



## STAFF REPORT ACTION REQUIRED

### 112 Estelle Ave – Application to Remove Three Private Trees

<b>Date:</b>	August 20, 2007
<b>To:</b>	North York Community Council
<b>From:</b>	General Manager, Parks, Forestry and Recreation
<b>Wards:</b>	Ward 23 - Willowdale
<b>Reference Number:</b>	

#### **SUMMARY**

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The report requests Council's authority to approve the removal of three (3) privately-owned white spruce trees located at the rear of 112 Estelle Ave. The application requests permission to remove the trees to facilitate the construction of a new dwelling.

The three subject trees are located within the footprint of the proposed dwelling, which has received approval from the Ontario Municipal Board. The applicant is proposing to plant nine (9) large growing trees as replacement and Urban Forestry supports the request for removal of the three (3) privately-owned trees.

#### **RECOMMENDATIONS**

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**The General Manager of Parks, Forestry and Recreation recommends** that Council approve the request for a permit to remove three (3) privately-owned trees located at 112 Estelle Ave.

#### **FINANCIAL IMPACT**

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

#### **ISSUE BACKGROUND**

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In accordance with *City of Toronto Municipal Code Chapter 813, Trees, Article III*, an application has been made for a permit to remove three (3) privately-owned trees located at the rear of 112 Estelle Avenue. This application has been made to facilitate the construction of a new two-storey dwelling.

#### **COMMENTS**

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An application has been received from the owner of 112 Estelle Avenue requesting permission to remove three (3) privately-owned white spruce trees to permit the

construction of a two-storey dwelling. All three (3) trees are in fair condition with diameter measurements of 45, 53 and 60 centimetres.

The Ontario Municipal Board, in March 2007, considered an appeal of a Committee of Adjustment decision related to this property and dismissed the appeal authorizing the minor variances subject to two conditions: *that the applicant's new dwelling is built in accordance with the site plan drawings dated 22 August 2006; and that all requirements of Parks, Forestry and Recreation, Urban Forestry are met in respect of the necessary tree protection.*

The subject trees are located at the rear of the property and within the footprint of the two-storey dwelling as currently proposed. If the plans for the proposed construction were revised to provide the minimum tree protection zone of 3.6 metres as required in the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees, it is the opinion of staff that all three (3) spruce trees would still be impacted significantly as a result of the pruning that would be required to provide clearance for any new dwelling.

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 in order to notify the neighbourhood and provide an opportunity for objection to the application. Four letters of objection were received as a result of the posting.

The applicant is proposing to replant nine (9) large growing shade trees to the satisfaction of the General Manager of Parks, Forestry and Recreation. Should there be insufficient space for the planting of the nine (9) trees on the subject site; the applicant will provide a payment of \$583.00 to Urban Forestry in lieu of each tree not planted.

## **CONTACT**

Richard Ubbens, R.P.F., Director, Urban Forestry, Tel: 416-392-1894, Fax: 416-392-1915, Email: [rubbens@toronto.ca](mailto:rubbens@toronto.ca)

## **SIGNATURE**

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Brenda Librecz  
General Manager, Parks, Forestry and Recreation

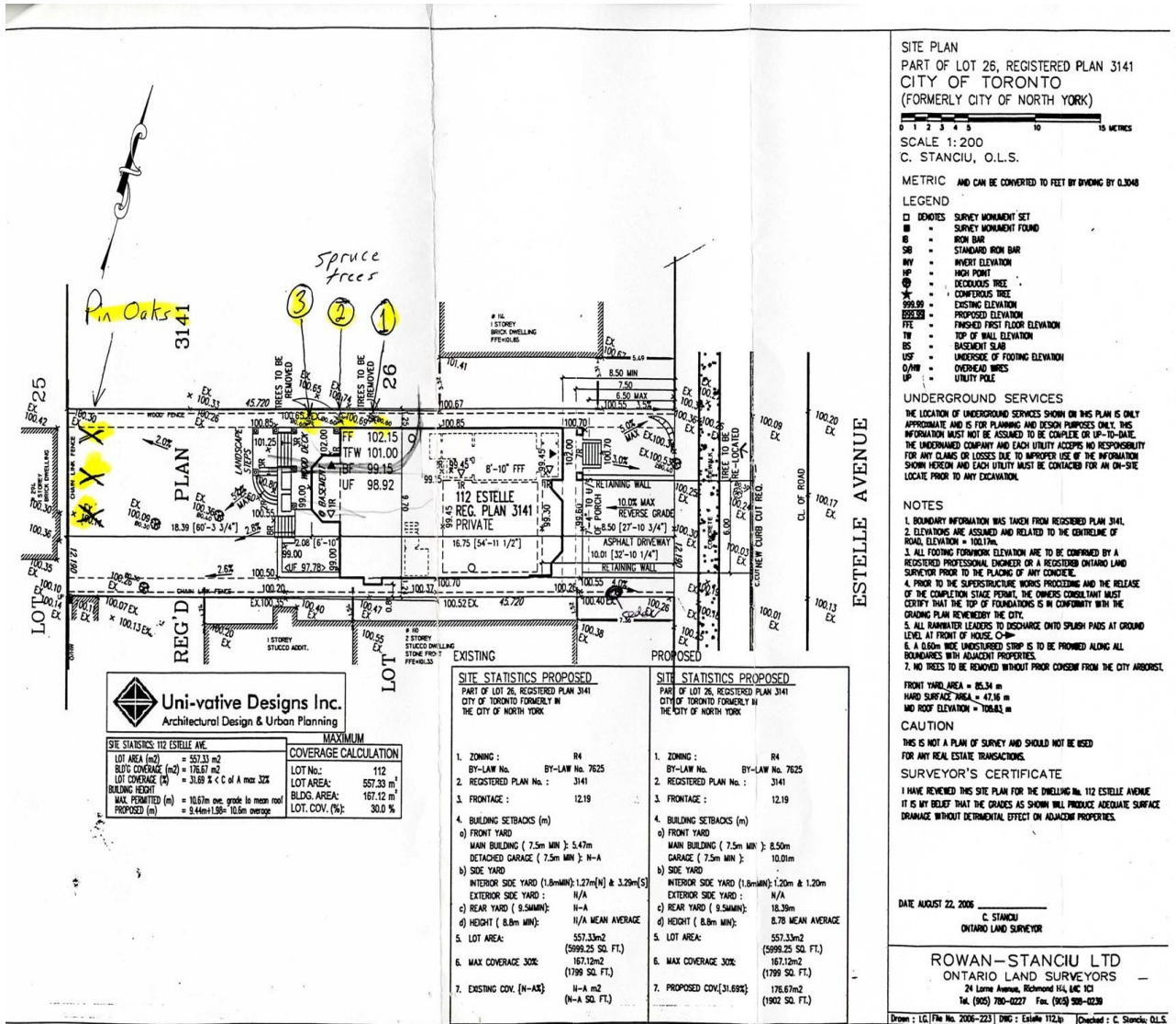
## **ATTACHMENTS**

Attachment No. 1 - Photographs of the 3 subject spruce trees  
Attachment No. 2 – Site Plan  
Attachment No. 3 – Letters of Objection









SITE PLAN  
PART OF LOT 26, REGISTERED PLAN 3141  
CITY OF TORONTO  
(FORMERLY CITY OF NORTH YORK)

SCALE 1:200  
C. STANCIU, O.L.S.

METRIC AND CAN BE CONVERTED TO FEET BY DIVING BY 0.3048

LEGEND

- SURVEY MONUMENT SET
- SURVEY MONUMENT FOUND
- ⊖ IRON BAR
- SB STANDARD IRON BAR
- INV INVERT ELEVATION
- HP HIGH POINT
- ⊙ DECIDUOUS TREE
- ⊙ CONIFEROUS TREE
- 999.00 EXISTING ELEVATION
- 999.25 PROPOSED ELEVATION
- FF FINISHED FIRST FLOOR ELEVATION
- TF TOP OF WALL ELEVATION
- BS BASEMENT SLAB
- UF UNDERSIDE OF FOOTING ELEVATION
- O/W OVERHEAD WIRE
- UP UTILITY POLE

UNDERGROUND SERVICES

THE LOCATION OF UNDERGROUND SERVICES SHOWN ON THIS PLAN IS ONLY APPROXIMATE AND IS FOR PLANNING AND DESIGN PURPOSES ONLY. THIS INFORMATION MUST NOT BE ASSUMED TO BE COMPLETE OR UP-TO-DATE. THE UNDERSIGNED COMPANY AND EACH UTILITY ACCEPTS NO RESPONSIBILITY FOR ANY CLAIMS OR LOSSES DUE TO IMPROPER USE OF THE INFORMATION SHOWN HEREON AND EACH UTILITY MUST BE CONTACTED FOR AN ON-SITE LOCATE PRIOR TO ANY EXCAVATION.

NOTES

1. BOUNDARY INFORMATION WAS TAKEN FROM REGISTERED PLAN 3141.
2. ELEVATIONS ARE ASSUMED AND RELATED TO THE CENTRELINE OF ROAD, ELEVATION = 100.17m.
3. ALL FOOTING FORMWORK ELEVATIONS ARE TO BE CONFIRMED BY A REGISTERED PROFESSIONAL ENGINEER OR A REGISTERED ONTARIO LAND SURVEYOR PRIOR TO THE PLACING OF ANY CONCRETE.
4. PRIOR TO THE SUPERSTRUCTURE WORKS PROCEEDING AND THE RELEASE OF THE COMPLETION STATE PERMIT, THE OWNERS CONSULTANT MUST CERTIFY THAT THE TOP OF FOUNDATIONS IS IN CONFORMITY WITH THE GRADING PLAN REVIEWED BY THE CITY.
5. ALL DRAINAGE LEADERS TO DISCHARGE ONTO SPLASH PADS AT GROUND LEVEL AT FRONT OF HOUSE.
6. A 0.60m WIDE UNDISTURBED STRIP IS TO BE PROVIDED ALONG ALL BOUNDARIES WITH ADJACENT PROPERTIES.
7. NO TREES TO BE REMOVED WITHOUT PRIOR CONSENT FROM THE CITY ARBORIST.

FRONT YARD AREA = 85.34 m<sup>2</sup>  
HARD SURFACE AREA = 47.16 m<sup>2</sup>  
MD ROOF ELEVATION = 100.81 m

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR ANY REAL ESTATE TRANSACTIONS.

SURVEYOR'S CERTIFICATE

I HAVE REVIEWED THIS SITE PLAN FOR THE DWELLING NO. 112 ESTELLE AVENUE. IT IS MY BELIEF THAT THE GRADING AS SHOWN WILL PRODUCE ADEQUATE SURFACE DRAINAGE WITHOUT DETRIMENTAL EFFECT ON ADJACENT PROPERTIES.

DATE AUGUST 22, 2008  
C. STANCIU  
ONTARIO LAND SURVEYOR

ROWAN-STANCIU LTD  
ONTARIO LAND SURVEYORS  
24 Lane Avenue, Richmond Hill, ON L4C 1C1  
Tel. (905) 780-0227 Fax. (905) 880-0230

Drawn: [G. File No. 2006-223] DWG: Estelle 112.1 [Checked: C. Stanciu, O.L.S.]

**Uni-vative Designs Inc.**  
Architectural Design & Urban Planning

SITING: 112 ESTELLE AVE. MAXIMUM	
LOT AREA (m <sup>2</sup> )	= 557.33 m <sup>2</sup>
BLDG COVERAGE (m <sup>2</sup> )	= 176.67 m <sup>2</sup>
LOT COVERAGE (%)	= 31.69 % < C of A max 30%
BUILDING HEIGHT	= 10.67m one grade to mean roof
MAX. FRONTED (m)	= 9.44m (1.98m 10.5m average)

COVERAGE CALCULATION	
LOT No.:	112
LOT AREA:	557.33 m <sup>2</sup>
BLDG. AREA:	167.12 m <sup>2</sup>
LOT COV. (%):	30.0 %

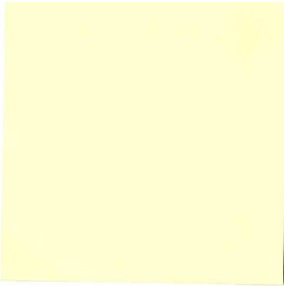
SITE STATISTICS PROPOSED	
PART OF LOT 26, REGISTERED PLAN 3141 CITY OF TORONTO FORMERLY IN THE CITY OF NORTH YORK	
1. ZONING:	R4
BY-LAW No.:	BY-LAW No. 7625
2. REGISTERED PLAN No.:	3141
3. FRONTAGE:	12.19
4. BUILDING SETBACKS (m)	
a) FRONT YARD	
MAIN BUILDING (7.5m MIN):	5.47m
DETACHED GARAGE (7.5m MIN):	N/A
b) SIDE YARD	
INTERIOR SIDE YARD (1.8m MIN):	1.27m (N) & 3.29m (S)
EXTERIOR SIDE YARD:	N/A
c) REAR YARD (9.5m MIN):	N/A
d) HEIGHT (8.8m MIN):	N/A MEAN AVERAGE
5. LOT AREA:	557.33m <sup>2</sup> (5999.25 SQ. FT.)
6. MAX COVERAGE 30%:	167.12m <sup>2</sup> (1799 SQ. FT.)
7. EXISTING COV. (N/A-S):	N/A m <sup>2</sup> (N/A SQ. FT.)

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BY-LAW No.:	BY-LAW No. 7625
2. REGISTERED PLAN No.:	3141
3. FRONTAGE:	12.19
4. BUILDING SETBACKS (m)	
a) FRONT YARD	
MAIN BUILDING (7.5m MIN):	8.50m
GARAGE (7.5m MIN):	10.01m
b) SIDE YARD	
INTERIOR SIDE YARD (1.8m MIN):	1.20m & 1.20m
EXTERIOR SIDE YARD:	N/A
c) REAR YARD (9.5m MIN):	18.39m
d) HEIGHT (8.8m MIN):	8.78 MEAN AVERAGE
5. LOT AREA:	557.33m <sup>2</sup> (5999.25 SQ. FT.)
6. MAX COVERAGE 30%:	167.12m <sup>2</sup> (1799 SQ. FT.)
7. PROPOSED COV. (31.69%):	176.67m <sup>2</sup> (1902 SQ. FT.)

FAX 416 392-0963

J Stuckless @ Toronto, Ca

(City of Toronto)  
Urban Forestry  
J. Stuckless



- On this day when politicians are gathering in Toronto to discuss how we can improve the environment please accept my plea. I strongly disagree with the destruction of three beautiful gigantic Norway Spruce on the North side of 112 Estelle Ave. North York.

I live a fair distance away and can really enjoy these landmarks because all of the others were ripped off the street by forward developers in 1980's + 1998. My area is now bare of real trees down the street. It is imperative that we maintain the natural urban environment with huge trees not just stick figures that take 50 years to grow back. all I see is tiny stick-like trees down McKee Ave towards Estelle.

Please Mr Stuckless give the environment a boost + keep our trees alive.  
Sincerely

Urban Forestry  
18 Dyas Road, 1<sup>st</sup> floor  
Toronto, Ont.  
M3B 1V5

April 28, 2007

Att: Mr. John Stuckles

Ref: 112 Estelle Avenue Removal of three Norway spruce trees and replace them by three 60 cm Pin Oaks to the west fence.

Dear Sir,

I have an objection to the destruction of the three Norway spruce trees. Allowing the removal of these spruce trees is a prime example of individual citizens wishes overtaking public values and public concerns. Trees are beneficial to the environment, as they remove harmful gases and replenish our air with oxygen. The removal of these trees would not only contribute to the city's pollution problems that affect all citizens, but it would also directly affect the neighbours of the surrounding houses. It would deprive them of a necessary source of shade in the hot summer months here in Toronto. Rather than accommodating for the house and deck, the house should be made to accommodate the trees. The proposed full-width deck can be modified to accommodate the trees. Allowing for the removal of the trees defeats the purpose of the law implemented in Toronto and proposed by councilor Joe Palantone, which prevents the cutting of trees on private property in Toronto without city approval. I would be surprised if the city considered the landowner's intentions as a legitimate reason for the removal of trees from a city that, if anything, really only needs more trees. As a large city with equally large pollution problems, and a recent decline in the tree population from 22% to 16% from 1992-2002, all the citizens of Toronto should be more concerned with conserving trees for the sake of our health. It may only be three trees, but such small exceptions to the law will add up and defeat the purpose of implementing such a law and break down the barrier of protection the law provides the citizens of Toronto.

I also have an objection to the replacement of these trees by Pin Oaks to the west side of the fence of the subject property.

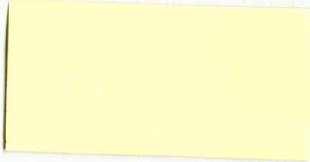
- My house, which is located at [redacted], is to the west side of the fence, and is only approximately two feet from the fence.
- Right on the proposed location of these trees are hydro lines, running north south. I believe Hydro and the city do not allow anyone to plant any trees that would interfere with the hydro lines. (See attached photos taken April 28, 2007). These photos are taken from the east side of the [redacted] property (South, North and East sides).
- These trees would have a big impact on my property. They are known to have long and propagating roots (according to some research on the internet) and tend to grow to 30 – 60 feet high which would damage the house foundations and create undue hardship to my tenants and my property.



- The leaves would fall on my property, roof and the eave trough, which would cause damage and flooding.
- The presence of these trees so close to the property line would screen the sun from the east and there would be shade all year around. This would affect the plants (trees, floors and garden) and there would be leaves all year-round on my property.

I would like to see some trees which are slow growing, grow ten to fifteen feet high and planted close to the new deck/proposed new house so there would be less impact on my property.

Yours Truly



April 26 2007

Urban Forestry  
18 Dyes Road, 1st Floor  
Toronto, On  
M3B 1V5

Attn: John Stuckless

FAX: 416-392-0963

Dear Mr. Stuckless:

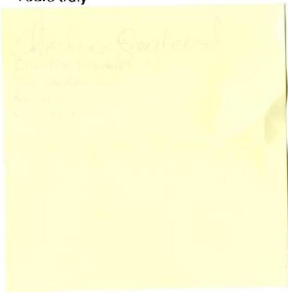
I am sending this fax in protest of the proposed cutting down of the 3 Spruce Trees to the rear of 112 Estelle Avenue.

The backyard of 112 Estelle backs onto my backyard at 114 Estelle Avenue. For years all of us neighbours have taken pride in our parklike setting backyards of which these trees provide a significant vista. To destroy them would be a terrible loss. It takes years to grow these trees & it seems a few seconds to give the OK to chop them down. Why pass laws of protection if all someone has to do is make an application to overrule this?

My other objection is to replacing them with Pin Oakes across the back. Has anyone looked into the way the Roots grown on a Pin Oake? If they had surely someone would have seen they would eventually end up in the basements of other homes, with my home being in a direct line.

Please take this letter into consideration when you are making your decision.

Yours truly



May 1, 2007

Mr. John Stuckless  
Urban Forestry

Dear Mr. Stuckless:

Re: trees  
112 Estelle Ave.

The developer has requested to remove 3 large spruce trees--they are not white spruce as indicated by their arborist but are Norway Spruce.

Since there is concern about protecting our environment and if the City is serious about protecting relevant trees, then the 3 huge, healthy Norway Spruce should remain. They also represent a significant item on the skyline for all of us and are excellent at removing toxins from our air.

The replacement three small pin oaks they are prepared to plant will take 30 years to get to the size of the healthy, huge Norway Spruce that are there now and our environment needs cleanup NOW.

Yours truly,

