



Member Motion

City Council

Motion without Notice

MM37.48	ACTION			Ward:23
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Staff Representation at an Ontario Municipal Board hearing for 295 Byng Avenue - by Councillor John Filion, seconded by Councillor Joe Mihevc

- * *This Motion has been deemed urgent by the Chair.*
- * *This Motion is not subject to a vote to waive referral.*
- * *This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor John Filion, seconded by Councillor Joe Mihevc, recommends that:

1. City Council authorize the City Solicitor and City Planning Staff to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment's decision for 295 Byng Avenue.

Summary

On October 24, 2012, the Committee of Adjustment, North York Panel considered an application for Minor Variances, submitted by the applicant, to permit the construction of a new two-storey dwelling at 295 Byng Avenue. In their Staff Report, City Planning Staff recommended refusal of the proposed lot coverage of 37.9 percent. In their decision, the Committee reduced the proposed lot coverage to 32 percent. They also refused variances for a proposed east side yard setback of 1.21 metres and a proposed west side yard setback of 1.37 metres. The applicants appealed this decision to the Ontario Municipal Board, who refused their appeal on the grounds that "when the variances are considered collectively they would result in an over development of the site".

On June 19, 2013, a second application was considered by the Committee. The applicants requested four minor variances, including a proposed east side yard setback of 1.22 metres, a proposed west side yard setback of 1.37 metres and a proposed lot coverage of 34 percent. In their Staff Report, City Planning Staff recommended that the proposed lot coverage be reduced. In their decision, the Committee reduced the proposed lot coverage to 32 percent, and increased both proposed side yard setbacks to 1.5 metres.

The applicants have appealed this decision to the Ontario Municipal Board.

This issue is time sensitive as the City was only recently notified of this appeal, and the City Solicitor and City Planner and Executive Director, City Planning will require time to prepare

for the hearing, which may be scheduled before the next meeting of Council.

(Submitted to City Council on July 16 and 17, 2013 as MM37.48)

Background Information (City Council)

Member Motion MM37.48

(July 17, 2013) Communication from Councillor John Filion, Ward 23, Willowdale regarding
295 Byng Avenue

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-60301.pdf>