

# City of Nanaimo

## REPORT TO COUNCIL

**DATE OF MEETING:** 2015-NOV-02

**AUTHORED BY:** DAVID STEWART, PLANNER, PLANNING & DESIGN SECTION

**RE:** DEVELOPMENT VARIANCE PERMIT NO. DVP272 – 3985 APSLEY AVENUE

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### STAFF RECOMMENDATION:

That Council issue Development Variance Permit No. DVP272 at 3985 APSLEY AVENUE in order:

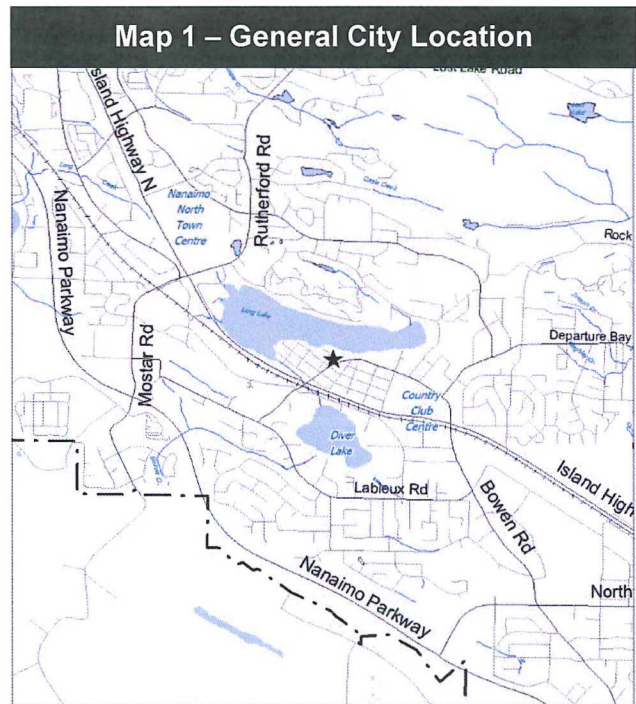
- to vary the required flanking side yard setback for an addition to a principal building from 4m to 2m and;
- to vary the required flanking side yard setback for the location of a heat pump from 4m to 2.6m.

### PURPOSE:

The purpose of this report is to seek Council authorization to vary the required flanking side yard setback for an addition to a single residential dwelling and to vary the required flanking side yard setback for the location of a heat pump.

### BACKGROUND:

A development variance permit (DVP) application was received from DRIFTWOOD CARPENTRY INC. (Richard Ryall and Wesley Tonge), on behalf of VALERIE CAMPBELL, to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" to permit the construction of an addition to a single residential dwelling within the flanking side yard setback and the location of a heat pump in the flanking side yard setback.



Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2015-Nov-02

The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires a minimum flanking side yard setback of 4m for a principal building and for a heat pump. The applicant is requesting the following variances:

- to decrease the flanking side yard setback for an addition to a principal building from 4m to 2m, a proposed variance of 2m; and,
- to decrease the flanking side yard setback for a heat pump from 4m to 2.6m, a proposed variance of 1.4m.

Statutory Notification has taken place prior to Council's consideration of the variance.

*Subject Property*

Zoning	Single Dwelling Residential – R1
OCP Designation	Map 1 – Future Land Use – Neighbourhood; Map 3 – Development Permit Area No. 9 – Commercial, Industrial, Institutional, Multi-family and Mixed Commercial/Residential development.
Location	The subject property is located on Apsley Avenue between an undeveloped road right of way to the east and 103 <sup>rd</sup> Street to the west.
Total Area	469.7m <sup>2</sup>

The subject property is a 469.7m<sup>2</sup> triangular corner lot with an existing single residential dwelling. While there is no plan to complete the road right-of-way running along the east side of the property from Apsley Avenue south to Wellesley Avenue, the property is still considered a corner lot and, therefore has a flanking side yard.

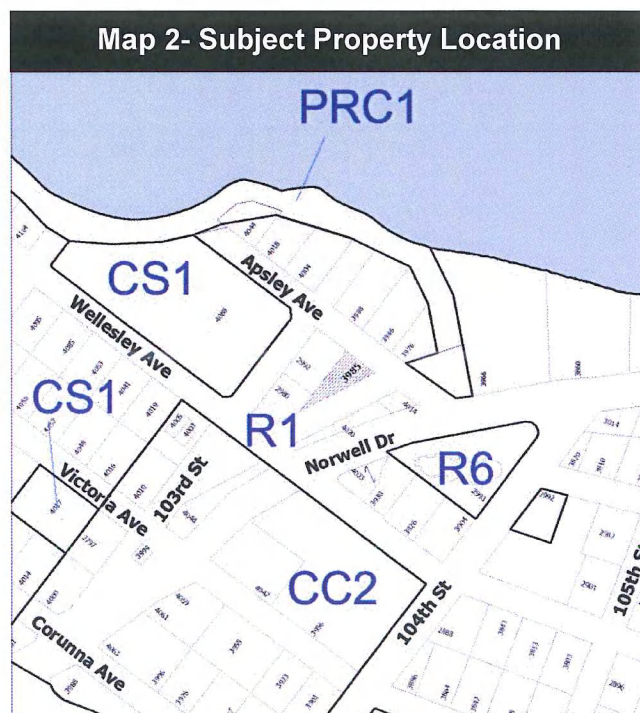
DISCUSSION:

*Site Context*

Land uses in the immediate neighbourhood primarily include single residential dwellings. The property is buffered from Norwell Drive by an undeveloped road right-of-way running along the southeast side of the property, and two small undeveloped City-owned properties along Norwell Drive. Both the City-owned properties and the road right-of-way are covered with natural vegetation.

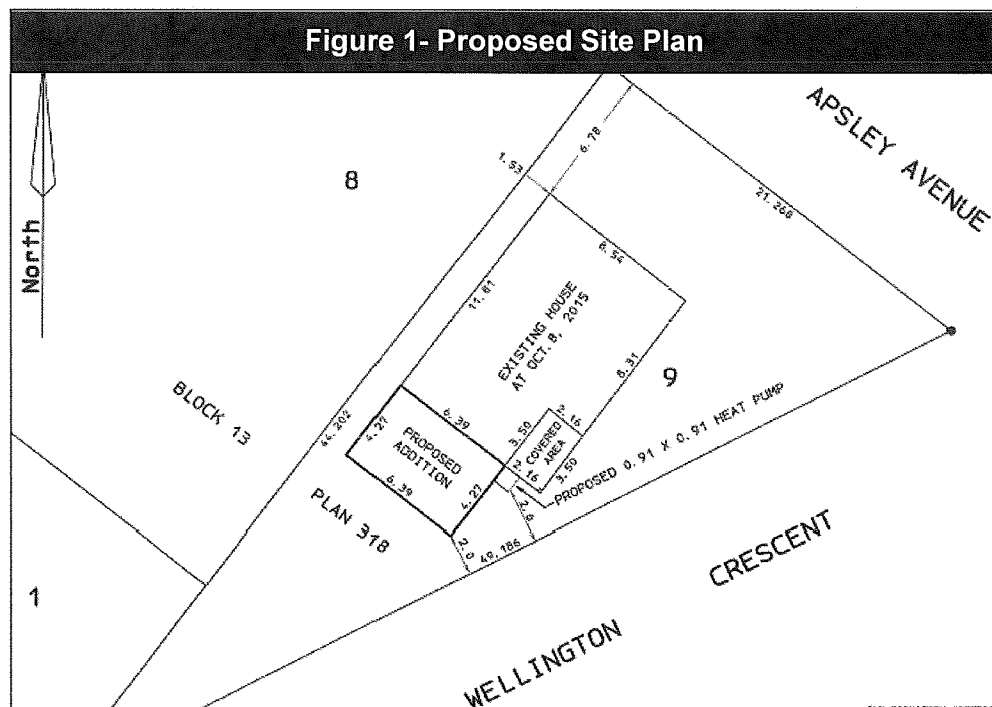
*Proposed Development*

The applicant is seeking a flanking side yard variance for an addition at the rear of the principal dwelling. Because of the triangular shape of the property, the lot narrows to a point in the rear yard leaving little building envelope available for an addition. However, if not for the presence of the undeveloped road right-of-way necessitating a 4m flanking side yard setback, the property would only require a 1.5m side yard setback; and a variance for the addition would not be necessary.



if not for the presence of the undeveloped road right-of-way necessitating a 4m flanking side yard setback, the property would only require a 1.5m side yard setback; and a variance for the addition would not be necessary.

The applicant is also seeking a variance to the flanking side yard setback in order to locate a heat pump in the flanking side yard. The proposed location of the heat pump is to the rear of the principal dwelling on the east side of the property. As the east side of the property borders on undeveloped road right-of-way and City property, it will lessen any potential noise disturbance to neighbouring properties. Both the undeveloped road right-of-way and City-owned properties are vegetated, providing a visual and sound screen for the heat pump from Norwell Drive (Figure 1 – Proposed Site Plan).



Staff is of the opinion that the addition and location of the heat pump will not have a negative impact on adjacent property owners.

### **Required Variances**

Section 7.5.1 – Siting of Buildings – requires a minimum flanking side yard setback of 4m. The proposed setback is 2m, a proposed variance of 2m.

Section 7.5.1 – Siting of Buildings – requires a minimum flanking side yard setback of 4m. The proposed setback, to facilitate the location of a heat pump, is 2.6m, a proposed variance of 1.4m.

Respectfully submitted,

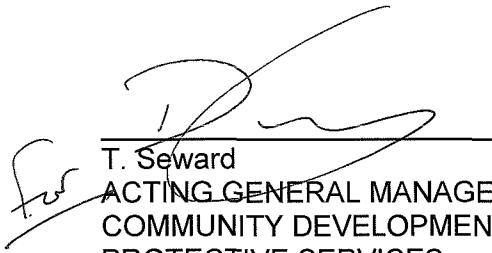


B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT



T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY DEVELOPMENT &  
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

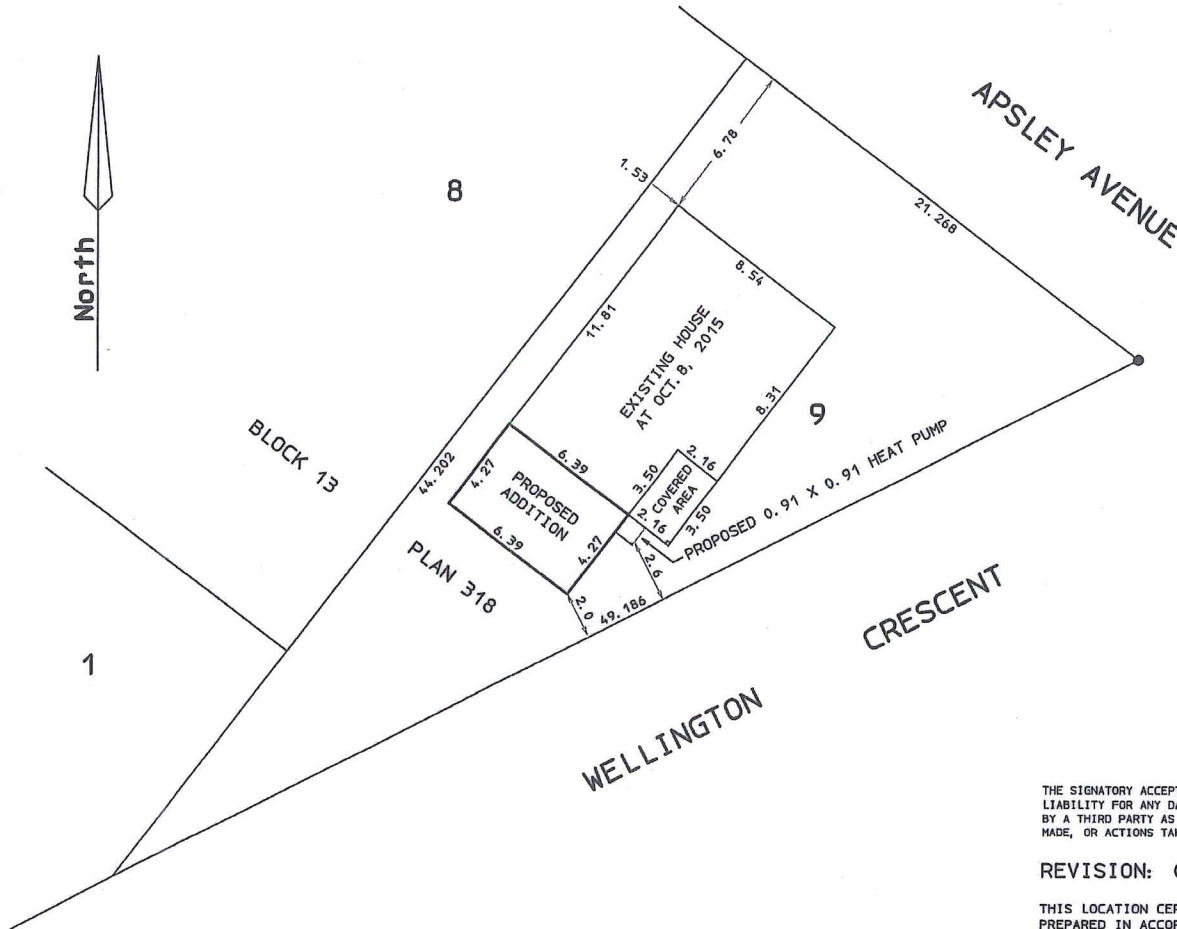
*Drafted: 2015-OCT-14  
Prospero attachment: DVP00272  
TR/In (ds)*



**B. C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED ADDITIONS TO:  
 LOT 9, BLOCK 13, PLAN 318, SECTION 5, WELLINGTON DISTRICT.**

SCALE 1: 200  
 0 2 4 6 8 10 metres

- NOTES:
- CIVIC ADDRESS: 3985 APSLEY AVENUE.
  - LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLAN 39752.
  - STANDARD IRON POST FOUND.



THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).  
 THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).  
 THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH BOUNDARY LINES.

**WILLIAMSON & ASSOCIATES**  
 PROFESSIONAL SURVEYORS © 2011  
 3088 BARONS ROAD NANAIMO B. C. V9T 4B5  
 PHONE: 250-756-7723 FAX: 250-756-7724  
 EMAIL: WAPS@TELUS.NET  
 FILE: 15125-1 REV. 01 (BASE PLAN 12054)

**FLANKING SIDE YARD VARIANCE  
 REQUIRED FOR HOUSE**  
 MINIMUM FLANKING SIDE YARD SETBACK: 4.0  
 PROPOSED FLANKING SIDE YARD SETBACK: -2.0  
 VARIANCE REQUIRED: =2.0

**FLANKING SIDE YARD VARIANCE  
 REQUIRED FOR HEAT PUMP**  
 MINIMUM FLANKING SIDE YARD SETBACK: 4.0  
 PROPOSED FLANKING SIDE YARD SETBACK: -2.6  
 VARIANCE REQUIRED: 1.4

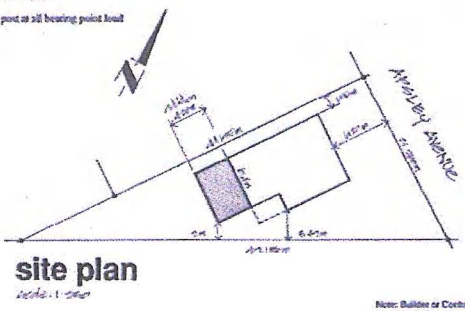
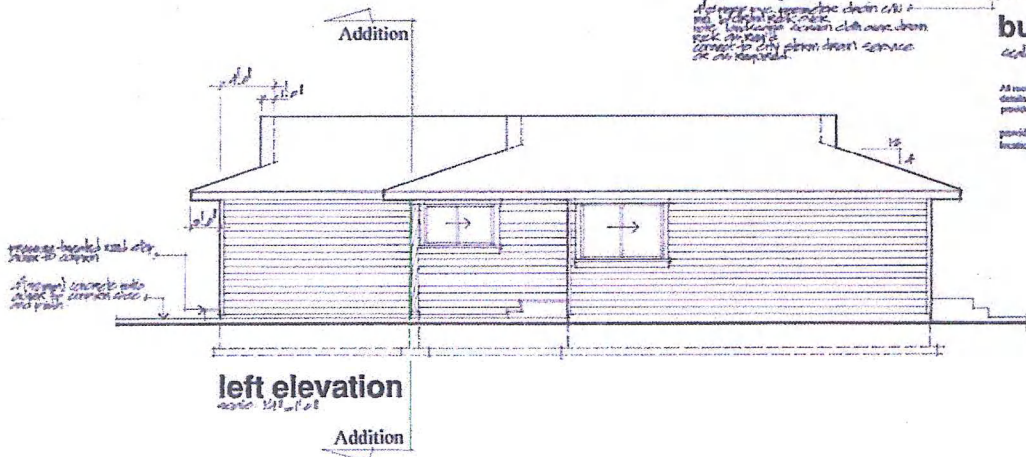
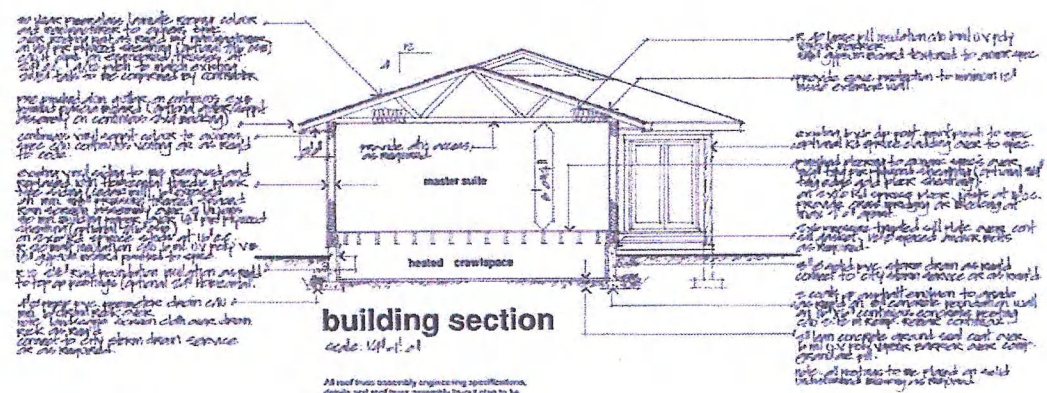
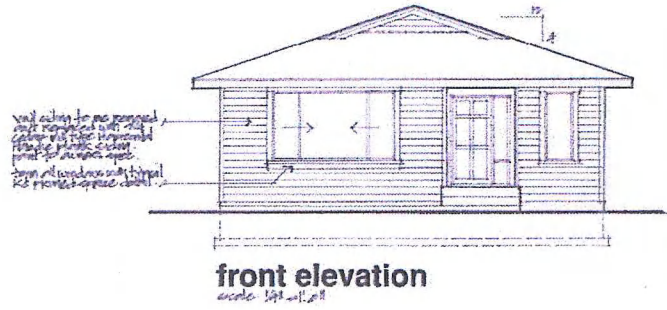
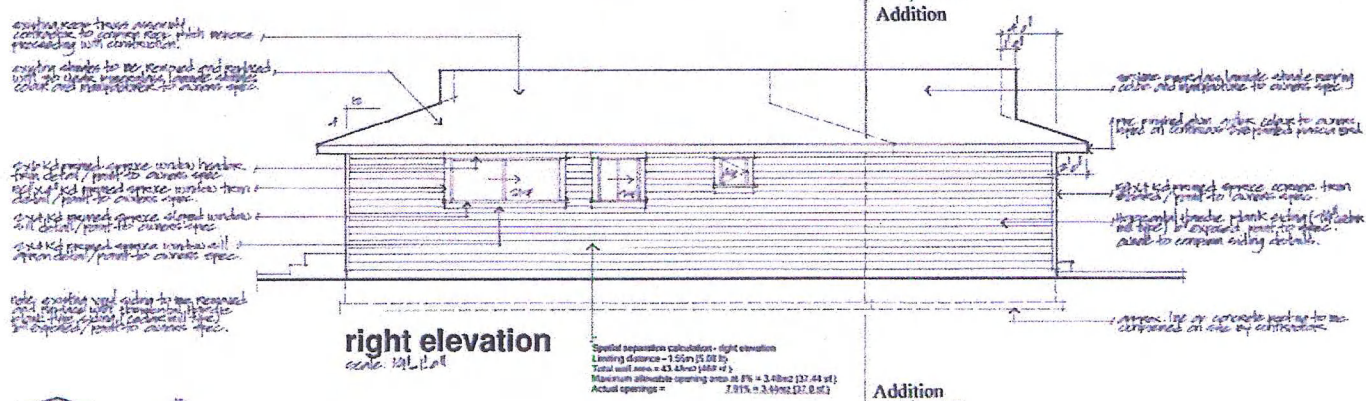
THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

REVISION: 01

THIS LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF: OCTOBER 13, 2015

*[Signature]*  
 Brian S. Henning B.C.L.S.  
 THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED.

# Elevations



Note: Builder or Contractor to check and verify all details and dimensions before proceeding with construction and be responsible for same.  
All work to be done in accordance with The BC Building Code, current edition and to all local Building Bylaws.

REVISION DATE	
PROJECT TITLE <b>Campbell residence - addition/rena</b> LOT 9, Block 13, Section 5, Wellington District, Plan 210 Civic address 3985, Apsley Avenue, Nanaimo, BC. Copyright reserved. This plan and design are the work of an engineer and shall be used for the purposes intended and shall not be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without prior written permission from the engineer.	
PROJECT NUMBER <b>15690</b>	
DRAWN BY DATE Aug 2015	CHECKED BY SCALE as shown
DRAWING TITLE <b>building section elevations</b>	
SHEET NUMBER <b>A2</b>	
ISSUE DATE	