

City Council**Notice of Motion**

MM5.23	ACTION			Ward:23
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330 Byng Avenue - Request for Representation at the Ontario Municipal Board - by Councillor John Filion, seconded by Councillor Joe Mihevc

** Notice of this Motion has been given.*

** This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.*

** This Motion relates to an Ontario Municipal Board Hearing and has been deemed urgent.*

Recommendations

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

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's decision regarding Application No. A1010/14NY respecting 330 Byng Avenue.
2. City Council direct the City Solicitor to attempt to negotiate a settlement in the appeal of Committee of Adjustment Application No. A1010/14NY respecting 330 Byng Avenue and authorize the City Solicitor to settle the matter on behalf of the City at the City Solicitor's discretion after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.
3. In the event that a settlement cannot be reached, City Council authorize the City Solicitor to attend the Ontario Municipal Board and to retain outside consultants as necessary to oppose the variances requested in Application No. A1010/14NY respecting 330 Byng Avenue.

Summary

The applicant applied to the Committee of Adjustment (Application No. A1010/14NY) for minor variances from Zoning By-laws 7625 and 569-2013 to permit the construction of a new two-storey dwelling with an integral garage at 330 Byng Avenue (the "Application").

At its hearing on February 19, 2015, the Committee of Adjustment approved the Application (the "Decision"). A copy of the Notice of Decision of the Committee of Adjustment is attached.

On March 11, 2015, the City Solicitor appealed the Committee of Adjustment's Decision to the Ontario Municipal Board in order to preserve the City's appeal rights as the appeal deadline would have passed before the next City Council meeting.

The variances for the east side yard setback of 0.91 metres remain of concern and should be increased. As requested, the east side yard setback variances do not fit the character of the neighbourhood or meet the intent of the zoning by-laws. Approval of these variances could risk setting a precedent for future applications.

This Motion would give the City Solicitor authority to appeal the Decision, the authority to attend the Ontario Municipal Board and to retain outside consultants as necessary in order to oppose the Application, unless the applicant agrees to an acceptable increase of the variance for the east side yard setback.

This matter is time sensitive and urgent as the City Solicitor has already appealed the Committee of Adjustment's Decision to the Ontario Municipal Board and requires instructions and direction to proceed with this appeal.

Background Information (City Council)

(February 19, 2015) Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 330 Byng Avenue
(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-78495.pdf>)