

DATE OF MEETING June 13, 2016

AUTHORED BY DAVID STEWART, PLANNER, PLANNING AND DESIGN

SUBJECT **DEVELOPMENT VARIANCE PERMIT NO. DVP289 – 3732 GLEN OAKS DRIVE**

OVERVIEW

Purpose of Report

To present Council with a development variance permit application for a heat pump located beside a single residential dwelling at 3732 Glen Oaks Drive.

Recommendation

That Council issue Development Variance Permit No. DVP289 at 3732 Glen Oaks Drive to allow a heat pump located to the side of a principal dwelling and 0.5m from the side property line.

BACKGROUND

A development variance permit application, DVP289 (Attachment A), was received from Anderson Greenplan Ltd. (Mr. Jack Anderson), on behalf of Pedro and Linda Tarnowski to vary the provisions of the City of Nanaimo "Zoning Bylaw 2011 No. 4500" to permit a heat pump to the side of a principal dwelling and located 0.5m from the side property line.

The City's Zoning Bylaw requires heat pumps and central air conditioners to be located to the rear of a principal building where the building is a duplex or single residential dwelling. A 4.5m side yard setback is also required for heat pumps and central air conditioners.

The subject property is a 788m² lot located within the established Glen Oaks neighbourhood. The property is accessed by a common driveway to the rear which begins at 3744 Glen Oaks Drive and is also shared with the properties located at 3736, 3732, 3728, and 3724 Glen Oaks Drive. A single residential dwelling is currently under construction on the subject property.

The Applicant's Letter of Rationale is included as Attachment B.

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

DISCUSSION

The applicant is currently seeking a variance in order to locate a heat pump within the side yard setback of a single residential dwelling currently under construction. The Zoning Bylaw requires heat pumps and central air conditioners to be located to the rear of a principal building where the building is a duplex or single residential dwelling. The bylaw also requires a 4.5m side yard and a 3m rear yard setback for heat pumps. A side yard setback variance of 4m is requested.

Regular Council Meeting

2016-JUN-13

A site plan showing the location of the heat pump is included in the development variance permit (Attachment A, Schedule A). The proposed heat pump location is 0.5m from the side property line to the east. The property line is shared with the property located at 3728 Glen Oaks Drive. The neighbouring property includes a single residential dwelling with a heat pump. The existing neighbouring heat pump is located on the west side of the dwelling within the same yard space as the proposed heat pump location. The property owners of 3728 Glen Oaks Drive have provided a letter supporting the variance application (Attachment C).

Due to the unique lot configuration within the existing subdivision, the subject property's rear property line is shared with the side property line for the panhandle lot located at 3744 Glen Oaks Drive. The common driveway easement runs parallel with the subject property's rear lot line and separates the proposed building from the existing home at 3744 Glen Oaks Drive.

The applicant notes the proposed heat pump is "one of the quietest heat pumps on the market" at 55dB. For comparison purposes, a normal conversation is generally held at 60dB while freeway traffic generates 70dB of noise. Older model heat pumps typically generate between 68db to 76dB of noise.

SUMMARY POINTS

- The applicant is requesting a variance in order to permit a recently installed heat pump to be located on the side of the building and 0.5m from the side property line.
- The property owners most directly affected by the proposed heat pump location have provided a letter of support.

ATTACHMENTS

ATTACHMENT A: Development Variance Permit DVP00289

ATTACHMENT B: Applicant's Letter of Rationale

ATTACHMENT C: Neighbour's Letter of Support

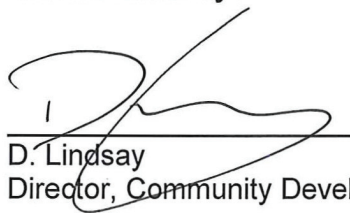
ATTACHMENT D: Aerial Photo

Submitted by:



B. Anderson
Manager, Planning and Design

Concurrence by:



D. Lindsay
Director, Community Development

ATTACHMENT A



DEVELOPMENT VARIANCE PERMIT NO. DVP00289

PEDRO TOMAS & LINDA KAREN TARNOWSKI
Name of Owner(s) of Land (Permittee)

Civic Address: 3732 GLEN OAKS DRIVE

1. This development variance permit is issued subject to compliance with all of the bylaws of the municipality applicable thereto, except as specifically varied by this permit.
2. This permit applies to and only to those lands within the municipality described below, and any and all building structures and other developments thereon:

Legal Description:

**LOT 34, DISTRICT LOT 39, WELLINGTON DISTRICT, PLAN VIP60366
PID No. 023-010-312**

3. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby varied as follows:

Section 6.5.2 requires heat pumps and central air conditioning units to be located to the rear of the principal dwelling. The variance is to permit a heat pump to the side of the principal dwelling.

Section 6.5.2 requires a 4.5m side yard setback for a heat pump. The variance is to reduce the side yard setback to 0.5m.

4. The permittee, as a condition of the issuance of this permit, shall develop the land described herein strictly in accordance with the following terms and conditions and provisions and in accordance with any plans and specifications attached hereto which shall form a part thereof.

Schedule A Location Plan
Schedule B Site Plan

5. If the permittee does not substantially commence the construction permitted by this permit within two years of the date of this permit, this permit shall lapse.
6. This permit prevails over the provisions of the bylaw in the event of conflict.
7. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.

AUTHORIZING RESOLUTION PASSED BY COUNCIL
THE DAY OF , 2016.

Corporate Officer

Date

DS/sm

Prospero attachment: DVP00289

Site Plan

Site Plan showing proposed building location on:
Lot 34, District Lot 39,
Wellington District, Plan VIP60366.

Client: Greenplan

Client Address: 3732 Glen Oaks Drive, Nanaimo

File# 16-050-34

Date: October 18, 2015

Scale: 1:250

Drawn by: DRW

Proposed Building Height

Average natural grade = 142.15
Average finished grade = 142.17

Allowable building height = 7.0
Maximum building elevation = 149.15
Proposed roof peak elevation = 149.07

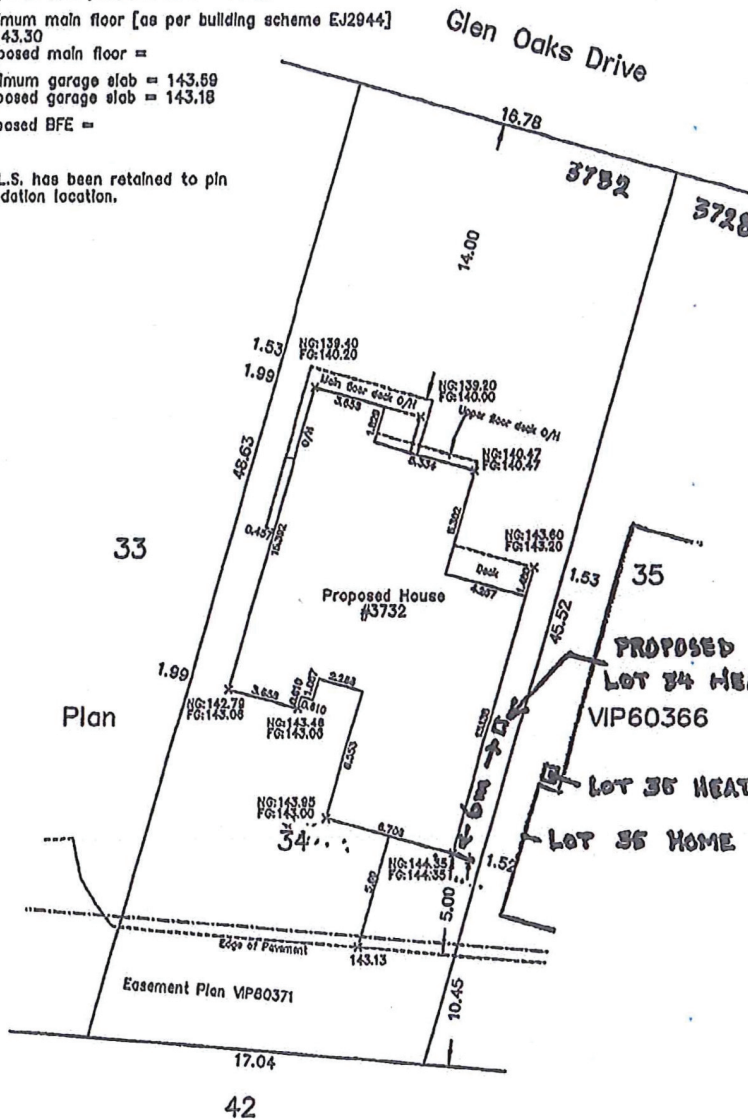
Minimum main floor [as per building scheme EJ2944]
= 143.30

Proposed main floor =

Maximum garage slab = 143.69
Proposed garage slab = 143.18

Proposed BFE =

B.C.L.S. has been retained to pin
foundation location.



Note:

This property is affected by
the following registered documents:
M78300, EH163374, EJ2944 &
EM98889.

Distances and elevations are in metres.
Geodetic elevations are derived from control
monument 13H2700.

Turner & land surveying™

250.763.9778
605 Comox Road
Nanaimo, BC V9R 3J4

Certified correct this 19th day of October, 2015.

B.C.L.S.

(This document is not valid unless originally signed and sealed.)



S. Richmond
SHARON

Roy Richmond
ROY

LOT 35 OWNERS
SHARON & ROY RICHMON
SUPPORT FOR VARIANCE

May 11, 2016
DATE

ATTACHMENT B



May 12, 2016

Mayor and Council
City of Nanaimo
455 Wallace Street
Nanaimo, B.C.



Development Variance Permit Application 3732 Glen Oaks Drive

Dear Council,

Please consider this request for a DVP to allow the placement of a heat pump in a side yard setback on the above noted property owned by Peter and Linda Tarnowski. We understand that City of Nanaimo Bylaws prohibit heat pumps being placed within 4.5m of a side property line or 3m of a rear property line.

Their home is currently under construction on this sloping site and the owners have chosen to install an efficient heat pump for heating and cooling of the building. Due to the steep topography down to Glen Oaks Drive, this subject property and 6 of their immediate neighbours use the rear lane as the primary vehicle access to their homes. Subsequently, the legal rear yard actually serves as the main access to the front doors of these homes and it would appear that the real intent of the Bylaw, to locate a heat pump in the least intrusive location on the property, is compromised by the unique access and front door circumstances of this subject property. To consider an installation of the heat pump in the front yard does not resolve this issue as it would then be intrusive to the neighbours on the low side of Glen Oaks Drive. (See attached 2012 air photo).

In consultation with the neighbours most likely affected; the Richmonds, (immediately to the east) at 3728 Glen Oaks Drive and the Macintoshes, (immediately to the south) at 3744 Glen Oaks Drive, they have both encouraged the Tarnowskis to seek a DVP with the City to allow the heat pump to be placed in the side yard between 3732 and 3728. (See Schedule A attached and accompanying letter of support from the Sharon and Roy Richmond). As the home under construction is about 1.5m from the side yard property line, the placement of a 1m square heat pump will be 0.5m from the side property line thereby necessitating our request for a variance of 4.0m. The heat pump will be located about 16m from the rear lot line so no variance is necessary to the rear property line.

Peter and Linda Tarnowski are eager to retire to Nanaimo when they leave their current home in Edmonton and they are very cautious to be seen as "good neighbours" and thus not only welcome this variance for a less intrusive placement of the heat pump but wanted Council and the community to know they have purchased one of the quietest heat pumps on the market at 55dB. (The City of Nanaimo website notes that typical heat pumps range from 68dB to 76dB). They hereby request Council support for this side yard variance so they can look forward to being wholehearted welcomed in their new neighbourhood.

Jack Anderson, RRP, MCIP
Agent for Peter and Linda Tarnowski

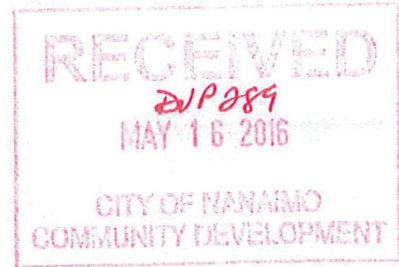
A handwritten signature in blue ink, appearing to read "J. Anderson", written over a faint circular stamp.

www.greenplan.ca
(250) 722-3456
FAX: (250) 722-3453
EMAIL: jack@greenplan.ca
1655 Cedar Road, Nanaimo, B.C. V9X 1L4

ATTACHMENT C

May 10, 2016

City of Nanaimo Council
c/o Planning Department
411 Dunsmuir Street
Nanaimo, BC,



RE: Development Variance Permit Application 3732 Glen Oaks Drive

Dear Mayor and Council,

This letter is provided to indicate our support for the placement of a heat pump in the side yard setback at 3732 Glen Oaks Drive. We are the owners and residents of 3728 Glen Oaks Drive which is the residence immediately to the east and adjacent to the property seeking this variance. We are aware that City Bylaws do not support the placement of a heat pump in the side yard setback unless approved by variance granted by Council. We have discussed the proposed location, (noted in the attached Schedule A), with our soon to be new neighbours, Linda and Peter Tarnowski, and do not have any objection to this siting of the heat pump. In fact, our own heat pump is also located in this same side yard between our homes, as was legally permitted at the time of the construction of our home.

We recognize that we would be the neighbours most affected by the placement of a heat pump in this side yard and since we are quite acceptable of this situation, we encourage Council to support this variance application.

Respectfully,

Sharon and Roy Richmond
3728 Glen Oaks Drive, Lot 35.



Sharon Richmond



Roy Richmond

ATTACHMENT D

Aerial Photo



DEVELOPMENT VARIANCE PERMIT NO. DVP00289

