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Ex-Officio

Areas of Responsibility

Economic Development  
Planning  
Chamber of Commerce  
DBIA  
Heritage Brockville

Museum Board  
Library Board  
Arts Centre  
Tourism

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**DISCLOSURE OF INTEREST**

**STAFF REPORTS**

1. 2012-015-01  
Proposed Amendment to Zoning By-law 194-94  
1 Woodlawn Place, Brockville  
Owners: Douglas and Suzan Kendall



**24January2012**  
**REPORT TO ECONOMIC DEVELOPMENT PLANNING COMMITTEE**  
**31 JANUARY 2012**

**2012-015-01**

**PROPOSED AMENDMENT TO ZONING BY-LAW 194-94**

**1 WOODLAWN PLACE, BROCKVILLE**

**OWNERS: DOUGLAS AND SUZAN KENDALL**

**FILE NO.: D14-153**

**ANDREW MCGINNIS**  
**PLANNER II**

**RECOMMENDED**

**THAT** City of Brockville Zoning By-law 194-94 be amended respecting lands described as Part of Lot 10, Block 2, Plan 261, City of Brockville, County of Leeds, municipal address 1 Woodlawn Place, to T-R1-X3-1 – Temporary Single Unit Residential Site Specific Zone to allow for a Student Residence with a minimum of three (3) parking spaces measuring 2.75m (9.5ft) by 5.3m (17.4ft) being maintained onsite, recognition of all existing setbacks and no alterations that would increase the overall footprint of the building be permitted.

For the purpose of the above recommendation, a Student Residence is defined as, *“a premises owned or operated by, or on behalf of, any public or separate school, private school, post-secondary school or educational facility, consisting of rooms, used for student accommodation. A Student Residence may contain up to a maximum of eight (8) individuals, exclusive of staff and/or receiving family”*.

**PURPOSE**

The purpose of this report is to provide recommendations for amendment to City of Brockville Zoning By-law 194-94 respecting the property at 1 Woodlawn Place, Brockville.

**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  
Requested Zoning: Temporary R1- Single Unit Residential Site Specific Zone to allow for a **Boarding, Rooming or 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) rooms to be rented, 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 dwellings.

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.

Public Participation

The application has proceeded through the normal review process. On 22 December 2011 a Public Meeting was held by the Economic Development and Planning Committee. Notice of the Public Meeting was advertised in the Brockville Recorder and Times Newspaper on 1 December 2012 and was circulated to property owners within 120.0 metres (400.0 feet) of the subject lands. In addition, a sign was posted on the

subject property advising that the lands are the subject of Application for Amendment to City of Brockville Zoning By-law 194-94. Comments from City Departments and affected agencies were also solicited.

#### Comments Received

Minutes of the Public Meeting are attached as **Schedule "C"**, and reflect the discussion of issues at the Public Meeting, including the appropriateness of this location for a Rooming, Boarding and Lodging House, the number of rooms to be rented, lot size and setbacks, parking and the future impact. A recording of the Public Meeting can also be obtained by contacting the City of Brockville Clerk's Department.

#### Comments Received (Internal Departments) – Full comments are attached to this report as **Schedule "D"**:

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 "E"**:

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 "F"**:

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.
9. Tim Wilkin, Cunningham Swan, Legal Representatives for Rosemarie Dow – 2 Woodlawn Place, Brockville (Letter dated 14 December 2011)  
  
Opposed to the application and states that the amendment does not conform to Official Plan Policies both current and recently adopted.

## **POLICY IMPLICATIONS**

### **Provincial Policy Considerations:**

A Provincial Policy Statement (PPS) 2005 has been issued under authority of Section 3 of the Planning Act. The PPS provides policy direction on matters of Provincial interest related to land use planning and development. Section 3 of the Planning Act further directs that Council's decisions affecting planning matters "shall be consistent with" the Provincial Policy Statement. Not all policies in the PPS are relevant to the planning matter under consideration, and thus, only those relevant portions will be discussed in this report.

Section 1.1.3.3 states that "Planning Authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs."

Section 1.4.3 states among others, that planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:

- a. establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households*.
- b. permitting and facilitating:
  - 2. all forms of *residential intensification* and *redevelopment* in accordance with policy 1.1.3.3;
- e. establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1 Woodlawn Place is an existing building constructed as a single detached dwelling in approximately 1960. The application before Council represents intensification of an existing building within the settlement area, facilitates compact form and provides accommodation to residents while utilizing existing infrastructure with no proposed adverse effects on the building's exterior.

Based on the above it can therefore be concluded that the proposed amendment to Zoning By-law 194-94 is consistent with the Provincial Policy Statement.

#### **Current Official Plan Considerations**

1 Woodlawn Place is located within Planning District Number 3 and is currently designated Residential under the Official Plan for the City of Brockville. The proposed amendment to Zoning By-law 194-94 involves the addition of the proposed Private Educational Residence. However, the primary residential use of the property remains the same. Accordingly, no change to the Official Plan is required.

**Section IV-Goals and Objectives, Sub-Section 4.1-Residential**, identifies various residential goals and objectives which include: a variety of housing types; balance between ownership and rental accommodation and affordable housing to the residents.

**Section V-General Development Policies, Sub-Section 5.21 Energy Conservation**, states that Council shall among others, encourage,

- i) Increased densities, by providing for higher densities in all land use categories, by locating higher densities along transportation corridors and in nodes to support public transit,
- ii) intensification of existing areas, by allowing redevelopment of underutilized areas and buildings at greater densities, by providing for the infilling of vacant lots and the unused portions of large lots in central locations, and by permitting the conversion of existing buildings to more intensive uses.
- iii) provide for "service nodes" of commercial, institutional and government activities to allow for convenient, non-vehicular movement between building.



**Section V-General Development Policies, Sub-Section 5.22 Community Improvement Policies**

- Encourage and support affordable housing development opportunities which is affordable to low and moderate income households.
- Encourage an appropriate mix of uses while reducing existing or potential land use conflicts.

**Section V-General Development Policies, Sub-Section 5.24 Social Development**

- a) General – the emergence of such subjects as group homes, increasing demand for day car, shared housing, the de-institutionalization of persons with special needs, accessory housing, and other related matters, which result from changing economic, demographic and social circumstances, all have, either direct or indirect land use consequences. While a local municipality cannot, on its own, respond to all such subjects, it is incumbent upon a local municipality to respond to such subject by attempting to integrate all social, economical and demographic groups into the urban fabric. As a result, it shall be the policy of the City of Brockville to deal with changing economic, demographic and social circumstances in a positive manner and to investigate or develop appropriate responses, either separately or in conjunction with senior levels or government or other delivery agencies.

**Section VI - Land Use Policies, Sub-Section 6.2.2 Low Density Residential** states that the Low Density Residential District shall permit, but shall not be expressly limited to, single family residential dwellings, semi-detached dwellings, duplex, converted single family dwellings and accessory uses. The maximum residential density shall be twenty-five (25) units per net hectare (10 units per net acre).

**Section VI - Land Use Policies, Sub-Section 6.2.3 Medium Density Residential** states among others, that the Medium Density Residential District shall permit; but shall not be expressly limited to, triplexes, quadruplexes, maisonettes, row houses and small, low profile apartments, up to one hundred (100) units per net hectare (40 units per net acre) together with accessory uses.

This section continues to state that Medium Density Residential shall have direct access to a Collector Road, be situated within close proximity to elementary schools, neighbourhood parks, etc. and potential disruption to existing land uses located near to the site shall be minimized.

**Section VII – Planning Districts – Detailed Development Policies - Section 7.3 Planning District No. 3** states that Planning District No. 3 is residential in nature with some minor new development possible in the north eastern section. The policies set

out here are intended to reinforce the stability of this residential area and minimize land use conflicts.

There are specific policies, among others, relating to development located around the C.N.R mainline, the plan discourages dispersal of commercial uses along King Street and that vacant areas of this Planning District shall be developed as low density residential.

The proposal promotes intensification, redevelopment and infill opportunities. The Detailed Planning Policies for this Policy Area state that vacant areas of this Planning District shall be developed as low density residential.

The proposal has sufficient access to the transportation network of the City, it is situated within close proximity to Schools (both private and public), a neighbourhood park (Fulford Park), and as no alterations to the exterior of the building or site are proposed, potential disruption to existing land uses located near to the site are minimized as the proposal remains as a residential use.

Staff believes, contrary to comments received at the Public Meeting on 22 December 2011 relating to non-conformity to the Official Plan, that the proposal is consistent with the policies contained within the Official Plan for the City of Brockville. Therefore, no amendment is required to the Official Plan.

#### **New Official Plan adopted by Council June 14, 2011**

The New Official Plan provides guidance on how to manage future growth, development, and change within the City of Brockville. However, it should be noted, that while the proposed Official Plan represents Council's intent, it has no legal status at this time. The Official Plan was adopted 14 June 2011 by City of Brockville Council, approved by the Province 17 January 2012 and is now within the required 20 day appeal period.

The Official Plan adopted by Council June 14, 2011 designates the subject property as "Neighbourhood Area".

The New Official Plan's goals are to create a sustainable City in terms of health and vitality, that is economically viable and diverse, has high quality city services and amenities, and is well planned.

**Section 3.2 Managing Growth in our City, Sub-Section 3.2.4 Residential Areas** states, among others, that "the focus of future intensification is directed by this Plan primarily to the Downtown and Central Waterfront Area, and Mixed Use and

Commercial Areas. Limited intensification is permitted in Neighbourhood Areas in a form and location that will maintain the residential character and amenities.”

**Section 3.2 Managing Growth in our City, Sub-Section 3.2.4.1 Neighbourhood Areas** states, among others, that “should opportunities for intensification occur in the Neighbourhood Areas in accordance with Section 3.2.4.3, the policy of this Plan will ensure that the character of these neighbourhoods is preserved.”

It shall be the policy of City that:

1. The character and identity of existing residential neighbourhoods shall be sustained and enhanced; and,
2. The City’s existing housing stock shall be preserved and maintained, supplemented by various forms of residential intensification such as infilling and the creation of accessory dwelling units, where appropriate.”

**Section 3.2 Managing Growth in our City, Sub-Section 3.2.4.3 Residential Intensification**, states that “It shall be the policy of the City, among others, that:

1. A portion of the City’s future housing needs shall be provided through residential intensification, which may include any of the following:
  - i. Small scale intensification through modifications to an existing dwelling to include a second unit or construction of a new building containing one or two units;
  - ii. Infill development and residential development on vacant land or underutilized land in the Built-up Area; and/or
  - iii. Redevelopment which includes either the replacement of existing residential uses with compatible new residential developments at a greater density or the replacement of non-residential uses with compatible residential or mixed use development with a residential component.
4. The City shall consider applications for infill development, intensification and redevelopment of sites and buildings based on the following criteria:
  - i. The proposed development lands are appropriately suited for intensification in the context of the surrounding neighbourhood and the City as a whole;
  - ii. The existing water, sanitary sewer services, and stormwater management facilities can accommodate the additional development;
  - iii. The road network can accommodate the traffic generated;
  - iv. The proposed development is consistent with the policies of the appropriate land use designation associated with the land;
  - v. The proposal respects and reinforces the existing physical character of the buildings, streetscape and parks and open space;
  - vi. The proposal is compatible with adjacent development;

- vii. The proposal provides heights, massing and scale appropriate to the site and compatible with adjacent lands;
  - viii. The proposal provides adequate privacy, sunlight and views of the sky for existing and new residents;
  - ix. The proposal screens loading and service areas; and
  - x. The proposal complies to the appropriate urban design and built form policies of this plan.
5. Among others, states that "The City shall ensure that a proposal representing residential intensification can be satisfactorily integrated with the physical characteristics or residential and commercial areas and proper health and safety standards are maintained."
6. Small scale intensification shall be permitted in all Neighbourhood Areas, as designated by this Plan, except where intensification is inadequate or there are significant physical constraints.

**Section 3.2 Managing Growth in our City, Sub-Section 3.5.1.2 Affordable Housing,** states that it shall be the policy of the City, among others, that:

- 1. The provision of housing that is affordable and accessible to low and medium income households shall be a priority.
- 4. The City shall encourage the provision of affordable housing through:
  - i. Supporting increased residential densities in appropriate locations and a full range of housing types, adequate land supply, redevelopment and residential intensification, where practical;
- 5. In the effort to facilitate affordable housing the City may, among others:
  - 8. Develop zoning provisions that are sufficiently flexible to permit a broad and varied range of housing forms, types, sizes and tenures, except in locations serviced by individual or communal sewage disposal systems.
  - 11. The City shall consider opportunities for permitting additional units in existing dwellings.
  - 12. Among others "The City recognizes the value of older residential neighbourhoods and shall support the maintenance and improvement of established neighbourhoods and older housing stock."
  - 14. The City shall encourage affordable housing in a variety of building forms to meet the housing needs of a socially and economically diverse population in support of a broad range of employment opportunities.

The proposal represents intensification within the Neighbourhood Area, the close proximity to King Street and the City's transportation network give ample opportunities for alternative transportation methods, and no external alterations to the building are currently being proposed.

Staff believes that adequate privacy, sunlight and the views of the existing and proposed residents are not being impacted and that the proposal satisfies all the above general policies.

#### **4.3 Neighbourhood Area**

##### **4.3.1 Introduction**

"Neighbourhood Areas represent existing residential and neighbourhood-based uses including single and semi-detached dwellings, rowhouses, townhouses, duplexes, triplexes, fourplexes, apartments and other multi-unit buildings. While significant new development is not anticipated, infill and redevelopment of existing and underutilized parcels shall be encouraged to continue. The policies of this Plan direct new developments of these forms to the Neighbourhood Development Area and the Downtown and Central Waterfront Area, depending on the scale of the proposal and where appropriate, to manage change in a manner that shall maintain the character of Neighbourhood Areas. Should opportunities for intensification or redevelopment occur in the Neighbourhood Areas, the character of these neighbourhoods shall be preserved in accordance with the policies of this Plan."

##### **4.3.2 Permitted Uses**

**Residential Uses in the Neighbourhood Area, states among others that,**

1. Low-density residential uses shall be permitted.
3. Medium density residential uses shall be permitted including triplex dwellings, fourplex dwellings, row or block townhouse dwellings, converted dwellings containing more than two dwelling units, and small-scale apartments, subject to the medium density policies of Section 4.3.3.1
4. Existing single detached dwellings may be converted to multiple dwelling units or to commercial buildings provided the external design of the building does not substantially change.
5. Bed and breakfast establishments shall be permitted, subject to the policies of Section 4.3.3.3.
6. Special needs housing, senior citizens' homes or similar housing facilities for senior citizens including nursing homes shall be permitted to develop in accordance with the medium density residential policies of Section 4.3.3.1 and the special needs housing policies of Section 3.5.1.2.
7. Group homes shall be permitted, subject to policies of Section 3.5.1.3.

**4.3.3 Land Use & Built Form Policies** states among others, it shall be the policy of the City that:

**Residential Uses within the Neighbourhood Area**

1. Medium density residential uses shall be subject to the following criteria:
  - i. the density, height and character of the development shall be compatible with adjacent uses;
  - ii. the height and massing of the buildings at the edge of the medium density residential development shall have regard to the height and massing of the buildings in any adjacent low/medium density residential area and may be subject to additional setbacks, height restrictions, or landscaping to provide an appropriate transition;
  - iv. the development shall be encouraged to have direct access to an Arterial or Collector road, where possible and appropriate;
  - v. the watermains, sanitary sewers, and stormwater management facilities shall be capable of accommodating the development, or the proponent shall commit to upgrading services at no cost to the City;
  - vi. the development is adequately serviced by parks and school facilities;
  - vii. the development shall be designed and landscaped, and buffering shall be provided to ensure that the visual impact of the development on adjacent uses is minimized;

Due to no external changes being proposed, the visual character of the area will not change, the proposed use is adequately serviced by parks, schools and the transportation network and all other City services are adequate to accommodate the proposed amendment.

Based on the forgoing staff believe that the proposal satisfies the above policies pertaining to Neighbourhood Areas.

**6.4.2.2 Temporary Use By-law**

The City may pass a temporary use by-law to allow the temporary use of land, buildings or structures for a purpose otherwise not permitted by the Zoning By-law for a specific period of time not to exceed three years.

It shall be the policy of the City that:

- “1. A temporary use by-law shall define the land to which it applies, and shall prescribe the period of time during which it is in effect.
2. The City may authorize a temporary use on a one-time basis or for a short period of time on a periodic basis, where it is considered inappropriate by the City to permit the proposed use on a permanent or continuing basis, and where alternatives such as relocation are not practical.

3. The City may pass subsequent by-laws granting extensions of up to three years.
4. The City may extend this period by passing further by-laws, subject to the specific policies of this Plan.
5. In enacting a temporary use by-law, the City shall consider the following:
  - i. the proposed use shall be of a temporary nature, and shall not entail major construction or investment on the part of the owner so that the owner shall not experience undue hardship in reverting to the original uses upon the termination of temporary use provisions;
  - ii. the proposed use with the surrounding land uses and character of the surrounding area;
  - iii. the proposed use shall be properly serviced and not require the extension or expansion of existing municipal services;
  - iv. the proposed use shall not create any traffic problems within the surrounding area, or adversely affect the volume and/or type of traffic commonly found on the areas roads;
  - v. the proposed use shall provide parking facilities entirely onsite;
  - vi. the proposed use shall generally be beneficial to the surrounding community; and
  - vii. the proposed use shall conform to the policies of this Plan.

Where the proposed temporary use may not conform in its entirety with the Official Plan, the City shall consider what is in the best interests of the public.”

### **Zoning By-law Considerations**

The subject property is currently zoned R1-Single Unit Residential Zone. The proposed amendment, if approved, would rezone the property to T-R1-X3-1 – Single Unit Residential Site Specific Zone allow for a Boarding, Rooming or Lodging House within the existing dwelling.

The following items should be discussed with regard to the proposed Amendment to Zoning By-law 194-94:

#### **1. Definitions**

The use as proposed by the applicants relates to the “*Boarding, Rooming or Lodging House*” as defined within the City of Brockville Zoning By-law 194-94, as amended.

Boarding, Rooming or Lodging House

*"A dwelling, used or maintained for the accommodation of the public, in which the owner or head lessee supplies lodgings, with or without meals, for three (3) or more persons, but does not include any other establishment otherwise defined or classified within."*

Group of Persons

*"means one (1) or more individuals whether or not related by blood, marriage or legal adoption, who live in one (1) dwelling unit and maintain a common household. Group of persons shall also include domestic servants, nursing aids and not more than two (2) boarders or lodgers."*

Single Unit Dwelling

*"means a detached dwelling containing only one (1) dwelling unit and occupied by not more than one (1) group of persons."*

Dwelling Unit

*"means two (2) or more habitable rooms, designed or intended for use by one (1) group of persons only who maintain a common household, and in which cooking (one kitchen only), eating, living, sleeping and sanitary facilities are commonly provided for such group of persons, but excluding a hotel, motel, boarding, rooming or lodging house, recreational vehicle, or mobile home. A common household shall be deemed to exist where all members of the group of persons within a dwelling unit have access to all points of the dwelling unit. A dwelling unit shall have a private entrance from outside the building, or from a common hallway or stairway inside the building."*

Upon review of the above definitions, staff are of the opinion that although closely related, what is being asked for does not relate to a *Group of Persons*. From the description provided by the Owners, the residents, although having free movement within the dwelling are not an inherent part of a common household. Rather, the residents are only overnighing at the dwelling and eating and spending the majority of their day elsewhere. It was for this reason that the Owners applied for a Boarding, Rooming or Lodging House. This was the best description to accommodate the proposed use that is currently defined within Zoning By-law 194-94, as amended.

However, further review of the Zoning By-law and considering again the Owners



letter of intent, staff believes that what is being requested is more closely related to a student residence rather than the proposed Boarding, Rooming or Lodging House. This relation will be discussed later in this report.

## **2. Density**

The proposal is to provide accommodation for eight (8) students and host family within the existing dwelling. The proposal is to create four (4) new bedrooms within the basement and utilize the three (3) existing rooms located on the main floor. The proposed occupancy of the dwelling is to be 11 persons.

When examining the Zoning By-law, uses permitted and density requirements outlined in Part 5.0, Subsection 5.2, it can be concluded that density requirements relate to specific uses. Density is defined as "*the ratio of the number of dwelling units to the gross lot area*" and affects a Maisonette Dwelling, Apartment Dwellings, Senior Citizens Dwellings and Retirement Homes.

The Boarding, Rooming or Lodging House applied for is not affected by the density restrictions outlined within the Zoning By-law. However, the use proposed does have a maximum number of bedrooms that can be rented. In this case as all bedrooms are proposed to be rented, the applicant is requesting an increase to the maximum number of bedrooms that can be rented from 6 to 7.

It is the opinion of staff that this proposal is still within the density parameters of a single family dwelling. Density requirements within the Zoning By-law relate to a total number of dwelling units per hectare and not the total number of persons per hectare. The number of persons within a building is regulated through the Ontario Building Code as well as City of Brockville Property Standards By-law 31-98. The Chief Building Official was consulted and no concern was brought forward at this time.

## **3. Parking**

City of Brockville Zoning By-law outlines parking requirements for all different uses within the City. The By-law also regulates parking stall size requirements at 2.75m (9.5ft) by 5.5m (18.5ft). In particular, the parking required for the proposed Boarding, Rooming or Lodging House is set at 0.5 spaces per bedroom in accordance with Zoning By-law 194-94, as amended, therefore, requiring a total of four (4) parking spaces for the proposed use as applied.

Due to interior renovations that are proposed the applicants are requesting a reduction to the minimum parking spaces required from 4 to 2 as well as a

reduction in the required size of a parking space from 2.75m (9.5ft) by 5.5m (18.5ft) to 2.75m (9.5ft) by 4.8m (15.74ft). Should Council grant this requested reduction, it will give the applicants their required legal parking space within the garage area as well as legalize the existing outdoor space (within the driveway area) which also does not currently satisfy the zoning requirements, being only 5.3m (17.4ft) in length.

After examining the proposed reduction to parking area requirement, stall size and the existing parking situation within the community, staff recommend a reduction from four (4) spaces to three (3) spaces rather than the requested two (2) spaces. In addition, staff are opposed to granting the reduction in parking space size from 2.75m (9.5ft) by 5.5m (18.5ft) to 2.75m (9.5ft) by 4.8m (15.74ft) as the average length of a vehicle in North America is approximately 4.6m (15.0ft)<sup>1</sup>, providing for a minimal amount of space (0.2m (8inches)) to accommodate an average vehicle (4inches on either end) within the proposed garage area. However, a reduction to legalize the existing outdoor spaces does seem reasonable in this case and staff supports a reduction in parking space size from 2.75m (9.5ft) by 5.5m (18.5ft) to 2.75m (9.5ft) by 5.3m (17.4ft).

Staff encourages the applicant to examine alternative design ideas to accommodate the required legal parking space within the garage.

#### **4. Setbacks and Lot Area**

The property is already an established lot within the City and currently of Legal Non-Complying status for a single detached dwelling. By accepting the request, Council would be approving a reduction in lot area from the required 900.0 square metres (9,688.0 square feet) for a Boarding, Rooming or Lodging House to the proposed (existing) lot area of 468.5 square metres (5,044.0 square feet). This reduction represents a significant decrease in lot area of 48% (432.0 square metres (4,650.1 square feet)).

Front Yard Setback, Exterior Side Yard and Lot Depth are also requested to be recognized through this application. These regulations are all currently of legal non-complying status. Through this rezoning they are requested to be brought into conformity with the By-law.

Based on the above definitions, regulations, the Owners letter of intent and comments received at the Public Meeting, staff believes that what is being requested is not a Boarding, Rooming or Lodging House but rather a housing facility to accommodate

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<sup>1</sup> [http://wiki.answers.com/Q/Length\\_of\\_a\\_car\\_in\\_meters](http://wiki.answers.com/Q/Length_of_a_car_in_meters)

students.

It is the opinion of Staff that a temporary use be considered. A temporary use would provide staff adequate time to examine the pro and cons that this use carries within a single residential area. It would also act as a pilot project for up to three (3) years; and, with Brockville having multiple types of education facilities available, this proposal could shape future policy for residents, students and the City as a whole.

Should Council approve the proposed recommendation by staff, the zone could read similar to the following:

**“T-R1-X3-1**

In addition to the R1 – Single Unit Residential Zone, a Student Residence shall be permitted as a temporary use in the T-R1-X3-1 Zone for a period of three (3) years ending (*date three (3) years after adoption of the By-law by Council*), in accordance with Section 39 of the Planning Act, R.S.O. 1990.

A minimum of three (3) parking spaces measuring 2.75m (9.5ft) by 5.3m (17.4ft) shall be maintained onsite, recognize all existing setbacks on the date of passing of the By-law and no alterations that would increase the overall footprint of the building shall be permitted.

For the purpose of T-R1-X3-1 Zone, a Student Residence is defined as, “*a premises owned or operated by, or on behalf of, any public or separate school, private school, post-secondary school or educational facility, consisting of rooms, used for student accommodation. A Student Residence may contain up to a maximum of eight (8) individuals, exclusive of staff and/or receiving family*”.

**FINANCIAL CONSIDERATIONS**

All costs associated with the development of the property are the responsibility of the Owner.

**CONCLUSION**

Following review of the PPS, Official Plan Documents, Zoning By-law and submissions received respecting the request for the zoning amendment for 1 Woodlawn Place, it is reasonable to create a temporary site-specific zone to allow a Student Residence

containing up to a maximum of eight (8) individuals, exclusive of staff and/or receiving family with a minimum of three (3) on-site parking spaces measuring 2.75m (9.5ft) by 5.3m (17.4ft), and all other existing setbacks being recognized on the date of passing of the by-law. This is reflected in the recommendation at the beginning of this report.

Staff will continue to examine alternatives available, not just for this site but this use around the City. Further research and discussion with other municipalities will occur and this property will be examined periodically to ensure compliance with all City By-laws.

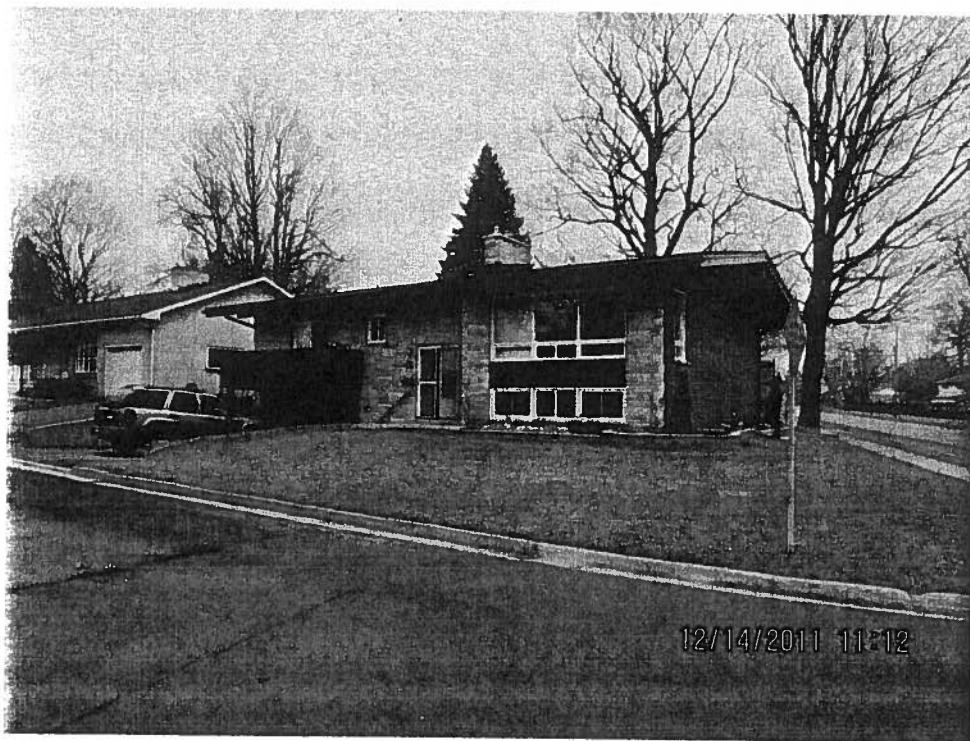
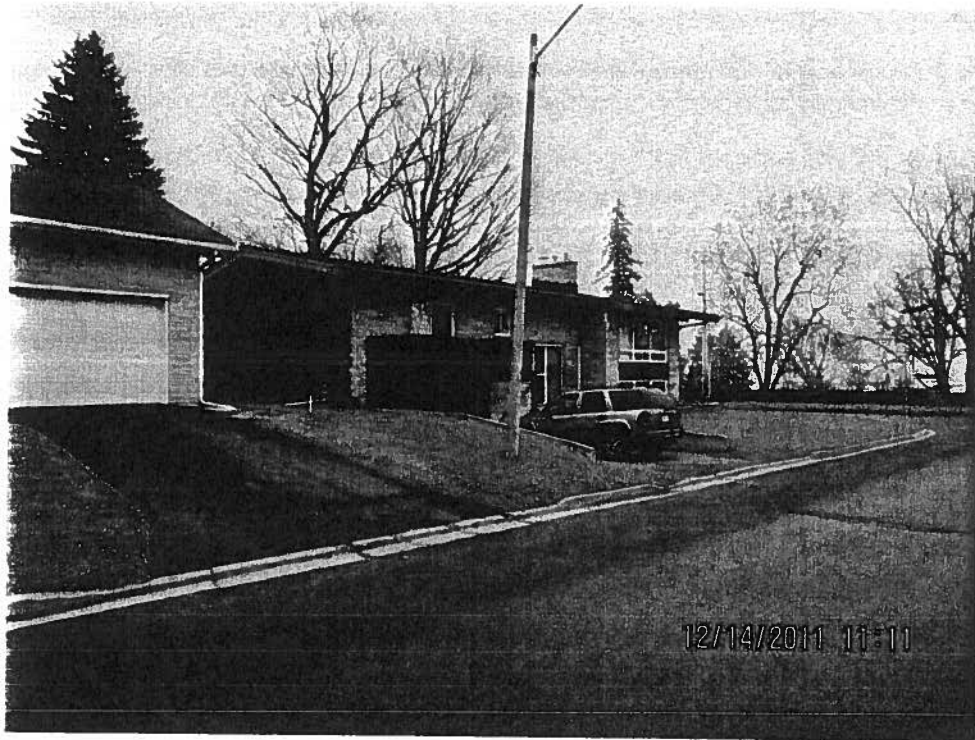


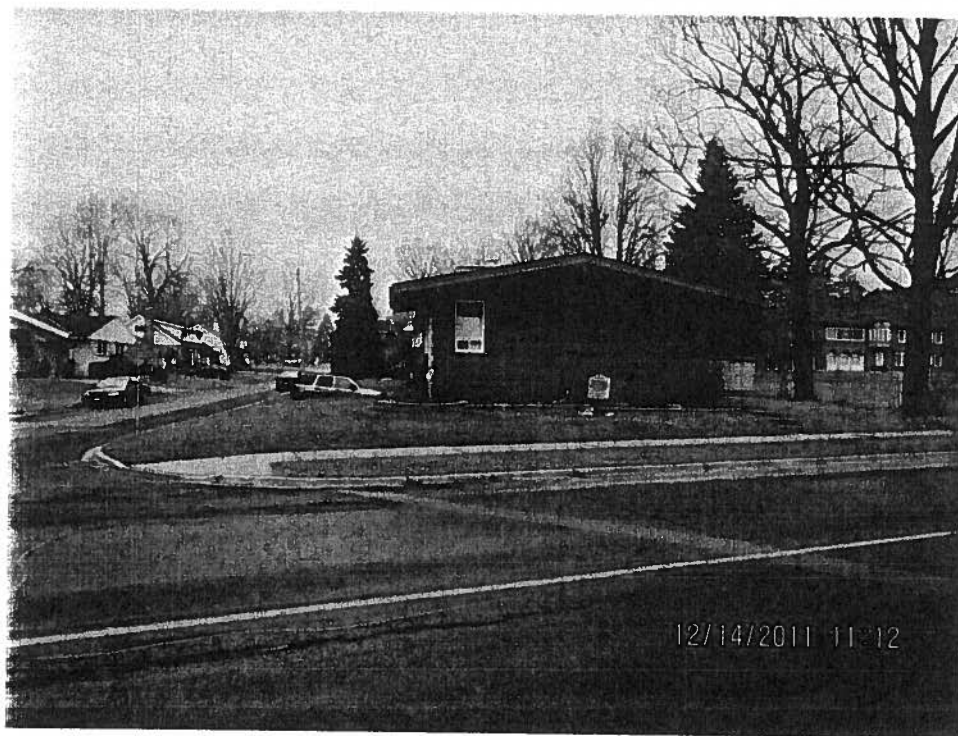
Andrew McGinnis, MCIP, RPP  
Planner II

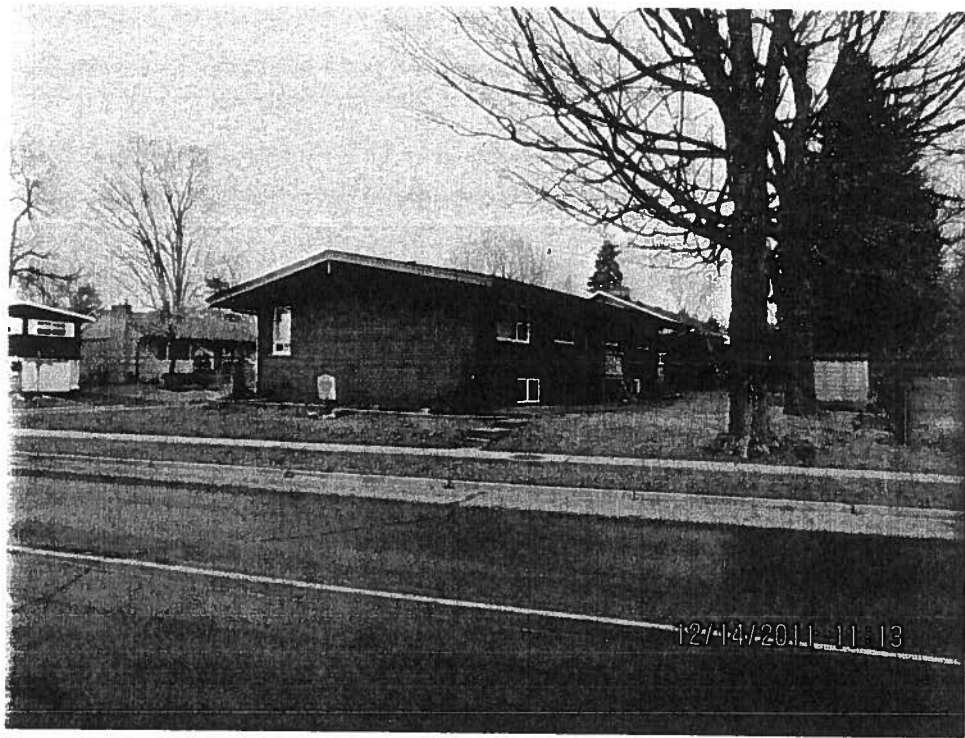


Bob Casselman  
City Manager

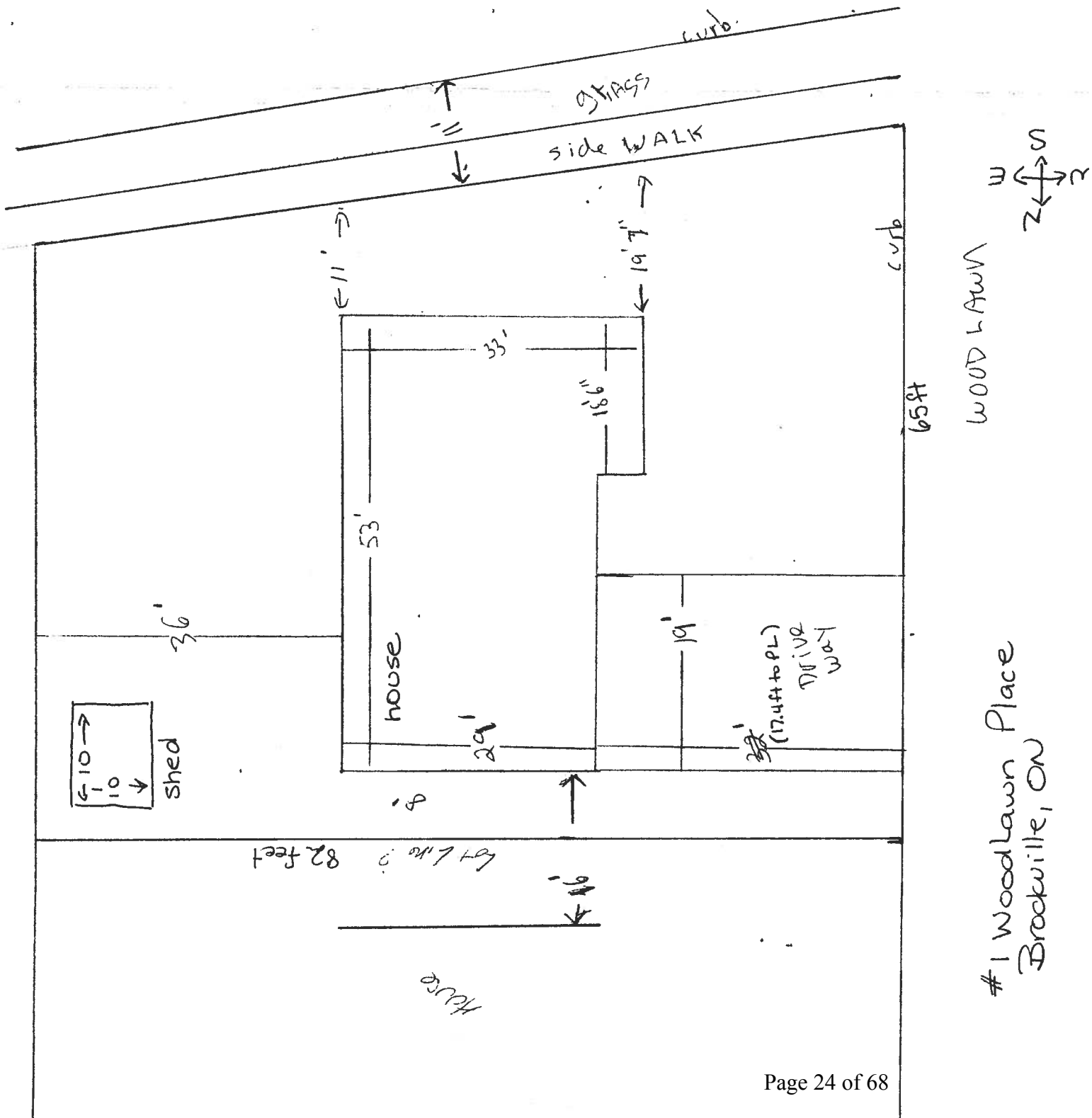
**SCHEDULE "A" TO REPORT 2012-015-01**







# SCHEDULE "B" TO REPORT 2012-015-01





# SCHEDULE "C" TO REPORT 2012-015-01



## Public Meeting Economic Development & Planning Committee

Thursday, December 22, 2011, 6:00 p.m.  
City Hall, Council Chambers

### **COMMITTEE MINUTES**

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#### **Roll Call**

##### **Committee Members:**

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

##### **Staff:**

Ms. D. Livingstone, Deputy City Clerk (Recording Secretary)  
Mr. A. McGinnis, Planner II

##### **Others:**

Nick Gardiner, Recorder & Times

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#### **STAFF REPORTS**

2011-144-12

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

Moved by: Councillor Kalivas

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.

CARRIED

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## **CORRESPONDENCE**

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

Moved by: Councillor Bursey

THAT the correspondence of December 14, 2011 from Timothy Wilkin, Cunningham Swan, be received as information.

CARRIED

Councillor Baker announced the Public Meeting.

Mr. McGinnis, Planner II, announced that Notice of Public Meeting for Staff Report No. 2011-144-12 was given in the Recorder and Times newspaper on December 1, 2011, a notice was sent to surrounding property owners within 120m (400 feet) of the subject property and a sign was placed on the property.

Councillor Baker reviewed the procedures for the Public Meeting.

Councillor Baker asked that any person wanting further notice of the passage of the proposed amendment should give their full name, address and postal code on the sign in page prior to leaving the meeting.

Councillor Baker called on the Planner to explain the purpose of the Public Meeting and the nature of the application.

Mr. McGinnis reviewed the amendment to the Zoning By-law 194-94.

The following persons spoke in support of the proposed amendment:

Dr. Tom Steele, Head of School, Fulford Academy, 376 Brock Street, Brockville, K6V 6K6

Dr. Steele spoke in support of the application for rezoning of 1 Woodlawn Place. A copy of Dr. Steele's comments are attached to these Minutes.

There were no questions regarding Dr. Steele's comments.

Suzan Kendall, Applicant, Owner, 57 Butterfield Place, Brockville

Ms. Kendall expressed appreciation to the City for being accommodating and holding the meeting. She reiterated that the neighbours have been good neighbours to Fulford Academy for the past ten years. Fulford does not want a boarding type house as described in by-laws.

The students who would be at 1 Woodlawn are children who need 24 hour support and the children would not be allowed to be in the house unsupervised. If the rezoning means that the that the house could be inhabited by aged 18+ students, Fulford does not want that either. We do not want to bring down the residential community. We acknowledge that this is a wonderful community and want it to stay that way. As the owners of Fulford Academy, we would love to build a residence on property but not possible right now. We have wonderful investors and we have to honour their investment first and once we can do that, we will build but unfortunately we need those few extra students. And the house at 1 Woodlawn Place provides the opportunity to accommodate the extra students.

Matthew Raabe, Program Manager for Leeds & Grenville International and past employee of Fulford Academy.

Fulford Academy students each brings \$50,000 in tuition plus spending at area restaurants and purchasing goods. Mr. Raabe has seen more than 30 past students hired at Fulford Academy who also spend their dollars locally. He would like to see the success of the rezoning application. The students come from well to do families and once develop ties, allow for possible investors. Secondly, as a private citizen, Mr. Raabe has had the fortune to know the owners as honourable people who want to work with community to find something that works with everyone. It was stated that their intent and promise is to address concerns in the future by rezoning the house back to single family residential in the future if the house was sold. The owners have a mission while they own the house which is to provide housing for young students. Mr. Raabe said he lives in a neighborhood where people can be loud and yet while working at Fulford, slept near students and did not have an issue with noise.

The following people spoke in opposition to the rezoning application:

Victor Limbeek, 5 Sherwood Springs Road, Mallorytown K0E 1R0

Mr. Limbeek spoke on behalf Mrs. Mary Ross, 5 Woodlawn Place, Brockville. He has only heard good things about Fulford so it makes it hard to speak against their application. However, his good friend Mary Ross lives next door and has for many years. Mrs. Ross' home is part of her retirement. She has been a good citizen and has helped many people. A lot of what Mr. Limbeek has heard from Fulford, has been related to making a profit. Mrs. Ross is also concerned with her finances and well-being. Specifically, she is concerned with financial value of her retirement. Three years ago, Fulford would not have imagined buying this house. What is going to happen three years down the road. The economy could change and Fulford would decide to teach adults. This has been a beautiful residential street for many years and people who live there do so because of this but it will change with a boarding house. What will happen next year? The change of zoning to permit a boarding house is usually permanent. When this house is sold it will be sold this way for any person to use as a boarding house. Agreements should be good for both parties and this rezoning does not benefit the owners of adjacent properties.

John Maase, 9 Woodlawn Place, Brockville, ON K6V 2Z1

Mr. & Mrs. Maase have been residents of Woodlawn Place for 16 years and neighbours of Fulford Academy for 10. Mr. Maase's letter of December 12, 2011 noted activities but adequate distance between properties so there would not be disruption during activities. Mr. Maase's concerns are with the rezoning to boarding house. The application calls for 7 bedrooms so 14 or more borders. Fulford students over 18 would not require parents. The possible Upper Canada students would be older than the students that are proposed for the residents at this time. Upper Canada is promoting Fulford students as potential pilots and that age group would not need homestay parents. Parking is also an issue although the letter from the City Clerk included in the Agenda indicates that parking would be required at Fulford Academy. With regard to the zoning, in the event that 1 Woodlawn Place is not needed to house students, it would then be open to anyone to run a boarding house which sets a zoning precedent. Anyone on Woodlawn could then apply for zoning for boarding house. This would decrease property value. Options available to applicants: can board students in compliance, they can expand Fulford, or acquire properly zoned property. Mr. Maase commented on the unfortunate timing of the meeting being so late in December that three nearby residents could not attend.

Mr. Maase said he has spoken with a number of councillors regarding the timing of the meeting. That being here in person has more impact than written submission. Also, the timing falls within the 20 days required but we received our notice on December 5 and required to make written submission by the 13<sup>th</sup> which gave little time to get organized and put together written submissions.

Chair Baker responded that it is timely to hold the meeting at this date and that anyone who has made a written submission; it carries the same weight as an oral submission. And as Chair, it was his decision when to hold the meeting within the required dates of Planning Legislation.

Joan Hunter, 15 Woodlawn Place, Brockville

Mrs. Hunter commented that noise is the only issue. That if any students live at 1 Woodlawn Place, noise and traffic is created on the street which is a concern related to less privacy and quiet time for neighbour. None of the residents want to have clutter or excess noise. Parking is also a concern potentially. Residences are R1 and the residents like Fulford having a quiet residential neighbourhood is important. If zoning is approved and lower enrollment occurs Fulford could house students older than 18 which would cause more noise and cars. If Fulford had to shut down and Woodlawn Place had to be sold, houses on Woodlawn could potentially become rooming houses and that is not fair to those who bought R1. Mrs. Hunter feels that if denied, Fulford Academy will not be affected. They will find other places for the influx of students. Mrs. Hunter wants to look after the neighbourhood. Mrs. Hunter commented that the date of the meeting was late in December in order to potentially rush through the application process.

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Helen Peach, 14 Woodlawn Place, Brockville, K6V 2Z2

Mrs. Peach is disappointed that the rezoning is being considered. If the applicants wanted to change the zoning why wait until the last minute. Surely Fulford plans ahead. Not fair to everyone. Also, no one has mentioned students and how many they have in the main building. Maybe there is unused space there that they could create bed space. Mrs. Peach feels that it is rather strange that Fulford discovered in late November or December that more room is required as the school year starts in September.

Sandra Smith, 10 Woodlawn Place, Brockville, K6V 2Z2

Mrs. Smith has concerns with changing the peaceful qualities of the neighborhood.

Terry Taylor, 5 Rockcliffe Road, Brockville, K6V 2Z5

Mr. and Mrs. Taylor have submitted a letter included in the agenda. Mr. Taylor noted that Fulford Academy is an exemplary business and that Suzan Kendall had said that they wouldn't be here without investors. Mr. Taylor feels that this is not a zoning issue. The R1 zoning designation permits a wide range of uses. Mr. Taylor acknowledges that the Committee is fair but questions what can we as residents do? Across Ontario, every university town has seen neighborhoods degrade when this happens. The degradation starts out by a need for affordable housing and people who can not afford house but can with 4 students in an accessory apartment. There is concern with the spread of boarding houses. Mr. Taylor thinks Fulford's situation is unique in that more students needed to cover overhead but does not think that rezoning is a good idea. What about licensing? Mr. Taylor suggested licensing of boarding houses under the Municipal Act which provides recurring sources of revenue; expires after one year, opens door for monitoring. Mr. Taylor does not see rezoning as a solution for the business or the 12 residents.

Chair Baker asked Mr. McGinnis to get information from the City Clerk regarding licensing of boarding houses under the Municipal Act.

Chair Baker then provided the Applicant an opportunity to respond to the comments.

Suzan Kendall, Owner/Applicant 1 Woodlawn Place, Brockville

Ms. Kendall addressed concerns about timing of the application. Fulford Academy had 8 additional students from January to June of last year so they rented a house. The concern was always for safety. We rented from a lawyer and no concerns were raised. The realtor checked with fire, no concerns. A family living as a unit and therefore no concerns were raised. We had rented that house when 8 additional beds were needed. In the fall, enrollment numbers went down and the additional rooms were not needed. We were hoping to rent 1 Woodlawn but purchased it instead knowing that it worked well at 42 Geneva Court. The kids leave the house and came directly to the school. Kids in the backyard at 1 Woodlawn, the larger 4 acres of Fulford is where activities take place. When we purchased the house, we didn't know we had

to have a rezoning. We went to get a building permit and were told at that time about rezoning. It's a family that lives in there taking care of the kids and would solve the issue, not to rezone. This is a family living with a family taking care of the wellbeing of the students. Not a rezoning issue.

Chair Baker asked how many students attend Fulford.

Suzan Kendall replied that in fall enrollment numbers are lower: 39. The goal is to mirror boarding schools, 2 students to room from 2 different countries. In January, Fulford will have 50 students and in February for second semester. Capacity at property is 50 students. There is no more room, no more office space, classrooms or bedrooms and staff are sharing offices.

Chair Baker asked if it is fiscally possible to build?

Suzan Kendall replied that Fulford cannot build currently build because investors were just repaid. They have to be paid back before there is capital to build. This is probably a 3-4 year interim situation. Fulford does not want to grow more than 58 students otherwise the English only environment is lost.

Mayor Henderson to Mr. McGinnis: Part of question is moving from 6 to 7 bedrooms. Is that a separate set of rules?

Mr. McGinnis replied that under R4 zoning, where permitted, site specific regulations are required for that use. The number of bedrooms to be rented is 6. This application is for 4 to the students and the 3 upstairs are rented to the host family.

Suzan Kendall noted that if two families merged each with 4 children, there would be no difference. The house parents of the students are taking care of the children as though they are their own, emotionally, socially treated as though they are their own.

Chair Baker pointed out that the family unit is defined by the government and therefore distinct.

Mayor Henderson to Chair Baker: The Planner has been asked to look into licensing. What are you looking for? Chair Baker responded that he would like to know what options and opportunities are available.

Councillor Kalivas asked about temporary zoning as an option similar to Church Street which goes through the complete public process every 3 years.

Mayor Henderson through Chair to the Planner: Have you ever seen temporary zoning to be locked indefinitely? Mr. McGinnis said no, he has never seen it.

Joan Hunter: This is a zoning meeting. It is either yes or no. If yes, we have to sell our houses or put up with something we don't want to. Rezoning is not Fulford's only solution; host families are an option.

John Maase: There is a deficiency in the application. One requirement of the rezoning application is that the applicant must show that there are properly zoned properties that could be considered. There has been no evidence presented. Surely, in Brockville there are properly zoned properties. Also, temporary zoning is permanent as far as the residents are concerned. Three years is permanent and then go through this process again is not appropriate at all.

Victor Limbeek: Temporary rezoning has the same effect as being permanent for the residents of Woodlawn Place. We are happy to have the students and host family live next door. We just don't want the property rezoned. If it were a family, it doesn't affect us but the people should not force the street to have a rezoning for a boarding house, please make an exception for this lot.

Councillor Kalivas to Planner: For clarity, the maximum under current zoning is 2 bedrooms downstairs housing 2 borders? The Planner: Yes. Correct.

Chair Baker to Planner: What are the number of lodgers and number of bedrooms?

Mr. McGinnis: There are 3 bedrooms upstairs they could have 2 borders.

Mayor Henderson commented that it is interesting to have staff investigate based on what could happen if there was a bylaw exception.

Chair Baker: There are two issues. Fear of the change in value of the property due to zoning changes and quality of life with the number of people in the house.

Sandra Smith: According to Suzan Kendall, room for 8 students is needed. The report says 6 or 7 people.

Chair Baker clarified that the maximum capacity of 50 students at the site and the applicants are asking for host family plus 8 lodgers.

Chair Baker to applicant: Is the request for 4 or 8 lodgers? Would they settle for 4?

Suzan Kendall replied that we have 8 students coming. The peak time is January to June. The students leave the house in the morning and do not return until after studyhall and activities. Fulford Academy has 27000 sq. ft. for the students to be part of.

*Chair Baker concluded the public meeting at 7:30 p.m.*

## **Fulford Academy in Support of #1 Woodlawn Rezoning**

### **Our mission and our students:**

- Fulford is located in Brockville by choice because it is a safe city, away from major metropolitan cities – an English only environment
- Fulford was started by Suzan and Doug Kendall in 2002 with the generous support of a group of local investors
- Fulford's mission grew out of the desire to help international students find more success in school in Canada – the vision has not changed
- Transition school for international students seeking to be educated in Canada in English (English, boarding school life, CDN classroom)
- Young students who are going to study in another school for several years prior to university admission – they are generally from 11 to 17 years old
- Although have travelled her from another country most of our students are not worldly and are in fact inexperienced and naïve in many ways – they need to be protected
- We send students to a dozen boarding schools and to public high schools, in Brockville and Belleville
- We prepare over 100 international students per year for success in another school – each child brings up to \$50k to our local economy (all of this is new money from overseas (\$3 million – mostly in salaries) and over their educational career they will add \$300k or more to the Canadian economy, just in \$ we make a difference locally and nationally
- Our students are eagerly involved in community service, twice a month serving at Loaves and Fishes, volunteering at festivals and sports events, fundraising for local causes and international aid (\$700 to buy goats, sheep, chickens etc. to Africa – this month)

### **Timing of the request for re-zoning etc.:**

- Due to the hard work and commitment of investors and staff Fulford Academy is growing, but we are at a critical point in our evolution as a school.
- Our enrolment is approaching capacity in our classrooms. Unfortunately, even after repurposing all available space to add more beds in our dormitories, our optimum number of students is just beyond our current capacity in boarding.
- Our enrolment varies over the year, starting smaller in Sept and growing with the seasons to be largest for the spring, it is particularly for January through June that extra space is needed for our students
- Renting an off campus residence is not a need that we had projected, and in terms of numbers we are somewhat at the mercy of our partner schools.
- We have students on a waiting list, but we do not want to disappoint our partners by refusing the training of their students.
- We need to match our residence capacity to the number of desks that we have. Expansion by adding a building on campus has been considered, but the cost is prohibitive. For more than a year we have been looking for a solution for this problem.
- Off-site accommodation is only currently viable solution. There is a tradition among many of our partners to use off-campus accommodation much in the same way that many day-schools start-up in church basements or some other arrangement.
- Our need is now, and so after the plans were presented to the city, we find ourselves on the eve of everyones' holidays.



### **Being a good neighbour:**

- We have been good neighbours for 10 years, why would it be perceived that we would be any worse a neighbour when we have a family and a handful of students living a little closer.
- In the Academy's 10 years Fulford is not aware of any complaint by any of the homeowners in Woodlawn.
- We have 24/7 supervision of the students, and an adult is never out of earshot of the students, so problem behaviour should it occur does not go unnoticed, and we can control the students. We are responsive to needs and concerns of the community.
- Fulford students who will be housed off campus follow the same daily routines as students living at the Academy itself.
- During the week the students are on campus from 8:20 am till about 9:20 pm. Then they have about one hour free prior to their 10:30 bedtime. One night a week the students have free time from 5:30 till 7:00 pm, otherwise they have an activity or meetings during this time. On weekends there are activities for the students on both days and generally some academic work to be done, but aside from meals the students may return to their residence – so on weekends there may be some students visible at 1 Woodlawn.

### **Academy's past use of off campus housing...**

- Fulford Academy has had students in homestays in the past, often for breaks when the school is closed and in a few occasions when the parents could not afford our full boarding program.
- Nelson Williams, the past head at Fulford, retired from Fulford but still keeps busy with Homestay international, arranging homestays for international students attending UCDSB schools.
- We have used Homestay International to provide families for some of our students and we have used staff families.
- We are very careful to whom we entrust our students since the families are often 12 time zones away. Even years ago, it was a challenge to find a homestay close enough for these students.
- Local families who are interested and willing to open their home to an international student or two have already done so. There are many dozens of international students in the UCDSB, some of whom have gone through the Fulford program.
- When we were looking to house several of our own students off campus, we knew that they would likely be scattered across the city and region.
- This is a problem not only for the homestay families but our programs demand long hours so the families will not benefit from the experience of having an international student as part of their family since they will miss most meals, evenings and most weekends.
- We were also concerned that we could not ensure consistency in activities, social experience, in boarding expectations. A single homestay student would not be as well prepared to be self reliant in their next situation – likely a boarding school.
- This is why we looked to find a larger home for a staff family and have a larger homestay situation with well-trained supervision and through our staff provide a boarding education.

- We rented the property at 42 Geneva court, informing the landlord clearly of our intended use.
- When that property was to be sold we needed to find another arrangement, as we were looking for another rental property and we were approached by the landlord of 1 Woodlawn.
- The path that led to Doug and Suzan Kendall owning the property and renovating the basement was not in the plans for the Academy nor for the Kendalls.
- What was intentional was the honesty, integrity and openness of communication with the town as soon as the plan to renovate and use the property was solidified; the Kendalls approached the town to present this vision.

#### **Future land use issues:**

- The consistent concern regarding the potential for 1 Woodlawn's use as a use boarding house for the general public and it's impact on our community is at least as big a concern for the Academy as it is for our Woodlawn neighbours.
- Should the house become a run-down boarding house so that it might attract unsavoury tenants, our students may be at risk and this potentiality is not acceptable to the Academy.
- The Academy has a firm commitment to retaining the safety and security of our students. I have spoken to Doug and Suzan Kendall who as the school owners agree that should the house be sold it would first be converted back to a single-family layout, and if possible the previous zoning would be restored.
- Doug and Suzan tried to avoid the rezoning of the property since the designation is not really appropriate for the intended use, they do not wish to run a boarding house, and the committee acknowledged that there is not an appropriate zoning designation for the intended use of the property. What will be present should it be allowed is a blended-family/homestay situation that exceeds the City's two student limit. It will not be a boarding house as it is conventionally defined.

-- Addendum to Minutes  
↳

Comments received after Public Meeting Report was completed; all minutes were released

Good Morning Daphne, thank you for sending along the Minutes of the Planning Public Meeting held on December 22, 2011.

In reviewing the minutes, I have found a couple of differences from my notes which I took during the meeting and hope you will be able to clear up for me, as I believe you have an audio of the meeting.

On Page 2.... **Correspondence received from Mr. Timothy Wilken, Cunningham Swan, related to 1 Woodlawn received on December 14, 2011 at 3:30pm was in error and received December 15, 2011 at 3:30PM on behalf of Rosemary Dow.**

On Page 4.....After Mrs. Joan Hunter made her presentation, missing are the comments made by Councillor L. Bursey commented that **he be on the record that the Council strongly objected to any suggestion that the scheduling of the meeting had been one to favor any party or being pushed forward. He mentioned he took great offence.**

On Page 4....Second paragraph Mr. Maase said he has spoken with a number of Councillors regarding the timing of the meeting. **He was informed by the Councillors that he spoke that,** that being present carried more weight than written submissions.

Page 5....Comments by Terry Taylor second sentence, **The investor's include my neighbors and the Thousand Island Development Corporation, so we all have an interest in this business.**

Page 5....Comments by Sandra Smith. Mrs. Smith has concerns with changing the peaceful qualities of the neighborhood. **Mrs. Smith spoke at length about the quality of life on Woodlawn as a residential area, memories of her childhood and now living in her grandmothers home on the Woodlawn. This would alter the residential area considerably.**

I believe these comments are important and should be submitted into the minutes, if they are deemed to be correct.

Please let me know what you have determined, and if these changes will be made and re-distributed to the interested parties and Councillors.

Thank you.  
Regards Judy Taylor

## Daphne Livingstone

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**From:** Judith Taylor <jtaylor\_anne50@hotmail.com>  
**Sent:** Thursday, January 12, 2012 12:49 PM  
**To:** Daphne Livingstone  
**Cc:** John Maase; Terry Taylor  
**Subject:** Minutes of Planning Committee held on December 22, 2012

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Good Morning Daphne, I have one more change that I would request to the Minutes which were not included in my previous email.

Terry Taylor's comments...Following "The R1 zoning designation permits a wide range of uses." in your version, my version records Terry saying that he **"has past experience with municipal councils and believes they want to be fair." "He described how Woodlawn Place is a checkerboard of twelve lots zoned R1 since it was created in 1962. Round pegs don't go in square holes. If one lot is to be changed then all should be. To be fair, change the board, let everyone have a boarding house."** My notes also read, **"In every university town there is degradation and boarding houses operate in a grey economy."**

Once again I feel these comments are important and should be submitted into Minutes of the Meeting held on December 22, 2011, if from your audio they are deemed to be correct.

Please let me know what you have determined, and if these changes will be made and re-distributed to the interested parties and Councillors.

Also today I received a copy of the Minutes in the mail, the address on the envelope reads 55 Rockcliffe Road, this is incorrect it is 5 Rockcliffe Road.

Thank you.  
Regards Judy Taylor

## Daphne Livingstone

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**From:** John Maase <maase@bellnet.ca>  
**Sent:** Thursday, January 19, 2012 12:01 PM  
**To:** Daphne Livingstone  
**Subject:** Minutes of Dec. 22, 2011 EDP Meeting  
**Attachments:** PRESENTATION TO EDC MEETING DEC.docx

Dear Ms. Livingstone:

I acknowledge receipt of the minutes of the December 22, 2011 Economic Development and Planning Committee meeting. After reviewing the summary of my remarks in the minutes, I note that there are omissions of some of my key points, particularly in respect of the inadequacy, unsuitability, and non-compliance of the property for the intended purpose. Also, there is a misrepresentation of my remarks with respect to the promotion of Fulford Academy for language training for pilots. As well, there is no reference to the other options available to the applicants to house their students.

For your reference, I have attached a copy of the presentation that I made at the meeting.

I wish to request that the minutes be revised in order to accurately reflect what I presented. I feel that the remarks which were omitted from the minutes would be of considerable interest to persons who will be responsible for deliberating this issue.

Yours truly,

John Maase  
9 Woodlawn Place  
Brockville ON K6V 2Z1  
613-345-4058 (home)  
613-345-0062 (work)

PRESENTATION TO EDC MEETING DEC. 22, 2011 6:00PM

Good Evening.

My wife and I have been residents of Woodlawn Place, for 16 years. For 10 years, we have had Fulford Academy as our neighbours.

To date we have had no real issues with Fulford Academy. Our letter of Dec. 12, 2011 to the Committee does mention boisterous activities in the evening, but these generally take place in the area behind the Fulford Academy building.

Since there is adequate separation between Fulford Academy and our property, it generally has not been a problem.

And, if Fulford Academy needs more accommodation, we would support expansion on their existing property.

But we are not here to discuss expansion at Fulford Academy, we are here to discuss the creation of a boarding house at 1 Woodlawn Place. The intended boarding house is a private venture by the applicants.

If the applicants wished to provide housing for a host family and two students, there would be no need for us to be here.

This would be in compliance with By-law 194-94, and we would have no issue with that.

But the application being considered calls for 8 student boarders together with a host family, clearly a boarding house. With 7 bedrooms proposed, potentially 14 or more boarders might be housed there.

- We ask you to consider the floor area of this house. The application does not include this, but a reasonable estimate would be 1500 square feet.
- The lot size is 468.5 square meters, which is 52% of the minimum size requirement in the By-law.
- The setback from the single family residence immediately to the north is 16 feet.
- All the other residential properties on Woodlawn Place and nearby streets are zoned R1.

Now let us consider possible consequences arising from the establishment of a boarding house at 1 Woodlawn Place:

- Fulford academy students may be over 18 years of age, and therefore would legally be considered adults and would not require homestay parents
- The application refers to the possibility of having Upper Canada School Board students; these students may be 18 years of age and older, and so would not require homestay parents.
- In the 2010 election campaign, Mr. David Beattie, an investor in Fulford Academy, promoted the use of Fulford Academy for language training for pilots. These prospective students would be over age 18, and would not need homestay parents.
- Furthermore, there is reasonable likelihood that at least some of the aforementioned students would have cars, and no place to park them at 1 Woodlawn Place. I note that Ms. Seale in her letter has no concerns about parking as long as the residents park at Fulford Academy. Now, who will enforce this provision?

- In Mr. Wilkins letter, he cites the prohibition in the Planning Act against people zoning. Does this mean that the proposed boarding house will be obliged to accept prospective residents that have nothing to do with Fulford Academy or Upper Canada School Board?
- In the event that Fulford Academy enrolment decreases, and the 1 Woodlawn Place property is not needed for its students, or for Upper Canada School Board students, what happens then? Will the boarding house be opened up to the general public?

Now let us consider the effects of setting a zoning precedent at 1 Woodlawn by allowing this application:

- Where will the next boarding house be established? If another property on Woodlawn becomes available, anyone could purchase it and apply for the same amendment, citing the precedent at 1 Woodlawn.
- What happens to property values of single family residences that are adjacent to boarding houses? Obviously, they decrease in value.
- Is this “checkerboard” zoning indicative of how the City wants its established residential communities to be developed?

There are options available to the applicants if they want to house Fulford Academy students or other students.

- They can board students in compliance with By-law 194-94, 2 per household
- They can expand the accommodation at Fulford Academy
- They can acquire property which is properly zoned as a boarding house.



Finally, I wish to comment on the unfortunate timing of this meeting. There are four Woodlawn Place households which are not represented here today because they had prior plans to be out of town for Christmas vacation.

We hope that this Committee will be more mindful and considerate about timing of its meetings in the future.

Thank you for the opportunity to address you this evening.



## SCHEDULE "D" TO REPORT 2012-015-01

### 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

---

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**

---

**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

---

### 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

---

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



---

*from the desk of...* Paul McMunn, C.E.T.

City of Brockville, 1 King Street West, P. O. Box 5000, Brockville, ON K6V7A5  
Tel: 613-342-8772, Ext. 8329, Fax: 613-345-7589, Email: pmcmunn@brockville.com

**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

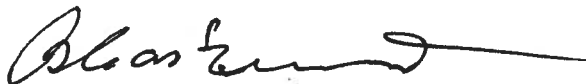
**DATE:** FRIDAY, DECEMBER 02, 2011

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 "E" TO REPORT 2012-015-01

**Andrew McGinnis**

---

**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)  
\_\_\_\_\_

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

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:

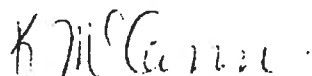
Re: Application for Zoning by-law Amendment File D14-153  
Location: 1 Woodland Place

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.

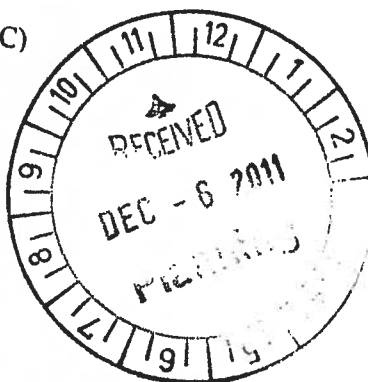
Yours truly,

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  
Page 483 of 599



## SCHEDULE "F" TO REPORT 2012-015-01

### 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 49 of 68

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





Norme 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 (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 & as 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

Norme 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

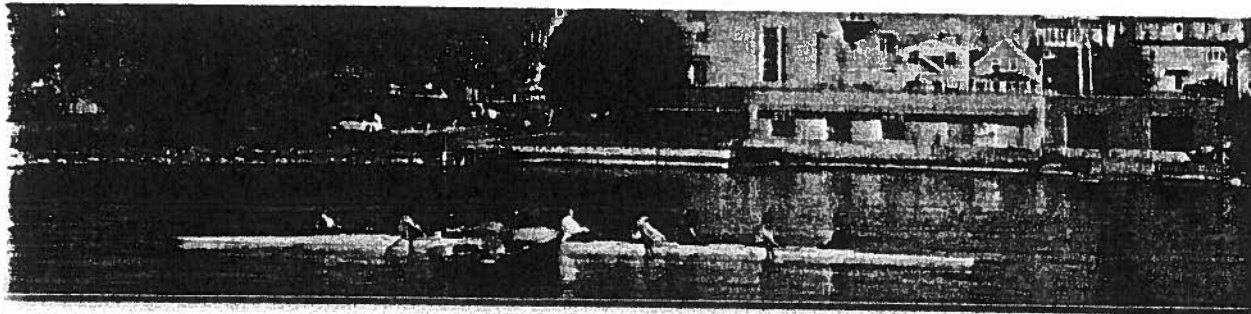
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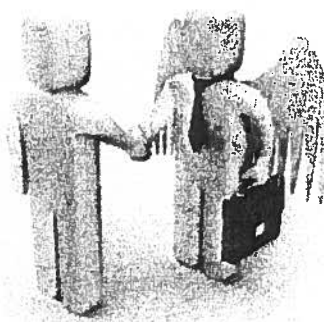
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## Recent News

## 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.

[« Back »](#)

## 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

City of Brockville

1 King Street West  
P.O. Box 5000  
Brockville Ontario Canada  
K6V 7A5

T: 613-342-8772

F: 613-342-8780



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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.

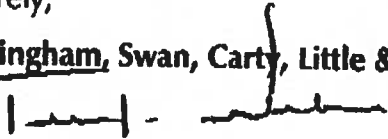
This submission is being filed with Council pursuant to section 34(12)(8)(ii) of the *Planning Act*. Please ensure that a copy of it is provided to all members of the Economic Development Planning Committee and/or Council on or before the statutory public meeting scheduled for December 22, 2012.

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