

July 22, 2021

Niagara-on-the-Lake Town Council
c/o Colleen Hutt, Acting Town Clerk
1593 Four Mile Creek Road , P.O. Box 100
Virgil, ON L0S 1T0

RE: TREE BYLAW APPEAL HEARING- 51 COLONEL BUTLER CRESCENT

Dear Members of Council,

We are asking you to review the decision of the Urban Forestry Officer and approve our Tree Removal Application AP-2021-608-614.

We reside on one of the smaller suburban lots in Garrison Village having a rear yard that is 76' feet wide by 50' deep (3800 sq. ft.). Within this yard we have 8 mature trees each of which is over 60 feet tall. Over time between the canopy and ground cover we have lost the practical use of over 40% (1667 sq. ft.) of this space. We wish to recover the use of this space for the use of our family and most notably that of our grandchildren. Our proposal is to remove 7 spruce trees while replanting 20 White Cedar and 2 Serviceberry trees.

Background

Our house, built in 1985, was the very last on Colonel Butler Crescent and was adjacent to an open field that ran to Niagara Stone Road now developed as "The Village". The original builder/owner planted in the rear yard a Norway Maple along with 9 Norway Spruce trees around the perimeter of the property. The spruce trees were planted just 11 feet apart, and only 3 feet from the rear/west property line and directly on the north property line. Over the years 2 of the Norway Spruce have been blown over in high winds leaving 7 remaining spruce trees.

We have owned the house for 17 years and during that time we have cared for our trees with the service of arborists and regular watering. On two occasions we have been approached by neighbours asking us to remove some of the trees to allow more light on their properties however we declined on each of those occasions. Early on we were asked to be on the Horticultural Society's Garden Tour due to the design and care that we maintained of our rear yard.

Current Situation

Because too many spruce trees were planted in the rear yard and too close to property lines they now crowd each other causing them to compete with each other for air, light and water.

Grass no longer grows under or near them. Branches are dead or dying up the first 25 feet of the trees due to lack of light. Surface roots reach well into the rest of the garden forcing us to continuously water as they deprive the rest of the garden of any rainfall that penetrates the their canopy.

The 7 spruce trees release extremely large amounts of yellow pollen annually which irritate the breathing and allergies of both our grandchildren and neighbours.

For the neighbours as well as ourselves there is a concern that the trees have a potential for falling in high winds since their roots are so crowded.

Proposed Solution

While we have cared for and enjoyed our spruce trees for 17 years it has reached a stage that as a practical matter they can no longer be supported in a yard of our size. We propose that we would remove these 7 trees and replace them with native trees as recommended in the Town Bylaw including 15 White Cedar and 2 Serviceberry.

We therefore ask that Council approve the permit and allow us to rejuvenate and reclaim the use of our rear yard.

Yours truly,


A photograph of two handwritten signatures in black ink on a light-colored background. The signature on the left is 'Lillian Forsyth' and the signature on the right is 'Eric Forsyth'. Both are written in a cursive, flowing style.


Lillian & Eric Forsyth
51 Colonel Butler Crescent
Niagara-on-the-Lake ON L0S 1J0

Tel: 905-468-1081


Yard Layout & Tree Inventory


76'X50'

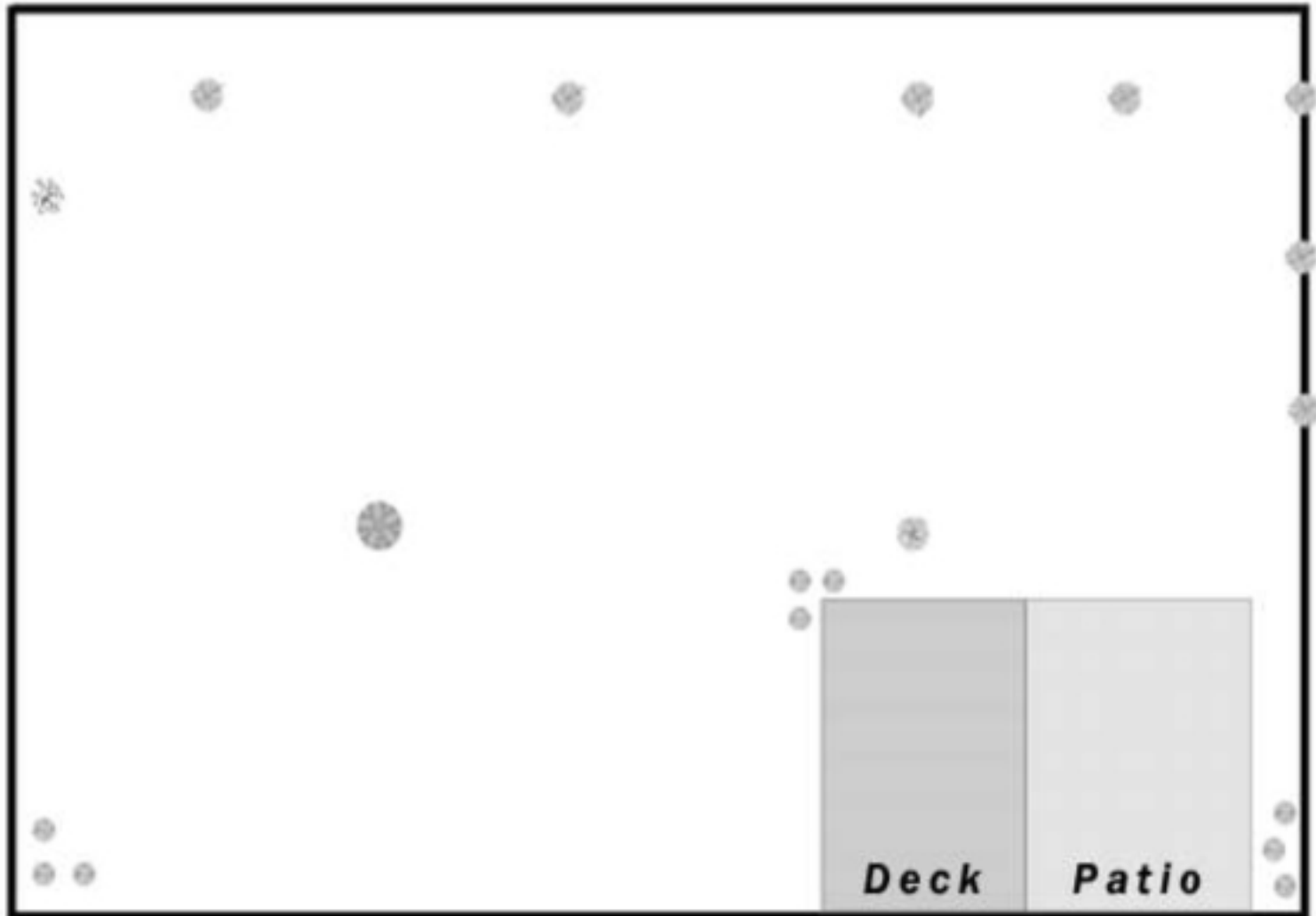
 Norway Spruce 7@60'

 Japanese Maple 1@15'

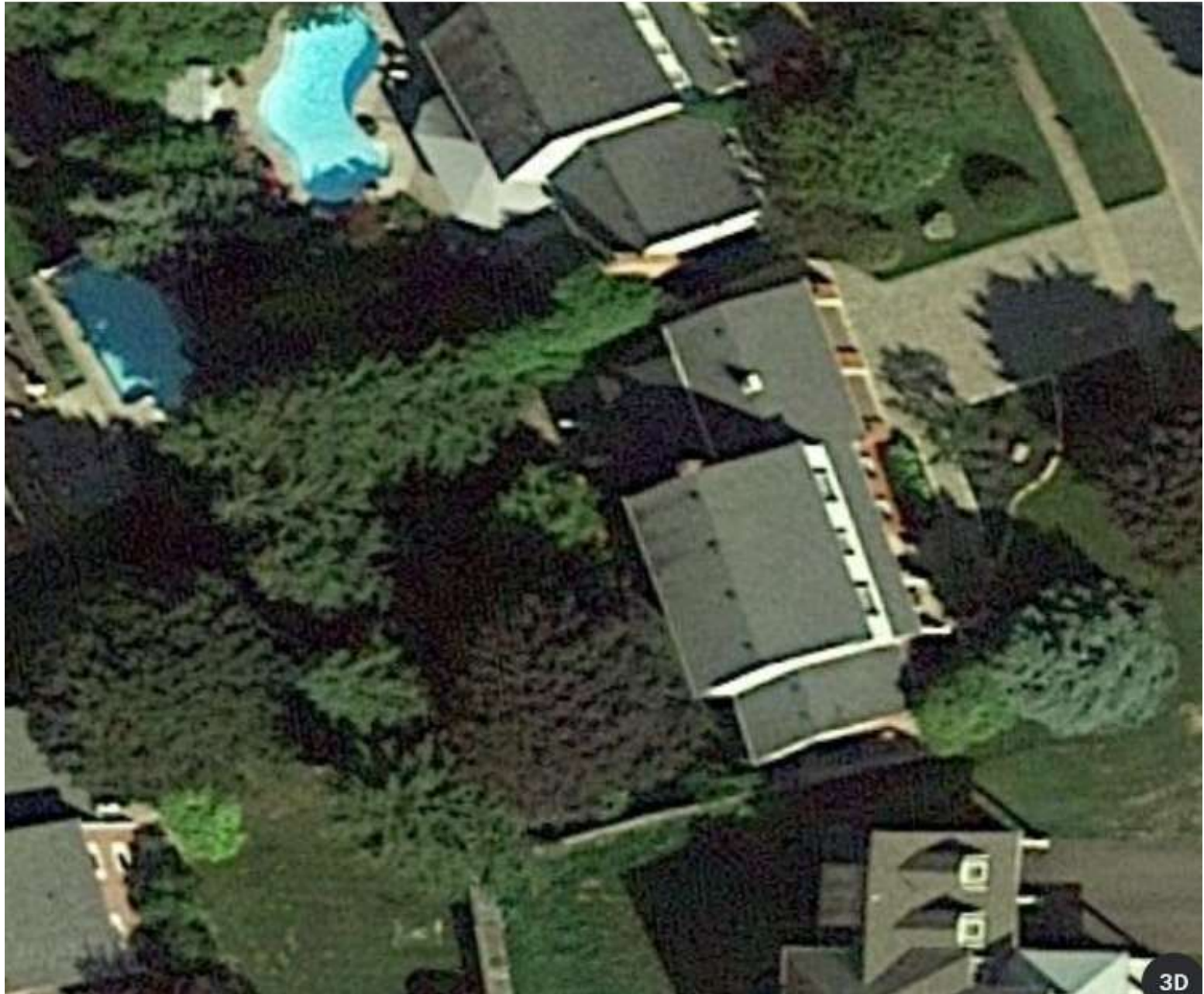
 Serviceberry 1@6'

 Norway Maple 1@60'

 Pyramid Cedar 6@20/3@6'



*Google Maps Satellite Image
Approx. 11:00 a.m. June 2016*

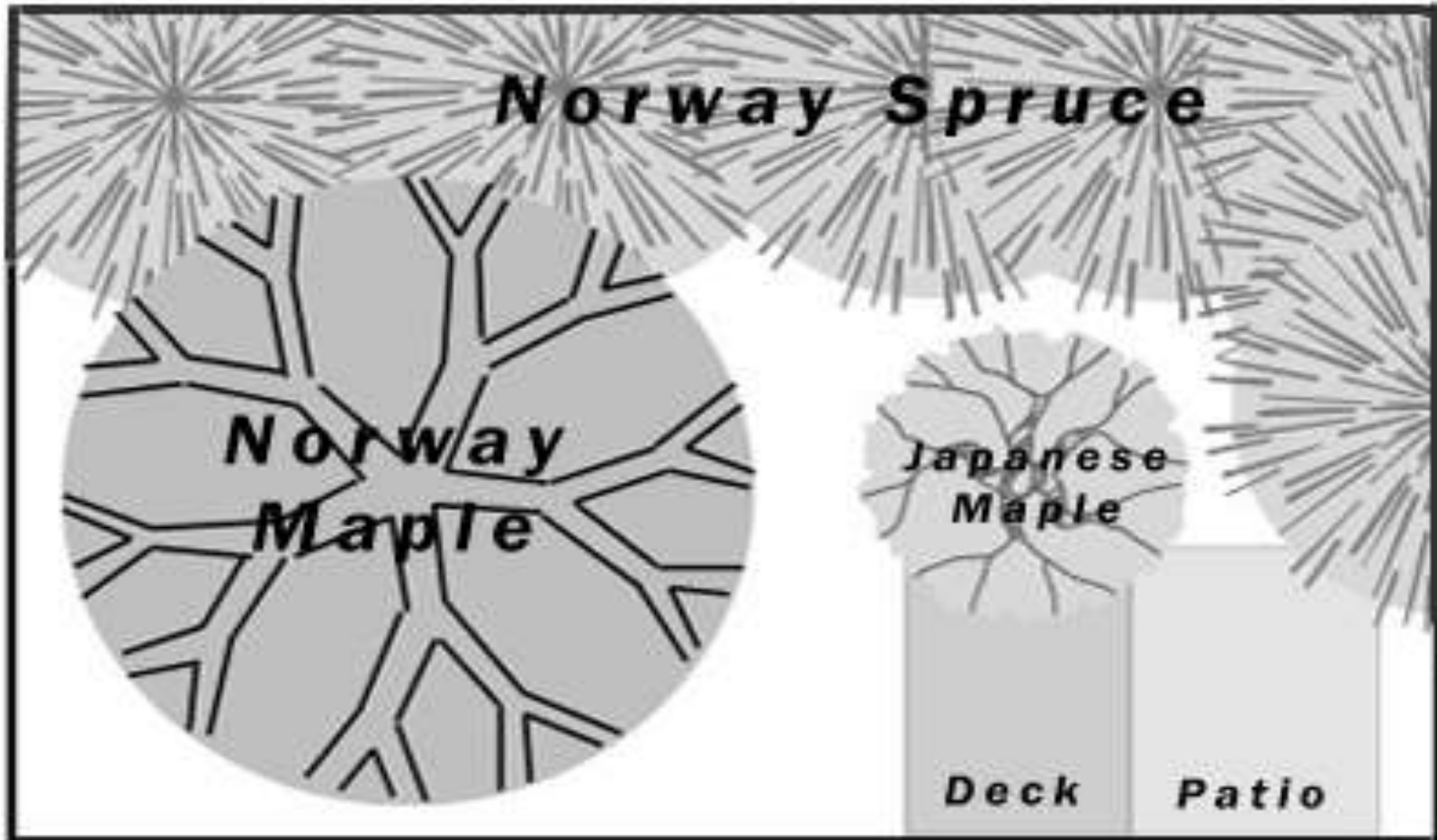


Tree Coverage

Yard= 3800 sq.ft.

Norway Maple= 1100 sq. ft. Norway Spruce= 1667 sq. ft. Japanese Maple= 283 sq. ft.

Total= 3050 sq. ft. (80%)





South View @ 12 Noon

Loss of cultivatable property: 19' from Rear Fence



West View: Dying Branches to 25 feet



North View: 1667 sq. ft. loss of use

Current Situation

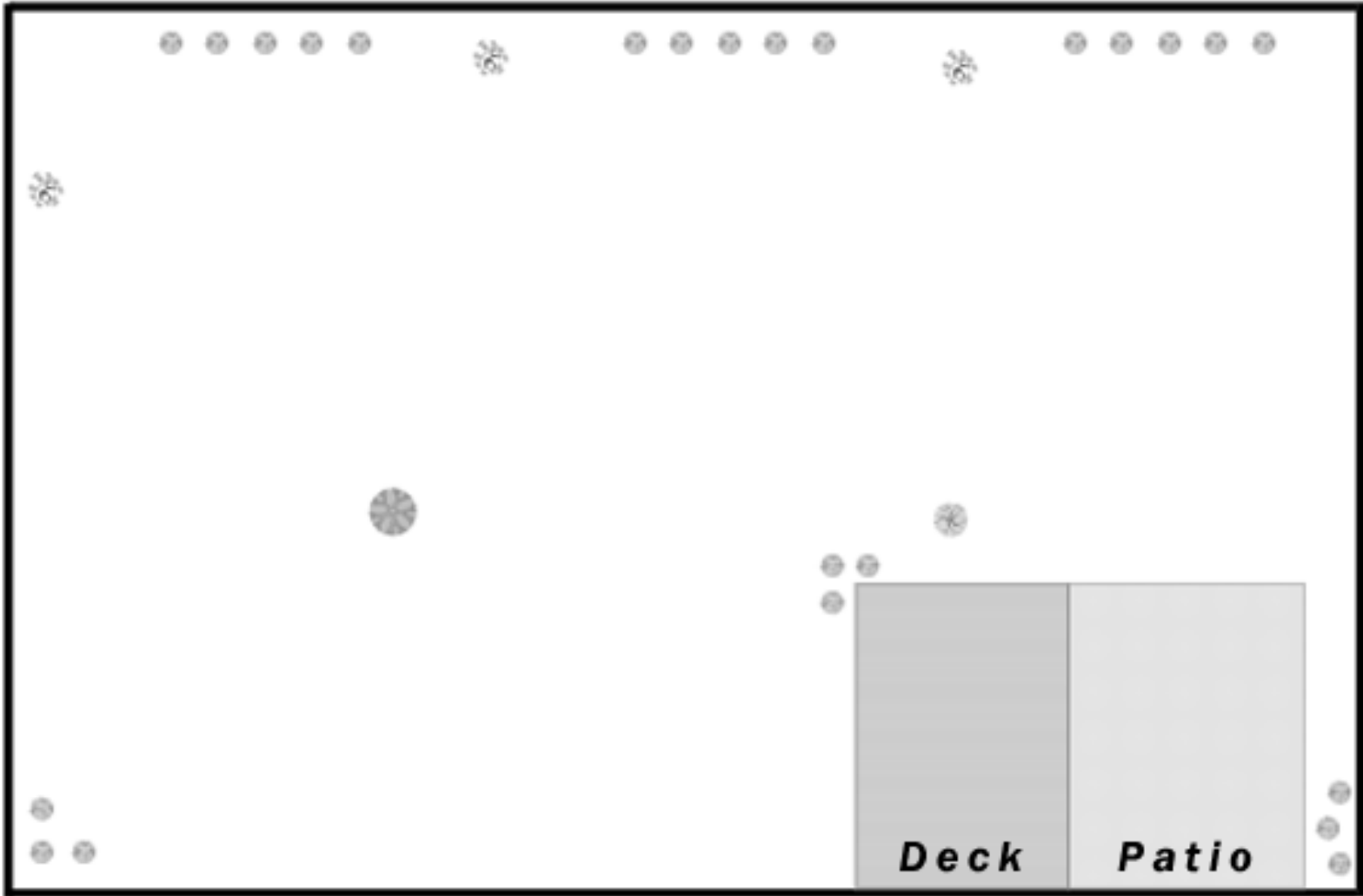
Loss of Practical Use of Property Due to:

- ***Crowding of trees***
- ***Lack of light, air & moisture (1667 sq. ft.)***
- ***Cost of maintenance***
- ***Large volume of annual pollen production causing health issues***

Legal and Financial Liability:

- ***Own and neighbouring properties due tree height and proximity to property lines***
- ***History of blown down trees***

Proposed Replantings



15 White Cedar, 2 Serviceberry

July 21, 2021

Lisa Rahbarain
86 Brock Street
Niagara on the Lake, ON
L0S 1J1

To Whom it May Concern,

I reside immediately next door to 51 Colonel Butler Crescent and have raised concerns with our neighbours regarding their extremely oversized Norway Spruce, which also happens to hangover into our back yard.

We have been most concerned with their tree and the ongoing and potential impact that tree has on our current well being and future liabilities we could incur to our home and property.

The tree itself is far too large and branch heavy and we are very concerned that it will one day soon, be toppled over by the heavy winds we experience on an ongoing basis. As such, it would cause untold and catastrophic damage to our property. It would most likely impact our pool structure, pool support system and the structural enhancements we have made to our yard / house. If it were to come down while we are out there enjoying our pool and yard, it could have a possible fatal impact upon our lives.

Additionally, I suffer from extreme allergies and currently rely upon an OTC as well as numerous prescriptions to combat both respiratory and contact allergens. The tree holds onto to an unreasonable amount of dust/tree and plant pollens, that are deposited regularly into the air over our yard and into our home, every time there is more than a slight breeze and has made the use of our yard, practically prohibitive at times for me.

The tree should be removed, in order to prevent any future damage and liability that we would incur, should the tree, or a portion thereof come down onto our property. It is immediately adjacent to our property and would cause extensive damage. As well, my health has suffered, from increased sinus infections and upper respiratory ailments and a hypersensitized allergen response to the dust and pollen the branches collect and release into the air over our home and yard.

If you require more information, please do not hesitate to contact me directly at (416)450-3596, to discuss.

Regards,



Lisa Rahbarian

Re: 49 Colonel Butler Cres.

July 22, 2021

Lord Mayor and Council Office – Niagara-on-the-Lake
1593 Four Mile Creek Road
Niagara-on-the-Lake, ON L0S 1J0

Dear Lord Mayor and Council,

Good day!

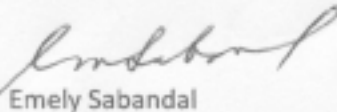
Please be informed that we have no objection on cutting the three (3) spruce trees planted on the property line between us and our neighbor Eric and Lilian at 51 Colonel Butler Crescent.

This will help our plants in our garden as there will be more light coming to our backyard once those trees are cut down. Another issue we are having is the amount of pollen being produced by those trees which contributing to allergies of my husband which affecting his working condition during pollen season.

We are hoping for your favourable response on allowing Eric and Lilian have those trees cut down.

Thank you and stay safe.

Sincerely,



Emely Sabandal



Signed with – Noel Sabandal

July 20, 2021

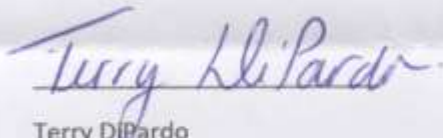
To Whom It May Concern

We are the rear neighbours of the Eric & Lillian who reside at 51 Colonel Butler Crescent in Niagara on the Lake. We have absolutely no issues with them removing trees from their property. Their trees are prohibiting grass from growing on our property at 48 Confederation Drive, Niagara on the Lake.



Danny DiPardo

905-468-5250



Terry DiPardo

