

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

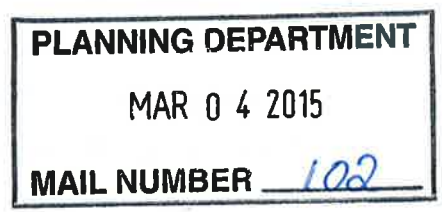


ISSUE DATE: March 3, 2015

CASE NO(S): PL140456

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant (jointly): Hyokyong Lee, Kisung Lee
Subject: By-law No. 2014-0021
Municipality: Town of Halton Hills
OMB Case No.: PL140456
OMB File No.: PL140457



Heard: February 26, 2015 by telephone conference call

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
Hyokyong Lee and Kisung Lee	Thomas Arnold
Town of Halton Hills	David Germain

DECISION DELIVERED BY R. ROSSI ON FEBRUARY 26, 2015 AND ORDER OF THE BOARD

INTRODUCTION

[1] Hyokyong Lee and Kisung Lee ("Appellants" jointly) have appealed to the Ontario Municipal Board ("Board") Zoning By-law No. 2014-0021, a Zoning By-law Amendment ("ZBA") initiated by the Town of Halton Hills ("Town") that amends Zoning By-law No. 2010-0500 as well as updates provisions including zoning designations, permitted uses and standards for Norval Hamlet.

[2] The parties have reached a settlement in this case. The Appellants' appeal is

specific to s. 10 and 11 of the ZBA as related to 525 Guelph Street (“subject property”). The Appellants were concerned that the proposed ZBA would limit their ability to develop their commercial property further in the future. The settlement as presented to the Board, with appropriate attachments delineating the site-specific provisions of their ZBA Exception, is attached to this Order.

[3] Curtis Marshall is the Town’s Senior Planner – Policy. Mr. Marshall participated in the telephone conference call and he was qualified to provide professional land use planning evidence and expert opinion in this case. It is noteworthy to the Board that Mr. Marshall has also been the Project Manager/Lead for all aspects of the Norval Secondary Plan Review. Mr. Marshall opined that the site-specific Exception is appropriate and supports the development aspirations of the Appellants in a way that respects and reinforces the objectives of the Norval Hamlet Secondary Plan and represents good planning.

[4] Based on the Minutes of Settlement (Attachment 1 to this Order), the Board finds the proposed settlement and the facilitating ZBA Exception to represent good planning.

ORDER

[5] The Board Orders that the appeal is allowed. The Board rezones the Property Hamlet Commercial Exception 86 with the provisions and holding symbol set out in Schedule “A” to the Minutes of Settlement.

“R. Rossi”

R. ROSSI
MEMBER

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

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ATTACHMENT 1

PL140456

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MINUTES OF SETTLEMENT

BETWEEN:

HYOKYONG AND KISUNG LEE

("the Owners")

-and-

THE CORPORATION OF THE TOWN OF HALTON HILLS

("the Town")

WHEREAS, on April 14, 2014, the Town passed Zoning By-law 2014-0021 ("the By-law") to regulate land uses in the Hamlet of Norval;

AND WHEREAS the Owners are the owners of those lands known municipally as 525 Guelph Street, Norval Ont. ("the Property");

AND WHEREAS the Owners appealed the Norval By-law in its entirety, which appeal was subsequently limited, by order of the Ontario Municipal Board ("OMB") dated December 11, 2104, to apply only to the Property;

AND WHEREAS the Owners and the Town wish to enter into Minutes of Settlement, providing for a resolution of the Owners' appeal, subject to the conditions set out herein;


NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements hereinafter expressed and the sum of TWO DOLLARS (\$2.00) of lawful money of Canada now paid by each Party to the

Other, the receipt and sufficiency of which is hereby acknowledged by each Party, the Parties hereby covenant and agree to and with each other as follows:

1. The Parties agree that the recitals are true.
2. The Owners and the Town shall make a joint request to the OMB to convert the hearing in this matter, scheduled for February 26 and 27, 2015, to a teleconference;
3. The Owners and the Town shall make a joint request to the OMB to rezone the Property Hamlet Commercial exception 86, with the provisions and holding symbol set out in the attached Schedule "A";
4. The Town shall provide any land use planning evidence that the OMB may require in support of these Minutes of Settlement;
5. Neither Party shall request that the Board make any order as to costs in this matter.

IN WITNESS WHEREOF the Parties have executed these Minutes of Settlement this 23rd day of February, 2015.

HYOKYONG and KISUNG LEE


By their Solicitors, Arnold, Foster LLP

**THE CORPORATION OF THE
TOWN OF HALTON HILLS**


By its solicitors, Thomson, Rogers

86	HC	525 Guelph Street	<p>(f) Outdoor Storage Uses; Outdoor Storage, Accessory, Motor Vehicle Repair Establishment; Motor Vehicle Body Shop; Motor Vehicle Sales/Rental Establishment Drive Through Service Facility; Adult Entertainment Establishment</p>	<p>(i) Maximum total net floor area for all Restaurants and Restaurants, Take-Out uses on the lot – 250 square metres; (ii) Maximum total ground floor area for all uses on the lot – 700 square metres; (iii) Maximum total net floor area for all uses on the lot, including any second floor area – 975 square metres; (iv) Maximum net floor area per premises on the lot – 500 square metres; (v) Minimum required yard abutting Guelph St. – 0.0 m. (vi) Maximum required yard abutting Guelph St. – 1.0 m (vii) Minimum required yard abutting Adamson St. N. – 0.0 m (ix) Maximum required yard abutting Adamson St. N – 1.0 m</p>
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<p>HXX</p>	<p>HC</p>	<p>525 Guelph Street</p>	<p>The Holding (HXX) provision may be lifted once Council is satisfied that an appropriate site plan agreement has been executed, and that a design study meeting the Hamlet Design and Heritage Protection Guidelines has been prepared and submitted to the satisfaction of the Director of Planning, Development and Sustainability.</p>
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