

October 16, 2017

City of Nanaimo  
238 Franklyn Street  
Nanaimo, BC V9R 2X4

Attn: Board of Variance

**Re: Heat Pump located to side of residence in contravention of Bylaw 4500 Section 6.5.2**

Dear Board of Variance members:

In February 2016, the heat pump that had been installed when our home was originally constructed in 2004 suffered catastrophic failure and ceased operating. We hired The Comfort Group Heating Corporation to fix the heat pump and they installed a by-pass to allow the heat pump to continue to temporarily operate and get us through the winter. At the time, they advised us that the temporary fix could last six months to a year, but that it was not a long-term solution.

In March 2016, my wife and I decided to replace the heat pump with a new Lennox XP-14048, a much quieter and more energy efficient unit than the old unit. We again used The Comfort Group Heating Corporation (via Costco Canada) to supply and install a replacement heat pump in the same location on the north side of the house that the previous heat pump had been located. At no point were we ever advised that the replacement heat pump could not be installed in the same location as the old one and we were unaware of the City of Nanaimo bylaw with respect to heat pumps having to be located to the rear of the home.

In late August 2017, we were advised verbally by City of Nanaimo Bylaw Enforcement Officer, Dion Klassen, that our neighbour had complained about the noise from the heat pump and that we were in contravention of a bylaw, although the exact bylaw we were in contravention of was never provided to us, verbally or in writing. When we reached out to the installer/supplier, The Comfort Group Heating Corporation, they were surprised to hear that the heat pump was in contravention of the bylaw since it was replacing an existing unit. Their understanding of the bylaw was that it only applied to new construction.

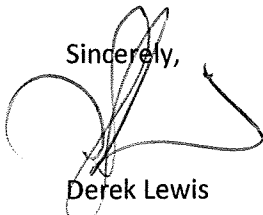
The zoning of our property is R10 – Residential Steep Slope and the design of the home entails that the only feasible location for the air handler for the heat pump is in the crawl space located under the second floor towards the front of the home. There is no mechanical room in the home. There are also large concrete blocks located on the north side of the home to prevent sedimentation of the soil due to the steep slope nature of the property. The heat pump is located midway down the side of the property and there would be no way to run heating and electrical lines underground due to the footings of the home and the concrete blocks protecting against sedimentation. If we were required to move the heat pump to the rear of the property, the heating and electrical lines would be exposed above grade.

With no other location in the home for the air handler, if the heat pump were moved to the rear of the property to comply with the current Bylaw, it would be located approximately 35 feet from the air handler and end up being located under exterior stairs to our 2<sup>nd</sup> floor patio or right in front of window that opens. It is our understanding that the farther away the heat pump is located from the air handler, the less efficient it is and, by lowering its efficiency, the heat pump would then have to run longer to continue to heat our home.

We have lived next to the neighbours that complained to the City of Nanaimo about the noise from the heat pump for over three years and until August 2017, they had never voiced any issues with us about the noise. We find it a very interesting coincidence that their complaint comes now, 16 months after the heat pump was replaced, with their home listed for sale for over four months.

If there is in fact an issue with the noise from the heat pump, we would be more than happy to install either a cedar hedge or fence around the heat pump to help deflect the noise, but based on the steep grade of the property and with no other location for the air handler connected to the heat pump, we hereby request a variance to Bylaw 4500 Section 6.5.2 and allow the replacement heat pump to remain on the side of our home in the same location as the original heat pump it replaced.

Sincerely,



Derek Lewis  
Homeowner  
4070 Gulfview Drive  
Nanaimo, BC

Enclosures:

Exhibit A – Cross section of the north side of the home showing the crawl space with the air handler.

Exhibit B – Picture of the original heat pump before the neighbouring house was constructed

Exhibit C – Picture of the new heat pump in the same location

Exhibit D – Picture of the concrete blocks preventing sedimentation