

DATE OF MEETING | September 17, 2018 |

AUTHORED BY | CALEB HORN, PLANNING ASSISTANT, CURRENT PLANNING AND SUBDIVISION |

SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP361 – 3680 LAGOON ROAD |

OVERVIEW

Purpose of Report

To present, for Council’s consideration, a development variance permit application to allow a heat pump on the south side of the principal building at 3680 Lagoon Road. |

Recommendation

That Council issue Development Variance Permit No. DVP361 at 3680 Lagoon Road with the following variance:

- allow a heat pump to be located on the south side of the principal building. |

BACKGROUND

A development variance permit application, DVP361, was received from Mr. Mike Testini to vary the provisions of City of Nanaimo “Zoning Bylaw 2011 No. 4500” to install a heat pump in the side yard of a proposed single residential property located at 3680 Lagoon Road.

Subject Property

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located at the intersection of Lagoon Road and Place Road, adjacent to the waterfront.
<i>Total Lot Area</i>	1,638m ²
<i>Official Community Plan</i>	Map 1 – Future Land Use – Neighbourhood

The rear portion of the property contains a 15m leave strip adjacent to the ocean. An existing single residential dwelling was recently demolished on the property and a new dwelling is proposed as part of an active Building Permit (BP124639). Both adjacent properties are also zoned R1 and contain single residential dwellings.

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

DISCUSSION

Proposed Development

The Zoning Bylaw requires heat pumps to be located to the rear of a principal building. The applicant is seeking a variance to locate a heat pump on the south side yard of the house.

If sited per Zoning Bylaw regulations, the heat pump would be located to the east of the principal dwelling, nearest to the ocean. Siting the heat pump to the rear of the principal building could interfere with the enjoyment of use of the rear yard for the residents.

The subject property is narrower on the east side of the property and widens on the west side. The applicant is proposing to site the heat pump on the southwest side of the proposed house where it is further from the adjacent property.

Proposed Variances

Location of Heat Pumps

Where the principal use of a property is a single residential dwelling, heat pumps are required to be located to the rear of the principal building. Heat pumps are also required to be no closer than 4.5m to side lot lines.

The proposed heat pump will be located to the side of the principal dwelling and will be 8m from the side lot line. The applicant has proposed to screen the heat pump with a fence and landscaping so it will not be visible from the street. There is existing landscaping to the south that will screen the heat pump from the neighbouring property. Additionally, within the neighbouring property, there are easements that prevent any structure from being constructed closer than 6m to the property line, so the total distance from the heat pump to the nearest residence will be at least 14m.

Given the screening and separation of the heat pump from neighbouring properties, no negative impacts are anticipated. Staff support the proposed variance.

See Attachments for more information.

SUMMARY POINTS

- Development Variance Permit Application No. DVP361 proposes a variance to allow a heat pump to be located on the south side of the principal building.
- The proposed heat pump location is approximately 8m from the adjacent property line and will be screened from view from the street and from the neighbouring property.
- Staff support the proposed variance.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Plan
ATTACHMENT D: 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

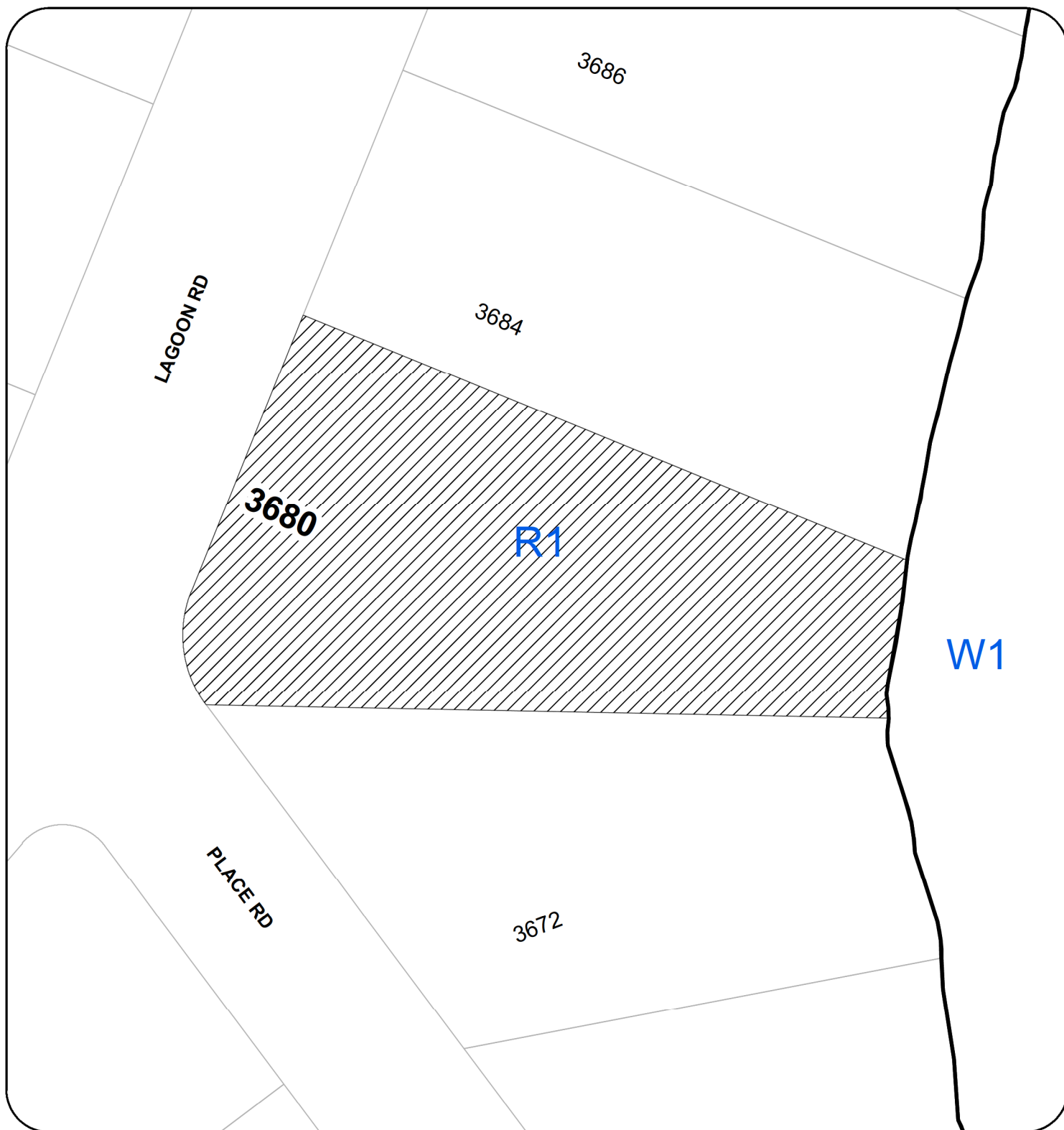
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

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

CONDITIONS OF PERMIT

1. The heat pump shall be located on the south side of the principal dwelling generally in accordance with the Site Plan prepared by Mr. Mike Testini, received 2018-JUL-13 as shown on Attachment C.

ATTACHMENT B
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00361

LOCATION PLAN

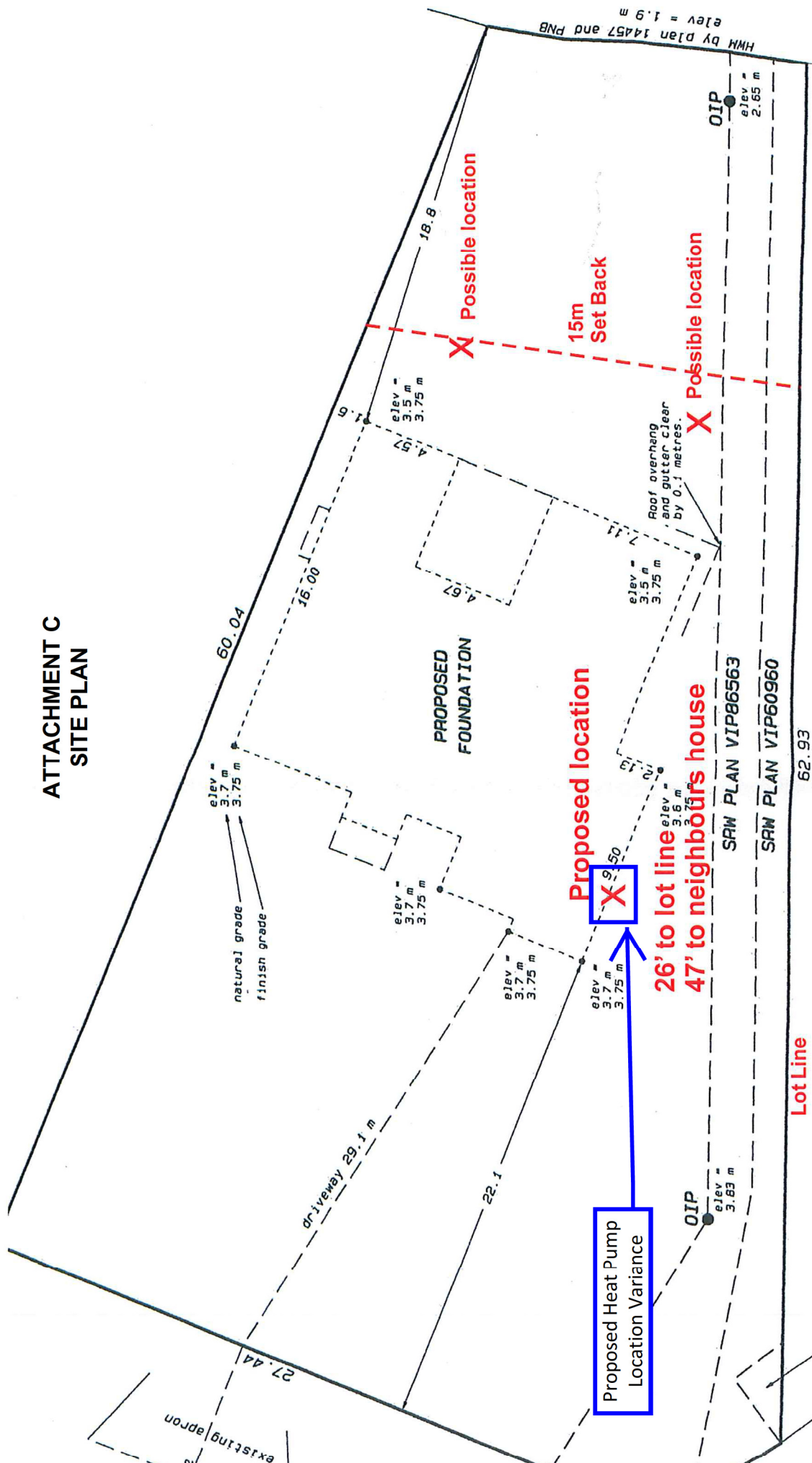
Civic: 3680 LAGOON ROAD
Legal Description: LOT 11, DISTRICT LOT 39,
WELLINGTON DISTRICT, PLAN 14457



Subject Property



**ATTACHMENT C
SITE PLAN**



Average natural grade elev = 3.63 m
 Average finished grade elev = 3.75 m
 Max allowable roof peak elev = 12.63 m
 Proposed roof peak elev = 12.50 m
 Proposed garage slab elev = 3.95 m
 Proposed main floor elev = 3.95 m

Certified
[Signature]
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RECEIVED
DVP 361
 2018-JUL-13
 Current Planning & Subdivision

File: WL-39-GEN

**ATTACHMENT D
AERIAL PHOTO**



DEVELOPMENT VARIANCE PERMIT NO. DVP00361

Delegation Request

Mike Testini has requested an appearance before Council.

The requested date is September 17, 2018.

The requested meeting is:
Council

Presenter's Information:

City: Nanaimo
Province: BC
Bringing a presentation: No

Details of Presentation:

Relocation of heat pump to the side yard and supporting documentation.