

DATE OF MEETING June 19, 2017

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND SUBDIVISION

SUBJECT DEVELOPMENT VARIANCE PERMIT NO. DVP313 – 3312 STEPHENSON POINT ROAD

## OVERVIEW

### **Purpose of Report**

To present for Council's consideration, a development variance permit application to install a heat pump on the west side of the principal dwelling at 3312 Stephenson Point Road.

### **Recommendation**

That Council issue Development Variance Permit No. DVP313 at 3312 Stephenson Point Road with the following variance:

- allow a heat pump to be located on the (west) side of the principal dwelling.

## BACKGROUND

A development variance permit application, DVP313, was received from Mr. David Edmondson (Avago Contracting Ltd.) on behalf of Mr. Steve Phillips to vary the provisions of the City of Nanaimo "Zoning Bylaw 2011 No. 4500" to install a heat pump on the west side of the single residential dwelling, which is currently under construction.

### **Subject Property**

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located one lot east of the Stephenson Point Road/Wave Crest Drive intersection on the south side of the road
<i>Total Lot Area</i>	3,639m <sup>2</sup>
<i>Official Community Plan</i>	Map 1 – Future Land Use - Neighbourhood

The subject property is a large waterfront lot with a steep bank restricting waterfront access. A single residential dwelling is currently under construction and is located within the eastern portion of the property. There is a buffer of mature trees and understory shrubs between the house on the subject property and the neighbouring house at 3306 Stephenson Point Road to the west.

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

## **DISCUSSION**

### **Proposed Development**

The applicant is seeking a variance to locate a heat pump on the west side of the single residential dwelling currently under construction. The Zoning Bylaw requires the heat pump to be located to the rear of the principal building with a minimum 4.5m side yard setback and 3m rear yard setback. The proposed heat pump location is well outside of these setbacks.

The design of the rear elevation of the house is predominantly floor to ceiling windows with an outdoor patio space adjacent to the cliff to take advantage of the waterfront views. The applicant is requesting to locate the heat pump to the side rather than the rear of the house with the following rationale:

- the proposed heat pump location has a substantial setback from the neighbouring property to the west as it is proposed to be approximately 22m from the west side property line and approximately 42m from the neighbouring house at 3306 Stephenson Point Road;
- the proposed location offers a much greater setback from the property to the east at 3318 Stephenson Point Road (approximately 25.5m) than the 4.5m minimum required side yard setback and will not be seen from the road due to the property slope and existing tree buffer;
- multiple mature trees and understory shrubs located between the subject property and the property to the west at 3306 Stephenson Point Road will buffer the view and sound of the heat pump for the neighbouring property owner; and,
- a fence will be built adjacent to the heat pump as part of a dog run, which will further buffer the heat pump from the adjacent property to the west.

The applicant's Letter of Rationale is included as Attachment D.

## **PROPOSED VARIANCES**

### **Location of a Heat Pump**

Heat pumps are required to be located to the rear of a principal building. The proposed heat pump is proposed to be located on the west side of the principal building.

Given the extensive distance of setbacks to the property lines and buffering from surrounding residences by mature trees and a proposed fence, no negative impacts are anticipated to the use of adjacent properties.

## **SUMMARY POINTS**

- Development Variance Permit No. DVP313 proposes a variance to allow a heat pump to be located to the side of the principal building.

- The proposed heat pump will be located outside of the required setbacks and be well screened from adjacent residences. Staff supports the proposed variance.

### **ATTACHMENTS**

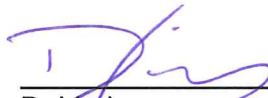
ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Site Plan  
ATTACHMENT D: Letter of Rationale  
ATTACHMENT E: Aerial Photo

#### **Submitted by:**



L. Rowett  
Manager, Current Planning and Subdivision

#### **Concurrence by:**



D. Lindsay  
Director, Community Development

**ATTACHMENT A  
PERMIT TERMS AND CONDITIONS**

**TERMS OF PERMIT**

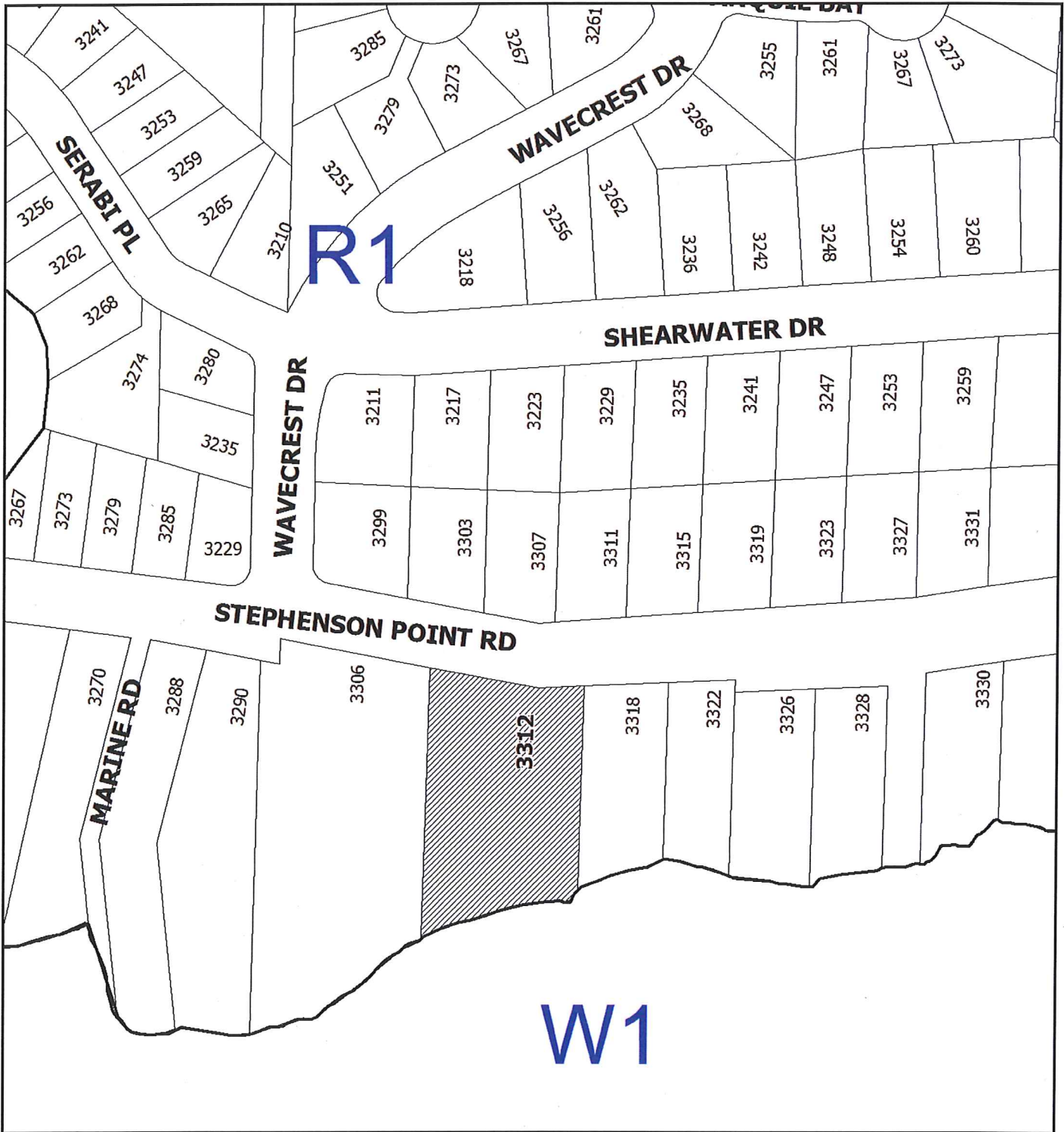
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6.5.2 – Projections into Yards* – to allow a heat pump to be located on the west side of the principal dwelling.

**CONDITIONS OF PERMIT**

1. The heat pump shall be located on the west side of the principal dwelling generally in accordance with the site plan received 2017-MAY-11, as shown on Attachment C.

ATTACHMENT B  
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00313

## LOCATION PLAN

Civic: 3312 Stephenson Point Road  
Lot 2, Section 11, Wellington District,  
Plan 4923

 **Subject Property**

# ATTACHMENT C SITE PLAN

B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED LOCATION ON:  
LOT 2, SECTION 11, WELLINGTON DISTRICT, PLAN 4923.

Scale 1:400



ALL DISTANCES AND ELEVATIONS ARE IN METRES AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

LOT DIMENSIONS ARE DERIVED FROM A FIELD SURVEY CONDUCTED IN 2010.

CIVIC ADDRESS: 3312 STEPHENSON POINT ROAD, NANAIMO

PID: 006-016-912. ZONING: R1

NOTES:

HOUSE DESIGN FROM SSE.  
DRAWINGS DATED JULY, 2016.

ELEVATION DATUM IS DERIVED FROM OBSERVATION TO GEODETIC CONTROL MONUMENT 83H1778.  
MONUMENT ELEVATION = 23.882.

LEGEND:

- DENOTES STANDARD LEGAL POST FOUND;
- ⊙ DENOTES NON STANDARD LEGAL POST FOUND.

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NG 23.4 DENOTES TYPICAL SPOT ELEVATION OF PROPOSED NATURAL GRADE (NG) IN CONFORMANCE WITH THE CITY OF NANAIMO / RDN ZONING BYLAW.

Fg 23.30 DENOTES TYPICAL SPOT ELEVATION OF PROPOSED FINISHED GRADE (FG) IN CONFORMANCE WITH THE CITY OF NANAIMO ZONING BYLAW.

*(A) Proposed Heat Pump Location*

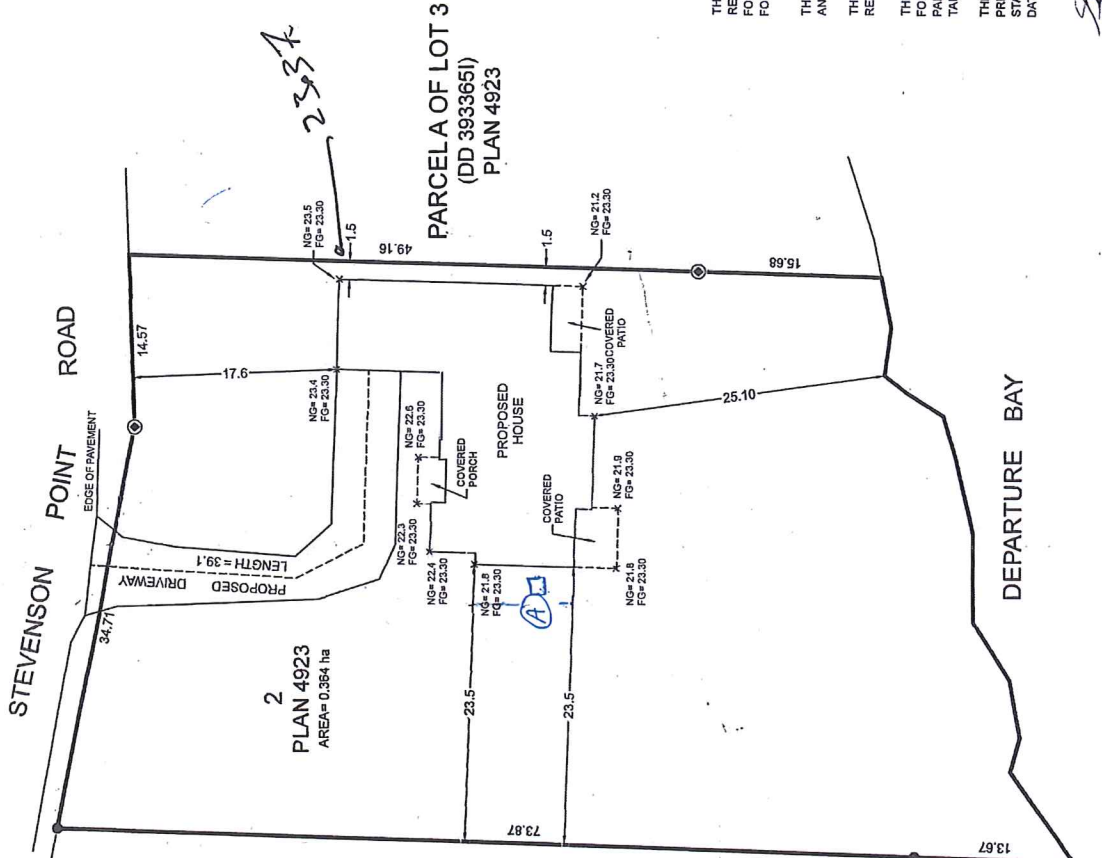
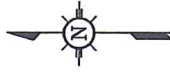
THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN PROVIDES NO WARRANTY OR GUARANTEE OF ANY KIND, EITHER AS TO THE LOCATION OF ANY OTHERS OR WITH RESPECT TO THE IMPROVEMENT(S) 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.

Harbour City Land Surveying Ltd.  
© 2016  
104 LUTHER ROAD  
NANAIMO, BC V9S 5H2  
PHONE: 250-758-9180  
DRAWING: 08003-NS-4.DWG  
LAYOUT: 1

RECEIVED  
DVP00313  
2017-MAY-11  
Current Planning & Subdivision

MAXIMUM HOUSE HEIGHT CALCULATION	
MEAN FG	23.30
MEAN NG	22.26
MAXIMUM HEIGHT PER BYLAW	9.00
MAXIMUM ROOF PEAK	31.26
PROPOSED MAIN FLOOR HEIGHT TO PEAK	23.56
PROPOSED ROOF PEAK	30.39

MIN. GARAGE SLAB ELEVATION PER CITY OF NANAIMO GUIDELINES FOR SINGLE FAMILY ACCESS	
EDGE OF PAVEMENT ELEVATION	24.72
MAXIMUM RECOMMENDED FALL	6.82
MIN. GARAGE SLAB ELEVATION	17.90
PROPOSED GARAGE SLAB ELEVATION	23.40



THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN RETAINED BY DAVID EDMONDSON TO PROVIDE FOUNDATION LAYOUT IN ACCORDANCE WITH THE FOUNDATION LOCATION SHOWN ON THIS PLAN.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES, INTERESTS AND LEGAL NOTATIONS AS SHOWN ON TITLE NO. FAS309.

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.

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.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARD PRACTICES AND IS CERTIFIED CORRECT WITH THE DATE OF: AUGUST 2, 2016. **PLANS, NOT TO BE REMOVED**

*Andre McNicoll*  
ANDRE MCNICOLL  
B.C.L.S.  
THIS DOCUMENT IS INVALID UNLESS SIGNED AND SEALED.

ATTACHMENT D  
LETTER OF RATIONALE

REQUEST FOR VARIANCE TO MOVE HEAT PUMP LOCATION

-CIVIC ADDRESS IS 3312 STEPHENSON PT RD

- This is a request to move the heat pump from the rear of the home to the side of the house.
- The location at the rear of the home would actually allow the neighbour to see and hear the heat pump.
- The requested location at the West side of the home would be behind a fence. It would also be over 100' from the neighbours home.
- Between the two homes there is roughly 65' of forested lands owned by the Phillips.
- the neighbour on the East side of the home has requested that it not be put in the back yard where she can see it.

Thank you for your time with this matter.

David Edmondson  
Avago Contracting Ltd.  
250 618 2366



ATTACHMENT E  
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00313

