

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2014-MAY-12

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP232 – 3500 OSPREY LOOKOUT

STAFF RECOMMENDATION:

That Council issue Development Variance Permit No. DVP232 at 3500 Osprey Lookout in order to permit a heat pump in the side yard and reduce the side yard setback to 2.9m.

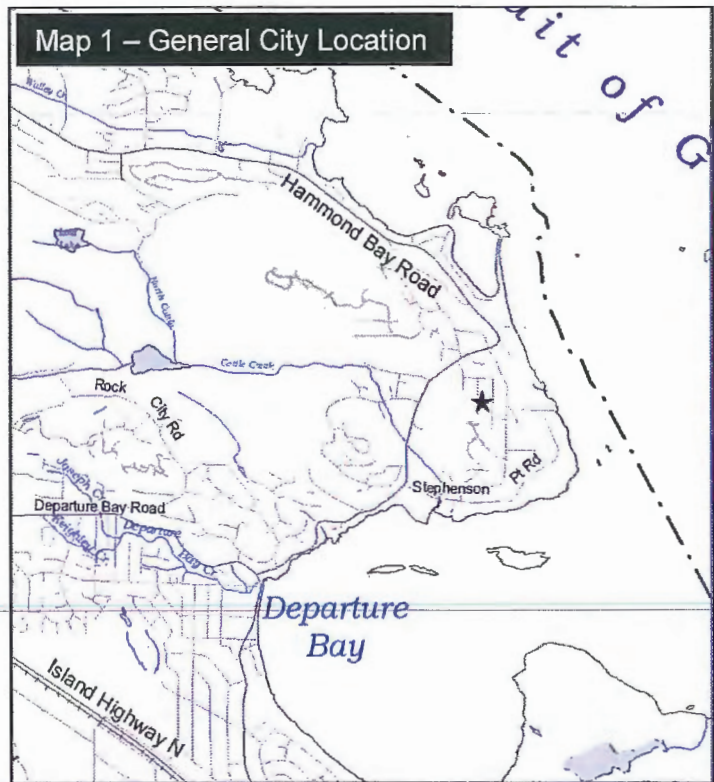
PURPOSE:

The purpose of this report is to seek Council authorization to vary the required side yard setback, in order to facilitate the siting of a heat pump.

BACKGROUND:

A Development Variance Permit application was received from Mr. Derrick Blackwood to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500", in order to locate a heat pump to the side of the existing single family dwelling and reduce the required side yard setback to 2.9m.

At the Council Meeting held 2014-APR-28, Council approved Statutory Notification for Development Variance Permit DVP232.



Subject Property:

Zoning	R1 – Single Dwelling Residential
Location	This lot is located near the end of Osprey Lookout, off of Hammond Bay Road, via Kite Way.
Total Area	797.0m ² (0.2 acres)

Council
 Committee.....
 Open Meeting
 In-Camera Meeting
 Meeting Date: 2014-MAY-12

The subject property is located within in the Stephenson Point Neighbourhood area, between Hammond Bay Road and Planta Road. The property, located at 3500 Osprey Lookout, is designated Neighbourhood within the Official Community Plan (OCP) and is zoned Single Dwelling Residential (R1). The surrounding area is entirely low density residential with a large parcel (11.01ha) of vacant Steep Slope Residential (R10) zoned land to the southeast.

DISCUSSION:

Proposed Development

The applicant is requesting to locate the heat pump to the side of the existing single family dwelling; and reduce the required side yard setback from 4.5m to 2.9m, a 1.6m variance request (shown on Figure 1).

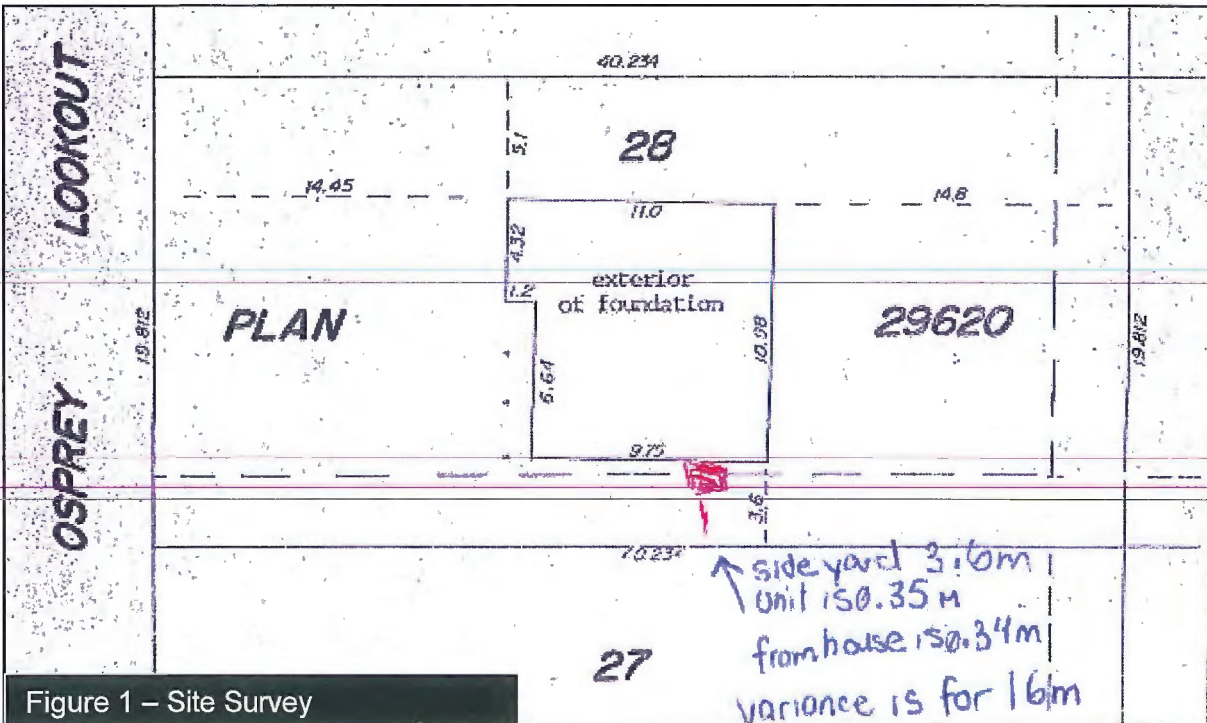
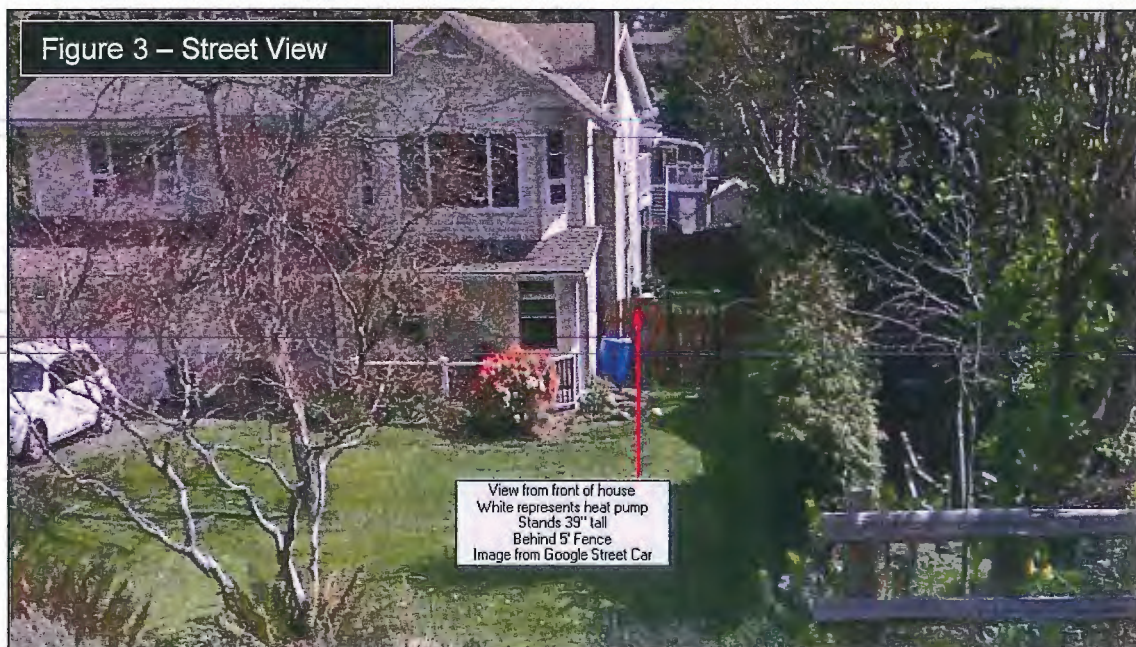


Figure 1 – Site Survey

The adjacent property, at 3486 Osprey Outlook, is set closer to the road and the proposed heat pump will be to the rear of their existing dwelling. The property owner's at 3486 Osprey Outlook have indicated they have no concerns with the proposed heat pump or the requested variance to allow it.



There is an existing fence dividing the yard area between the front and back of the existing home. The fence is approximately 1.5m high. The proposed heat pump is less than three and a half feet in height and will be screened by the existing fence (Figure 3).



A copy of the applicant's Letter of Rationale is included (Attachment A).

Required Variance

Section 6.5.2 of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires that where the principal use of a property is a single residential dwelling, heat pumps must be located to the rear of a principal building and shall not be closer than 4.5m from the side lot lines. The applicant is proposing to locate the heat pump in the side yard and 2.9m from the side yard property line. A variance is required to permit the placement of a heat pump within a side yard and reduce the required side yard setback from 4.5m to 2.9m, a variance of 1.6m.

STAFF COMMENT:

On 2010-NOV-08, Council adopted a Zoning Bylaw amendment to regulate the siting of heat pumps where the principal use of the property is a single family residential dwelling. The intent of the Zoning Amendment Bylaw was to prevent heat pumps from being located near neighbouring homes, thus reducing noise concerns and to limit visual impact from the street

It is Staff's opinion that the proposed location of the heat pump will not result in any significant nuisance issues related to noise for the neighbouring property owners and that existing screening provides a buffer from the street. Staff is of the opinion that the proposed variance request will not negatively impact neighbourhood privacy or defeat the intent of the Zoning Bylaw.

Staff supports the requested variance and recommends that Council approve this application.

Respectfully submitted,



B. Anderson
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay
DIRECTOR
COMMUNITY DEVELOPMENT



I. Howat
GENERAL MANAGER
CORPORATE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted: 2014-APR-30
Prospero: DVP00232
JC/DS/lb*

ATTACHMENT A

Our property faces west, with the side of the house running north /south. The land has been graded to work with the sloping hills of the area, which places our house lower than our neighbours. Our house is also centered in our property, which puts the rear of the neighbour's house parallel to the middle of ours. The back yard continues to slope downwards, and the previous owners have built a ground level deck to accommodate this. It extends 15 feet east off the back of the house, where there is a 1ft drop down to ground level. Also on the side of the house is three concrete stairs from the back door, and the existing hot tub purchased with the house. 8 feet from the back of the house above the stairs and hot tub, is a deck from the second storey back door. The foundation of the stairs is 6 feet from the ground level with a 1 foot retaining wall to level it off, leaving little room underneath. During our home inspection it was determined that the back yard currently has drainage issues, and needs to be addressed. The resolution is to dig up the top soil, lay down drainage rock, and then re-apply the soil on top. In order to do this properly, we have been recommended to wait until the summer/fall and to re-level the whole backyard. The south side of our house is our main living area, where our family will spend most of its time. The upstairs is our dining room, combined with our living room. The open concept of the top floor allows air flow to be pushed into the bedrooms from this main area. The downstairs on the same side of the house is divided into two rooms, with double doors between them. Our intention is to install one unit upstairs and a second smaller unit downstairs to efficiently heat and cool our house with minimal construction and changes.

In choosing a contractor to install a heat pump, we researched out the latest brands and models to help us make a choice. The heat pump unit we chose is by Pridiom, which is a new company leading in the heat pump industry. It has an Outdoor Noise Level of 65 db, and the fan stands up which blows horizontally instead of vertically. It is 39 inches tall, and is only 13.6 inches wide. It is refrigerated by R-410A, which does not contribute to ozone depletion unlike the alkyl halide of the traditional heat pumps. As an additional step in having a heat pump we also installed an upgraded house panel at 200amps, as the house, hot tub, and heatpump would overload the previous 100 amp panel.

When discussing the installation of the outdoor unit with the contractor, we have discussed different possibilities to abide with the city regulations. Due to the existing layout of the property, and the difficulty with the sloping yard, we have the following possible locations:

1. Along the backside of the house, on the north side yard
 - a. The side yard is 5.1 meters, which would leave the heat pump protruding from the back yard if we went with the 4.5 meter set back
 - b. There is an existing deck that would have to be removed if we wanted to put it on the back of the house
 - c. The distance for the heat pump to reach the indoor units is too long and it would decrease efficiency, and has not been recommended by the contractor
2. In the yard below our stairs from the upper deck, at least 4.5 meters from the south side yard
 - a. We would need to dig up and put in drainage rock, then level the ground before installing the heat pump. Seasonal challenges and restraints with our mortgage are preventing us from completing this on time
 - b. The distance to the indoor units will reduce efficiency, and has not been recommended by our contractor

3. Along the side of the house, on the south side yard
 - a. This is the only spot recommended by our contractor, to ensure maximum efficiency
 - b. The ground is level, and there is currently a vegetable garden along the side of the house
 - c. The yard is below the neighbours property, and also separated by a 6 foot privacy fence

We are asking for a variance of 1.3 meters, to install the heat pump in the south side yard leaving 3.2 meters of setback. We are hopeful that you will empathize with our time restrictions and the existing features of the property, and we look forward to working with city staff and council to find a resolution.