



**WEST HANTS REGIONAL MUNICIPALITY REPORT**

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** William Overholt, Development Officer

**Submitted by:** \_\_\_\_\_  
Kari Fougere, Acting Director of Planning and Development

**Date:** December 17<sup>th</sup>, 2025

**Subject:** Irven Drive Extension Development Agreement- Non-Substantive Amendment File #25-25

**LEGISLATIVE AUTHORITY**

Section 230 Municipal Government Act

**RECOMMENDATION**

It is recommended that the Development Officer approve the non-substantive amendment to the Irven Drive Extension Development Agreement, which shall be substantially the same as set out in Attachment A of this report.

**BACKGROUND**

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Chrystal Fuller, Brighter Community Planning & Consulting, on behalf of Mitch Brison, Brison Developments, is requesting to amend the existing development agreement to clarify an inconsistency between Schedule B, Site Plan, and Section 2.2 (b) which speaks to minimum lot frontage requirements.

The Irven Drive Extension Development Agreement was approved and registered to title in 2024. The developer has since begun construction on the site and additionally has submitted a tentative subdivision to begin the process of subdividing the site. It was identified at the time of

application that 3 lots, out of 21, did not meet the minimum frontage requirement of 60 feet per lot set out in section 2.2 of the development agreement; however, the subdivision plan is consistent with the Site Plan in Schedule B of the development agreement.

After staff review, it was determined that this inconsistency limits the developer's ability to develop the site consistently with the Site Plan and with the other provisions of the development agreement. It was noted that the lots with frontage on the cul-de-sac as well as the flag style lots would not be able to meet the minimum lot frontage requirement. Without specific lot dimensions identified on the Site Plan, it is reasonable to interpret that the requirement for lot frontage must be 60 feet.

## **DISCUSSION**

In order to approve subdivision of the lots in keeping with the Site Plan, the development agreement must be amended. Under section 3.2, changes to minimum frontage can be treated as a non-substantive amendment given that the Site Plan will remain unchanged and therefore the amendments do not alter the intent of the development agreement. Under Section 230 of the Municipal Government Act, development agreements can now be amended by a Development Officer for non-substantive amendments without holding a public hearing. The decision of the Development Officer can be appealed to the Nova Scotia Regulatory and Appeals Board within the 14 day appeal period following the notice of decision.

When Council approved the development agreement in 2024, the accompanying Site Plan was also reviewed and approved as part of that decision. The Site Plan illustrates the intended subdivision layout including lots that have clear reduced frontage, specifically those located on the cul-de-sac and the proposed flag lots. Although the text of the development agreement references a minimum lot frontage of 60 feet, this requirement is inconsistent with the configuration shown on the approved Site Plan.

It is reasonable to conclude that Council, in approving the development agreement and the Site Plan together, accepted the lot layout as shown, including frontage widths that fall below the stated minimum standard. The discrepancy appears to be the result of a drafting error rather than a policy intention to restrict the subdivision to 60 foot lot frontages.

The development agreement repeatedly recognizes that the ultimate intent was subdivision and that the development will be consistent with the Site Plan. Because the Site Plan did not identify specific lot frontage dimensions but did show a configuration that could not meet a 60 foot frontage requirement, staff interpret that Council's approval of the Site Plan effectively signaled acceptance of the reduced lot frontages shown.

Accordingly, the proposed amendment corrects an inconsistency in the Development Agreement so that the document accurately reflects the intent and direction by Council at the time of approval. The amendment does not alter the Site Plan, the development concept, or the overall intent of the agreement, and therefore qualifies as a non-substantive amendment under Section 3.2 of the Development Agreement and Section 230 of the Municipal Government Act.

Staff recommend amending the development agreement to include the following language in Section 2.2 (b):

*\*The flag lots and the lots fronting the cul-de-sac shall be permitted to have a reduced frontage of 20 feet, provided that the lots remain generally consistent with the Site Plan attached as Schedule B.*

**NEXT STEPS**

Upon approval of the amendment from the Development Officer, the application will be published on the municipal website and subject to a 14-day appeal process.

**FINANCIAL IMPLICATIONS**

N/A

**ALTERNATIVES**

In responses to this recommendation, the Development Officer may:

- approve the amendment as drafted or as specifically revised by direction of the Development Officer;
- refuse the development agreement amendment as drafted;
- provide alternative direction, such as requesting further information on a specific topic.

**ATTACHMENTS**

Attachment A: Draft Development Agreement Amendment.

Report Prepared by: \_\_\_\_\_

Kari Fougere, Acting Director of Planning and Development

Report Reviewed by: \_\_\_\_\_

Alex Dunphy, Senior Planner