

<b>Date:</b>	1 April 2008
<b>To:</b>	Chairman and Members of the Committee of Adjustment Toronto and East York Panel
<b>From:</b>	Supervisor, Urban Forestry – Tree Protection & Plan Review
<b>Wards:</b>	Ward 30, Toronto-Danforth
<b>Reference:</b>	B0014/08TEY, A0213-08TEY, A0214-08TEY, A0215-08TEY 216 Hamilton St.

#### **APPLICATION**

The applicant is seeking consent to sever the existing lot into 3 new lots and relief from the provisions of Zoning By-law to replace the existing dwelling with a 2½ story rowhouse (3 units) with 3 new driveways.

Variances for minimum lot frontage, maximum permitted floor space index, maximum permitted depth of dwelling, required front yard landscaping, undersized lot with integral garage, height of back deck are requested as part of this application.

#### **COMMENTS**

Urban Forestry Staff have reviewed the application, completed site visits and have identified and discussed some of the forestry concerns with the Applicant.

Staff support variance 3 for the southernmost unit (Part 1 – A0213/08TEY) in order to provide the appropriate soil volume for the existing large City owned tree (102cm, Silver Maple, in Fair condition). The building foundation for this unit needs to be set back to the proposed location in order to respect the appropriate tree protection zone for a tree this size (6.6m). The foundation of the original dwelling only extends about ½ way through this unit, so in order to preserve existing roots that were south of the original foundation we need to set this unit back at least 6.0m (our preference would be 6.6m).

Staff have concerns about variances 4 and 5 in regards to the two southerly units (Parts 1 & 2). These variances involve the driveways and integral garages. The submitted Arborist Report does not adequately assess the damage to the tree by the proposed installation of driveways as close as 0.30m from the base of the tree. Cutting the roots this close to the tree is not an option.

If the driveways and garages were removed from the plans, the Part 2 unit could be moved up to the location of the original foundation, as this would remove the need to have the house elevated and require a staircase with footings in the TPZ. Walkways to the public sidewalk made of a permeable material with little to no excavation or compaction would be acceptable with in the TPZ.

## **RECOMMENDATION**

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Urban Forestry Staff respectfully recommend that the Committee refuse the minor variances 4 & 5 each for Parts 1 & 2.

Should the Committee approve all or part of this application, Urban Forestry Staff respectfully recommend it be conditional on the following:

Prior to the issuance of a demolition and/or building permit, the applicant shall satisfy all matters relating to the City and Privately owned trees, to the satisfaction of the Supervisor, Urban Forestry – Tree Protection and Plan Review. Urban Forestry will issue a clearance letter to Toronto Buildings provided that the above mentioned criteria are fulfilled.

## **CONTACT**

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## **SIGNATURE**

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Mark Ventresca

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Copy: Trever Gain, Applicant

Councillor Paula Fletcher (Ward 30)