



SUBJECT: Subdivision agreement amendment for Golf Springs Estate Subdivision

TO: Mayor and Members of Council

FROM: Community Planning, Regulation and Mobility

Report Number: PL-32-20

Wards Affected: 3

File Numbers: 510-02/86

Date to Committee: July 7, 2020

Date to Council: July 13, 2020

Recommendation:

Refuse the request to amend the subdivision agreement for the Golf Springs Estate Subdivision (24T-86002).

PURPOSE:

Vision to Focus Alignment:

- Support sustainable infrastructure and a resilient environment
-

Background and Discussion:

This report pertains to a lot within a residential plan of subdivision, known as the Golf Springs Estate subdivision (24T-86002), which is bound by Cedar Springs Road, Cedar Springs Court and No. 2 Side Road in the City's rural area. The subdivision contains 10 single detached lots. The lot subject to this report is 5079 Cedar Springs Court, or Lot 7, which fronts onto Cedar Springs Court. The property currently supports a two-storey single detached dwelling and is surrounded by other single detached dwellings. The area has a rural, open-space character, large setbacks and generous spacing between dwellings.

On March 10, 1992, the Ontario Municipal Board (OMB) approved the subdivision application (file no. 510-02/86), which facilitated the creation of ten single detached lots fronting onto Cedar Springs Road, Cedar Springs Court and No. 2 Side Road. The OMB, in its decision, outlined a list of conditions to be included as part of the approval. One of these conditions, Clause 32 in the Subdivision Agreement, states the following:

The Owner covenants and agrees that the maximum lot coverage will be 6% and will not exceed 4,000 square feet for a one storey dwelling and 6,500 square feet for a two storey dwelling, including all accessory buildings.

The Subdivision application had originally proposed 12 residential lots; however only 10 residential lots were approved by the OMB. The reasons for this number were based on creating a consistent rural neighbourhood character, and the quality and quantity of available groundwater supply in the area. At the time of the approval of the subdivision, it was determined that the groundwater moves in a southwest direction from a ground water divide situated between the Burlington Springs Golf Course and the quarry, passing under the subject lands and then under the homes west of the subject lands to the ravine at the bottom of Medad Valley. The residents of those homes were concerned about inadequate water supply reaching their homes and the possibility of high nitrate levels in the water.

A hydrogeological investigation was completed in 1987 to determine the feasibility of the proposed 12 lot subdivision and noted that this would allow for adequate recharge of precipitation. In response to the concerns of those at the edge of the Medad Valley, the OMB approved 10 lots and imposed the lot coverage restrictions noted above to both maintain the existing character of the area and prevent loss in quality or quantity of groundwater.

In July of 2019, the owners of Lot 7 within the approved Plan of Subdivision (Plan 20M602) applied for a Niagara Escarpment Commission (NEC) Development Permit to facilitate the construction of an addition to the existing single detached dwelling. The addition would result in a lot coverage of 9% and a floor area, for a two-storey dwelling, of 6,950 square feet. The NEC Development Permit application was subsequently circulated to the City of Burlington staff to comment, and it was noted that the proposal

exceeded the Subdivision Agreement maximums for lot coverage and floor area. Staff identified that an amendment to the existing Subdivision Agreement would be required to facilitate this change.

A Geotechnical and Hydrogeological Considerations document was submitted to the City of Burlington as part of the current application to amend the existing subdivision agreement; however, upon review Site Engineering staff noted that it had a focus on the geotechnical component and did not satisfactorily address concerns related to hydrology. A number of other concerns with the application were noted. In particular, the subject property is located in close proximity to the Burlington Springs Golf Course property, which is included as part of the Nelson Quarry expansion proposal. Should this expansion proceed, it may have a direct impact on the availability of groundwater for domestic use. The original restriction as per the Subdivision Agreement was to limit lot coverage to 6% in order to protect the environmental integrity of the land as well as to protect the ground water resource, and setting a precedent for future additional lot coverage increases could have negative consequences within the community.

The subject lands are located within the NEC regulated area. Should the application to amend the Subdivision Agreement be approved, the applicant would require the approval of an NEC Development Permit and seek approval through the Niagara Escarpment Commission in order to construct the addition to the dwelling. City staff would undertake a review at that time in accordance with the applicable Official Plan policies. It should be noted that the position of City staff would remain consistent with this report should an NEC Development Permit be applied for.

Staff object to the proposal to amend the Subdivision Agreement in order to increase the maximum permitted lot coverage for the reasons noted in this report and recommend that the request be refused by Council.

Financial Matters:

The request has been processed under the standard fee for Amendments to Subdivision and Development Agreement Conditions in accordance with the Development Application Fee schedule.

Engagement Matters:

This matter pertains to agreements between the City and the property owner, and therefore, there is no requirement for public engagement.

Conclusion:

Staff have reviewed the request to amend the existing subdivision agreement for the Golf Springs Estates subdivision and recommend that the application be refused by Council.

Respectfully submitted,

Melissa Morgan, MCIP, RPP

Planner II – Development Review

905-335-7600 ext. 7788

Appendices:

- A. Appendix A – Location / Detail Sketch
- B. Appendix B – Geotechnical and Hydrogeological Considerations Report
- C. Appendix C – Golf Springs Estates Subdivision Agreement

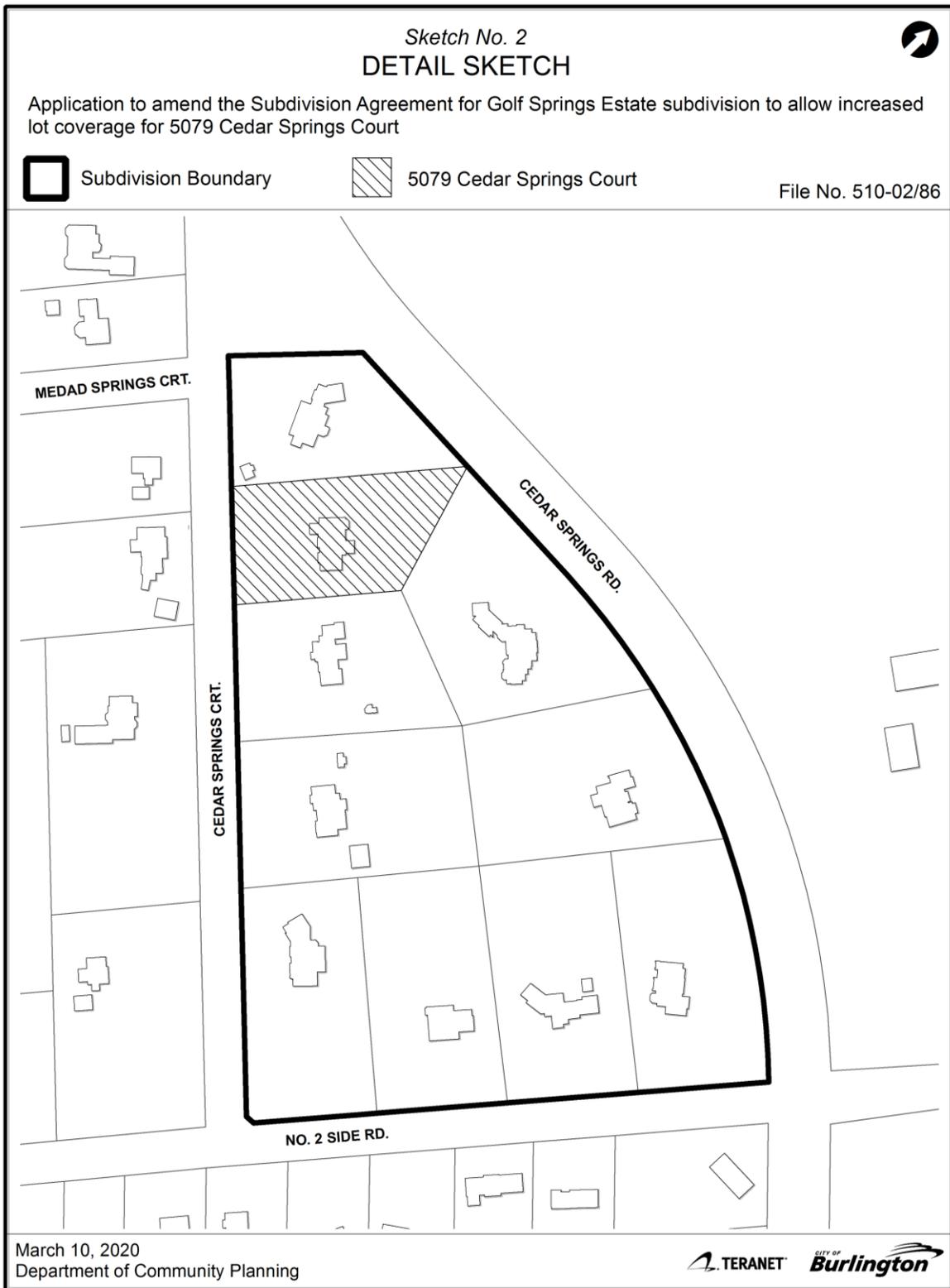
Notifications:

Shazar Samji and Nabila Dewji – Owners, 5079 Cedar Springs Court
nabila@ndsp.ca

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

APPENDIX 'A'



APPENDIX 'B'

SOIL-MAT ENGINEERS & CONSULTANTS LTD.

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PROJECT No.: SM 200009-G

January 20, 2020
Revised: January 24, 2020

MOONWOOD HOMES LTD.
1232 Northside Road
Burlington, Ontario
L7M 1H6

Attention: Connor Denbok
CEO

**GEOTECHNICAL AND HYDROGEOLOGICAL CONSIDERATIONS
PROPOSED ADDITION
5079 CEDAR SPRINGS COURT
BURLINGTON, ONTARIO**

Dear Mr. Denbok,

Further to your request and authorisation, SOIL-MAT ENGINEERS & CONSULTANTS LTD. has completed the site evaluation and review in connection with the above noted project. The purpose of this site visit was to evaluate the existing site conditions and provide our comments with respect to the proposed addition to the existing single-family dwelling, from a geotechnical and hydrogeological point of view. Our comments and recommendations, based on the conditions observed and drawings provided to our office, are presented in the following paragraphs.

The subject site was visited on January 13, 2020, by a representative of our office. At the time of our site visit the property was occupied by the existing single-family dwelling, with an asphaltic concrete paved parking area and driveway to the south and west of the dwelling. The area of the proposed addition, which is understood to have a 3% increase in lot coverage, is to the south of the dwelling, over the asphaltic concrete paved driveway. The existing driveway is sloped down to the south to a grassed side yard drainage swale, which in turn connects to a larger swale running along the west [front] of the lot. The drainage swale runs from northwest to southeast along the frontage of the residential lots fronting onto Cedar Springs Court, with culvert crossings beneath the driveways, and ultimately discharges following the grade at the southeast limit of the lots. The subsurface conditions were assessed in a shallow hand dug test pit, encountering approximately 250mm of topsoil over brown clayey silt. This is consistent with our experience in the area and available published information.



PROJECT NO.: SM 200009-G

The existing grading directs surface water to side yard and front yard swales by sheet flow. There would be some avenue for infiltration within the topsoil and overburden soils within the swales, however the majority would be sheet flow following the established drainage swales. It is our understanding that the site drainage has operated effectively since the establishment and construction of the group of residential lots several years ago.

As noted above, the area of the proposed addition is presently occupied by asphaltic concrete paved driveway/parking space, which is effectively impermeable. As such, the proposed addition would not result in a reduced greenspace or permeable surface over the site, and the change in volume of stormwater to be managed would be negligible. Based on our observations on the site including existing stormwater management systems, and the nature of the proposed addition, it is our opinion that the proposed addition will have no negative impact to the hydrogeological aspects of the site. It is noted that the side yard and front yard swale should be unaltered as part of the proposed addition.

We trust that this letter report is sufficient for your present requirements. Should you require any additional information or clarification as to the contents of this document, then please do not hesitate to contact the undersigned.

Yours very truly,
SOIL-MAT ENGINEERS & CONSULTANTS LTD.

A handwritten signature in blue ink, appearing to read 'Adam Roemmele'.

Adam Roemmele, P. Eng.
Project Engineer

A handwritten signature in blue ink, appearing to read 'Kyle Richardson'.

Kyle Richardson, P. Eng.
Project Engineer



Distribution: Moonwood Homes Ltd. [1, plus pdf]