

From: [REDACTED]
To: [Brittany Dobrindt](#)
Subject: Rezoning Application. File No. 03.1121. 255 Lake Drive North
Date: April 16, 2024 11:21:42 PM

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Dear Ms. Dobrindt,

I am writing in response to the above mentioned application. It has been brought to my attention that the owner of 255 Lake Drive North has applied to have a dwelling above the detached garage at the back of his property. I have just been living on [REDACTED] for a year and have been concerned with the noise during the day coming from the garage area. It goes on quite often most of the day. There are also quite a few fires being set for refuse I assume. There is a small rented dwelling behind the main dwelling which is also rented out. To have another dwelling above the garage would certainly create constant traffic and who knows how many people occupying the property. There are a number of storage units on the property and to be honest the area is not very residential looking. We would all appreciate council's support in not granting this request for rezoning.

Thank you

[REDACTED]

To: Town of Georgina, Mayor and Council

From: [REDACTED]
[REDACTED]

Date: April 16, 2024

Re: File #: 03.1121

Address: 255 Lake Drive North Keswick

Legal Description: Part Lot 18, Concession 2 (NG)

Applicant: Ken Craine and Marianne Ellis

This is a letter of Objection - concerning Zoning By-law Amendment application submitted by Michael Smith Planning Consultants; Development Coordinators on behalf of Ken Craine and Marianne Ellis to rezone the above noted property from Residential (R) and Transitional (T) to Site Specific Residential (R-83) to permit a dwelling in the second storey of an existing detached garage. The property currently contains two dwellings. One of the existing dwellings will be converted to an accessory building.

We wish to have our objection to the proposed Zoning By-law Amendment (ZBA) be recorded on file.

We have reviewed the current package of documents recently provided by your planner, Brittany Dobrindt, and by Planning Clerk, Kim Harris, as well as documents from the previous 2018 ZBA application and the Minor Variance Application P410933, 2009 and subsequent ruling by the Ontario Municipal Board in 2010.

We strongly oppose this application as there has been adverse impacts to our property because of the ruling of the OMB in 2010 which permitted the construction of an inordinately large garage structure. We anticipate a permitted dwelling in the 2nd story of the existed detached garage and the addition accessory building space will likely exacerbate those impacts as follows:

- Loss of Privacy - Our property with a single-family seasonal cottage backs directly onto the subject property. Our family has owned the property since 1953 and the cottage has been a source of enjoyment for five generations of our family. Due to the irregular configuration of the lot parcels, the front of the subject garage and the proposed residence is adjacent to and looks directly upon our backyard. These lots are not configured as in a typical subdivision where backyards back onto adjacent backyards. Our back yard has provided us with 71 years of family gathering and relaxation space. The height of the garage structure (10.67m) is such that even if we were to construct a privacy fence the front upstairs windows and the planned balcony/deck (off the main bedroom in layout plan) will peer directly into our backyard. While we are aware that the accessory building use as a garage has degraded our privacy, we believe that a

residence with the potential for use as a short-term rental will increase the person flow, which will further detract from our privacy.

- Noise, traffic and loss of aesthetic appeal – the nature of work being carried out in the garage structure and the increase of accessory storage buildings (new portable storage structures) over the years, as well as the growing collection of vehicles/RV/boats and other industrial type equipment around the yard is adversely impacting the neighbourhood aesthetic and appeal. Vehicles and boats, large and small are coming and going regularly and mechanical banging from the garage is heard with frequency. The ZBA is requesting that a current small residence of 50.50 m² be converted to an additional accessory storage building (increasing accessory building to 13.5% from the current 10%) and that a residence of 183 m² be built on the second floor of the garage (282 m²). Given the noise, traffic, vehicles, storage buildings and industrial type debris in the yard already, we are extremely concerned that increasing the accessory building square metres and exponentially increasing the residential footprint will have further negative impact to the enjoyment of our property.

Please see below - 4 photos of views of the garage structure, current residence, vehicles/boats and yard debris taken from [REDACTED].

In closing, while we do understand that Bill 23, More Homes Built Faster Act, 2022 is in force, we do not believe that this ZBA and the proposed site changes aligns with the spirit nor the intent of the Bill.

The Bill amends the Planning Act to create a new provincial threshold for what is permitted to be built by strengthening the additional residential unit framework to meet planned minimum density targets. Overall, the intent of the Bill was to create more affordable homes in Ontario, and to build them as fast as possible.

The ZBA being proposed fails to achieve the goals of Bill 23 as the minimum density target has already been met and there is no increase to the number of residential units – the number of residential units remains at two dwellings. In addition, we believe that the proposed ZBA is unlikely to create more affordable housing. The current residence with a 50 m² footprint is likely a more affordable residence than the proposed 183 m² residence above the garage structure. In effect, the ZBA being considered is achieving the opposite of what Bill 23 was trying to achieve by making the residential dwellings on this property less affordable and rather than increasing residential density, it is increasing accessory building density.

Respectfully,

[REDACTED]





To: Town of Georgina

From: [REDACTED]

Date: April 16, 2024

RE: Application to Amend Zoning By-law, 255 Lake Dr N, Keswick (Town File 03.1121)

Letter of Objection

I strongly oppose the application for an amendment to the Zoning By-law which if effected would enable the establishment of a significantly larger second dwelling in the existing detached garage on the lot of 255 Lake Drive North, Part Lot 18, Concession 2 (NG), Keswick. I own two neighbouring properties to the property in question. [REDACTED]

[REDACTED] I have retained Mike Larkin of LARKIN+ Land Use Planners Inc to provide land use planning comments on the Zoning By-law Amendment Application (copy of April 16, 2024 letter attached) to assist in my submission to the Town.

Some context is helpful.

The original Minor Variance Application (in 2009) to build the garage was opposed by Georgina, by both staff and the Committee of Adjustment. The applicant, Mr. Craine, then appealed to the OMB in 2010. In front of the OMB, Mr. Michael Smith, who is representing Mr. Craine in this current application testified... "There will be no residential use i.e. a kitchen or bathroom is not proposed. Mr. Craine owns several recreational vehicles, which he stores on the property, and it is desirable to contain them inside a building."

In 2018, Council rejected an application by the same applicant which was in large part the same as this application, on the basis of many concerns, including inconsistency with Town policy, traffic, privacy, drainage, and shading.

Since then, some things have changed, but others have not.

What has changed is a provincial law allowing a dwelling on top of a garage, and the property owner has done some minimal work on drainage.

What have not changed, and the reasons that I object to the application, are the following:

1. **The impact that the property has on the neighbours in terms of privacy.** The building where the proposed dwelling would exist is huge, and overlooks many properties, regardless of (modest) setback. Please see attached photo for context. The building was originally approved at the OMB on the basis that it would not be a dwelling. There is no escaping the reality that neighbour's privacy would be significantly invaded, with new tenants able to peer into every aspect of our lives.



2. **The impact that the property has on the neighbours in terms of traffic disruption.**

Some in Council may recall from the 2018 meeting that Mr. Craine moves a lot of vehicles onto the lot and the driveway on his lot is already strained beyond its limits. This is even before, should the Amendment be approved, there would be a larger dwelling with associated vehicles on the property. Proof of the problem is how he has treated my property next door ([REDACTED]). I had a large cedar hedge providing some privacy between my property and Mr. Craine's property. This hedge was completely on my property. Mr. Craine asked if he could cut it down so that it would be easier for him to move his multiple vehicles, including a large RV, onto and off of his property. I said no. Nevertheless Mr. Craine cut down the entire hedge unilaterally. Now he drives his vehicles over my neighbouring property and where the hedge was in order to access his property. He thereby caused damage to my front yard turning what was once lawn into mud. Please see attached photo as evidence. We have since had to pave this area at great expense in order to mitigate the damage, but Mr. Craine and his tenants consistently drive over our property to get to his property. His driveway is not adequate to support the number of vehicles and traffic that is continually moving on and off of his property. This is even before adding more proposed dwellers and their vehicles onto the property in question. The proposed change in dwelling square footage from the existing second dwelling to the proposed second dwelling is approximately 10-fold. We expect traffic and damage to our property to grow proportionally.



3. **The building in question, if recast as a dwelling, would not be compatible and suitable for the neighbourhood.** Currently the residential area along Lake Drive North and Elmtree Lane is a tranquil and neighbourly community. The building where the proposed dwelling would exist is hulking and is industrial in nature – it was designed to be that way. Turning it into a residential property would tarnish the entire area and disrupt the inviting and beautiful neighbourhood which is representative of the wonderful community that exists in Georgina today.

Additionally, and importantly, Mike Larkin of LARKIN+ Land Use Planners Inc, has reviewed the current file and Staff's Recommendations regarding the Zoning By-law Amendment Application. He has also reviewed the comments made by Mark Stone of MLS Planning Consulting, who I hired in 2018 to review Mr. Craine's Application at that time. Mr. Stone concluded that the **"Application is not in keeping with the general intent and purpose of the [Keswick] Secondary Plan when considering the form and scale of the proposed expansion"**. (Please see Mr. Stone's 2018 comments separately attached.) Mr. Larkin is also of the view that it is dubious that the current application represents good planning. Mr. Larkin has stated verbally that while the new provincial law supports intensification, **it should not be interpreted that intensification should happen just anywhere.** Mr. Larkin's concerns about the current Application as it relates to planning are attached. (Please see Mr. Larkin's comments separately attached.)

Given the specific concerns around this Application, and the comments of Mr. Larkin, a senior planning consultant, **I urge the Council to decline Recommendation #2,** namely the Zoning By-law Amendment application submitted by Michael Smith Planning Consultants; Development Coordinators Ltd in respect of 255 Lake Drive North, Keswick.

Respectfully submitted,





2024.04.16

VIA EMAIL: Richard.phillips.toronto@gmail.com

Richard Phillips
253A and 249 Lake Drive North
Keswick, ON
L4P 3C8

Dear Sir,

**Re: Zoning Bylaw Amendment Application
255 Lake Drive North, Keswick ON**

I have been provided with information pertaining to an application to amend the Town of Georgina Zoning Bylaw to permit the conversion of an existing dwelling located in the rear yard of the property into an accessory building for storage unit and relocate the existing dwelling unit into an existing two-storey detached garage in the rear yard. The result on the ZBA will be to maintain two dwelling units on the property. The application was essentially before Council in 2018 where it was refused for various reasons pertaining to drainage issues, concerns regarding the building location, and privacy concerns, etc.

It is noted that recent changes in Provincial Land Use policy through the passing of Bill 23 were intended to increase the amount of affordable housing in Ontario. The legislation, however, is somewhat problematic in that it can be seen to override a municipality's formal expression of land use policy (i.e. its Official Plan) and Zoning provisions which might have the effect of limiting (or controlling) the implementation of housing intensification. While the Province's interest in improving access to housing is laudable, in the absence of appropriate land use policy to guide a municipality's growth the implementation of intensification may ultimately be haphazard.

The Staff report notes that the only zoning modification required is to acknowledge an increase in lot coverage associated with the application from 10% to 13.5%. The conclusion appears to be that this is minor, and the application complies with the PPS and other land use policy guidelines, thus representing good planning. However, as noted, in the absence of appropriate analysis and consideration of where it may be appropriate to implement increased density, and where it is not, it is difficult to conclude that the application represents good planning. The approval of the application may seem innocuous at this time, however there is a potential to increase the number of units through the provisions of Bill 23. Thus, Council may wish to consider whether or not this application reflects the direction of future development within the Town.

Sincerely,

LARKplan

Michael T. Larkin, M.Pl., MCIP, RPP
Principal

cc



87 Batson Drive

Aurora ON L4G 3R2



March 26, 2018



Dear [REDACTED]:

RE: Comments regarding Town of Georgina Application to Amend Zoning By-law No. 500 by K.B. Craine and M. Ellis, 255 Lake Drive North, Part Lot 18, Concession 2 (NG), Plan 77, Lot 16. RS65R11736. Part 1

This is in response to your request for comments respecting the above referenced Application. I have reviewed a number of documents including the Notice of Public Meeting dated February 22, 2018, Staff Report No. DS-2018-0028, the Keswick Secondary Plan, Town Zoning By-law No. 500 and materials related to the 2009 Minor Variance Application.

It is my understanding that the proposed Zoning By-law Amendment would facilitate the relocation of an existing legal non-conforming residential use from Existing Dwelling B to the second storey of an existing garage, and allow for the conversion of Existing Dwelling B to an accessory building for storage purposes.

The following is a summary of comments and potential concerns based on a review of the Application:

1. Applications to expand legal non-conforming uses are typically more modest in scale and relate directly to existing non-conforming buildings (e.g. minor addition to an existing single detached dwelling to provide additional living space). Based on the data provided in the Town's staff report, the floor area of Dwelling B is 26.4 m² (284 ft²) while the ground floor area of the garage is 280 m² (3,014 ft²). We were not able to determine the floor area of the second storey of the garage however, assuming that the floor area of the second storey is comparable to the ground floor area, the new residential space could be in excess of 10 times the size of the existing legal non-conforming floor area in



Dwelling B. As a result, the proposal is not a simple "*relocation of the dwelling*". Instead, the proposal entails the establishment of a relatively large dwelling unit through a significant expansion of a legal non-conforming use.

2. The prior approval of the Minor Variance to permit the demolition and reconstruction of the larger two-storey garage, followed by the current Zoning By-law Amendment Application, would allow for incremental expansions of legal non-conforming uses through two different types of planning approvals and two different set of criteria. In considering the Zoning By-law Amendment Application, the Town should take into account the cumulative expansions of the original legal non-conforming residential uses (i.e. substantial increases in the legal non-conforming uses in terms of the accessory garage and residential floor space).
3. Section 13.1.7.6 of the Keswick Secondary Plan states that the Town may, at its discretion, zone lands to permit the continuation, extension or enlargement of legally existing non-conforming uses, buildings and structures provided that the zoning shall have no adverse effect on the present or surrounding lands, apply to a use that has frontage on a public road, and not detrimentally affect the implementation of Secondary Plan policies and that the general intent and purpose of the Secondary Plan is maintained. 'Adverse effects' is defined in the Secondary Plan and includes loss of enjoyment of normal use of property. In addition, Section 13.1.3.1.1(f) Policies for Neighbourhood Residential states that "*residential development shall be compatible with existing adjacent residential areas in terms of orientation, privacy, landscaping, shadow casting and visual impact*". The significant expansion of a residential use and potential impacts such as reduced privacy due to the establishment of the residential use on the second storey, brings into question the compatibility of such as use with surrounding land uses.
4. It is stated in the March 28, 2018 staff report that "*at the time the OMB allowed the appeal of the Minor Variance application P410933, Condition 1.4 prohibited residential use within the garage (refer to Attachment 11). The intent was to discourage the potential of increasing the number of dwelling units on the property*". According to the April 26, 2010 Order respecting the Minor Variance appeal, the approval of the garage was based, in part, in the appellants submissions that "*the garage will be constructed as an accessory structure to the principle residence located at the property and meant to house the owner's regular and recreational vehicles*" and "*the construction and use of the garage is desirable for the appropriate development and use of the property*". The OMB's approval of the Minor Variance was based on the proposal of an accessory garage (and not a residential use) and has now set the stage for the Zoning By-law Amendment now before the Town to convert part of the garage from an accessory use to one of two main residential uses on the property.

In summary, approval of the Zoning By-law Amendment Application would allow for the continued incremental and substantial expansion of the legal non-conforming uses on the property. Further, there are concerns that the proposed development does not maintain the general intent and purpose of the Secondary Plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'M Stone', with a long horizontal flourish extending to the right.

Mark Stone, MCIP, RPP
Principal

Brittany Dobrindt

From: [REDACTED]
Sent: April 16, 2024 8:03 AM
To: Brittany Dobrindt
Subject: Rezoning Application File No. 03.1121

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To Brittany Dobrindt,

I am in opposition to the application for 255 Lake Drive North to permit a residential dwelling in the second storey of the existing detached garage.

This is the second request for this rezoning application in 6 years.

One of the existing dwellings, currently rented out, is to become an accessory building if rezoning is approved.

I do not understand this use, more storage and what kind of storage.

This is very concerning for adjacent neighbours.

There are 2 portable storage structures beside this dwelling and 2 smaller covered structures beside those.

There is ample space in the first floor of the detached garage, why is there need for more storage?

Would the owner not want to remove this small dwelling.

The concerns are privacy and noise increase.

The first floor of the detached garage is used for unknown purposes, machinery sounds are heard from this area.

For many years we have enjoyed our privacy and peaceful feeling in this single residence neighbourhood, which will be altered if rezoning is approved.

The unknown quantity of people and vehicles (present and future if approved) that will be using this area on the first and second floor of detached garage and multiple storage areas, is unsettling.

Also, there are occasional fires in the backyard, not sure which person is watching over these.

Hope we have your support and concerns for the amount of present and future (if approved) activity on this property.

Thank you
Sincerely,

[REDACTED]

Sent from my iPad

LOCATION MAP WITH NEIGHBOURING ADDRESSES



255 Lake Drive
North



Legend



Subject Property



Town of Georgina
Created: April, 17, 2024

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