

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-NOV-16

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

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP273 – 106 PINE STREET

STAFF RECOMMENDATION:

That Council issue Development Variance Permit No. DVP273 at 106 PINE STREET to vary the required side yard setback from 4.5m to 0.26m, in order to permit the placement of a heat pump to the side of a single residential dwelling.

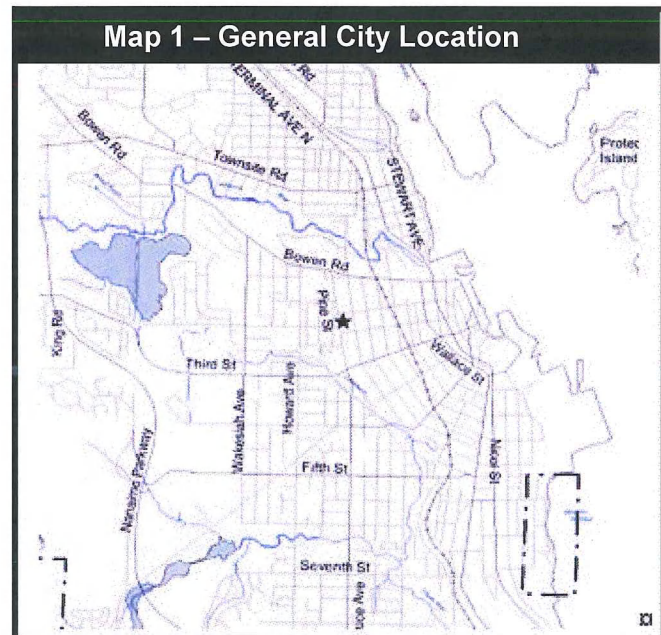
PURPOSE:

The purpose of this report is to seek Council authorization to permit a heat pump within the side yard.

BACKGROUND:

A development variance permit (DVP) application was received from PHEASANT HILL HOMES LTD (Jason Schmidt) on behalf of ANDRE SULLIVAN, to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" to permit a heat pump within the side yard.

The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires a heat pump to be located to the rear of a principal dwelling and 4.5m from the side lot line. The applicant is requesting the heat pump be located on the north side of the principal building, 0.26m from the side yard property line, a proposed variance of 4.24m.



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

- Council
- Committee.....
- Open Meeting
- Camera Meeting
- Meeting Date: 2015-NOV-16

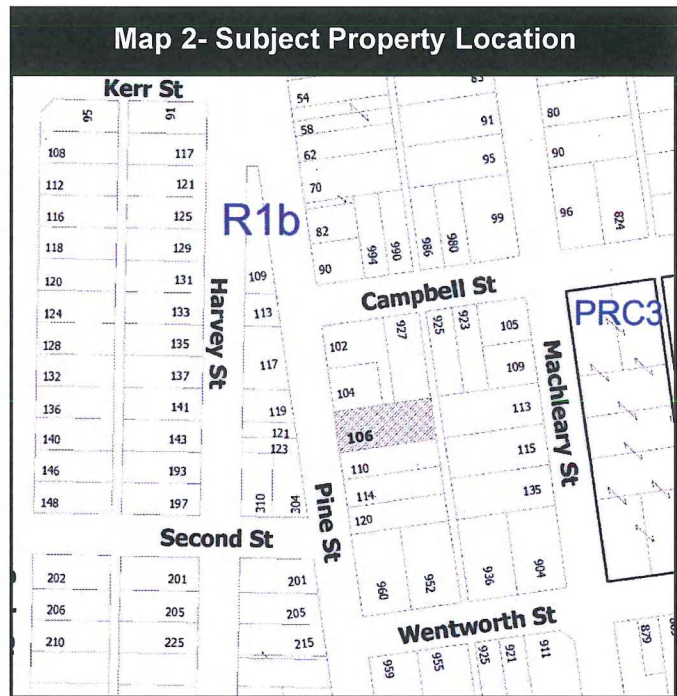
Subject Property

Zoning	Single Dwelling Residential – R1B
Location	The subject property is located on Pine Street between Campbell Street and Wentworth Street within the Old City.
Total Area	974m ²
Official Community Plan (OCP)	Map 1 – Future Land Use Plan – Neighbourhood Map 3 – Development Permit Area No. 8 – Old City Neighbourhood;
Neighbourhood Plan	Sub Area 1 Single Family Residential

The subject property is located within an established single residential dwelling neighbourhood within the Old City. The property is accessed from a rear yard lane; as such, the rear portion of the home is garage with a driveway in the rear yard.

Board of Variance

A variance application to permit the heat pump on the opposite (south) side of principal dwelling 8.54m from the side lot line was previously considered by the Board of Variance (BOV). During its 2015-JUN-18 meeting, the BOV denied the variance application as it determined a hardship did not exist to support the variance. The property owner at 110 Pine Street attended the meeting to speak against the proposed heat pump variance.



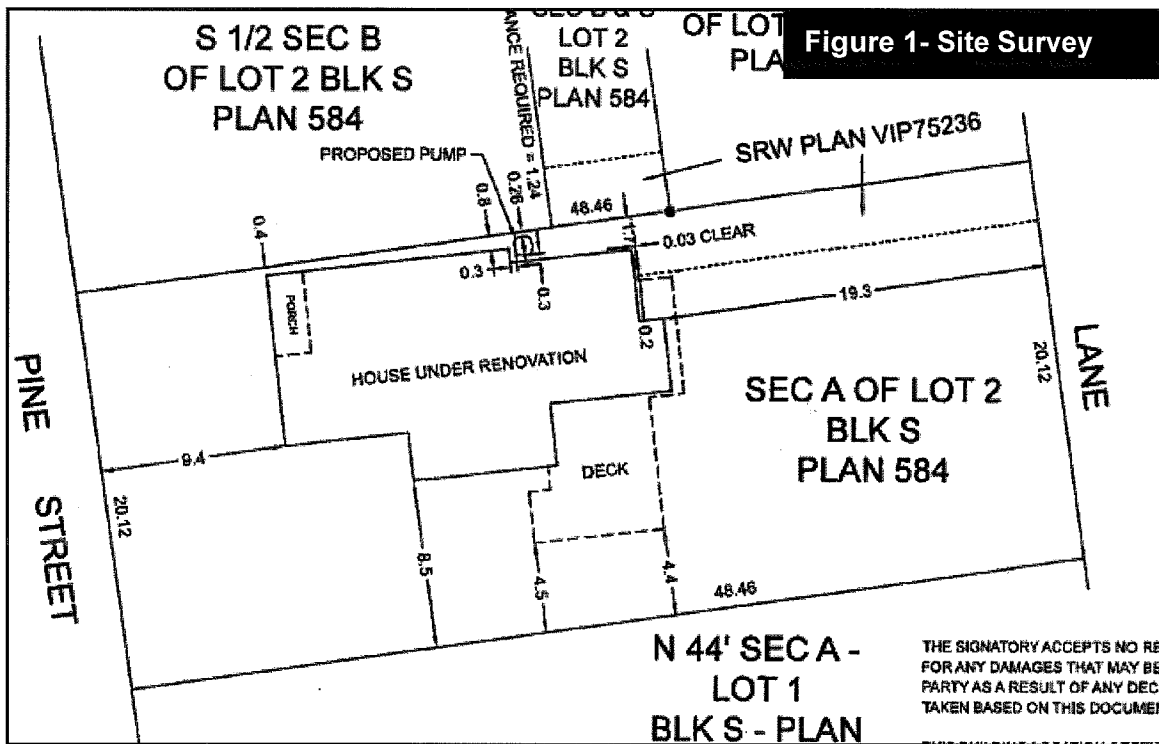
As a requirement of the *Local Government Act*, in order to approve a zoning variance application, the BOV must find the Zoning Bylaw has caused a unique and undue hardship to the applicant. No such hardship consideration is required for a DVP application. The current DVP application differs from the previous BOV application as the proposed heat pump location has been moved from the south side of the dwelling to the north. The BOV was required to evaluate the application based on separate criteria than a DVP. The application is not considered an appeal of the BOV decision, but rather a separate application.

DISCUSSION:

Proposed Development

The applicant is seeking a variance to locate a heat pump to the northern side of an existing single residential dwelling. The dwelling unit is currently undergoing a renovation through a valid building permit in order to repair fire damage and restore the original heritage craftsman style of the building. Through the renovation, the applicant is also working to ensure the home is energy efficient by increasing insulation within the foundation, basement slab and exterior cladding and installing a high efficiency furnace and ductless heat pump system. The applicant's letter of rationale is included as Schedule A.

The Zoning Bylaw requires the heat pump to be installed behind the principal building. The area immediately behind the dwelling is currently used as a driveway access from the rear lane to a two car garage at the rear of the home. The heat pump installer does not recommend installing in a location remote from the house or under the deck on the opposite side yard and suggests the proposed heat pump location within the northern side property yard (As shown on Figure 1- Site Survey) will allow it to run efficiently. The installer's letter is included as Schedule B.



Both the property owner to the south (110 Pine Street) and both properties to the north (104 and 102 Pine Street) have provided letters regarding the heat pump variance application, which are included as Schedule C.

Due to the unique lot layout in the area, the applicant's northern side lot line shares a border with three other properties, 102 and 104 Pine Street and 927 Campbell Street. Although the proposed heat pump location is only 0.26m from the side property line, the heat pump will be approximately 6m away from the nearest neighbouring home (104 Pine Street). The property at 102 Pine Street is connected to the subject property by a 6m narrow panhandle extension, and the dwelling on the lot is actually located immediately north of 104 Pine Street. The property at 927 Campbell Street, fronts on Campbell Street with the rear yard bordering the side yard of the subject property. The proposed heat pump location is approximately 20m from the dwelling at 927 Campbell Street. The ductless heat pump unit includes a sound reducing blanket and will be screened to additionally dampen the sound and hide the heat pump from view.

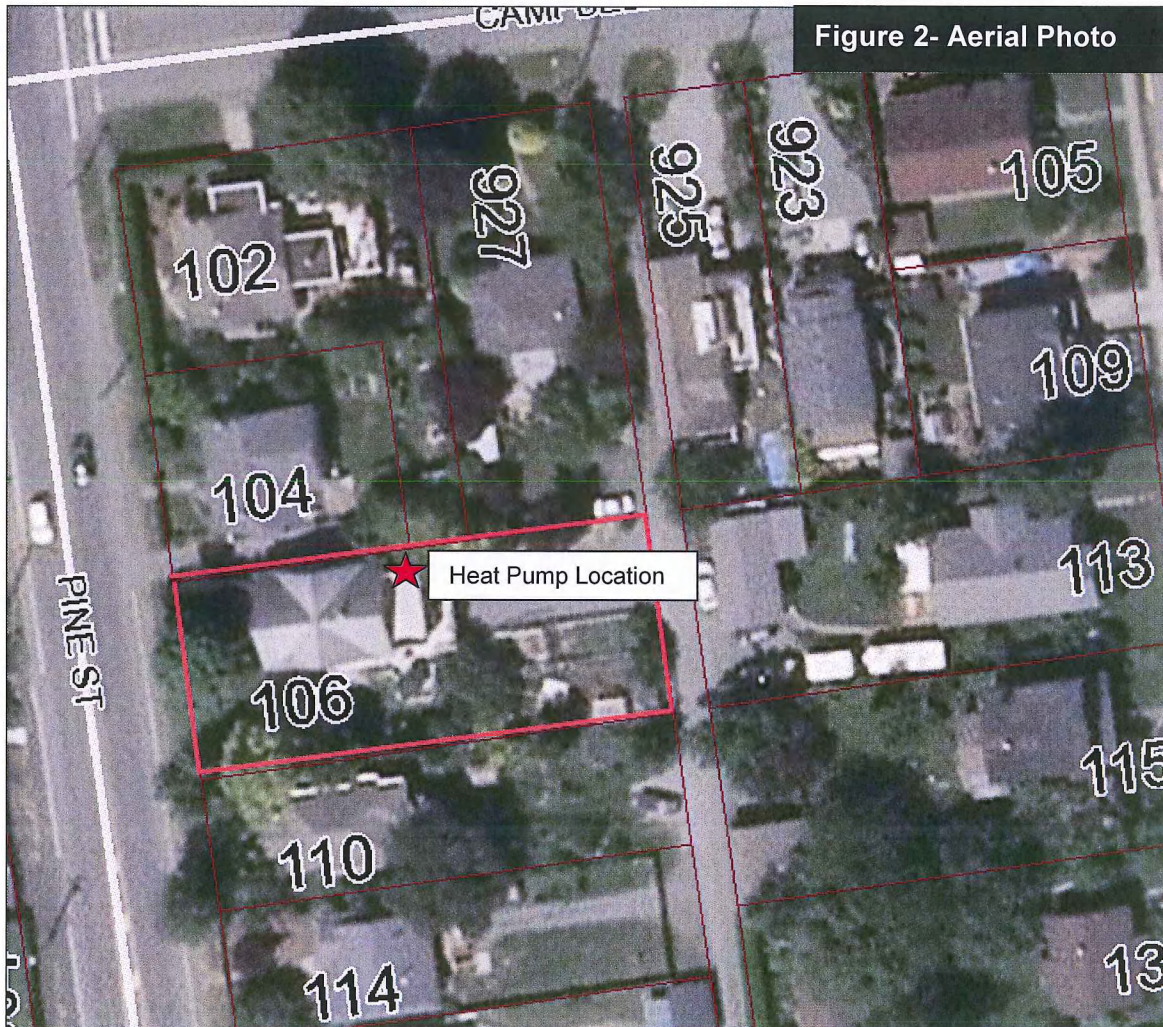


Figure 2- Aerial Photo

Required Variances


Section 6.5.2. – Projections into Yards – Heat pumps and central air conditioning units must be located to the rear of the property and shall not be closer than 4.5m from the side lot lines. The proposed heat pump location is within the side yard 0.26m from the side yard lot line, a variance of 4.24m.

Respectfully submitted,




B. Anderson
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay
DIRECTOR
COMMUNITY DEVELOPMENT


for

T. Seward
ACTING GENERAL MANAGER
COMMUNITY DEVELOPMENT &
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted: 2015-NOV-05
DS/ln
PROSPERO\ DVP00273*

Applicant's Letter of Rationale

Pheasant Hill
Homes Ltd.



October 15, 2015

City of Nanaimo
455 Wallace Street
Nanaimo, BC
V9R 5J6

Attention: Council Members

Re: Design Rationale for Development Variance Permit Request on By-law 4500 Heat Pump/Air Conditioner Set Back Requirements at 106 Pine Street

Dear Council Members,

Please accept this letter as our Design Rationale for the relaxation of the set-back requirements for Heat Pump/AC Units in a sideyard.

This variance request is to locate the heat pump/AC unit in the existing north side yard setback at 106 Pine Street, rather than at the rear of the house.

The area at the rear of the house where the heat pump would be installed to comply with the bylaw is comprised of lane driveway access to the two car garage at the rear of the home. As the home that is being constructed is a renovation and we are working with the existing footprint of the home, the option of constructing a residence that would allow the installation of an effective heat pump at the back of the house was not available to us. Attached you will find a letter from Hein Mechanical providing details on the efficient installation of a heat pump for this property.

The lane access creates a quiet area in the rear of the yard for residents along that lane to enjoy the outdoors and connect with the local residents as they pass by down alley. Installing a heat pump in this location would prevent access to the garage as per the plans approved by the building department and be an eye-sore as viewed from the alley. In addition, the manufacturer will not allow the unit to be installed under the rear deck.

Locating the heat pump in the North side yard allows for the necessary access to the back of the house for both vehicles and guests arriving at the main entrance (The main entrance is off the alley as there is no driveway or parking in front of the house on Pine Street).

The renovation at 106 Pine Street is being undertaken to keep the original look and feel of a heritage craftsman home while providing the Owners, and future Owners, with a home that is comfortable, durable, and energy efficient. The exterior features smooth cedar trim with a blend of heritage "double drop" cedar lap siding and painted cedar shingles which is true to the original construction of the home. Energy-efficient and conserving construction methods and materials that have been introduced to the home include: a new insulated concrete form foundation, 6" of foam insulation under the basement slab,

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#101 - 5170 Dunster Rd. Suite 524,
Nanaimo, BC V9T 6M4

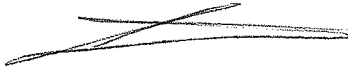


cladding the exterior with 1.5" exterior insulation, refurbishing existing fixtures, doors and hardware for reuse, reusing the existing brick from the previous chimney, grey water recovery, and a high efficiency furnace and ductless heat pump system. The Heat Pump/AC side yard location provides the homeowners with an efficient heating/cooling source and meets the intention of a comfortable, energy efficient home that is in harmony, both functionally and aesthetically, with the surrounding neighbourhood. Note that the unit itself also comes with a sound-deadening blanket and will be screened to additionally dampen the sound and to be completely hidden from view.

Attached you will find letters of support from the adjacent neighbours. The affected neighbours to the North fully support this request. Due to the unique configuration of the lots on this block, locating the unit in the north side yard of 106 Pine St is the most favorable location for the surrounding neighbours as it borders their rear yards.

Thank you for your consideration of this application.

Warm Regards,



Jason Schmidt
Pheasant Hill Homes Ltd.

/mb



Installer's Letter



Hein Mechanical Services Inc.
Heating Ventilation & Gas Fitting



4434 Wellington Road, Nanaimo, BC V9T 2H3 Phone (250)729-8815 Fax: (250)729-8655 Email: heinmech@shaw.ca

Web: heinmechanical.ca

August 27, 2015

City of Nanaimo

Dear Sir:

Re: Pheasant Hill – Sullivan Lane Project located 106 Pine Street, Nanaimo

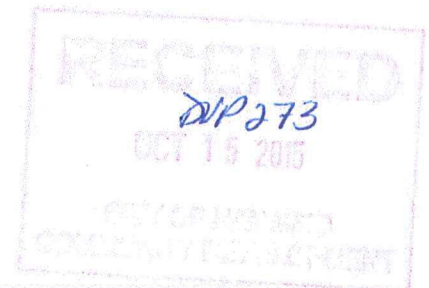
Hein Mechanical cannot recommend installation of the outdoor heat pump unit at 106 Pine Street in a location remote from the house.

To install a heat pump within the rear yard setback required by the City of Nanaimo would compromise the operation of the system as the line set length would exceed manufacturer's specifications of 350 feet. As we would also have to run some line underground for this location, this could create problems with the oil return due to the excessive line length. This would create an ineffective heating system for the Owner's that would cost more to operate and maintain.

It has been suggested that the outdoor unit could be placed under the deck at the rear of the house but we cannot install the unit in an enclosed space as that would hinder airflow and contradict manufacturer's installation recommendations. We have reviewed the site and feel that the proposed location within the side yard setback is the best location as it allows for the equipment to be installed as per manufacturer's specifications and to run efficiently, as it is intended to.

Yours truly,


Ted Hein
President
Hein Mechanical Services Inc.



Letters provided by Neighbours

To Whom It May Concern:

As the property owner at 104 Pine Street, the location of this heat pump should not allow for additional noise for the bedrooms at this household, and there is also a 5 foot, solid fence which separates our properties.

I do not foresee the proposed location negatively impacting us, and approve of the new proposed location.

Thank you for your consideration,



Sarah Lane
Owner / Resident
104 Pine Street

September 24, 2015

Re: Heat Pump/Air Conditioner Exterior Location at 106 Pine Street

Dear Neighbour,

We are currently renovating our home at 106 Pine Street after a fire did some serious damage. As part of this renovation, we are installing an energy efficient heat pump/AC unit. This will allow us to efficiently and effectively heat and cool our space.

The City of Nanaimo has a bylaw in place that restricts the location of the outdoor units to the rear yard within 3 meters of the property line with the location from the side yard 4.5 meters. We are requesting a variance on this bylaw from the City that would allow us to place the units close to the rear yard, beside our garage but within the side yard set-back. This would affect 104 Pine Street.

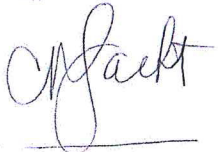
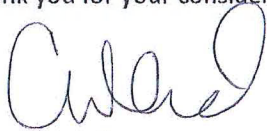
We are requesting this variance for a few reasons:

- 1 To allow for the most efficient installation. It will allow us to install the ducting and piping within the manufacturers specifications so the heat pump/AC will work the way it is designed to.
- 2 In this location, the heat pump/AC will not be visible from the road. This will work to ensure our streetscape stays uncluttered and aesthetically pleasing
- 3 It is the furthest distance away from any of the neighbours it will affect, with the exception of 104 Pine street who is in favor of it going in this location.

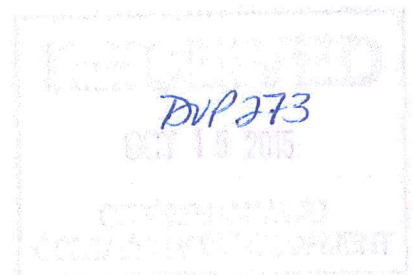
We have attached a plan of the house with the proposed location for your review.

If you are in favour of this application, please sign below so we can let the City know that the neighbors are aware and are in favor of this location.

Thank you for your consideration of this application.



102 Pine St owners



October 2, 2015

To Whom it May Concern,

Re: Heat Pump/Air Conditioner Installation at 106 Pine St. -Proposed New Location

Given that the proposed new location for the heat pump and air conditioning units, on the north side of the house at 106 Pine St, will not affect my property at 110 Pine Street, I wish to remain neutral as to my favour in regards to this application.



Theresa Hood
110 Pine St
Nanaimo, BC
V9R 2B3
250.591.4221

