

**2967 Sheppard Avenue East – Zoning Amendment  
Application – Final Report**

<b>Date:</b>	April 21, 2016
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Acting Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 40 – Scarborough-Agincourt
<b>Reference Number:</b>	14 185672 ESC 40 OZ

**SUMMARY**

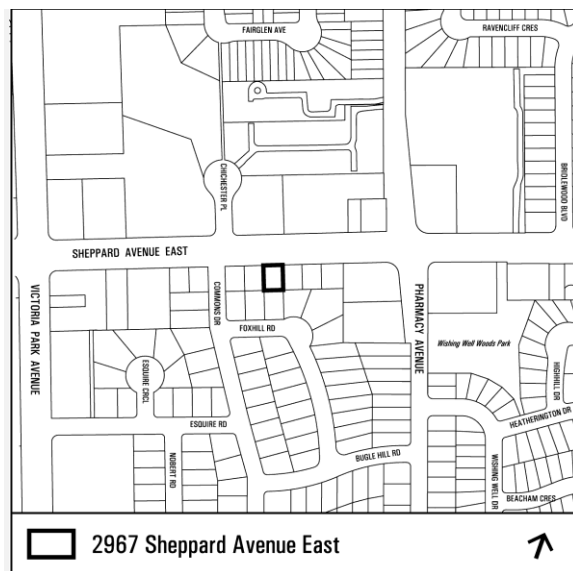
This application proposes to permit the permanent use of an existing, former single detached residential dwelling at 2967 Sheppard Avenue East as a physiotherapy clinic and associated office uses. These uses were previously permitted for a temporary, three year period only. The site was previously altered to provide ten on-site parking spaces.

This report reviews and recommends approval of the application to amend the Zoning By-law on a permanent basis provided adequate landscaping and/or fencing is provided to effectively screen the expanded parking area from abutting residential properties to the south on Foxhill Road. These improvements will be secured through the related site plan approvals process.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend the Sullivan Community Zoning By-law No. 10717, as amended (former City of Scarborough), for the lands at 2967 Sheppard Avenue East, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to



report dated April 21, 2016.

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.
3. Before introducing the necessary Bills to City Council for enactment, require the applicant to enter into an amending 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 2011, City Council approved the temporary rezoning of the site for a physiotherapy clinic and associated office uses within the existing house form building. The related staff report can be found at <http://www.toronto.ca/legdocs/mmis/2011/sc/bgrd/backgroundfile-37094.pdf>

A site plan agreement was also registered on title that, among other matters, secured on-site parking spaces, a re-configured driveway and landscape improvements.

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. Temporary use by-laws may only be in effect for a maximum of three years. The approved three year period expired on December 1, 2014 and the applicants wish to continue operating from the site on a permanent basis. This application was made in July 2014, prior to the expiration of the temporary use by-law.

No additions to increase the floor area of the building and no residential occupancy are proposed. An accessibility ramp has been added to the east side of the building where a wheelchair lift was previously proposed.

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 was previously replaced with a single consolidated driveway access. A total of ten parking spaces, four of which are tandem parking spaces, are currently provided 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 house form building (previously used as a 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.

Stops on the future Sheppard East LRT line are proposed on Sheppard Avenue East at Victoria Park Avenue and Pharmacy Avenue.

## 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.

An Official Plan amendment is not required to permit the existing use on a permanent basis.

## **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.

Exception 35 (added by By-law No. 1418-2011) permits a physiotherapy clinic and related office use within the existing houseform building for a temporary, three year period. In addition, ten parking spaces are required to be provided, four of which may be tandem parking spaces. This by-law permission expired on December 1, 2014. The By-law can be found at this link: <http://www.toronto.ca/legdocs/bylaws/2011/law1418.pdf>

The lands are not subject to the new City-wide Zoning By-law No. 569-2013.

## **Site Plan Control**

The lands are located in a site plan control area. As noted in the decision history, a site plan agreement was entered into and registered on title in 2011. The applicants have also applied to amend the existing site plan agreement in order to secure the following changes to the approved plans:

- Concrete paving of the walkway on the west side of the building (already completed) in lieu of interlocking pavers previously proposed.
- Adding asphalt paving and grass strip in lieu of a riverstone strip on the west side of the building.
- Changes to the landscape plan to eliminate a previously proposed 1.8 metre high wood privacy fence along the south portion of the east property line, and at the rear of the tandem parking.
- An accessibility ramp instead of the previously proposed wheel chair lift (completed).
- Relocation of the proposed garbage enclosure area on the east side of the building to accommodate the accessibility ramp.
- Installing patio paver stones in lieu of a previously proposed planting bed at the base of the accessibility ramp.
- Adding a catch basin at the rear of the property for stormwater management purposes.
- Proposed resurfacing of front steps to address safety concerns (completed).

The Site Plan (Attachment 1) shows these changes. City staff are in support of all the proposed changes with the exception of the elimination of the board fence as discussed further in this report.

### **Reasons for Application**

The existing temporary use zoning on the property expired in December 2014 and the applicants wish to continue operating from the site on a permanent basis.

### **Community Consultation**

A community consultation meeting was held on February 3, 2015 and was attended by the Ward Councillor, the applicants, City Planning staff and eight local residents.

Issues raised related primarily to the amount of parking on-site (either too much or not enough) and effects on nearby residents to the south on Foxhill Road ( 23 and 25 Foxhill Road) due to the expanded parking area and absence of additional landscaping measures to effectively screen this area from view.

### **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**

Matters related to the proposed use and compatibility were initially addressed prior to the enactment of the earlier temporary use by-law in 2011. The conversion of the former residential dwelling to a physiotherapy clinic and associated office uses has already occurred and the site has been substantially altered to accommodate a new driveway access and ten on-site parking spaces as discussed further in the following section.

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). 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.

City Planning staff have advised the applicants that they will not support an amendment to the site plan agreement to remove the existing obligation to erect a 1.8 m high board privacy fence in the absence of a viable alternative solution being proposed by the applicants. Opportunity exists to resolve this matter with the three parties involved, being the applicants, the neighbour to the east at 2969 Sheppard Avenue East and the owner's representative at 23 Foxhill Road. In the absence of an agreement, the obligation to erect the fence will remain and related financial securities taken. Further, staff recommend that the zoning bill not be considered by Council until such time as this matter has been satisfactorily resolved and an amending site plan agreement entered into.

### **Vehicular Access and Parking**

As noted earlier, a single consolidated driveway access from Sheppard Avenue East (previously a circular driveway) has been provided in order to allow for a more efficient use of the front yard for on-site parking and to reduce access points to Sheppard Avenue and minimize pedestrian conflicts.

Ten parking spaces are provided, 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 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 lines with the residences at 23 and 25 Foxhill Road to the south. A wooden board privacy fence exists along the mutual rear property line with 25 Foxhill Road which is located directly to the south. A chain link fence exists along the rear property line of 23 Foxhill Road which is located to the south-east. The proposed separation distance, in the opinion of staff, is acceptable provided adequate privacy screening in the form of fencing and/or landscaping is provided to adequately address the concerns raised by the residential owners to the south.

### **Toronto Green Standard**

Elements of the TGS (Low-Rise Non-Residential) have already been 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 and stormwater management measures. Site surface grading directs all runoff to a soak-away pit located in the rear yard and to other pervious areas including grassed and landscaped areas.

**CONTACT**

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

**SIGNATURE**

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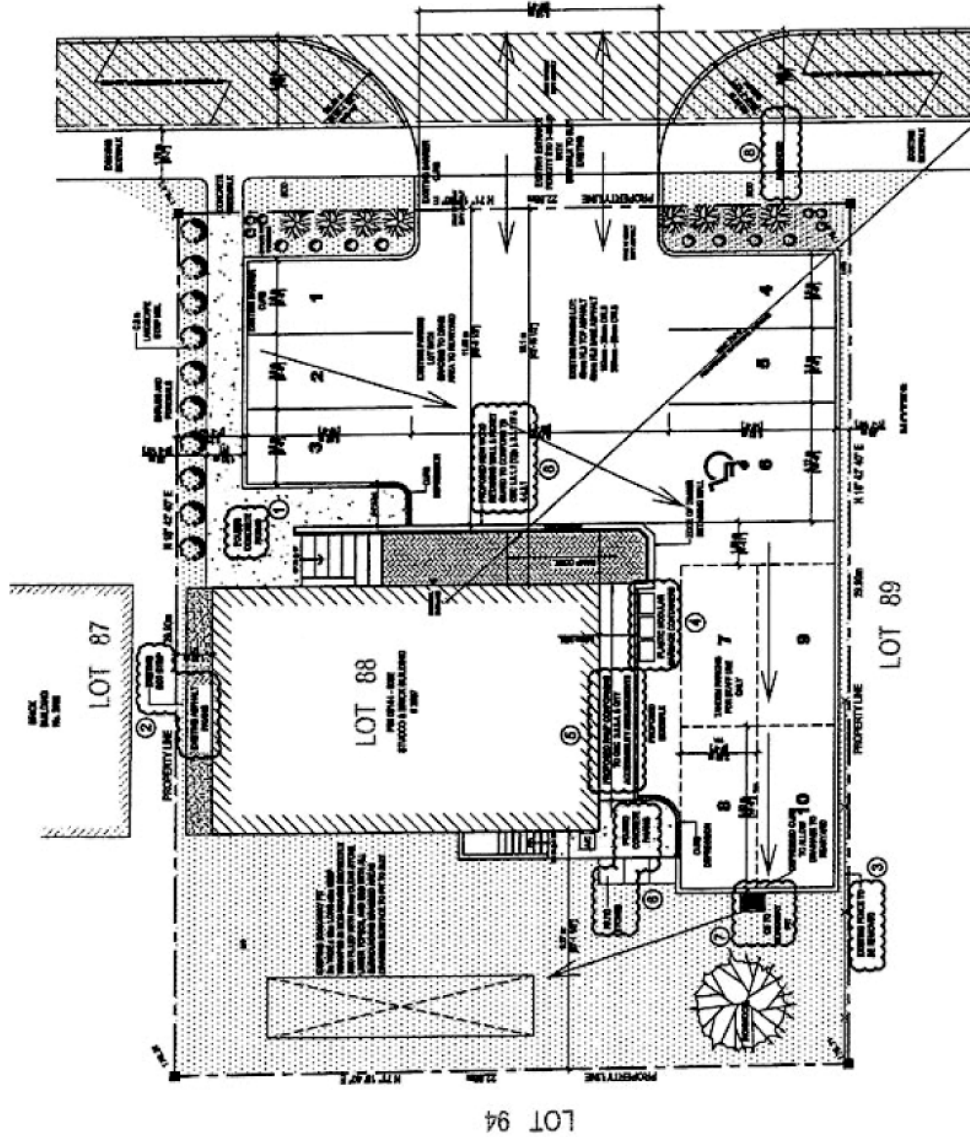
Paul Zuliani, Acting Director  
Community Planning, Scarborough District

**ATTACHMENTS**

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

# Attachment 1: Site Plan

SHEPPARD AVENUE EAST



## Site Plan

Applicant's Submitted Drawing

Not to Scale  
5/7/14

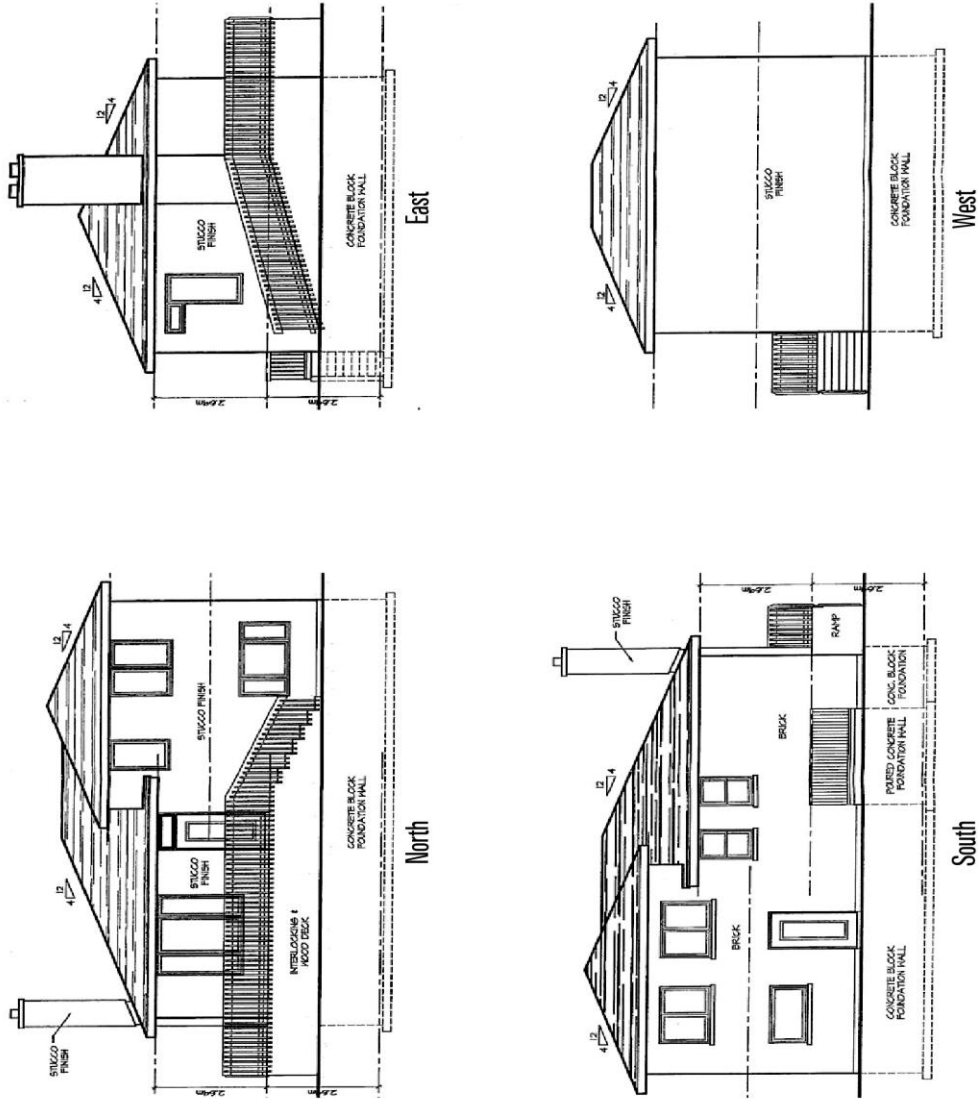


2967 Sheppard Avenue East

File # 14 185672 ESC 40 0Z



## Attachment 2: Elevations



**2967 Sheppard Avenue East**

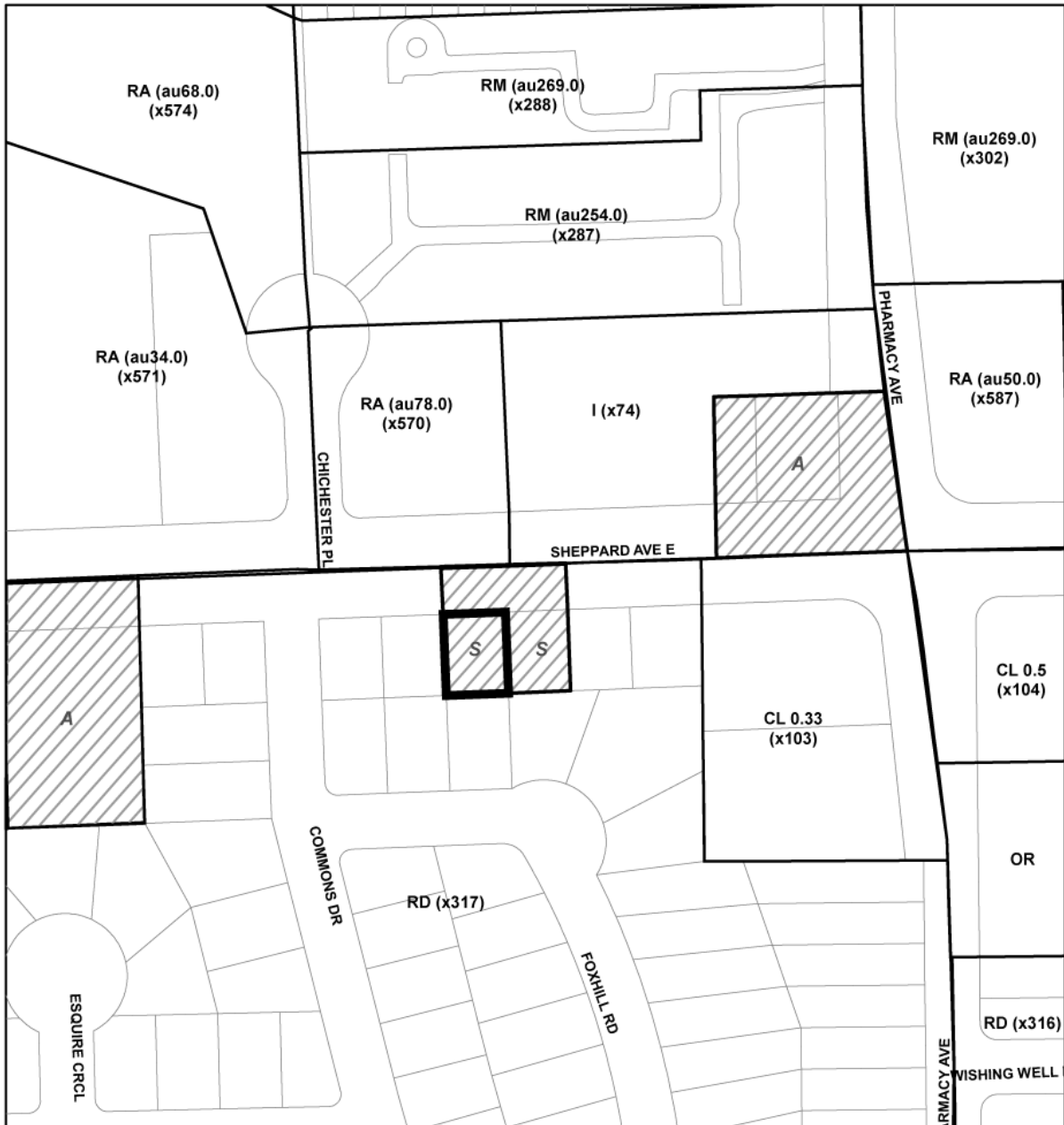
**Elevations**

Applicant's Submitted Drawing

Not to Scale  
07/14/14

File # 14 185672 ESC 40 02

### Attachment 3: Zoning



Zoning By-law 569-2013

2967 Sheppard Avenue East

File # 14 185672 ESC 40 0Z

Location of Application

- RD Residential Detached
- RS Residential Semi-Detached
- RM Residential Multiple
- RA Residential Apartment

- CL Commercial Local
- I Institutional
- OR Open Space Recreation



See Former City of Scarborough L'Amoreaux Community Bylaw No. 12466  
See Former City of Scarborough Sullivan Community Bylaw No. 10717

- S Single-Family Residential
- A Apartment Residential



Not to Scale  
Extracted: 07/14/2014

### Attachment 4: Application Data Sheet

Application Type	Rezoning & Site Plan Approval	Application Numbers: 14 185672 ESC 40 OZ 14 185681 ESC 40 SA
Details	Rezoning, Standard	Application Date: July 7, 2014

Municipal Address: 2967 SHEPPARD AVE E  
 Location Description: PL 4490 LT88 \*\*GRID E4003  
 Project Description: Zoning amendment application to permit the permanent use of a former residential dwelling for a rehabilitation / physiotherapy clinic and related office uses.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
WEIRFOULDS, LLP	C. TZEKAS		DE REUS MELLES REPPAS HOLDINGS

#### PLANNING CONTROLS

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

#### 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
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	0
Bachelor:	0	Retail GFA (sq. m): 0	0
1 Bedroom:	0	Office GFA (sq. m): 197.24	0
2 Bedroom:	0	Industrial GFA (sq. m): 0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m): 0	0
Total Units:	0		

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Doug Muirhead, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 396-7029</b>

## Attachment 5: Draft Zoning By-law Amendment

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, with respect to the lands municipally known as, 2967 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 Exception 35 and replacing it as follows:

35. On those lands identified as Exception 35 on Schedule "C", the following provisions shall apply:

(a) Additional Permitted Use

Physiotherapy clinic and ancillary 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 shall 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 and 1.3 shall not apply.

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

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)