permit the dental office to remain in the existing house, with the required parking as shown on the previously approved site plan, Attachment 1.

### **Site and Surrounding Area**

The property is at the south-east corner of Sheppard Avenue and Birchmount Road. It has a frontage of 17 metres (56 feet) on Sheppard Avenue and a depth of 57 metres (186 feet). It is occupied by a single-storey house which has been renovated and is being used as a dental office. A parking lot with six spaces is located in the rear, with access off Birchmount Road. The property is serviced by a septic tank system.

To the north are high-rise apartment buildings. A single-storey detached house abuts to the south. Four similar single-detached dwellings are located to the east. The first three have been the subject of an application for temporary zoning to permit their use as offices. This application was approved in principle but not enacted. A neighbourhood shopping plaza is located on the west side of Birchmount Road.

There is no sanitary sewer in the road allowance of either Sheppard Avenue or Birchmount Road abutting this property or the adjacent properties to the east.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The property is designated Apartment Neighbourhoods, providing for apartments as well as service and office uses for the needs of area residents. The site is within an Avenue overlay as shown on the Urban Structure map.

## **Zoning**

The subject property is zoned Apartment Residential (A) and Single-family Residential (S). The zoning permits a maximum of 100 units per hectare (40 units per acre). The subject property was also subject to a temporary use zoning by-law permitting the dental office until this by-law expired on October 28, 2007.

Under Section 5.1.5.1 of the Official Plan, Council may pass a temporary use by-law to permit the temporary use of land, building or structure for a use that is otherwise prohibited by the zoning by-law, for a period up to three years.

Council may approve extensions to such an approval for additional three-year periods. There is no cumulative maximum time.

## **Site Plan Control**

The property is subject to an existing site plan agreement.

## **Reasons for the Application**

The dental office is not a permitted use since the expiry of the previous temporary use by-law.

## **Community Consultation**

A community consultation meeting was held on May 5, 2008 and was attended by the Ward Councillor, Community Planning staff, and approximately 5 local residents. Issues raised by the community included drainage of snow onto adjacent property and the possible assembly of lands for larger development on the site.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

## **COMMENTS**

The issues related to the property were dealt with at length prior to the initial approval in 2001. Staff and the Ward Councillor were unsuccessful in encouraging the owners of the six single lots to work together to achieve a higher density residential development plan, as permitted by the existing zoning by-law and the then current Scarborough Official Plan. The Toronto Plan also provides for this redevelopment potential.

The subject property, and the abutting lots on Sheppard Avenue and Birchmount Road, are not connected to sanitary sewers, as these sewers do not presently exist in the road allowances in front of the lots.

### **Provincial Policy Statement and Provincial Plans**

The limited 3 year time frame of the approval, and the retention of the underlying zoning permission for increased density of development, do not preclude the potential of the site for intensification through redevelopment which is a key objective of the PPS.

The limited zoning permission has already achieved an improvement in the appearance and maintenance of this corner property. The owner and the owners of the other five lots are in no way limited by it should they wish to apply for a comprehensive development application.

Based on the above-noted reasons, the proposal is consistent with the PPS. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe for the same reasons.

### **Streetscape**

The house-form building will not be changed. The streetscape of this side of Sheppard Avenue, consisting of five similar one storey houses, will remain.

### **Access and Parking**

The site plan provides for 6 parking spaces, as required by the zoning by-law. These spaces are accessed from Birchmount Road.

The previous temporary approval included a condition that an undertaking be submitted as a condition of approval requiring the owner to ensure that snow not be stored along the fence lines of the property. The owner has advised that they are still willing to honour this commitment.

### **Servicing**

Preliminary estimates on establishing a sanitary sewer connection are approximately \$200,000. Technical Services has reviewed the application and has no concerns regarding the extension of the temporary use.

**CONTACT**

Christopher Dunn, Planner  
Tel. No. (416) 396-5004  
Fax No. (416) 396-4265  
E-mail: cdunn@toronto.ca

**SIGNATURE**

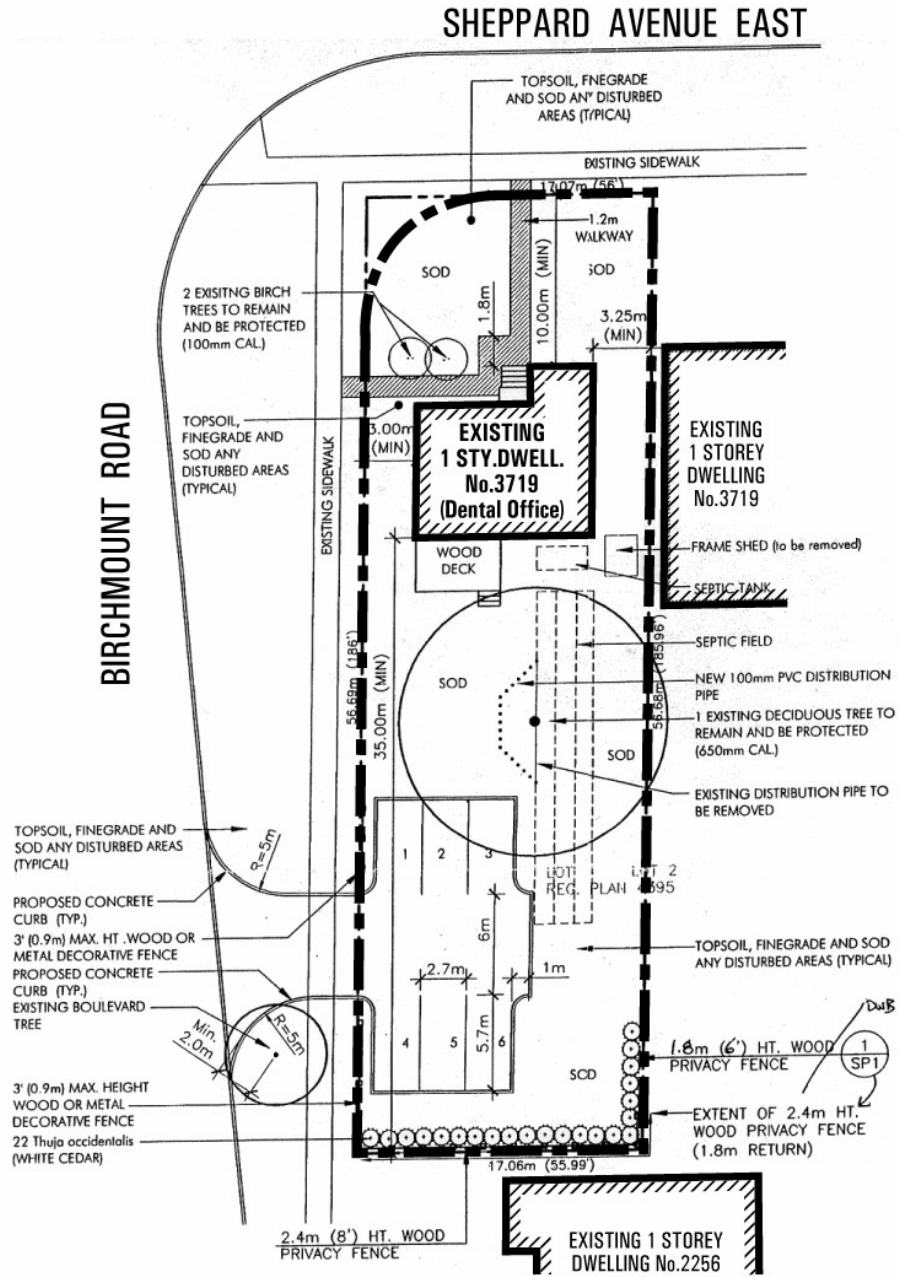
---

Allen Appleby, Director  
Community Planning, Scarborough District

**ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Zoning  
Attachment 3: Application Data Sheet  
Attachment 4: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

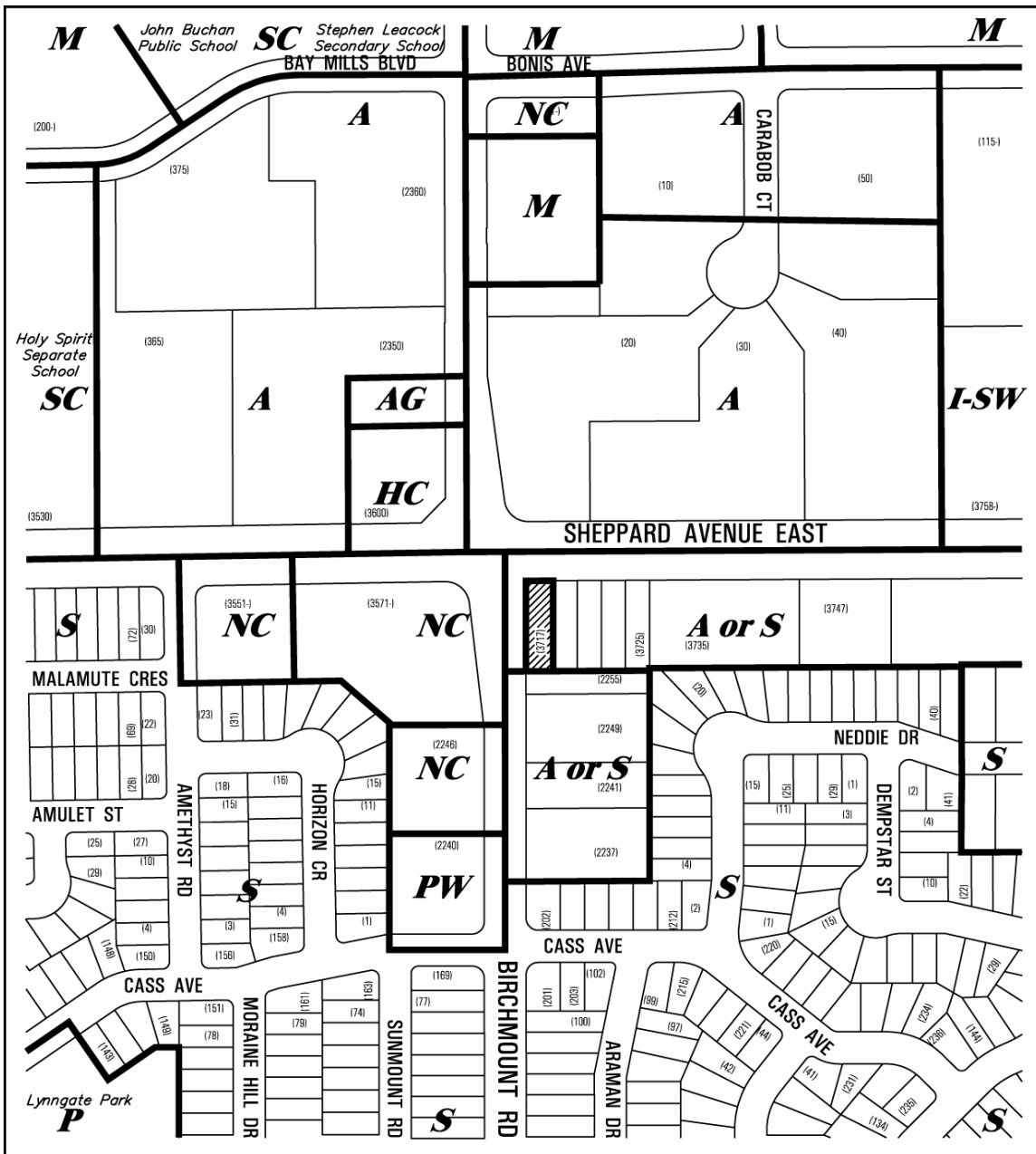
3717 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale

File # 07-274376 OZ

## Attachment 2: Zoning



**Toronto** Urban Development Services  
**Zoning**

### 3717 Sheppard Avenue East

File # 07-274376 0Z

- |   |  |   |
|---|--|---|
| <p><b>S</b> Single-Family Residential<br/> <b>M</b> Multiple-Family Residential<br/> <b>A</b> Apartment Residential</p> | <p><b>NC</b> Neighbourhood Commercial<br/> <b>HC</b> Highway Commercial<br/> <b>PW</b> Place(s) of Worship</p> | <p><b>I-SW</b> Institutional - Social Welfare<br/> <b>SC</b> School<br/> <b>P</b> Park<br/> <b>AG</b> Agricultural Uses</p> |
|---|--|---|

Tam O'Shanter Community Bylaw  
 Not to Scale  
 11/28/07



### Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	07 274376 ESC 40 OZ
Details	Rezoning, Standard	Application Date:	October 30, 2007

Municipal Address: 3717 SHEPPARD AVE E  
 Location Description: PL 4396 LT1 \*\*GRID E4006  
 Project Description: Dentist's office in the existing house-form building - 3 year zoning

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
JARMILA FILIPKO			JARMILA FILIPKO

#### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	
Zoning:	A & S (Apartment & Single Family)	Historical Status:	
Height Limit (m):	0	Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	965.2	Height: Storeys:	1
Frontage (m):	17.07	Metres:	5
Depth (m):	56.69		
Total Ground Floor Area (sq. m):	90.53		<b>Total</b>
Total Residential GFA (sq. m):	0	Parking Spaces:	6
Total Non-Residential GFA (sq. m):	90.53	Loading Docks:	0
Total GFA (sq. m):	90.53		
Lot Coverage Ratio (%):	9.38		
Floor Space Index:	0.094		

#### DWELLING UNITS

Tenure Type:  
 Rooms: 0  
 Bachelor: 0  
 1 Bedroom: 0  
 2 Bedroom: 0  
 3 + Bedroom: 0  
 Total Units: 0

#### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	90.53	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

**CONTACT:** **PLANNER NAME:** Christopher Dunn, Planner  
**TELEPHONE:** (416) 396-5004



**Attachment 4: Draft Zoning By-law Amendment**

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~]  
as adopted by City of Toronto Council on ~, 2008~  
Enacted by Council: ~, 2008

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2008~**

**To amend Scarborough Zoning By-law No. 12360, as amended,  
for the Tam O'Shanter Community,  
With respect to the lands municipally known as  
3717 Sheppard Avenue East**

WHEREAS authority is given to Council by Sections 34 and 39 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

**1. Schedule "C"- EXCEPTIONS LIST**

Exception 82 is amended by deleting the words "September 28, 2007" and replacing with the words "July 15, 2011".

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)