

**46 Scotia Avenue – Zoning Amendment Application –  
Final Report**

<b>Date:</b>	May 16, 2016
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Acting Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 35 – Scarborough Southwest
<b>Reference Number:</b>	15 123227 ESC 35 OZ

**SUMMARY**

This application proposes to amend the Zoning By-law by replacing existing Place of Worship zoning with an appropriate residential zone to permit a single-family dwelling having a second suite.

The existing structure on the site has been used solely for residential purposes since the early 1970's. Approval of the application would establish new residential zoning generally consistent with that currently applying to the immediate neighbourhood.

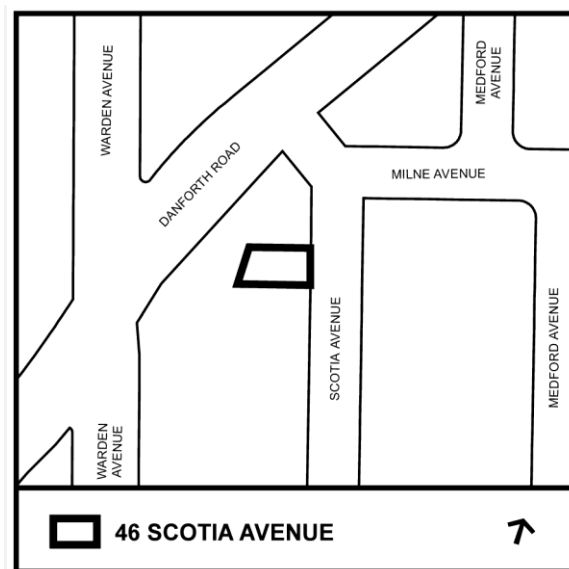
The proposal complies with the Official Plan, conforms to the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.

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 Oakridge Community Zoning By-law No. 9812 for the lands at 46 Scotia



Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to report dated May 16, 2016.

2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 46 Scotia Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6 to report dated May 16, 2016.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The current Place of Worship (PW) zoning, originally referred to as Churches (+), has applied to the subject property since the Oakridge Community Zoning By-law No. 9812 was first enacted on January 30, 1961.

On June 18, 2014, the owner submitted Minor Variance application no. A156/14SC to permit the existing building to continue to be used for four dwelling units. The application was subsequently withdrawn and the file closed, with the owner filing the current rezoning application on March 3, 2015.

On May 12, 2015 Scarborough Community Council adopted a Preliminary Report for the subject application. The report provided background information on the proposal, and recommended that a community consultation meeting be held and that notice be given according to the regulations of the *Planning Act*. The Preliminary Report is available at: <http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-79389.pdf>

### **ISSUE BACKGROUND**

#### **Proposal**

The record is not clear as to when the subject property was first used as a place of worship, but it was likely in 1952 when the Warden Park Mennonite Church in Scarborough established a church and cleric's residence here. The place of worship then known as Warden Woods Mennonite Church later relocated to the new community centre nearby at 74 Fir Valley Court in 1970, where it operated in conjunction with the Warden Woods Community Services Unit until the congregation closed in 2009. It appears the original two-storey structure has undergone a number of renovations by various owners since 1970 to accommodate multiple residential occupancies, notwithstanding continued Place of Worship (PW) zoning on the subject property.

The present owner purchased the property approximately four years ago and has since been attempting to undertake interior up-grades to four apartment units then existing when the building was acquired. These efforts have been held at the building permit stage, however, since the property is not currently zoned to permit such residential

occupancies. The owner is now seeking suitable rezoning to permit residential uses consisting of two dwelling units, being the principal dwelling unit together with a second suite, each approximately 169 square metres in size with no further building additions or height increases proposed.

The application also seeks to legalize the one under-sized (4.65 metres in length) parking space located in the street yard and to recognize the existing 2.43 metre width of the side driveway leading to a new second parking space in the rear yard as illustrated on Attachment 1: Site Plan. For additional details, refer to Attachment 4: Application Data Sheet.

### **Site and Surrounding Area**

The generally flat 430 square metre subject property is located on the west side of Scotia Avenue, a short distance south of Danforth Road and just east of Warden Avenue. It contains an approximately 338 square metre, two-storey structure. The property is sparsely treed with a number of larger trees on adjacent parcels close to the property line.

Surrounding land uses include:

North: Detached dwellings, and Danforth Road.

East: Detached dwellings.

South: Detached dwellings.

West: Detached dwellings, with the Chan Taxi offices at 545 Warden Avenue on the south-east corner of Warden Avenue and Danforth Road.

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

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

As indicated on Attachment 3: Official Plan, the subject lands are designated *Neighbourhoods* within the Official Plan on Map 20 – Land Use Plan. *Neighbourhoods* are described as physically stable areas providing for a variety of lower-scale residential

uses. Policies and development criteria aim to ensure that physical changes to established neighbourhoods be sensitive, gradual and generally "fit" the existing physical character.

Development policies are outlined in Policy 4.1.5 – *Neighbourhoods*. These policies state that development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- size and configuration of lots;
- heights, massing, scale and dwelling type of nearby residential properties;
- setbacks of buildings from the street or streets; and
- prevailing patterns of rear and side yard setbacks and landscaped open space.

No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

The Healthy Neighbourhoods policies of the Official Plan, contained in Section 2.3.1, states that *Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

## **Zoning**

The subject lands are zoned Place of Worship (PW) under the Oakridge Community Zoning By-law No. 9812, as amended, and permitted uses include only places of worship and day nurseries.

The lands are zoned Institutional Place of Worship (IPW) under the consolidated City-wide Zoning By-law No. 569-2013, as amended, as indicated on Attachment 2: Zoning (By-law 569-2013). Permitted uses in this zone are a place of worship, religious education use and a religious residence. Additional conditionally permitted uses include an ambulance depot, cogeneration energy, community centre, day nursery, a dwelling unit ancillary to a place of worship, fire hall, library, municipal shelter, place of assembly, police station, public utility, renewable energy, retail store, secondary suite, and transportation uses.

## **Site Plan Control**

The current proposal is not subject to Site Plan Control approval requirements.

## **Reasons for Application**

Zoning amendments are required to both the Oakridge Community Zoning By-law No. 9812, as amended, and Toronto Zoning By-law No. 569-2013, as amended, to permit residential use of the property consisting of two dwelling units, being the principal dwelling together with a second suite.

## **Community Consultation**

Community Planning staff conducted a Community Information Meeting on June 24, 2015 at Warden Avenue Public School. There were no public attendees at the meeting, however Planning staff did speak with a neighbouring couple afterward outside the school. The primary concern expressed related to any potential for the existing building to actually be converted into a four- or six-plex, with associated over-paving of the rear yard to provide necessary parking for those units.

## **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**

No issues have been raised by commenting agencies and City Divisions through the circulation and review of this application, or through further planning and design analysis. The one resident concern about a potential building conversion to create a four- or six-plex would be adequately precluded by the new zoning proposed in this report.

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

The proposal is consistent with the PPS by maintaining and reinforcing the local context and built form character within this stable neighbourhood.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

## **Land Use**

The subject site is located within an established, stable low density residential neighbourhood. The proposed rezoning, by applying consistent residential zoning standards to those applying to the adjacent lands, will respect and reinforce the existing physical character of the neighbourhood. The proposed rezoning will also help minimize any resident uncertainties as to possible future uses on the property that may result from continued permissions for a place of worship.

Planning staff therefore believe the proposed rezoning of the subject property to Single-Family Residential (S) under the Oakridge Community Zoning By-law No. 9812, as amended, and to Residential Detached (RD) under City-wide Zoning by-law No. 569-2013, as amended, to be appropriate for this site. Since the existing structure is also older than 5 years, both by-laws as amended will also permit the second (or secondary) suite as a matter of course where all other applicable by-law requirements continue to be satisfied.

## **Traffic Impact, Access, Parking**

Both by-laws require a minimum of one parking space per dwelling unit, which shall not be located in the street yard. Both by-laws also permit a tandem parking space to serve a secondary suite.

Previous residential uses of the existing building, while perhaps undersupplied with parking to satisfy zoning by-law requirements, have enjoyed one parking pad within the street yard abutting the existing driveway for many years with no known concerns. As there is only 4.65 metres of space between the property line and front main wall of the dwelling to accommodate this parking space, the minimum required parking space length of 5.6 metres is not achieved. While a parked vehicle will therefore partially encroach into the public road allowance, this is not a significant concern as there would be no vehicle encroachment on the public sidewalk itself, consistent with related Municipal Code requirements relating to the parking of vehicles on driveways within the public road allowance. The proposed draft zoning amendments to the Oakridge Community Zoning By-law No. 9812, as amended, and City-wide Zoning By-law 569-2013, as amended, set out on Attachments 5 and 6 respectively, will recognize this existing street yard parking space as a required parking space.

As a second suite is also involved, the second required parking space would be located in the rear yard, to be accessed by the existing 2.43 metre wide driveway on the south side of the property. This would be slightly below the minimum 2.6 metres currently required under the Oakridge Zoning By-law but is well in excess of the minimum 2.0 metre driveway width now required under the City-wide Zoning By-law. Accordingly, only the proposed amendment to the Oakridge Zoning By-law as set out on Attachment 5 includes a revised minimum width provision to reflect the existing driveway.

## **Density**

Neither Zoning By-law currently applying to the immediate neighbourhood regulates maximum permitted residential floor areas. Both by-laws do, however, limit maximum building coverage to 33% of the lot area. The existing building has a building coverage of 39.3% of the lot area, and it would be appropriate to establish a permitted building coverage of 40% to recognize the existing dwelling that has existed on this site for many decades. The proposed draft zoning by-laws set out on Attachments 5 and 6 contain provisions to this effect.

## **Other Zoning Matters**

As indicated on Attachment 2: Zoning (By-law 569-2013), 46 Scotia Avenue is not a rectangular site. Rezoning of this property to delete the Institutional Place of Worship (IPW) zoning would still leave a small triangular remnant of the original rectangular IPW Zone in effect on abutting lands to the rear (161 Danforth Road), as indicated on this Attachment. This appears to have been a mapping error in delineating the IPW Zone here when City-wide Zoning By-law 569-2013 was first enacted. Planning staff also note that the Residential Detached (RD) zoning of the immediate neighbourhood, and indeed a portion of the neighbourhood west of Warden Avenue Zone also evident on Attachment

2, indicate minimum required lot areas to be 287 square metres. This too appears to have been a mapping error, as the Oakridge Community By-law No. 9812 under Performance Standard 4 applying to these areas actually requires a minimum lot area of 278 square metres. City Planning Zoning Team staff advise that these matters will be addressed as part of further corrective technical amendments to By-law 569-2013 in the near future.

### **Toronto Green Standard**

TGS Tier 1 is applied as a *voluntary* standard to additions, building retrofits or renovations and conversions and any other development type that is exempt from site plan control. As no further development is currently proposed through the subject application, TGS requirements would not apply.

### **Conclusions**

Staff conclude that removing zoning permissions for a Place of Worship, a use that has not actually been active on the subject site for over 35 years, and replacing it with appropriate residential zoning consistent with that applying to the immediate neighbourhood, to recognize the existing residential use of the lands, is appropriate. The proposal would comply with the Official Plan, conforms to the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.

### **CONTACT**

Rod Hines, Principal Planner  
Tel. No. (416) 396-7020  
Fax No. (416) 396-4265  
E-mail: hines@toronto.ca

### **SIGNATURE**

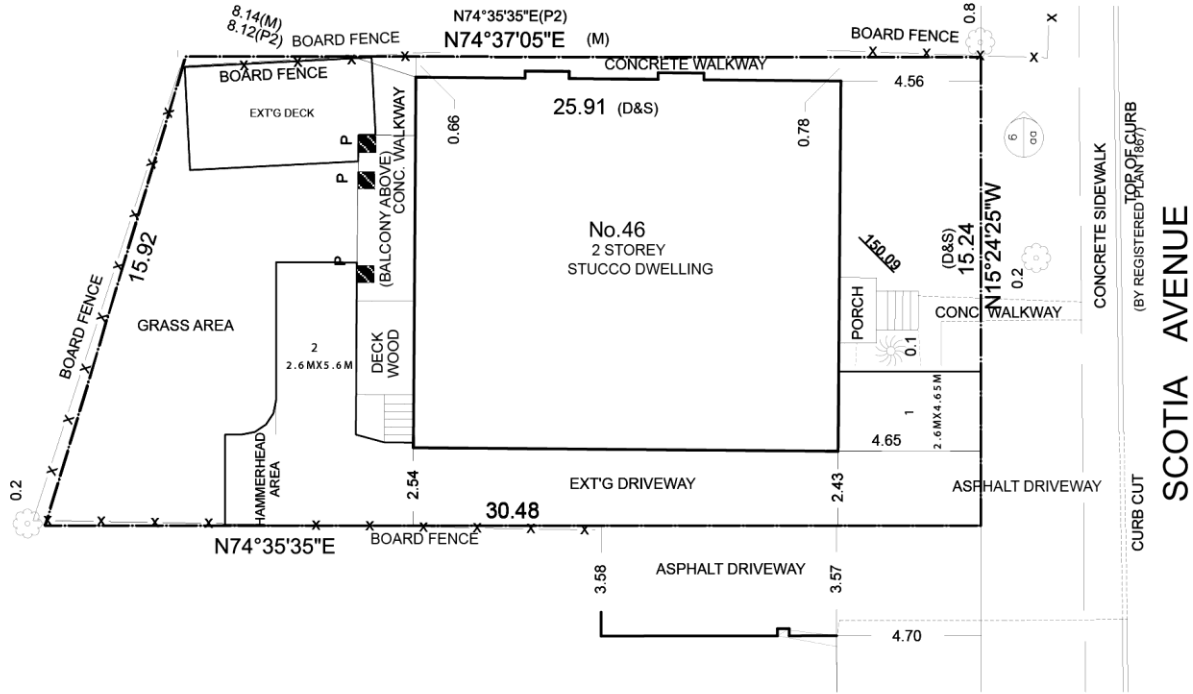
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Paul Zuliani, Acting Director  
Community Planning, Scarborough District

### **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: Zoning (By-law 569-2013)
- Attachment 3: Official Plan
- Attachment 4: Application Data Sheet
- Attachment 5: Draft Zoning By-law Amendment – By-law No. 9812
- Attachment 6: Draft Zoning By-law Amendment – By-law No. 569-2013

# Attachment 1: Site Plan



## Site Plan

46 Scotia Avenue

Applicant's Submitted Drawing

Not to Scale 

File # 15 123227 ESC 35 0Z



## Attachment 2: Zoning (By-law 569-2013)



**Zoning By-Law No. 569-2013**

**46 Scotia Avenue**

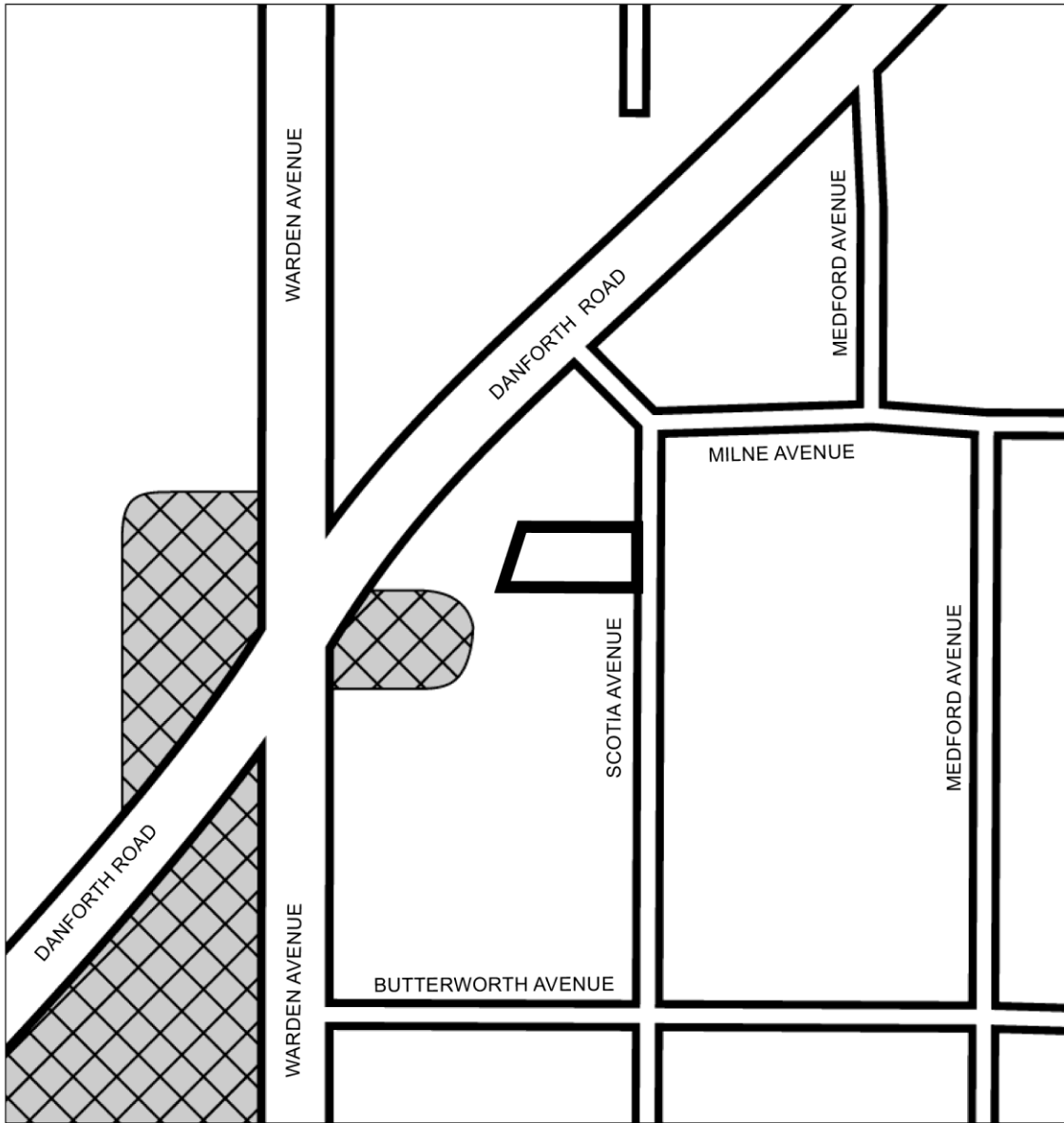
File # 15 123227 ESC 35 0Z

Location of Application

- |   |  |
|---|--|
| <p><b>RD</b> Residential Detached<br/> <b>RS</b> Residential Semi-Detached<br/> <b>RA</b> Residential Apartment</p> | <p><b>CL</b> Commercial Local<br/> <b>CR</b> Commercial Residential<br/> <b>IPW</b> Institutional Place of Worship</p> |
|---|--|

Not to Scale  
 Extracted: 04/22/2015

Attachment 3: Official Plan



 **TORONTO** City Planning  
Extract from Official Plan

46 Scotia Avenue

File # 15 123227 ESC 35 0Z

-  Site Location
-  Neighbourhoods
-  Mixed Use Areas

  
Not to Scale  
04/22/2015



## Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	15 123227 ESC 35 OZ
Details	Rezoning, Standard	Application Date:	March 3, 2015

Municipal Address: 46 SCOTIA AVE  
 Location Description: PLAN 1496 PT LOT 4 \*\*GRID E3507  
 Project Description: Proposal to amend the by-law to permit a single family dwelling with secondary suite

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
JONATHAN BENCZKOWSKI (SOL-ARCH)			MUHAMMAD SARWAR

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	x287
Zoning:	IPW	Historical Status:	
Height Limit (m):	Height existing on May 9, 2013	Site Plan Control Area:	N

### PROJECT INFORMATION

Site Area (sq. m):	429.83	Height:	Storeys:	2	
Frontage (m):	15.24		Metres:	8.4	
Depth (m):	30.48				
Total Ground Floor Area (sq. m):	168.93				<b>Total</b>
Total Residential GFA (sq. m):	337.86		Parking Spaces:	2	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	337.86				
Lot Coverage Ratio (%):	39.3				
Floor Space Index:	0.79				

### DWELLING UNITS

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

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	337.86		168.93
Retail GFA (sq. m):	0		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

**CONTACT: PLANNER NAME: Rod Hines, Principal Planner**  
**TELEPHONE: (416) 396-7020**

**Attachment 5: Draft Zoning By-law Amendment – By-law No. 9812**

Authority: Scarborough Community Council Report No. ~, Clause No. ~,  
as adopted by City of Toronto Council on ~, 2016  
Enacted by Council: ~, 2016

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2016**

**To amend Oakridge Community Zoning By-law No. 9812, as amended,  
with respect to the lands municipally known as 46 Scotia Avenue**

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 'A' of the Oakridge Community Zoning By-law No. 9812, as amended, is further amended for the lands outlined on the attached Schedule '1' by deleting the existing Place of Worship (PW) zoning and replacing it with the Single-Family Residential (S) Zone together with the Performance Standards as shown on Schedule '1', so that the amended zoning shall read as follows:

S – 4 – 29 – 41 – 203 – 204

2. Schedule 'B', **PERFORMANCE STANDARDS CHART**, is amended by adding the following Performance Standard:

**MISCELLANEOUS**

203. One **parking space** having a minimum length of 4.65 m is permitted in the **street yard** immediately adjacent to and parallel with a **driveway** providing access to the **rear yard** having a minimum **driveway** width of 2.4 m.
204. Maximum building **coverage**: 40% of lot area.

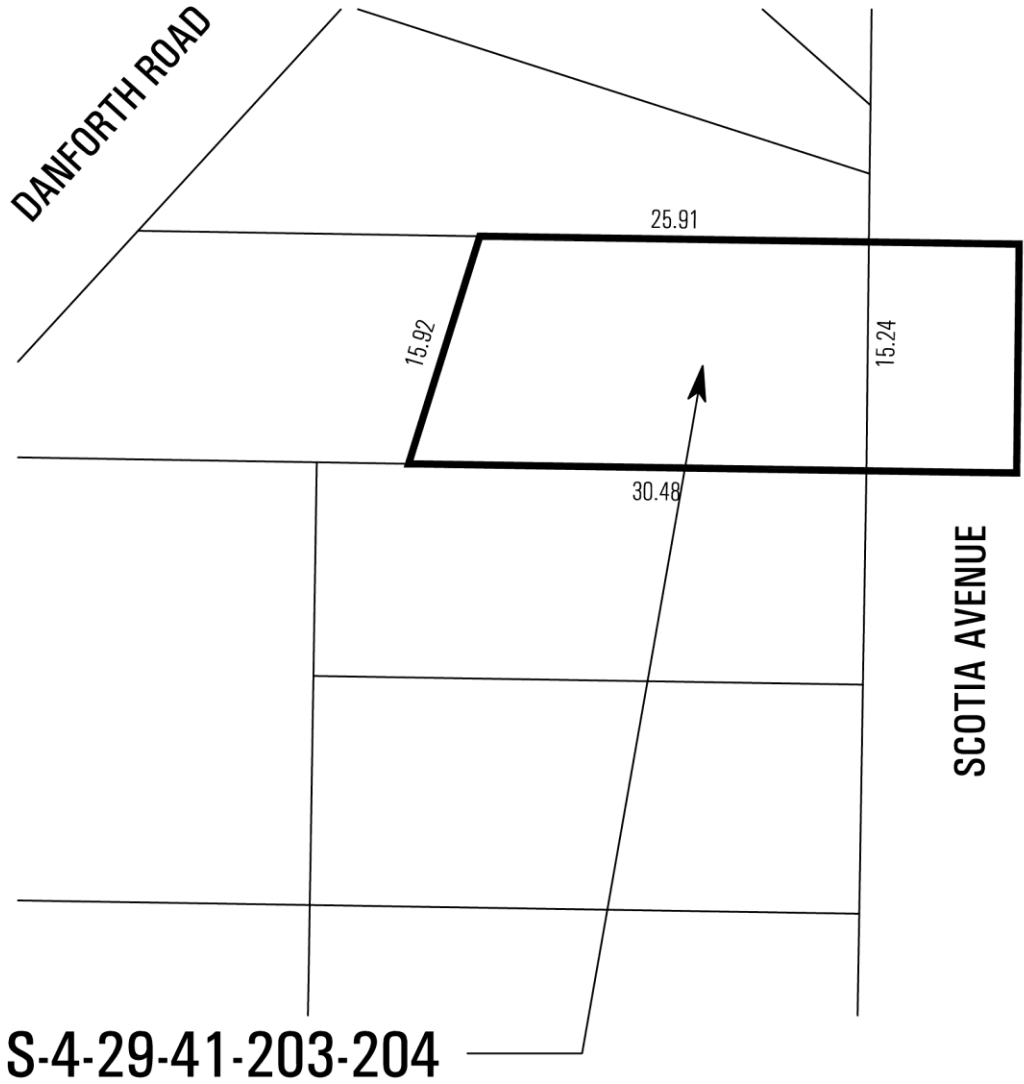
ENACTED AND PASSED this ~ day of ~ , A.D. 2006.

JOHN TORY  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

Schedule '1'



**Toronto** City Planning Division  
**Zoning By-Law Amendment**

46 Scotia Avenue  
File # 15 123227 ESC 35 0Z

 Area Affected By This By-Law

Oakridge Community Bylaw  
Not to Scale  
5/10/16  


**Attachment 6: Draft Zoning By-law Amendment – By-law No. 569-2013**

Authority: Scarborough Community Council ##, as adopted by City of Toronto Council on ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. [XXXX- 2016]**

**To amend Zoning By-law No. 569-2013, as amended,  
with respect to the lands municipally known in the year 2016 as  
46 Scotia Avenue**

Whereas Council of the City of Toronto has the authority to pursuant to 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*; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RD (f9.0; a287) (x350) as shown on Diagram 2 attached to this By-law;
4. Regulation 900.3.10(350) Site Specific Exceptions – Exceptions for RD Zone is amended by adding the following Site Specific Provision:
  - (F) On the lands municipally known as 46 Scotia Avenue:
    - (i) the maximum **lot coverage** is 40%; and
    - (ii) one required **parking space** having a minimum length of 4.65 metres may be located in the **street yard** if it is located beside and parallel with the driveway.



Enacted and passed on month ##, 20##.

Name,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

