

# John Filion

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Toronto City Councillor – Ward 23, Willowdale

**Date:** June 13<sup>th</sup>, 2017

**To:** North York Community Council –City Clerk's Office-Secretariat

**From:** Councillor John Filion

**Subject:** Representation at a Toronto Local Appeal Body hearing for 241 Poyntz Avenue

## SUMMARY:

On Thursday, May 18, 2017, the North York Panel of the Committee of Adjustment (the "Committee") approved an application for minor variances related to the property municipally known as 241 Poyntz Avenue (the "Application"). The Application sought to permit the construction of a new two-storey dwelling and detached garage. The existing dwelling would be demolished.

In a report from Urban Forestry, Tree Protection and Plan Review staff dated May 11, 2017, staff recommended refusal of the variance respecting the proposed vehicle access to a parking space on a corner lot being from the front yard, as approval of this variance would require the removal of a healthy privately owned Colorado blue spruce tree in the front yard of the subject property. Urban Forestry, Tree Protection and Plan Review staff are of the opinion that this healthy tree is a valuable part of the urban forest and should be retained, in accordance with the tree protection policies of the Official Plan.

Furthermore, the requested variances with respect to west side yard setback do not respect the existing physical character of the neighbourhood or maintain the intent and purpose of the applicable zoning by-laws.

The last day to appeal the Committee's decision to the Toronto Local Appeal Body was June 7, 2017. In order to preserve the appeal deadline, the City Solicitor has already appealed the Committee's decision to the Toronto Local Appeal Body. The City Solicitor requires further instructions and direction to proceed with this appeal.

## RECOMMENDATIONS:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's decision to approve application A0227/17NY respecting 241 Poyntz Avenue to the Toronto Local Appeal Body.
2. City Council authorize the City Solicitor to attempt to negotiate a settlement in the appeal of the Committee of Adjustment's decision to approve application A0227/17NY respecting 241 Poyntz Avenue and authorize the City Solicitor to settle the matter in her discretion after consultation with the Chief Planner and Executive Director, City Planning and Ward Councillor.
3. City Council authorize the City Solicitor, along with appropriate City staff, to attend the Toronto Local Appeal Body and to retain outside consultants, as necessary, to oppose the minor variances requested in Committee of Adjustment application A0227/17NY respecting 241 Poyntz Avenue.



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