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Committee Members

Councillor J. Baker, Chair  
Councillor T. Blanchard  
Councillor L. Bursey  
Councillor M. Kalivas  
Councillor Mayor D.L.  
Henderson, Ex-Officio

Areas of Responsibility

Economic Development  
Planning  
DBIA  
Heritage Brockville

Museum Board  
Library Board  
Arts Centre  
Chamber of Commerce  
Tourism

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***PUBLIC MEETING  
AGENDA***

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**STAFF REPORTS**

2-33

1. 2011-144-12  
Proposed Zoning By-law Amendment, 1 Woodlawn Place,  
Brockville,  
Owners: Douglas and Suzan Kendall  
File No. D14-153

**CORRESPONDENCE**

34-37

1. Correspondence received from Mr. Timothy Wilkin, Cunningham  
Swan, related to 1 Woodlawn Place, Brockville.

**14Dec2011**

**REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE – PUBLIC MEETING – 22 DECEMBER 2011**

**2011-144-12**

**PROPOSED ZONING BY-LAW AMENDMENT**

**1 WOODLAWN PLACE, BROCKVILLE**

**OWNERS: DOUGLAS AND SUZAN KENDALL**

**FILE NO.: D14-153**

**ANDREW MCGINNIS**

**PLANNER II**

**RECOMMENDED**

THAT Report 2011-144-12 be received as information and that a report on this matter be prepared by staff for consideration of the Economic Development Planning Committee at a future meeting.

**PURPOSE**

Douglas and Suzan Kendall, owners of the property described as Part of Lot 10, Block 2, Plan 261, City of Brockville, County of Leeds, municipal address 1 Woodlawn Place, submitted an application for amendment to City of Brockville Zoning By-law 194-94 which, if approved, would rezone the property from its current R1 – Single Unit Residential Zone to R1 – Single Unit Residential Site Specific Zone to allow for the use of the existing building and property for a Rooming, Boarding and Lodging House for staff/host occupant(s) and students affiliated with Fulford Academy.

Mr. & Mrs. Kendall are requesting that the site specific elements of the proposed zone would include: a reduction to the minimum lot area for a Rooming, Boarding and Lodging House from 900.0 m<sup>2</sup> to 468.5 m<sup>2</sup>; a reduction to the minimum lot depth from 25.0 m to 24.9 m; an increase to the maximum number of bedrooms to be rented from 6 to 7; a reduction to the minimum length of a parking space from 5.6 m to 4.8 m; a reduction in the number of required parking spaces from 4 to 2; and, recognize all existing building setbacks.

In relation to the above request for a reduction in lot area, be advised that the Notice of Public Meeting requested a reduction in lot area from 900.0 m<sup>2</sup> to 497.6 m<sup>2</sup>. Planning Staff, after review of documents, found that the lot is only 468.5 m<sup>2</sup>. The application has been amended accordingly.

**ANALYSIS**

1 Woodlawn Place is located on the east side of Woodlawn Place, immediately north of King Street East. The property is currently occupied by a single unit dwelling containing three (3) bedrooms.

Zoning and Official Plan Information:

Official Plan Designation:	Residential (no change requested)
New Official Plan (adopted by Council June 14, 2011):	Neighbourhood Area
Existing Zoning:	R1-Single Unit Residential Zone
Proposed Zoning:	R1- Single Unit Residential Site Specific Zone to allow for a Rooming, Boarding and Lodging House with a lot area of 468.5 m <sup>2</sup> ; a minimum lot depth of 24.9 m; a maximum of seven (7) rental bedrooms; a minimum parking space length of 4.8 m; 2 required parking spaces; and, to recognize all existing building setbacks.

Site Characteristics:

Total Area:	468.5 m <sup>2</sup> (5,044.0 ft <sup>2</sup> ).
Frontage (Woodlawn Place):	19.81 m (65.0 ft)
Depth:	25.11 m (82.4 ft.)

The site is occupied by an existing single detached residential dwelling and small accessory structure located within the rear yard. Photos of the subject property are attached to this report as **Schedule "A"**; and a sketch, showing the location of the dwelling on the subject property, is attached as **Schedule "B"**.

Surrounding Land Uses:

The lands to the north are zoned R1-Single Unit Residential Zone, and occupied by single detached dwelling.

The lands immediately south (across King Street) are zoned C2-X3-2 - General Commercial Zone Site Specific and occupied by Fulford Place Museum a National Historical Site.

The lands immediately to the east are zoned I1 – General Institutional and are occupied by Fulford Academy, an English as a Second Language Boarding School.

The lands to the west (across Woodlawn Place) are zoned R1-Single Unit Residential Zone and are occupied by single detached dwellings.

Comments Received (Internal Departments) – Full comments are attached to this report as Schedule “C”:

1. Greg Healy, Fire Prevention Officer (*memo dated 15 December 2011*)

No fire safety concerns at this time.

We do expect that any work done to the property to increase the number of bedrooms will be done under the Building Code, therefore satisfying the requirements of the Fire Code.

2. Sandra Seale, City Clerk – City of Brockville (*email dated 12 December 2011*)

No concern provided any additional parking required be supplied at Fulford Academy.

3. Conal Cosgrove, Director of Operations – City of Brockville (*memo dated 8 December 2011*)

The Operations Department has no concern with respect to this application.

4. Paul McMunn - Environmental Services Department (*memo dated 2 December 2011*)

No objections to the proposed zoning by-law amendment.

5. Brent Caskenette, Chief Building Official - City of Brockville (*memo dated 2 December 2011*)

No concerns provided the applicant obtain the necessary permits at the time of construction.

The applicant should be made aware that a review of complete construction drawings at the time of application for a building permit may reveal requirements of the Ontario Building Code, not evident as part of this notice, which may affect the site development.

Comments Received (External Departments) Full comments are attached to this report as Schedule “D”:

1. Guy Hellyer, Civil Contract Manager - Bell Canada (*email dated 12 December 2011*)

No objections with respects to this application.

2. Kim McCann, Senior Public Health Inspector – Leeds, Grenville & Lanark Health Unit (*memo dated 5 December 2011*)

No objection to the proposed Zoning By-law Amendment.

Comments Received (External) - Letters are attached to this report as **Schedule "E"**:

1. Douglas & Suzan Kendall – 1 Woodlawn – Brockville (Letter was attached with the application as Appendix "A", received 24 November 2011)  
  
Description of nature and extent of rezoning requested
2. Judith Anne Taylor, 5 Rockcliffe Road - Brockville (Letter dated 14 December 2011)  
  
Opposes the application to amend Zoning By-law 194-94.
3. John Masse & Wilda Madden, 9 Woodlawn Place - Brockville (Letter dated 12 December 2011)  
  
Opposes the proposed amendment.
4. Norine Summerby, 235 King Street East, Unit 307 - Brockville (Letter received by the Planning Department 13 December 2011 at 9:00 am)  
  
Disagrees with the proposed amendment to Zoning By-law 194-94.
5. Carson & Donna MacNabb-Pardy, 17 Woodlawn Place – Brockville (Email dated 12 December 2011)  
  
Opposed to the proposed Zoning By-law amendment and request that the Economic Development Planning Committee reject this application.
6. Ron Merkley, 29 Woodlawn Place – Brockville (Letter dated 10 December 2011)  
  
Opposed to the application.
7. John & Tammy Cotie, 18 Woodlawn Place – Brockville (Letter dated 8 December 2011)  
  
Opposed to the proposed amendment.
8. Douglas Yeldon & Joan Hunter/Yeldon, 15 Woodlawn Place – Brockville (Letter dated 7 December 2011)  
  
Opposed to the amendment.

Potential Issues for Discussion:

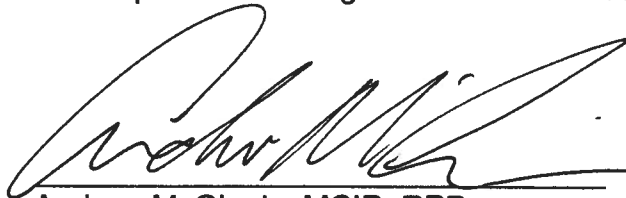
1. Appropriateness of proposed amendment.
2. The number of rooms to be rented.
3. Lot Size and Setbacks.
4. Parking.
5. Future Impact

**POLICY IMPLICATIONS**

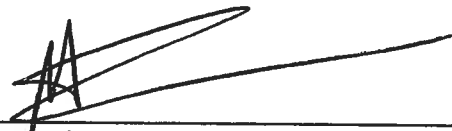
The contents of this report are provided for information purposes for the Public Meeting. Following the Public Meeting, Planning Department Staff will prepare a report for consideration of the Economic Development Planning Committee which will include review and consideration of policies that are relevant to the requested amendment.

**CONCLUSION**

The Staff Report on these matters, including a detailed analysis of the proposed amendment, review and consideration of the issues raised at the public meeting and a recommendation from Planning Staff, will be prepared for consideration of the Economic Development Planning Committee at a future meeting.

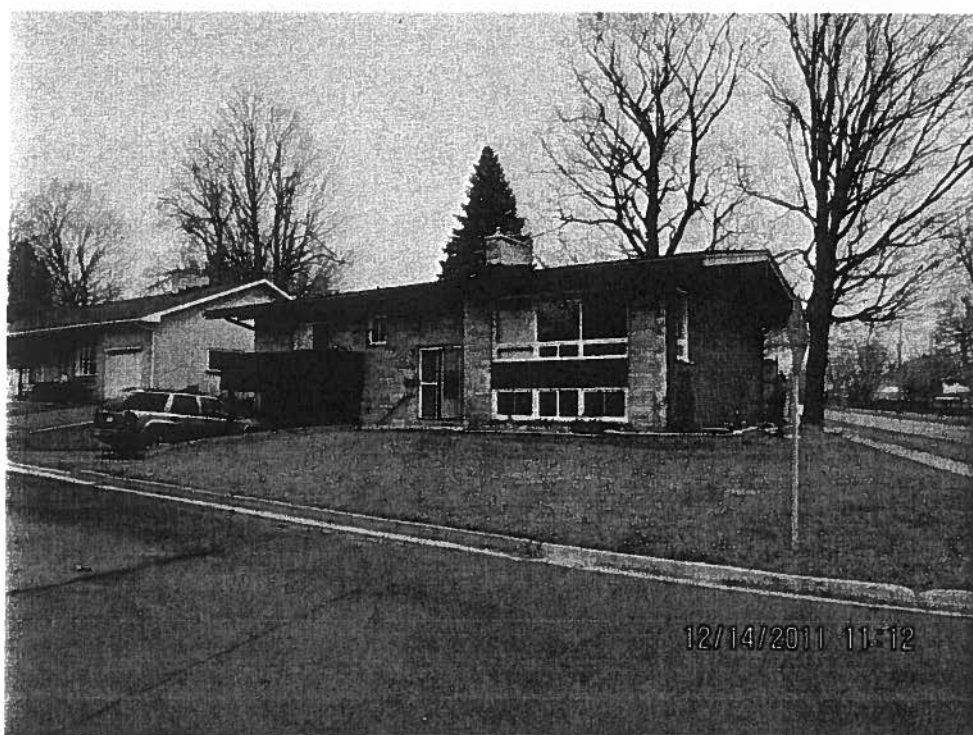
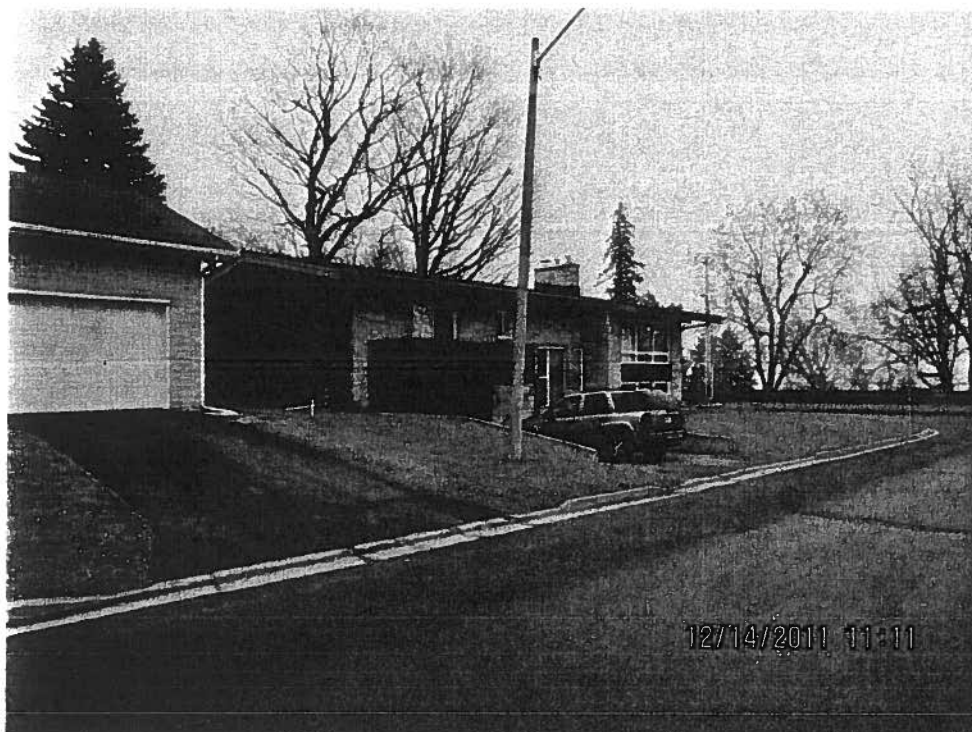


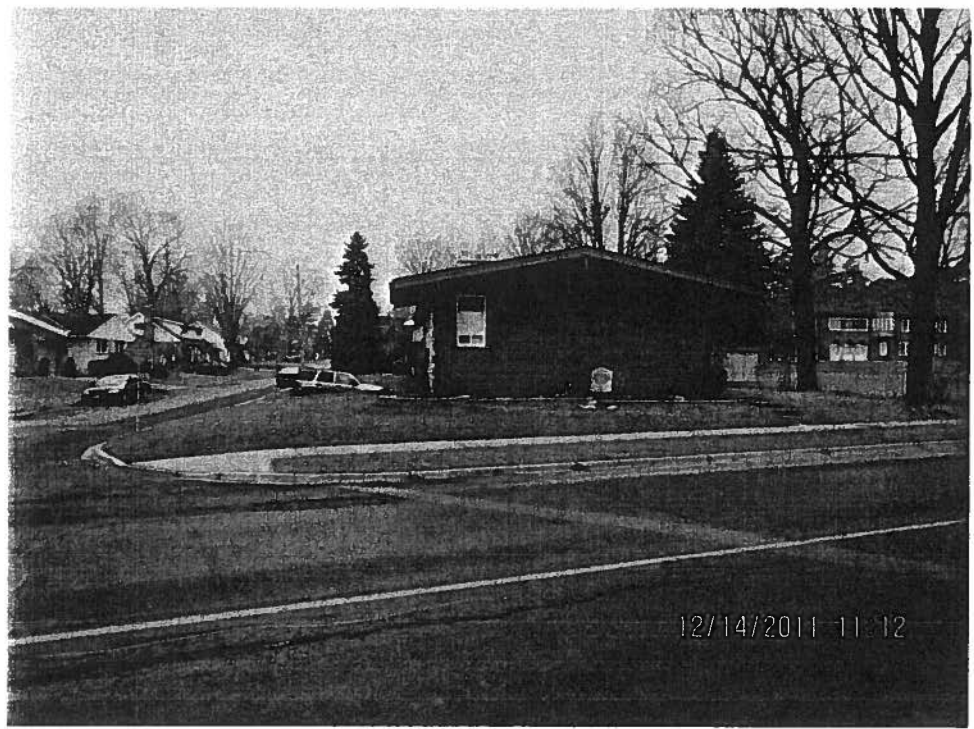
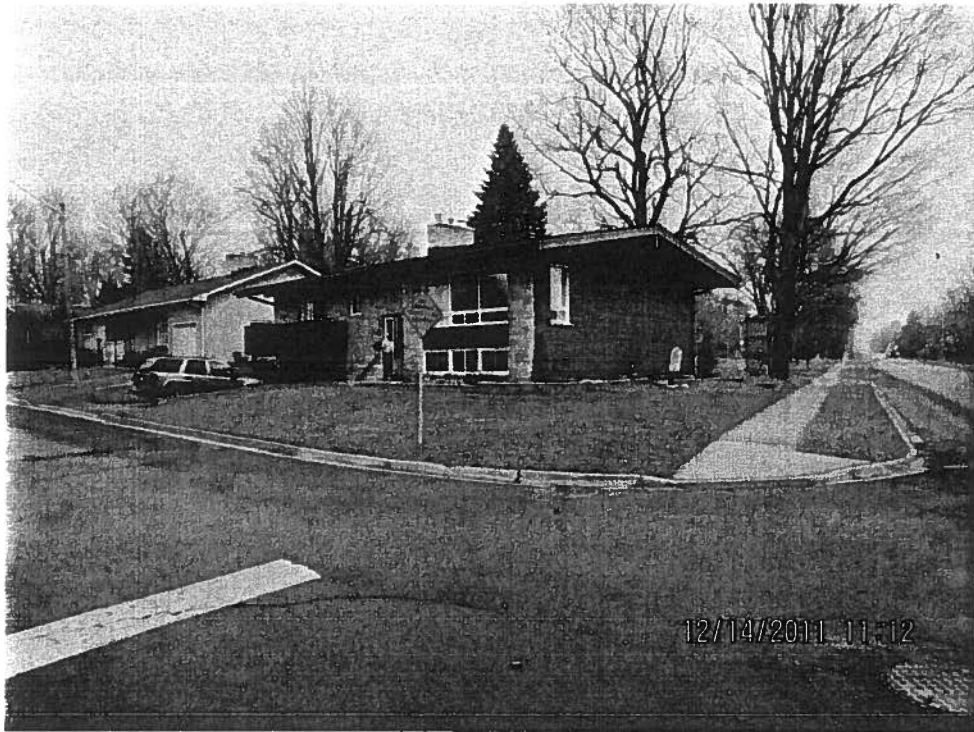
Andrew McGinnis, MCIP, RPP  
Planner II



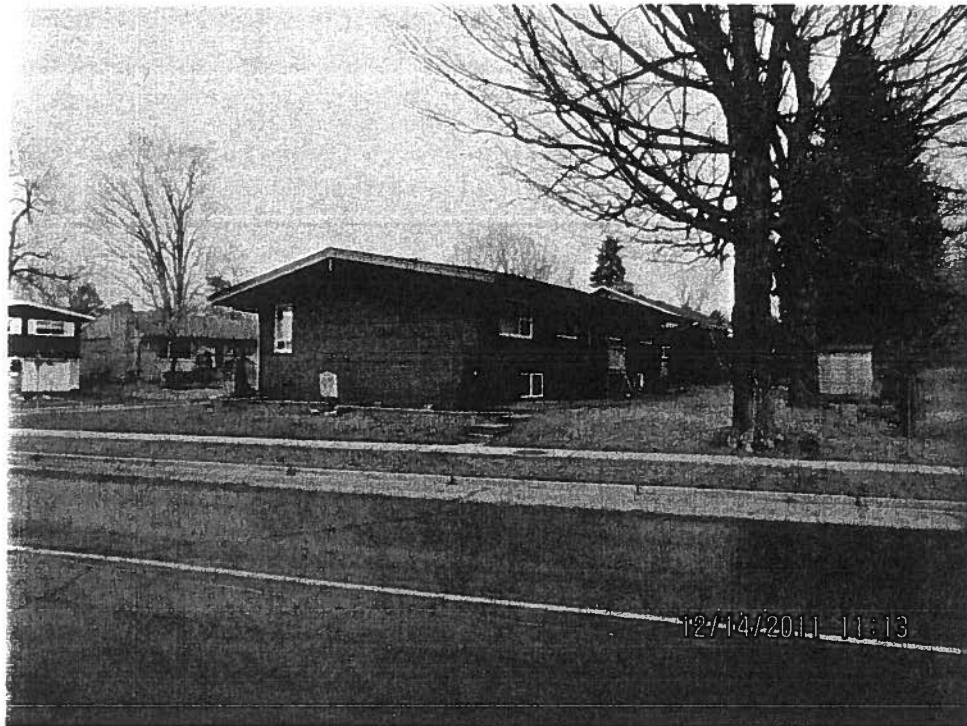
Bob Casselman  
City Manager

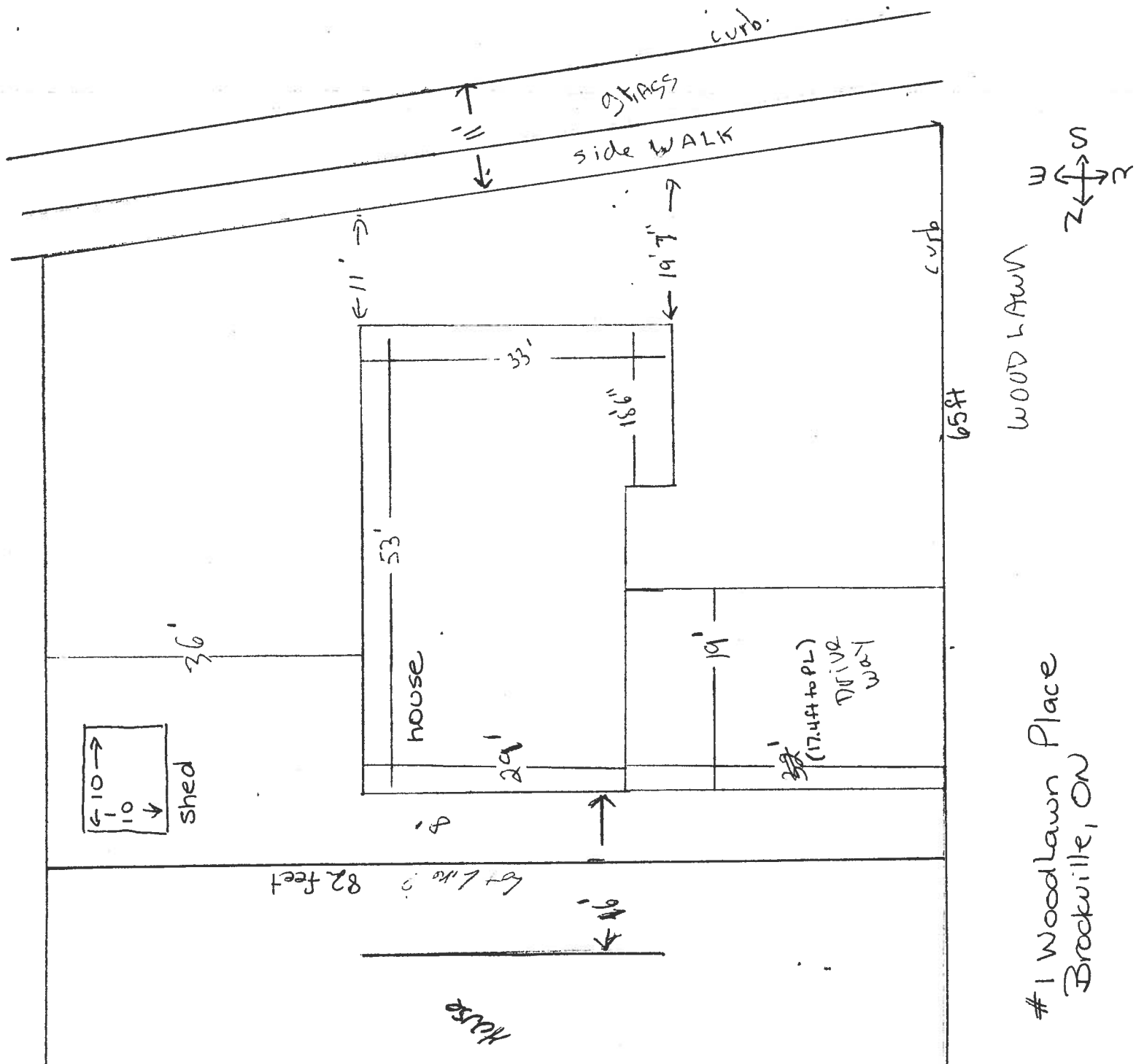
## SCHEDULE "A" TO REPORT 2011-144-12









**SCHEDULE "B" TO REPORT 2011-144-12**



**SCHEDULE "C" TO REPORT 2011-144-12**

**MEMO**



**DATE:** December 15, 2011

**MEMO TO:** Andrew McGinnis, Planner II

**FROM:** Greg Healy, Fire Prevention Officer

**RE:** Application for Minor Variance – 1 Woodlawn Pl., Brockville  
File No. D-14153

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After reviewing the application for the above noted project, please be advised this Department has no fire safety concerns at this time.

We do expect that any work done to the property to increase the number of bedrooms will be done under the Building Code, therefore satisfying the requirements of the Fire Code.

Should you require further information, please do not hesitate to contact this Department.

  
GH/lm

**Andrew McGinnis**

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**From:** Sandra Seale  
**Sent:** Monday, December 12, 2011 11:26 AM  
**To:** Andrew McGinnis  
**Subject:** Application of rZoning By-law Amendment - 1 Woodlawn Place

This email is in response to your memorandum dated December 1, 2011.

If the application had not been for Fulford Academy are concerns relate to the proposed reduction in parking spaces. Given the proximately of the property to Fulford Academy we would request that any vehicles (in excess of 2 that would use the driveway) would be required to park on the Fulford Academy property.

Sandi

*Sandra M. Seale, AMCT*  
City Clerk  
**City of Brockville**  
1 King Street West  
Brockville, ON K6V 7A5  
613-342-8772 ext. 461

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Information from ESET NOD32 Antivirus, version of virus signature database 6704 (20111212)

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The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

# MEMORANDUM



## OPERATIONS DEPARTMENT

**Date:** December 8, 2011

**File No.** D00-01

**To:** Andrew McGinnis  
Planner II

**From:** Conal Cosgrove  
Director of Operations

**Subject:** Application for Zoning By-Law Amendment  
1 Woodlawn Place

The Operations Department has no comments with respect to this application.

  
CJC/jw





## MEMORANDUM



**BROCKVILLE**  
CITY OF THE 1000 ISLANDS

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### ENGINEERING DIVISION

**To:** Andrew McGinnis  
**From:** Paul McMunn  
**CC:**  
**Date:** December 2, 2011  
**Re:** Application for Zoning By-Law Amendment  
**Address:** 1 Woodlawn Place

**File #:** D00-01

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The Engineering Division has reviewed the abovementioned application and hereby advises that we have no objections to the proposed zoning by-law amendment.

Trusting this is satisfactory.

If you have any questions, please do not hesitate to contact my office.

Paul McMunn C.E.T.  
Engineering Technologist



**CITY OF BROCKVILLE**  
**PLANNING DEPARTMENT - BUILDING SERVICES DIVISION**

**INTEROFFICE MEMORANDUM**

**TO: ANDREW MCGINNIS – PLANNER II**  
**COPY:**  
**FROM: BRENT CASKENETTE – CHIEF BUILDING OFFICIAL**  
**SUBJECT: ZONING BY-LAW AMENDMENT – FILE D14-153**  
**1 WOODLAWN PLACE**  
**DATE: FRIDAY, DECEMBER 02, 2011**

Andrew:

Our review of the Zoning By-law Amendment notice for the above noted subject site development has been completed and at this time would advise that we have no concerns, provided that the applicant obtain the necessary permits at the time of construction.

The applicant should be made aware that a review of complete construction drawings at the time of application for a building permit may reveal requirements of the Ontario Building Code, not evident as part of this notice, which may affect the site development.

Regards,



## SCHEDULE "D" TO REPORT 2011-144-12

**Andrew McGinnis**

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**From:** guy.hellyer@bell.ca  
**Sent:** Monday, December 12, 2011 10:34 AM  
**To:** Andrew McGinnis  
**Subject:** File D14-153 1 Woodlawn Place

Andrew,

I have reviewed the application for zoning and Bell has no objections with respects to this application.

Regards,

Guy

**Guy Hellyer**  
Civil Contract Manager  
39 Apple St. PO Box 40  
Brockville, On K6V 5T7

\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 6704 (20111212)  
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The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>





# Leeds, Grenville & Lanark District HEALTH UNIT

Your Partner in Health

December 5, 2011

Andrew McGinnis, Planner II  
Planning Department  
City of Brockville  
1 King ST W, Box 5000  
Brockville ON K6V 7A5

Dear Mr. McGinnis:

Re: Application for Zoning by-law Amendment File D14-153  
Location: 1 Woodland Place

Please be advised that our office has no objection to the proposed Zoning By-law amendment.

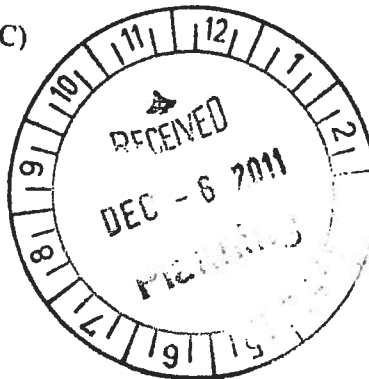
If you have any questions, please do not hesitate to contact me.

Yours truly,

THE CORPORATION OF THE LEEDS, GRENVILLE  
AND LANARK DISTRICT HEALTH UNIT

Kim McCann, B.A.Sc., C.P.H.I.(C)  
Senior Public Health Inspector

KMC/lm



*An Accredited Health Unit Since 1990*

☐ **MAIN OFFICE:**  
458 Laurier Blvd.  
Brockville, ON  
K6V 7A3  
(613) 345-5685  
FAX: (613) 345-2879

☐ **SMITHS FALLS OFFICE**  
25 Johnston St.  
Smiths Falls, ON  
K7A 0A4  
(613) 283-2740  
FAX: (613) 283-1679

☐ **KEMPTVILLE OFFICE**  
Box 343, 8 Asa St. Unit 2  
Kemptville, ON  
K0G 1J0  
(613) 258-5941  
FAX: (613) 258-1407

☐ **GANANOQUE OFFICE**  
375 William St. S., Suite 200  
Gananoque, ON  
K7G 1T2  
(613) 382-4231  
FAX: (613) 382-4231

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## SCHEDULE "E" TO REPORT 2011-144-12

### 6. Zoning

#### *Nature and extent of the rezoning requested and provide reasons why rezoning is being requested:*

Douglas and Suzan Kendall (not Fulford Academy) purchased #1 Woodlawn with the intention of renting the home to Fulford Academy's Admission Officer, Johanna Ziegler and her family. #1 Woodlawn Place is located at the corner of Woodlawn Place and King Street East and the backyard backs onto the side yard of Fulford Academy, 280 King Street East, Brockville.

Our intention for #1 Woodlawn is first to provide housing for this wonderful family, who will rent from the Kendall's and secondly to have this family be "surrogate parents/homestay parents" to international students, who will be attending Fulford Academy or other schools within the Upper Canada District School Board.

As Maureen Pascoe has indicated, the City of Brockville has always been supportive of the concept of local households providing accommodation to students by taking them into their homes. The zoning by-law recognizes this concept, and establishes that any group of persons that form a household and occupy a dwelling unit may also take in up to two (2) boarders or lodgers.

It is our intention for the "homestay parents" residing at #1 Woodlawn Place to care of more than two (2) students. Whereas the current zoning by-law will allow the Ziegler household up to two (2) students our request for re-zoning is to allow (4) four to (8) eight students to reside in the Ziegler's household as members of their family and allowed free access to all of the home.

Boarding, Rooming, or Lodging House (Section 2.83), Group Home (Section 2.103) or Institutional Residence (Section 2.122) does not accurately reflect our concept, which is more like an extended or blended family, as the children (students) are under the care, supervision and support of the "homestay parents" 24 hours a day/7 days a week. The children (students) are as much a part of the family as the homestay parents own child, with free access to the all parts of the home (kitchen, dining room, family room, living room etc.)

Therefore, our request is to modify the current by-law, that permits any group of persons that form a household and occupy a dwelling unit may also take in up to two (2) boarders or lodgers, to be site a specific amendment to the by-law and allow up to (8) eight students to live in a single dwelling with modifications to the home to add four bedrooms, family room and washroom to provide ample living space for everyone.

Additionally, we further request a reduction to 2 parking spaces, as all of the children (students) are not of age to buy or drive their own car.



Letter received as Appendix "A"  
to Re-zoning Application  
for Douglas and Suzan  
Kendall. 1 Woodlawn Place  
Page 18 of 37

14 December 2011

Judith Anne Taylor  
5 Rockliffe Rd  
Brockville, ON  
K6V 2Z5

Andrew H. McGinnis, MCIP, RPP  
Planner 2  
City of Brockville  
Victoria Building  
One King St. West  
P.O. Box 5000  
Brockville, ON  
K6V 7A5  
E-mail: [amcginnis@brockville.com](mailto:amcginnis@brockville.com)



**RE: Proposed amendment to City of Brockville Zoning By-law 194-94:1  
Woodlawn Place, File No. D14-153;  
-application completed November 29, 2011;  
-notice of public meeting December 22, 2011 received here December 2,  
2011;  
-request for written submissions by December 14, 2011.**

Dear Sir:

Please notify me of the adoption of the proposed Zoning By-law Amendment or of the refusal of the request to amend the Zoning By-law to the above address. I request that I be included as a party to any hearing or appeal of this matter.

All the 12 lots on Woodlawn Place are zoned R1. The zone allows for the single dwellings situated on these lots to be used in a variety of ways considered compatible with the R1 category. It is my view that the range of permitted uses is wide, varied and appropriate for this land. There does not appear to be any pressing public need to alter the R1 standard in the City of Brockville at this time.

This proposed amendment which would retain the R1 zoning with site specific exemptions and permissions is inappropriate in my opinion as the changes are fundamental, not incidental\*(1). The proposal requires a new zoning category which differs markedly from the current R1 zoning permitted uses. First, this is a private business not a residence in the usual sense of the word. Secondly, the type of business involves housing unrelated minors who would not normally be considered customers of a boarding house as defined in the By-law 194-94, again in the usual sense. Unlike boarding school domiciles in the U.K.(2) there are no licensing, inspection or enforcement standards either federally or provincially in Canada which oversee the welfare of such minors as would be housed in the

building use proposed. Provincial legislation regulates and licenses Group Homes as defined in By-law 194-94; 1 Woodlawn Place does not appear to qualify for such use.

The application for amendment, section 11 does not identify the 16 residences zoned R1 on the Rockcliffe Park checkerboard development which use the single lane gate and pedestrian walkway which opens onto the south side of King St. West opposite Woodlawn Place. This is currently a congested area and depends on local knowledge for safe use by drivers and pedestrians. It is hazardous. This gate is also used by visitors to the Fulford Museum at their and our peril as they do not recognize the danger or the traffic laws which apply. We regularly see visitors and also children here in the uniform of the Fulford academy who we welcome but we are concerned for their safety. There are no sidewalks and the hedge on the west side of the Fulford Museum property makes it impossible to see them if they are walking or driving on the north/south segment of Rockcliffe Road. The Rockcliffe Park checkerboard was itself 'broken' by a zoning change in which the interests of the residential part lot owners were not represented by both the City and the Ontario Heritage Trust in 1993/1994 in which a site specific rezoning and site plan control agreement were enacted. This should serve as a warning of the consequences of this process. It is not to be taken lightly. I am concerned that a site control agreement will follow because of what happened in Rockcliffe Park. The practical effect of the site control agreement is to relieve the City of liabilities/obligations to ratepayers.

Who benefits? I grant that private executives know best how to operate their business models and have themselves the greatest possible interest in satisfying their customers. Also, I grant that as a citizen of the City of Brockville I am proud of our entrepreneurs and support their essential role in creating a healthy community in more than narrow economic terms. The Fulford Academy Inc. and the Kendalls have garnered much local support for their exemplary business. Unfortunately, land use is not person specific or regulative of behavior. My personal knowledge is limited to the friendly and kind support the staff gave to my son Richard when they were valued customers on his paper route. Their specific cause seems deserving of every consideration. I am not supportive of rentiers replacing entrepreneurs, particularly those who operate their rentals in the grey periphery of the tax paying economy. These rentals exist because the landlords are able to offload their costs onto the general taxpaying public. **Consider whether or not this amendment would have any support if 1 Woodlawn Place was a vacant lot.** Zoning laws should support legitimate investment and economic growth. For growth to occur at all, investors and people in general need a measure of certainty, confidence and security in their communities and in their homes. This is one important purpose of zoning. Plans must evolve to suit changed circumstances. There is truth in markets. This is not a one-off problem (3) that can or should result in a site specific zoning as the public interest is intimately involved. Zoning must consider the welfare of all, including the most vulnerable. The City should defend the R1 zones or alter the categories in By-law 194-94.

I oppose the application to amend the Zoning By-law 194-94 (1 Woodlawn Place-File No. D14-153)(4,5) (6...)

Respectfully,



Judith Anne Taylor

**References and talking points:**

- (1) The variances from the requirements for boarding/rooming/lodging house are not supported.
- (2) Boarding schools: national minimum standards, inspection regulations : Department of Health - Publications Boarding Schools: national minimum standards, inspection, regulations. See also NMS for residential special schools.
- (3) 42 Geneva Court (Leased from local lawyer M. Bird to the Fulford Academy Inc. used in 2010-11) to house students of the Fulford Academy Inc. in non-conformance with the Zoning By-law 194-94) (Councillor John Earle resides at 40 Geneva Court), 17 Woodlawn (Owners were approached by the applicants to consider selling their home for a student boarding house in 2011.)
- (4) The application for amendment by the Kendall's is specific as to the Fulford Academy and students of the Fulford Academy Inc. Businesses and business owners come and go. Who owns the property? Who operates the boarding house? What is their relationship to the Fulford Academy Inc.? Who is responsible?
- (5) If this amendment is approved, under what conditions could the zoning revert to R1? Is there an automatic reversion to R1 at a particular date or change of ownership/operator? This seems to be a one-way process with no way of reversing the decision if the consequences are intolerable.
- (6) No rezoning should be permitted until Brockville has a Business licensing By-law to require licensing of shared rental housing. The process will establish priority, conditions and inspection for the operation of a lodging house (shared rental housing) on land properly zoned for this use. Guelph is one example of a municipality that is currently developing this approach as a result of an amendment to the Municipal Act. It is very difficult and expensive to repair the damage done by unlicensed, unregulated shared rental housing once it becomes established in a community.

- (7) Separation of a minimum of 100 meters between lodging house (shared rental housing) licenses in residential zones with annual licensing, inspection by Fire and Building Code inspection. There must be enforcement.
- (8) Additional requirements where shared rental housing for children/students/minors is proposed. Specifically, provincial authority for children's welfare must be given access to licensed lodgings for children/students/minors.
- (9) Adequate parking and amenity requirements are met with no exceptions. This property is not close to meeting these.  
The province desires a mix of affordable housing. In this particular situation, affordability is not an issue.
- (10) In other jurisdictions in Ontario, particularly university cities, this 'affordable housing' has been in place for generations. Neighborhoods in which shared rental housing and accessory apartments are located degrade over time. Planners have found it difficult if not impossible to gain control of these uses once they are established, and there is significant public conflict in these cities over many issues related to the planning failure.
- (11) It is likely that there are three or four properties currently being operated as shared rental housing in Brockville for every one the City acknowledges or is aware of. It makes sense to deal with the issues of shared rental housing in residential zones city wide before it becomes uncontrollable.
- (12) The timing of this process is disruptive of the Christmas season and leaves too little time for participants to prepare.
- (13) There is an established progression for the degradation of housing stocks in communities. The economic climate, social structure, and business models that support degradation contribute to the acceleration of degradation. It is asymmetric once underway and local political authorities rapidly lose control. Brockville's housing stock has been under pressure for over a decade, and this application for amendment is evidence of progression.
- (14) The process for zoning by-law amendment is not democratic. Accordingly, it is recommended that the media be present at the one and only public meeting to report on this conflict. I feel this will be a starting point for feature articles over many months/years. This kind of 'news' sells papers.

9 Woodlawn Place  
Brockville, ON  
K6V 2Z1  
613-345-4058

December 12, 2011

Economic Development Planning Committee  
City of Brockville  
c/o Andrew McGinnis, Planner II  
One King Street West  
P.O. Box 5000  
Brockville, ON K6V 7A5



**Subject:** Proposed Amendment to Zoning By-Law 194-94  
1 Woodlawn Place – File No. D14-153

Gentlemen/Mesdames:

We are writing to express our opposition to the above-mentioned proposed amendment. Our position is as follows.

According to By-Law 194-94, paragraph 10.8, the applicant must provide information to support the application and address the following matters:

- (a) Rezoning is justified by a changed or changing conditions;
- (b) The Corporation is capable of providing the necessary services to the lands, if the rezoning is approved;
- (c) The rezoning will be compatible with adjacent land uses both existing and proposed;
- (d) Whether there are sites elsewhere in the City of Brockville for the proposed use which are properly zoned;
- (e) Whether the zoning is in the public interest and not solely in the interest of the applicant.

We will comment on each sub-paragraph in turn:

Sub-Paragraph (a)

The only changing condition cited as justification is that the applicants wish to rent the house to a Fulford Academy employee and family, together with up to eight students. There are no exceptional circumstances cited in the application, such as lack of accommodation in the City or inability to use the Fulford Academy property for the purpose of accommodating the proposed occupants.

Sub-Paragraph (c)

The rezoning is clearly incompatible with adjacent land uses. Woodlawn Place has only single family homes of modest size (1500 square feet approximately). All these residences are occupied by single families. The 1 Woodlawn Place property was designed and built as a single family home with three bedrooms, not as a boarding house with seven bedrooms. There are no other properties on the street which are zoned and/or used as boarding houses, nor are they appropriate to be used as boarding houses.

The lot at 1 Woodlawn is 497.6 sq.m., which is 55% of the minimum required lot area of 900 sq.m. This is a major reduction from the required minimum lot size, and cannot be supported. Potential acceptance of this greatly reduced lot size for a boarding house would also create a very unfortunate precedent.

There is a separation of approximately 12 feet between the single family residence at 5 Woodlawn Place and the proposed boarding house at 1 Woodlawn Place. This is totally inadequate separation between a single family residence and a boarding house, and would lead to a tremendous loss of enjoyment for the owner of 5 Woodlawn Place.

There are sports activities (basketball, soccer, etc.) and gatherings that occur late in the evening at the back of Fulford Academy, often after 10:00 PM. While the students' boisterous, high spirited behaviour and shouting is not usually objectionable when it occurs behind Fulford Academy, it is very unlikely that the boisterous behaviour and shouting would stop when they came near to 1 Woodlawn Place, and it would be highly objectionable to neighbours on Woodlawn Place and would inevitably lead to conflicts.

Sub-Paragraph (d)

The applicants have not addressed whether there are sites elsewhere in the City of Brockville for the proposed use which are properly zoned. Indeed, the Fulford Academy site is properly zoned; has adequate land for expansion; and has a separate residence on the property which might be used for these purposes.

There is also no evidence in the application that the applicants had even attempted to find a property in the City that is properly zoned for their intended use.

Sub-Paragraph (e)

It is clear that the proposed rezoning is solely in the interest of the applicant, and that the public interest is not served. The homeowners on Woodlawn Place are overwhelmingly opposed to this application and are apprehensive that their neighbourhood would be very negatively affected by the proposed boarding house. We have further comments on the public interest below.

We have been reliably informed that Fulford Academy already has a student boarding house in a single family residence at 42 Geneva Court. Evidence of this is a telephone listing at this address for Fulford Academy in the 2011-2012 Easier to Read telephone directory (613-865-7626). We do not know if there was an amendment application to permit a boarding house on this property.



We have also been reliably informed that one of the applicants, Ms. Kendal, expressed an interest last summer to the owners of 17 Woodlawn Place in acquiring this property for use as a student boarding house.

The use of the 42 Geneva Court as a boarding house, together with the acquisition of 1 Woodlawn Place for use as a boarding house, and the previous interest in acquiring 17 Woodlawn Place for the same purpose strongly suggests that acquisition of nearby single family residences for conversion to student boarding houses is a business strategy for expanding the accommodation of Fulford Academy. We submit that this business strategy is not at all in the public interest.

There are numerous unintended or unforeseen consequences that could arise from allowing a boarding house at 1 Woodlawn Place:

1. There are seven bedrooms proposed; four to be occupied by students with two occupants per bedroom there may be 14 occupants in the house. Occupancy could change to three occupants per bedroom, which would result in 21 occupants in the house.
2. The applicants say the prospective student occupants are under 18 yrs. of age, and therefore must have home stay parents. This could change; future students could be over 18 yrs. of age, and would not require home stay parents.
3. Student or other occupants may acquire vehicles; there is no off-street parking at the property for vehicles of student or other occupants.
4. If the enrolment at Fulford Academy decreases, or if the residences at Fulford Academy property are expanded, the four basement bedrooms proposed at 1 Woodlawn Place may not be needed to accommodate Fulford Academy students. The house could then become a boarding house for anyone from the general public.

In summary, we request that the Economic Development Planning Committee reject this application to amend Zoning By-Law 194-94.

We wish to be notified of the adoption of the proposed Zoning By-law Amendment, or of the refusal of the request to amend the Zoning By-law. Also, we request that we be included as parties to any hearing or appeal of this matter.

May we take this opportunity to encourage the applicants and other principals of Fulford Academy to expand their residential accommodation on their own property which is zoned for this purpose. As neighbours and citizens, we would welcome such a development.

Yours truly,

  
John Maase and Wilda Madden



Normie Summerby  
307-235 King St, E.  
Brockville, Ont.  
KCV 1C8

Dear Sus,

I would like you to know I disagree with David and Susan Kendall's (owners of 1 Woodlawn Place) Amendment to the City of Brockville Zoning By-Law 194-94 which would change the Property to R 1 Single Unit Residential Site Specific Zone. This will change the Atmosphere of that block I see for the Residents of Woodlawn Place and I think it is unfair as that was why they purchased their property.

Dear knows what changes Mr & Mrs Kendall will try to do on that property without permission.

Yours Sincerely

Normie Summerby

In Public Meeting  
concerning amendment to  
City of Brockville Zoning By-Law  
194-94

## **Lorraine Bagnell**

---

**From:** Donna Pardy <dmacnabbpardy@cogeco.ca>  
**Sent:** December 12, 2011 12:04 PM  
**To:** Andrew McGinnis; Lorraine Bagnell  
**Subject:** Proposed Amendment to Zoning By-Law 194-94 1 Woodlawn Place File D14-153

Attention: Andrew McGinnis and the Economic Development Planning Committee

Re: Proposed Amendment to Zoning By-Law 194-94 1 Woodlawn Place File D14-153

We are writing to express our concern over the rezoning of 1 Woodlawn Place. Unfortunately we are unable to attend the meeting on December 22, 2011 as we will be out of the country.

Suzan and Doug Kendall approached us in late summer and expressed an interest to rent and potentially buy our property for the purposes of housing students. We were of the belief that this was a temporary fix for a housing shortage at Fulford Academy. At the time, one of the concerns we had was the potential impact this would have on our friends and neighbours should our home be used for this purpose. By the time they left a message for us informing us that our house would not be suitable for their purposes, we had already made the decision that we were not interesting in pursuing this, mainly due to the impact on the residents of Woodlawn Place. Now we are told that they have bought 1 Woodlawn Place and application has been made to turn what had been portrayed as temporary into a permanent situation affecting the residents of Woodlawn Place and the surrounding residential area.

The application request is for 7 bedrooms to "to allow (4) four to (8) eight students to reside in the Ziegler's household". As the Kendalls toured our house, they indicated that they needed to house 15 people and planned to put 2-3 students per room, depending on room size. As Fulford Academy has grown, so too has the noise associated with it. This is normally not a problem, but has been, especially at night with shouting, loud music, and loud movies. Given that there are house parents currently at Fulford Academy, there is a deep concern that this elevated noise level would spill over onto 1 Woodlawn Place, even with live-in house parents. Woodlawn Place is a quiet residential street with numerous older residents. Rezoning to allow for a boarding house situation is clearly incompatible with the existing land use. The Fulford Academy property is quite large. If additional space is required due to growth of the business, could that expansion not come from their own property? Or from properties in Brockville already zoned for use as a boarding house? Rezoning a residential street to allow for poor planning on behalf of Fulford Academy seems a drastic measure that is not in the public interest but solely in the interest of the applicants.

Of the greatest concern to us is the fact that the current amendments as proposed would not prevent the owners should 1 Woodlawn Place no longer be required for Fulford housing, from renting to non-students of Fulford, or selling the home for use as a boarding house. This is unacceptable to us. We believe that the long term impacts should this rezoning be approved, would not only detract from the Woodlawn Place residents' enjoyment of their properties, but also negatively affect our future property values.

In summary, we are opposed to the proposed zoning amendment of 1 Woodlawn Place and request that the Economic Development Planning Committee reject this application.

Yours truly,  
Carson Pardy and Donna MacNabb-Pardy  
17 Woodlawn Place, K6V 2Z1  
613-345-5940

Dec. 10, 2011

Economic Development Planning Committee  
c/o City of Brockville Planning Dept.  
1 King St. W  
P.O.Box 5000  
Brockville, ON  
K6V 7A5



Subject: Proposed Rezoning, 1 Woodlawn Place, Brockville

Before I address the issues regarding the application before you, it is unfortunate that I will not be present for the public meeting scheduled for Dec. 22, 2011, as I will be out of the country with my family on a previously planned vacation. However, I would like the Committee to know that I am quite dismayed by the choice of the meeting date, being just three days before Christmas, a busy time for families. This in turn begs my first question – why the rush? My understanding is that effective community planning should provide ample opportunity for the public to receive information and be involved in the process. In my view, the public interest is not being well served.

Nevertheless, I will address the application. I note in the application that there is a reference to the nearby property known as Fulford Academy, a for profit, commercial school. I wish for the Committee to be aware that I am a strong supporter of this organization and hope that the school continues to be successful. In my capacity as Vice Chair of the 1000 Islands Community Development Corporation, I have always supported the school's requests for funding. However, let's all be perfectly clear that this application is not about Fulford Academy. These are private individuals (the Kendalls) who recently purchased 1 Woodlawn Place and are applying for a rezoning for a 7 bed rooming house. In my opinion, this is absurd for many reasons.

Woodlawn Place is a very desirable residential street, specifically a cul-de-sac consisting of 12 single detached homes. Many of these homes are owned by seniors who have resided in their homes for years. Houses on this street and in this area rarely change hands. The notion of someone wanting to convert a small single family home on an undersized lot on this quiet street to a rooming house is poor planning and an intrusion into this stable neighbourhood.

The existing zoning on this property and on all other lots on Woodlawn Place is R1-Single Unit Residential. This is the most restrictive residential zone in the City's zoning by-law. The pretence for the City applying this zone when the existing zoning by-law was passed in 1994 surely must have been in recognition of the nature, quality and character of the neighbourhood, and the desire to maintain it as such.

A rooming house is typically allowed in a R4 or higher density zone in the City's zoning by-law. What justification has been provided to lend support to what is effectively downzoning of the subject property?

The applicants intend for the lessees of 1 Woodlawn Place to be affiliated with Fulford Academy by virtue of their relationship as staff and host family to 8 or more Fulford Academy students. The Committee should be aware that a home at 42 Geneva Court was leased last year because of a need to house students that could not be accommodated at the school. There was no attempt to get the appropriate zoning approval for this occupancy. In any event, this all seems to be evidence of the need for student housing and/or growth in the student population.

I note that the nearby Fulford Academy property is over 4 acres in size and the existing building is over 18,000 square feet in area. Has every effort been made to ensure that the existing space in this building is used to its full potential? It also seems very likely that an expansion of the building could be accommodated on this large site.

Is the choice to encroach into the adjacent neighbourhood, first at 42 Geneva Court, and now and more formally at 1 Woodlawn Place, a factor of cost to expand? We can only speculate, as the applicants have not been transparent and forthcoming with the rationale for choosing this route. This should not be accepted as an argument to support the change to the use of 1 Woodlawn Place. There are several avenues available to finance an expansion to accommodate growth of this business. As an example, I wish to point out that the Economic Development newsletter posted to the City's website speaks to Mr. Paul's efforts to link "angel" investors with business opportunities. This might be a perfect fit for Fulford Academy.

In closing, I am confident that the Committee and Council will reject this request as an ill conceived and unjustified intrusion into this neighbourhood.

Yours truly,



Ron Merkley  
29 Woodlawn Place  
Brockville, ON  
K6V 2Z1

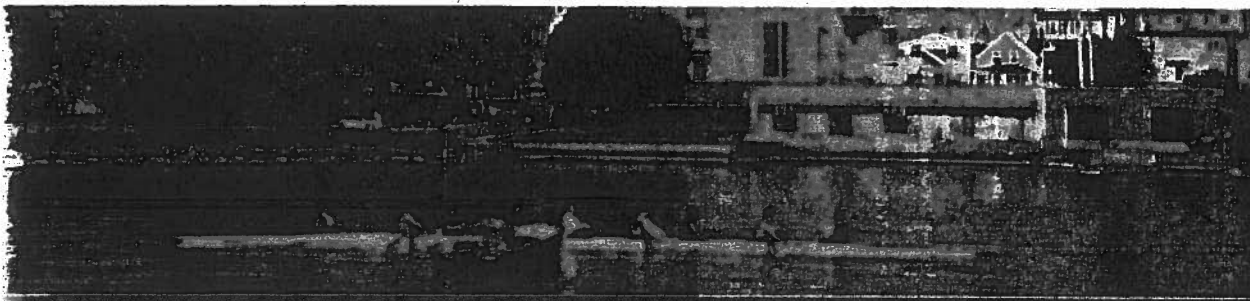
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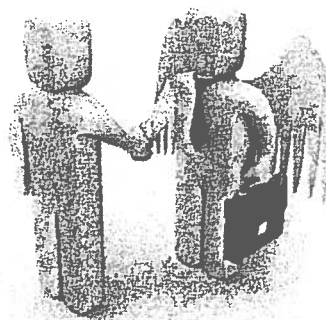
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## Recent News

## Growing the Brockville Angel Network

Posted: Dec-02-2011

The City's Economic Development office is proceeding with necessary facilitation to grow a Brockville angel network. Previously, a number of community minded investors have provided angel capital towards the establishment and expansion of several private sector projects that ultimately have generated permanent employment of up to 275 positions in Brockville over the past ten years. A discrete gathering of some key and influential business executives is scheduled in the coming weeks to ascertain the capacity to grow the angel network and develop a new process towards helping our manufacturing technology firms and new ventures establish a greater presence in the City of Brockville.



A news release on November 29, 2011 by Mr. Harper's government through Minister Goodyear, noted that the government is working towards supporting angels from coast to coast and further, will be contributing funds to new such organizations across southern Ontario to expand their membership basis.

Angel investors typically provide risk capital for businesses at their start up and early growth stages, filling the gap between seed financing and venture capital. These funds provide capital to individual investors as well as sharing the labour and the risk associated with financing early stage companies.



City of Brockville

1 King Street West  
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Brockville Ontario Canada  
K6V 7A5

T: 613-342-8772

F: 613-342-8780



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## Brockville's Downtown Community Improvement Program

Dec-02-2011

In early 2012, the City of Brockville will be introducing a recommendation to extend the Commu

## Economic Development Updates

Dec-02-2011

The Excellence in Manufacturing Consortium

## Entrepreneurial Coaches for Brockville/Leeds Grenville

Dec-02-2011

The Leeds and Grenville Small Business Enterprise Centre is launching a new initiative for entrepren

## Growing the Brockville Angel Network

Dec-02-2011

The City's Economic Development office is proceeding with necessary facilitation to grow a Bro

## Health Care and Economic Development

Dec-02-2011

Municipal contributions towards physician recruitment represent a strategic investment to ensure the

December 8, 2011

City of Brockville  
Planning Dept.  
City Hall  
1 King Street West  
P.O. Box 5000  
Brockville, ON  
K6V 7A5



Attention : Mr. Andrew McGinnis  
Planner II – City Hall

Re : Zoning By-Law Amendment 194-94 – 1 Woodlawn Place – File No. D14-153

Dear Mr. McGinnis:

This letter is in response to the correspondence received on December 3, 2011 with regard to the proposed zoning By-law amendment application for 1 Woodlawn Place.

As residents of Woodlawn Place for 15 years, we are opposed to the proposed amendment. Our objection is based on our concerns about the re-zoning of such property and the number of students planning to live at 1 Woodlawn Place. If students 18 years of age or older (age of majority) eventually occupy this property, they will not require house parents and therefore will not be supervised, may have vehicles, and therefore cause parking issues/barriers on the street. Regardless of the students' ages, we are also concerned about their conduct, which we have observed from the back yard of Fulford Academy (loud behaviour), carrying on at 1 Woodlawn Place.

We also feel that re-zoning 1 Woodlawn Place would compromise the integrity and character of our neighbourhood, as well as our property value. Any future prospective buyers of our neighbourhood properties would have to give considerable thought to purchasing properties so close to a rooming, boarding and lodging house. With a considerable number of aging residents on our street, this will be a very real concern in the near future. Our annual property tax has doubled since we moved into the neighbourhood in 1996 and we expect it to continue to increase annually, yet the services provided to us have not been enhanced. Approval of the proposed amendment will only further contribute to our dissatisfaction with regard to the property tax we pay.

The owners of Fulford Academy would be well advised to expand on the Fulford Academy property, which is appropriately zoned, has adequate parking, and would allow for appropriate accommodation and supervision of students regardless of age. This would be a more appropriate alternative than setting up rooming, boarding and lodging houses in long-established single dwelling neighbourhoods such as ours.

We understand that the public meeting date of December 22<sup>nd</sup> cannot be changed to a later date. It is unfortunate that such an important issue is being rushed through and held so close to Christmas holidays. A date in early January would have been more appropriate timing. However, we are prepared to attend the upcoming meeting in order to support our fellow neighbours in opposing this proposal.

We appreciate your attention to our concerns.

Thank you.

John and Tammy Cotie  
18 Woodlawn Place  
Brockville, ON K6V 2Z2  
(613) 342-0778  
([jcotie@sympatico.ca](mailto:jcotie@sympatico.ca))



December 7, 2011

Mr. Andrew McGinnis  
Planner 11, City Hall  
One King Street West  
P.O. Box 5000  
Brockville, Ontario  
K6V7A5



Dear Mr. McGinnis: RE: ZONING BI-LAW 194-94

We wish to formally object to this Proposed Amendment to 1 Woodlawn Place, FILE #D14-153.

Many reasons for this objection are: traffic/parking; possible future selling of this property at 1 Woodlawn Place resulting in unsuitable owner(s) and boarders and possible age limit to exceed 18 years of age (which could result in boarders owning cars and possible relaxed rules of proper behaviours of older boarders); We also object to having our homes classified in this manner that would not prevent other homes becoming boarding houses in the future with no restrictions as to behaviours.

This bi-law amendment is most unsuitable for the Woodlawn and southern portion off King Street residential areas as we are a very QUIET neighbourhood with many senior residents and we take pride in keeping our property neat and clutter-free.

Yours truly,

Joan Hunter/Yeldon

Douglas Yeldon

15 Woodlawn Place  
Brockville, Ontario  
K6V2Z1

(613)342-3076



**Cunningham Swan**  
LAWYERS

Timothy J. Wilkin  
Professional Corporation  
Direct Line: 613.546.8074  
E-mail: twilkin@cswan.com

December 14, 2011

By Fax and E-Mail

Mr. Andrew McGinnis  
Planner II  
City of Brockville  
1 King Street West  
P.O. Box 5000  
Brockville, Ontario  
K6V 7A5



Dear Sir:

**RE: Our Client: Rosemarie Dow – 2 Woodlawn Place, Brockville**  
**Re: Application for the Zoning Amendment**  
**1 Woodlawn Place (Douglas and Suzan Kendall)**  
**City File No.: D14-153**  
**Our File No. 25185-1**

We represent Mrs. Rosemarie Dow. Our client lives at 2 Woodlawn Place located directly opposite the property that is the subject of this application to amend City's Zoning Bylaw 114-94. Our client has lived in her home for over 40 years and is very familiar with the dwelling at 1 Woodlawn Place, having known the previous owners and been in it on many occasions over the years.

Our client is opposed to the dwelling at 1 Woodlawn Place being used to accommodate students from Fulford Academy in the manner described in Appendix "A" to the Application. Having been in the house many times, Mrs. Dow is very familiar with its size and layout and knows that it could not possibly accommodate the proposed number of people without undergoing significant alterations, including converting the garage and basement into multiple bedrooms. Were this to happen, use of the house would be more in the nature of a school

dormitory, rather than a single family home, and would be so grossly overcrowded as to represent an unhealthy and potentially unsafe situation.

Our client also objects to the current R-1 zoning for the property, which permits only a Single Unit Dwelling, being amended to recognize and permit any form of Boarding, Rooming or Lodging House, even if the intention is to limit the persons who may be lodged or roomed on the premises to students of Fulford Academy. Our client also objects to any amendments being made to the regulatory provisions of the R-1 zone to facilitate this type of use.

In our view, a site specific zoning amendment to allow a Boarding, Rooming or Lodging House as a permitted use in the R-1 zone would not conform to the City's current or new Official Plan. Furthermore, any restrictions that sought to limit who could lawfully room or board at the premises would violate the prohibition against "people zoning" in Section 35 of the Planning Act and therefore, would be unlawful.

The City's current Official Plan designates the property Residential. Policy 6.2.1 h) states that "Low, medium and high density residential districts will be located in the implementing Zoning Bylaw or in Secondary Plans." Policy 6.2.2 further provides that the Low Density Residential District is intended to be used for a range of residential uses, including single-family dwellings, where the density does not exceed 10 units per net acre.

This Residential designation and more specifically, the now established Low Density Residential District on Woodlawn Place has been implemented through Zoning Bylaw 194-94. It places the subject property together with our client's property and all others along Woodlawn Place in the R-1 zone. Under the R-1 zone, the only types of dwellings permitted are a Single Unit Dwelling and a Converted Dwelling. This is consistent with the established character of the Woodlawn Place neighborhood with its single unit dwellings located on large, mature lots.

By comparison, a Boarding, Rooming and Lodging Dwelling is a permitted use only in the R-4 and R-5 zones that, by definition, are intended for medium density residential uses. Accordingly, the applicants' proposal to introduce a use permitted only in a medium residential zone (i.e. a boarding, rooming and lodging house) does not conform to the intention of the Official Plan that such uses should be limited to Medium Residential Districts within the Residential designation.

Even if the rezoning application is evaluated based on the new Official Plan adopted by Council (but not approved by the Ministry of Municipal Affairs), the introduction of any type of boarding, rooming or lodging house use in this neighborhood would offend the Neighborhood Area policies of the Plan. While the new OP recognizes that opportunities for intensification within the Neighborhood Area designation may arise and should be encouraged, its policies also state that

- (a) "[t]he character and identity of existing residential neighborhoods shall be sustained and enhanced" [Policy 3.2.4.1];
- (b) "the proposed development lands [shall be] appropriately suited for intensification in the context of the surrounding neighborhood and the City as a whole" [Policy 3.2.4.3.4 i)];
- (c) "the proposal [shall be] compatible with the surrounding development" [Policy 3.2.4.3.4 iv)]; and
- (d) "the character of these neighborhoods shall be preserved in accordance with the policies of this Plan" [Policy 4.3.1].

The risk associated with allowing a property in the Woodlawn place neighborhood to be rezoned to permit any type of boarding, rooming or lodging house is that, once permitted, the principle of permitting this type of use in this or any other low density residential zone will be established. Even if the intention is to limit the "Boarding, Rooming or Lodging House" use to only Fulford Academy students, it would be a relatively easy leap in planning analysis to allow that use to be expanded in future to accommodate other types of roomers and boarders, especially if Fulford Academy should cease operating.

Also, if the proposed use was limited to Fulford Academy students, how would the City enforce the bylaw? How would it know that the only persons living at the property are students of Fulford Academy? And if the City should in future have reason to suspect that the current or a future owner is letting rooms to persons who are not students of Fulford Academy, how would the City investigate that suspicion and gather sufficient evidence to permit a successful prosecution of an alleged contravention of the bylaw?

Finally, even if the site specific zoning for the property restricted its use to the boarding, rooming or lodging of Fulford Academy students only, placing a restriction on the type of person who may be accommodated would violate the prohibition against "people zoning" in section 35 of the *Planning Act*. Specifically, the Act prohibits Council from passing a zoning by-law under section 34 if the by-law "has the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of the building or structure or a part of a building or structure, including the occupancy or use as a single housekeeping unit."

In our view, singling out students of Fulford Academy as the only type of qualified roomer or boarder eligible to reside at the property is clearly "people zoning" that focuses on their personal attributes, rather than how their functional use of the property will impact on adjacent properties from a land use planning perspective.

Should such a restriction in the zoning by-law ever be challenged and a court determines that it contravenes section 35(2), subparagraph (3) states:

"A provision in the bylaw passed under section 34 ... is of no effect to the extent that it contravenes the restrictions described in subsection (2)."

What this means is that if a court determined that a restriction in the zoning limiting the boarding, rooming or lodging to students of Fulford Academy only violated section 35(2), the restriction would have no force or effect, resulting in the property then having an unrestricted boarding, rooming or lodging house use as a permitted use.

Based on all of the foregoing reasons, we therefore respectfully request that Council deny this application to rezone the property to permit any type of boarding, rooming or lodging house or to amend any of the regulatory provisions of the R-1 zone to permit this type of use.

This submission is being filed with Council pursuant to section 34(12)(8)(ii) of the *Planning Act*. Please ensure that a copy of it is provided to all members of the Economic Development Planning Committee and/or Council on or before the statutory public meeting scheduled for December 22, 2012.

Please also ensure that a copy of the staff planning report prepared prior to Council's final decision is forwarded to us when available.

Lastly, we request that Notice of the Decision on the application be sent to us.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP

  
Timothy J. Wilkin  
Professional Corporation

TJW:kj  
Enclosures  
copy to: Mrs. Rosemarie Dow