

Please Note:

If you are looking for Case #: 01147 please visit:

<http://www.halifax.ca/commcoun/nwcc/documents/Case01147Item10.1.3.pdf>



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

10.1.3

**North West Community Council
November 27, 2008**

TO: North West Community Council

SUBMITTED BY: Gail Harnish / for
Ann Merritt, Chair
North West Planning Advisory Committee

RE: Case 01141: Development Agreement - 84 Golf Links Road, Bedford

DATE: November 13, 2008

ORIGIN

North West Planning Advisory Committee (NWPAC) meeting - November 5, 2008

RECOMMENDATION

The North West Planning Advisory Committee passed a recommendation to forward the staff report dated October 10, 2008, and the Committee's negative recommendation to the North West Community Council for their consideration.

ATTACHMENTS

- Staff report dated October 10, 2008 (includes the revised site plan distributed at the NWPAC meeting)
- Draft of November 5, 2008, NWPAC minutes

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937

Report reviewed by: Ann Merritt, Chair, North West PAC

5. REPORTS

5.1 Case 01141: Development Agreement - 84 Golf Links Road, Bedford

- A report dated October 10, 2008, on the above noted, was before the Committee.

Ms. Leticia Smillie, Planner, presented Case 01141: Development Agreement - 84 Golf Links Road, Bedford to the Committee.

Following the presentation of the report, the following points were brought forward by the Committee:

Mr. Hutt advised that this area needs sidewalks and street widening if this plan is to be considered.

Mr. Regan questioned what was meant by the term "impacted soil". Staff advised that impacted soil is ground where contamination has not yet been determined, adding that no soil testing has been done. Mr. Regan advised that the impacted soil either be studied or removed. He advised that there should be a 20 metre setback from the brook, and he requested that HRM take over this zone.

Councillor Outhit expressed concern over the increased traffic impact on Golf Links Road, adding that this could be a danger.

Ms. Lowther expressed concern that flag lots could change the character of the area.

Ms. Alexander noted that the streets are narrow and street widening and sidewalks should be a priority.

Councillor Harvey noted on Page 3 that Flag Lot a2 should read Flag Lot a1.

In response to a query by Mr. Hutt, staff advised that a Development Engineer studied the site line and determined it to be safe. Ms. Smillie added that only one driveway would be used to access the existing house and the flag lot.

MOVED BY Ms. Alexander, seconded by Councillor Harvey, that North West Planning Advisory Committee recommend that North West Community Council:

- 1. Give Notice of Motion to consider the proposed development agreement, enclosed as Attachment A of the report dated October 10, 2008, to enable the subdivision of 84 Golf Links Road, Bedford for a flag lot with a dwelling containing an apartment unit, and schedule a public hearing.**

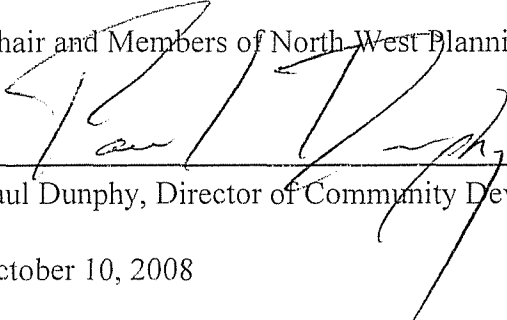
2. Approve the proposed development agreement provided as Attachment A; and
3. Require the agreement be signed and delivered within 120 days, or any extension thereof granted by North West Community Council on request of the applicant, from the date of final approval of said agreement by North west Community Council and any other necessary bodies, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.
4. Add the revised site plan as distributed.

MOTION DEFEATED.

Mr. Hutt advised that he would prefer that the apartment building not be permitted in the Development Agreement.

MOVED BY Ms. Lowther, seconded by Mr. Regan that the North West Planning Advisory Committee forward the staff report, dated October 10, 2008, and the North West Planning Advisory Committee's negative recommendation to North West Community Council for their consideration. MOTION PUT AND PASSED.

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: October 10, 2008

SUBJECT: Case 01141: Development Agreement - 84 Golf Links Road, Bedford

ORIGIN

Application by Walter Bianchi to enter into a development agreement to permit the subdivision of 84 Golf Links Road, Bedford for a flag lot with a dwelling containing an apartment unit.

RECOMMENDATION

It is recommended that North West PAC recommend that North West Community Council:

1. Give Notice of Motion to consider the proposed development agreement, enclosed as Attachment A of this report, to enable the subdivision of 84 Golf Links Road, Bedford for a flag lot with a dwelling containing an apartment unit, and schedule a public hearing;
2. Approve the proposed development agreement provided as Attachment A; and
3. Require the agreement be signed and delivered within 120 days, or any extension thereof granted by North West Community Council on request of the applicant, from the date of final approval of said agreement by North West Community Council and any other necessary bodies, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

EXECUTIVE SUMMARY

Walter Bianchi is proposing to enter into a development agreement to permit a flag lot to be developed with a dwelling and apartment unit at 84 Golf Links Road, Bedford. The Bedford Municipal Planning Strategy (MPS) enables Council to consider flag lots as a means of maximizing existing infrastructure and the consideration of small apartment units in dwellings to provide housing options. The proposed flag lot is unlikely to have an adverse impact on the surrounding properties as it is nestled at the back of a large property that slopes down to Parker's Brook. The topography of the property along with controls on the mass of the building, help to minimize the visual presence of the dwelling.

The presence of a small apartment unit within the flag lot dwelling is unlikely to impact the adjacent lands, which include a commercial operation, a special care facility and a multi-unit dwelling. Through the review process, HRM has determined that the flag lot will not have a significant effect on the existing traffic patterns. The impact on Golf Links Road should be minimized through limiting access to the site and requiring additional on-site parking. Staff are recommending approval of the proposal as it complies with the relevant policies under the Bedford MPS.

BACKGROUND

Property Description:

- The subject property is located in Bedford, on the north side of Golf Links Road, just west of the intersection with Dartmouth Road (Map 1). The property slopes down from Golf Links Road and backs onto Parker's Brook;
- The property is situated within the Bedford MPS and is designated Residential (Map 1);
- The property is approximately 32, 900 sq ft (3, 056 sq m) in area and has approximately 150 ft (45.72 m) of road frontage on Golf Links Road; and
- The subject property and surrounding properties are zoned for and developed with single unit dwellings (Residential Single Dwelling Unit (RSU) Zone) (Map 2) , with the exception of:
 - the special care facility (small options home) abutting the subject property at 80 Golf Links Road;
 - the adjacent commercial property on Dartmouth Road, approved for commercial uses through development agreement in 1988; and
 - the multi-unit residential building on Dartmouth Road, on the opposite side of Parker's Brook, approved through development agreement in 2003.

Synopsis of Proposal:

Walter Bianchi has applied to subdivide the subject property into three lots (Map 3). He is proposing to create a 20,700 sq ft flag lot with a dwelling containing an apartment unit (Lot A-3) and subdivide the remainder into two lots (Lots A-1 and A-2). As the flag lot does not meet the minimum road frontage required for subdivision, it requires planning approval, in accordance

with Policy R-27 (Attachment B). In addition, the applicant is proposing to construct a dwelling with an apartment unit on the new flag lot. As the property is zoned for single unit dwellings, the additional unit also requires Council approval, in accordance with Policy R-8.

DISCUSSION

The Bedford MPS enables Council to consider applications for flag lots through the development agreement process. The intent of the policy is to allow for infill opportunities in residential neighbourhoods. The impact of the flag lot on adjacent properties is limited by requiring a defined building envelope and restricting building height and footprint to the average of abutting homes. Proposals must meet the minimum front, side and rear yard setbacks of the RSU zone (Attachment C).

Policy R-8 promotes neighbourhood stability but also recognizes the importance of providing housing options for a changing population (Attachment B). This policy enables Council to consider permitting a maximum 700 sq ft (65.0 sq m) apartment in the proposed dwelling. Upon review of the MPS, the proposal appears to meet the intent of the relevant policies. While the proposal is consistent with the MPS, staff has identified the following issues, which must be addressed when considering this application:

Access and Parking

The current traffic issues and substandard design of Golf Links Road were cited as a common concern through public consultation. Golf Links Road has a narrow right of way that can make it difficult for cars to pass and traffic to flow. In addition, the lack of a sidewalk can make negotiating Golf Links Road a challenge for pedestrians. HRM's Design and Construction Services were contacted regarding potential upgrading of the road; they indicated that while a new sidewalk is a priority for the area it will be very expensive and difficult to construct and as such, is not planned in the immediate future.

Policy Z-3 requires that development agreement proposals must demonstrate that provisions are made for safe access to the project with minimal impact on the street network (Attachment B). A review by the Development Engineer found that the additional traffic generated by this proposal would not have a significant impact on the overall function of Golf Links Road as a public right of way. Despite the limited impact, staff recommend that the development be limited to one new access point, in addition to the existing driveway. The flag lot (Lot A-3) and the new lot with the existing dwelling (Lot A-2) would be accessed via a shared access point (Map 3). Two driveways should reduce the impact of the development on traffic flow compared to introducing two additional accesses. The Development Engineer has indicated that the new driveway is an improved access point over the existing driveway as it is further away from the intersection with Dartmouth Road and will have better sight-lines.

Staff are also requiring additional parking on each lot beyond the typical standard of one space per unit. Proposed Lot A-3 must provide a parking area sufficient for four (4) vehicles and

proposed lots A-1 and A-2 must provide an area sufficient for two (2) vehicles, respectively. Additional on-site parking may reduce the temptation for visitors to park on the street, which would further restrict movement along Golf Links Road.

Additional Apartment Unit

Neighbours were concerned about the impact of an apartment unit on a neighbourhood that has been traditionally developed with single unit dwellings. Staff are of the opinion that the proposed flag lot would be suitable for a dwelling with an apartment unit as the proposed structure would be buffered from existing dwellings by way of vegetation, grade and distance. The buildings closest to the proposed dwelling and apartment unit are the existing dwelling, a special care facility, an apartment complex and a commercial operation, all of which are unlikely to be adversely impacted by the presence of a small apartment unit. The dwelling with an apartment unit would be compatible with these adjacent uses, in keeping with Policy Z-3.

While neighbours might be more comfortable if the apartment unit was occupied by a relative of the owner, the Municipality can only control the use of the land and design of structures and cannot discriminate against occupants. Therefore, it is not possible to require that the apartment be occupied by a relative of the owner. The MPS limit of 700 sq ft (65.0 sq m) for these apartment units demonstrates an intent to ensure that the apartment is secondary to the main dwelling (Policy R-8, Attachment B). To foster this intent, staff recommend that the apartment unit be designed such that unrestricted internal access is maintained between the main dwelling unit and the apartment unit.

Neighbourhood Compatibility

Policies R-27 and Z-3 require that the development agreement ensure that proposed dwellings are compatible with adjacent buildings in terms of use, bulk, scale and height. In addition, the proposed lots must meet the minimum area, frontage and yard requirements as outlined in the Bedford LUB. This criteria has been incorporated into the proposed development agreement (Attachment A). Further, compatibility with adjacent residential properties is strengthened through the following controls on the flag lot dwelling, which were incorporated into the development agreement:

- limited to an area labelled as 'Dwelling Envelope';
- increased side yards of 15 ft to ensure appropriate separation from adjacent buildings (Map 3);
- limited to a maximum height of 21 ft (Table 1); and
- limited to a maximum building footprint of 1110 sq ft (Table 1).

Table 1:

Average Height & Footprint of Dwellings Abutting Proposed Flag Lot, 84 Golf Links Road

Address	Dwelling Height *	Dwelling Footprint **
84 Golf Links Road	18 ft (5.5 m)	950 sq ft (88.25 sq m)
80 Golf Links Road	23 ft (7 m)	1270 sq ft (118 sq m)
AVERAGE	21 ft (6.4 m)	1110 sq ft (103.1 sq m)

* based on on-site measurement of height, as per Bedford LUB

** based on permit records

Mitigation of Potentially Contaminated Soil

Due to activities of the adjacent commercial operation, concern was expressed by residents regarding the potential for contaminated soil on the subject property. Policy Z-3 requires that this proposal be evaluated in terms of its impact on soil quality and watercourse viability (Attachment B).

In 2006, Mr. Bianchi contacted Nova Scotia Environment and Labour (NSEL) regarding their position on the impact of potential hydrocarbon contamination on the construction of a dwelling on the subject property. Mr. Bianchi submitted NSEL's comments on the matter with this application (Attachment D). This letter identifies an "impacted area" with potential for contamination and furthermore, indicates that NSEL has no objection to the placement of a residential dwelling on the proposed Flag Lot. NSEL requires that the dwelling be located away from the "impacted area" and that the "impacted area" be covered with top soil and sod.

The "impacted area" is identified on the development agreement site plan and no structures can be placed in this area, nor can the ground be disturbed. The agreement supports the requirements of NSEL by requiring the placement of top soil and sod on the "impacted area", as part of landscaping measures (Map 3). In addition, the development agreement requires the Developer to meet all NSEL regulations and remediation measures, should contamination be discovered or any additional information become available regarding the environmental health of this site.

Landscaping and Protection of Parker's Brook

To prevent conflict between the flag lot dwelling and the adjacent commercial operation, the development agreement requires a 6 ft (1.82 m) high, wooden fence along the property line between the flag lot and the commercial property, ending at the "impacted area" (Map 3). Historically, there has been an issue with vehicles from the adjacent commercial operation parking on the back of the subject property. This is not permitted under the land use by-law as the property is not zoned for commercial use. In addition to reducing conflict with the adjacent use, as per Policy Z-3, the fencing will have the added benefit of preventing parking from overflowing onto the residential lot.

All areas not occupied by structures, driveways and parking areas are to be landscaped or retain natural vegetative cover. This landscaping will soften the appearance of the new dwellings, provide buffering to the adjacent properties and reduce run-off to Parker's Brook, thereby satisfying the requirements of Policy Z-3. Parker's Brook is also protected by a 66 ft (20 m) buffer to the ordinary high water mark, as per the Bedford LUB. The buffer cannot be disturbed by any part of this development, with the exception of the mitigation measures for the "impacted area".

The proposal was reviewed by the Bedford Watershed Advisory Board (BWAB) who forwarded a positive recommendation on the matter.

Servicing and Site Construction

The existing dwelling is serviced with both municipal sewer and water services. HRM Engineering Staff and Halifax Water have reviewed the proposal and determined that the proposed dwelling is capable of being serviced. The proposal is not anticipated to significantly impact existing sewer and water systems, and demonstrates an efficient use of municipal infrastructure, as supported by Policy R-27 (Attachment B).

To ensure proper grading and drainage of the site during construction, the development agreement requires that a grade alteration permit be issued prior to construction of any structure. The Developer has received a Grade Alteration Permit to do some site preparation but a new permit will be required for any activity associated with this development, subject to former Town of Bedford Grade Alteration By-law No. 23290.

Home Occupation (Business) Uses

To reduce the traffic impact of the development on Golf Links Road, staff are recommend that the development agreement only permit home occupations that are anticipated to generate an insignificant amount of traffic. Attachment C lists the home occupations permitted in an as-of-right situation under the LUB; staff are recommend that bed and breakfast establishments, day cares, and retail uses of any kind not be permitted for the flag lot dwelling as they tend to generate more traffic than other forms of home occupation. In addition, the flag lot dwelling would be restricted to a single, home-based business (home occupation).

Land Use By-law Compliance

On a number of occasions, this property and the adjacent commercial property at 39 Dartmouth Road have been cited for violating the Bedford LUB as the residential property was used for overflow vehicle parking from the commercial operation. This was a violation of the LUB as this commercial use was not permitted on the residentially zoned property. When this issue was identified to Mr. Bianchi, he requested the removal of the vehicles from his property. At the present time, the subject property is in compliance with the LUB as there are no vehicles from the commercial operation parked on site. The development agreement requires a 6 ft (1.82 m) high, wooden fence on the shared property line between the proposed flag lot and the commercial

operation. In addition to visually buffering the proposed dwelling from the commercial operation, the fence will provide a barrier to commercial overflow parking on the residential flag lot.

Public Information Meeting:

A public information meeting was held on May 8, 2008 at Basinview Drive Community Elementary School. Minutes of the meeting are found in Attachment E. Neighbourhood concerns centred on traffic issues on Golf Links Road, impact of the development on the existing house and occupancy of the apartment unit. These issues have been addressed in the preceding discussion.

The notification area is shown on Map 2. Should Community Council decide to hold a public hearing, in addition to published newspaper advertisements, property owners in the area shown on Map 2 will be sent written notification.

Conclusion:

This proposal meets the MPS policy intent for flag lot development and additional apartment units, in addition to satisfying other relevant policies. Staff recommend approval of the proposal as it furthers the policy intent of the Bedford MPS to support efficient use of existing infrastructure and encourage the provision of alternate housing options. The impact on Golf Links Road should be minimized by limiting the driveways and by providing increased on-site parking. Compatibility with neighbouring residential properties is encouraged through controls on the height, footprint and location of the flag lot dwelling and measures to ensure that the apartment unit is secondary and accessory to the main dwelling on the flag lot. As the proposal is in keeping with the MPS and is unlikely to have a significant impact on the neighbourhood, staff recommend approval.

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the approved budget with existing resources.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Council may choose to approve the proposed development agreement, as shown in Attachment A. This is the recommended course of action.
2. Council may choose to refuse the proposed development agreement, as shown in Attachment A, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended for the reasons stated above.
3. Council may choose to approve the proposed development agreement subject to modifications. This may necessitate further negotiation with the applicant and may require an additional public hearing.

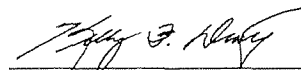
ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning and Notification Area
Map 3	Site Plan
Attachment A	Development Agreement
Attachment B	Relevant MPS Policies
Attachment C	Relevant LUB Provisions
Attachment D	Letter from NSEL
Attachment E	Public Information Meeting Minutes - May 8, 2008

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Leticia Smillie, Planner I, Planning Applications, 869-4747
Miles Agar, Planner I, Planning Applications, 869-4262

Report Approved by:



Kelly Denty, Acting Manager of Planning Services 490-6011



Map 1 Generalized Future Land Use

 Subject Property

- R Residential Designation
- C Commercial Designation
- I Institutional Designation
- P Park and Recreation Designation

HALIFAX
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Community Development
Planning Services





Map 2
Zoning and Notification Area



Subject Property

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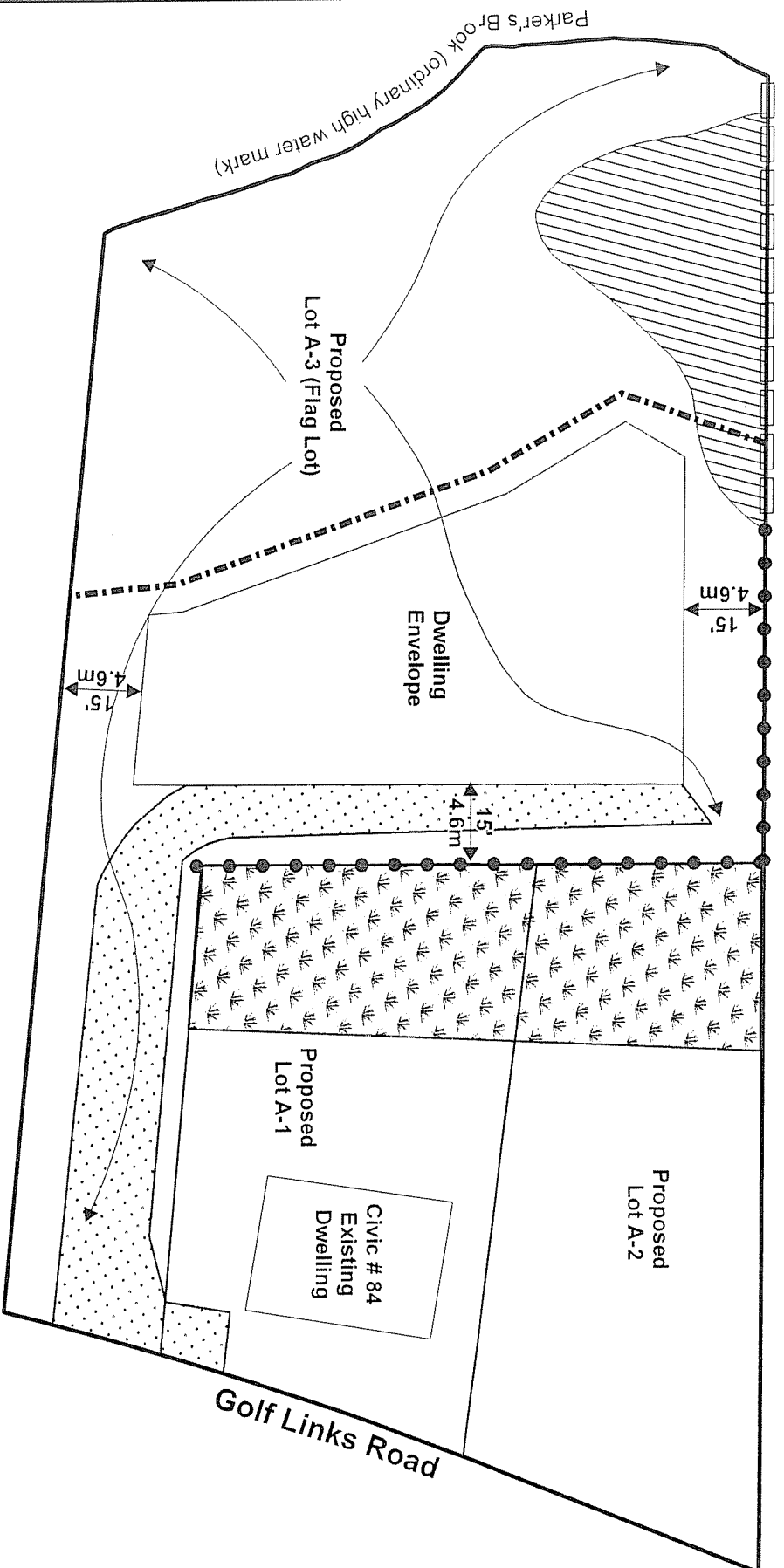
RSU Single Dwelling Unit Zone
RTU Two Dwelling Unit Zone
RMU Multiple Unit Dwelling Zone
CGB General Business District Zone






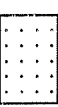

CHWY Highway Oriented Commercial Zone
P Park Zone
POS Park Open Space Zone
SI Institutional Zone

--- Notification Area

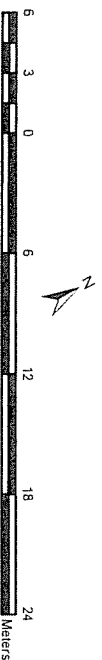
* Dwellings used to calculate
average height and footprint





-  20m (65.6') Watercourse Buffer
-  Dwelling Envelope
-  1.8m (6') Wooden Fence
-  Existing Trees (to be Retained)
-  Impacted Area
-  Driveway
-  Potential expansion of fence (subject to NSE approval)

Revised Map 3
Site Plan



HAUFAX
REGIONAL MUNICIPALITY
Planning Services

Attachment A
Development Agreement

THIS AGREEMENT made this day of , 2008,

BETWEEN:

WALTER and DIANNA BIANCHI.
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,

a municipal body corporate,
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at **84 Golf Links Road (PID 40110678), Bedford** and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for development of a two unit residential dwelling on a flag lot on the Lands pursuant to the provisions of the *Municipal Government Act* and the Bedford Municipal Planning Strategy and the Bedford Land Use By-law;

AND WHEREAS the North West Community Council approved this request at a meeting held on _____ 2008, referenced as Municipal Case Number 01141;

THEREFORE in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

The Developer agrees that the Lands shall be subdivided, developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.2 Applicability of Land Use By-law and Subdivision By-law

Except as otherwise provided for herein, the development and use of the Lands shall comply with the requirements of the Bedford Land Use By-law and the Regional Subdivision By-law, as may be amended from time to time.

1.3 Applicability of Other By-laws, Statutes and Regulations

Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.

The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of HRM and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer.

1.4 Conflict

Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

The Developer shall be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all federal, provincial and municipal regulations, by-laws or codes applicable to any lands.

1.6 Provisions Severable

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

PART 2: DEFINITIONS

- 2.1** All words unless otherwise specifically defined herein shall be as defined in the Bedford Land Use By-law and Subdivision By-law.

PART 3: USE OF LANDS AND DEVELOPMENT PROVISIONS

3.1 Subdivision of the Lands

Any application for subdivision to create a flag lot and/or additional lots shall substantially conform with the site plan presented as Schedule B.

3.2 Schedules

- 3.2.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, is in conformance with the Schedules attached to this agreement and the plans filed in the Halifax Regional Municipality as Case Number 01141.

The schedules are:

SCHEDULE A Legal Description of the Lands of Walter and Dianna Bianchi, 84 Golf Links Road, Bedford. (PID 40110678)

SCHEDULE B Site Plan

- 3.2.2 Where the written text of this Agreement conflicts with information provided in Schedule B, the written text of this agreement shall prevail.

3.3 Requirements Prior to Approvals

- 3.3.1 Prior to any clearing, excavation or placement of fill on the Lands, the Developer shall be required to obtain a Grade Alteration Permit as required by the Bedford Grade Alteration By-law No. 23290.
- 3.3.2 Prior to the issuance of a Development Permit, the Developer shall provide to the Development Officer an approved Plan of Subdivision as per Section 3.1.

- 3.3.3 Prior to the issuance of a Construction Permit, the Developer shall provide to the Development Officer a detailed landscaping plan prepared by a qualified professional and, substantially in conformance with Schedule B and Sections 3.8 and 3.9 of this Agreement.
- 3.3.4 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required pursuant to this Agreement.
- 3.3.5 Prior to the issuance of an Occupancy Permit, the Developer shall provide to the Development Officer a letter certifying that the landscaping and environmental management requirements have been completed pursuant to Sections 3.8 and 3.9 of this Agreement.
- 3.3.6 Notwithstanding Sub-section 3.3.4, an Occupancy Permit may be issued prior to completion of the required parking, landscaping and fencing, if the Developer provides a security deposit, in favour of the Municipality and in the form of a certified cheque or automatically renewing non-revocable line of credit issued by a chartered bank, in the amount of 110 percent of the estimated cost to complete the outstanding work. A qualified professional shall provide, to the Municipality, an estimated monetary value to complete the outstanding work. The security shall be returned to the Developer upon completion of the work described in sub-section 3.3.4.

3.4 General Description of Land Use

The use of the Lands permitted by this Agreement are the following:

- 3.4.1 Uses permitted in accordance with the provisions of the Residential Single Dwelling Unit (RSU) Zone of the Bedford Land Use By-law, as amended from time to time, except where varied by the terms of this Agreement.
- 3.4.2 The subdivision of the Lands to create a “flag lot” (herein after referred to as the Flag Lot or Lot A-3) as defined by the Bedford Land Use By-law, with an approximate area of 20,700 sq ft (1,923 sq. m) as illustrated in Schedule B. Notwithstanding Schedule B, the Development Officer may permit the lot area to be increased or reduced provided all lots meet the requirements of the Bedford Land Use By-law, except where varied by the terms of this Agreement.

3.5 Detailed Provisions for Land Use

3.5.1 The Flag Lot (Lot A-3) dwelling shall comply with the following:

- (a) The requirements of the Bedford Land Use By-law, as amended from time to time, except where varied by this Agreement.
- (b) Further to Clause 3.5.1 (a), the dwelling shall:
 - (i) be located entirely within the area identified as 'Building Envelope' as shown on Schedule B;
 - (ii) have the option to contain an apartment unit not exceeding 700 sq ft (65 sq m) and with unrestricted interior access to the main dwelling unit;
 - (iii) not exceed a height of 21 ft (6.4 m) measured according to the requirements of the Bedford Land Use By-law;
 - (iv) not exceed a total building footprint of 1110 sq ft (103.1 sq m);
 - (v) be setback a minimum of 15 ft (4.57 m) from any side property line (side yard setback);
 - (vi) be setback a minimum of 40 ft (12.19 m) from any existing dwelling on an abutting property; and
 - (vii) have the option to contain a home occupation according to the Bedford Land Use By-law, except that the following shall not be permitted:
 - Bed & Breakfast establishments;
 - Day Cares;
 - Retail Sales of any kind; and
 - more than one home occupation.

3.6 Access and Parking

3.6.1 Access to the Flag Lot shall be substantially as shown on Schedule B.

3.6.2 The parking requirements on the Lands shall be as follows:

- (a) The Flag Lot (Lot A-3) shall provide a parking area sufficient for a minimum of four (4) vehicles, designed according to the requirements of the Bedford Land Use By-law; and

- (b) Lots A-1 and A-2 shall provide parking areas sufficient for a minimum of two (2) vehicles, designed according to the requirements of the Bedford Land Use By-law.

3.7 Building and Lighting

All lighting on the Flag Lot shall be directed to driveways, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

3.8 Landscaping/Fencing

3.8.1 Landscaping on the Flag Lot shall comply with the following:

- (a) Landscaping or appropriate vegetative cover shall be required in all areas not occupied by structures, walkways, driveways and parking areas, except for areas where existing vegetation is to be maintained. Landscaped areas shall be grassed or include landscape features such as mulch, stone, water features, perennials, annuals, shrubs or other vegetation and features deemed acceptable by the Development Officer;
- (b) The limits of the parking areas shall be defined by landscaping and/or curbing;
- (c) A 6 ft (1.82 m) high, solid wood board fencing shall be provided, as shown on Schedule B; and
- (d) Notwithstanding Clause 3.8.1 (c), the height of the fence may be increased provided the Developer has obtained a Construction Permit to erect a fence exceeding 6 ft (1.82 m).

3.8.2 The buffer area consisting of existing trees at the rear of proposed Lots A-1 and A-2, as shown on Schedule B, shall:

- (a) be retained and maintained to act as a natural buffer and visual screen to adjacent properties;
- (b) be identified on the plan of subdivision, the landscaping plan, and the Grade Alteration Plan; and
- (c) permit the following activities provided that approval by the Development Officer has been granted:
 - (i) removal of standing hazardous or diseased trees; the Development Officer may require verification in writing by a Landscape

Architect (a full member, in good standing with Canadian Society of Landscape Architects) or other qualified professional;

- (ii) removal of fallen timber and debris where the potential exists for a fire or safety risk; the Development Officer may require verification in writing by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) or other qualified professional; or
- (iii) be remediated if trees are removed or tree habitat is damaged beyond repair, unless removal is associated with the permitted activities of Clause 3.8.2 (c). The Developer shall replace the damaged trees with a similar species of tree with a minimum caliper of 2.4 inches (60 mm) measured at 11.8 inches (300 mm) above established grade. The Development Officer may require the Developer to submit a Remediation Plan prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects or other qualified professional.

3.9 Environmental Management

3.9.1 Notwithstanding the Bedford Land Use By-law requirements for Watercourse Setbacks and Buffers, as amended from time to time, disturbance will be permitted within the Watercourse Buffer in the area identified as the “impacted area” on Schedule B. The “impacted area” identified on Schedule B shall be landscaped with top soil and sod as per Nova Scotia Department of Environment requirements.

3.9.2 In the event that contamination is found on the subject property or any new/relevant information becomes available regarding the environmental health of the subject property, the Developer must immediately notify the Nova Scotia Department of Environment and Halifax Regional Municipality.

4.0 STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

All construction shall satisfy Municipal Service Systems Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work.

4.2 Off-Site Disturbance

Any disturbance or damage to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street

trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

5.0 AMENDMENTS

5.1 Substantive Amendments

Amendments to any matters not identified under Section 5.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Municipal Government Act*.

5.2 Non-Substantive Amendments

The following items are considered by both parties to be not substantive and may be amended by resolution of the Council.

- (a) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this agreement;
- (b) The granting of an extension to the length of time for the completion of the development as identified in Section 7.4 of this agreement; and
- (c) An increase to the maximum height of the Flag Lot (Lot A-3) dwelling, as found in clause 3.5.1 (b) (iii), following the issuance of an Occupancy Permit for a dwelling on proposed Lot A-2. The maximum height shall not exceed the average height of abutting dwellings. This includes the height of the new dwelling on proposed Lot A-2.

6.0 ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

6.1 Enforcement

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within one day of receiving such a request.

6.2 Failure to Comply

If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer 90 days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:

- (a) the Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
- (b) the Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of this Agreement, whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants or remedial action, shall be a first lien on Lands and be shown on any tax certificate issued under the Assessment Act.
- (c) the Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and
- (d) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the *Municipal Government Act* or Common Law in order to ensure compliance with this Agreement.

7.0 REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

A copy of this Agreement and every amendment and/or discharge of this Agreement shall be recorded at the office of the Registry of Deeds or Land Registration Office at Halifax, Nova Scotia and the Developer shall incur all cost in recording such documents.

7.2 Subsequent Owners

- 7.2.1 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the lands which is the subject of this Agreement until this Agreement is discharged by the Council.
- 7.2.2 Upon the transfer of title to any lot, the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot.

7.3 Commencement of Development

- 7.3.1 In the event that development of the Lands, has not commenced within three (3) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction.

7.3.2 For the purposes of this section, commencement shall mean the endorsement of final subdivision approval of the proposed Flag Lot.

7.4 Completion of development

Upon the completion of the development or portions thereof, or after five (5) years from the date of registration of this Agreement with the Registry of Deeds or Land Registration Office , whichever time period is less, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Bedford Municipal Planning Strategy and Bedford Land Use By-law, as may be amended from time to time.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2008.

WALTER and DIANNA BIANCHI

SIGNED, SEALED AND DELIVERED)
in the presence of)

) Per: _____
Walter Bianchi

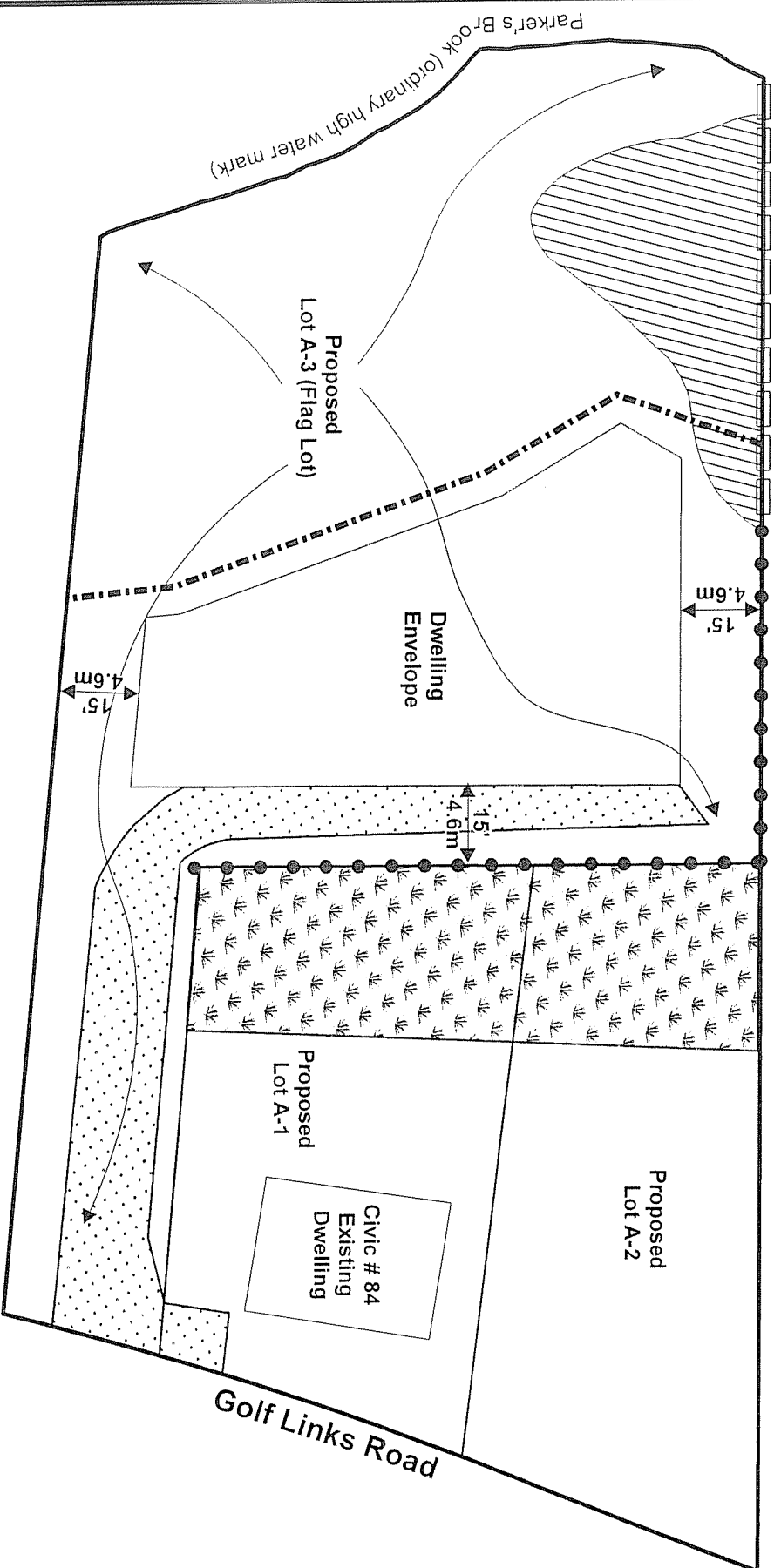
) Per: _____
Dianna Bianchi








SEALED, DELIVERED AND)
ATTESTED to by the proper)
signing officers of Halifax Regional)
Municipality duly authorized)
in that behalf in the presence)
of)
)
)
)

HALIFAX REGIONAL MUNICIPALITY

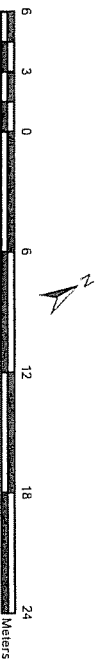
Per: _____
MAYOR

Per: _____
MUNICIPAL CLERK



- 
20m (65.6') Watercourse Buffer
- 
Dwelling Envelope
- 
1.8m (6') Wooden Fence
- 
Impacted Area
- 
Driveway
- 
Existing Trees (to be Retained)
- 
Potential expansion of fence (subject to NSE approval)

Revised Schedule B
Site Plan



Nov. 06, 2008

HRM does not guarantee the accuracy of any base map information on this map.

T:\Repmaps\Devagree\0141\ScheB.mxd (AKT)

Attachment B
Relevant MPS Policy

Policy R-27:

It shall be the intention of Town Council to consider applications to infill within existing residential areas. Infilling shall be encouraged to enable efficient use of municipal infrastructure. Town Council shall permit reduction of lot frontage requirements for subdivision of lots which existed prior to the adoption of this strategy, provided the existing land uses are in conformance with the zoning on the property. Infilling activity within existing residential neighbourhoods shall be regulated through provisions in the Land Use By-law. Council shall permit the creation of flag lots by development agreement. Such development agreements will require that:

- the application for a development agreement shall include the specifications for the building envelope for the proposed dwelling such that the new dwelling shall not exceed the average height and building footprint of the existing dwellings which abut the vacant lot;
- the minimum rear yard separation distances between the proposed new dwelling and the existing dwellings shall be 40 feet;
- minimum front, side and rear yards shall be provided in accordance with the zone requirements
- minimum lot area shall be 6,000 sq. ft.; and,
- the lot must be located within an area which is zoned for residential land use

Policy R-8:

It shall be the intention of Town Council to promote neighbourhood stability within established residential areas which are zoned for a residential use on the Zoning Map. Established residential areas are those which are designated "Residential" and "Residential Reserve" on the Generalized Future Land Use Map. A plan amendment shall be required in order for Town Council to consider rezoning or development agreement applications which would seek to increase the number of dwelling units or alter the land uses. Notwithstanding the foregoing, Town Council may consider applications for a development agreement to permit the inclusion of an apartment unit within a single-unit dwelling in the RSU Zone or other housing options as identified in Policies R-18 and 19. Apartment units added within single unit dwellings shall not exceed 700 sq. ft. in area and detached garden flats shall not exceed 700 sq.ft. in area.

Policy Z-3:

It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD area] with the advice of the Planning Department, to have regard for all other relevant criteria as set out in various policies of this plan as well as the following matters :

1. That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town By-laws and regulations, and where applicable, Policy R-16 is specifically met;

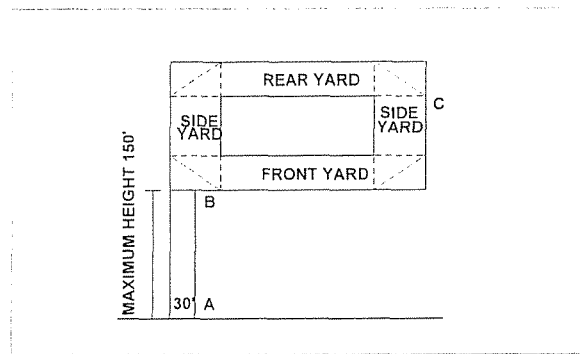
2. That the proposal is compatible with adjacent uses and the existing development form in the neighbourhood in terms of the use, bulk, and scale of the proposal;
3. That provisions are made for buffers and/or separations to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;
4. That provisions are made for safe access to the project with minimal impact on the adjacent street network;
5. That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason of:
 - i) the financial capability of the Town to absorb any capital or operating costs relating to the development;
 - ii) the adequacy of sewer services within the proposed development and the surrounding area, or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;
 - iii) the adequacy of water services for domestic services and fire flows at Insurers Advisory Organization (I.A.O.) levels; the impact on water services of development on adjacent lands is to be considered;
 - iv) precipitating or contributing to a pollution problem in the area relating to emissions to the air or discharge to the ground or water bodies of chemical pollutants;
 - v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;
 - vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;
 - vii) the adequacy of recreational land and/ or facilities;
 - viii) the adequacy of street networks in, adjacent to, or leading toward the development regarding congestion and traffic hazards and the adequacy of existing and proposed access routes;
 - ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;
 - x) the presence of significant natural features or historical buildings and sites;
 - xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;
 - xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,
 - xiii) suitability of the proposed development's siting plan with regard to the physical characteristics of the site.
6. Where this plan provides for development agreements to ensure compatibility or reduce potential conflicts with adjacent land uses, such agreements may relate to, but are not limited to, the following:
 - i) type of use, density, and phasing;
 - ii) traffic generation, access to and egress from the site, and parking;
 - iii) open storage and landscaping;
 - iv) provisions for pedestrian movement and safety;
 - v) provision and development of open space, parks, and walkways;
 - vi) drainage, both natural and subsurface;

- vii) the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and,
 - viii) the implementation of measures during construction to minimize and mitigate adverse impacts on watercourses.
- 7. Any other matter enabled by Sections 73 and 74 of the Planning Act.
- 8. In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:
 - i) provide Council with a clear indication of the nature of the proposed development; and
 - ii) permit staff to assess and determine the impact such development would have on the proposed site and the surrounding community.

Attachment C
Relevant Sections of the Bedford LUB

PART 2 DEFINITIONS

Flag Lot - means a lot shown on an approved plan of subdivision the configuration of which resembles the figure below where the "Pole" A to B section of the lot cannot exceed one hundred and fifty (150) feet in length and shall be a minimum width of thirty (30) feet and where the "C" portion of the flag lot excluding the "pole" shall contain the required minimum lot area specified in the applicable zone. The "pole" shall also be excluded for the purpose of calculating front, rear, and sideyard setbacks. Minimum yard requirements must be achieved within the "C" portion of the flag lot as illustrated in the diagram.



ZONE REQUIREMENTS RSU

In any Residential Single Dwelling Unit (RSU) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	6,000 Sq. Ft. serviced;
Minimum Lot Frontage	60 Ft.
Minimum Front Yard	Local and Collector Streets 15 Ft.; 30 Ft. Arterial Streets
Minimum Rear Yard	20 Ft.
Minimum Side Yard	8 Ft.
Minimum Flankage Yard	15 Ft. Local and Collector Streets; 30 Ft. Arterial Streets
Maximum Height of Building	35 Ft.
Maximum Number of Dwelling Units on Lot	1
Maximum Lot Coverage	35%

8. Home Occupations

A home occupation shall be permitted in any dwelling in an RSU, RTU, RMU, RMH, RR, RTH or RCDD zone provided:

- a) it shall be conducted by the resident occupant in his or her residence; (NWCC-Mar 24/05;E-Apr 2/05)
- b) it shall be clearly accessory and incidental to the use of the dwelling as a residence;
- c) it shall be conducted within the enclosed living areas of the dwelling; (NWCC-Mar 24/05;E-Apr 2/05)
- d) no alterations shall be made which would change the physical character of the dwelling as a residence;
- e) no outside storage of any kind shall be associated with the home occupation;
- f) there shall be no exterior evidence of the conduct of a home occupation except for a business identification plate or sign of a maximum two (2) square feet in area **which shall not be backlit**; (NWCC-Mar 24/05;E-Apr 2/05)
- g) the maximum size of any home occupation (excluding daycares) shall be not more than 25% of the total floor area of the dwelling unit to a maximum of 500 square feet;
- h) one off-street parking space, other than those required for the dwelling, shall be provided for each 250 square feet of floor space occupied by the home occupation;
- i) it shall not be an objectionable use;
- j) no stock in trade, except articles produced by members of the immediate family residing in the dwelling shall be displayed or sold within the dwelling; (NWCC-Mar 24/05;E-Apr 2/05) and,
- k) the following are deemed not to be home occupations and are not permitted within the residential zones:
 - i) automotive repair shop
 - ii) autobody repair shop
 - iii) auto paint shop
 - iv) machine shop
 - v) welding
 - vi) retail sales outlets, except articles produced by members of the immediate family (and up to two (2) employees) in the dwelling;
 - vii) restaurants
 - viii) amusement centre
 - ix) any use involving the care of animals** (NWCC-Mar 24/05;E-Apr 2/05)
- l) the following shall apply to Bed and Breakfast/Guest Home establishments:
 - i) bed and breakfast/guest homes shall be permitted in single detached dwellings only within the zones permitted by this section.
 - ii) notwithstanding section 8 g), it shall occupy not more than three rooms as sleeping rooms for overnight guests.
 - iii) notwithstanding section 8 h), one off-street parking space, other than those required for the dwelling, shall be provided for each bedroom rented for overnight guests.

Attachment D
Letter from NSDE



Environment & Labour
Central Regional Office
Monitoring & Compliance

Suite 226, Sunnyvale Mall
1595 Bedford Highway
Bedford NS B4A 3Y4

Tel: (902) 424-7773
Fax: (902) 424-0597

File No. 21020-3806D-1487

June 29, 2006

Walter Bianchi
11 Robica Drive
Dartmouth, NS
B2W 1Y6

Dear Mr. Bianchi:

RE: BUILDING PLAN - 84 GOLF LINKS ROAD, BEDFORD, NOVA SCOTIA

Nova Scotia Environment & Labour (NSEL) has reviewed all available information provided with respect to hydrocarbon contamination found at 84 Golf Links Road. As discussed during our meeting of June 23, 2006, NSEL would have no objection to a residential dwelling being placed on the above-mentioned property as per the plan described in your letter of June 20, 2006 (i.e. constructing the house away from the impacted area and covering the impacted area with top soil and sod). Please provide the Department with written confirmation once the building has been constructed according to the proposed plan. Should contamination be found during construction or any new and relevant information become available regarding this site, the Department shall be contacted immediately as further site assessment may be required.

Notwithstanding this, the Department reserves the right to evaluate the site should site activities change that cause an adverse effect, or circumstances change which result in contamination that causes an adverse effect. This is to confirm that no action lies and no proceeding may be brought against the Crown or any employee thereof because of any matter arising out of acknowledgement of this building plan.

Should you have any questions or concerns regarding this information, please contact me at 424-3421.

Regards,

Michele Casey, B.Sc.
Inspector Specialist

cc: Tracey Harz, NSEL A/District Manager

Attachment E
Public Information Meeting Minutes, May 8, 2008

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 01141 - Walter Bianchi

7:00 p.m.

Thursday, May 8, 2008

Basinview Drive Community Elementary School

STAFF IN

ATTENDANCE: Leticia Smillie, Planner, HRM Planning Services
Tim Burns, Planning Technician, HRM Regional Planning
Cara McFarlane, Planning Controller, HRM Planning Services

ALSO IN

ATTENDANCE: Walter Bianchi, Applicant
Councillor Bob Harvey, District 20
Councillor-Elect Tim Outhit, District 21
Warren Hutt, North West Planning Advisory Committee

PUBLIC IN

ATTENDANCE: Approximately 6

The meeting commenced at approximately 7:02 p.m.

1. Opening Remarks/Introductions/Purpose of Meeting - Leticia Smillie

Ms. Smillie introduced herself as the planner carrying the application through the planning process; Councillor-Elect Tim Outhit, District 21; Councillor Bob Harvey, District 20; Walter Bianchi, the Applicant; and Tim Burns and Cara McFarlane, HRM Planning Services.

The meeting's agenda and purpose was reviewed.

2. Overview of Planning Process - Leticia Smillie

Ms. Smillie explained what a development agreement is and the planning process it follows before being approved

Planning approval specifically for a development agreement is required in this case as the proposed lot does not meet the Bedford Land Use By-law (LUB) requirements for road frontage and the current zoning limits the dwelling to a single unit.

3. Presentation of Proposal - Leticia Smillie

The application is a request by Walter Bianchi to create a flag lot with a dwelling and apartment unit at 84 Golf Links Road in Bedford.

The subject property is a 32,000 square foot lot near the intersection of Golf Links and Dartmouth Roads. The lot is sloping from Golf Links Road down to Parker Brook. The lot has residential properties on either side with a commercial property located at the side and rear. The property is designated residential under the Bedford Municipal Planning Strategy (MPS) which contains a policy that allows council to consider this application. The property is currently zoned RSU (Residential Single Unit).

The applicant is proposing to create a 20,000 square foot flag lot (shown on screen). This is for a dwelling with an apartment. He is also planning to subdivide the 12,000 square foot remainder lot into two lots at a later date.

Under the Bedford LUB provisions, this parcel of land is capable of being subdivided into two lots as of right and does not require council's approval. Tonight's application is solely for the flag lot portion.

There is a policy under the Bedford MPS that enables council to consider flag lots. The larger flag portion of the lot has to meet all the requirements of the Bedford LUB. The proposed dwelling under the flag lot policy is also controlled. Staff must survey the surrounding homes to establish the average height and footprint. The development agreement for the new dwelling will be in keeping with that average and may also include some architectural controls to make the new home fit in with the neighbourhood.

The development of this lot is also limited by a 20 metre watercourse buffer shown at the back of the lot to Parker Brook. This is a non-disturbance buffer in which no development can occur in order to protect the brook under the Regional Plan standards.

In addition to the flag lot, the applicant has also asked for an apartment unit within the new dwelling. There is policy that allows council to consider permitting an apartment provided it is less than 700 square feet.

4. Questions/Comments

Donald Howell, Golf Links Road, Bedford, asked how much road frontage is on the complete piece of land. Ms. Smillie understands that there is at least 30 feet at the base of the flag lot and a minimum of 120 feet for the remainder of the lot (150 feet). Mr. Howell asked if the ability to subdivide into two lots is as of right. Ms. Smillie mentioned that the minimum requirement for subdivision is 60 feet of road frontage. Mr. Howell asked how far the setback is from the existing house to the front property line to which Ms. Smillie said 8.5 feet.

Mr. Howell explained that in the late 80's early 90's there were, and still are, some issues with Golf Links Road and pedestrian traffic. The Town put together a plan which included building a wall

which would have been very close to the property. Pedestrian traffic has increased over the years and that particular home, where situated, is a major problem for changing the streetscape on that road. There are between 200 to 300 people per day that walk the road. Currently, where the applicant proposes the driveway, there is absolutely no shoulder and without gutters the road is approximately 22 feet wide. Two cars cannot pass each other. This property is part of the problem and it could be part of the solution. The whole development has to be put together to look at the solutions for our road works, what is best for the community and what is best for the applicant. Mr. Howell believes the lot should remain as one with one development agreement. He is not in favour of the application.

Rodney Card, Golf Links Road, Bedford, does not have a problem with a flag lot on the property but is not in favour of the apartment. The area is zoned RSU (Single Residential Unit) and should remain that way. There was a similar situation at 39 Dartmouth Road, Bedford. The apartment was not approved but currently is within the dwelling. Ms. Smillie is not familiar with that particular development but she will look into it. Typically, the municipality does not look at who is residing there but the actual use on the property. Therefore, there is no ability to guarantee that an apartment is being used by a relative.

Warren Hutt, Bedford Street, Bedford, asked how many homes are in the area now. Ms. Smillie said there is an existing home on the property. Mr. Card said the home has been there since 1930. Ms. Smillie explained that the flag lot would not interfere with the existing home.

Arthur Moore, Dartmouth Road, Bedford, is also fine with the flag lot but against the apartment within the dwelling. He also mentioned the situation at 39 Dartmouth Road. How will the sewage be hooked up? Ms. Smillie said because of the slope on the lot, the applicant will be required to have a force main done by a professional engineer to be able to connect to the road.

Mr. Moore wondered how the applicant planned on entering the lot. Will he build to the top of Golf Links Road? Ms. Smillie said the access to Golf Links Road will have to be approved by development engineering and will have to be built to engineering standards. The development agreement will have a specific area in which the proposed dwelling will be located.

Mr. Howell is concerned that the road elevation is somewhere between 83 and 85 to the road. The elevation of where the house sits is approximately 8 feet less. When a wall is constructed there, the house will be in a hole on three sides.

Mr. Hutt asked if the road frontage for the flag lot would be 20 feet to which Ms. Smillie said it needs to be a minimum of 30 feet. Mr. Hutt asked how far the existing home sits from the road. Ms. Smillie said the house has a setback of 8 feet to the property line and sits down on the property.

Mr. Howell asked if the apartment will be going in the new or existing dwelling to which Ms. Smillie answered the new. Mr. Howell asked if there is enough room for the applicant to subdivide the lot in the future and leave the existing house there. He believes this application should not go past this stage because of existing traffic problems.

Councillor Outhit, Bedford, thinks a good point was made about the traffic, narrowness and pedestrians on the Golf Links Road. When driving, you have to stop when meeting an oncoming car. Will that be examined carefully? Ms. Smillie said an engineer will look at the road situation.

Gordon Munro, Golf Links Road, Bedford, said the apartment is a concern. He would like to see the whole property dealt with as one. The driveway will have to have a huge amount of fill to get a decent angle to it. Pedestrian traffic is a major problem as the road needs to be widened. Drainage is also a problem in the area.

Councillor Harvey asked the applicant if he planned to rent the existing house. Mr. Bianchi said that is currently the case and he plans to continue renting.

Mr. Howell asked if this application has to go to a public hearing. Ms. Smillie explained that if council chooses not to give the application first reading, then no.

Mr. Howell asked if there has been testing for oil and other contaminants at the back of the property where the existing car dealership is. Have these concerns been looked at? Mr. Bianchi said that the issues have been looked at and approved by Department of Environment. Ms. Smillie will get the information from the applicant.

5. Closing Comments

Ms. Smillie thanked everyone for coming to the meeting and expressing their comments and concerns regarding the application.

6. Adjournment

The meeting adjourned at approximately 7:35 p.m.