

DECISION AND ORDER

Decision Issue Date Tuesday, June 22, 2021

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

Appellant(s): CARLEY DAWN SPARKS

Applicant(s): ERIK JENSEN

Property Address/Description: 42 1/2 MORNINGSIDEN AVENUE
(subject property or subject lot)

Committee of Adjustment File

Number(s): 19 231589 STE 04 MV (A1082/19TEY)

TLAB Case File Number(s): 20 159480 S45 04 TLAB

Hearing date: January 25, 2021

Final closing submission received on: February 12, 2021

DECISION DELIVERED BY S. KARMALI

APPEARANCES

NAME	ROLE	REPRESENTATIVE
Erik Jensen	Applicant	
Carley Dawn Sparks	Appellant	Waleed (Sam) Elbadawi
Ezzat Elbadawi	Participant	Waleed (Sam) Elbadawi
Jenny Chiu	Party/Owner	Christina Kapelos
T.J. Cieciura	Expert Witness	

INTRODUCTION AND MATTERS IN ISSUE

The subject property is a corner lot situated in a stable and quiet neighbourhood at the northeast corner of Morningside Avenue and Durie Street in High Park-Swansea. Moving through this neighbourhood, one may appreciate the varied natural and human-made surface features and how these features could affect the appearance of dwellings as viewed from the street.

The Applicant would like to construct a new three-storey detached dwelling with a rear basement walkout and a rear first-storey deck with a parking spot below the deck. The parking spot would be accessed from the exterior side yard, and the existing detached dwelling would be demolished. Perhaps less important now, I heard the subject lot resulted from a severance some time ago, and that information related to this is archived.

The Toronto and East York Committee of Adjustment (COA) Panel approved the Applicant's requested variances for the development, albeit subject to the Applicant submitting a request for a permit to injure or remove a City-owned tree.

The next-door neighbour to the east of the subject property filed an appeal to the Toronto Local Appeal Body (TLAB), challenging all approved variances. While the Appellant does not take issue with the Applicant's desire to build a new home, they are concerned about the potential loss of privacy resulting from the mass and scale of the proposed development. They highlighted the platform, floor space index (FSI) and parking variances as more concerning than the other variances.

It is the Applicant's onus to demonstrate that their Application, now amended, requiring variances from City-wide Zoning By-Law 569-2013 (ZBL 569-2013) and former City of Toronto Zoning By-Law 438-86 (ZBL 438-86), meet the requisite policy and legal tests on a balance of probabilities. I later visited the site to develop a better sense of the immediate and broader neighbourhood context.

I provide the variances that were initially requested before the COA [at Notice of Hearing (NOH) date and at Notice of Decision (NOD) date] as well as the variances now before the TLAB (Exhibit 1A, p 91 of 371).¹ I accept the rationale that the amended Application (the Proposal) does not require further notice since the amendments to the original Application represent an overall decrease in order of magnitude. Accordingly, I find that the amendments are minor.

¹ A list of exhibits can be found just under *Evidence, Analysis, Findings and Reasons* on page 6 of this Decision and Order.

Decision of Toronto Local Appeal Body Panel Member: S. KARMALI
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TABLE 1

PERFORMANCE STANDARD	COA Notice of Hearing COA mailed on or Before March 1, 2020 [COA NOH] COA Notice of Decision mailed out on June 3, 2020 [COA NOD] Toronto Local Appeal Body [TLAB]
PLATFORM ENCROACHMENT IN REAR YARD SETBACK 2.5 metres if it is no closer to a side lot line than 2.5 metres (ZBL 569-2013)	V1 COA NOH & V1 COA NOD: The rear deck will encroach 2.7 metres into the required rear yard setback and is 0.45 metres from the east side lot line and is 0.1 metres from the west side lot line. V1 TLAB: The rear deck will encroach 2.7 metres into the required rear yard setback and is 0.45 metres from the east side lot line and is 0.1 metres from the west side lot line. <i>No change from COA request</i>
BUILDING HEIGHT 9.0 metres is the maximum building height (ZBL 569-2013)	V2A COA NOH: The detached house will have a height of 9.9 metres V2A COA NOD: The detached house will have a height of 9.7 metres V2A TLAB: The detached house will have a height of 9.6 metres. <i>Downward magnitude change of 0.3 metres from V2 COA NOH</i>
HEIGHT OF SIDE EXTERIOR MAIN WALLS FACING A SIDE LOT LINE THAT <u>DOES</u> ABUT A STREET 7.0 metres is the maximum side wall height (ZBL 569-2013)	V3 COA NOH: The height of the side exterior main walls facing a side lot line that abuts a street will be 9.2 metres. V3 COA NOD: The height of the side exterior main walls facing a side lot line that abuts a street will be 9.0 metres. V3 TLAB: The height of the side exterior main walls facing a side lot line that abuts a street will be 9.0 metres. <i>Downward magnitude change of 0.2 metres from V3 COA NOH</i>
HEIGHT OF SIDE EXTERIOR MAIN WALLS FACING A SIDE LOT LINE THAT <u>DOES NOT</u> ABUT A STREET 7.0 metres is the maximum side wall height (ZBL 569-2013)	V4 COA NOH: The height of the side exterior main walls facing a side lot line that does not abut a street will be 9.2 metres. V4 COA NOD: The height of the side exterior main walls facing a side lot line that does not abut a street will be 9.0 metres. V4 TLAB: The height of the side exterior main walls facing a side lot line that does not abut a street will be 9.0 metres. <i>Downward magnitude change of 0.2 metres from V4 COA NOH</i>

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<p>FLOOR SPACE INDEX</p> <p>0.6 times the lot area of a detached home (79.7 square metres) is the maximum</p> <p>(ZBL 569-2013)</p>	<p>V5 COA NOH: The detached house will have a floor space index equal to 1.31 times the area of the lot (173.5 square metres).</p> <p>V5 COA NOD: The detached house will have a floor space index equal to 1.3 times the area of the lot (169.5 square metres).</p> <p>V5 TLAB: The detached house will have a floor space index equal to 1.28 times the area of the lot (169.7 square metres).</p> <p><i>Downward magnitude change of 0.3 times the lot area (or 3.8 square metres) from V5 COA NOH</i></p> <p><u>Note:</u> The Applicant submitted updated plans to the City on November 9, 2020 and an updated City Zoning Notice was made on November 30, 2020 by the same examiner who had issued the previous original City Zoning Notice on January 7, 2020.</p>
<p>REAR YARD SETBACK</p> <p>Minimum required setback is 7.5 metres from the north rear lot line</p> <p>(ZBL 569-2013)</p>	<p>V6 COA NOH & V6 COA NOD: The detached house will be located 7.1 metres from the north rear lot line.</p> <p>V6 TLAB: The detached house will be located 7.1 metres from the north rear lot line.</p> <p><i>No change from COA request</i></p>
<p>SIDE YARD SETBACK</p> <p>Minimum required setback is 0.9 metres</p> <p>(ZBL 569-2013)</p>	<p>V7 COA NOH & V7 COA NOD: The detached house will be located 0.0 metres from the west side lot line.</p> <p>V7 TLAB: The detached house will be located 0.0 metres from the west side lot line.</p> <p><i>No change from COA request</i></p>
<p>SIDE YARD SETBACK WHERE THERE ARE NO WINDOWS OR DOORS</p> <p>Minimum required is 0.45 metres</p> <p>(ZBL 569-2013)</p>	<p>V8 COA NOH: The detached house will be located 0.2 metres from the east side lot line</p> <p>V8 COA NOD: The detached house will be located 0.3 metres from the east side lot line</p> <p>V8 TLAB: The detached house will be located 0.3 metres from the east side lot line.</p> <p><i>Downward magnitude change of 0.1 from V8 COA NOH</i></p>

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<p>PARKING SPACE WIDTH, LENGTH, AND VERTICAL CLEARANCE</p> <p>Minimum width is 3.2 metres, minimum length is 5.6 metres and minimum vertical clearance is 2.0 metres</p> <p>(ZBL 569-2013)</p>	<p>V9A COA NOH & V9A COA NOD: The parking space will measure 2.3 metres in width, 4.8 metres in length and 2.2 metres in vertical clearance.</p> <p>V9A TLAB: The parking space will measure 2.3 metres in width, 4.8 metres in length and 2.2 metres in vertical clearance.</p> <p><i>No change from COA request</i></p>
<p>BUILDING HEIGHT</p> <p>9.0 metres is the maximum building height</p> <p>(ZBL 438-86)</p>	<p>V1B COA NOH: The detached house will have a height of 10.4 metres</p> <p>V1B COA NOD: The detached house will have a height of 10.2 metres</p> <p>V1B TLAB: The detached house will have a height of 10.1 metres</p> <p><i>Downward magnitude change of 0.3 metres from V1B COA NOH</i></p>
<p>PARKING SPACE WIDTH, LENGTH, AND VERTICAL CLEARANCE</p> <p>Minimum width is 3.2 metres, minimum length is 5.6 metres and minimum height is 2.0 metres</p> <p>(ZBL 438-86)</p>	<p>V2B COA NOH & V2B COA NOD: The parking space will measure 2.3 metres in width, 4.8 metres in length and 2.2 metres in vertical clearance.</p> <p>V2B TLAB: The parking space will measure 2.3 metres in width, 4.8 metres in length and 2.2 metres in vertical clearance.</p> <p><i>No change from COA request</i></p>

JURISDICTION

Provincial Policy – S. 3

The policy test means that:

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

Variance – S. 45(1)

In considering the applications for variances from 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 legal tests are whether the variances:

- maintain the general intent and purpose of the Toronto Official Plan, as amended by Official Plan Amendment 320;
- maintain the general intent and purpose of the ZBL 569-2013 and ZBL 438-86;
- are desirable for the appropriate development or use of the land; and
- are minor.

EVIDENCE, ANALYSIS, FINDINGS, AND REASONS

Ms. Kapelos represented Ms. Chiu, the Owner of the subject property. Mr. Cieciora provided me with expert land-use planning opinion evidence in favour of the amended Application. Mr. Waleed Elbadawi represented Ms. Sparks. Ms. Sparks appeared with Mr. Ezzat Elbadawi, whom I allowed to speak and ask questions of the only witness.

There were no other filings tendered as exhibits from any party except for Ms. Kapelos, who tendered pre-filings and post-filings, which I had accepted. I enumerate the list of exhibits below:

- Exhibit 1A – Combined Applicant Disclosure Book
- Exhibit 1B – Track Change Chart
- Exhibit 2 – T.J. Cieciora Expert Witness Duty Form and Witness Statement
- Exhibit 3 – H. Barredo Affidavit of Service
- Exhibit 4 – N. Sheikh Affidavit of Service

In advance of the proceeding, all those involved were expected to familiarize themselves with the publicly available TLAB Rules of Practice and Procedure (Rules). Moreover, Exhibit 3 and Exhibit 4 confirm that the Applicant provided the Appellant with document disclosure by or before the deadline as determined by the Rules. I confirmed that the TLAB Notice of Hearing was supplied to the Appellant. Apart from the Notice of Appeal Form 1 and Closing Submissions, I did not receive any further documents from the Appellant.

Mr. Cieciura has more than twenty years of experience as a Registered Professional Planner in Ontario. He has appeared before land-use appeal tribunals to endorse and oppose development applications. I qualified him as an expert. I heard him say that he visited the site and observed a variety of new and older developments. He indicated that some of the adjustments resulting in the Proposal were meant to address concerns raised by the Appellant. He further indicated that variances were modified in a downward direction to make them *better than* what was approved at the COA (Exhibit 1B). Mr. Cieciura added that the City's Transportation department encouraged the provision of parking in this case but that practically it would be impossible for the Applicant to meet the parking performance standard considering the lot size.

Mr. Cieciura said the property is south of Bloor Street West, west of Runnymede Road, north of Rennie Park, and east of Windermere Avenue. He testified that there are single detached homes, semi-detached homes, duplexes, triplexes and apartments in the broader neighbourhood. He explained that what is currently occupying the site is one single-detached two-storey home. In contrast, the request before me is to permit one new detached three-storey home for which a variance from the (maximum) height performance standard is being sought.

In an organized and thorough manner, Mr. Cieciura provided me with a professional planning analysis. He opined that the Proposal would efficiently *use* the subject lot within a settlement area and a compact area. Alluding to various high-level provincial policies (Exhibit 1A, pp 93 – 149 of 371), Mr. Cieciura concluded that the Proposal conforms to the 2020 Growth Plan and is consistent with the 2020 Provincial Policy Statement. I accept his conclusion that the requested variances do not conflict with these policies.

Mr. Cieciura delineated his neighbourhood study area based on physical characteristics, including zoning, prevailing dwelling type and scale, lot size and configuration, street pattern, pedestrian connectivity, and natural and human-made dividing features (Exhibit 1A, p 319 of 371). He showed that his broader neighbourhood context includes Deforest Road to the north, Windermere Avenue to the west (including this street's west block portion), Waller Avenue to the south, and Kennedy Avenue to the east (including this street's east block portion). His immediate context includes Morningside Avenue homes along the subject block, municipally numbered from thirty to sixty (even side), and homes on the block opposite, municipally numbered from forty-three to sixty-five (odd side). He mentioned that the immediate north and south streets from the subject site are Beresford Avenue and Durie Street.

When examining the Proposal in respect of the Official Plan (OP), it is important to recognize that the prevailing building type or physical character in one geographic neighbourhood will not be considered when determining the prevailing building type or physical character in another geographic neighbourhood.

Mr. Cieciora opined that the subject property is a corner lot, thereby attracting prominence to the site. He further opined that the Proposal is for a replacement dwelling, which represents some physical change over time as permitted by the Policy 2.3.1 of the OP, which concerns healthy neighbourhoods. He further opined that the Proposal would respect and reinforce the stable physical character of the neighbourhood. In terms of height, he said three storey homes exist in the area. He mentioned that the Owner seeks a 0.6-metre request for height addition. Mr. Cieciora added that the replacement home would be similar to the Appellant's home from the street.

He then discussed Policy 3.1.2 concerning built form and testified that there is a trend to construct larger dwellings than in the past. I generally accept this point. In my view, however, a professional sun and shadow study concerning the development could have been undertaken to better appreciate the degree of impact on light and privacy on the adjacent properties and how the proponent could plan to limit any foreseeable impacts adequately. In keeping with the third section of the OP, Mr. Cieciora opined about Policy 3.4 concerning the natural environment. He mentioned that the existing tree in front of the subject property is intended to be preserved and protected through construction should the Proposal be approved.

Mr. Cieciora analyzed the Proposal in respect of Policy 4.1.5 of the OP. He testified that the patterns of streets and blocks would be unchanged with the Proposal. He further testified that the lot shape exists as rectangular and that this would not change if the Proposal were approved. He said that an increased floor space index would be imperceptible from the street in terms of massing. He stated that the proposed carport and the setback variances are already existing at the property. Moving to Policy 4.1.8, Mr. Cieciora stated that many of the variance requests are only slightly below or above what is required in the ZBL 569-2013 and ZBL 438-86.

He stated that the general intent of a zoning by-law is to achieve development that is appropriate and compatible for the neighbourhood and does not result in any unacceptable, negative adverse impacts. Such a by-law, he said, is meant to encourage compatible built form within the zone and surrounding properties and, at the same time, prevent any different or nuisance uses of the properties from the surrounding uses.

The performance standards are indicated in the left column of Table 1 above. Concerning the rear-yard platform, Mr. Cieciora opined that the performance standard intends to ensure adequate soft landscaping and ample amenity space in the rear yard. He opined that the existing dwelling has a rear yard platform that is similar in size and location as to what is being proposed. Accordingly, he posited that there are no negative impacts that would be experienced in the neighbourhood. Mr. W. Elbadawi asked Mr. Cieciora about the loss of privacy resulting from the proposed platform for the residents at 42 Morningside Avenue. Mr. Cieciora said absolute privacy is not expected of any development. He remarked that the intent of the by-law is not to prevent decks but to regulate their location.

The height performance standard maximum is 9.0 metres. ZBL 569-2013 takes the height from the established grade, whereas ZBL 438-86 takes the height from the existing grade. Mr. Cieciura said a maximum building height intends to ensure that the massing is consistent between dwellings in the neighbourhood. Overall height, he said, regulates privacy and shadowing issues and helps maintain the streetscape. He mentioned that the Appellant's home was approved with a height of 9.9 metres under ZBL 438-86 (Exhibit 1A, p 318 of 371). Elsewhere, however, I observed that this home was approved for a height of 9.7 metres under ZBL 438-86 (Exhibit 1A, p 370 of 371). Nevertheless, there are other homes which Mr. Cieciura has assured have been approved for higher heights under ZBL 438-86 and ZBL 569-2013, respectively: 44A Morningside Avenue at 9.71 metres and 9.8 metres and 44B at 10.68 metres and 9.4 metres (Exhibit 1A, p 318 of 371). Mr. W. Elbadawi asked Mr. Cieciura about the established grade and questioned several spot elevation points on the site plan. Mr. Cieciura stated that grade was determined in consultation with the architect and the City's zoning examiner.

The exterior main wall height performance standard maximum is 7.0 metres for a main wall facing a side lot line that abuts or does not abut a street. The Owner requests a variance here for 9.0 metres. Mr. Cieciura opined that this standard intends to maintain a consistent massing in the neighbourhood and control the height of habitable space within dwellings. In this case, the overall height request matches the exterior side wall height request. Mr. Cieciura testified that the Owner wants to maximize the FSI within the building envelope due to the narrow characteristics of the lot. He said 44A and 44B Morningside Avenue were approved for an exterior main wall height of 9.42 metres and 8.97 metres.

By far, the FSI request seems to be the most significant request of the Proposal. The performance standard is 0.6 times the lot area (79.7 square metres) and the Owner is asking for 1.28 times the lot area, which is 169.7 square metres. Mr. Cieciura stated that the intent of the maximum floor space index standard is largely to regulate the amount of gross floor area which can be built on a property with regard to massing and built form. He pointed again to the development of 44 Morningside Avenue. 44A and 44B have lot areas resulting from severance of 182.6 square metres and 184.4 square metres, respectively, whereas the subject lot area is currently 132.7 square metres (Exhibit 2 at p 22 of 33). Under ZBL 569-2013, which is the appropriate zoning by-law to refer to, 44A Morningside Avenue was approved for an FSI of 1.05 times the lot area (192.82 square metres) and 44B was approved for 1.04 times the lot area (also 192.92 square metres). Mr. Cieciura testified that the proposed dwelling size would be 173.4 square metres, which is modest for a single detached dwelling. Therefore, he concluded that the Proposal would fit within the existing and planned context. Mr. W. Elbadawi asked Mr. Cieciura that if the FSI mean of approvals is 0.88 times the lot area, how could this explain a variance request of 1.28 times the lot area. Mr. Cieciura confirmed that the request has not been granted in the immediate neighbourhood but is within a range of reasonable possibilities.

Mr. Cieciura then presented his opinion as to the rear yard and side yard setback variance requests. The minimum required rear yard setback is 7.5 metres, whereas the Owner proposes a setback of 7.1 metres. Mr. Cieciura testified that this kind of setback intends to maintain a consistent streetscape while providing amenity space and stormwater management in the rear yard. He stated that the current rear yard setback is 7.22 metres. As for the side yard setback request on the west side, the minimum required is 0.9 metres for walls with windows and doors and 0.45 for walls without windows or doors. Mr. Cieciura stated that the proposed dwelling would have a side yard setback of 0.0 metres on the west side lot line and 0.3 metres on the east side lot line, where there are no doors nor windows. He testified that the intent of the side yard setback is largely to provide adequate access from the front and rear of a home and allow ample space for stormwater infiltration and runoff. He added that it could help with privacy concerns from abutting dwellings. Mr. Cieciura said that the existing exterior side yard from the west lot line is 0.06 metres. He indicated the request of 0.0 metres is a technical variance because the side yard is not needed to provide access to the rear of the property, which is a corner lot. He added that the municipal boulevard acts as a buffer and acts as a side yard setback from the public sidewalk. He also indicated that the request of 0.3 metres on the east side improves the existing setback of 0.19 metres.

For parking space dimensions under ZBL 569-2013 and ZBL 438-86, the minimum parking space dimensions are 3.2 metres in width, 5.6 metres in length and 2.0 metres in vertical clearance or height. The proposed carport will have a compliant vertical clearance and a width and length of 2.3 metres and 4.8 metres respectively. Mr. Cieciura said that the intent of the parking space performance standard is to ensure that legal parking spaces on the property are large enough to fit a vehicle. He testified that the proposed carport is similar in size to the existing carport on the subject property and can fit a medium sized vehicle. A larger carport, which is not being proposed, would have the effect of reducing the rear yard. He mentioned there is no other place to provide parking on the property because of topographical issues.

Mr. Cieciura, the only witness and expert witness I heard from, testified that the Proposal is desirable for the appropriate development and use of the land. He highlighted that the proposed development represents modest redevelopment and would be considered gradual and sensitive in an evolving neighbourhood. He opined that there is little to no impact to adjacent homes other than what might be experienced if the property was developed to as-of-right zoning. He concluded the variances requested are minor in nature.

The varied topography in the immediate and broader contexts cannot be overstated. For example, the homes on the northwest corner of Morningside Avenue and Durie Street (44A and 44B) are situated along a westwardly upward slope which appears to be less abrupt than for the homes of the Applicant and Appellant. 44A and 44B Morningside Avenue are homes which enjoy different overall building heights. Differently though, the Applicant's home as well as the Appellant's home are set quite deep into their lots. From the streetscape, they both appear to sit on a crest of a hill. This adds to the situational remarkability.

It is clear that the Owner seeks to develop approximately as high as the Appellant's home. The Owner also seeks to considerably add more habitable space in redeveloping for a single detached dwelling. Based on the uncontroverted evidence of Mr. Cieciora's expert and assistive testimony, I find that individually and cumulatively the variances sought in **Attachment A** maintain the general intent and purpose of the Official Plan and ZBL 569-2013 and ZBL 438-86, are desirable and minor in impact. The four tests set out in subsection 45(1) of the *Planning Act* are satisfied.

DECISION AND ORDER

The appeal is granted in part. The Committee of Adjustment decision is set aside. The variances contained in **Attachment A** which comprise the amended Application are approved subject to the following conditions:

- The Owner must submit a complete application for a permit to injure or remove a City of Toronto owned tree(s), as per the City of Toronto Municipal Code Chapter 813, Trees Article II Trees on City Streets; and
- The Owner must ensure that the development shall be constructed substantially in accordance with the approved revised plans which are contained in **Attachment B**;

Should there be difficulties in implementing this decision, the TLAB may be spoken to.

X



Sean Karmali
Panel Chair, Toronto Local Appeal Body

ATTACHMENT A: APPROVED UPDATED VARIANCES

ATTACHMENT B: APPROVED UPDATED PLANS

Toronto Building
William M. Johnston, P. Eng., Chief Building Official
and Executive Director

2 Civic Centre Court
2nd Floor
Toronto, ON M9C 5A3

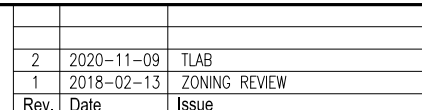
Michael Farkas
Zoning Building Code Examiner
Phone: 416-338-5958
Fax:
Email: Michael.Farkas@toronto.ca

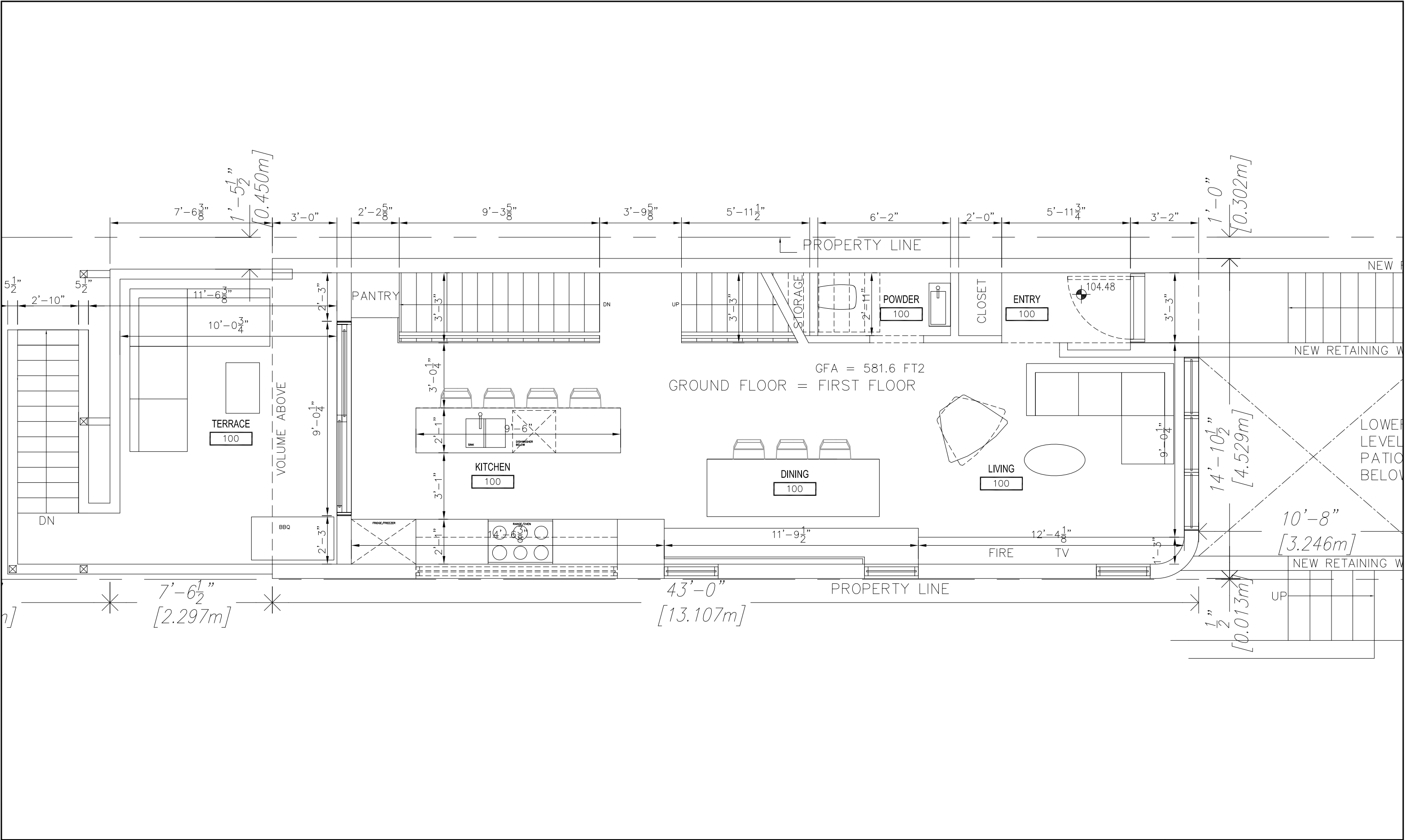
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Application Number: 19 134173 ZZC 00 ZR

Zoning bylaw Notice

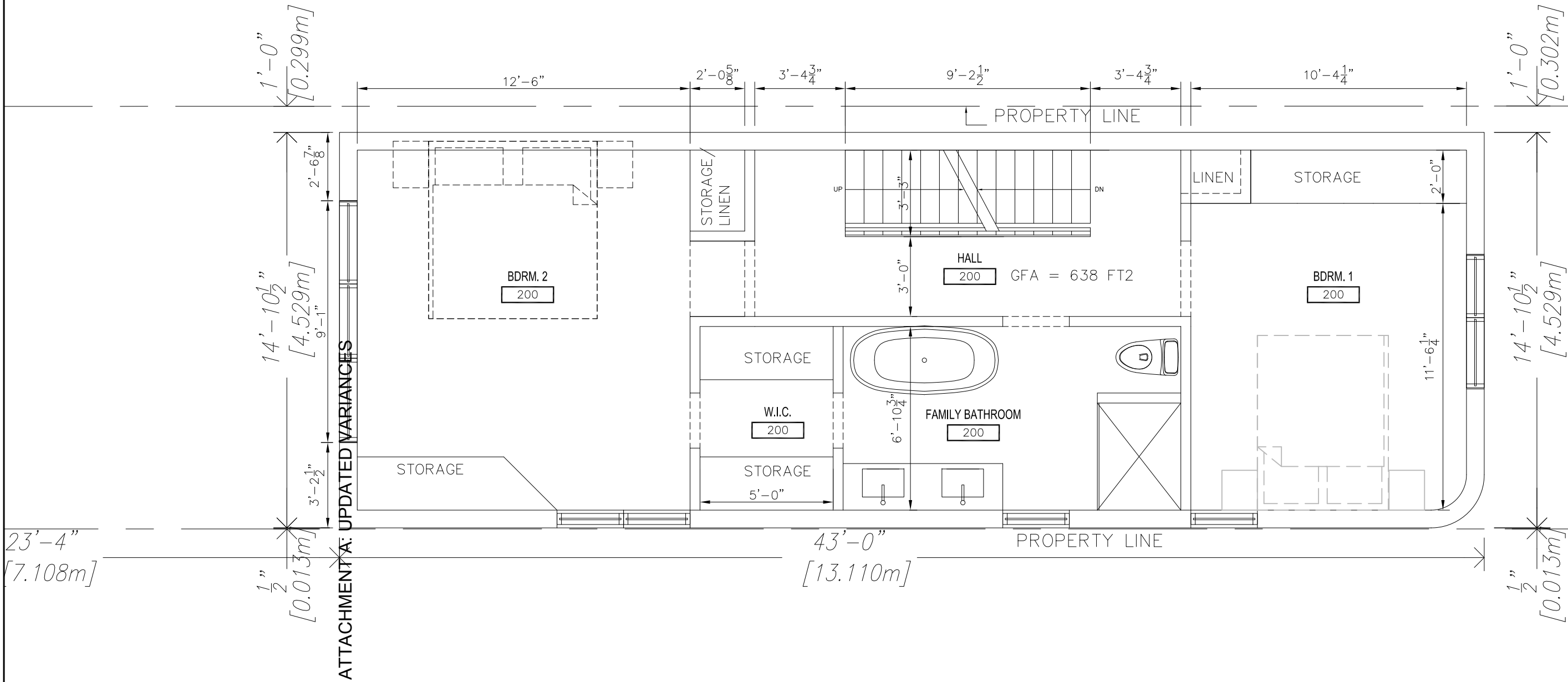
ITEM DESCRIPTION

	<p>City-wide Zoning By-law</p> <p>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 R (f7.5; u2; d0.6) (x798).</p>
1.	<p>(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 2.5 metres. The proposed platform encroaches 2.7 metres into the required rear yard setback and is 0.45 metres from the east side lot line and is 0.1 metres from the west side lot line. [10.5.40.60.(1) Platforms]</p>
2.	<p>A) The permitted maximum height of a building or structure is 9.0 metres. The proposed height of the building is 9.6 metres. [10.10.40.10.(1) Maximum Height]</p>
3.	<p>(B)(i) The permitted maximum height of all side exterior main walls facing a side lot line that abuts a street is 7.0 metres. The proposed height of the side exterior main walls facing a side lot line that abuts a street is 9.0 metres.</p> <p>(B)(ii) The permitted maximum height of all side exterior main walls facing a side lot line that does not abut a street is 7.0 metres. The proposed height of the side exterior main walls facing a side lot line that does not abut a street is 9.0 metres. [10.10.40.10.(2) Maximum Height of Specified Pairs of Main Walls]</p>
4.	<p>A) The permitted maximum floor space index is 0.6 times the area of the lot: 79.7 square metres. The proposed floor space index is 1.28 times the area of the lot: 169.7 square metres. [10.10.40.40.(1) Floor Space Index]</p>
5.	<p>The required minimum rear yard setback is 7.5 metres. The proposed rear yard setback is 7.1 metres. [10.10.40.70.(2) Minimum Rear Yard Setback]</p>
6.	<p>A)(i) The required minimum side yard setback for a detached house is 0.9 metres. The proposed side yard setback is 0.0 metres to the west side lot line. [10.10.40.70.(3) Minimum Side Yard Setback]</p>
7.	<p>A) The required minimum side yard setback for a detached house is 0.45 metres. The proposed side yard setback is 0.3 metres to the east side lot line. [10.10.40.70.(4) Reduced Minimum Side Yard for Walls with No Windows or Doors on Specified Buildings]</p>
8.	<p>(A) The minimum required parking space must have minimum required dimensions of (i) 3.2 metres in width, (ii) 5.6 metres in length and (iii) 2.0 metres in vertical clearance. The proposed parking space will be (i) 2.3 metres wide, (ii) 4.8 metres long and (iii) 2.2 metres in vertical clearance. [200.5.1.10.(2) Parking Space Dimensions - Minimum]</p>
	<p>Toronto Zoning by-law</p> <p>Your property is located in the former municipality of Toronto and is subject to Zoning By-law No. 438-86, as amended. Based on Zoning By-law No. 438-86, the property is zoned R1S Z0.6.</p>
9.	<p>(A) (i) The permitted maximum height of a building or structure is 9.0 metres. The proposed height of the building is 10.1 metres. [4(2) Height Limits]</p>
10.	<p>(a) The minimum required parking space must have minimum required dimensions of 3.2 metres in width, 5.6 metres in length and 2.0 metres in height. The proposed parking space will be 2.3 metres wide, 4.8 metres long and 2.2 metres high. [4(17) Parking Spaces]</p>

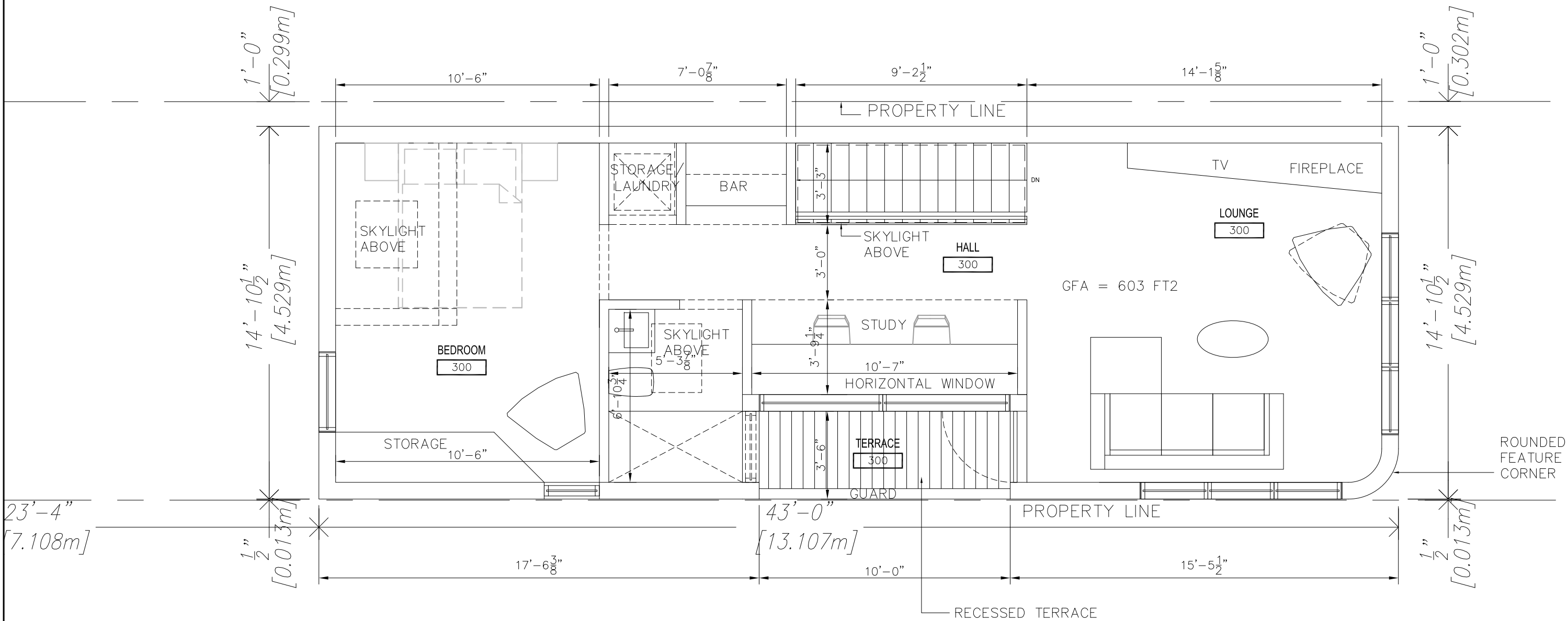




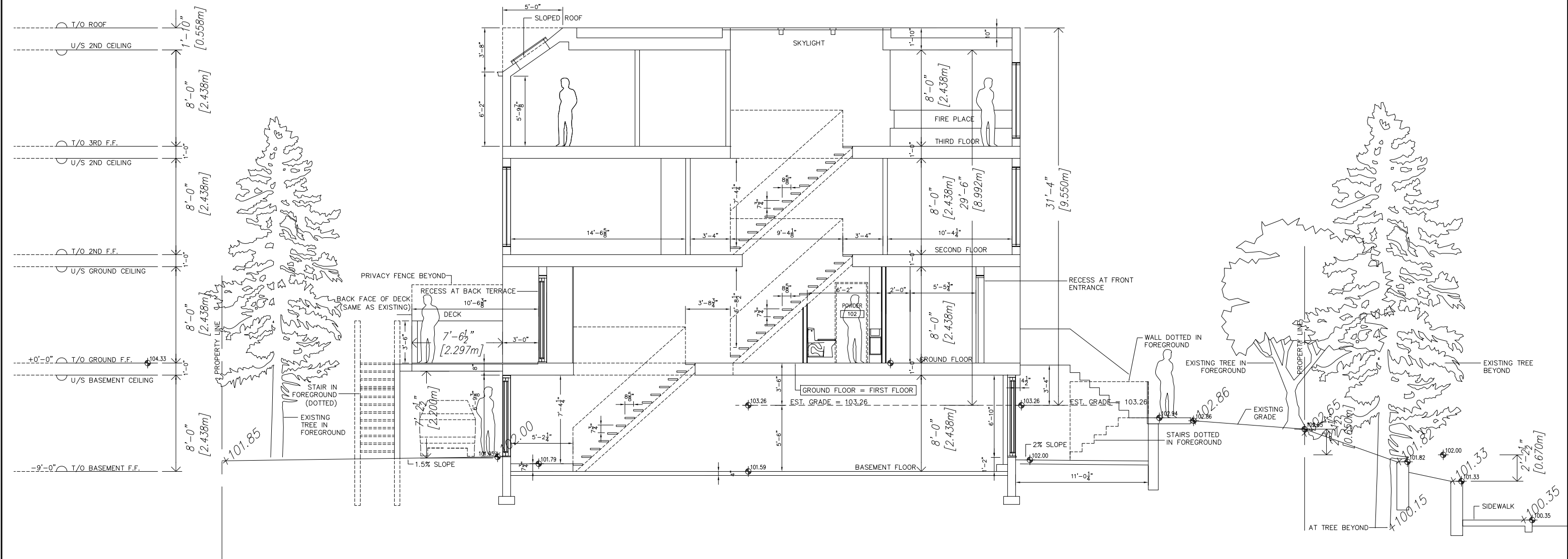
2	2020-11-09	TLAB
1	2018-02-13	ZONING REVIEW
Rev.	Date	Issue



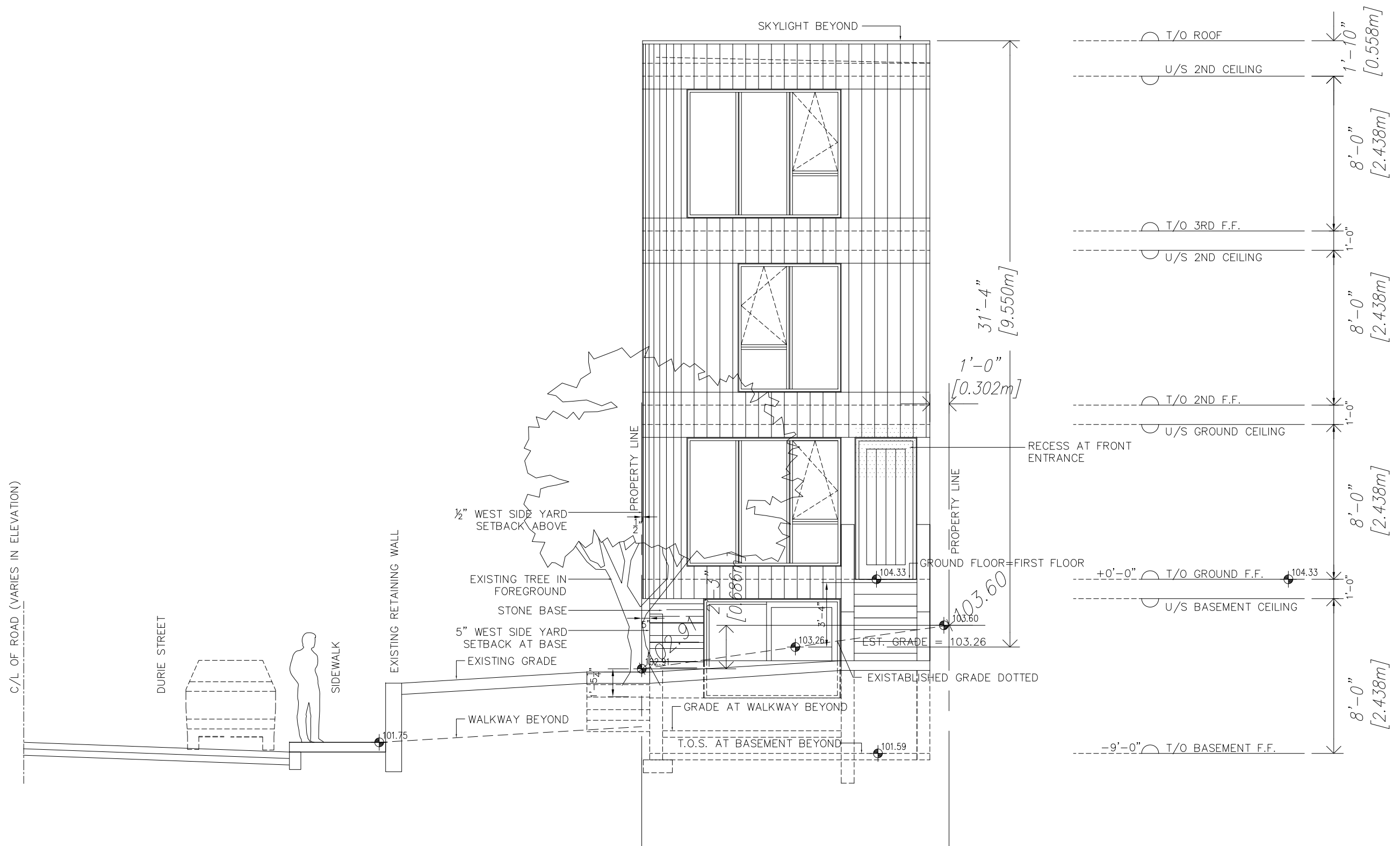
2	2020-11-09	TLAB
1	2018-02-13	ZONING REVIEW
Rev.	Date	Issue

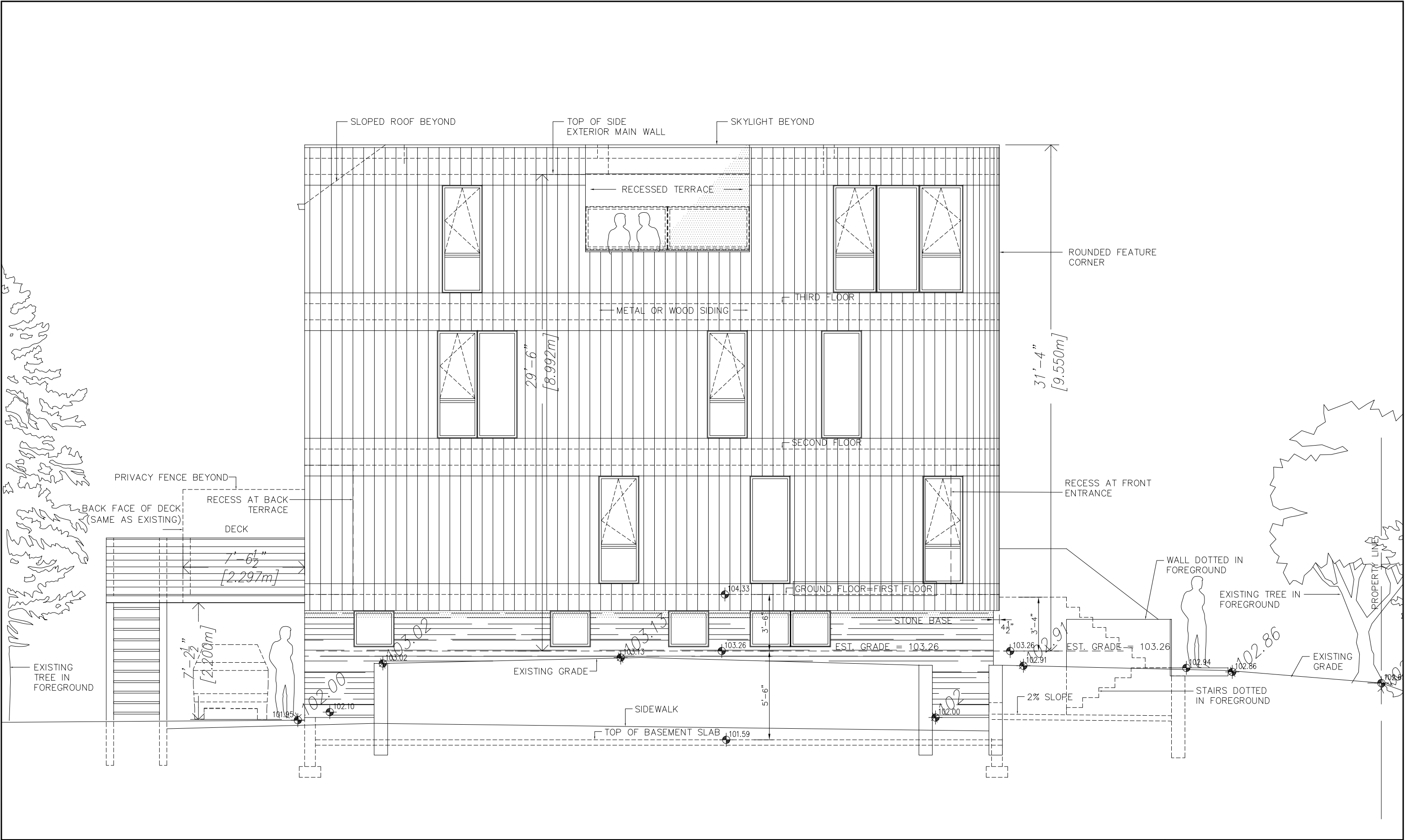


2	2020-11-09	TLAB
1	2018-02-13	ZONING REVIEW
Rev.	Date	Issue

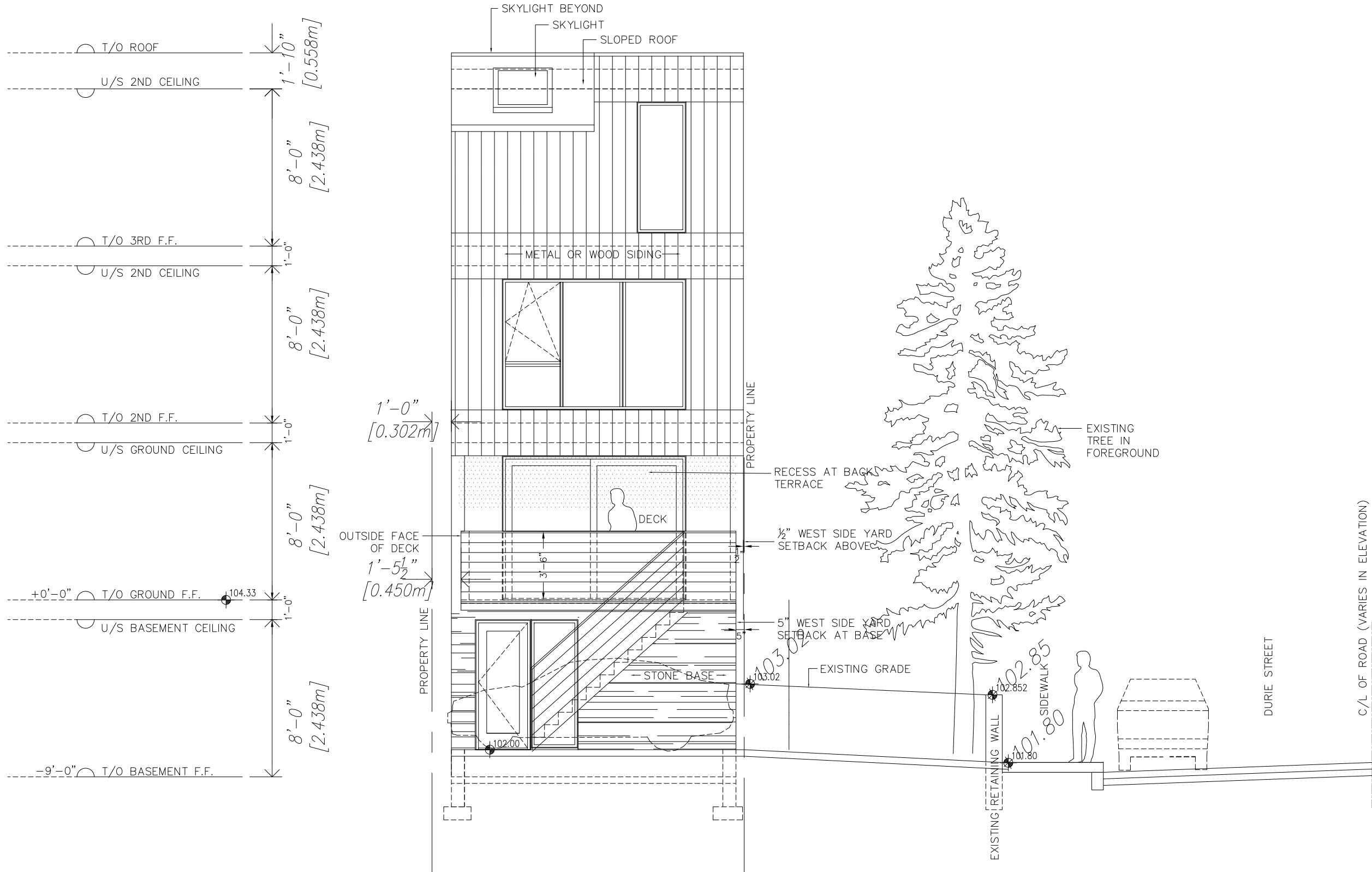


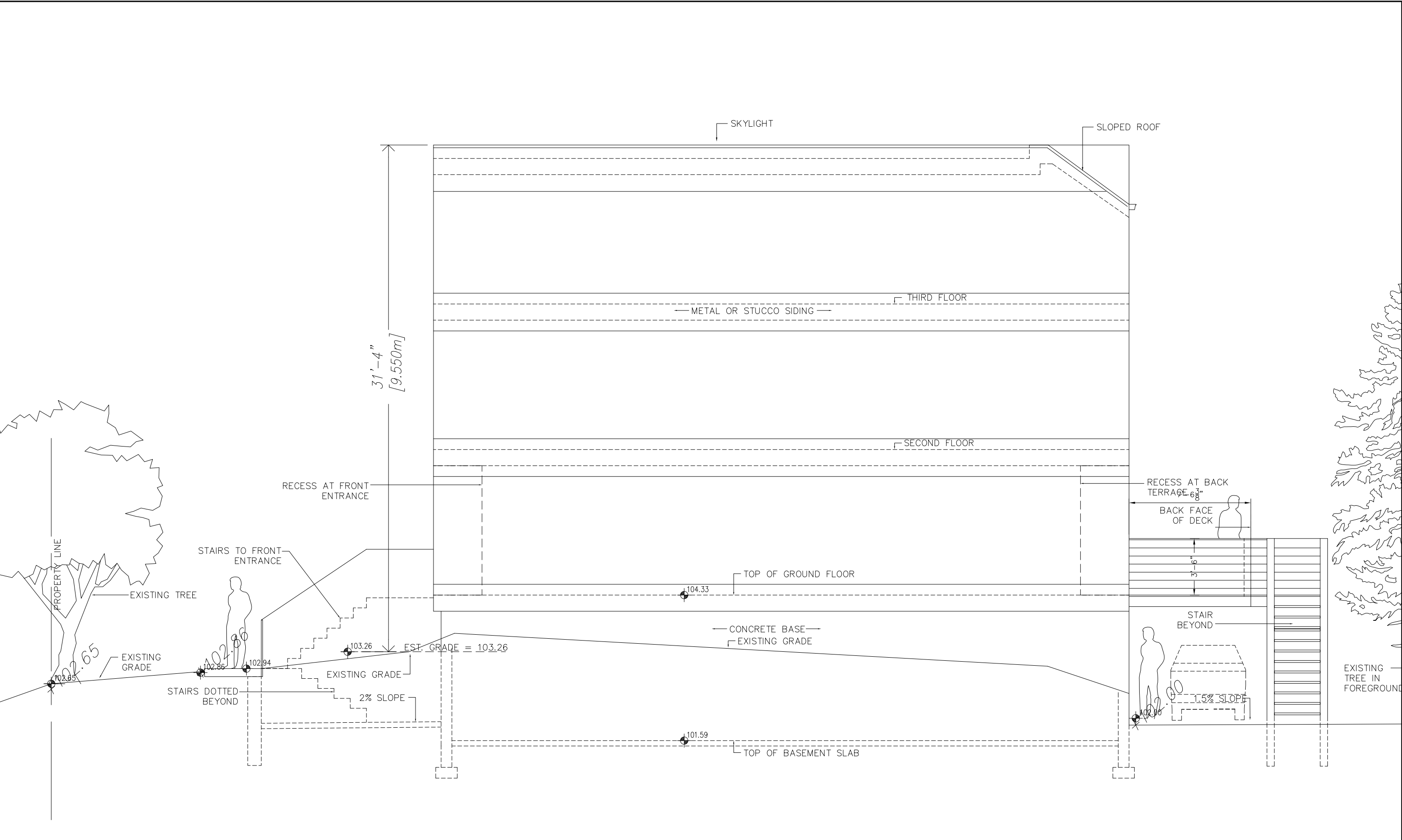






Rev.	Date	Issue
2	2020-11-09	TLAB
1	2018-02-13	ZONING REVIEW





42.5 Morningside Ave.

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EAST ELEVATION (SIDE)

Rev.	Date	Issue
2	2020-11-09	TLAB
1	2018-02-13	ZONING REVIEW

Project No: 2018-2
Scale: 3/16"=1'
Date: FEB 13, 2018