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Re: 318 Niagara Blvd tree removal application

From: peterbnixon@gmail.com <peterbnixon@gmail.com>

Sent: Friday, August 27, 2021 10:56 AM

To: Kristina Toppazzini <Kristina.Toppazzini@notl.com>

Subject: Re: 318 Niagara Blvd tree removal application

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Hi Kristina

I have received your letter of denial to be permitted to remove the Ironwood tree which is on my property and am writing this letter to ask that this application be repealed by the appropriate committee or Council members.

I understand the denial was based on the health of the tree solely. We had this tree planted in 2014 on the suggestion of our landscape consultant on the understanding it would not grow too tall or mushroom out to obscure our ability to see out the windows near the planting. The opposite has happened. We cannot see out the windows closest to the tree and the rooms are very dark at all times. As well, as it has grown out the branches slap against the windows when it is windy. This can be quite often given our proximity to the Lake and can be annoying when we are trying to sleep. Furthermore, apart from being too close to the house, it has grown above the roofline and will in time wear away parts of the shingles that are near the eaves. This is not good. For these reasons we are appealing this decision.

I trust that this email is sufficient to commence the appeal process. If this is not the case, please advise me at your earliest convenience in order that we can have our appeal delivered within the appropriate time period.

Thanks, in advance, for your prompt attention to this request

Best regards

Peter Nixon
318 Niagara Boulevard
Niagara On The Lake, ON L0S 1J0
416-399-6455 or 905-468-8644

Sent from my iPad

Colleen Hutt

Subject: 318 Niagara Blvd. Re Tree remove all Application AP-2021-695

from: peterbnixon@gmail.com <peterbnixon@gmail.com>

Sent: September 22, 2021 2:28 PM

To: Colleen Hutt <Colleen.Hutt@notl.com>; Kristina Toppazzini <Kristina.Toppazzini@notl.com>;

Shaunna Arenburg <shaunna.arenburg@notl.com>

Subject: 318 Niagara Blvd. Re Tree remove all Application AP-2021-695

Dear Colleen

I am sending a letter ahead of my Appeal Hearing on September 27, 2021 and ask that it be circulated to members of council as it is the basis of my appeal and it may be helpful for them to have it beforehand.

Thanks, in advance

Peter Nixon

318 Niagara Blvd. Tree Removal Application AP-2021-695

Dear Members of Council

I would like to begin my comments by thanking Council for affording me the opportunity to appeal the above-noted Tree Removal Application. Following a visit to my property on August 18th by Kristina Toppazzini, and confirmed to me in a letter from her on August 23, Kristina informed me that she was denying my request for the removal of the tree. She explained her reasoning and went on to provide details of the appeal process. Our meeting was extremely professional and collegial as she explained that the main concern was the health of the tree and I agreed the tree was indeed healthy but that the reasons for my application were not driven by the health of the tree, but by several other factors.

The tree in question is a Hornbeam (Ironwood) that we planted almost 15 years ago. It is in the front of our property, located in a flowerbed, 5 feet and 2 inches from the foundation of the house.

At that time we instructed our landscaper that we wanted a deciduous tree that would grow tall but would not fill out much horizontally as it matured. Shapewise we were thinking of something that would resemble a Cypress as our house is fairly tall.

That said, the tree has not only grown tall, but also it has expanded horizontally in all directions. This has resulted in our not being able to see out of many windows as the branches and the leaves are not only thick but are very close to our windows. Our front rooms which were once very bright and cheery are now very dark and gloomy. In these rooms, where we were once able to enjoy plenty of natural light throughout the day, we now have to have all our lights on from dawn to dusk just to do simple things like read the newspaper. This is especially true of my office on the second floor where I spend a good deal of the day working from home. At all times of the day, in order to see what I am working on, I have to have a desk lamp, a table lamp and the ceiling pot lights on. Not only does it feel gloomy, it seriously undermines our efforts to minimize our energy consumption.

Secondly, the branches have grown out to the point that they are only inches from the house and the windows. We are exposed to winds from the Lake and when there is a good breeze from the Lake, the branches flap against the window panes. This is not an uncommon event and , when it happens, it is particularly noisy and aggravating. It will wake us in the night and getting back to sleep is a challenge with that going on.

Along with these annoyances, the higher branches are in constant contact with our soffit, fascia, shingles and eavetroughs. We were told by a roofer who was replacing some shingles last year that the constant rubbing on the shingles will require us to have to replace some most likely as they get brushed by the branches. Also, there is the impediment caused by the leaves and branches to the eaves trough and their efficacy in properly draining rainwater.

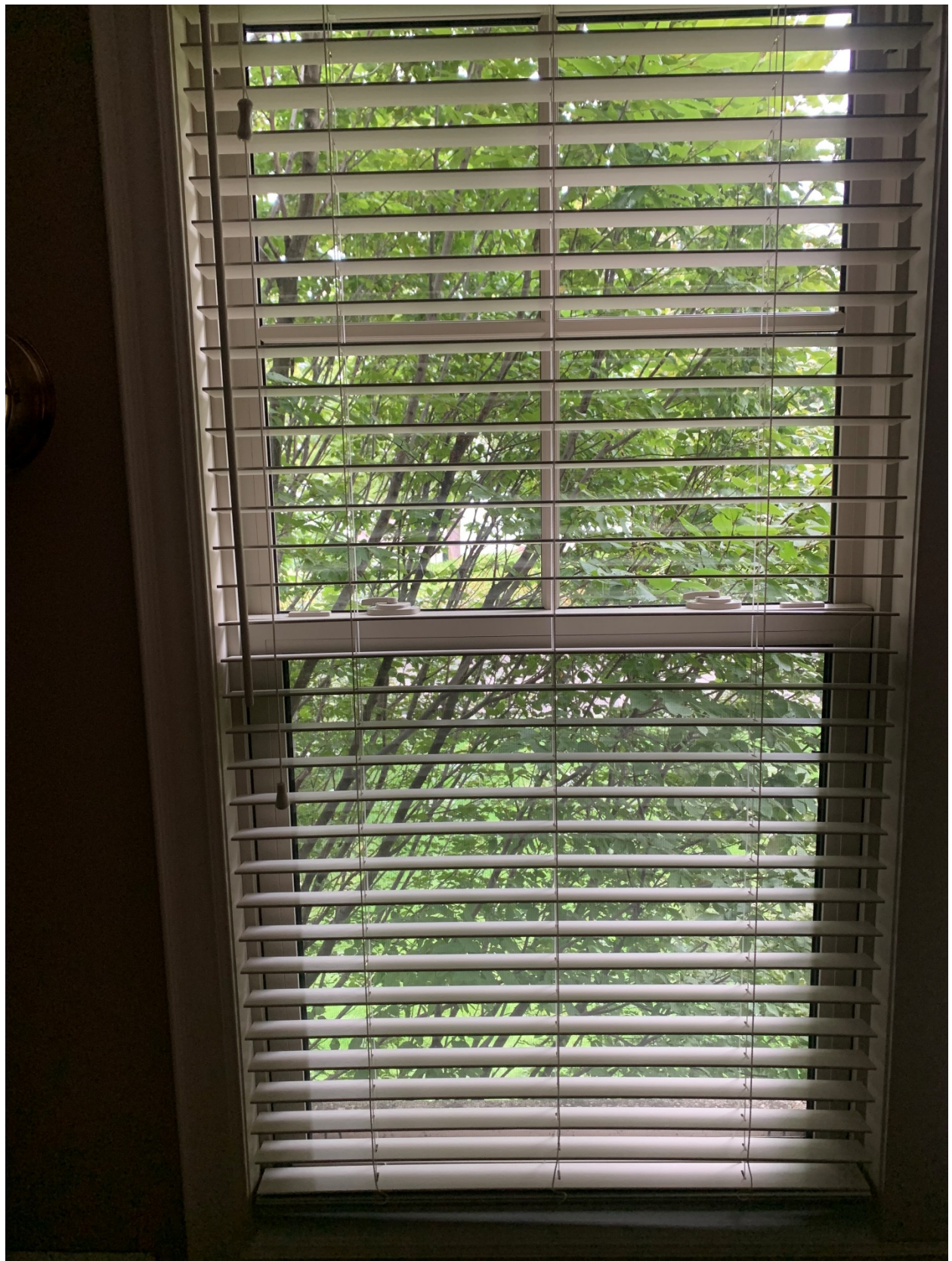
It goes without saying that the conditions that I have cited are only going to worsen if we are not able to remove this tree.

In hindsight, this was clearly not a tree that should have been planted where it is. It may be of interest to Members of Council that when we purchased our property in 2007, it was a relatively new build and apart from the house the property was quite bare. At and around the time we planted the Hornbeam, we planted 1 Japanese Maple, 1 Bradford Pear, 1 Norway Spruce, 2 Japanese Lilac Trees, 35 Emerald Cedars, about 50 feet of Swamp Cedar Hedge and numerous bushes and shrubs. All are thriving except for the 2 Emerald Cedars that are next to the Hornbeam which now dwarfs them and keeps them forever shaded. If we were to remove the Hornbeam our hope would be to replace it with as mature and tall an Emerald Cedar as we can find. The only caveat to that is our ability to have the stump fully removed as it is uncertain how close the roots may be to the weeping tiles that surround the house at the foundation. We have been cautioned that it could be an issue but, at this time, I can only draw that to your attention as a possible issue we may be dealing with.

In closing, I thank you for your thoughtful consideration of my appeal and I would welcome any questions you may have in order to better understand the reasons that support our application for removal of this tree.

Peter Nixon
318 Niagara Blvd
Niagara On The Lake, On L0S 1J0

416-399-6455







August 23, 2021

PETER & LAURIE NIXON
318 NIAGARA BLVD
PO BOX 114
NIAGARA ON THE LAKE, ON
L0S 1J0

RE: Tree removal application- AP-2021-695

This letter is to inform you that the tree removal applications that you have submitted on August 17, 2021 has been reviewed.

Upon visiting the site and inspecting the tree, I have determined that the Hornbeam tree does not fall within the permit exemption within part V of the Town of Niagara on the Lake private tree protection By-Law 5139-18.

There are no major immediate issues of concern at this time and the reasoning behind wanting to remove it does not qualify for a permit to be given.

You are advised that Section 13 of the Private Property Tree Protection By-Law states:

13.(1) If an Inspector refuses to issue a Permit, or if an Applicant objects to a condition attached to a Permit by an Inspector, the Applicant may appeal to the Committee. Such appeal shall be made by written notice received by the Inspector within seven (7) days after the date of refusal or the issuance of conditional Permit, as the case may be.

If you wish to appeal, you will need to submit a written letter by August 30, 2021.

If you have any further questions or concerns, please do not hesitate to contact me.

Kindest Regards,

Kristina Toppazzini
Municipal Law Enforcement & Urban Forestry Officer
905-468-3266 Ex 379
Kristina.toppazzini@notl.com



MEETING NOTICE
TREE BY-LAW APPEAL HEARING
- 318 NIAGARA BOULEVARD

MEETING INFORMATION

The purpose of this notice is to advise of a Meeting to hear an appeal pursuant to Part VII - Application for Permit, Section 13(1), By-law No. 5139-19 - A By-law to regulate the destruction or injuring of Trees on private property in the Urban Areas of the Municipality. The hearing will be conducted in accordance with the Tree By-law Appeal Procedure, attached.

HEARING DATE

Date: Monday September 17, 2021
Time: 4:00 p.m.
Place: Meeting to be held Electronically via Video Conference

You are hereby notified by way of this notice of the hearing, and should you not attend the Appeal Hearing (Council Meeting), Council may proceed in the applicants' absence and the applicant will not be entitled to any further notice in the appeal proceeding.

NOTE

Niagara-on-the-Lake Municipal Offices are currently closed to the public due to the COVID-19 state of emergency and all in-person meetings have been cancelled.

As permitted under Provincial Legislation and the Town's Procedural By-law, Council and Committee meetings are being conducted electronically during the declared state of emergency.

You are invited to attend these meetings electronically and provide input regarding this matter. To participate and make an oral presentation during the hearing, you must register in advance with Town Staff as noted below.

Please contact Colleen Hutt, Acting Town Clerk, colleen.hutt@notl.com or 905-468-3266, ext. 248. Please register as soon as possible, but no later than 12 noon on Monday, September 27, 2021.

Following registration, you will be provided with instructions to connect to the meeting on your computer, tablet or telephone.

Written comments on this matter are also encouraged and must be submitted to Colleen Hutt, Acting Town Clerk, at 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0 or email at clerks@notl.com, referencing this matter. Unless indicated otherwise, all submissions, including personal information, will become part of the public record.

For further information on this matter please contact Corporate Services at 905-468-3266.

Colleen Hutt, Acting Town Clerk

Dated at the Town of Niagara-on-the-Lake this 17th day of September 2021.