



Town of Amherst  
Planning Advisory Committee ;Meeting  
Agenda

Date: **Monday, May 2, 2022**  
Time: **4:00 pm**  
Location: **Council Chambers, Town Hall**

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1. Call to Order	
1.1. Approval of Agenda	
1.2. Approval of Minutes	1 - 2
2. 2 Pearl Place - Demolition	
2.1. Staff Report	3 - 12
2.2. Committee Questions to Staff	
2.3. Complainant Comments	
2.4. Owner Comments	
3. 14/16 Cornwall Street - Demolition	
3.1. Staff Report	13 - 20
3.2. Committee Questions to Staff	
3.3. Complainant Comments	
3.4. Owner Comments	
4. 1 McCully Street Recommendation	21 - 29
5. 52 Hickman Street Recommendation	30 - 36
6. 27 West Pleasant Street DA Application	37 - 48
7. Adjournment	

**Town of Amherst**  
**Planning Advisory Committee**  
**Minutes**

**Date:** April 4, 2022  
**Time:** 4:00 pm  
**Location:** Council Chambers, Town Hall

**Members Present** Deputy Mayor Sheila Christie  
Councillor Hal Davidson  
Councillor Leon Landry  
Citizen Representative Ronald Wilson  
Citizen Representative Larry Pardy  
Citizen Representative Creighton McCarthy

**Staff Present** Jason MacDonald, Chief Administrative Officer  
Andrew Fisher, Director of Planning & Strategic Initiatives  
Marc Buske, Building Official  
Kimberlee Jones, Municipal Clerk  
Natalie LeBlanc, Deputy Clerk  
Emily Wainwright, Dangerous/Unsightly Premises Administrator  
Cindy Brown, Administrative Assistant

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**1. Call to Order**

Chair called the meeting to order at 4:00 PM.

**1.1 Approval of Agenda**

**Moved By: Deputy Mayor Christie**  
**Seconded By: Citizen Representative Pardy**  
**That the Agenda be approved as circulated.**

**Motion Carried**

**1.2 Approval of Minutes**

**1.2.1 February 7, 2022**

**Moved By: Councillor Davidson**  
**Seconded By: Councillor Landry**  
**That the minutes of the February 7, 2022 Planning Advisory Committee Meeting be approved as circulated.**

**Motion Carried**

**1.2.2 February 28, 2022**

**Moved By: Deputy Mayor Christie**

**Seconded By: Councillor Landry**

**That the minutes of the February 28, 2022 Planning Advisory Committee Meeting be approved as circulated.**

**Motion Carried**

**2. Welcome New Committee Members**

The Committee welcomed new member Creighton McCarthy and introductions were made.

**3. Election of Chair and Vice Chair**

Ron Wilson was nominated to stay as Chair by Councillor Hal Davidson, Seconded by Deputy Mayor Christie. Councillor Hal Davidson was nominated as Vice Chair by Deputy Mayor Christie, Seconded by Councillor Landry.

**Moved By: Councillor Davidson**

**Seconded By: Deputy Mayor Christie**

**Ron Wilson to remain as Chair.**

**Motion Carried**

**Moved By: Deputy Mayor Christie**

**Seconded By: Councillor Landry**

**Councillor Hal Davidson nominated as Vice Chair.**

**Motion Carried**

**4. Review of Demolition Process**

Information item; no direction given or action required.

**5. 1 McCully Street - Demolition**

**5.1 Staff Report**

Information item; no direction given or action required.

**6. 52 Hickman Street - Demolition**

**6.1 Staff Report**

Information item; no direction given or action required.

**7. Adjournment**

**Moved By: Councillor Davidson**

**Seconded By: Councillor Landry**

**To adjourn the meeting at 4:56.**

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Andrew Fisher  
Director of Planning & Strategic Initiatives

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Ron Wilson  
Chair



TO: Planning Advisory Committee  
FROM: Emily Wainwright, Dangerous & Unsightly Premises Administrator  
DATE: May 2, 2022  
RE: 2 Pearl Place (PID: 25025966)

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**Registered Owner:** Rena D. Smith  
2 Pearl Place  
Amherst, Nova Scotia  
B4H 1B1

**Issue:**

The lack of maintenance over the years has left the building in a state of serious disrepair. As articulated in the inspection reports by the Dangerous and Unsightly Premises Administrator and the Building Official 2, there are various structural, safety, and health concerns throughout the building.

**History:**

- September 3, 2021 – Complaint received by the Town
- September 9, 2021 – 1<sup>st</sup> site visit: pictures taken
- September 21, 2021 – 2<sup>nd</sup> site visit: pictures taken and findings documented (loose garbage, power meter showing power, long grass, travel trailer, potential structural failure).
- September 22, 2021 – 1<sup>st</sup> Letter sent to the owner asking for their intentions with the property by October 26, 2021. Letter of Acknowledgement sent to complainant.
- September 28, 2021 – Letter returned, forwarded to owners new mailing address.
- October 29, 2021 – Owner stated she is waiting for someone to repair building (would not provide timeline or specifics)
- Interior inspection scheduled for November 9, 2021 at 9:00 am
- November 8, 2021 – Owner requested we reschedule inspection for December 1<sup>st</sup> at 9:00 am





November 16, 2021 – Owner requested we reschedule inspection for December 20<sup>th</sup> at 9:00 am

December 20, 2021 – Inspection completed at 9:00 am with Administrator, APD, and owner.

December 21, 2021 – Order posted to property, and sent via registered mail to owner, requiring owner to submit a quote and report to the Town from a contractor of what it would require to bring the house up to standards under the Minimum Standards Bylaw (P-4) by March 24, 2022.

March 8, 2022 – Spoke with owner who said they have two contractors in mind, but has not spoken with them yet.

March 17, 2022 – Spoke with owner who informed Administrator they had reached out to Woodchuck Construction for a quote. Spoke with contractor and emailed a copy of our Minimum Standards Bylaw (P-4) for reference when completing the quote.

March 25, 2022 – Notice to enter posted to the property and registered letter sent to owner.

March 29, 2022 – Noticed the owner had not yet received registered letter, so I left a voicemail message to inform her out of courtesy.

March 30, 2022 – Inspection completed at 9:00 am with Administrator, Building Official 2, APD, and owner.

April 7, 2022 – Posted notice of May 2, 2022 PAC meeting and sent registered invite to owner. Invitation sent to complainant.

April 8, 2022 – Spoke with owner over the phone inviting her to PAC and to inform her of the reason/process of the meeting.



### **Inspection Report:**

An inspection of 2 Pearl Place was completed by the Dangerous and Unightly Premises Administrator on December 20, 2021. The following was noted and photographed:

- The building appears to be vacant;
- There is power to the building;
- There does not appear to be heat in the building;
- All windows and doors seem to be secured;
- The front and rear porch show signs of significant rot and decay, and are showing signs of structural fatigue. A stress fracture on the front window is present;
- There does not appear to be a working fire detection system in the building;
- The main floor shows signs of rot, significant water damage, and mold;
- The main floor shows signs of structural deterioration, sloping significantly towards the rear of the building;
- The basement foundation shows signs of significant structural deterioration, including the wall to the basement bowing inwards and a partial collapse of the rear wall foundation inwards. This has also caused water to access the basement.
- The second-floor ceilings and walls show significant signs of rot, decay, mold, and deterioration from water damage;
- The roof is not weather tight and has multiple holes; and
- The electrical and heating systems have been compromised due to water.

### **Discussion:**

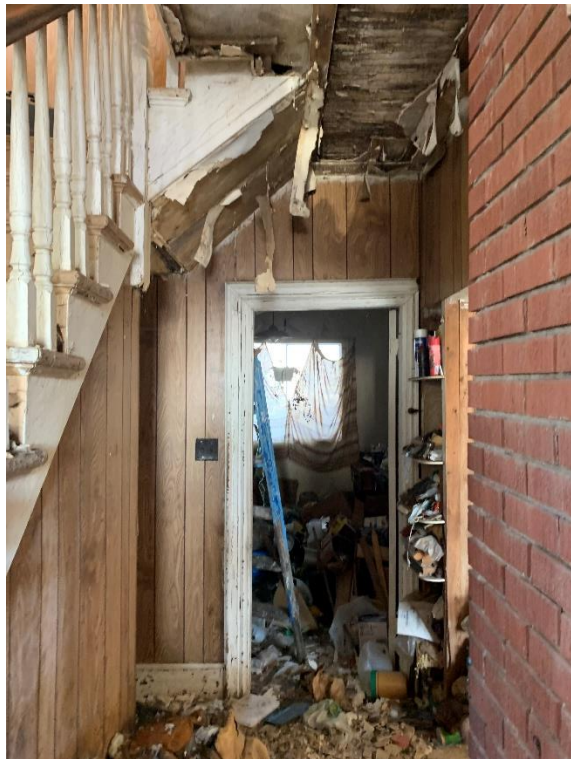
As indicated in the property history above, an interior inspection was completed on December 20, 2021 then again on March 30, 2022. The administrator noticed significant deterioration in the building over those 3 months, including a collapse of the ceiling in one of the bedrooms and approximately 2 feet of water, now frozen, and snow in the basement. This is due to the house not being weathertight, including large holes in the roof and a partial collapse of the rear exterior basement wall which has exposed a large hole. It is important to note that there is power to the building and with the amount of contents inside the building, this could pose a serious fire hazard and would be dangerous for emergency personnel to enter if necessary. This, as well as other concerns, have been documented in the inspection report above by Dangerous and Unightly Premises Administrator, and by the attached Building Official 2 report.

Given the state of the subject building detailed in report by the Building Official 2, and neglect by the property owner, it is appropriate to consider removing this risk to health and safety by ordering demolition.

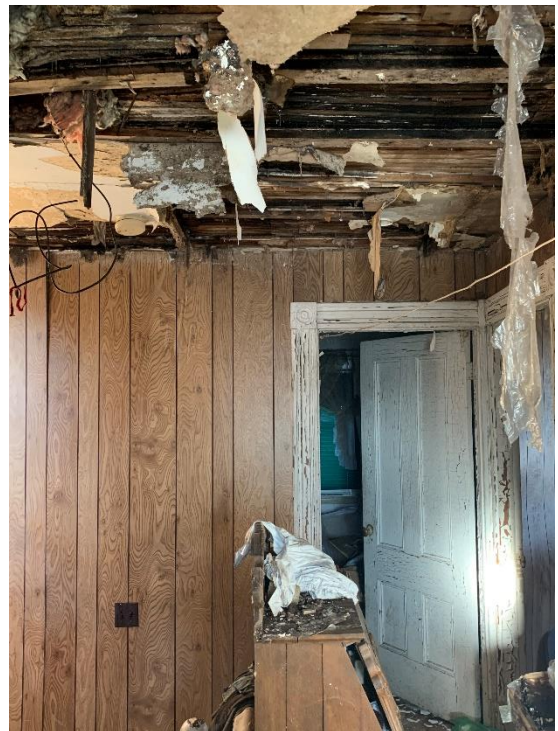
The property owner, or their representative, have been invited to the PAC meeting to discuss the state of the property. Staff have provided three options for the PAC to consider; however, the PAC will be asked to make a decision at a subsequent meeting.



**December 20, 2021:**









**March 30, 2022**



**Options:**

At a later date, given the information available at this time, staff will be recommending **Option 1.**

- 1) That the Planning Advisory Committee order that all contents be removed from the building at 2 Pearl Place (PID: 25025966) and the building be demolished, and back fill the hole within 90 days of this meeting, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to an appropriate solid waste facility, with all costs charged to the property owner's tax account.
- 2) That the Planning Advisory Committee order staff to hire a structural engineer to access the condition of the building, and submit the report back to the PAC, with all costs charged to the property owner's tax account.
- 3) That the Planning Advisory Committee order staff to continue to monitor the property and bring any new issues that arise back to the committee.



## MEMORANDUM

**To:** Emily Wainwright, Dangerous & Unsightly Administrator  
**From:** Marc Buske, Building Official 2  
**Date:** April 11, 2022  
**Subject:** 2 Pearl Place (PID 25025966) Inspection

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At the request of the Dangerous and Unsightly Administrator, Emily Wainwright, of the Town of Amherst, an inspection on the condition of the building at 2 Pearl Place was conducted on March 30, 2022 by Marc Buske, Building Official 2, of the Town of Amherst. The following was noted and photographed:

- 1) Exterior walls are in relatively good shape, the paint is chipping and falling off the cladding of the building;
- 2) The front porch is showing signs of structural fatigue due to rot and not being weather tight;
- 3) There is a large section of the back foundation that has collapsed into the basement and there are signs of cracks and structural stress on the rest of the foundation;
- 4) There is a large amount of water in the basement;
- 5) The roof is not weather tight as there are shingles missing, and holes in the roof due to rot;
- 6) Most of the windows and doors are intact;
- 7) Collapse of most of the drywall and plaster throughout the building on the ceiling and walls. This is due to weather entering the building. There is evidence of moisture and mold in the building;
- 8) Furnace, electrical and plumbing have all be compromised; and
- 9) There is a large amount of junk, rubbish and garbage throughout the building.

It is the opinion of this inspector that the building is starting to show signs of structural failure due to the lack of maintenance. This building does pose a health and safety risk due to the back foundation wall, which has collapsed into the basement, the amount of water in the basement along with the live electrical wires in the building and the overall state of the building. Most plumbing and HVAC systems do not work or are missing.

The cost to bring this building up a livable state would far exceed the value of the property, and with the lack of maintenance to the building by the property owner, I would recommend the building to be demolished at this time.



Digitally signed by Marc Buske  
DN: cn=Marc Buske, o=Town of  
Amherst, ou=Building Inspector,  
email=mbuske@amherst.ca, c=CA  
Date: 2022.04.25 12:19:53 -03'00'

Marc Buske  
Building Official 2  
Phone: 902-694-2318, Email: [mbuske@amherst.ca](mailto:mbuske@amherst.ca)





TO: Planning Advisory Committee  
FROM: Emily Wainwright, Dangerous & Unsightly Premises Administrator  
DATE: May 2, 2022  
RE: 14-16 Cornwall Street (PID: 25016197 & 250162133)

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**Registered Owner:** Onlsow and Jean Damery  
c/o Lee Damery  
14-16 Cornwall Street  
Amherst, Nova Scotia  
B4H 1H5

**Issue:**

A structure fire that occurred on August 13, 2021, and the lack of maintenance following the fire, has left the building in a state of serious disrepair. As articulated in the inspection report by the Dangerous and Unsightly Premises Administrator, there are various structural, health, and safety concerns throughout the building.

**History:**

- August 13, 2021 – Structure fire; water disconnected.
- November 8, 2021 – Complaint received by the Town
- November 15, 2021 – 1<sup>st</sup> site visit. Notice to Enter Building on November 18, 2021 at 9:00 am sent via Registered Mail to property owners.
- November 16, 2021 – Posted Notice to Enter Building on November 18, 2021 at 9:00 am
- November 18, 2021 – Interior Inspection with Building Official 2 and APD. Building was found to be vacant.
- November 23, 2021 – Email received from owners next of kin.
- December 2, 2021 – Spoke with owners next of kin (currently living in Alberta). Confirmed their intentions were to repair the house. The aim to be in Nova Scotia the end of December. The hole in the roof will be repaired shortly.





March 3, 2022 – 2<sup>nd</sup> site visit, no progress has been made to roof or property. Email sent to owners next of kin looking to confirm if their intentions are still to repair the building.

March 8, 2022 – Registered letter sent to owners next of kin looking to confirm if their intentions are still to repair the building, as I did not get a response via email - requested a response by March 28, 2022.

March 25, 2022 – Order posted to property, and sent via registered mail to owner, requiring owner to submit a quote and report to the Town from a contractor of what it would require to bring the building up to standards under the Minimum Standards Bylaw (P-4) by May 25, 2022.

April 1, 2022 – Spoke with owner over the phone. Explained the order to him. Owner said they will most likely be demolishing the building and backfilling the hole, then rebuilding. Asked for an extension of the demolition until September 1, 2022.

April 7, 2022 – Posted notice of May 2, 2022 PAC meeting and sent registered invite to owner. Rescinded previous order as owners' intentions is now to demolish.

April 8, 2022 – Emailed a copy of the posted notice and letter to owner

April 19, 2022 – Received call from owner. He has spoken with a local demolition company who is to give him a quote. He will be coming to Nova Scotia the end of June. I explained to him that he will also need to apply for a demolition permit.

### **Inspection Report:**

An inspection of 14-16 Cornwall Street was completed by the Dangerous and Unightly Premises Administrator on November 18, 2021. The following was noted and photographed:

- The building appears to be vacant;
- There is no power to the building;
- There is no water in the building (disconnected August 13, 2021);
- There is no heat in the building;
- All windows and doors seem to be secured; (some second-floor windows are missing, but are boarded up);
- There does not appear to be a working fire detection system in the building;
- The main floor walls and ceilings show signs of rot, water damage, mold, and deterioration;
- The second-floor is severely charred due to the fire,



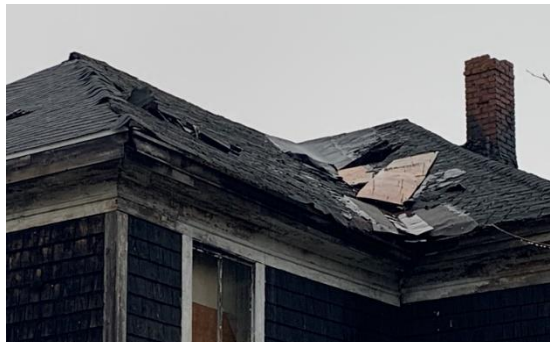
- The roof is not weather tight and has multiple large holes;
- The basement seemed relatively dry; and
- The electrical and heating systems have been compromised due to the fire and water.

**Discussion:**

As indicated in the property history above, a structure fire occurred on the second floor of the building on August 13, 2021. Because of this, there is significant smoke, fire, and water damage to the second floor and the roof of the building, which is no longer weather tight. This, as well as other concerns, have been documented in the inspection report above. Given the state of the subject building detailed in the report, and as stated by the property owner to the Administrator on April 1, 2022, it is appropriate to consider removing this risk to health and safety by ordering demolition.

The property owner, or their representative, have been invited to the PAC meeting to discuss the state of the property. As the owner lives in another province, a Zoom link was provided. Staff have provided three options for the PAC to consider; however, the PAC will be asked to make a decision at a subsequent meeting.

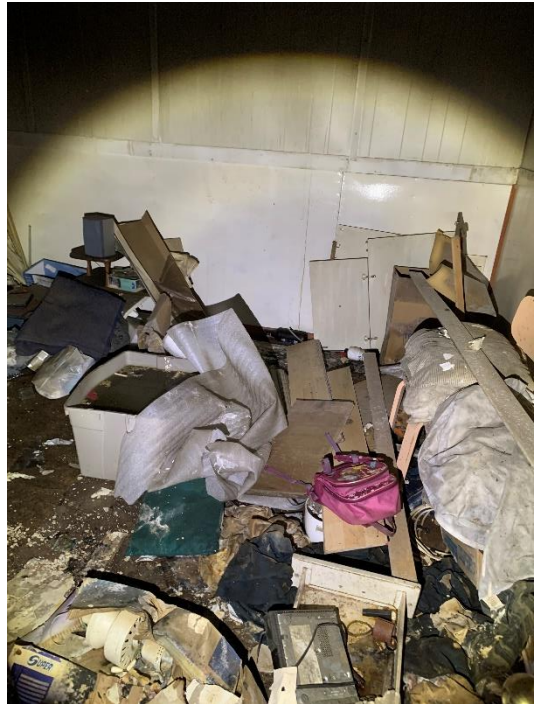
**November 15, 2021:**



**November 18, 2021**







**March 3, 2022**



**Options:**

At a later date, given the information available at this time, staff will be recommending **Option 1.**

- 1) That the Planning Advisory Committee order that all contents be removed from the building at 14-16 Cornwall Street (PID: 25016197 & 250162133) and the building be demolished, and back fill the hole within 90 days of this meeting, with all work to be done by the property owner. Failure by the property owner to do the work may result in the Town completing the work, with all costs charged to the property owner's tax account.
- 2) That the Planning Advisory Committee order staff to hire a structural engineer to access the condition of the building, and submit the report back to the PAC, with all costs charged to the property owner's tax account.
- 3) That the Planning Advisory Committee order staff to continue to monitor the property and bring any new issues that arise back to the committee.



TO: Andrew Fisher, Director of Planning and Strategic Initiatives

FROM: Emily Wainwright, Dangerous & Unsightly Premises Administrator

DATE: May 2, 2022

RE: 1 McCully Street (PID: 25024563)

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**Background:**

The lack of maintenance over the years has left the building in a state of serious disrepair. As articulated in the attached staff reports from the April 4, 2022 Planning Advisory Committee meeting by Dangerous and Unsightly Premises Administrator and the Building Official 2, there are various structural and safety concerns throughout the building.

The Planning Advisory Committee held a meeting on April 4, 2022 where they heard a staff report on the subject property. At this meeting, the committee had the opportunity to listen and ask questions to the owner, who was in attendance. Since this meeting, the circumstances around the subject property remain the same. There is believed to be additional transient activity at the property since the meeting as a garage door seems to have been vandalized and graffiti is now present on the front facia (it is possible that this graffiti was placed there by accessing the roof).

**Options:**

- 1) That the Planning Advisory Committee order that all contents be removed from the building at 1 McCully Street (PID: 25024563) and the building be demolished, and back fill the hole within 90 days from the date of this Committee meeting, with all work to be done by the property owner. Failure by the property owner to do the work may result in the Town completing the work and sending all contents of the building to an appropriate solid waste facility, with all costs charged to the property owner's tax account.
- 2) That the Planning Advisory Committee order staff to hire a structural engineer to access the condition of the building, and submit the report back to the PAC, with all costs charged to the property owner's tax account.
- 3) That the Planning Advisory Committee order staff to continue to monitor the property and bring any new issues that arise back to the committee.

Given the current state of the building and the property owners previous lack of attention to this property staff are recommending **Option 1**.



TO: Planning Advisory Committee

FROM: Emily Wainwright, Dangerous & Unsightly Premises Administrator

DATE: April 4, 2022

RE: 1 McCully Street (PID: 25024563)

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**Issue:**

The purpose of this item is to review the state of the vacant building located at 1 McCully Street, with a view to consider a demolition order at later date. The lack of maintenance over the years has left the subject building in a state of serious disrepair. As articulated in the report by the Building Official 2, there are various structural, safety, and health concerns throughout the building.

Please note that due to privacy concerns, pictures of the property will be provided at the meeting.

**History:**

2011

- April 6 – Letter sent to owner to paint building, soffit, fascia, repair shingles, remove derelict vehicles, and maintain lawn
- May 6 – 2<sup>nd</sup> letter served to owner to paint building, soffit, fascia, repair shingles, remove derelict vehicles, and maintain lawn
- May 20 – Administrator spoke with owner, stating he will do the necessary repairs
- June 13 – Site visit by administrator showed no activity towards improvement
- July 5 – Order posted to paint building, soffit, fascia, repair shingles, remove derelict vehicles, and maintain lawn
- July 15 – Administrator spoke with owner, stating he will maintain the lawn but has no intentions on painting the building, soffit, fascia, repairing the shingles or removing derelict vehicles
- July 19 – Town removed 8 large pieces of equipment/vehicles from property





July 25 – Town removed 3 large pieces of equipment/vehicles from property

August 26 – Letter sent to owner to paint building, soffit, fascia, repair shingles, and maintain lawn

2013

July 30 – Letter sent to owner to maintain lawn

August 12 – 2<sup>nd</sup> letter sent to owner to maintain lawn

September 9 – Letter to owner to paint building, repair shingles, holes in building, and any damaged concrete wall blocks, and remove all staging and garbage/debris around the property

September 13 – Town hired contractor to maintain lawn

September 30 – Town hired contractor to remove garbage/debris, dismantle staging

2017

July 31 – Amherst Police Department reached out to Administrator regarding a large hole in the building

August 28 – Town boarded up the hole

2021

August 8 – Complaint received by the Town

August 8 – Spoke with complainant acknowledging complaint

August 20 – Pictures had been taken of the exterior of the building

November 1 – Posted Notice to Enter building and mailed to owner

November 9 – Entered building with owner, owner's representative, Building Official, and Amherst Police Department

December 9 – Posted Order and mailed to owner, and emailed to owner representative, requiring a report from a qualified engineer by February 7, 2022



2022

February 7 – Ordered report had not been submitted to the administrator by owner, and no appeals to the CAO were submitted

March 4 – Posted Notice for PAC meeting and noticed a window had been thrown in front of the building which had previously been inside. Transient activity may be taking place

As indicated in the property history above, there has been a long list of orders placed upon the subject property. In all cases, the Town of Amherst has completed all aspects of the orders in order to bring the property into compliance. Although our files only date back to 2011, there is a possibility this property has a longer history than what is shown. From an inspection completed on November 9, 2022, Marc Buske, Building Official 2, reported:

*“At the request of the Dangerous and Unsightly Administrator, Emily Wainwright, of the Town of Amherst, an inspection on the condition of the building at 52 Hickman Street was conducted on November 9, 2021 by Marc Buske, Building Official 2, of the Town of Amherst. The following was noted and photographed:*

- 1) *The building is not secured from unauthorized entry as there is a large hole in the front of the building and a window missing;*
- 2) *Exterior walls bricks showed signs of mortar failure and cracking in more than one spot;*
- 3) *The top exterior wall of the back of the building is collapsed outwards from the building, and shows signs of continued deterioration;*
- 4) *The roof is not weather tight as there are shingles missing, and holes in the roof due to rot;*
- 5) *Most of the windows in the building are missing or broken;*
- 6) *Interior structure shows sign of rust and decay due to the building not being weather tight, lack of heat in the building and the lack of maintenance;*
- 7) *Furnace and electrical have all be compromised; and*
- 8) *Signs of transient activity are found inside the building.*

*It is the opinion of this inspector that the building is starting to show signs of structural failure due to the lack of maintenance. This building does pose a health and safety risk due to the excessive number of items throughout the building. It is very difficult to move through the building as there are no clear paths and large piles of items in the building.*

*This building will further deteriorate to the point of imminent collapse if maintenance is not started on the building and, as such threatens, the safety of the public.”*



**Discussion:**

Given the state of the subject building detailed in the Building Official's report and the relatively long history of neglect by the property owner, it is appropriate to consider removing this risk to health and safety by ordering a demolition.

The Property owner or their representative have been invited to the PAC meeting to discuss the state of the property. Staff have provided the three options below for the PAC to consider; however, the PAC will be asked to made a decision at a subsequent meeting.

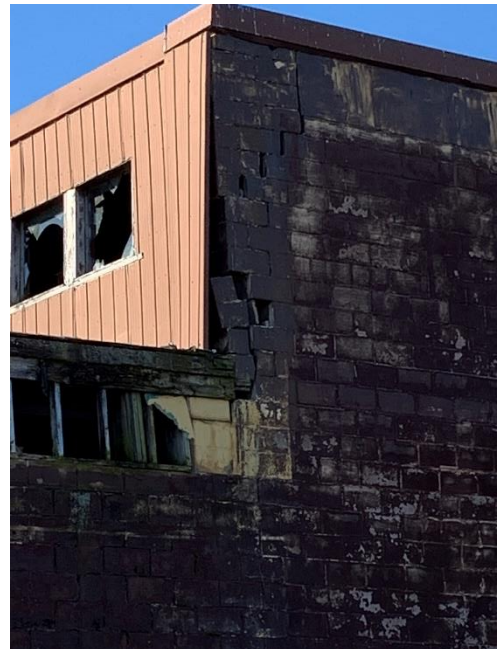
**Options:**

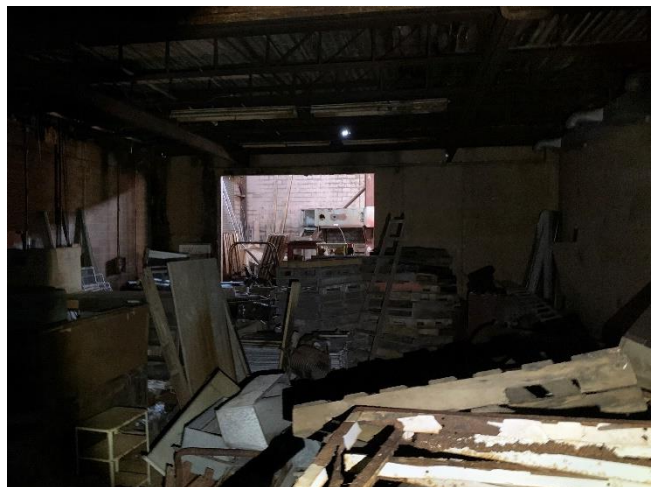
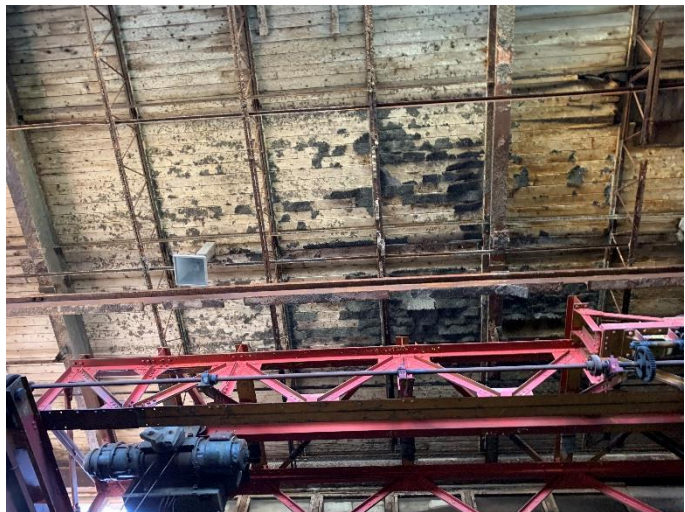
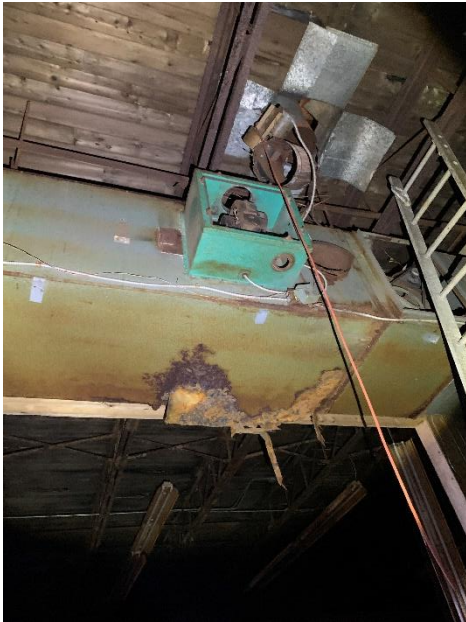
At a later date, given the information available at this time Staff will be recommending **Option 1**.

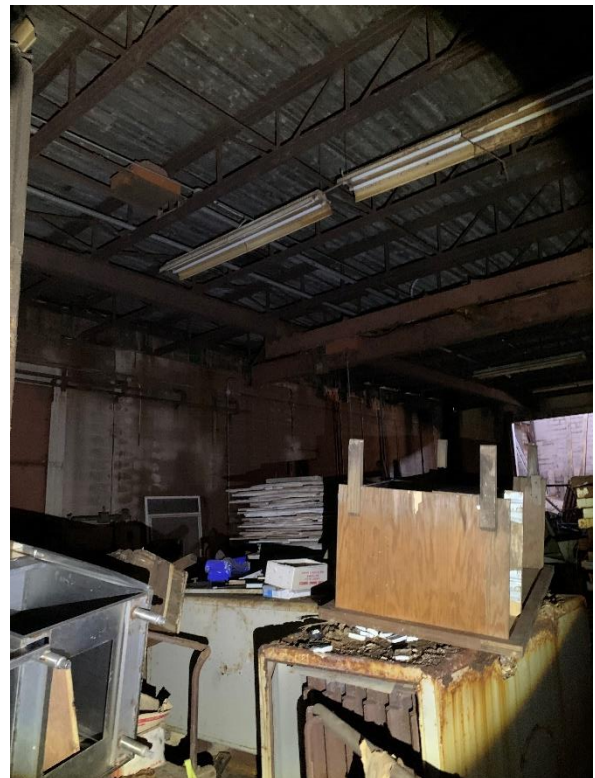
- 1) That the Planning Advisory Committee order that all contents be removed from the building at 1 McCully Street (PID: 25024563) and the building be demolished, and back fill the hole within 90 days from the date of this Committee meeting, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to an appropriate solid waste facility, with all costs charged to the property owner's tax account.
- 2) That the Planning Advisory Committee order staff to hire a structural engineer to access the condition of the building, and submit the report back to the PAC, with all costs charged to the property owner's tax account.
- 3) That the Planning Advisory Committee order staff to continue to monitor the property and bring any new issues that arise back to the committee.



November 9, 2022







**March 4, 2022**



**April 21, 2022**



TO: Planning Advisory Committee

FROM: Emily Wainwright, Dangerous & Unightly Premises Administrator

DATE: May 2, 2022

RE: 52 Hickman Street (PID: 25021973)

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**Background:**

The lack of maintenance over the years has left the building in a state of serious disrepair. As articulated in the attached staff reports from the April 4, 2022 Planning Advisory Committee meeting by Dangerous and Unightly Premises Administrator and the Building Official 2, there are various structural and safety concerns throughout the building.

The Planning Advisory Committee held a meeting on April 4, 2022 where they heard a staff report on the subject property. At this meeting, the committee had the opportunity to listen and ask questions to the owner, who was invited but was unable to attend. Since this meeting, the circumstances around the subject property remain the same.

**Recommendations:**

- 1) That the Planning Advisory Committee order that all contents be removed from the building at 52 Hickman Street (PID: 25021973) and the building be demolished, and back fill the hole by November 10, 2022, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to an appropriate solid waste facility, with all costs charged to the property owner's tax account.
- 2) That the Planning Advisory Committee order staff to hire a structural engineer to access the condition of the building, and submit the report back to the PAC, with all costs charged to the property owner's tax account.
- 3) That the Planning Advisory Committee order staff to continue to monitor the property and bring any new issues that arise back to the committee.

Staff are recommending **Option 1**.





TO: Planning Advisory Committee

FROM: Emily Wainwright, Dangerous & Unsightly Premises Administrator

DATE: April 4, 2022

RE: 52 Hickman Street (PID: 25021973)

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**Issue:**

The purpose of this item is to review the state of the vacant dwelling located at 52 Hickman Street, with a view to consider a demolition order at later date. The lack of maintenance over the years has left the subject building in a state of serious disrepair. As articulated in the report by the Building Official 2, there are various structural, safety, and health concerns throughout the building.

Please note that due to privacy concerns, pictures of the property will be provided at the meeting.

**History:**

April 30, 2021 – Complaint received by the Town

May 14, 2021 – Site visit, pictures taken of the exterior of the building.

May 20, 2021 – Administrator sent acknowledgement letter to complainant.

May 20, 2021 – Administrator sent letter to the owner asking their intentions with the building.

June 9, 2021 – Administrator spoke with owner, owner was going to mow the lawn and try to sell the property or demolish it

September 27, 2021 – Second site visit, pictures taken of the exterior of the building and property

September 29, 2021 – Order sent to owner to maintain the yard (mow), and to bring the building up to standard under the Minimum Standards Bylaw (P-4), or to demolish buildings by October 15/21.

October 15, 2021 – Lawn had been maintained (mowed).

October 19, 2021 – Posted Notice to enter the building for an inspection on November 4/21.





November 3, 2021 – Demolition Permit applied for by owner

November 4, 2021 – Entered the building with the Building Official and Amherst Police Department.

November 10, 2021 – Demolition Permit issued by Building Official, subject to the fee being paid. This did not happen and so the permit is not valid. The permit would have been valid for 12 months (until November 10, 2022).

As the above noted property history indicates, the town gave notice to conduct an inspection to determine the degree to which the building is dangerous or unsightly. Approximately two weeks after notice was given and the day before the inspection was to take place, the property owner made an application to demolish the building. While the permit was approved by the Building Official, it is not valid as the fee was never paid.

On November 4, 2021 the inspection was conducted by the town Building Official, Marc Buske, and the following was reported:

*“At the request of the Dangerous and Unsightly Administrator, Emily Wainwright, of the Town of Amherst, an inspection on the condition of the building at 52 Hickman Street was conducted on November 4, 2021 by Marc Buske, Building Official 2, of the Town of Amherst. The following was noted and photographed:*

- 1) *Exterior walls are in relatively good shape;*
- 2) *The front porch is showing signs of structural fatigue due to rot and not being weather tight;*
- 3) *Exterior foundation shows signs of cracks and structural stress. Bowing in the foundation wall was observed;*
- 4) *The roof is not weather tight as there are shingles missing, and holes in the roof due to rot;*
- 5) *Most of the windows and doors are intact;*
- 6) *Collapse of some drywall and plaster throughout the building on the ceiling and walls. This is due to weather entering the building. There is evidence of moisture and mold in the building; and*
- 7) *Furnace, electrical and plumbing have all be compromised.*

*It is the opinion of this inspector that the building is starting to show signs of structural failure due to the lack of maintenance. This building does pose a health and safety risk due to mold and the state of the building. All electrical, plumbing and HVAC systems do not work or are missing.*

*The cost to bring this building up a livable state would far exceed the value of the property, and with the lack of maintenance to the building by the property owner, I would recommend the building to be demolished at this time.”*



**Discussion:**

Given the state of the subject building detailed in the Building Official's report and the fact that the property owner applied for demolition permit, it would be appropriate to consider an order for demolition.

The Property owner and the original complainant have been invited to the PAC meeting to discuss the state of the property. Staff have provided the three options below for the PAC to consider; however, the PAC will be asked to made a decision at a subsequent meeting.

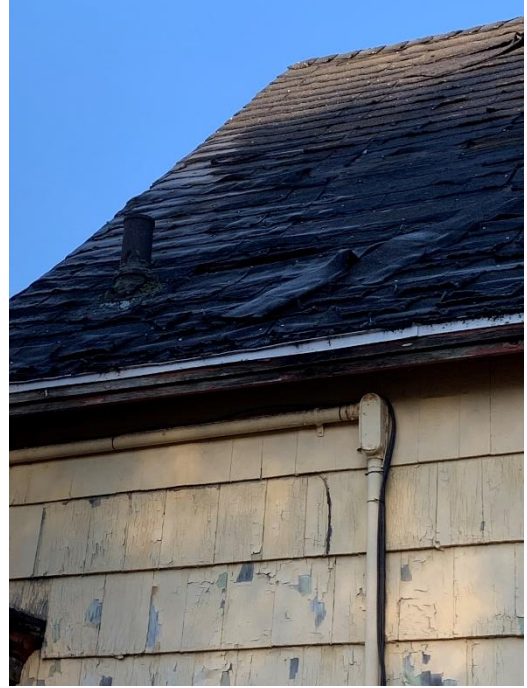
**Options:**

- 1) That the Planning Advisory Committee order that all contents be removed from the building at 52 Hickman Street (PID: 25021973) and the building be demolished, and back fill the hole by November 10, 2022, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to an appropriate solid waste facility, with all costs charged to the property owner's tax account.
- 2) That the Planning Advisory Committee order staff to hire a structural engineer to access the condition of the building, and submit the report back to the PAC, with all costs charged to the property owner's tax account.
- 3) That the Planning Advisory Committee order staff to continue to monitor the property and bring any new issues that arise back to the committee.

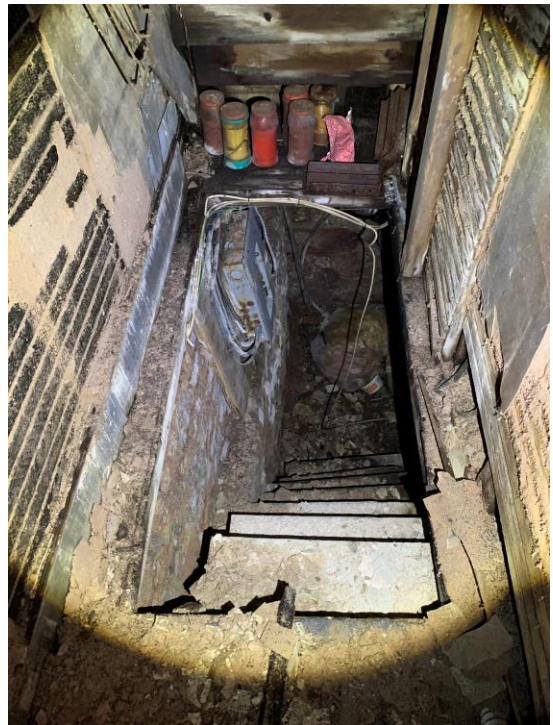
At a later date, given the information available at this time Staff will be recommending **Option 1**.



November 4, 2022







# MEMO

**TO:** Planning Advisory Committee

**FROM:** Andrew Fisher, Director of Planning & Strategic Initiatives

**DATE:** May 2, 2022

**RE:** **27 West Pleasant - development agreement application - Group Home**

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**ISSUE:**

An application by the owner of 27 West Pleasant Street (PID 25027129 & 25027152) for a development agreement to permit the operation of a ‘Youth Supportive Housing’ or Group Home for four youths on the subject property. Under the Land Use Bylaw (Bylaw) Group Homes are permitted by development agreement, subject to MPS Policy RP-13.

**BACKGROUND:**

Please see the attached summary document that provides application details and graphics.

**RELEVANT POLCY AND DISCUSSION:**

Land Use Bylaw section 7.2.2 lists group homes as a use permitted by development agreement in accordance with RP-13 of the Municipal Planning Strategy (MPS).

***MPS RP-13: Group Homes and Boarding Houses by DA***

*It shall be the intention of Council to permit Group Homes and Boarding Houses in all residential areas of town by development agreement. In doing so Council shall ensure that:*

- (a) Adequate land exists on the property to provide recreational opportunities for residents;*
- (b) Adequate on-site parking is provided for staff of the facility;*
- (c) Vegetation is used to mitigate the impacts of parking facilities on adjacent residents.*

As shown in the attached diagrams, the subject property could be considered a ‘double lot’ with ample outdoor amenity space available. The driveway is approximately 2,000 sq.ft. in area that would provide ample space for parking and also the possibility for recreation such as basketball. The driveway is located such that it does not impact adjacent residents.

In addition, MPS Policy A-5 contains general planning matters to be considered in the context of a development agreement.

***MPS A-5: Amendment Criteria***

*It shall be the intention of Council, when [...] entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:*

*That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*

- (b) That the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Town to absorb any costs relating to the development;*
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;**
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;*
  - (ii) height, bulk and lot coverage of any proposed building;*
  - (iii) parking, traffic generation, access to and egress from the site;*
  - (iv) any other matter of planning concern outlined in this strategy.**

From a planning perspective, the proposed use would not be significantly different from a single-detached dwelling containing a family with four children. The only significant difference being that staff will be onsite, which may result in additional traffic. This is mitigated by the large parking area located away from adjacent dwellings.

**PUBLIC PARTICIPATION OPPORTUNITY:**

An advertised Public Participation Opportunity related to this issue was held on April 11, 2022 with the proponents in attendance. No members of the public attended.

**CONCLUSIONS:** The proposal generally conforms to the relevant policies of the MPS and LUB. Staff do not anticipate significant negative impacts on the surrounding neighbourhood. Moreover, the provision of supportive housing for youth is a positive addition to the community.

**RECOMMENDATION:**

Staff suggest the PAC consider the following three motion options:

1. I move that the PAC recommend that Council enter into a development agreement for 27 West Pleasant Street to allow the operation of a Group Home on the property.
2. I move that the PAC recommend that Council enter into the development agreement for 27 West Pleasant Street to allow a single detached dwelling with the specified changes.
3. I move that the PAC recommend that Council not enter into the development agreement for 27 West Pleasant Street.

Staff recommend option one.

# Application Details

**Applicant/Owner:** MacDonald  
People Resources Ltd. (Kyla Morris)

**Location:** 27 West Pleasant Street  
(PIDs 25027129 & 25027152)

**Summary of Proposal:** Youth  
supportive housing (Group Home) for  
four (4) youths.

**Property Size:** 1,591 m<sup>2</sup> (17,000 ft<sup>2</sup>)

**Existing Land Use:** Single-detached  
dwelling.

**Existing Zoning:** General Residential



# Neighbourhood Context

- The Subject property is immediately surrounded on three sides by single-detached and converted dwellings.
- The former ENHEAT industrial site is located to the north and west.
- A town-owned unmaintained access route exists to the west and north of the subject property.



# Proposal Details

**General Description:** To operate a 4-bedroom support housing for youth staffed by at least 2 staff members 24-hours per day.

The existing 3-bedroom house will be converted to a 4-bedroom, and all mechanical systems will be upgraded to meet provincial standards. Annual Fire Inspections are required.

This housing type is regulated and regularly inspected by the Provincial Department of Community Services.

No expansion to the building is being proposed.



# Relevant Planning Policy

## Land Use Bylaw

### Section 7.2.2 Permitted Uses by Development Agreement

In a Residential Zone, an application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policy:

(b) A group home in accordance with Policy RP-13 of the MPS.

### MPS RP-13: Group Homes and Boarding Houses by DA

It shall be the intention of Council to permit Group Homes and Boarding Houses in all residential areas of town by development agreement. In doing so Council shall ensure that:

- (a) Adequate land exists on the property to provide recreational opportunities for residents;
- (b) Adequate on site parking is provided for staff of the facility;
- (c) Vegetation is used to mitigate the impacts of parking facilities on adjacent residents.



# Relevant Planning Policy (con't)

## MPS A-5: Amendment Criteria

It shall be the intention of Council, when [...] entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.
- (b) That the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Town to absorb any costs relating to the development;
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building; (iii) parking, traffic generation, access to and egress from the site;
  - (iv) any other matter of planning concern outlined in this strategy.

This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2022.

Between:

**MACDONALD PEOPLE RESOURCES LIMITED** (owner of property located at 27 West Pleasant Street [PID 25027129 & 25027152], hereinafter called the "Owner"),

of the one part, and

**THE TOWN OF AMHERST** (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy CP - 13 of the Municipal Planning Strategy of the Town of Amherst, to operate a group home within the single-detached dwelling on property located at 27 West Pleasant Street (PID 25027129 & 25027152).

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an Agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the \_\_\_\_\_<sup>th</sup> Day of \_\_\_\_\_ 2022, approved the said Development Agreement, subject to the registered Owner of the land described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule 'A' - Terms and Conditions
- (b) Schedule 'B' – Property Identification

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the Development Agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid Lands in the Town of Amherst, hereinafter called the "Lands". The aforesaid Lands are the only lands in the Town of Amherst to which this Agreement applies, and the Lands are illustrated in the diagram shown on Schedule B attached.
- 2) That the Owner may operate group home licensed by the Province of Nova Scotia within an existing single-detached dwelling on the Lands.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property (other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.

- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this Agreement, the Town shall retain the right to discharge the Agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

DRAFT

**SIGNED, SEALED AND DELIVERED**

In the presence of

\_\_\_\_\_

**THE TOWN OF AMHERST**

\_\_\_\_\_  
David Kogon MD  
Mayor

\_\_\_\_\_  
Jason MacDonald, MCIP, LPP  
Chief Administrative Officer

**FOR THE OWNER**

\_\_\_\_\_

\_\_\_\_\_  
Kyla Morris

DRAFT

## Schedule A

## 27 West Pleasant Street - Development Agreement

Terms and Conditions:

### 1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the Lands shall be limited to a group home operation or child and youth care program for four (4) children under the care of the Nova Scotia Department of Community Services within an existing single-detached dwelling in the location shown on Schedule 'B'.
- 1.2 A minimum of one (1) parking space shall be provided for each employee on the Lands and shall be generally located on the existing asphalt driveway as shown on Schedule 'B'.
- 1.4 Accessory buildings may be permitted on the Lands in accordance with the *Town of Amherst Land Use Bylaw*.
- 1.5 All areas of the Lands not covered by buildings or driveways generally as shown on Schedule 'B' shall be landscaped.

### 2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Lands and buildings and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.3 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.

# SCHEDULE 'B'

