



Variance Appeal Hearing
Agenda

Date: Thursday, September 17, 2026
Time: 4:30 pm
Location: Council Chambers, Town Hall

Pages

1. CALL TO ORDER

2. TERRITORIAL ACKNOWLEDGMENT

"I would like to acknowledge that our gathering today is taking place in Mi'kma'ki (MEEG-MA-GEE), the traditional, unceded and ancestral territory of the Mi'kmaw people. I would also like to acknowledge that Nova Scotia has another unique people, the people of African descent whose legacy and contributions date back over 400 years predating confederation of this land. We are all treaty people."

3. Variance Appeal - 69 Lower LaPlanche Street

3.1 Staff Report

1 - 11

3.2 Council Questions / Comments

3.3 Public Questions / Comments

4. Adjournment

MEMO

TO: Mayor Small and Members of Council

FROM: Andrew Fisher, Director of Planning & Economic Development

DATE: September 17, 2026

RE: **Variance Report – 69 Lower Laplanche Street**

On August 13, 2026, a variance was granted for 69 Lower Laplanche Street to permit the construction of a nine-unit apartment building on a lot that does not meet the minimum lot area requirement of the Land Use Bylaw (LUB). As is the process for variances, property owners were notified of the variance and given an opportunity to appeal the Development Officer's decision to Council. In this case, two appeals were received.

Attached to this memo is an application briefing and the appellant's stated grounds for their appeal.

The lot area variance is as follows:

LUB section 7.2.4

Minimum lot area: 9-Unit Dwelling: $1,200 \text{ m}^2 + 3(50 \text{ m}^2) = 1,350 \text{ m}^2 (14,526 \text{ ft}^2)$

Proposed lot area: $1,249 \text{ m}^2$

Lot area shortfall: **$101 \text{ m}^2 (1,087 \text{ ft}^2)$ or 7.5%**

It should be noted that a 6-unit dwelling would meet the minimum lot area requirement and be permitted by-right. However, staff reviewed the application and concluded that a 7.5% variance was reasonable given that the proposed parking and amenity space exceeded the minimum requirements of the LUB. Operations confirmed that there is adequate water and sewer services in the area to accommodate a 9-unit dwelling. Staff also concluded that pedestrian and vehicular traffic can be accommodated within the surrounding network, given that Laplanche Street is an arterial street and a sidewalk exists along Laplanche to the Lower Laplanche intersection.



Amherst

NOVA SCOTIA

Variance – 69 Lower Laplanche

Site Plan Agreement and Variance to permit a 9-unit Apartment

Application Details

Applicant/ Owner: Casey Reality Ltd.

Location: 69 Lower Laplanche Street (PID 25023185 & 25469644)

Lot Size: 1,250 sqm (13,450 sqft)

Current Zoning: Mixed Use

Current Land Use: Vacant Land

Summary of Proposal: 9-unit apartment building

Parking Required: $1 \times 1.25 = 11$ spaces

Parking Proposed: 14

Amenity Space Req'd: 36 sqm balcony/ 60 sqm ground

Amenity proposed: 36 balcony/ 72 ground

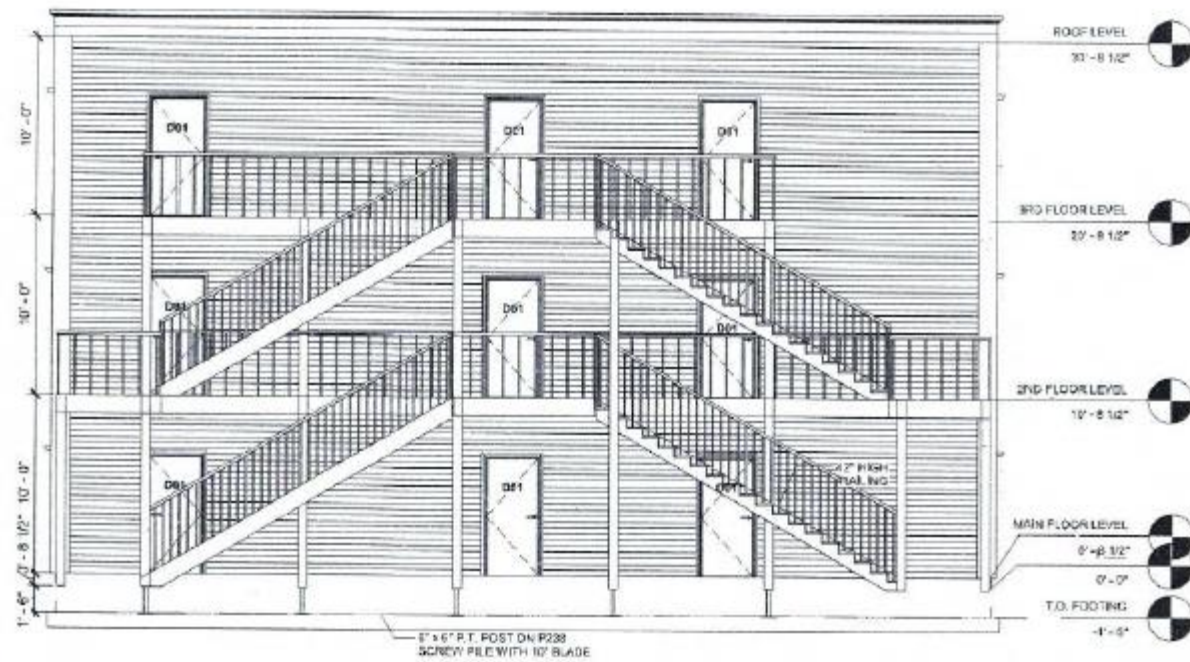
Minimum Req'd Lot Area: 1,350 sqm (14,526sqft)

Proposed Lot Area: 1,250 sqm (13,450 sqft)

Shortage: 100 sqm (1,076 sqft) or 7.5%



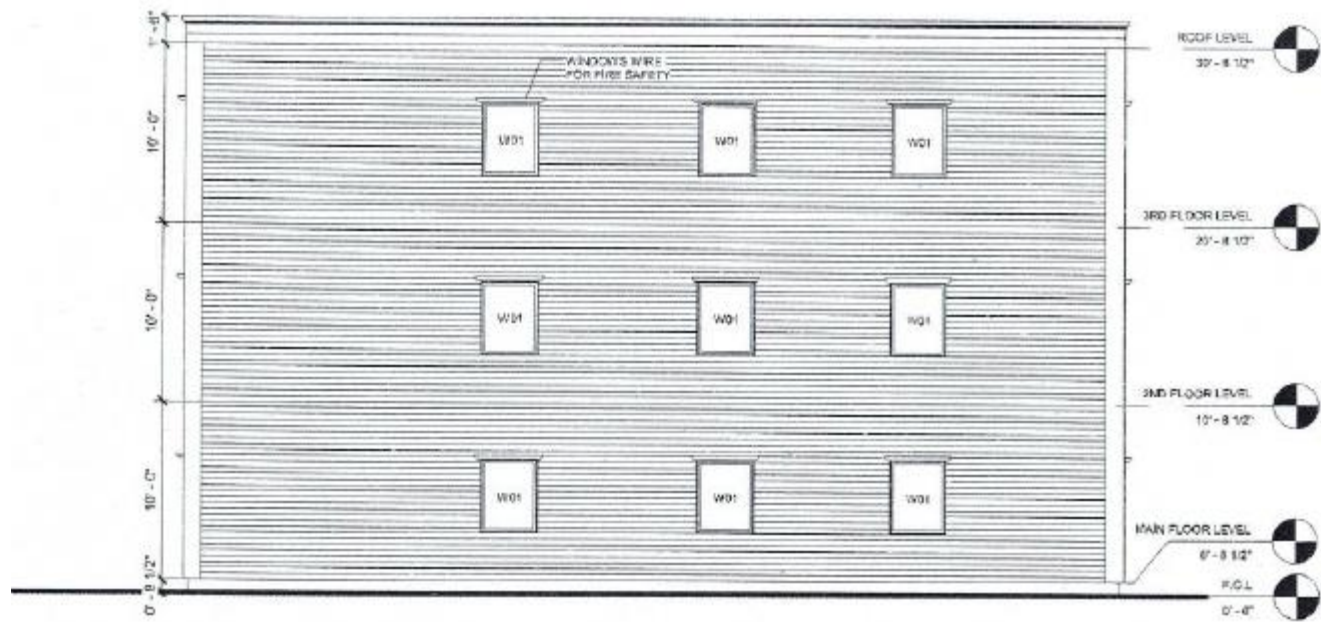




SOUTH ELEVATION

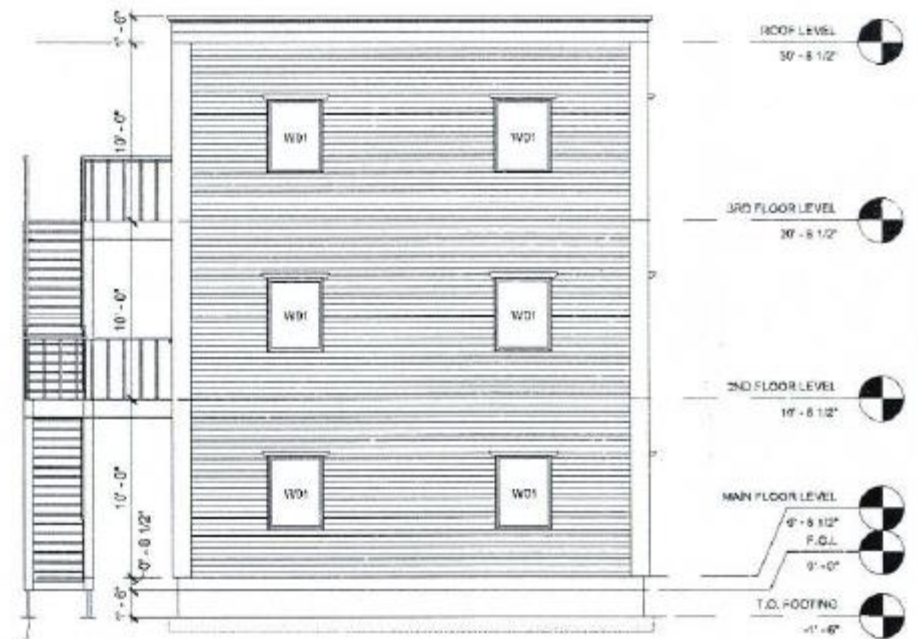


WEST ELEVATION



NORTH ELEVATION

6" x 6" P.T. POST ON P128
SCREEN FILE WITH 10" BLADE



EAST ELEVATION

Variance Process

- If provided for in the LUB, the Municipal Government Act (MGA) allows the Development Officer to grant variances for: lot area, frontage, yard requirements, parking spaces, building height, etc. (LUB 3.12)
- MGA section 235(3): a variance may not be granted if:
 - It violates the intent of the LUB
 - The difficulty experienced is general to properties in the area
 - The difficulty experienced results from an intentional disregard for the LUB requirements
- If approved, notice to property owners within 30 metres – 14-days to appeal decision to Council
- Council hears appeal and can make any decision the Development Officer can make (approve or deny).
- Council will be requested to make a decision at its regular meeting Monday, September 28th.

26 August 2026

Natalie LeBlanc, Municipal Clerk
Town of Amherst
98 Victoria Street East, PO Box 516
Amherst, NS, B4H 4A1
nleblanc@amherst.ca

Re: 69 Lower LaPlanche St. (PID: 25023185 and 25469644) – Notice of Variance

Dear Natalie LeBlanc,

As a property owner on Lower LaPlanche St., I recently received a letter from the Town of Amherst providing notice of a variance intended to permit the construction of a 9-unit apartment building at 69 Lower LaPlanche St. I am writing to appeal the decision to grant this variance. I have two primary areas of concerns: 1) this is a small, dead-end street, and I do not believe it is appropriate to grant the variance to build on a 1249m² lot where there is not sufficient space for the proposed development; and 2) there is insufficient information provided to indicate that infrastructure and other concerns related to the size of the street have been appropriately considered in granting this variance.

Regarding the issuing of the variance, I am concerned that the lot size does not typically allow a development of this size. Would another, smaller development normally be permitted, and if so, could a different plan for the property be considered? Would any other property owner (someone like me) likewise be issued a variance for a construction plan by the town? Are variances issued frequently, or is this exceptional?

A 9-unit building will very likely triple the population residing on the street, which currently has only 5 buildings. Because of the lack of information provided in the notice, I am not convinced that the Town of Amherst has exercised sufficient care in inquiring into the impacts on infrastructure in the restricted space available this street, which borders on the CN railroad. Regarding my specific concerns about infrastructure and the lack of space on the street, I would like to note the following points:

- Safety concerns turning out of the street and likelihood of increased traffic: there is a blind corner coming off the marsh and into town that makes it dangerous for anyone exiting the street by vehicle or on foot. The nearest crosswalk also occurs at a blind spot. Cars travelling into town exceed the speed limit in the area. The high volume of 4-Wheeler and ATV traffic on Lower LaPlanche St. increases the risks.
- Safety concerns turning into the street and likelihood of increased traffic: motorists are often confused and aggressive when a vehicle turns left into Lower LaPlanche St. just after an intersecting Y in the road, marked by a yield sign. This will certainly result in the likelihood of more frequent accidents if traffic increases. Robb Centennial Park's proximity also increases confusion.
- Lack of sidewalks: the street cannot accommodate additional foot traffic. The sidewalk on the intersecting street ends abruptly, forcing pedestrians to cross at a dangerous crosswalk where traffic entering town typically travels at an excessive speed.
- Lack of timely, frequent snow removal and an area for placing snow: as a small, dead-end street, bordered by the railroad tracks, the street does not typically receive quick

or frequent snow removal and cannot accommodate snow, as it currently gets pushed alongside residents' homes and to the end of the street. Adding more driveways will intensify this problem, which is heightened by the frequency of drifting on the street, due to its closeness to the open marsh. Plows on the adjoining road usually fill snow back into the street, making it unpassable and making exiting the street even more dangerous.

- Lack of proper drainage: this street is in a low-lying, wet area alongside the marsh. Any increased development will heighten the risk of flooding, which is already considerable. A ditch that was previously located on the street was removed by the town in the early 2000s (estimated). Snow and water from nearby corporate properties also drain into the yards and street and into the area proposed for development.
- Disruption related to construction: as this is a short, dead-end street, traffic will be severely impacted by any large development. There is no other exit to the street, and, as noted above, turning into the street is already dangerous.
- Pressure on water and sewage systems: the infrastructure on the street has not been modernised.
- Lack of detail: there is no information at present about the type of housing in the proposed development, the likelihood that other properties on the street may be granted variances for development in the future, the plans for the building, etc.

Thank you for the opportunity to appeal the issuing of this variance. I sincerely hope the town will consider these important factors moving forward.

I hope you will respond to me in writing, as I do not have access to email or the internet.

Sincerely,



Sally Cove and Evelyn Wilson
74 Lower LaPlanche St.
Amherst, NS, B4H 1Z4
1-902-664-6529 (cell)
1-902-667-7773 (home)

Andrew Fisher

From: Natalie LeBlanc
Sent: August 27, 2026 4:46 PM
To: Andrew Fisher
Subject: FW: 69 Lower LaPlancheSt. (PID: 25023185 and 25469644) - Notice of Variance

From: Jeff ' <joneill111@hotmail.com>
Sent: August 27, 2026 4:34 PM
To: Natalie LeBlanc <NLeBlanc@amherst.ca>
Subject: Re: 69 Lower LaPlancheSt. (PID: 25023185 and 25469644) - Notice of Variance

The reasons for my appeal are:

I feel with the apartment complex being put on a small dead end street with limited space and parking will result in additional risk entering and exiting the street due to the approaching traffic from out of town and further impacting visibility. I also suspect that the building will create additional problems with flooding in the area and assuming that the parking area is for tenants only there would be no space on this street to safely accommodate visitors with cars.

Thanks,
Jeffrey O'Neill

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From: Natalie LeBlanc <NLeBlanc@amherst.ca>
Sent: Thursday, 27 August 2026 14:43:24
To: Jeff ' <joneill111@hotmail.com>
Subject: RE: 69 Lower LaPlancheSt. (PID: 25023185 and 25469644) - Notice of Variance

Hi Jeff,

Thank you for your email.

Can you please reply stating the reason for your appeal.

Natalie LeBlanc
Municipal Clerk
Town of Amherst
Ph: 902-667-6510
Email: nleblanc@amherst.ca
www.amherst.ca | #seewhyweloveit



"We acknowledge that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People. We celebrate 400+ years of African Nova Scotian descent. We strive to foster a diverse community that values everything that makes us unique including our visible differences, such as race or gender expression, as well as our non-visible differences, such as gender identity and diversity of thought. We are committed to equity, fairness and dignity for all."



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From: Jeff ' <joneill111@hotmail.com>

Sent: August 25, 2026 12:35 PM

To: Natalie LeBlanc <NLeBlanc@amherst.ca>

Subject: 69 Lower LaPlancheSt. (PID: 25023185 and 25469644) - Notice of Variance

August 25, 2026

Dear Natalie,

As the owner of 78 Lower LaPlanche street I would like to appeal the request for the variance at 69 Lower LaPlancheSt. (PID: 25023185 and 25469644) and ask that the variance not be granted.

Sincerely,
Jeffrey O'Neill

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