



STAFF REPORT ACTION REQUIRED

2969 Sheppard Avenue East – Rezoning Application – Final Report

| | |
|--------------------------|--|
| Date: | May 5, 2010 |
| To: | Scarborough Community Council |
| From: | Director, Community Planning, Scarborough District |
| Wards: | Ward 40 – Scarborough-Agincourt |
| Reference Number: | 09 157524 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.

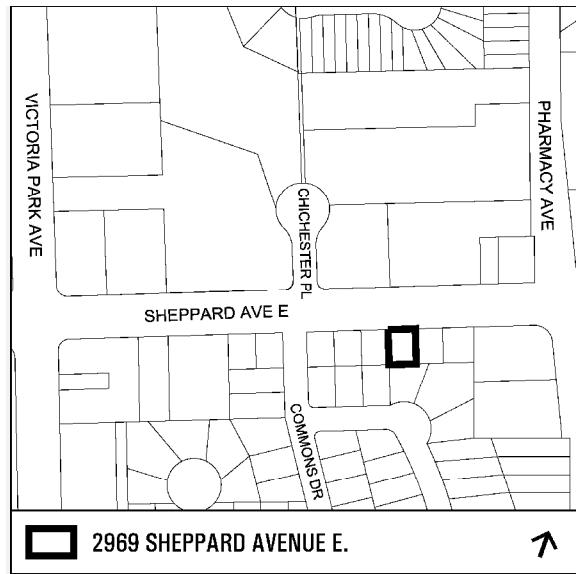
This application proposes to allow an office use to operate from within an existing house-form building located at 2969 Sheppard Avenue East on a permanent basis. The office use was previously permitted for a temporary, three year period only.

This report reviews and recommends approval of the application to amend the zoning by-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Sullivan Community Zoning By-law No. 10717, for the lands at 2969 Sheppard Avenue East substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 4.
2. City Council amend the Scarborough Site Plan Control



- Bylaw No. 21319 substantially in accordance with the draft site plan control by-law attached as Attachment No. 5.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment and draft site plan control by-law as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2006, Council approved an application to rezone the property to permit the existing residential dwelling on site to be used for office purposes for a temporary three (3) year period. By-law No. 881-2006 was passed on September 27, 2006. The related staff report can be found at

<http://www.toronto.ca/legdocs/2005/agendas/committees/sc/sc050705/it012.pdf>

Nearby Applications

A rezoning application was recently filed to permit a physiotherapy clinic and associated office uses to operate from within an existing single detached dwelling at 2967 Sheppard Avenue East, which abuts the site to the west, for a temporary three (3) year period. The related staff report can be found at

<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-21352.pdf>

The Ontario Municipal Board (OMB), in 2009, approved the permanent use of a former residential dwelling located at 3717 Sheppard Avenue East for a dental office. The dental office was first established in 2001 as a temporary use. Council approved two subsequent rezoning applications to extend the temporary use permission for two additional three year periods. The last extension, however, was appealed to the OMB by an adjacent owner. At the hearing, the owner requested to have the site rezoned on a permanent basis. The Board dismissed the appeal and approved the dental office use on a permanent basis, in large part given the use had operated from the site for 8 years and the City had already approved three successive three-year terms.

ISSUE BACKGROUND

Proposal

The existing residential dwelling on site is currently being used for commercial office purposes as permitted by the temporary use by-law enacted by Council in 2006. The site was improved to introduce a circular driveway, on-site parking and landscaping. The temporary use by-law restricts the office uses to the existing building and requires that at least three parking spaces be provided.

Temporary use by-laws may only be in effect for a maximum of three years. The approved three year period expired on September 27, 2009 and the applicants would like

to continue operating from the site on a permanent basis. No changes to the existing building, access, parking or landscaping are proposed.

Site and Surrounding Area

The property is approximately 703.6 square metres (0.17 acres) in lot area and has approximately 22.86 metres (75 feet) of frontage on the south side of Sheppard Avenue East.

A side split, single detached residential dwelling is located on the property. A circular driveway exists which provides a single inbound and single outbound access to Sheppard Avenue East together with a minimum of three on-site parking spaces. These improvements were made in accordance with the temporary zoning by-law permissions granted in 2006 (see Decision History).

Abutting uses are as follows:

North: High Density residential on the north side of Sheppard Avenue East.

South: Single detached residential dwellings located on Foxhill Road.

East: Single detached residential dwelling located on the south side of Sheppard Avenue East.

West: Single detached residential dwelling currently being used for a physiotherapy clinic and related office uses (see Decision History).

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 opportunities 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. An official plan amendment is not required.

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 uses are permitted. By-law No. 881-2006 permitted an office use within the existing houseform building for a temporary, three year period. This by-law permission expired on September 27, 2009.

Site Plan Control

The property is not located within a site plan control area. Prior to the zoning by-law being enacted to permit the use on a temporary basis, the applicants were required to submit a site plan to the satisfaction of the Director, Community Planning, East District. Improvements were subsequently made to the site, including front yard landscaping, in accordance with this plan which is included as Attachment 1 to this report.

Given the use is now proposed to be permitted on a permanent basis, staff now recommend that the site be placed under site plan control in the event any future improvements/alterations are proposed. Accordingly, a draft site plan control by-law, placing the lands under site plan control, is included as Attachment 5 to this report.

Transit City Light Rail Plan – Sheppard East LRT

The Sheppard East LRT is proposed to extend from Don Mills station east to Meadowvale Road. Detailed engineering of selected segments is underway and construction has started. Once completed, the Sheppard East LRT will provide an enhanced level of public transit within the Sheppard Corridor and a direct connection to the Sheppard Subway.

Reasons for Application

The existing zoning on the site only permits an office use for a temporary three (3) year period. This approval expired in September 2009. The applicants wish to continue the office operation and have applied to permit this use on a permanent basis.

Community Consultation

A community consultation meeting was held on November 16, 2009. One local resident attended who did not support the proposal due to the amount of front yard paving and the precedent it would set for similar lots in the immediate area that front on Sheppard Avenue East.

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

Land Use

The office use has operated from within the existing houseform building for over three years. During this period, City staff are not aware of any complaints related to this use and the Owners have demonstrated that the use can operate in compatibility with adjacent land uses. Existing front yard landscaping is adequate and is comprised of a large Norway Maple tree surrounded by decorative stones, various perennials and shrubs and a seasonal decorative trellis feature.

The proposed draft zoning by-law (Attachment 4) maintains the same permissions, including the requirement that the office use only be permitted within the existing houseform building, but eliminates the three year time restriction.

Vehicular Access and Parking

Full turn movements are presently available to the site. Construction of the Sheppard LRT will prevent full turn movements and result in right-in and right-out only turn movements. The applicants are aware of these future access restrictions.

Improvements were previously made to the site to provide sufficient on-site parking. The site specific zoning requires that a minimum of three parking spaces be provided. During the past three years that the use has operated from the site, City Planning has not been advised of any parking issues or complaints and on site parking appears to be adequate.

Streetscape

There are no existing street trees within the adjacent boulevard. The Sheppard streetscape will be designed in accordance with the detailed boulevard design related to the Sheppard East LRT.

Tree Preservation

A Norway Maple (42 cm diameter) located in the front yard is in good condition and qualifies for protection under the City's Private Tree By-law. The existing circular driveway and parking area were designed to preserve this tree and the available front yard landscaping surrounds the tree.

Conclusion

It is recommended that the proposed zoning by-law, which will permit an office use to operate from within the existing houseform building on a permanent basis, be approved by Council. The office use has operated from the site for over three years and during this

time it has demonstrated that it is compatible with adjacent land uses and has no parking issues.

CONTACT

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

SIGNATURE

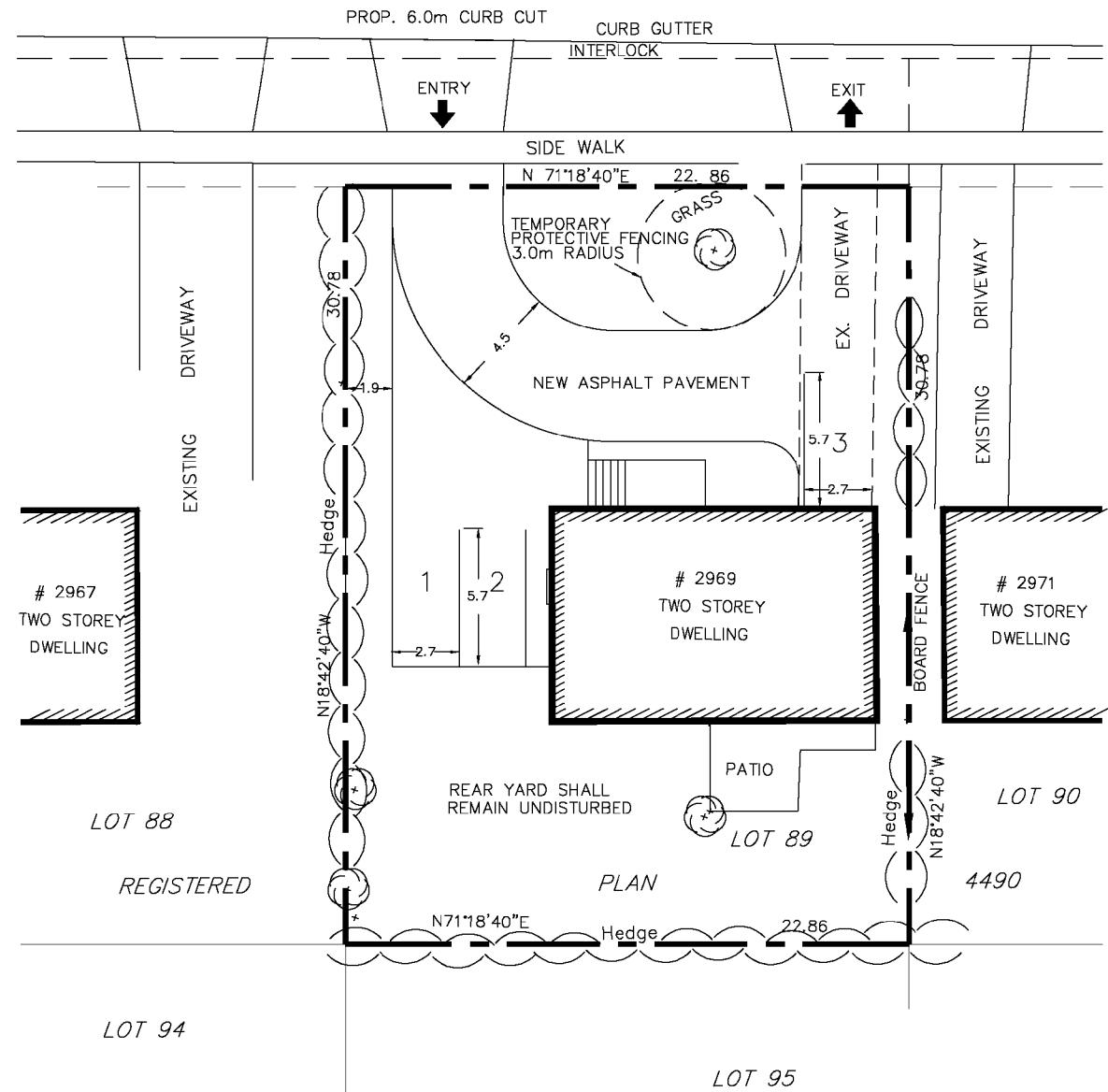
Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Zoning
Attachment 3: Application Data Sheet
Attachment 4: Draft Zoning By-law Amendment
Attachment 5: Draft Site Plan Control By-law

Attachment 1: Site Plan

SHEPPARD AVENUE EAST



Site Plan

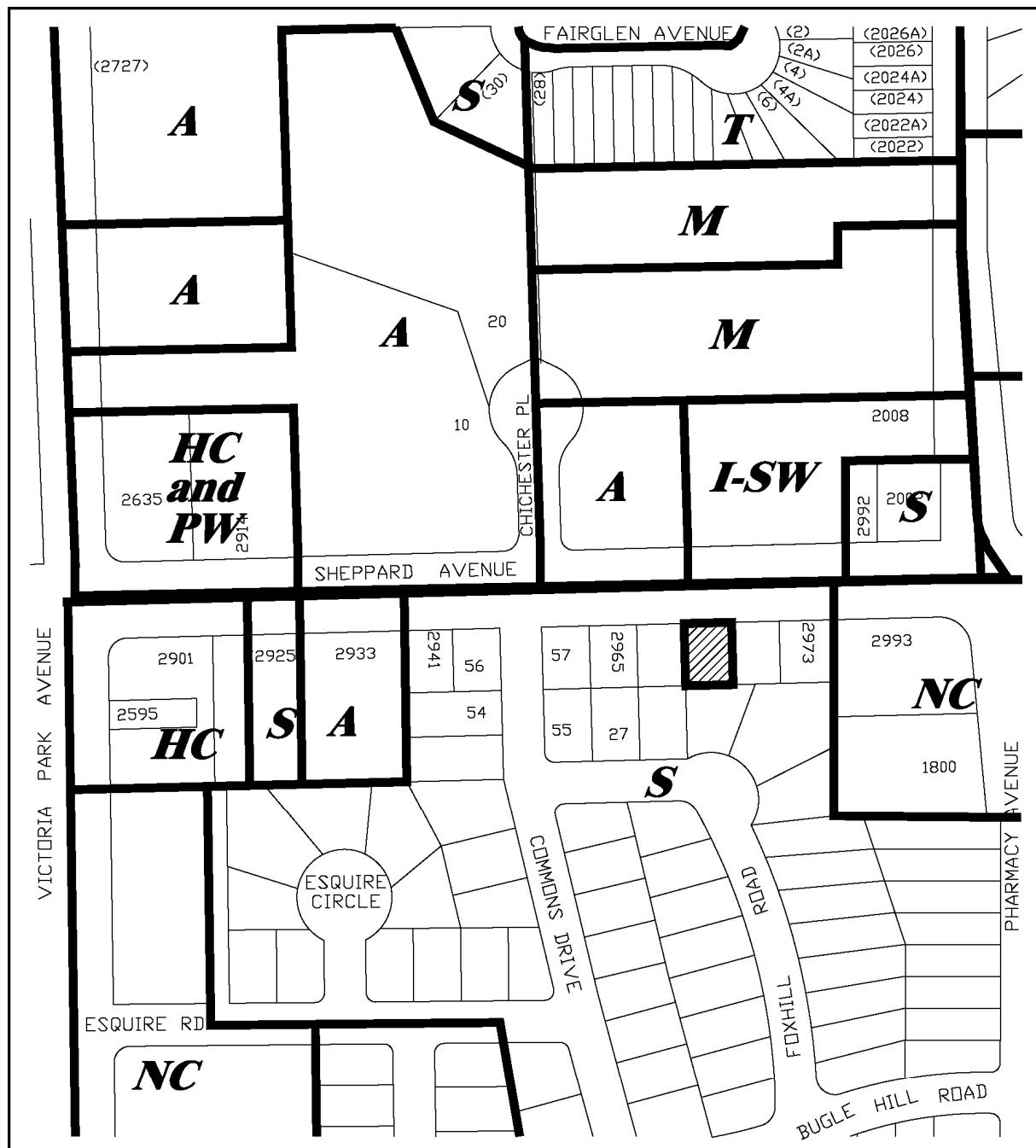
Applicant's Submitted Drawing

Not to Scale
8/24/09

2969 Sheppard Avenue East

File # 09-157524 OZ

Attachment 2: Zoning



**2969 Sheppard Avenue E.
File # 09-157524 OZ**

S Single-Family Residential
T Two-Family Residential
M Multiple-Family Residential
A Apartment Residential

NC Neighbourhood Commercial
HC Highway Commercial
I-SW Institutional-Social-Welfare
PW Place(s) of Worship

Sullivan Community Bylaw
Not to Scale
8/19/09

Attachment 3: Application Data Sheet

| | | | |
|-----------------------|--|---------------------|---------------------|
| Application Type | Rezoning | Application Number: | 09 157524 ESC 40 OZ |
| Details | Rezoning, Standard | Application Date: | August 13, 2009 |
| Municipal Address: | 2969 SHEPPARD AVE E | | |
| Location Description: | PL 4490 LT89 **GRID E4003 | | |
| Project Description: | To rezone the property to permit a permanent commercial office use (previously permitted as a temporary use only). | | |
| Applicant: | Agent: | Architect: | Owner: |
| 2030578 ONTARIO INC | Karl Robson | n/a | 2030578 ONTARIO INC |

PLANNING CONTROLS

| | | | |
|----------------------------|-------------------------------|--------------------------|-----|
| Official Plan Designation: | Neighbourhoods | Site Specific Provision: | n/a |
| Zoning: | Single Family Residential (S) | Historical Status: | no |
| Height Limit (m): | 9 m | Site Plan Control Area: | no |

PROJECT INFORMATION

| | | | | |
|------------------------------------|-------|---------|-----------------|--------------|
| Site Area (sq. m): | 703.6 | Height: | Storeys: | 2 |
| Frontage (m): | 22.86 | | Metres: | 0 |
| Depth (m): | 30.78 | | | |
| Total Ground Floor Area (sq. m): | 113.5 | | | Total |
| Total Residential GFA (sq. m): | 0 | | Parking Spaces: | 3 |
| Total Non-Residential GFA (sq. m): | 227 | | Loading Docks | 0 |
| Total GFA (sq. m): | 227 | | | |
| Lot Coverage Ratio (%): | 16.13 | | | |
| Floor Space Index: | 0.32 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| Tenure Type: | | | Above Grade | Below Grade |
|--------------|---|----------------------------------|--------------------|--------------------|
| Rooms: | 0 | Residential GFA (sq. m): | 0 | 0 |
| Bachelor: | 0 | Retail GFA (sq. m): | 0 | 0 |
| 1 Bedroom: | 0 | Office GFA (sq. m): | 227 | 0 |
| 2 Bedroom: | 0 | Industrial GFA (sq. m): | 0 | 0 |
| 3 + Bedroom: | 0 | Institutional/Other GFA (sq. m): | 0 | 0 |
| Total Units: | 0 | | | |

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

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 ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO
Bill No. ~
BY-LAW No. ~-2010

**To amend Sullivan Zoning By-law No. 10717, as amended,
With respect to the lands municipally known as,
2969 Sheppard Avenue East**

WHEREAS authority is given to Council by Section 34 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, is amended by deleting and replacing Exception 32 as follows:

32. On those lands identified as Exception No. 32, on Schedule “C”, the following provisions shall apply:
 - (a) Additional Permitted Uses
Office uses within the house form building existing on the date of the passing of the by-law.
 - (b) Three **parking spaces** are required to be provided.
 - (c) The provisions of Clause VII, Sections 1.1 and 1.2 shall not apply.

ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,
Mayor

(Corporate Seal)

ULLI S. WATKISS,
City Clerk

Attachment 5: Draft Site Plan Control By-law

Authority: Scarborough Community Council Report No. ~, Clause No. ~
as adopted by City of Toronto Council on ~, 2010
Enacted by Council: ~, 2010

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. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

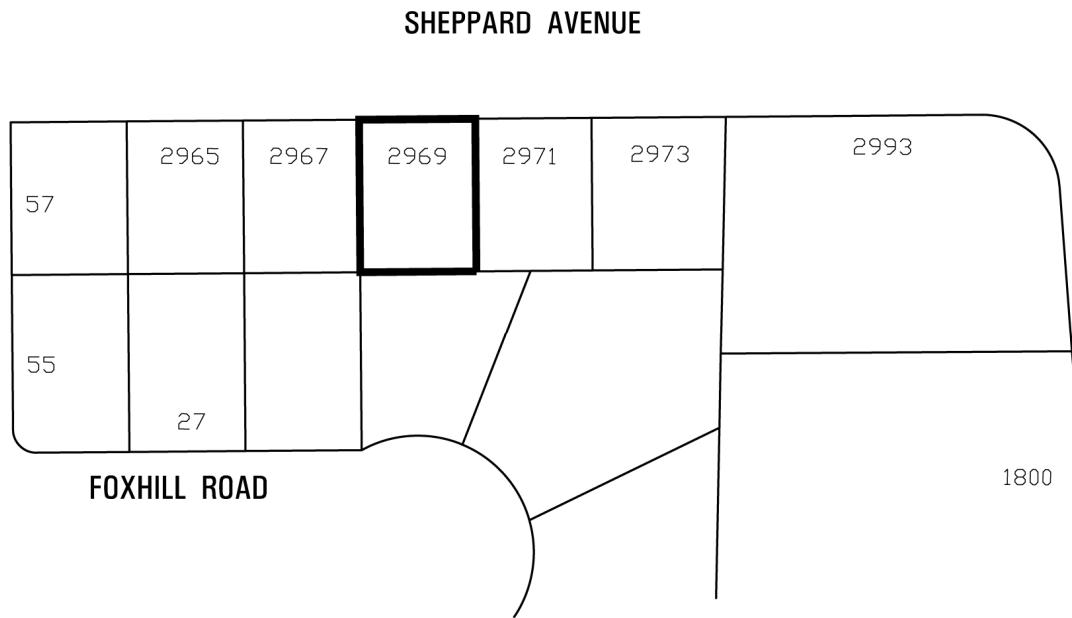
(Corporate Seal)

Schedule '1'

Lot 35



Con. 2



TORONTO City Planning
Division
Site Plan Control Amendment

2969 Sheppard Avenue East
File # 09 157524 OZ



Area Affected By This By-Law

Sullivan Community District Bylaw
Not to Scale
5/5/10