



**Town of Amherst
Planning Advisory Committee Meeting**

Agenda

Date: **Tuesday, September 11, 2018**
Time: **4:00 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. Call to Order	
1.1 Approval of Agenda	
1.2 Approval of Minutes	
1.2.1 20180813 PAC Minutes	1 - 4
2. 16 Prince Arthur Street	5 - 31
2.1 Staff Report	
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3. 72 Station Street	
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3.2 Committee Questions	
4. 16 Prince Arthur Street - Owner / Complainant Invited to Address Committee	
4.1 Staff Report	
4.2 Committee Questions	
4.3 Owner / Complainant Address to Committee	
4.4 Recommendation	

5. 72 Station Street - Owner / Complainant Invited to Address Committee
 - 5.1 Staff Report
 - 5.2 Committee Questions
 - 5.3 Owner / Complainant Address to Committee
 - 5.4 Recommendation
6. Adjournment

Town of Amherst

Planning Advisory Committee

Minutes

Date of Meeting: Monday, August, 13, 2018
Location: Council Chambers, Town Hall

Members Present: Deputy Mayor Sheila Christie
Councillor Wayne MacKenzie
Councillor Terry Rhindress (Vice Chair)
Citizen Appointee Gordon Goodwin
Citizen Appointee Ronald Wilson

Staff Present: Manager of Planning and Strategic
Initiatives Andrew Fisher
Deputy Municipal Clerk Natalie LeBlanc
Admin Assistant Emily Wainwright

Staff Absent: Municipal Clerk Kimberlee Jones

1. Call to Order

Vice-Chair called the meeting to order at 4:09 p.m.

1.1. Approval of Agenda

Moved By: Deputy Mayor Christie
Seconded By: Councillor MacKenzie
That the agenda be approved.

Motion Carried

1.2. Approval of Minutes

Moved By: Citizen Appointee Wilson
Seconded By: Citizen Appointee Goodwin
That the minutes of the June 4, 2018 PAC meeting be approved.

Motion Carried

2. Review of Recent Variances

2.1 11 Victor Avenue

Mr. Fisher discussed a recent variance at 11 Victor Avenue where the resident wanted to add a second story to his garage. Mr. Fisher explained to the committee that accessory buildings usually are not allowed to be higher than the dwelling on the property, which is a one storey bungalow. In this case, the variance was issued as the adjacent dwelling was also a one storey bungalow with a two-storey garage, the subject property was surrounded by mature tree to mitigate any impact on adjacent property. With no objection was received from neighbouring residents after notifications were sent out, the variance went ahead and a development permit was issued.

3. Proposed Development Agreement at 99 West Victoria Street – Garden Suite

3.1 Staff Report

Mr. Fisher reviewed his report as included as part of the agenda package.

3.2 Committee Questions

Deputy Mayor Christie asked if the closest property owners have been notified. Mr. Fisher explained that property owners within 60 meters from the property receive a letter in the mail, and residents within 30 meters receive a hand delivered letter outlining the proposed development plan.

Deputy Mayor Christie asked if this garden suite will be able to become a rental property at some point. Mr. Fisher responded that there is currently no restriction with doing so in the development agreement.

4. Urban Chickens

4.1 Staff Report

Mr. Fisher reviewed his report as included as part of the agenda package.

4.2 Committee Questions

Deputy Mayor Christie stated that there are only 80 dogs in the Town of Amherst who are registered. She asked how are we going to regulate this without a bylaw officer.

Citizen Appointee Goodwin asked if one must notify neighbours before having a chicken coop in their backyard. Mr. Fisher responded that in Nova Scotia the Municipal Government Act only provides for that type of process through a

development agreement, which is arguably too onerous of a process for a simple matter such as chickens.

Citizen Appointee Goodwin raised the point that the urban chickens will be confined to a resident's property, whereas cats and dogs are not currently contained to one specific property.

Citizen Appointee Wilson asked if staff has had any discussions with other communities who have urban chickens allowed on residential properties. Mr. Fisher responded that he has only heard of two instances where they became a problem in Truro. One instance was that a coop was too close to a waterway, which in turn attracted rats to the area. The second, a coop itself was not being maintained properly and became unsightly. There have not been any other problems from other communities.

Staff directed to draft regulations with restrictions as per PAC including only hens, no selling of eggs, must be a large lot size with large set backs, and only permitted at single detached dwellings.

3.4 Public Participation Opportunity

Two members of the public were in attendance.

Valarie Cousins, owner of 99 West Victoria Street, and her sister Jean Jacklin were in attendance. Ms. Cousins wanted to explain the purpose behind building the garden suite, which will be for her mother who currently lives over an hour away. She stated that the garden suite is not being built for financial gain, but to have her mother closer to family.

5. Recommendation

Moved By: Councillor MacKenzie

Seconded By: Deputy Mayor Christie

That the Planning Advisory Committee recommend that Council enter into the proposed Development Agreement for 99 West Victoria Street as drafted by Staff, subject to any revisions that may arise during the public participation process.

Motion Carried

6. Adjournment

Deputy Mayor Christie motioned to adjourn the meeting at 5:09 p.m

Motion Carried

Andrew Fisher, Manager of Planning and Strategic Initiatives

Vice Chairman Terry Rhindress

DRAFT

SYNOPSIS

16 Prince Arthur Street

This property has been vacant since July 12, 2013, with no effort by the property owner to repair the building. The Dangerous and Unsightly Premises Administrator advises the work required to bring the dwelling up to "Minimum Standards for Residential Occupancy" would be extensive and expensive. The repair costs would far exceed the resale value of the home. At present, it poses a risk for vandalism, fire and transient activity.

MOTION:

The Planning Advisory Committee order the property at 16 Prince Arthur Street be demolished and the foundation be backfilled within 45 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, with all costs charged to the property owner's tax account.



September 5, 2018

To: Planning Advisory Committee
From: Marc Buske, Dangerous & Unsightly Premises Administrator
Subject: Recommendation for Demolition

Re: PID # 25027889, 16 Prince Arthur Street, Amherst, NS

Issue

Many complaints on this property have been received. This property has been vacant since July 12, 2013, with little to no work completed by the property owner. The Town has carried out work several times to secure and cleanup around the building. There are signs of transient occupancy throughout the building. The work required to bring the dwelling up to “Minimum Standards for Residential Occupancy” would be extensive and expensive. The repair costs would far exceed the resale value of the home.

History

March 10, 2011

- i- A letter was sent to the property owner on this date to remove garbage bags, pieces of furniture, tires, wooden panels and various debris from the property by March 22, 2011.
- ii- The property owner complied with the letter on March 29, 2011.

April 12, 2013

- i- A letter was sent to the property owner on this date to remove bags, debris and various other items from around the property by April 17, 2013.
- ii- The property was visited April 18, 2013, and the cleanup was not completed.
- iii- The town hired a contractor on April 19, 2013, to complete the work. All charges to be added to the property tax account.



History continued

June 12, 2013

- i- Minimum standards complaint was submitted, a letter was sent to the landlord on this date.
- ii- The tenant moved out of building on July 12, 2013. File was closed.

August 5, 2014

- i- A letter was sent to the property owner to remove plastic, debris, garbage and furniture from the property.
- ii- The property was cleaned up on August 11, 2014. The file was closed.

October 20, 2014

- i- A letter was sent to the property owner on this date to remove plastic, debris, garbage and furniture from the property.
- ii- The work was completed on October 29, 2014. The file was closed.

May 5, 2014

- i- Received a complaint about the property on this date. A letter was sent to the owner stating he had until May 16, 2014, to remove garbage, debris, plastics, used furniture, tires and various other items from around the property including garbage stored in the shed.
- ii- The town cleaned up the property on May 22, 2014. The cost of the cleanup was placed on the property tax account.

May 30, 2014

- i- An order was placed on the property to remove an illegal storage building by June 3, 2014.
- ii- Mr. White came to town hall on June 11, 2014, to talk about removing the shed or moving it to 8-10 Prince Arthur Street, where there was room to meet the set-backs. The administrator advised Mr. White that if he obtained a development permit to move the structure to 8-10 Prince Arthur Street, he would be given an extra 30 days to comply with the order.
- iii- The site was visited by the administrator on July 7, 2014, a week before the deadline that was set for the shed's removal. The shed was still there.
- iv- The property owner stopped by town hall on July 14, 2014, to inform the administrator that the shed would be removed that week.

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- v- The town removed the shed on July 21, 2014. The cost of doing the work was added to the property tax account. The file was closed.

May 14, 2015

- i- Received a complaint on this property on this date about solid waste around the property.
- ii- A letter was sent to the property owner on May 19, 2015, to remove the derelict vehicle by July 3, 2015, and to make repairs to the windows, where the glass was broken, and to secure the shed door by July 31, 2015.
- iii- An order was placed on the property on July 6, 2015, to remove the derelict vehicle from the premises by July 31, 2015, and to have the windows repaired by July 31, 2015.
- iv- The property owner complied on August 10, 2015. The file was closed.

February 17, 2016

- i- A letter was sent to the property owner on this date to clean up plastics, debris, furniture garbage and various other items from the property, which were outside on the front deck, side yard and backyard, by February 26, 2016.
- ii- The property owner complied on February 18, 2016. The file was closed.

June 30, 2017

- i- received a complaint on this property.
- ii- An order was placed on the property August 29, 2017, to remove a derelict vehicle.
- iii- A letter was sent to the property owner on July 21, 2017, to: ensure the building was secured at all times from unauthorized entry, replace and fix any broken or missing doors, replace any broken windows, ensure that every exterior wall was maintained and weather tight so that animals could not enter the building, remove a white car and paint or reside the exterior walls. The owner was given until October 26, 2017, to complete the work.
- iv- The vehicle was removed on September 12, 2017.

April 26, 2018

- i. Received a complaint about this property on this date.
- ii. The Town hired a contractor to secure the building and the work was completed on August 10, 2018. All costs related to securing the building were added to the tax account.



July 26, 2018

- i. A post was placed on the building notifying owner the administrator would enter the building on August 1, 2018 at 10 a.m. to do a site visit and inspect the inside of the building.
- ii. The site visit occurred on August 1, 2018. The Administrator was accompanied by Mr. David Buell, certified building official for Cumberland County, a member of the Amherst Police Department and the owner. The inspection report prepared by Mr. Buell will be provided at a later date.

Discussion

Mr. Buell's report indicated:

- Assorted debris and garbage scattered through out the structure and signs of transient occupancy.
- Collapse of some drywall and evidence of moisture and mould, wall punctures and signs of superficial damage through out premises.
- Evidence of scat and feces in portions of structure as well as animal infiltration to the interior.
- General disrepair and unkept premises throughout to the point of being uninhabitable in current state.
- Structure intact and no apparent sign structural failure other then exterior garage.
- Exposed floor members not showing evidence of failure.
- Extent of debris, abandoned appliances, furniture and garbage to the point to cause health concern.
- Exterior garage shows breach of entry and collapsed interior floor.
- Structure of garage showed signs of weather exposure and wear as well as structural deterioration. Collapse imminent.

It was Mr. Buell's opinion that the apartment building showed no serious signs of structural failure and, while extremely costly, it could be reclaimed. It was also his opinion the building, which appears structurally sound and poses no risk to safety, should be secured against transient entry until it is restored to functional capacity. (It should be noted the furnaces in the building are not functional and the ductwork and flu fell down and are not working. There is also significant damage to sewer and water pipes throughout the building. The wiring is also substandard.)

In addition, the inspector felt the attached side garage should be removed because it is in immediate danger of collapsing, which poses an immediate danger to transient traffic.



Recommendation

I am recommending the property at 16 Prince Arthur street be demolished and the foundation be backfilled within 45 days from the date of this committee meeting, with all work to be done by the property owner. Failure to do so will result in the Town completing the work. All costs incurred by the Town in the demolition and cleanup will be added to the owner's property taxes.

Alternative recommendation

The Town could do nothing, leaving it open to continuing unsightly and safety complaints and possible legal liability should the buildings deteriorate further and collapse.





MEMORANDUM

TO: Marc Buske, Dangerous and Unsightly Supervisor, Amherst
FROM: David Buell, CBO II, FPI II, Supervisor, Cumberland County
DATE: August 20, 2018
CC: File
RE: Site Inspection - 16 Prince Arthur Street - Amherst
Pictures attached

At the request of Amherst an inspection was made of the above noted property. The on-site inspection was made, and the following report filed by David Buell, Provincial Building Official and Fire Inspector Level II. The site was visited at 10:00am the morning of August 15, 2018. The following was noted and photographed:

- Assorted debris and garbage scattered through out the structure and signs of transient occupancy.
- Collapse of some drywall and evidence of moisture and mould, wall punctures and signs of superficial damage through out premises
- Evidence of scat and feces in portions of structure as well as animal infiltration to the interior.
- General disrepair and unkept premises throughout to the point of being uninhabitable in current state.
- Structure intact and no apparent sign structural failure other then exterior garage.
- Exposed floor members not showing evidence of failure
- Extent of debris, abandoned appliances, furniture and garbage to the point to cause health concern
- Exterior garage shows breach of entry and collapsed interior floor
- Structure of garage showed signs of weather exposure and wear as well as structural deterioration. Collapse imminent

It is in the opinion of this inspector that the dwelling itself showed no serious signs of structural failure and that though costly, could be reclaimed. The main building should be made secure against transient entry until such a time that it is restored to functional capacity. The attached side garage should be removed, and the remaining site restored as it posed immediate danger to transient traffic and collapse, even if it should be secured against entry.

This building appears structurally sound and poses no further risk to the safety of the public other than that stated, once made secure.

Regards
David Buell, CBO II, CFI
Permits and Inspection Supervisor
Cumberland County
902 667-3853

SYNOPSIS

72 Station Street

Various complaints have been received regarding the physical condition of the building located at 72 Station Street. Town staff, as well as a contract Building Official from the Municipality of the County of Cumberland have investigated and determined that the building is at risk to collapse and could threaten the safety of the public.

MOTION:

That the Planning Advisory Committee order the property at 72 Station Street be demolished, remove all contents of the building and back fill the hole within 14 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 send all contents of the building to the land fill with all costs charged to the property owner's tax account.



To: Planning Advisory Committee
From: Marc Buske, Dangerous & Unsightly Premises Administration
Date: September 4, 2018
Re: PID # 25041112, 72 Station Street, Amherst, NS.

Issue: Complaints on this property has been received. This building is in imminent risk of collapse. It threatens public safety.

History:

- June 12, 2015 - Town Police contacted the Administrator and informed him that the building was not secured and they had recently found some young children hiding inside the building.
- June 19, 2015 – The Town hired a local contractor to arrange to have the building secured with new locks. The file was closed.
- September 11, 2015 – Received a complaint from a resident that the top of the building appears to be collapsing. The building is clearly abandoned and safety is an issue because children play in the area and it is used by teenagers as a hang out.
- September 11, 2015 – An order from the Town to provide an Engineer’s report was placed on the property regarding structural deficiencies or for the property owner to apply for a demolition permit and remove the building and all contents from property. Date of October 11, 2015, to comply.
- October 9, 2015 – The administrator met with the property owner and his son, Stephan Wells, at the site and discussed the condition of the building, Both Walter Wells and Stephan Wells admitted it was far worse than they had anticipated, Stephan asked the administrator to extend the time by two weeks to get an engineer to take a look. The administrator agreed.
- October 14, 2015 – Stephan Wells emailed and said they were moving forward and would address the issue(s) expressed by the Town. He said an engineer was going to look at 72 Station Street in the near future.

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- November 2, 2015 – Stephan Wells emailed the administrator information about the engineer’s assessment, which he mentions was not completed due to the fact of the limited movement throughout the building. Stephan indicated they would assess the building before spring on whether to demolish or partially deconstruct and rebuild. Stephan mentioned he was waiting on Walter to decide what he wanted to do. The property was left for the winter as agreed, but a plan was expected by spring as to repairs or demolition, but none was forthcoming.
 - April 1, 2016- Visited location and found no obvious sign of improvement, building remains secured.
 - May 26, 2016 – Visited location and found no obvious sign of improvements, nor has the Town heard from Walter Wells or Stephan Wells on this matter. The grass had been mowed around the side entrance, so it appears someone is keeping an eye on the property.
 - July 18, 2018 – Received a complaint on the property.
 - July 24, 2018 – Visited the property and took pictures.
 - July 26, 2018 – Posted notice on the property and sent the property owner a registered letter to inform him that the building would be entered in order to inspect the structural soundness of the structure. The date of the inspection was August 1, 2018, at 10:30 a.m.
 - August 1, 2018 – Did a site visit with David Buell, certified building official for Cumberland County, and an Amherst Police Department member. Took pictures of the building. The lock on the side door was cut off in order to gain access for an inspection of the building’s interior. When the door was opened, we discovered parts of the the floor had fallen in and there were signs of roof collapse. We did not enter the building for safety reasons. The door was secured with a lock. A report from Mr. Buell will follow stating the condition of the building.
 - August 20, 2018 – A report was provided by Mr. Buell as to the condition of the building and his opinion. See attached document.
 - August 30, 2018 – The property was posted and a registered letter was sent to the property owner notifying him the matter will be discussed at a PAC meeting scheduled for September 11, 2018, at 4:30 p.m. at town hall. At that time, the demolition of the building will be recommended.



Discussion

Mr. Buell's report indicated:

- Complete collapse of a portion of the upper storage area due to structural failure.
- Signs of façade and structural fatigue prominent around entire perimeter of building, including giving away of foundation as well as brick wall.
- Collapse of structural components throughout the interior of the building, due to rot, water and weather damage. Open to the elements.
- Structurally supporting components that are visible show gross signs of fatigue, wear, rot and in the opinion of the inspector, imminent failure.
- Roof, which shows significant signs of wear has been jeopardized structurally and has collapsed to the inside, showing signs of weather penetration, further wear and failure.
- Several openings noted through to the interior from the exterior, indicative of component rot and failure, as well as transient traffic.
- Failed wall section entire height of structure including portion of roof, approx. 14 feet in length shows bowing and signs of probable collapse.
- Surrounding grounds and entrances show signs of transient traffic, and intermittent occupancy, presenting a possible dangerous and life-threatening situation.
- Large sections of buildings structural frame compromised.
- Entire building showing signs of structural and outer wall failure to some degree.

It is Mr. Buell's opinion that the building site be secured and marked for demolition. He recommends demolishing the building at the earliest opportunity because public safety is at risk due to the fact the structure is in imminent risk of collapse.

Recommendation

- The property at 72 Station Street be demolished.
- The property owner be instructed that he has 14 days from the PAC meeting to remove the contents, demolish the building and backfill the hole at his expense.
- Failure to comply within that 14 days will result in the Town completing the work, which will include sending all demolition material and contents to the landfill. Costs of the work will be charged to the owner's property tax account.

Alternative recommendation

- The Town could do nothing, leaving itself open to legal liability should the building collapse.



MEMORANDUM

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RE: Site Inspection - 72 Station Street - Amherst
Pictures attached

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- Signs of façade and structural fatigue prominent around entire perimeter of building, including giving away of foundation as well as brick wall.
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- Structurally supporting components that are visible show gross signs of fatigue, wear, rot and in the opinion of the inspector, imminent failure.
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- Surrounding grounds and entrances show signs of transient traffic, and intermittent occupancy, presenting a possible dangerous and life-threatening situation.
- Large sections of buildings structural frame compromised.
- Entire building showing signs of structural and outer wall failure to some degree.

It is in the opinion of this inspector that the building site be secured and marked for demolition and that demolition be scheduled for the earliest opportunity. This building is in imminent risk of collapse and threatens the safety of the public.

Regards
David Buell, CBO II, CFI
Permits and Inspection Supervisor
Cumberland County
902 667-3853