



**MARTIN RENDL ASSOCIATES**  
*Planning & Development Services*

35 Delburn Drive  
Toronto, Ontario  
M1V 1A8

Tel: [416] 291-6902  
Fax: [416] 291-7398  
mrendl@inforamp.net

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June 9, 2017

Scarborough Community Council  
City Clerk's Office  
150 Borough Drive  
Toronto, Ontario  
M1P 4N7

**Re: Item SC23.11  
D'Souza Management Inc.  
2187 Victoria Park Avenue  
Official Plan & Zoning Amendment Applications  
File No. 16 269932 ESC 40 OZ**

I am the planning consultant for the applicant, D'Souza Management Inc., which operates the Ellesmere Animal Clinic at 2187 Victoria Park Avenue.

As background for Community Council, this letter provides information on the reason for these applications, comments on the staff report, and recommendations for next steps.

**1. Reason for the Applications**

The Ellesmere Animal Clinic has been legally operating at 2187 Victoria Park Avenue since 2014.

The reason for the current applications to amend the Official Plan and Zoning By-law has an unusual history which is important to understanding why this matter is now before Council. The following is a brief summary.

**A. Committee of Adjustment Approval, August 7, 2014**

- Committee of Adjustment approves the use of a veterinary clinic in the existing building.
- Committee's approval is for two years "to allow opportunity for the owner to seek approval by way of a zoning by-law amendment application."

### **Comment**

- The Committee of Adjustment attached no other conditions to the time-limited approval such as requiring a review of any matters related to the use, as is sometimes the case.
- Committee's approval of the veterinary clinic as a use of the building and property falls fully within its power to approve minor variances from a zoning by-law pursuant to Section 45(1) of the Planning Act.
- The Committee's condition of approval that the applicant in addition apply to rezone the property as well is redundant to its approval of the use as a minor variance to the zoning by-law. The Planning Act does not require that approval of a minor variance also be accompanied by Council approval of a zoning by-law amendment.
- Furthermore, it is unclear what purpose is to be served by the rezoning given that the Committee approved the minor variance application and found the veterinary clinic use met all four of the tests for approval of a minor variance prescribed by the Planning Act.

### **B. Toronto City Council, August 25, 2014**

- City Council adopts Item MM5.80, directing the City Solicitor and City Planning staff to support the Committee of Adjustment's decision approving the veterinary clinic, should the applicant appeal the Committee's decision.

### **Comment**

- City Council in adopting this motion moved Councillor Kelly and seconded by Councillor Thompson, shows Council's support for the use of the property and building for a veterinary clinic as approved by the Committee of Adjustment.

### **C. Building Permit Issued, January 2015**

- City issues Building Permit to convert building and property to a veterinary clinic.

### **Comment**

- Existing veterinary clinic and site plan complies with all City requirements as detailed on the plans submitted to City and approved through the Building Permit issued by City of Toronto.

### **D. Committee of Adjustment, July 25, 2016**

- Committee of Adjustment refuses minor variance application to permit a veterinary clinic.
- No submissions received in opposition to the application.
- Councillor Kelly submits letter stating he has no objection to the application.
- Committee expresses no concerns with the use.
- Committee verbally advises applicant to apply to Council for an amendment to the zoning by-law.

#### **E. Applications to Amend Official Plan and Zoning By-law , December 22, 2016**

- Applicant files applications to amend the Official Plan and Zoning By-law.
- Applications are supported by a site plan, floor plans, Planning Rationale Report, Parking Justification Study and Traffic Brief as well as a Functional Servicing & Storm Water Management Brief.
- Development Engineering has accepted the findings of the reports submitted and recommends no conditions with reference to approval of the applications to amend the Official Plan and Zoning By-law.

In summary:

- The veterinary clinic was legally established in 2014 after the approval of the use by the Committee of Adjustment.
- Toronto Council did not oppose the approval of the veterinary clinic by the Committee of Adjustment, in fact Council directed City staff to uphold the decision of the Committee to approve the veterinary clinic.
- The applicant proceeded to obtain a building permit and has operated the veterinary clinic since its approval.
- The applicant has filed the supporting plans and reports requested by City staff in support of the applications to amend the Official Plan and Zoning By-law.
- City staff have accepted the findings of the reports with respect to parking, traffic, servicing and storm water management.

## **2. Planning Staff Report**

City Planning staff recommend the applications be refused because the proposal would:

- The proposal would undermine the stable residential character of the neighbourhood;
- The proposal would create a precedent for similar detached dwellings;
- The physical form does fit within the existing context and character of the area;
- The use does not conform to the Official Plan.

### **Comments**

- The staff report acknowledges the existence of two chiropractic offices and one dentist office in the immediate vicinity. They operate in identical converted single detached dwellings.  
While these offices may be legal non-conforming uses, they nevertheless are part of the established neighbourhood character and appear to have been in existence longer than the veterinary clinic. There is no evidence that the presence of these small scale office uses has either undermined or created instability in the neighbourhood.  
The veterinary clinic does not represent a precedent for similar uses given the earlier presence of three similar uses in the immediate area for many years.

- The conversion of the detached house to a clinic did not involve any external changes to the building form of the dwelling. Only the interior was converted.  
The building form remains that of a one storey detached house as originally constructed. The built form of a detached one storey house remains consistent with that of other detached houses in the area.
- Policy 4.1.3 of the Toronto Official Plan states that new small scale office uses that are incidental to and support *Neighbourhoods* may be permitted on a major street like Victoria Park Avenue, through an amendment to the Zoning By-law.  
The veterinary clinic is small scale and serves residents with pets in the neighbourhood. The proposed rezoning conforms to the Official Plan.
- Scarborough Community Council on April 4, 2017 adopted the staff recommendation directing City Clerk's staff to give Notice for the public meeting under the Planning Act according to the regulations of the Planning Act.

### 3. Recommendations

That Scarborough Community Council:

- Not adopt the recommendations in the May 10, 2017 report of the Director of Community Planning, Scarborough District.
- Direct staff to schedule a public meeting under the Planning Act for the applications filed for 2187 Victoria Park Avenue.

Yours very truly,

**MARTIN RENDL ASSOCIATES**



Martin Rendl, MCIP, RPP