

THE CORPORATION OF THE TOWN OF GEORGINA

COUNCIL AGENDA *ADDENDUM 1*

Wednesday, March 28, 2018
7:00 PM

11. PUBLIC MEETINGS

(1) STATUTORY MEETING(S) UNDER THE PLANNING ACT OR MEETINGS PERTAINING TO THE CONTINUATION OF PLANNING MATTERS

(7:30 p.m.)

- (A) Application to Amend Zoning By-law No. 500
CRAINE, Kenneth Bruce & ELLIS, Marianne
Part Lot 18, Concession 2 (NG); 255 Lake Drive North
AGENT: Michael Smith Planning Consultants

Report No. DS-2018-0028

Additional Correspondence:

Pages 1-7

- Two email messages from Hillary Thatcher and Clint Davis in opposition to the Zoning By-law Amendment application at 255 Lake Drive North due to adverse impacts to their property

Pages 8-14

- Richard Phillips, 240 and 253A Lake Drive North, in opposition to the application to permit a larger second dwelling in the existing detached garage

Page 15

- Sue Holland, owner of property adjacent to the subject property, in opposition to the rezoning of the subject property to create a dwelling unit in the second storey of the existing detached garage and to convert one of the existing detached dwellings into an accessory building

Page 16

- Diane Woods in opposition to the zoning by-law amendment application to permit a dwelling in the second storey of an existing detached garage

Pages 17-18

- Margaret and Ernie Woods in opposition to the zoning by-law amendment application to permit dwelling in the second story of an existing detached building

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- Lysa Kress in opposition to the application

12. REPORTS

(2) REPORTS REQUIRING SEPARATE DISCUSSION

Report from the Recreation and Culture Department:

(F) Verbal report from staff providing an update on the Udora Hall Pavilion

(Advisement: Council passed Resolution C-2018-0035 on January 23rd, 2018, to enter into a one-time partnership with the Udora/Leaskdale Lions Club at a matching amount of \$10,000 toward construction of a pavilion at the Udora Community Hall, with no impact to the tax levy)

From: Hillary Thatcher
Sent: Thursday, March 15, 2018 2:34 PM
To: ageniole@georgina.ca; ifung@georgina.ca
Cc: Clint Davis
Subject: Re: Town file: 03.1121

On Thu, Mar 15, 2018 at 2:09 PM Hillary Thatcher

Good afternoon Anna and Ingrid,

I am writing to request a copy of the staff report when it is available next Thursday on file 03.1121 in respect of a zoning by-law amendment application as submitted by Michael Smith planning consultants on behalf of Ken Craine and Marianne Ellis.

In addition, I am also wondering if either of you know where I can get information on the original application to build the garage that this application is seeking to address. At the time that he constructed the garage, we did not oppose the construction of the building as we were told by the owner that he was simply rebuilding his existing garage. Did we not aware the building would be significantly larger, that the land would be raised by several feet and that the new garage was contemplating future residential dwelling. If you can direct me to any information on the permits and application for building called "Existing Garage" on the diagram titled drawing C-1 that would be very helpful.

Thank you in advance for your time.
Sincerely,

Hillary Thatcher

Subject: FW: Town file: 03.1121

From: Hillary Thatcher
Sent: Thursday, March 22, 2018 5:19 PM
To: Ingrid Fung <ifung@georgina.ca>
Cc: Alan Drozd <adrozd@georgina.ca>; Clint Davis <clint.davis@georgina.ca>; Lillian Knaud <lknaud@georgina.ca>
Subject: Re: Town file: 03.1121

Dear Ingrid

Thank you for the opportunity to provide the reasons for our opposition to the Zoning By-law Amendment application for 255 Lake Drive North. Our property is 253 Lake Drive North and is located to the west of the structure, adjacent to 255 Lake Drive North. While we did not formally oppose the original application to build the garage, we did not support it as well.

For this application we strongly oppose on the grounds that there has been and will continue to be an adverse impact on our property:

Drainage

According to the OMB decision, and the attached appendix of the structure, all downspouts would be directed to a drainage pipe that would bring the water north and naturally to the lake. Further, all drainage to the east side of the building would be directed to a soakaway pit. It should also be noted that the same appendix indicates that there would be no change to existing topography from the edge of the structure to essentially the property line.

Since the garage was constructed, our home experiences flooding in the basement each spring. We have photos that reveal downspouts pointed directly at our property and not to a drainage pipe. It is also revealed that there is significant buildup of land at the structure, including significantly higher elevation than the land on our property and the natural topography – this is also supported with photos.

It is worth noting that prior to this large structure being built, Mr. Crane removed several large trees from the lot to accommodate the structure. These trees served not only to provide privacy to our property and a habitat for many birds and small animals, but additionally the trees were significant vegetation that supported the environment. The trees were a natural part of the local ecosystem that helped to reduce surface water runoff from storms.

Shading

The size of the structure creates shadows and shading that we did not experience before it was built. This shading is directly in our backyard during the early morning hours which has impacted our use and enjoyment in the summer when our family is occupying the space. Prior to the construction of the building, we had a large vegetable garden at the rear of our property. This portion of the property is no longer a viable option for growing plants as it is both too wet from pour drainage and there is no enough sunlight to reach the property as a result of the building to the rear of the property.

Privacy

The backyard is an area where our young family spends a significant amount of time during all four seasons. There is a children's swing set where our three young children play regularly, a garden where we have grown vegetables and a barbeque and dining table where we have family meals during the summer. The windows of the structure on the west side look directly into our backyard and as a result of its placement could possibly look into the bedrooms on our second floor. Today and for the previous 45 years that our family has owned this home, we take solace in knowing our privacy is somewhat preserved since there is no one residing in the structure. Under this application, any privacy we have now would no longer exist.

Other issues

As you know, Mr. Crane originally applied to the Town of Georgina for a minor variance application which proposed to expand a legal non-conforming use in October 2009. This variance was not supported by staff and it was also opposed by the owner of property 253A for various reasons, including drainage and usage. The application was subject to hearing and was approved by the Ontario Municipal Board (OMB) on April 26, 2010.

In their decision, the OMB stated "The Appellant alleges that the construction and use of the garage will not change the use of the property from its current use as a residential dwelling; approval of the application will only result in the replacement of an older garage with a new garage; the garage will be constructed as an accessory structure to the principle residence located at the property and is meant to house the owner's regular and recreational vehicle [...]."

In addition, Michael Smith who was and continues to be retained as the land use planner for this application provided an overview of the application to the OMB: "Mr. Smith testified that it is common in this area to have rooms over the garage and the second floor is to be used for recreational purposes. 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."

We find that the application for a Zoning By-Law amendment is not desirable for the appropriate use of the structure referred to in this application. The general intent and purpose of the Zoning By-Law and the Town of Georgina Official plan are not maintained. In addition, I would highly recommend that the Town of Georgina and the Lake Simcoe Conservation Authority closely investigate the impact that the said structure has had on drainage in the Lake Simcoe water basin.

I anticipate that this note is clear and provides sufficient information about our opposition to the application. If you have any further questions or wish further details or evidence, please do not hesitate to contact us.

I will send pictures in separate emails.

Respectfully yours,

Hillary Thatcher and Clint Davis

Photo 1: shows the downspout on the north-west side of the garage structure pointing west and not diverted to the pad at the rear of the property as indicated by the plan.



Photo 2: shows the downspouts on the south west corner of the building directing water west, instead of to the rear of the property as indicated by the plan.



Photo 3: shows the culvert where the water from the rear of 255 Lake drive north east beyond Metro road used to be diverted. The water now flows predominantly in front of 253A and some to 253 Lake drive North



Photo 4: shows the elevation of land around the garage and change in topography. We believe this significant elevation, couple with downspout directing rain water to our property is the main cause of flooding in our basement.



Subject: FW: Town File: 03.1121 -- Re Proposed Zoning By-law Amendment for 255 Lake Drive North, Keswick — Letter of Objection

To: Town of Georgina
From: Richard Phillips, 249 Lake Drive North, Keswick / 253A Lake Drive North, Keswick
Date: March 27, 2018

RE: Application to Amend Zoning By-law, 255 Lake Drive North, 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. My properties are 249 Lake Drive North and 253A Lake Drive North. I have retained Mark Stone of MLS Planning to provide land use planning comments on the Zoning By-law Amendment Application (copy of March 26, 2018 letter attached) to assist in my submission to the Town.

My reasons for opposition are as follows:

1. First and most important, the proposed change runs counter to Town policy. The garage is currently a legal non-conforming structure. Changing the garage to a residence moves the property in a direction which is opposite to the policy of this Town and of this Council, which is to have one residence per lot. Often when there is a By-law change to a non-conforming property it is preferable to make adjustments which move the property closer to conforming. The proposed change moves in the opposite direction: even less conforming to the policies of Georgina and the Council. In addition, the proposed variance is not minor; it is a major increase in residential space (many multiples of the amount of residential space that currently exists). In addition, when the OMB approved the building of the garage, they did so based on the representation that it would not be used as a residence.

Some history is helpful here.

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."

I would note further that if the transition of the garage to a residence is approved Mr. Craine plans to rent out the other residence. Thus the second residence on the property would not be to accommodate family members. Further it would not be low income housing accommodation.

2. Second, the land is unsuitable for the proposed purpose. These are cottage lots, and the beauty of the Georgina waterfront is negatively affected by having a second residence on one lot. The building already casts shadows over existing cottages. Adding a residence on the second floor means means incongruous density and an invasion of privacy that cottages are built to provide. Please see attached photo which shows how the building overlooks that cottage properties.

3. Third, there is inadequate vehicle access. 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 additional dwellers and their vehicles on the property. Proof of the problem is how he has treated my property next door (253A Lake Drive North). I had a large cedar hedge on my property providing some privacy between my property and the property in question. This hedge was completely on my property. He 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 has thereby caused damage to my front yard turning what was once lawn into mud. Please see attached photo as evidence. This is even before adding more proposed dwellers and their vehicles onto the property in question.

I recently spoke with Mr. Craine and asked him if he would consider not going ahead with this planned change and he stated that no, he plans to go ahead.

A question is whether we want to move the Town to one of the more beautiful and accommodating townships in Ontario. I know this Council is very thoughtful about doing that and I think it is making great progress. This proposed Amendment would not move us in a better direction: it is not beautiful, and as I have argued not accommodating either as the purpose is not low income housing, and it is not family member housing. There are many good ways in which our Town is achieving its goals. This proposed Amendment would not be one of them.

Respectfully submitted, Richard Phillips



87 Batson Drive

Aurora ON L4G 3R2



March 26, 2018

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

Dear Mr. Phillips:

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 my comments and 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 actual 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,

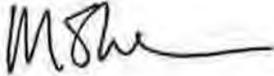


the proposal entails the establishment of a relatively large dwelling unit through a significant expansion and relocation of a legal non-conforming use.

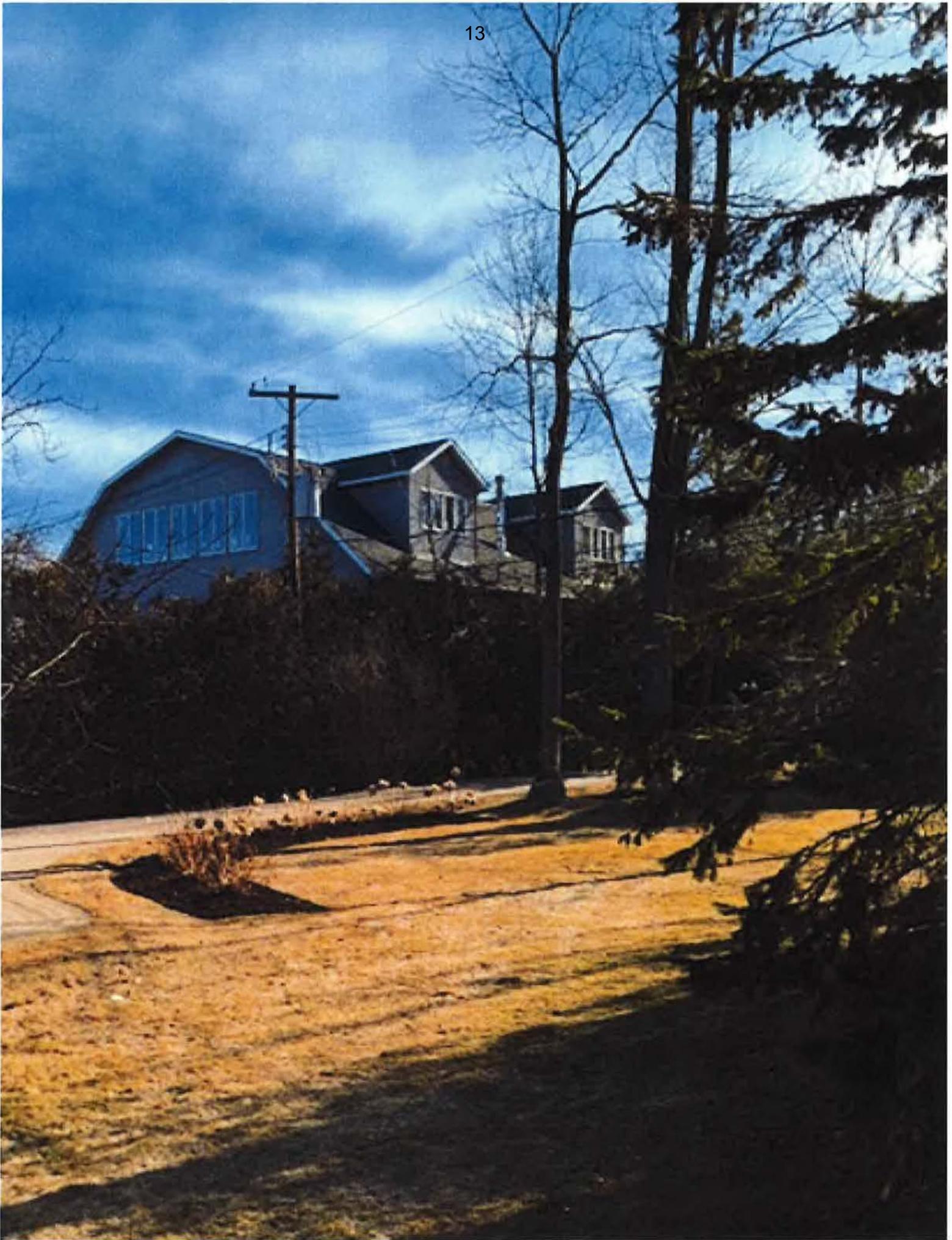
2. The prior approval of the Minor Variance to permit the demolition and reconstruction of the larger two-storey garage, followed by the current Zoning By-law Amendment Application, would allow for incremental expansions of legal non-conforming uses through two different types of planning approvals and 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. If the Zoning By-law Amendment is approved, along with the previously approved Minor Variance, the net effect is a substantial increase to 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 and relocation 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, on 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 a proposed accessory garage (and not a residential use) and has now set the stage for the Zoning By-law Amendment Application 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, the proposed Zoning By-law Amendment Application is not in keeping with the general intent and purpose of the Secondary Plan when considering the form and scale of the proposed expansion to the legal non-conforming residential use, and also due to land use compatibility concerns.

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





Subject: FW: 255 Lake Drive North - Letter of Opposition
Attachments: DS-2018-0028 ZBA 03.1121_ Kenneth Craine & Marianne Ellis_ 255 Lake Drive North (Mar 28, 2018).pdf; ATT00001.htm

From: Holland, Sue
Sent: Tuesday, March 27, 2018 11:34 AM
To: Alan Drozd <adrozd@georgina.ca>
Cc: Anna Geniole <ageniole@georgina.ca>
Subject: 255 Lake Drive North - Letter of Opposition

Good Morning,

I am opposing the application to Rezone the subject property from Residential and Transitional to site-specific Residential to permit the creation of a dwelling unit in the second storey of the existing detached garage and to convert one of the existing detached dwellings into an accessory building.

Can you please describe the meaning of an ACCESSORY BUILDING. (the existing structure building has been in existence since 1954, that date as I know it)

It has also been rented out in the past 20 years off and on.

This Accessory Building would be adjacent to our backyard and I hope this is not going to be a problem with Noise or any other Big Activity, not known at this time. I Hope Not.

We go to our dwellings to relax and enjoy the beauty of this area that we have been going to, for 63 years.

There is plenty of space in the existing Two Storey detached garage which was approved in April 26, 2010. Why is it necessary for this "type" of building??

Mr. Michael Smith, Planning Consultant, at that time (and present), noted that the Detached Garage would be compatible with other similar structures in the area,

NOT REALLY, have you visited this site? It was also noted it was good planning, no objections from neighbours.

Would objections from neighbours really stop this?

I agree, as it was noted, it is appropriately located, to the back but when completed, never thought that this to be so "high", so well thought out future plan by the owner.

BUT the variance is Major, **not** Minor (as it was noted).

Now, another amend zoning application, what next! Rezoning for the Accessory Building?

I see all comments from Internal Departments, External Agencies and Town Department Comments are all ... No objections.

I assume from all the noted comments/approvals, when the time comes to do our "renovation" there will also, be No Objections.

I am in full agreement with the list below from our Neighbour Diane Woods (in the email below)

Sincerely
 Sue Holland

Subject: FW: 255 Lake Drive North - Letter of Opposition
Attachments: DS-2018-0028 ZBA 03.1121_ Kenneth Craine & Marianne Ellis_ 255 Lake Drive North (Mar 28, 2018).pdf; ATT00001.htm

The application by Ken Craine and Marianne Ellis is to rezone the above-noted property to permit a dwelling in the second story of an existing detached garage.

The Property currently contains two dwellings. One of the existing dwellings will be converted into an accessory building such that if the application is approved the site will continue to have two dwellings.

We are submitting a letter of opposition for several reasons:

- loss of privacy as the detached garage overlooks our backyard as it does your front window in late fall, winter and early spring
- single residence neighborhood
- fear the dwelling will become an Air Bnb
- **fear the old cottage (original rental cottage located behind Hollands) will become a future rental.** The application says it will become an accessory building. However the building is currently undergoing renovation with a new foundation, replacement of the rotten floor boards, updated electrical, sewer and water. **One would presume that if the old cottage is no longer needed as a rental, and you have a huge detached garage. why not tear it down instead of fixing it up!!!!**

Your support in opposing the application is important.

Best,
Diane

Subject: FW: Opposing the Application 255 Lake Drive North File 03.1121

From: Diane Woods _____
Sent: March-28-18 5:36 AM
To: Alan Drozd <adrozd@georgina.ca>; Anna Geniole <ageniole@georgina.ca>
Subject: Opposing the Application 255 Lake Drive North File 03.1121

Dear Mr. Drozd,

We wish to "oppose" the application to re-zone the above-noted property to permit a dwelling in the second story of an existing detached building - Town File 03-1121.

Our property fronts onto Elmtree Lane (293) and backs directly onto the subject property in the application. We have owned the property since 1953 and are third generation cottage goers, soon to be four generations. As a family, we have spent many years enjoying the area. Our children camped in our backyard, swam for countless hours in the lake, walked daily to the Post Office store (corner of Post Office Road & Lake Drive N) for our 1 cent candies and ice cream, learned to golf at Orchard Beach Golf Club, took swimming lessons, Tadpoles to Bronze Medallion at the Government dock in Roches Point and the list goes on. We have seen many changes in the area in the last sixty-five years.

Since 2010 when we are in our backyard or screened back porch, one cannot help but notice the unusually large detached garage immediately behind our cottage. It is big at 10.67 meters tall with 280 square meters on the ground floor. It's larger than most homes along Lake Drive N at 473 square meters total area. . When family or friends gather in the backyard, the conversation always includes talk about the monster garage, if and when someone will move in upstairs and how awful that would be with no privacy for us in the backyard.

From the very first day of seeing the detached garage, we knew it was only a matter of time before it would become a dwelling. The question was not "if" but "when".

We have many comments and concerns regarding the application. They are:

- loss of privacy as the detached garage overlooks our backyard
- the neighborhood is low density residential cottage lots. We have been here 1953, and three generations later....
- OMB allowed the appeal of Minor Variance application P410933. Condition 1.4 prohibited residential use within the detached garage. Why are we having this conversation, the OMB placed the condition on the property?
- Size and location of dwelling units are very different. The number of dwellings remains unchanged at two.

- Location of existing of Dwelling B does not affect us. The dwelling is west our property/backyard. Due to trees and foliage, it has always been out of sight from our backyard and sight lines for the past sixty years. Light / light pollution was never a problem. No noise issues in the past.
- Location of the detached garage is in our direct sight line - big and bold. We come to the cottage to enjoy outdoor spaces and the lack of light / light population. The detached garage dwelling has many windows overlooking our property. At night, we will have light coming from these windows.
- Size of dwellings are not of equal value. 'Dwelling B' is 26.4 square meters compared to the upper floor loft of the detached garage at 183 square meters. If the OMB condition 1.4 was to discourage the increase of the number of dwelling; then increasing the size of the dwelling would mean the potential for more occupants. Many more tenants can reside in 183 m2 than 26 m2.
- big fear the new dwelling will become an AIR BnB. What are the Town of Georgina policies on Air Bnb operations? The nature of Mr. Craine's businesses, he is rarely home on weekends and would not be there to look after his tenants.
- concerned about possible leakage from two large white tanks that are sitting on the ground - they are clearly visible on the aerial map Page 14 in the DS2018-0028 report.
- concerned regarding the amount and/or type of outdoor storage that is allowed on a property

Existing Dwelling B ("Old Cottage")

- fear the old cottage (existing dwelling B) now slated to be an accessory storage building will become a future rental.
- old cottage is currently undergoing renovations with a new cement poured foundation, replacement of rotting floor boards, updating electrical, sewer and water.
- why renovate the old cottage (\$\$) if it is just going to be an accessory storage building? Isn't the ground floor of the detached garage (3120 sq. ft. / 279 m2) enough storage?
- why not tear down the old cottage as it no longer needed as a rental (assuming application is successful).

Thank you for listening. We appreciate the opportunity to present our comments and concerns.

We also appreciate that the applicants (Craine & Ellis) have kept a small patch of tree/shrubs along the fence about 1/3 of our backyard length. It is somewhat helpful in partially hiding the detached garage from our view in the summertime. We would be grateful if they would consider removing the old Yamaha motor bike though. We apologize to Craine & Ellis for opposing their application.

Once again, at this time, we are opposing the application.

Your truly,
Margaret and Ernie Woods

This email has been sent by Diane Woods on behalf of Margaret and Ernie Woods.

From: Lysa Kress
Sent: March-27-18 8:12 PM
To: Alan Drozd
Subject: Report #DS-2018-0028 Kenneth Craine/Marianne Ellis of 255 Lake Drive South

Good Afternoon Mr. Drozd,

I am the registered owner of a property on Elmtree Lane, and will be unable to attend the application hearing for the above mentioned property of Craine/Ellis. I have authorized Diane Woods to speak on my behalf.

I am submitting a letter of opposition for several reasons:

1. Loss of privacy as the detached garage will obstruct the view from my front window in late fall, winter and early spring.
2. It is a single residence neighborhood
3. Fear the dwelling will become an Air Bnb
4. Fear the old cottage will become a future rental. The applications says it will become an accessory building. However, the building is currently undergoing renovation with a new foundation, replacement of the rotten floor boards, updated electrical, sewer and water. One would presume that if the old cottage is no longer needed as a rental, and you have a huge detached garage why not tear it down instead of fixing it up.

I am opposed to the application for this permit and would like my concerns addressed.

Thank you,
Lysa Kress