

2187 Victoria Park Avenue- Official Plan and Zoning Amendment Applications – Refusal Report

Date:	May 10, 2017
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 40 – Scarborough-Agincourt
Reference Number:	16 269932 ESC 40 OZ

SUMMARY

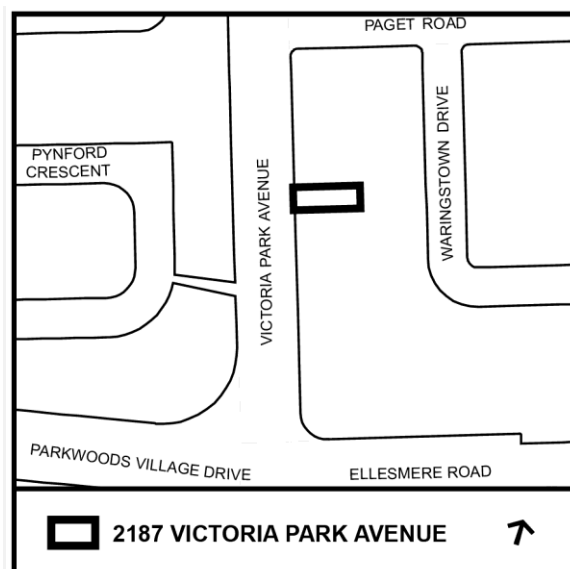
This application proposes to amend the Official Plan and the Zoning By-laws for the lands at 2187 Victoria Park Avenue to permit the continued operation of a 98 square metre veterinary clinic in the existing detached dwelling.

The subject property is part of the neighbourhood within the Maryvale Community. This stretch of Victoria Park Avenue is a residential street which accommodates detached dwellings. The proposed veterinary clinic use and physical form as a commercial use are not in keeping with the residential character of the local neighbourhood, or the policies of the Official Plan. The proposal would undermine the stable character of the local neighbourhood, and would create a precedent for similar detached dwellings along Victoria Park Avenue. Staff are recommending that the application be refused.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application to amend the Official Plan and Zoning By-laws at 2187 Victoria Park Avenue for the following reasons:



- a) the proposal does not maintain the residential amenity and physical form of the local neighbourhood, and does not conform to the policies of the Official Plan; and
 - b) the approval of the proposal would set a negative precedent, and undermine the stable neighbourhood character.
2. City Council authorize the City Solicitor and appropriate City staff to appear before the Ontario Municipal Board in support of Council's decision on the Official Plan and Zoning By-law Amendments, in the event City Council's decision on this application is appealed to the Ontario Municipal Board (OMB).
3. City Council authorize the City Solicitor and appropriate City staff to take such actions as necessary to give effect to the recommendations of this report.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On August 7, 2014, Committee of Adjustment (File No. A147/14SC) approved the use of the veterinary clinic in the existing residential dwelling for a period of two (2) years to allow the owner the opportunity to seek approval by way of a zoning by-law amendment application; and restricted the use to a maximum area of 98 square metres on the ground/main floor only. Community planning staff recommended refusal of the requested variances.

The Owner made a subsequent Minor Variance application on July 25, 2016 to permit the use of the existing veterinary clinic in the residential detached dwelling and to reduce the amount of required rear yard landscaping. Community planning staff recommended refusal of the requested variances and on August 4, 2016, the Committee of Adjustment (File No. A197/16SC) refused the requested variances. The Owner appealed the decision to the Ontario Municipal Board, however, subsequently withdrew the appeal and filed the current Official Plan Amendment and Zoning By-law Amendment applications on December 22, 2016 (File No. 16 269932 ESC 40 OZ).

The application is to permit the continued operation of a 98 square metre veterinary clinic in the existing detached dwelling. At its meeting of April 4, 2017, Scarborough Community Council adopted the recommendations in the Preliminary Report that directed City Planning staff to schedule a Community Consultation Meeting for the property at 2187 Victoria Park Avenue, together with the Ward Councillor. This decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.SC21.15>

The report can be found here:

<http://www.toronto.ca/legdocs/mmis/2017/sc/bgrd/backgroundfile-102026.pdf>

Pre-Application Consultation

A pre-application consultation meeting was held on April 1, 2016. At this meeting staff expressed concerns that the proposed veterinary use does not fit within the existing and planned context for the neighbourhood, does not respect and reinforce the existing physical character of the neighbourhood, and is not supportable in this location.

Staff indicated that an amendment to the Official Plan and Zoning By-laws would be required in support of the application and discussed complete application submission requirements. A Planning Application Checklist for Official Plan Amendment, Zoning Amendment and Site Plan Approval was provided to the applicant on April 13, 2016.

ISSUE BACKGROUND

Proposal

The application proposes to amend the Official Plan and Zoning By-laws to permit the continued operation of a 98 square metre veterinary clinic in the existing detached dwelling. Vehicular access is from Victoria Park Avenue via a driveway on the north side of the detached dwelling that leads to a paved parking area at the rear of the dwelling containing three parking spaces. Refer to Attachment 1: Site Plan.

Site and Surrounding Area

The subject site is comprised of a 98 square metre (excluding basement), one-storey, detached dwelling. The lot is rectangular in shape and approximately 457 square metres in area. It has a lot frontage on Victoria Park Avenue of 12.5 metres and a lot depth of 36.6 metres.

The subject property is located on the east side of Victoria Park Avenue, north of Ellesmere Road and south of Highway 401. The rear yard has been converted to a hard surface parking area to accommodate three (3) parking spaces. The front yard has a soft landscaping adjacent to the driveway (previously a porous paving material that accommodated additional parking in the front yard, which has since been removed), along with an iron fence and a wooden ramp that extends out to the sidewalk.

Surrounding uses include:

North: one-storey, detached dwellings, including a chiropractor office at 2191 Victoria Park Avenue, which pre-dates the implementation of the Maryvale Zoning By-law.

South: a one-storey, detached dwelling immediately abuts the site to the south; further south is a commercial plaza (2167-2175 Victoria Park Avenue); and a service station and car wash are located at the northeast corner of Victoria Park Avenue and Ellesmere Road.

East: primarily one-storey, detached dwellings in the Maryvale neighbourhood.

West: across from the subject site are detached dwellings on reverse lots (rear yards along Victoria Park Avenue) and a three-storey apartment building. The west side of Victoria Park Avenue in this area is within Ward 33, Don Valley East.

Refer to Attachment 1: Site Plan and Attachment 4: Application Data Sheet for more information.

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, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Chapter 2 of the Official Plan speaks to growth, and building a livable city. Section 2.3 notes that the majority of the City's land area, comprised of neighbourhoods, parks, ravines, watercourses, and valleys, are stable areas that will see little physical change, while more intense forms of growth will be focused in the *Downtown*, the *Centres*, the *Avenues*, and *Employment Areas*. It is expected, however, that neighbourhoods will see some physical change over time, as enhancements, additions, and infill housing on individual sites.

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

Chapter 4 of the Official Plan identifies the subject property as being designated *Neighbourhoods*. *Neighbourhoods* are considered to be physically stable areas, providing for a variety of lower-scale residential uses. Parks, schools, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also found in *Neighbourhoods*.

Policy 4.1.3 states that new small-scale retail, service and office uses that are incidental to and support *Neighbourhoods* and that are compatible with the area and do not adversely impact adjacent residences may be permitted through an amendment to the Zoning By-law, where required, on major streets shown on Map 3 (Victoria Park Avenue is shown on Map 3). To maintain the residential amenity of *Neighbourhoods*, new small-scale retail, service and office uses will:

- serve the needs of area residents and potentially reduce local automobile trips;
- have minimal noise, parking or other adverse impacts upon adjacent or nearby residents; and
- have a physical form that is compatible with and integrated into the *Neighbourhood*.

Policy 4.1.5 outlines the development criteria for *Neighbourhoods*, stating, development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- size and configuration of lots;
- prevailing building type; 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 Official Plan is available on the City's web site at:

http://www.toronto.ca/planning/official_plan/introduction.htm

Zoning

The lands are subject to both the Maryvale Community Zoning By-law No. 9366 and the City-wide Zoning By-law No. 569-2013, as amended.

The Maryvale Community Zoning By-law, as amended, zones the land Single-Family Residential (S).

Permitted uses within the Single-Family Residential (S) Zone include Single-family dwellings, Group Homes, and Correctional Group Homes. Ancillary Uses permitted include Domestic or Household Arts and Private Home Day Care.

The City-wide Zoning By-law No. 569-2013, as amended, zones the lands Residential Detached (RD) (Refer to Attachment 3: Zoning). The permitted building type is detached house. Permitted uses include dwelling units and parks, and a home occupation subject to certain conditions. The City-wide Zoning By-law 569-2013 is available on the City's web site at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=2a8a036318061410VgnVCM10000071d60f89RCRD>

Both by-laws do not permit a veterinary clinic or offices in their respective zones.

Site Plan Control

The lands are subject to site plan control. A site plan control application has not been submitted.

Reasons for Application

An amendment to the Official Plan is required to permit the continued use of the detached dwelling as a veterinary clinic; and a Zoning By-law Amendment application has been submitted to permit the veterinary clinic use, and to create performance standards to facilitate the existing veterinary clinic.

Community Consultation

On April 18, 2017, staff held a community consultation meeting together with the Ward Councillor. Three people attended the meeting. Issues raised include:

- the proposed change in use would set a precedent for similar detached dwellings along Victoria Park Avenue;
- the departure from the residential character of the neighbourhood;
- concerns with the loss of green space, particularly in the rear yard;
- concerns with respect to the signage, large ramp and security cameras in the front yard;
- reduction in quality of life; and
- concerns over decreased property value of the detached dwelling at 1285 Victoria Park Avenue as it would be isolated between two commercial properties if the use were to be permitted.

Agency Circulation

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

COMMENTS

Provincial Policy Statement

Section 2 of the *Planning Act* identifies matters of provincial interest which include, in part:

- (h) the orderly development of safe and healthy communities;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and
- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The Provincial Policy Statement (2014) was issued pursuant to Section 3 of the Planning Act that provides for such statements on matters relating to municipal planning that pertain to the above provincial interests. In this regard, Policy 1.1.3.3 of the PPS states that "Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated...." Policy 1.1.3.4 of the PPS further states that "Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety. In addition, Policy 1.1.3.5 of the PPS states that "Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions." Lastly, Policy 4.7 of the PPS states, in part, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans. Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with the Provincial Policy Statement. The policies of the Provincial Policy Statement continue to apply after adoption and approval of an official plan."

The PPS is not intended to mandate any form of intensification in all situations, but rather relies on local official plans to set out a suitable policy framework to guide development and intensification in a manner consistent with provincial interests. As discussed above, the City's Official Plan, enacted and amended in full compliance with the PPS, provides such a framework of built form, design and land use policies to best guide appropriate new development and intensification in appropriate forms suitable to their locational context.

As discussed throughout this report, the current proposal to continue to permit the veterinary use in the detached residential dwelling is inconsistent with many of the Official Plan's policies and objectives particularly relating to land use, consistency with the physical character of the established neighbourhood, configuration of the lot and landscaped open space. For these reasons, Planning staff consider this proposal, by extension, to be inconsistent with the PPS.

Official Plan Compliance

Chapter 2 of the Official Plan speaks to building a livable city and clearly identifies appropriate locations for growth and mix of land uses. Almost three-quarters of the City's land area is taken up by our residential neighbourhoods, watercourses, ravines and parks. These areas can expect to see little physical change.

A cornerstone policy of Healthy Neighbourhoods is 2.3.1.1 which states "*Neighbourhoods* are low rise and low density residential areas that are considered to be physically stable. Development in *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." In this case, the City's Official Plan designates the subject lands as *Neighbourhoods*. Development Criteria in *Neighbourhoods* state that one of the keys to Toronto's success is the stability of our *Neighbourhoods* physical character.

As noted, the subject site is designated *Neighbourhoods* in the Official Plan. Policy 4.1.3 states that new small-scale retail, service and office uses that are incidental to and support *Neighbourhoods* may be permitted through an amendment to the Zoning By-law, provided they are on a major street. The proposed veterinary clinic use does not comply with Policy 4.1.3, it does not maintain the residential amenity of the local neighbourhood, it serves needs beyond the area residents and there are noise, parking and signage impacts that adversely affect adjacent residents.

The neighbourhood is currently zoned Single-Family Residential (S) under Maryvale Community Zoning By-law No. 9366, as amended and Residential Detached (RD) under Toronto Zoning By-law No. 569-2013, as amended, neither permit a veterinary clinic or offices in their respective zones.

Chiropractic offices exists at 2191 Victoria Park Avenue and at 46 Ellesmere Road and a dentist office at 42 Ellesmere Road, however, all of these operations predate the enactment of the Maryvale Community Zoning By-law No. 9366, as amended, and are considered legal non-conforming.

It is not appropriate to permit uses that would represent a departure from the existing character of the immediate neighbourhood. The Maryvale Community in this residential neighbourhood is characterized by single detached dwellings with front and rear landscaped yards.

The subject proposal is inconsistent with and does not adequately respond to Official Plan policies relating to Healthy Neighbourhoods, Built Form and *Neighbourhoods*.

Building Type and Landscaping

The physical character of neighbourhoods vary across the city; it is determined by attributes such as prevailing building types, size and configuration of lots, prevailing

patterns of rear and side yard setbacks and landscaped open space, as per the criteria of Policy 4.1.5 of the Official Plan.

The policies in the Official Plan also state that Zoning By-laws will contain site standards for matters such as building type, parking, landscaped open space, and other standards, to ensure the development is compatible with the neighbourhood character. These policies further state that no changes will be made through rezoning, minor variances, consent or other public action that are out of keeping with the physical character of the neighbourhood. The property at 2187 Victoria Park Avenue is within a neighbourhood characterized by single-storey, detached dwellings used for residential purposes.

Properties in this neighbourhood are also characterized by landscaped front and rear yards. The rear yard of 2187 Victoria Park Avenue has been entirely paved over to accommodate three parking spaces for use by the veterinary clinic. The City-wide Zoning By-law No. 569-2013, as amended requires 50% of the rear yard to be maintained as soft landscaping. Of note, the front yard soft landscaping was previously removed, along with a tree, in 2014/2015 and replaced with permeable pavers to accommodate additional parking in the front yard. Only after Municipal Licensing and Standards issued two (2) Notices to Comply for front yard parking violations (July 16, 2015 and February 23, 2016) was the soft landscaping was reinstated in the front yard, along with a large wooden ramp and an iron fence.

The proposed continuation of the veterinary clinic use would not be in keeping with the development criteria of Section 4.1.5, which requires that development in these areas should respect and reinforce the existing physical character of the neighbourhood and is therefore, not in conformity with the *Neighbourhoods* policies of the Official Plan.

Conclusions

The subject property is part of the neighbourhood within the Maryvale Community. This stretch of Victoria Park Avenue is a residential street which accommodates detached dwellings for residential use. The proposed veterinary clinic use and physical form as a commercial use do not adequately fit within the existing and planned context and character of the area. The proposal is inconsistent with the Healthy Neighbourhoods, Built Form and *Neighbourhoods* policies in the Official Plan. The proposal would undermine the stable residential character of the neighbourhood and would create a precedent for similar detached dwellings along Victoria Park Avenue. Overall the proposed Official Plan Amendment and Rezoning is inappropriate for the subject property, would unduly impact on the character and amenity of adjacent *Neighbourhoods*, and is not in the public interest.

Staff are recommending that the application be refused.

CONTACT

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SIGNATURE

Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Official Plan

Attachment 3: Zoning

Attachment 4: Application Data Sheet

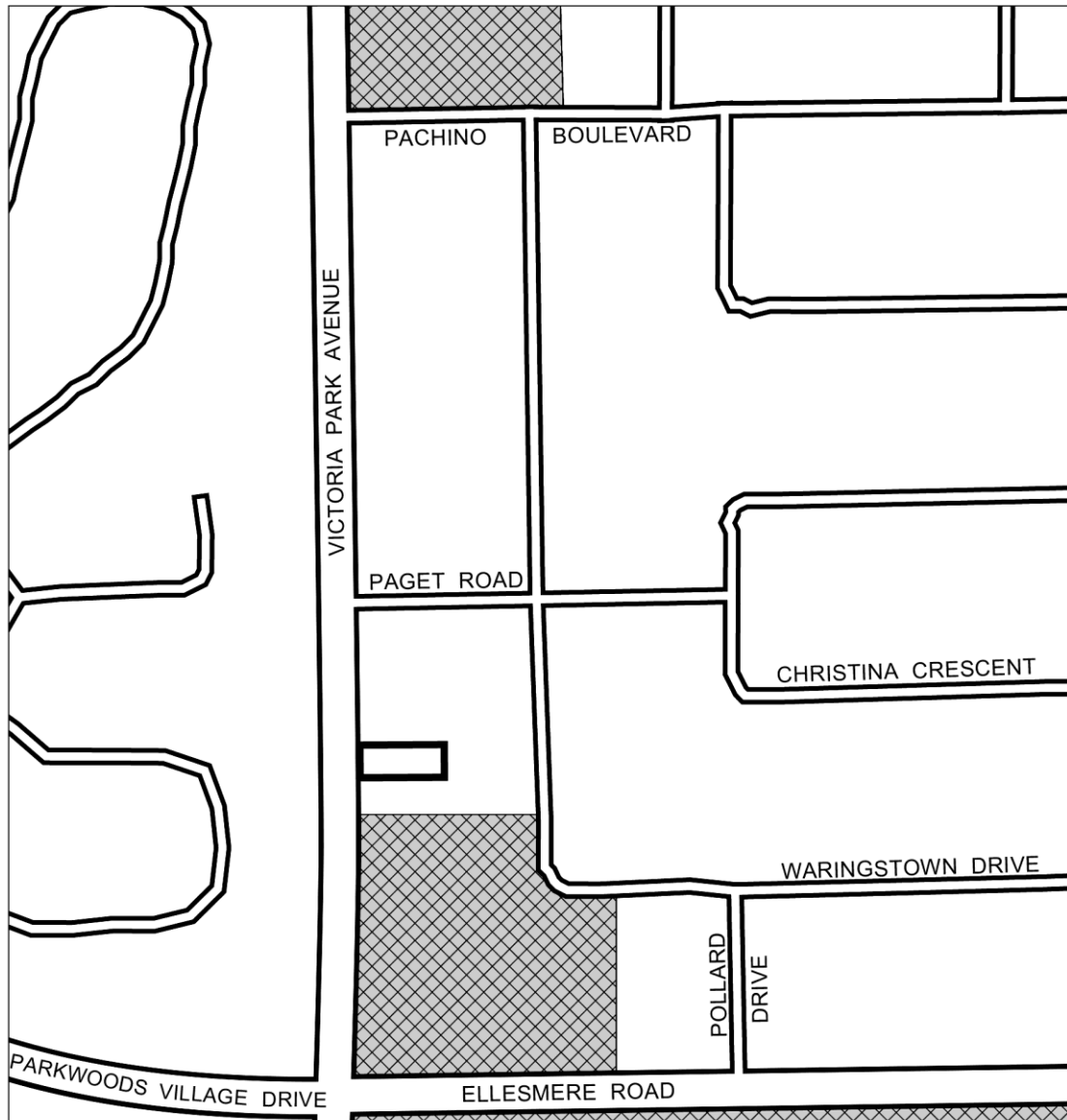
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2187 Victoria Park Avenue



File # 16 269932 ESC 40 0Z

Attachment 2: Official Plan



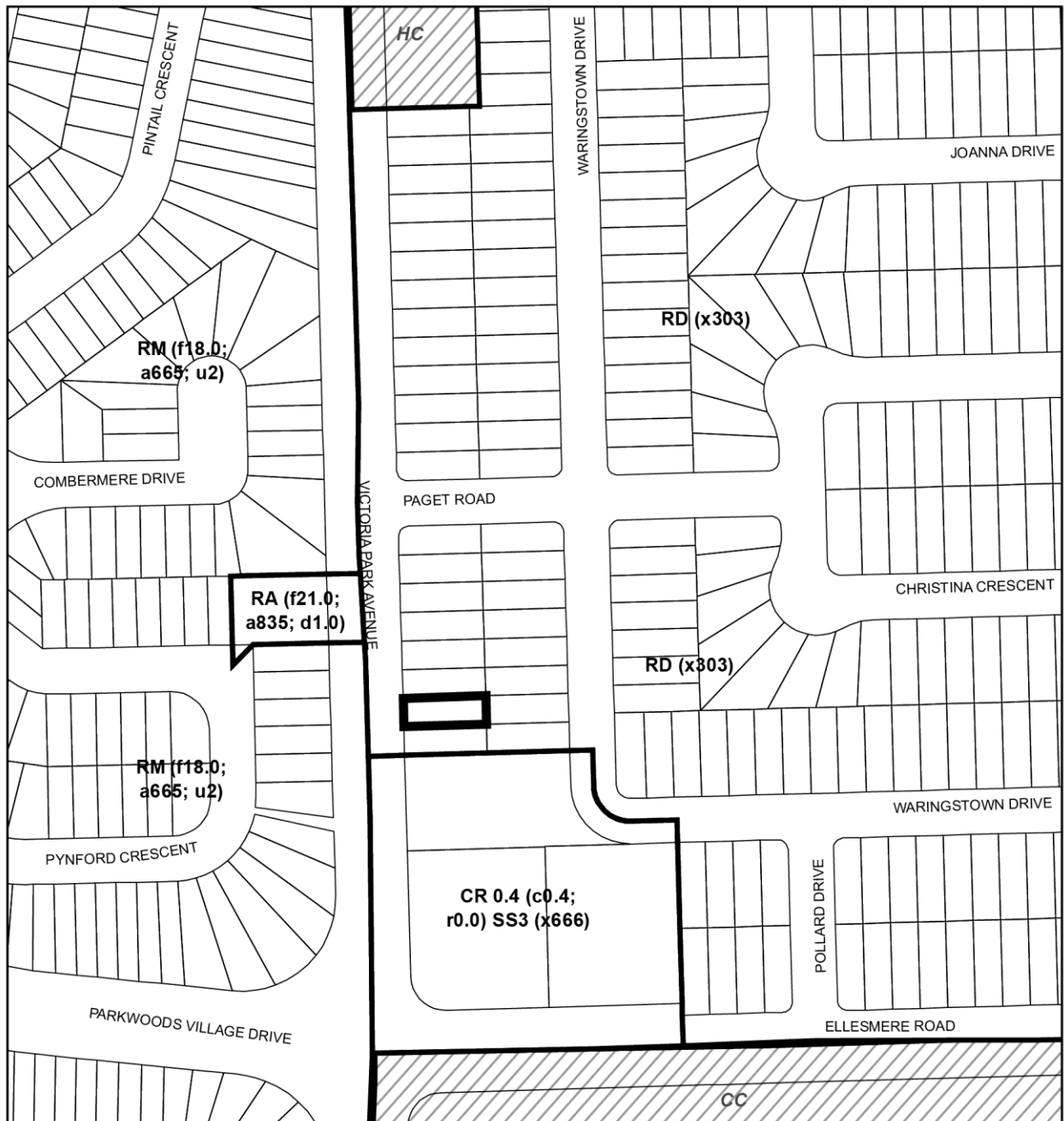
Toronto City Planning
Official Plan

2187 Victoria Park Avenue

File # 16 269932 ESC 40 0Z




Attachment 3: Zoning



Zoning By-Law No. 569-2013

2187 Victoria Park Avenue

File # 16 269932 ESC 40 0Z

 Location of Application

 See Former City of Scarborough Maryvale Community By-Law No. 9366

RD Residential Detached **RA** Residential Apartment
RM Residential Multiple **CR** Commercial Residential

CC Community Commercial
HC Highway Commercial



Not to Scale
 Extracted: 01/09/2017

Attachment 4: Application Data Sheet

Application Type	Official Plan Amendment and Zoning Amendment	Application Number:	16 269932 ESC 40 OZ
Details	OPA, Rezoning Standard	Application Date:	December 22, 2016
Municipal Address:	2187 VICTORIA PARK AVENUE		
Location Description:	PLAN 4440 LOT 435 **GRID E4003		
Project Description:	To permit an existing 98 m ² veterinary clinic in an existing detached dwelling.		

Applicant:	Agent:	Architect:	Owner:
D'SOUZA MANAGEMENT INC			D'SOUZA MANAGEMENT INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	Maryvale Community Zoning By-law No. 9366: Single-Family Residential (S) City-wide Zoning By-law No. 569-2013: Residential Detached Zone (RD)	Historical Status:
Height Limit (m):	9	Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq. m):	457	Height:	Storeys:	1
Frontage (m):	12.5		Metres:	0
Depth (m):	36.6			
Total Ground Floor Area (sq. m):	98			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	3
Total Non-Residential GFA (sq. m):	98		Loading Docks	0
Total GFA (sq. m):	98			
Lot Coverage Ratio (%):	21.4			
Floor Space Index:	0.21			

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):	98	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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