

Our File/N/Réf. O.1.2.38
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DATE 1 December 1998

TO/DEST. The Chair and Members of Council

FROM/EXP. Regional Solicitor (Acting)

SUBJECT/OBJET **ONTARIO MUNICIPAL BOARD DECISION - CITY OF
GLOUCESTER COMMITTEE OF ADJUSTMENT
APPLICATION DP151/B9816 (APPLICANT: MR. GAS)**

BACKGROUND

The Region had appealed to the Ontario Municipal Board, the City of Gloucester Committee of Adjustment Application DP151/B9816, pursuant to the *Planning Act*, section 34.

An Ontario Municipal Board Hearing took place at the City of Gloucester City Hall on November 10, 1998. On May 27, 1998 the City of Gloucester Committee of Adjustment approved an application to sever a parcel of 0.3 ha from an overall holding of 0.7 ha. The property is in the General Rural Area on Regional Road 31 (Bank Street). The severed portion is an existing gas bar and the retained portion is vacant and proposed to be for a commercial use. Both the local planning staff and the regional planning staff recommended against the approval.

The approval of the creation of a new lot raised many concerns for the staff of the Region namely that the groundwater in this location is contaminated or at risk of contamination from adjacent lands. Furthermore, the pipe is at capacity and therefore cannot support additional development. Specifically, the property in question is located in an area where contaminated groundwater precipitated the installation of a regional water service in the 1970s. This pipe is at capacity and no new lot creation is permitted. The City of Gloucester's Official Plan specifically prohibits the creation of new lots in the vicinity of South Gloucester and the Regional Official Plan prohibits the creation of new lots beyond the stated capacity.

The Board, chaired by James O'Brien, rendered an oral decision granting the appeal and rescinding the approval of the decision of the committee of adjustment which granted the severance of this parcel.

Information Previously Distributed
To be listed on Planning and Environment
Committee Agenda of 12 January 1999

CONCLUSION

In rendering the decision of November 10, 1998, the Board has confirmed that the practice of the Region in this context is appropriate and respects the provision of both the Regional Official Plan and the City of Gloucester Official Plan in not creating lots when potable water is not available.

*Approved by E.A. Johnston,
Regional Solicitor (Acting)*

EAJ/AT-M