

**2967 Sheppard Avenue East – Rezoning Application  
(Temporary Use) – Final Report**

<b>Date:</b>	March 22, 2011
<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>	09 120627 ESC 40 OZ

**SUMMARY**

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

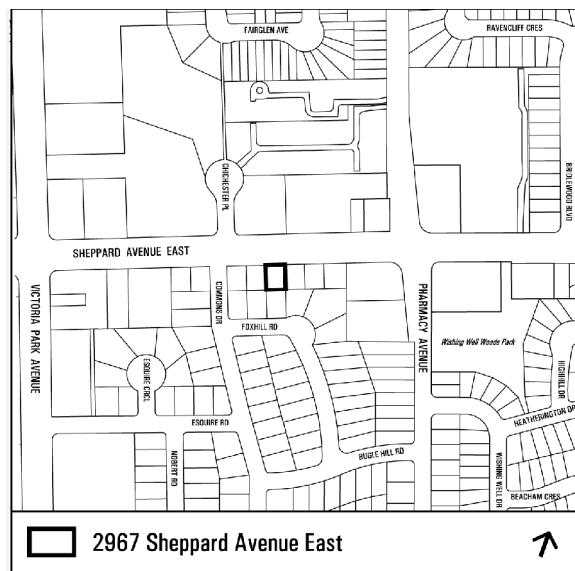
This application proposes to permit the use of an existing single-detached residential dwelling at 2967 Sheppard Avenue East as a physiotherapy clinic and associated office uses for a temporary, three-year period. Ten on-site parking spaces are proposed.

This report reviews and recommends approval of the application to amend both the Sullivan Community Zoning By-law and the City of Toronto Zoning By-law to permit the proposed uses for a temporary, three-year period.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend the Sullivan Community Zoning By-law No. 10717, as amended, for the lands at 2967 Sheppard Avenue East substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 5.



2. City Council amend the City of Toronto Zoning By-law No. 1156-2010, as amended, for the lands at 2967 Sheppard Avenue East substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 6.
3. City Council amend the Scarborough Site Plan Control By-law No. 21319 substantially in accordance with the draft site plan control by-law attached as Attachment No. 7.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendments and draft site plan control by-law as may be required.
5. Before introducing the necessary Bills to City Council for enactment, require the applicant to enter into a site plan agreement under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

In 2006, the abutting lands to the east at 2969 Sheppard Avenue East were rezoned to permit the existing single-detached residential dwelling to be used for office purposes for a temporary three (3)-year period. This by-law expired in 2009. In 2010, Council subsequently approved this use on a permanent basis. The related staff report can be found at <http://www.toronto.ca/legdocs/mmis/2010/sc/bgrd/backgroundfile-29924.pdf>

### **ISSUE BACKGROUND**

#### **Proposal**

A physiotherapy clinic and associated office uses are currently operating from the premises. The applicants have applied to rezone the site to permit this use to legally operate from the existing house form building (former residential dwelling) for a temporary three (3)-year period. No additions to increase the floor area of the building and no residential occupancy are proposed. The existing stairs, deck and railing in the front yard are proposed to be removed and replaced with a new retaining wall, stairs and railing. A wheelchair lift is proposed on the east side of the building.

According to the application, the dwelling has approximately 197.24 square metres (2,123 square feet) of gross floor area. A circular driveway, providing two points of access to Sheppard Avenue East, currently exists. This is proposed to be replaced with a single consolidated driveway access. A total of ten parking spaces, four of which are tandem parking spaces, are proposed within the front and east side yards with some parking also extending partially into the rear yard (see Attachment 1).

## Site and Surrounding Area

The property has 22.86 metres (75 feet) of frontage on the south side of Sheppard Avenue East and is approximately 801 square metres (0.2 acres) in lot area. The lot is 35.05 metres (115 feet) in depth. A side split, single-detached residential dwelling is located on the property.

Abutting uses are as follows:

- North: High density residential uses on the north side of Sheppard Avenue East.
- South: Single-detached residential dwellings located on Foxhill Road.
- West: Single-detached residential dwellings located on the south side of Sheppard Avenue East.
- East: Commercial office operating out of the existing house form building (refer to Decision History for further information). A local commercial plaza is located at the south-west corner of Pharmacy Avenue and Sheppard Avenue 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 planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## Official Plan

The lands are designated "Neighbourhoods" on the Land Use Plan with an "Avenues" overlay on the Sheppard Avenue properties as shown on the Urban Structure Map ( Map 2).

"Avenues", generally, are areas where new growth can occur along major streets where there are major reurbanization opportunities supported by public transit.

"Neighbourhoods" are considered physically stable areas made up of residential uses in lower-scale buildings such as detached houses and townhouses. Parks, low-scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in Neighbourhoods.

The Official Plan also permits the enactment of temporary use by-laws and states that the temporary use will:

- a. maintain the long-term viability of the lands for the uses permitted in the Official Plan and zoning by-law;
- b. be compatible with adjacent lands uses, or be made compatible through site mitigation;
- c. not have an adverse impact on traffic, transportation or parking facilities in the area; and
- d. be suitable for the site in terms of site layout, building design, accessibility, provision of landscaping, screening and buffering and available services.

## **Zoning**

The property is zoned Single Family Residential (S) under the Sullivan Community Zoning By-law No. 10717, as amended, of the former City of Scarborough. Single family dwellings, domestic or household arts and private home daycare are permitted. Physiotherapy clinics and related uses are not permitted.

The lands are currently not part of the new City-wide Zoning By-law No. 1156-2010. Should this application be approved, staff recommend that the lands be added to the by-law and zoned accordingly. A draft zoning by-law amendment is included as Attachment 6.

## **Temporary Use By-laws**

Council may pass temporary use by-laws to authorize the temporary use of land, buildings or structures for a purpose that is otherwise prohibited by the zoning by-law, for a period not exceeding three years, in keeping with the provisions of the Planning Act. Council may, by by-law, grant further extensions of not more than three years each.

This is the third temporary use by-law application received proposing the conversion or partial conversion of an existing single-detached residential dwelling on the south side of Sheppard Avenue East, between Victoria Park Avenue and Pharmacy Avenue. The previously mentioned application at 2969 Sheppard Avenue East was approved, initially as a temporary use, and subsequently on a permanent basis. An application for a flower shop use at 2973 Sheppard Avenue East was refused by Council and the applicant's appeal to the Ontario Municipal Board was dismissed.

The Sheppard Corridor Study previously highlighted these applications and also identified opportunities for limited intensification involving these properties. The Sheppard Corridor Study report can be found at <http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-10465.pdf>

## **Site Plan Control**

The lands are not currently located within a site plan control area. It is recommended that the lands be placed into a site plan control area. A draft site plan control by-law is included as Attachment 7. A site plan control application has been submitted, the details of which have informed the assessment of this zoning application.

## **Tree Planting and Preservation**

There are currently no street trees in the adjacent Sheppard Avenue East boulevard. Two street trees are proposed to be planted and these will be secured as part of the site plan approval process.

As noted in the Preliminary Report, a number of private trees on site have been removed, however, all were less than 30 centimetres in diameter and did not qualify for protection.

## **Reasons for Application**

The existing zoning on the property does not permit the proposed uses.

## **Community Consultation**

A community consultation meeting was held on September 28, 2009 and was attended by the Ward Councillor, the applicants, their legal counsel and project planner, City Planning staff and five local residents.

Issues raised related primarily to the fact that the use is already in operation, alterations to the site which have been made in advance of required municipal approvals, impacts on the adjacent residential neighbourhood and the planning process.

A letter was also received from the owners of 25 Foxhill Road which is located directly to the south of the subject lands. The letter indicates that they feel the proposal is unacceptable as the existing (unapproved) parking extends well into the east rear yard (approximately 1.9 metres from an existing board privacy fence along the mutual property line), resulting in privacy and health concerns.

## **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**

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

The proposal is consistent with the PPS and represents appropriate development and use of the lands while maximizing the use of public resources and infrastructure.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. Similar to the PPS, the Growth Plan supports intensification in proximity to transit services and amenities.

### **Proposed Use and Compatibility**

The application is to permit the conversion of the existing dwelling to a physiotherapy clinic and associated office uses. As noted earlier, there will be no residential occupancy within the building. The draft zoning by-law amendments restrict the proposed uses to the existing house form building (see Attachments 5 and 6).

Staff have worked with the applicants to arrive at a site plan that provides adequate on-site parking, front yard landscaping, a direct pedestrian walkway to the public sidewalk and that also adequately addresses possible impacts on adjacent sites.

The abutting site to the east was previously converted to a commercial office use (see Decision History) and similar to this proposal, is no longer used for residential purposes. As discussed further below, issues related to compatibility and loss of privacy raised by the owners to the south on Foxhill Road have been addressed by the re-configured on-site parking. The abutting site to the west contains a single-detached residential dwelling with an attached garage on the east side, adjacent to the subject lands, which effectively mitigates potential impacts. A landscape strip is also proposed along the west property line of the site.

### **Vehicular Access and Parking**

As previously noted, the existing circular driveway is proposed to be replaced with a single consolidated driveway access from Sheppard Avenue East, in order to allow for a more efficient use of the front yard for on-site parking.

A total of ten parking spaces are proposed, including four tandem parking spaces and one accessible parking space. The tandem spaces are intended for staff parking only. Signage to this effect will be required to be installed as part of the site plan approval process.

Staff are of the opinion that the proposed parking supply is acceptable. Further, on-street parking on Sheppard Avenue East is currently permitted in the vicinity of the site, between 9:00 am and 4:00 pm.

Parking is proposed to be provided in the front yard and the east side yard. Parking partially extends into the easterly rear yard by approximately 2.2 metres (7.2 feet). This results in an approximately 6-metre separation distance from the south limit of the tandem parking to the mutual property line with the residence at 25 Foxhill Road to the south. As noted earlier, there is an existing board privacy fence along the south property line. The proposed separation distance, in the opinion of staff, is acceptable and adequately addresses the concerns raised by the residential owners to the south.

Parking and other site alterations that were made by the owners in advance of required municipal approvals will be required to be removed and replaced with parking and other improvements in accordance with the approved site plan. Parking that currently extends well into the rear yard, in close proximity to the south property line, will be required to be removed and replaced with appropriate landscaping.

### **Stormwater Management**

Proposed site surface grading will direct all runoff to a soak-away pit located in the rear yard and to other pervious areas including grassed and landscaped areas. The stormwater management report will be approved as part of the site plan approval process and is required to demonstrate stormwater quantity and quality control for the site in accordance with the City's Wet Weather Flow Management Guidelines.

### **Toronto Green Standard**

Both the zoning and site plan approval applications were received before January 31, 2010. Accordingly, the Toronto Green Standard (TGS) is applied on a voluntary basis. Regardless, opportunities to secure elements of the TGS (Low-Rise Non-Residential) will be explored and secured through the site plan approval process. These include the provision of one accessible parking space, a direct pedestrian walkway connection from the building to the public sidewalk, the requirement for two street trees in the Sheppard Avenue East boulevard and stormwater management measures.

### **CONTACT**

Doug Muirhead, Senior Planner  
Tel. No. (416) 396-7029  
Fax No. (416) 396-4265  
e-mail: dmuirhe@toronto.ca

### **SIGNATURE**

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Raymond David, Director  
Community Planning, Scarborough District

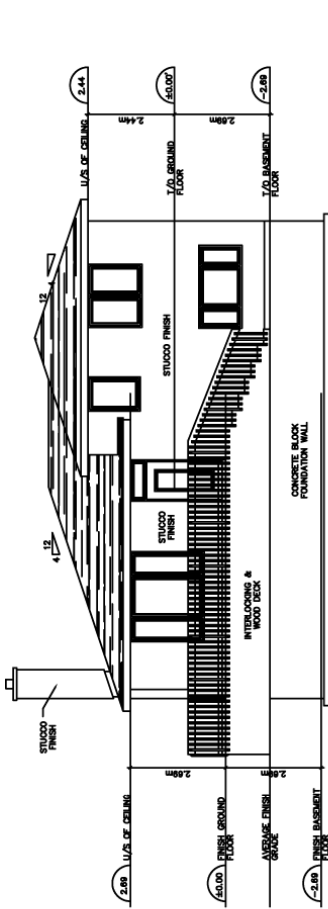
### **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Zoning (Sullivan Community Zoning By-law No. 10717)  
Attachment 4: Application Data Sheet  
Attachment 5: Draft Zoning By-law Amendment (Sullivan Zoning By-law No. 10717)  
Attachment 6: Draft Zoning By-law Amendment (Toronto Zoning By-law 1156-2010)  
Attachment 7: Draft Site Plan Control By-law

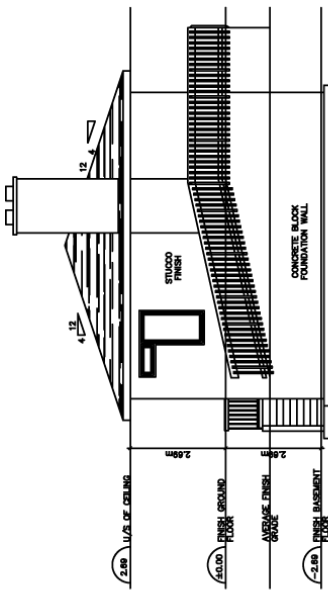




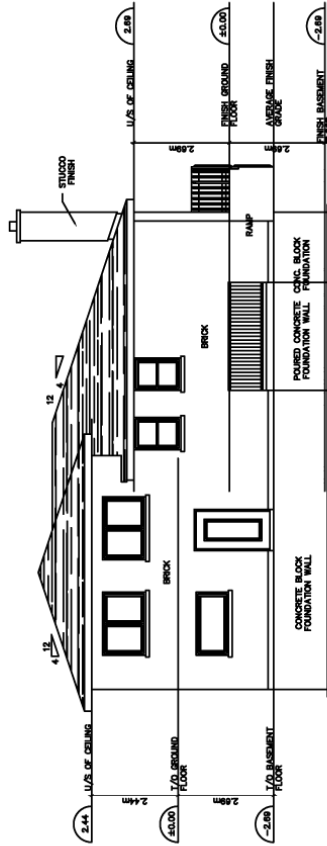
Attachment 2: Elevations



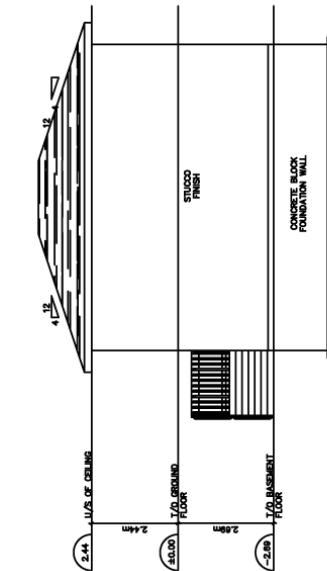
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

2967 Sheppard Avenue East

Elevation Plans

Applicant's Submitted Drawing

Not to Scale  
04/29/09

File # 09-120627 0Z



## Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	09 120627 ESC 40 OZ
Details	Rezoning, Temporary Use	Application Date:	March 26, 2009

Municipal Address: 2967 SHEPPARD AVE E  
 Location Description: PL 4490 LT88 \*\*GRID E4003  
 Project Description: Zoning amendment application to convert the existing residential dwelling to a Rehabilitation/Physiotherapy clinic and related office uses for a temporary period (3 years).

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
WEIRFOULDS, LLP	WEIRFOULDS, LLP	JEFFREY SWARTZ	DE REUS MELLES REPPAS HOLDINGS INC

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	n/a
Zoning:	S-Single Family Residential	Historical Status:	n/a
Height Limit (m):	9 metres	Site Plan Control Area:	N

### PROJECT INFORMATION

Site Area (sq. m):	683.51	Height:	Storeys:	1.5
Frontage (m):	22.86		Metres:	5.13
Depth (m):	29.9			
Total Ground Floor Area (sq. m):	109.35			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	10 (4 tandem)
Total Non-Residential GFA (sq. m):	197.24		Loading Docks	0
Total GFA (sq. m):	197.24			
Lot Coverage Ratio (%):	16			
Floor Space Index:	0.29			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	197.24
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

**CONTACT: PLANNER NAME: Doug Muirhead, Senior Planner**  
**TELEPHONE: (416) 396-7029**

**Attachment 5:  
Draft Zoning By-law Amendment (Sullivan Zoning By-law No. 10717)**

Authority: Scarborough Community Council Item No. ~,  
as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend the former City of Scarborough Sullivan Community Zoning By-law No. 10717, as amended, to authorize the temporary use of land, buildings or structures with respect to the lands known municipally as 2967 Sheppard Avenue East.**

WHEREAS authority is given to Council by Section 34 and Section 39 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to authorize the temporary use of land, buildings or structures which otherwise is prohibited; 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**, is amended by adding the following **EXCEPTION** to the lands shown outlined on Schedule '1' to this By-law.

35. On those lands identified as Exception No. 35 on Schedule "C", the following provisions shall apply to the lands for a temporary period of three years ending (date to be inserted – three years commencing from the date of the passage of this By-law).

(a) Additional Permitted Use

Physiotherapy clinic and related office uses within the houseform building existing on the date of the passing of this by-law.

(b) Ten **parking spaces** are required to be provided, of which four may be tandem **parking spaces**.

(c) Tandem Parking Space means a **parking space** that is only accessed by passing through another **parking space** from a **street**, lane, drive aisle or **driveway**.

(d) The provisions of Clause VI, Section 21.1 (c) and 21.2(a) shall not apply.

(e) The provisions of Clause VII, Sections 1.1, 1.2, 2.1, 2.2 and 2.1.4(f) shall not apply.

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

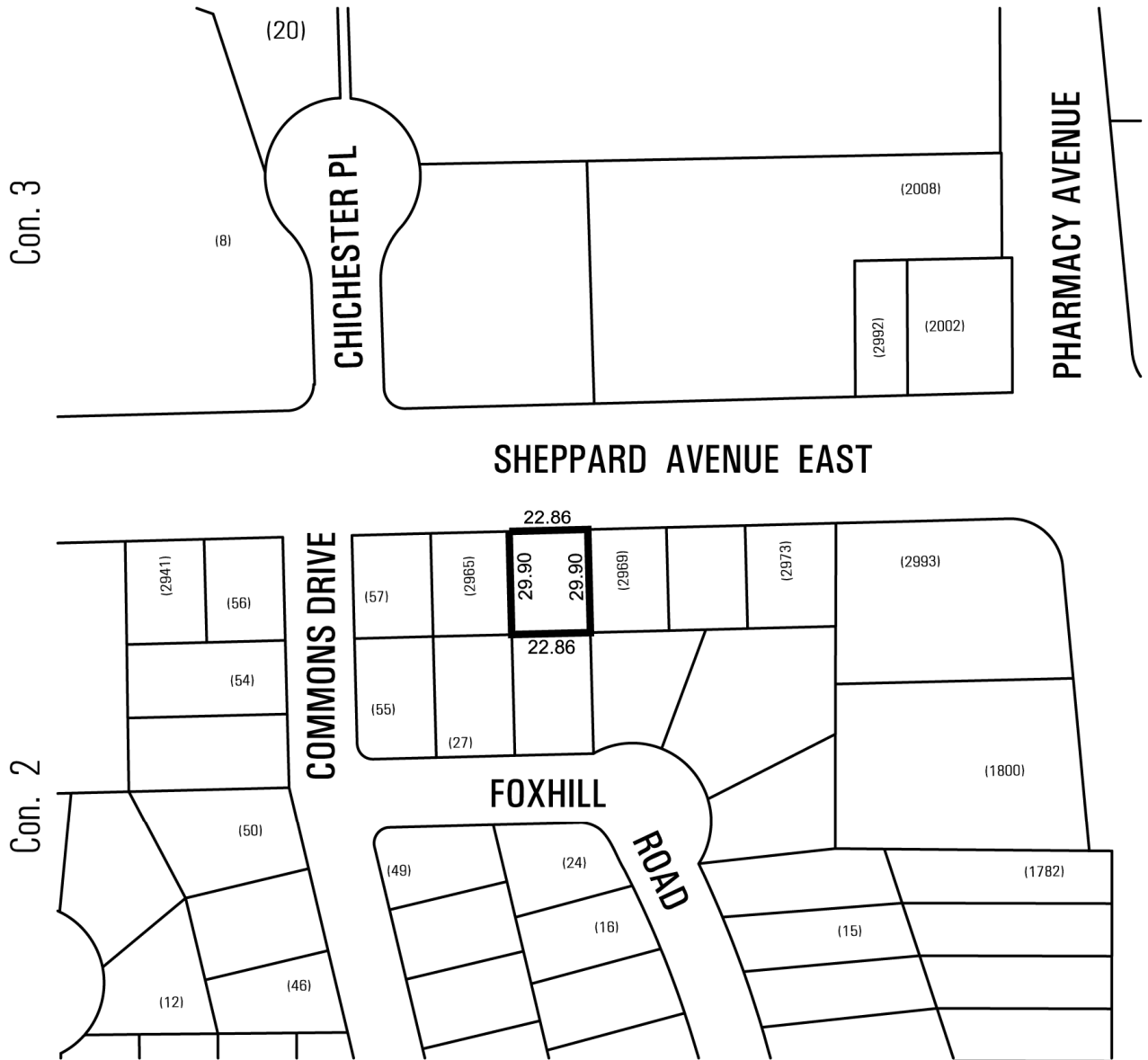
ROB FORD  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

# Schedule '1'

Lot 35



## Exception No. 35

**Toronto** City Planning  
**Zoning Bylaw Amendment**

2967 Sheppard Avenue East  
 File # 09 120627 ESC 40 OZ

 Area Affected By This By-Law

Sullivan Community  
 Not to Scale  
 02/08/11

**Attachment 6:  
Draft Zoning By-law Amendment (Toronto Zoning By-law 1156-2010)**

Authority: ~ Community Council Item No. ~,  
as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2011**

**To amend the City of Toronto Zoning By-law No. 1156-2010, as amended,  
to authorize the temporary use of land, buildings or structures  
with respect to the lands known municipally in the year 2010 as  
2967 Sheppard Avenue East**

WHEREAS authority is given to Council by Section 34 and Section 39 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to authorize the temporary use of land, buildings or structures which otherwise is prohibited; 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. The lands subject to this By-law are outlined in heavy black line on Diagram 1 attached to this By-law.
2. Zoning By-law No. 1156-2010, as amended, is further amended by adding to the Zoning By-law Map the zone and zone label RD(x317) as shown on Diagram 1 attached to this By-law.
3. Zoning By-law No. 1156-2010, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map, and applying the following numerical value to these lands: HT 9.0.
4. Zoning By-law No. 1156-2010, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map, Rooming House Overlay Map, and Conservation Areas Overlay Map, and nothing on these maps applies to the lands subject to this By-law.
5. Zoning By-law No. 1156-2010, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map, and applying the following numerical value to these lands: 40%.

6. Zoning By-law No. 1156-2010, as amended, is further amended by adding to Exception RD 317regulation (G) so that it reads as follows:

(G) on the lands known municipally in the year 2010 as 2967 Sheppard Avenue East, a physiotherapy clinic and **ancillary** office uses are permitted for a temporary period of three years ending (date to be inserted – 3 years commencing from the date of the passage of this By-law) if the following is complied with:

- (i) a physiotherapy clinic and **ancillary** office uses are permitted within a house form **building** lawfully existing on the date of the passing of this by-law;
- (ii) ten **parking spaces** are required to be provided, of which four may be **tandem parking spaces**; and
- (iii) the following regulations do not apply: 10.5.50.10 (1); 10.5.80.10 (2); 10.5.80.10 (3); 10.5.100.1 (1); and 10.20.20.30.

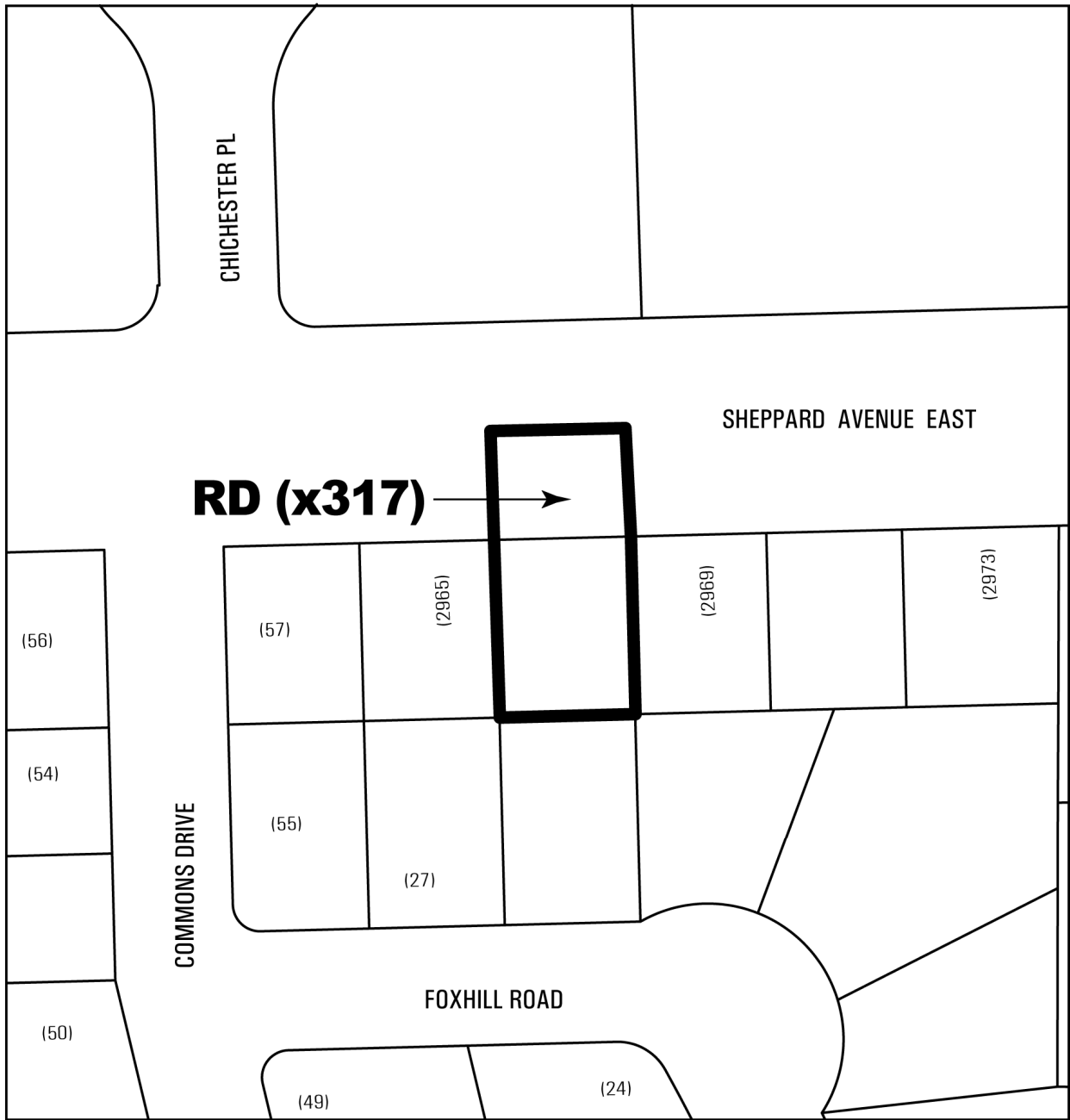
ENACTED AND PASSED this ~ day of ~ , A.D. 2011.

ROB FORD,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)





**TORONTO** City Planning Division  
**Diagram 1**

**2967 Sheppard Avenue East**

File # 09 120627 ESC 400Z



City of Toronto By-Law 1156-2010  
 Not to Scale  
 02/08/11

**Attachment 7: Draft Site Plan Control By-law**

Authority: Scarborough Community Council Item  
as adopted by City of Toronto Council on ~, 2011  
Enacted by Council: ~, 2011

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~**

**To designate a Site Plan Control Area ( Sullivan Community).**

WHEREAS authority is given to Council by Section 41 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, and Section 114 of the *City of Toronto Act, 2006*, to designate the whole or any part of the area covered by an Official Plan as a Site Plan Control Area;

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

1. By-law No. 21319 is amended by designating the land shown outlined by a heavy black line on Schedule '1' of this By-law as a Site Plan Control Area.

ENACTED AND PASSED this ~ day of ~, A.D. 2011.

ROB FORD  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

# Schedule '1'

Lot 35

