



**JENNIFER
MCKELVIE**

City Councillor
Scarborough-Rouge
Park
Ward 25

September 15, 2020

Dear Scarborough Community Council,

SUBJECT: Authorization for Submission of Minor Variance Application – 8861 Sheppard Avenue East

At its meeting of January 30 and 31 2019, City Council enacted By-law No. 385-2019 for the lands known municipally as 8861 Sheppard Avenue East amending Zoning By-law 569-2013. An accompanying by-law (384-2019) was enacted at the same time for the same lands to amend zoning by-laws for the former City of Scarborough. These amending by-laws came into full force and effect on February 26, 2019 and permit the construction of a two-storey place of worship with ancillary parking, proposed via Zoning By-law Amendment applications first submitted in 2013.

In reviewing the implementing Site Plan Approval applications, Toronto Buildings has recently identified a zoning non-compliance issue related to the gross floor area (GFA) and floor space index (FSI) of the proposal. The problem identified by the Zoning Examiner arises from the fact that GFA is defined differently by Zoning By-law 569-2013 and the former City of Scarborough By-laws. The GFA permitted by the site specific Zoning By-laws enacted in January 2020 are identical (343.4 square meters). But given the definition of gross floor area in Zoning By-law 569-2013 which counts GFA exempted by the Scarborough By-laws, the permitted GFA in site specific by-law 385-2019 is insufficient to implement the development proposed and considered by City Council. While a technical error, zoning relief to site specific By-law 385-2019 is required for the development to proceed. The landowner has requested to pursue this relief via Committee of Adjustment.

However, the Smart Growth for Our Communities Act, 2015 (Bill 73) which came into final effect on July 1, 2016, amended Sub-sections 45(1.3) and 45(1.4) of the Planning Act to prevent the submission of minor variance applications on properties subject to a privately-initiated zoning by-law amendments within two years of by-law enactment, unless the municipal council has otherwise "declared by resolution that such an application is permitted". As the site specific amendments were enacted in February 2019, unless City Council resolves that an application is permitted, the landowner would not be able to file for a minor variance application for zoning relief until February 26, 2021, thus further delaying site development.

The proposed development is the same as that which City Council considered and approved at its meeting on January 30, and 31, 2019. The landowner has been pursuing planning approvals since 2013 and would like to move forward in obtaining its final approval and begin construction. City Planning staff have reviewed the request and have found the unexpected technical issue appropriately resolved through an application for minor variance. Thus, City Council's authorization at this time for submission of an application to the Committee of Adjustment for relief to Zoning By-law 385-2019 is warranted.

RECOMMENDATION:

1. City Council declares, in accordance with subsection 45(1.4) of the Planning Act, that the submission of a minor variance application for the lands known municipally as 8861 Sheppard Avenue East is permitted prior to the expiry of the second anniversary of the day on which City of Toronto By-law 569-2013 was amended for the lands in order to seek relief to site-specific zoning provisions of City of Toronto By-law 385-2019 including the gross floor area and floor space index requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "J McKelvie". The signature is fluid and cursive, with the first letter "J" being particularly large and stylized.

Jennifer McKelvie
Chair, Scarborough Community Council