

65 Avonhurst Road – Private Tree Removal

Date:	April 11, 2007
To:	Etobicoke York Community Council
From:	Brenda Librecz, General Manager, Parks, Forestry and Recreation
Wards:	Ward 5 - Etobicoke Lakeshore
Reference Number:	

SUMMARY

To report on an application for a permit to remove one (1) privately owned 98 centimetre diameter black walnut tree (*Juglans nigra*) located at 65 Avonhurst Road. This is the second application that has been filed by the owner for the removal of this tree. The application has been made to allow for the construction of a two-storey addition with an attached two-car garage.

A landscape plan has been submitted with the application that shows the planting of nine (9) significantly sized trees to replace the tree in question.

Inspection of the tree by staff revealed that the tree is healthy and in good condition. This tree has a well developed crown with very little deadwood throughout. This tree is part of a large majestic community of trees that contribute to the character of this neighbourhood which is locally known as Islington Village.

Staff are of the opinion that the proposed plans can be adjusted to accommodate the tree in question.

RECOMMENDATIONS

The General Manager of Parks, Forestry and Recreation recommends that the request for permit to remove one (1) privately owned tree at 65 Avonhurst Road be denied.

DECISION HISTORY

Etobicoke York Community Council, at its meeting on November 15, 2005 recommended that City Council adopt its recommendation to deny the request to remove the tree in question.

City Council, at its meeting on December 5, 6 and 7, 2005 referred the decision back to Community Council. Etobicoke York Community Council, at its meeting on January 17, 2006 recommended that City Council approve the request to remove the tree in question. City Council, at its meeting on April 25, 26 and 27, 2006 denied the previous request made by the owner to remove the tree in question.

<http://www.toronto.ca/legdocs/2005/agendas/committees/et/et051115/agendain.pdf>

<http://www.toronto.ca/legdocs/2005/agendas/council/cc051205/et9rpt/cl004.pdf>

<http://www.toronto.ca/legdocs/2006/agendas/committees/et/et060117/agendain.pdf>

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060131/et1rpt/agendain.pdf>

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060425/etcl003b.pdf>

Financial Impact

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

This is the second application made for permit to remove this tree. The first application for permit to remove the tree was submitted on August 18, 2005. This application was denied. This new application for permit to remove the same tree was submitted January 15, 2007 for the same reasons as the original.

The applications for permit to remove the tree have been made in order to enable construction of a two-storey addition with an attached two-car garage to the existing dwelling at 65 Avonhurst Road. The proposed addition will increase the existing floor area from 1688 sq. ft. to 2099 sq. ft.

Variances to the Zoning Bylaw have been acquired by the owner to allow the construction of the proposed addition.

Urban Forestry Staff are of the opinion that due to the location of the tree, options for construction exist that would see the tree retained and protected on site.

COMMENTS

An application for permit has been received from the owner of 65 Avonhurst Road for the removal of one (1) privately owned 98-centimetre diameter black walnut tree.

Urban Forestry Staff are of the opinion that due to the location of the tree, options for construction exist that would see the tree retained and protected on site. These options include reducing the number of garage spaces to eliminate the need for removal and adhering to the revised plans produced by the owner. The revised plans (attached) propose an alteration of the addition footprint to better incorporate the tree.

Should the revised plans be utilized to construct the proposed addition, an application for permit to injure the tree in question could be approved. The approval of an application for permit to injure the tree in question would be based on information gained by an exploratory excavation of soil within the vicinity of the tree. This exploratory excavation would determine the density of tree roots within the footprint area and also allow for proper root pruning prior to construction.

The owner is unwilling to reduce the number of garage spaces or on performing the necessary exploratory excavation to determine tree injury potential.

As required under *Section 813-17, of City of Toronto Municipal Code, Chapter 813, Trees, Article III*, a 'Notice' of application sign was posted on the subject property for the minimum 14 day posting period. The posting of notice serves to notify the community of the application and provide an opportunity for objection. Twelve (12) letters of objection (attached) were received in response to the posting for this application. The original posting for the previous application resulted in three (3) letters of objection and a petition containing seventeen (17) signatures.

A landscape plan has been submitted with the application that shows the planting of two (2) 300-millimetre red oak trees (*Quercus rubra*), three (3) eastern redbud trees (*Cercis canadensis*), three (3) Colorado blue spruce trees (*Picea pungens*) and one (1) 300-millimetre black walnut tree should approval be granted to remove the black walnut tree.

Should the request for permit to remove the privately owned black walnut tree located at 65 Avonhurst Road be approved, approval must be conditional on the owner implementing the planting plan dated July 2005, plot date February 2006, on file with Urban Forestry.

This tree is very significant and is a valuable part of the forest community that exists within this area. Established and healthy black walnut trees have the ability to grow to be 170 centimetres in diameter and live to be 250 years old. With proper care and maintenance, the subject tree should continue to provide benefits to the owner and to the community for many years to come. Urban Forestry cannot support removal of this tree.

CONTACT

Richard Ubbens, Director, Urban Forestry, Parks, Forestry and Recreation,
Tel: 416 392-1894, Fax: 416 392-1915, Email rubbens@toronto.ca

SIGNATURE

Brenda Librecz
General Manager, Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1 – Photograph of black walnut tree
Attachment 2 – Proposed plans
Attachment 3 – Revised plans incorporating the tree
Attachment 4 – letter of objection
Attachment 5 – letter of objection
Attachment 6 – letter of objection
Attachment 7 – letter of objection
Attachment 8 – letter of objection
Attachment 9 – letter of objection
Attachment 10 – letter of objection
Attachment 11 – letter of objection
Attachment 12 – letter of objection
Attachment 13 – letter of objection
Attachment 14 – letter of objection
Attachment 15 – letter of objection



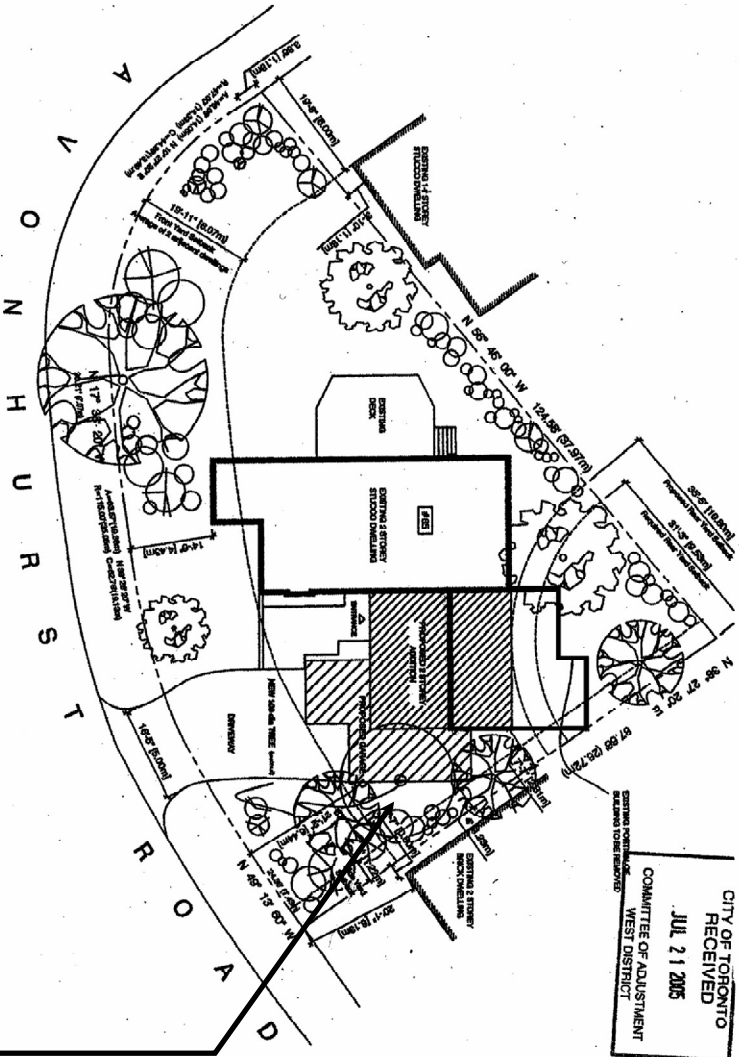
BENNETT & MORGROVE LTD. O.L.S. 1983

PROJECT STATISTICS

Zoning	R2
Existing Lot Area	798.22 sq.m. (2486.13 sq. ft.)
Existing Building Area	165.79 sq.m. (1787.708 sq. ft.)
Proposed Building Area	195.0 sq.m. (2098.0 sq. ft.)
Existing Coverage	19.86%
Proposed Coverage	24.70%
Existing Bldg Height	8.52m (28.297')
Proposed Bldg Height	8.52m (28.297')
Proposed Gross Floor Area	154.52 sq.m. (1663.250 sq. ft.)
Ground Floor	145.26 sq.m. (1564.497 sq. ft.)
Second Floor	289.88 sq.m. (3127.987 sq. ft.)
Total	435.14 sq.m. (4692.437 sq. ft.)
Proposed Floor Space Index	0.25
Setbacks	
Front Yard Setback	6.17m (19.90')
Side Yard Setback	1.2m (4.0')
Rear Yard Setback	10.8m (35.42')

1 SITE PLAN
Scale 1:100

TERENCE VAN ISLANDER
ARCHITECTS
77 COLACRE BUILDING, 1100 BAYVIEW AVE. TORONTO, ONT. M2M 1A7
Tel: (416) 491-1111
www.terencevanislander.com
tvanisland@ymt.net



Site Plan
PROPOSED ADDITION
65 AVONHURST ST.
TORONTO, ONTARIO



Scale: 1:200
Entered: AN
Checked: TVE
Date: JULY 2005
Pct: JULY 20, 2005
05-105

A(

black walnut tree

CITY OF TORONTO
RECEIVED
JUL 21 2005
COMMITTEE OF ADJUSTMENT
WEST DISTRICT

Daniel Boven - Tree removal 65 Avonhurst Road

From:
To: <dboven@toronto.ca>
Date: 2/10/2007 1:28 PM
Subject: Tree removal 65 Avonhurst Road

Dear Mr. Boven,

My name is Mattice Road since 1972.

I am writing to object to the request to remove a 98cm black walnut tree at 65 Avonhurst Road.

This is a very fine tree and I would not like to see it disappear.

I understand that a similar request was made previously and was turned down. I hope this application will also be rejected.

Yours sincerely,

Daniel Boven - - removal of black walnut tree

From:
To: <dboven@toronto.ca>
Date: 2/13/2007 12:26 PM
Subject: - removal of black walnut tree

Dear Sir: I am completely at a loss for words. 63 Avonhurst requested removal of the black walnut tree last year and the request was denied. What has changed? Are they able to continually request the removal of the tree? Is this again going to be debated in the committee? What a waste of tax payers time. Myself and my husband request that the removal of this magnificent black walnut again be denied. Sincerely

Daniel Boven - Application - 65 Avonhurst Road

From:
To: <dboven@toronto.ca>
Date: 2/13/2007 6:08 PM
Subject: Application - 65 Avonhurst Road

Good Afternoon Mr Boven.
I have been instructed by the Board of the Islington Ratepayers' & Residents' Association (IRRA) to formally advise that we are opposed to the application to cut down a black walnut tree from the property; we understand that this is the second application for the same purpose with the first one being declined.
Thank you for considering our submission.

February 14, 2007

City of Toronto
Urban Forestry Services
18 Dyas Road, 1st floor
Toronto, Ontario
M3B 1V5

ATTN: Mr. Daniel Boven

RE: File # - A362/05EYK
Property Address - 65 Avonhurst Rd.
Legal Description - PL 2312 Lt 130

Dear Mr. Boven:

I spoke with you briefly on the phone and am now following up in writing. I am writing with regards to an issue that has already gone through council. City council had denied approval to cut down the existing black walnut tree which is located on the south side of 65 Avonhurst Rd to allow for an extension to the existing home and a new double garage will replace the tree.

This issue has been ongoing for well over a year now and in the past, the residents of this area had been notified of the application and any council meetings in advance by mail. Due to the cold weather, many people had not been out and I doubt that many are aware that this issue is back on again. We just happened upon the notice posted by accident. At the time when this all started, many people had signed a petition opposing the removal of this tree and it had been sent to you. I believe that another neighbour had sent you another copy. If you had not received it, I will arrange for you to get another copy.

At the time that the petition was going around, it was Labour Day Weekend and many residents had gone away for the weekend and were unable to be reached and therefore could not sign.

There is much opposition to the removal of this tree for obvious reasons. As mentioned in all of the attached correspondence, the loss of this beautiful, healthy, mature tree is going to greatly impact the landscape of the street. It has the largest and thickest foliage of all the existing trees in the immediate area and it is one of the few left that still has a long life expectancy' as I believe was outlined in your report. We have lost quite a few mature trees in the past two years, all of which were Maples. I appreciate the fact that the owner of 65 Avonhurst is proposing the installation of 9 trees, however, it is going to be an extremely long time before they reach maturity.

When I moved into this area 10½ years ago with my family, we bought here for the maturity of the trees and the charm of the area. This charm would not exist without the mature trees. We also renovated when we purchased our home but we respected the concern of the neighbours

and left a huge, old maple tree in tact instead of adding to the back of the home which would have required the removal of this tree.

I believe the owners could revise their plans for renovation to incorporate the existing Walnut tree as per the wishes of the neighbourhood.

Many of these people will no longer be around when the new proposed trees reach their maturity.

So, for all the benefits - environmental and aesthetic, in leaving this tree standing, I truly hope Council will reconsider allowing it to remain as is.

I thank you for your time.

February 14, 2007

Mr. Daniel Boven
Urban Forestry Services
18 Dyas Road, 1st Floor
Toronto, Ontario
M3B 1V5

Re: Request for Permission to Remove the Black Walnut Tree Located at 65 Avonhurst Road

Dear Mr. Boven:

Upon learning that the owners of 65 Avonhurst Road have sought your permission to remove the large black walnut tree located of our home, we became quite concerned that this matter is once again being considered. As you no doubt recall, less than two years ago the same owners asked the Committee of Adjustments to approve their plan to build an addition on their property that would replace the black walnut tree with a garage. At that time, the Forestry Department conducted a thorough examination of the black walnut tree and authored a lengthy report at the taxpayers' expense. That examination established that the black walnut tree is a healthy, mature tree that could live for a great many years to come. It was for this reason that your department recommended that the tree not be cut down. Ultimately, City Council agreed with your recommendation. The owners of 65 Avonhurst Road now seek your permission to cut down the same healthy, mature tree, in exchange for which they propose to plant three more trees than they proposed to plant when this matter was before the Committee of Adjustments. We write to express our opposition to the removal of the tree, as we believe its removal would significantly, and detrimentally, alter the landscape of the immediate area and the surrounding neighbourhood. As property owners who reside in this immediate area, we would like to ensure that any new development does not strip the area of much needed green space.

Unfortunately, over the last few years, we have lost a number of trees in the immediate area due to storms and old age. This has resulted in the loss of a significant amount of shade and landscape in the immediate area of our home. We feel that by removing the large existing tree on the south side of 65 Avonhurst Road to accommodate the construction of a garage, the landscape of this street as viewed from the south and west will be severely changed for the worse. The tree provides our home, our neighbours' homes and the street with a significant amount of shade, which we would like to preserve. Furthermore, given that the tree is healthy and mature, we can see no justification for its removal. We appreciate that the proposal shows the replacement of the existing tree with other trees, however, there is much doubt that the new trees would be substantially large enough to fill this space. We understand that it takes at least 60 years for a tree to grow to the size and height of the one that exists. In the meantime, there will be a massive void in the green space that surrounds our home and gives our neighbourhood its unique character. In addition, the homeowners propose to plant the replacement trees in locations that will not be able to fill the space that is presently occupied by the healthy, mature black walnut tree.

Given that the homeowners have a fair amount of space on the north side of their property, perhaps it would be more beneficial to develop on that part of the property, so that the trees on the south side are not affected by the development.

As you are well aware, Etobicoke has undergone many developmental changes recently, some of which have not been so favorable, and as a result, much of our green space has been lost. We hope that you will stand by your recent report and again recommend that the healthy, mature black walnut tree at 65 Avonhurst Road not be cut down, so that our neighbourhood maintains its distinct character and appearance.

We appreciate your attention to this matter.

Yours very truly,

From:
To: <councillor_hall@toronto.ca>
Sent: February 14, 2007 4:24 PM
Subject: removal of tree 65 Avonhurst rd etobicoke

Dear Councillor,

I'm seeking your support to oppose the application to remove a 95 cm diameter black walnut tree on 65 Avonhurst rd.

The same request has already been denied before based on the recommendations of General Manager, Parks, Forestry and recreation. The applicant had submitted a private arborist report by Davey tree Expert company of Canada. The private report suggested that the tree was infested with ants and was not healthy and therefore should be cut. The city's own forestry inspector totally contradicted that report and indicated that the tree was very healthy and a valuable part of the forest community within this area.

The Etobicoke York community council was concerned about a possible conflict of interest since the city did give contacts to the private arborist. It was also clear in my view that the report was purposefully inaccurate given the experience of the arborist and the massive contradictions the city forestry department pointed out.

The applicant is once again asking the city forestry department to consider their request to have the tree removed. I am not well versed with procedures but considering the tree remains to be healthy why are we wasting resources and time by re hearing an application which has already been denied. Does the applicant have a legal right to continue applying for the removal of the tree or is there some finality in this process. Given the applicants past actions I am somewhat weary about this whole new request.

Would you kindly assure me that the existing tree by-law is in fact applied and the previous recommendations by the city forestry department are upheld.

Thanking you in advance for your support

Sincerely

14/02/2007

Daniel Boven - Objection to Tree Removal at 65 Avonhurst Rd

From:
To: <dboven@toronto.ca>
Date: 2/17/2007 6:28 PM
Subject: Objection to Tree Removal at 65 Avonhurst Rd
CC: <councillor_milczyn@toronto.ca>, <mayor_miller@toronto.ca>

Attention Mr. Boven:

We object to the removal of the 98 cm Black Walnut tree at the south end of property 65 Avonhurst Road which is in violation of the bylaw known as City of Toronto Municipal Code, Chapter 813, Article III. Trees are vital for our environmental health.

There is no indication that the tree is diseased or unsafe - only that the present owner wants to build an addition. Why does the city even have a process to bypass a law when it should be the city that is advocating for the health of Torontonians?

We also strongly feel that all area residents should be notified by mail of any application for exemption of bylaw adherence. Mr. Milczyn, could you please advocate for this. Merely placing a notice on a hydro pole is inadequate, especially in winter when fewer people are out walking. The sign is not legible when passing by car.

To: Dan Boven

From:

Date: February 18, 2007

Re: 65 Avonhurst – Black Walnut

You may not be able to consider this input, as it is coming in the day after the deadline, but I am assuming that with the 17th being a Saturday, that this will be accepted on the Monday.

We saw the posting regarding the removal of the Black Walnut tree at 65 Avonhurst and felt important to provide some input.

While the efforts of the landowner to replace the tree with as many trees as they have suggested in the landscape drawing is laudable, we are deeply concerned about the removal of the Black Walnut. This is a substantial tree in the neighbourhood, well established, already providing the canopy that this area is known for.

If you can advise that the tree is very old, or diseased, or not valuable, we could see the value to removing it and replacing it with others. But that does not appear to be the case.

The tree is well positioned to the edge of the property and it would seem that more effort in how the new addition is designed could be made to accommodate the existing tree.

The Black Walnut is a tree of the Carolinian Region and is listed on the City of Toronto site as a recommended tree.

"Having one or a collection of the trees from this list is like owning a masterpiece." To take one down for the sake of the position of a garage is not right.

Personally, we are struck with some overgrown Manitoba and Norway Maples, and would be very happy with a Black Walnut.

Cutting down a well established healthy tree of good specimen should not be considered lightly. It will take more than our lifetime to see the new trees reach its height and breadth.

We urge the landowner to try to accommodate the tree in their new renovation.

Sincerely,

Daniel Boven - 65 AVONHURST

From:
To: <dboven@toronto.ca>
Date: 2/16/2007 4:45 PM
Subject: 65 AVONHURST

16 February 2007

Dear Sir:

Re the application for the removal of the walnut tree on the property of 65 Avonhurst, I wish to object to this application. This is a majestic magnificent tree that should not be cut down. We are losing enough trees in the area due to disease or damage.

Yours truly,

August 31, 2005

City of Toronto
Urban Forestry Services
18 Dyas Road, 1st Floor
Toronto, Ontario
M3B 1V5

Attn: Mr. Daniel Boven

Re: File Number - A362/05EYK
Property address - 65 Avonhurst Road
Legal Description - PL 2312 Lt 130

Dear Mr. Boven:

We are writing to you with great concern over the request to remove an existing black walnut tree from the above mentioned property. This particular tree is healthy, mature and located in an area that has recently lost a number of existing mature trees due to storms or sickness. Being one of the largest, healthiest trees with the thickest foliage, we feel that we would suffer a great loss. After living through a summer of extreme heat and numerous smog alert days, the loss of this tree would greatly impact the shade and air quality. It would also greatly alter the landscape and view. Many people live in this area for the charm that the mature trees provide.

Although there are plans to replace the existing tree with a new walnut tree, sadly, the tree cannot possibly reach maturity for many years to come. This existing tree was planted approximately 80 years ago.

We would appreciate your help in saving this precious tree as it simply cannot be replaced.

Thank you in advance for your attention to this matter.

Yours truly,

Neighbours of 65 Avonhurst

Daniel Boven - Application to destroy tree at 65 Avonhurst Road

From:
To: <dboven@toronto.ca>
Date: 2/16/2007 1:46 PM
Subject: Application to destroy tree at 65 Avonhurst Road

We live at 65 Avonhurst Road. Please be advised that we are opposed to the application to destroy a mature and healthy black walnut tree located at 65 Avonhurst Road in order to accommodate the construction of a two-car garage. The tree in question provides much needed shade in the summertime, which is desperately needed as a result of climate change. Furthermore, this attractive tree is the most significant component of the canopy at the northern end of Avonhurst Road. Most of the city owned trees in the immediate vicinity of 65 Avonhurst have been lost to disease in the last few years. One of the last remaining mature trees tall enough to cast its shade onto the sidewalk is this tree in question. The urban forest in Islington Village gives it its most attractive and distinct character. It is why we chose to live here. Without the trees, why not live in Mississauga or Brampton where lots are bigger and cheaper? The owners of 65 Avonhurst purchased the property after the tree by-law came into force with the express plan of redeveloping their property. This is not the case of an unsuspecting home owner having the provisions of the tree by-law imposed on them. If the owners of 65 Avonhurst are inflexible with their building plans, they should have purchased another property. Otherwise, some modest changes to their plans could quite easily accommodate the continued existence of this tree. We welcome our new neighbours to the community and hope they will come to appreciate that what attracts residents to our neighbourhood should be protected for our benefit and for the benefit of future generations.

February 6, 2007.

Dear Mr. Bowen & Staff,

My wife and I strongly object to the application by the owner(s) of 65 Avonhurst Rd, Etobicoke to cut down and remove a heritage tree from the property.

We have been through the ensuing process once already, starting in July/Aug. 2005.

Toronto City Council on April 25, 26 & 27/2006 denied the request for permit to remove one (1) privately owned tree at 65 Avonhurst Road.

No appeal was made to the O.M.B.

What has changed other than the tree is 2 years older?

(Enclosures)

Yours truly