

Toronto Local Appeal Body

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DECISION AND ORDER

Decision Issue Date Friday, September 28, 2018

PROCEEDING COMMENCED UNDER Section 53, subsection 53(19), and Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): DAVID SIT

Applicant: LEMCAD CONSULTANTS

Property Address/Description: 149 MEMORIAL PARK AVE

Committee of Adjustment Case File Number: 17 239776 STE 29 CO, 17 239781 STE 29 MV, 17 239784 STE 29 MV

TLAB Case File Number: 18 113718 S53 29 TLAB, 18 113720 S45 29 TLAB, 18 113721 S45 29 TLAB

Hearing date: Monday, July 16, 2018

DECISION DELIVERED BY S. Gopikrishna

APPEARANCES

Name	Role	Representative
DAVID SIT	Owner/Appellant	AMBER STEWART
LEMCAD CONSULTANTS	Applicant	
REZANIMA JAHANGIR	Alternate Owner	
MARTIN RENDL	Expert Witness	
CITY OF TORONTO	Party	CHRISTINA KAPELOS
BRAD ROGERS	Expert Witness	
ETHEL SIT	Primary Owner	

INTRODUCTION AND BACKGROUND

David Sit, Ethel Sit and Rezamina Jahangir are the owners of 149 Memorial Park Avenue, located in Ward 29 of the City of Toronto. They applied to the Committee of Adjustment (COA) to sever the lot and build a semi-detached dwelling, each with an integral garage, on each of the two severed lots- there would be one semi detached dwelling, on each of the two severed lots. The COA heard the applications respecting the severance and variances on 24 January, 2018, and refused both the severance and the requested variances for the two dwellings to be constructed.

The owners appealed to the Toronto Local Appeal Body (TLAB) on 5 February, 2018 and the City of Toronto elected for the Party status on 7 February, 2018. The TLAB set a hearing date for 16 July, 2018.

MATTERS IN ISSUE

Consent Requested:

To obtain a consent to sever the property into two residential lots.

Retained Part 1, Draft R-Plan

Address to be assigned

The lot frontage is 5.945 m and the lot area is 164.0 m2. A new two-storey detached dwelling with an integral garage will be constructed and requires variances to the Zoning By-law as outlined below.

Conveyed Part 2, Draft R-Plan

Address to be assigned

The lot frontage is 5.945 m and the lot area is 164.0 m2. A new two-storey detached dwelling with an integral garage will be constructed and requires variances to the Zoning By-law as outlined below.

149 Memorial Park Avenue – Part 1

Revised List of Variances

1. Section 10.40.30.40.(1), By-law 569-2013

The maximum permitted lot coverage is 35% of the lot area (57.4 m2). The proposed lot coverage is 47% (77.87 m2). **2. Exception RS 312, By-law 569-2013**

The minimum lot area required is 185 m2.

The proposed lot area is 164.11 m2.

3. Exception RS 312, By-law 569-2013

The minimum lot frontage is 6.0 m.

The proposed lot frontage is 5.94 m.

4. Section 10.40.40.10.(2), By-law 569-2013

The maximum permitted height of all front and rear exterior main walls is 7.0 m.

The proposed height of the front and rear exterior main walls is 7.79 m.

5. Section 10.40.40.40.(1), By-law 569-2013

The maximum permitted floor space index is 0.75 times the area of the lot: 123 m2. The proposed floor space index is 89.68% of the area of the lot: 147.09 m2.

6. Section 10.40.40.70.(1), By-law 569-2013

The required minimum front yard setback is 5.66 m.

The proposed front yard setback is 3.97 m.

7. Section 10.40.40.70.(3), By-law 569-2013

The required minimum side yard setback is 0.9 m.

The proposed side yard setback is 0.46 m on both the east and west side lot lines.

8. Section 10.5.40.60.(1), By-law 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade, may encroach into the required rear yard setback 2.5 m if it is no closer to a side lot line than its height. The proposed platform requires 1.53 m setback from the west side and it is 0.46 m from the west lot line, and requires 3 m from the east side and it is 1.83 m from the east lot line.

149 Memorial Park Avenue – Part 2

Revised List of Variances

9. Section 10.40.30.40.(1), By-law 569-2013

The maximum permitted lot coverage is 35% of the lot area (57.4 m2).

The proposed lot coverage is 47% (77.87 m2).

10. Exception RS 312, By-law 569-2013

The minimum lot area required is 185 m2.

The proposed lot area is 164 m2.

11. Exception RS 312, By-law 569-2013

The minimum lot frontage is 6.0 m.

The proposed lot frontage is 5.94 m.

12. Section 10.40.40.10.(2), By-law 569-2013

The maximum permitted height of all front and rear exterior main walls is 7.0 m.

The proposed height of the front and rear exterior main walls is 7.79 m.

13. Section 10.40.40.40.(1), By-law 569-2013

The maximum permitted floor space index is 0.75 times the area of the lot: 123 m2.

The proposed floor space index is 89.68% of the area of the lot: 147.09 m2.

14. Section 10.40.40.70.(1), By-law 569-2013

The required minimum front yard setback is 5.66 m.

The proposed front yard setback is 3.95 m.

15. Section 10.40.40.70.(3), By-law 569-2013

The required minimum side yard setback is 0.9 m.

The proposed side yard setback is 0.46 m on both the east and west side lot lines.

16. Section 10.5.40.60.(1), By-law 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade, may encroach into the required rear yard setback 2.5 m if it is no closer to a side lot line than its height. The proposed platform requires 1.53 m setback from the east side and it is 0.46 m from the east lot line, and requires 3 m from the west lot line and it is 1.83 m from the west lot line.

JURISDICTION

Provincial Policy – S. 3

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to the Growth Plan of the Greater Golden Horseshoe for the subject area ('Growth Plan').

Consent – S. 53

TLAB must be satisfied that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Act and that the application for consent to sever meets the criteria set out in s. 51(24) of the Act. These criteria require that " regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;

(b) whether the proposed subdivision is premature or in the public interest;

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

(d) the suitability of the land for the purposes for which it is to be subdivided;

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

(f) the dimensions and shapes of the proposed lots;

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land; (h) conservation of natural resources and flood control;

(i) the adequacy of utilities and municipal services;

(j) the adequacy of school sites;

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

(I) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Minor Variance – S. 45(1)

In considering the applications for variances form the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

EVIDENCE

At the beginning of the hearing on 16 July, 2018, the Appellants introduced themselves. The Appellants/Applicants were represented by Ms. Amber Stewart, Lawyer and Mr. Martin Rendl, Land Use Planner while the City of Toronto was represented by Ms. Tina Kapelos ,a lawyer employed by the firm of Ritchie, Ketcheson, Hart and Biggart, LLP. Ms. Stewart stated that the Parties had reached a Settlement late in the process, the details of which would be presented at the hearing. She however stated that the City of Toronto had to agree to the proposed conditions, which would be discussed at the hearing, but had to be confirmed later. Ms. Kapelos stated that she would not be calling any witnesses.

It may be noted that there were no other Parties nor Participants in opposition.

Before calling Mr. Rendl to provide evidence, Ms. Stewart pointed out while the Appellants wanted to construct semi-detached dwellings on the severed lots when they applied to the COA, they had subsequently revised their plans to construct detached dwellings on the severed lots. Changing the type of dwelling from semi-detached to

detached changed the variances- the updated variances, before the TLAB, are recited in the "Matters in Issue" section.

Before calling on Mr. Rendl, Ms. Stewart pointed out that the City's concerns focused on the FSI and the wish of the Appellants to construct semi-detached dwellings on the severed lots when they applied to the COA. However, both issues had been resolved since the Appellants had changed their plans to construct detached dwellings on the severed lots, resulting in changes to the requested variances, including the FSI. Some of the other changes included elimination of the proposed parking spaces, as well as the positioning of the rear platform and setbacks to the proposed houses.

Mr. Rendl was then introduced by Ms. Stewart, and was then qualified as an Expert Witness.

He began with a description of the Subject property at 149 Memorial Park Avenue, stating that the site is located in the former Borough of East York in the area generally bounded by Coxwell Avenue on the east, Cosburn Avenue on the north, Greenwood Avenue on the west and Sammon Avenue on the south. He noted that this was his Study Area for the purpose of evaluating this proposals because it lay within a five minute walk of the property. He added that the Subject Property is located on the south side of the street, immediately west of Roosevelt Avenue. According to Mr. Rendl, the rear yard of three properties, 84, 86, 88 Roosevelt Avenue, abut the east lot line of the Subject site while detached two storey dwellings are adjacent to the subject site on its west side along Memorial Park Avenue.

Further, the subject site is designated *Neighbourhoods* in the Toronto Official Plan, which permits residential uses in a wide range of low density buildings including detached, semidetached dwellings, duplexes, triplexes and townhouses. Describing the zoning, Mr. Rendl stated that the property is zoned RS Residential Semi-Detached Zone in Zoning By-law No. 569-2013 and R2A in Zoning By-law No.6752. Mr. Rendl opined that the area is a stable and mature post WWII neighbourhood. Its physical character consists of one and two storey dwellings. He then presented examples of new houses to demonstrate the "very visible investment primarily in the form of the construction of new replacement dwellings or additions to existing dwellings", and added that the replacement houses are generally larger than the houses they replaced, "in keeping with modern standards".

Mr. Rendl then opined that the consent and minor variances are consistent with the Provincial Policy Statement (PPS)' policies for managing and directing land use to achieve efficient and resilient development and land use patterns by virtue of promoting efficient development and land use patterns as discussed in Policy 1.1.1(a), and promoting cost-effective development patterns and standards to minimize land consumption and servicing costs, as stated in Policy 1.1.1(e). He also stated that the proposal was consistent with the goal of efficient use of land, infrastructure and public service facilities, as stated in Policy 1.1.3.2(a). According to Mr. Rendl, the proposal

was also consistent with the Growth Plan for the Greater Golden Horseshoe (2017) (Growth Plan) because of the focus on intensification.

Mr. Rendl then discussed the applicability of Section 51(24) to the severance of the lot. Reviewing various subsections under 51(24), he stated that the proposed division is in the public interest, and is not premature, because they could be serviced by existing facilities provided by the Municipality. Adding that the City staff did not object to the proposal, he also stated that the division was in the public interest because the consent represents moderate intensification of the subject site in a compatible manner within a built-up area.

According to Mr. Rendl, the proposal was consistent with the Official Plan and the adjacent plan of subdivision because it represented the very change and infill development referred to in Chapter 2.3 in the Official Plan, where the expressions " not frozen in time" and "some physical change will occur over time as enhancements, additions and infill housing occurs on individual sites", were stated. Mr. Rendl then referred to Policy 3.2.1.2, which encourages new housing supply through intensification and infill, and explained how the creation of new houses through infill fulfilled the objectives of this policy. He then referred to Policy 4.1.5, which requires development to respect and reinforce existing physical character through a number of parameters, including size and configuration of lots, and Policy 4.1.7, which discusses numerical site standards for lot sized, depths and frontages, and explained how the proposal's creation of rectangular lots reinforced the existing lot pattern, and how the proposed lots were compatible with the existing lot pattern through fulfillment of minimum lot sizes, depths and frontages. He then pointed out that there the development of detached dwellings was consistent with the Zoning By-law, as varied, and that servicing the proposed development did not require any new investment, nor installations by the Municipality.

Based on this discussion, Mr. Rendl concluded that the proposal satisfied all the applicable criteria in Section 51(24) of the Planning Act, based on which he then recommended approval of the Severance application.

Mr. Rendl then discussed the applicability of Section 45(1) to this proposal.

Mr. Rendl reiterated that the proposal is located in the area designated **Neighbourhoods**, a context in which Policy 2.3.1.1 discusses the need to "respect and reinforce the physical character of buildings". Explaining that this policy purported to support new projects which are compatible with what exists in the community, even if they did not duplicate what already exists in the community. Mr. Rendl then referred to Section 4.1.5's emphasis on assessing appropriateness through references to massing, scale and height, and stated that the height and massing of the dwellings corresponded to other existing buildings in the area, and demonstrated the same through references to decisions from the COA in the neighbourhood. Mr. Rendl specifically referred to decisions which had granted side yard setbacks comparable to what was being requested in the proposal. Based on the aforementioned interpretations of policies governing "Neighbourhoods" in the OP and specific examples of variances similar to the

proposal being granted by the COA, Mr. Rendl concluded that the requested variances on both lots were consistent with the Official Plan.

Mr. Rendl next commented on how the proposal was consistent with the Zoning Plans governing the neighbourhood. He reiterated that the proposal was governed by the City Wide By-Law 569-2013, and the former East York By-law 6752, and grouped the requested variances into built form, setbacks from lot lines, lot coverage and platforms. He said that the lot frontages were 0.06 m smaller than the prescribed 6 m, which was ' an imperceptible difference". He added that the lots were large enough to accommodate front and back yards, and that the houses were probably the "smallest in the area". Referring to the FSI and main wall height variances, Mr. Rendl said that the intent of the zoning was to ensure a built form in scale with the neighbouring area. The setback variances, helped provide a visual break, as well as allow for an easement which would allow the owners access to the side yards. He then added that the lot coaverage variance upheld the intent of the by-law because it did not impact the space set aside for the front and back vards and the soft landscaping, notwithstanding a modest numerical increase. Mr. Renfl then referred to the variance regarding the separation of the rear decks from the property lines, and emphasized that they were consistent with the separations in the neighbouring properties.

In addition to demonstrating how the variances upheld the intent of the by-laws through the aforementioned discussion, Mr. Rendl used a chart of COA decisions to demonstrates that applications for similar GFAs and FSIs had been approved in the neighbourhood. Based on this discussion, Mr. Rendl concluded that the proposal was consistent with the zoning governing the neighbourhood.

Mr. Rendl then discussed the test about the variances being desirable for the appropriate development of the land. He commented that the size, scale and development standards applied to the proposed detached dwellings are appropriate and result in new dwellings that are permitted by the Zoning By-law and compatible with the neighbourhood, and would not destabilize the neighbourhood. He asserted that the shadow, privacy and overlook impacts were no different than what exists in the neighbourhood, and added that the City Planning staff did not object to the minor variances or the proposed development.

Lastly speaking to the test of the variances being minor, Mr. Rendl pointed out that the generally acknowledged test of whether a variance is minor is the nature and extent of any adverse impacts on adjacent properties. He opined that since the proposed developments respected the reinforced the existing physical character of the neighbourhood, and did not create any adverse impacts on the neighbourhood. Based on this evidence, Mr. Rendl concluded that the test of "minor" had been satisfied.

He then reviewed the conditions to be imposed, which included the standard conditions for consents and forestry conditions- these conditions were consistent with Practice Direction of TLAB. He also referred to a standard condition regarding the variances, which require construction that is consistent with the submitted Site Plan and

Elevations, which in this case are referenced to Attachment 1, and are attached to this Decision.

Ms. Stewart then spoke to the issue of easements, and how the creation of this needed the consent of the City. The details of the easement, how portions would be conveyed from one Part to another, were provided to me a few weeks later, after approval by the City of Toronto. The details of these conveyances appear in Section 5 of this Decision.

Based on these comments, Ms. Stewart requested the proposal be approved subject to conditions. Ms. Kapelos stated that she agreed with Ms. Stewart's conclusions, and had no questions for Mr. Rendl.

ANALYSIS, FINDINGS, REASONS

I agree with the uncontradicted evidence of the Expert Witness, Mr. Rendl, regarding the severances and the requested variances. I conclude that the severance is consistent with Section 51(24) and that the variances on both lots individually and cumulatively, satisfy Section 45(1). The stated conditions for the severance and variances are reasonable and standard conditions.

Based on the above, I conclude that it would be appropriate to allow the Appeal in Part (recognizing the change in dwelling type as a result of the Settlement, and its impact on the variances), and authorize both the proposed severance and the variances on each of the two resulting sites, along with suggested conditions. The details of the conveyances for the easements have been provided by Ms. Stewart; I find it appropriate to recite them in the Decision and Order section in Paragraph 5. The submitted Plan of Survey which demonstrates how Parts 1-4 relate to each other and the existing lot, is attached as Exhibit 2- Plan of Survey prepared by Mandarin Surveyors Limited, dated 22 July, 2018.

DECISION AND ORDER

1. The Appeal is granted, in part, and the decision of the COA dated 24 January, 2018 is set aside.

2. The consent to sever the property, is approved, as follows:

Retained Part 1, Draft R-Plan

Address to be assigned

The lot frontage is 5.945 m and the lot area is 164.0 m2. A new two-storey detached dwelling with an integral garage will be constructed and requires variances to the Zoning By-law as outlined below.

Conveyed Part 2, Draft R-Plan

Address to be assigned

The lot frontage is 5.945 m and the lot area is 164.0 m2.

A new two-storey detached dwelling with an integral garage will be constructed and requires variances to the Zoning By-law as outlined below.

3. The following variances are approved:

149 Memorial Park Avenue – Part 1

Revised List of Variances

1. Section 10.40.30.40.(1), By-law 569-2013

The maximum permitted lot coverage is 35% of the lot area (57.4 m2).

The proposed lot coverage is 47% (77.87 m2).

2. Exception RS 312, By-law 569-2013

The minimum lot area required is 185 m2.

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The minimum lot frontage is 6.0 m.

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The maximum permitted height of all front and rear exterior main walls is 7.0 m.

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5. Section 10.40.40.40.(1), By-law 569-2013

The maximum permitted floor space index is 0.75 times the area of the lot: 123 m2. The proposed floor space index is 89.68% of the area of the lot: 147.09 m2.

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The required minimum front yard setback is 5.66 m.

The proposed front yard setback is 3.97 m.

7. Section 10.40.40.70.(3), By-law 569-2013

The required minimum side yard setback is 0.9 m.

The proposed side yard setback is 0.46 m on both the east and west side lot lines.

8. Section 10.5.40.60.(1), By-law 569-2013

A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade, may encroach into the required rear yard setback 2.5 m if it is no closer to a side lot line than its height. The proposed platform requires 1.53 m setback from the west side and it is 0.46 m from the west lot line, and requires 3 m from the east side and it is 1.83 m from the east lot line.

149 Memorial Park Avenue – Part 2

Revised List of Variances

9. Section 10.40.30.40.(1), By-law 569-2013

The maximum permitted lot coverage is 35% of the lot area (57.4 m2). The proposed lot coverage is 47% (77.87 m2).

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4. The following conditions are applied to the consent:

Schedule A: Standard Consent Conditions

(1) Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.

(2) Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Technical Services.

(3) Prior to the issuance of a building permit, the applicant shall satisfy all conditions concerning City owned trees, to the satisfaction of the Director, Parks, Forestry & Recreation, Urban Forestry Services.

(4) Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

(5) Two copies of the registered reference plan of survey integrated with the Ontario Coordinate System and listing the Parts and their respective areas, shall be filed with City Surveyor, Survey & Mapping, and Technical Services.

(6) Three copies of the registered reference plan of survey satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment.

(7) Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the Planning Act, as it pertains to the conveyed land and/or consent transaction.

- 5. The TLAB orders that:
 - (1) Provisional consent is granted to a conveyance of Parts 2 and 4;
 - (2) Provisional consent is granted to convey an easement over Part 4 in favour of Parts 1 and 3 for the purpose of access;
 - (3) Provisional consent is granted to convey an easement over Part 3 in favour of Parts 2 and 4 for the purpose of access,

subject to the conditions set out in Exhibit 2- Plan of Survey prepared by Mandarin Surveyors Limited, dated 22 July, 2018

6. Conditions of Minor Variance Approval:

The applicant shall construct the proposed dwellings substantially in accordance with the Site Plan and Elevations prepared by Lemcad Consultants and dated July 11, 2018-this document is attached to the Decision at Exhibit 1.

So orders the Toronto Local Appeal Body.

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S. Gopikrishna Panel Chair, Toronto Local Appeal Body



149A - <u>PART 1</u> - MEMORIAL PARK AVENUE PROPOSED 2-STORY DETACHED DWELLING

LIST OF DRAWINGS

ISSUE FOR T.L.A.B. - JULY 11, 2018

- A1 SITE PLAN A1a SITE STATISTICS
- A1b LANDSCAPE PLAN
- A2 PROPOSED BASEMENT PLAN
- A3 PROPOSED GROUND FLOOR PLAN
- A4 PROPOSED SECOND FLOOR PLAN

- A5 PROPOSED ROOF PLAN
- A6 PROPOSED FRONT (NORTH) ELEVATION
- A7 PROPOSED REAR (SOUTH) ELEVATION
- A8 PROPOSED SIDE (EAST) ELEVATION
- A9 PROPOSED SIDE (WEST) ELEVATION

N ORTH) ELEVATION OUTH) ELEVATION T) ELEVATION ST) ELEVATION

GRADE



ADDITIONAL SITE STATISTICS

149A MEMORIAL PARK AVENUE			PROVIDED	REQUIRED
TOTAL FRONT YARD AREA	= 249.28 SQFT (23.16 SQ.M.)			
AREA #1 DRIVEWAY AREA	= 110.59 SQFT (10.27 SQ.M.)			
PROPOSED FRONT YARD LANDSCAPING	= 138.66 SQFT (12.88 SQ.M.)		55.62%	50%
AREA #2 PROPSOSED HARD LANDSCAPING	= 13.50 SQFT (1.25 SQ.M.)			
AREA #3 + #4 PROPOSED SOFT LANDSCAPING	= 125.19 SQFT (11.63 SQ.M.)		90.29%	75%
TOTAL REAR YARD AREA	= 588.69 SQFT (52.66 SQ.M.)			
AREA #I PROPOSED HARD LANDSCAPING	= 142.37 SQFT (13.05 SQ.M.)			
AREA #2 PROPOSED SOFT LANDSCAPING	= 446.32 SQFT (41.46 SQ.M.)		75.82%	50%
			PROVIDED	MAXIMUM
COVERAGE			46.76%	35.00%
			76.69 SQ.M.	
FLOOR SPACE INDEX			0.8968	0.75 123.00 SQ.M.
		OLD	8.35M	. 123.00 30.11.
MAX. BUILDING HEIGHT		NEW	8.46M	8.5M
MAX. MAIN WALL HEIGHT			7.79M	7.0M
MAX. GROUND FLOOR HEIGHT		OLD NEW	1.08M 1.18M	1.20M
			PROVIDED	MINIMUM
MIN. FRONTAGE			5.94M	6.0M
MIN. LOT AREA			164.11 SQ.M.	185.00 SQ.M
MIN. FRONT YARD SETBACK			3.95M	6.0M 3.37M
MIN REAR YARD			8.39M	7.5M
SIDE YARD SETBACK (WEST)			0.45M	0.90M
SIDE YARD SETBACK (EAST)			0.45M	0.00M
PARKING			1 CAR	1 CAR





1 PROPOSED SITE DATA & STATS SCALE:N.T.S.

DNING R2A
DNING RS
PR 89.68%
46.76%

ENUE, Toronto,	ULTAN Ontario M4C 2V9	ΤS
NEW DWELLING		$\overline{}$
	AVE, EAST YORK	$\left(\right)$
APP. BY:	DATE: JULY 11, 2018	
D.: A1A OF 9	CADD-NAME: 170714	ORIENTATION











ONS ENUE, T <i>oro</i> nto, -8164 FAX: (410	ULTA Ontario M4C 2V9 6) 405-9601	NTS
NEW DWELLING		
APP. BY:	AVE, EAST YORK DATE: JULY 11, 201	$\frac{1}{8}$
D.: A7 OF 9	CADD-NAME: 170714	ORIENTATION



<u>DI Toronto</u>

Toronto Building Will Johnston, Chief Building Official and Executive Director 100 Queen Street West Gr.Floor, West Tower Toronto, ON M5H 2N2 Tina Pusateri Zoning Examiner

Phone: (416) 392-0849 Fax: (416) 392-0721 Email: Tina.Pusateri@toronto.ca

REZANIMA JAHANGIR

67 BOSTON AVE TORONTO, ON M4M 2T8 CAN

Zoning Notice

Thursday, July 12, 2018 Zoning Certificate (ZZC) Review No: 17 224659 ZZC 00 ZR FolderRSN: 4236320 House - New Building

Proposed Use: Sfd - Detached

149 A - MEMORIAL PARK AVE - PART 1

Toronto-Danforth (29)

Examination of your Zoning Certificate application has revealed that certain requirements of the applicable City Zoning By-law(s) have not been satisfied. The attached Notice provides details of the review.

Should compliance with the applicable City's Zoning By-law(s) not be possible, you may apply to amend the Zoning By-law by way of a Zoning Amendment or Committee of Adjustment application. For more information on either of these Planning processes, you may visit the City of Toronto Web site @ www.toronto.ca/developing-toronto or discuss the matter with City staff by calling (416)392-7565.

A Zoning Certificate will be issued only when it has been determined that the drawings and information submitted comply with the City Zoning By-law(s). Where there has been no activity on this application and six months has lapsed the file may be closed without notification. Please inform us of progress towards achieving compliance.

In order to get the fee paid under this application credited towards a "Complete" Building Permit application it must be accompanied by a "Zoning Certificate". You are required to obtain your "Zoning Certificate" before your submit for a "Complete" Building Application.

Please refer your Zoning Certificate application number when you phone or submit any pertinent information.

Tina Pusateri Zoning Examiner



Will Johnston, Chief Building Official and Executive Director 100 Queen Street West Gr.Floor, West Tower Toronto, ON M5H 2N2

Folder Name: 149 A - MEMORIAL PARK AVE - PART 1 Application Number: 17 224659 ZZC 00 ZR

Zoning bylaw Notice

ITEM DESCRIPTION

Your property is subject to the City-wide Zoning By-law No. 569-2013, as amended. Based on By-law No. 569-2013, your property is zoned RS (f10.5, a325, d0.75) Height 8.5

This proposal is to demolish existing detached house and construct a New Two Storey Detached House with Integral Garage

Notes:

- 1. Demolition permit required
- 2. Grading and Drainage plan required
- 3. Severance Consent is required
- 1. The maximum permitted lot coverage is 35% of the lot area (57 sqm). The proposed lot coverage is 47% of the lot area (77.87 sqm)
 - (10.40.30.40(1))
- 2. The minimum lot area required is 185 sqm, the proposed lot area is 164.11 sqm (exception RS 312)
- 3. The minimum lot frontage required is 6m, the proposed is 5.94m. (RS exception 312)
- 4. A)(i) The permitted maximum height of all front exterior main walls is 7 metres. The proposed height of the front exterior main walls is 7.79 metres.

A)(ii) The permitted maximum height of all rear exterior main walls is 7 metres. The proposed height of the rear exterior main walls is 7.79m.

- [10.40.40.10.(2) Maximum Height of Specified Pairs of Main Walls]
- 5. A) The permitted maximum floor space index is 0.75 times the area of the lot: 123 square metres. The proposed floor space index is 89.68% times the lot area (147.09 sqm) [10.40.40.(1) Floor Space Index]
- 6. The required minimum front yard setback is 5.66 metres. The proposed front yard setback is 3.97 metres. [10.40.40.70.(1) Minimum Front Yard Setback]
- A) The required minimum side yard setback is 0.9 metres where the required minimum lot frontage is less than 12.0 metres.
 The proposed side yard setback is 0.46 metres to both sides

[10.40.40.70.(3) Minimum Side Yard Setback]

8. (C) A platform without main walls, attached to or less than 0.3 metres from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required rear yard setback 2.5 metres if it is no closer to a side lot line than 1.53 metres from the west side and 3m from the east side. The proposed platform is 0.46 metres from the west side and 1.83m from the east side lot line.

[10.5.40.60.(1) Platforms]

Your property is located in the former municipality of East York and is subject to Zoning By-law No. 6752, as amended. Based on Zoning by-law No. 6752 the property is zoned R2A, and is subject to all provisions thereof.

This proposal is to demolish existing detached house and construct a New Two Storey Detached House with Integral Garage

Notes:

- 1. Demolition permit required
- 2. Grading and Drainage plan required
- 3. Severance Consent is required



149B - <u>PART 2</u> - MEMORIAL PARK AVENUE PROPOSED 2-STORY DETACHED DWELLING

LIST OF DRAWINGS

ISSUE FOR T.L.A.B. - JULY 11, 2018

- A1 SITE PLAN A1a SITE STATISTICS A1b LANDSCAPE PLAN
- A2 PROPOSED BASEMENT PLAN
- A3 PROPOSED GROUND FLOOR PLAN
- A4 PROPOSED SECOND FLOOR PLAN

- A5 PROPOSED ROOF PLAN
- A6 PROPOSED FRONT (NORTH) ELEVATION
- A7 PROPOSED REAR (SOUTH) ELEVATION
- A8 PROPOSED SIDE (EAST) ELEVATION
- A9 PROPOSED SIDE (WEST) ELEVATION

N ORTH) ELEVATION OUTH) ELEVATION T) ELEVATION ST) ELEVATION

GRADE



149B MEMORIAL PARK AVENUE			PROVIDED	REQUIRED
TOTAL FRONT YARD AREA	= 248.28 SQFT (23.07 SQ.M.)			
AREA #I DRIVEWAY AREA	= 110.10 SQFT (10.23 SQ.M.)			
PROPOSED FRONT YARD LANDSCAPING	= 138.18 SQFT (11.58 SQ.M.)		55.65%	50%
AREA #2 PROPSOSED HARD LANDSCAPING	= 13.50 SQFT (1.25 SQ.M.)			
AREA #3 + #4 PROPOSED SOFT LANDSCAPING	= 124.68 SQFT (11.58 SQ.M.)		90.23%	75%
TOTAL REAR YARD AREA	= 589.01 SQFT (54.72 SQ.M.)			
AREA #1 PROPOSED HARD LANDSCAPING	= 144.99 SQFT (13.40 SQ.M.)			
AREA #2 PROPOSED SOFT LANDSCAPING	= 444.02 SQFT (41.25 SQ.M.)		75.38%	50%
			PROVIDED	MAXIMUM
COVERAGE			46.76%	35.00%
				64.18 SQ.M.
FLOOR SPACE INDEX			0.8968	0.75 123.08 SQ.M
MAX. BUILDING HEIGHT		OLD NEW	8.35M 8.44M	8.5M
MAX. MAIN WALL HEIGHT			7.79M	7.0M
MAX. GROUND FLOOR HEIGHT		OLD NEW	1.08M 1.19M	1.2M
			PROVIDED	MINIMUM
MIN. FRONTAGE			5.94M	6.0M
MIN. LOT AREA			164.11 SQ.M.	185.00 SQ.M
MIN. FRONT YARD SETBACK			3.97M	6.0M 3.37M
MIN REAR YARD			8.39M	7.5M
SIDE YARD SETBACK (WEST)			0.45M	0.90M
SIDE YARD SETBACK (EAST)			0.45M	0.00M
PARKING			I CAR	I CAR

SITE DATA	OLD ZO NEW ZO
•LOT AREA = 1765.28 SQ.FT. (164.0	SQ.M.)
·FLOOR AREAS :	PROPOSED
GROUND FLOOR =	771.61 SQ.FT (71.68 SQ.M.)
SECOND FLOOR =	811.62 SQ.FT (75.40 SQ.M.)
TOTALS G.F.A. =	1583.23 SQ.FT (147.09 SQ.M.) OF
COVERAGE :	PROPOSED
GROUND FLOOR =	771.61 SQ.FT (71.68 SQ.M.)
GARAGE =	32.01 SQ.FT (2.97 SQ.M.)
PORCH =	21.88 SQ.FT (2.03 SQ.M.)
TOTALS COVERAGE =	825.50 SQ.FT (76.69 SQ.M.) OR



1 PROPOSED SITE DATA & STATS SCALE:N.T.S.

ONING R2A
ONING RS
OR 89.68%
R 46.76%

	ULTAN Ontario M4C 2V9 6) 405-9601	ΤS
NEW DWELLING		
IEMORIAL PARK	AVE, EAST YORK]()
APP. BY:	DATE: JULY 11, 2018	$ \setminus \mathcal{I} $
D.: A1A OF 9	CADD-NAME: 170714	ORIENTATION







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LΕ	M C A D C O N S U L T A N 817 COSBURN AVENUE, Toronto, Ontario M4C 2V9 PHONE: (416) 405-8164 FAX: (416) 405-9601	тѕ
<u> </u>	PROJECT: PROPOSED 2-STY NEW DWELLING LOCATION: 149B /PART 2/ MEMORIAL PARK AVE, EAST YORK	\bigcirc
A /	DWG. BY: ZK CK'D BY: ZK APP. BY: DATE: JULY 11, 2018	
	JOB NO.: DWG. NO.: A7 OF 9 CADD-NAME: 170714	ORIENTATION







<u>DI Toronto</u>

Toronto Building Will Johnston, Chief Building Official and Executive Director 100 Queen Street West Gr.Floor, West Tower Toronto, ON M5H 2N2 Tina Pusateri Zoning Examiner

Phone: (416) 392-0849 Fax: (416) 392-0721 Email: Tina.Pusateri@toronto.ca

REZANIMA JAHANGIR

67 BOSTON AVE TORONTO, ON M4M 2T8 CAN

Zoning Notice

Thursday, July 12, 2018 Zoning Certificate (ZZC) Review No: 17 224669 ZZC 00 ZR FolderRSN: 4236331 House - New Building Proposed Use: Sfd - Detached 149 B MEMORIAL PARK AVE - PART 2 Toronto-Danforth (29)

Examination of your Zoning Certificate application has revealed that certain requirements of the applicable City Zoning By-law(s) have not been satisfied. The attached Notice provides details of the review.

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Tina Pusateri Zoning Examiner



Will Johnston, Chief Building Official and Executive Director 100 Queen Street West Gr.Floor, West Tower Toronto, ON M5H 2N2 Tina Pusateri Zoning Examiner Phone: (416) 392-0849 Fax: (416) 392-0721 Email: Tina.Pusateri@toronto.ca

Folder Name: 149 B MEMORIAL PARK AVE - PART 2 Application Number: 17 224669 ZZC 00 ZR

You must present a copy of this Zoning Certificate along with the necessary 'Applicable Law' approvals other than any of the fees or charges identified above, at the time of your building permit submission.

Building permit applications without Zoning Certificates and these approvals will be considered incomplete submissions and will not be subject to prescribed timeframes in Article 1.3.1.3. of Division C, Part 1 of the Ontario Building Code.

Applicable Law Notice

ITEM DESCRIPTION

Applicable Fees

1. Standalone and Add' Hourly Fee



Will Johnston, Chief Building Official and Executive Director 100 Queen Street West Gr.Floor, West Tower Toronto, ON M5H 2N2

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This proposal is to demolish the existing detached house, sever lot and construct a Detached House with integral garage.

Notes:

2.

- 1. Demolition permit will be required
- 2. Grading and Drainage Plan will be required
- 3. Severance Consent will be required
- 4. DC, EDC and Parks Levy will be applied to one lot
- The maximum permitted lot coverage is 35% of the lot area (57.4 sqm). The proposed is 47% (77.87 sqm).
- (10.40.30.40.(1)) 3. The minimum lot area required is 185 sqm, the proposed is 164 sqm.
- (Exception RS 312)4.The minimum lot frontage is 6m, the proposed is 5.94m.
- (Exception RS 312)
- 5. A)(i) The permitted maximum height of all front exterior main walls is 7 metres. The proposed height of the front exterior main walls is 7.79 metres.

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- 8. A) The required minimum side yard setback is 0.9 metres where the required minimum lot frontage is less than 12.0 metres. The proposed east side yard setback is 0.46 metres on both sides.

[10.40.40.70.(3) Minimum Side Yard Setback]

9. (C) A platform without main walls, attached to or less than 0.3 metres from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required rear yard setback 2.5 metres if it is no closer to a side lot line than its height. The proposed platform requires 1.53m setback from the east side and it is 0.46m and requires 3m from the west lot line and it is 1.83m.

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REG.216/10 TNG 6.692 2.752 6.61 6.61 5.21 6.61 5.21		SCP 022741072	LOT 22 [†] ≧∺ R.P. 3083 I	
SURVEYOR'S CERTIFICATE I CERTIFY THAT: 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM. 2. THE SURVEY WAS COMPLETED ON THE <u>land</u> THE SURVEY WAS COMPLETED ON THE <u>land</u> of <u>september</u> , 2017 JULY 22 , 2018 JULY 22 , 2018 JULY 22 , 2018 DATE ONTARIO LAND SURVEYOR ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR 42 RAVENCLIFF CRESCENT PHONE: (647)430–1366 FAX: (647)799–4068 YEVEY BY: S.Z. CAD NO: 17–249RPLAN JOB NO: 2017–249	MANDARIN SURVEYORS LIMITED, O.L.S. METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048 LECEND DENOTES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048 DENOTES STANDARD IRON BAR SIB DENOTES STANDARD IRON BAR SIB DENOTES REGISTERED PLAN 3083 RP1 DENOTES REGISTERED PLAN 3083 RP1 DENOTES REGISTERED PLAN 3083 RP1 DENOTES REGISTERED PLAN 1722 P1 DATED JANUARY 22, 1945 P2 DENOTES PLAN OF SURVEY BY A. REUBEN, O.L.S., DENOTES PLAN OF SURVEY BY A. NEUBEN, O.L.S., DENOTES NORTH, SURVEY BY WINTERS, MAUGHAN & GLENDAY, O.L.S. DENOTES NORTH, SOUTH, EAST, WEST DENOTES CHAIN UNKNOWN N,S,E,W DENOTES CHAIN UNK FENCE B.R.W. DENOTES BRICK RETAINING WALL E/F W. DENOTES SHORT RECINING WALL E/F W. DENOTES SPECIFIED CONTROL POINTS M DENOTES SPECIFIED CONTROL POINTS	CITY OF TORONTO (BOROUGH OF EAS SCALE 1: 200 10m 5	AND SURVEYOR FOR THE LAND TITLES SCHEDULE LOTS REGISTERED PLAN PART OF PIN AND 21 3083 10414-0367 SURVEY OF LOTS 19, 20 AND 21 RED PLAN 3083	HIS PLAN TO BE PLAN UNDER THE LAND RECEIVED ANI ,2018 DATE .2 ZENG REPRESENTA