

**City Council****Notice of Motion**

MM24.17	ACTION			Ward:23
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**248 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 A0953/16NY respecting 248 Byng Avenue.
2. City Council direct the City Solicitor to attempt to negotiate a settlement in the appeal of Committee of Adjustment Application A0953/16NY respecting 248 Byng Avenue and authorize the City Solicitor to settle the matter on behalf of the City in her discretion after consultation with the Chief Planner and Ward Councillor.
3. In the event that a settlement cannot be reached, City Council authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board and to retain outside consultants as necessary in order to oppose the proposed variances requested in Application A0953/16NY respecting 248 Byng Avenue.

**Summary**

The applicant has applied to the Committee of Adjustment (Application A0953/16NY) for minor variances from Zoning By-laws 7625 and 569-2013 to construct a new two-storey dwelling with integral garage (the "Application").

At its hearing on January 12, 2017, the Committee of Adjustment approved the application for minor variances which included additional building length, building height, east side yard setbacks, first floor height and reduced front yard landscaping. In their report, Planning staff recommended that the variances for east side yard setbacks be modified to be more in keeping with the intent of the Zoning By-laws. The Notice of Decision and Staff Report are attached.

This application is of concern as it does not fit the character of the neighbourhood or meet the

intent of the zoning by-laws.

In order to preserve the appeal deadline, the City Solicitor has already appealed the Committee of Adjustment's Decision to the Ontario Municipal Board and requires further instructions and direction to proceed with this appeal.

**Background Information (City Council)**

Member Motion MM24.17

Committee of Adjustment North York Panel Notice of Decision on application for Minor Variance/Permission for 248 Byng Avenue

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-100544.pdf>

(January 3, 2017) Report from the Director, Community Planning, North York District on 248 Byng Avenue

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-100545.pdf>