

DATE OF MEETING | November 19, 2018 |

AUTHORED BY | MADELEINE KOCH, PLANNER, CURRENT PLANNING |

SUBJECT | **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP366 – 3712 POLARIS DRIVE** |

## OVERVIEW

### **Purpose of Report**

To present for Council’s consideration, a development variance permit application to allow a heat pump to be located to the front of the single family dwelling at 3712 Polaris Drive. |

### **Recommendation**

That Council issue Development Variance Permit No. DVP366 at 3712 Polaris Drive with the following variance:

- allow a heat pump to be located to the front of the principal building.

## BACKGROUND

A development variance permit application, DVP366, was received from Dogwood Mountain Homes Ltd. on behalf of Michael Harris to vary the provisions of City of Nanaimo “Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to install a heat pump to the front of the existing dwelling on the subject property located at 3712 Polaris Drive.

On 2018-JAN-16, Council approved Development Permit No. DP1052 to allow demolition, re-construction, and vertical expansion of an addition to the house within the watercourse leave strip adjacent to the sea.

### **Subject Property**

<i>Zoning</i>	R1- Single Dwelling Residential
<i>Location</i>	The subject property is located on Polaris Drive, adjacent to the ocean shoreline.
<i>Total Lot Area</i>	1252 m <sup>2</sup>
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use – Neighbourhood

The rear portion of the property contains a 15m watercourse leave strip adjacent to the sea. A single family dwelling and detached garage are located on the subject property. The lot to the west of the subject property contains a single family dwelling, and the lot to the east is a vacant residentially-zoned lot.

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

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to install a heat pump on the east side of the subject property between an existing dwelling and detached garage. The proposed heat pump would be 4.6m from the side property line, which complies with the 4.5m side yard setback requirement for heat pumps.

### **Proposed Variances**

#### *Location of Heat Pumps*

Where the principal use of a property is a single residential dwelling, the Zoning Bylaw requires heat pumps to be located to the rear of the principal building. The applicant is seeking a variance to locate a heat pump to the front of the principal building (an existing single family dwelling), but to the rear of an existing accessory building.

The applicant states that compliance with the Zoning Bylaw requirements for heat pump siting would be impractical for this property as the only location that would accommodate the heat pump in accordance with the bylaw is on the rear deck in front of a sliding glass door. All other locations to the rear of the dwelling are within the 15m leave strip from the ocean.

Part of the purpose for requiring heat pumps to be located to the rear of principal buildings is to ensure they are screened in view from the road. The proposed heat pump is located behind the existing garage and will not be visible from the road.

In terms of potential impact on adjacent lands, the subject property and neighbouring properties are waterfront lots with the primary outdoor amenity space located in the rear yard facing the ocean. The proposed heat pump will be located in the front yard to the rear of the garage and will be approximately 14m and 4.6m from the west and east property lines, respectively, and will be separated from the primary outdoor amenity areas. Therefore, it is not anticipated that locating the heat pump to the front of the existing dwelling would negatively impact the neighbour to the west or future neighbour to the east.

Because the subject property and neighbouring properties are waterfront, it is likely that residents spend more time outdoors in the rear/waterfront areas of their lots than in the front areas. For this reason, it is not anticipated that locating the heat pump to the front of the existing dwelling would result in negative impacts to neighbours.

Given that the garage would visually screen the heat pump from the road and compliance with the siting regulations is impractical, Staff support the proposed variance.

See Attachments for more information.

### **SUMMARY POINTS**

- Development Variance Permit Application No. DVP366 proposes a variance to allow a heat pump to be located to the front of the principal single family dwelling.
- The proposed heat pump location complies with the side yard setback requirement for heat pumps, will be screened from view from the street by an existing garage, and is not anticipated to negatively impact neighbouring properties.
- Compliance with the heat pump siting regulation would be impractical for this property.

### **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 |

#### **Concurrence by:**

D. Lindsay  
Director, Community Development |

# **ATTACHMENT A PERMIT TERMS AND CONDITIONS**

## **TERMS OF PERMIT**

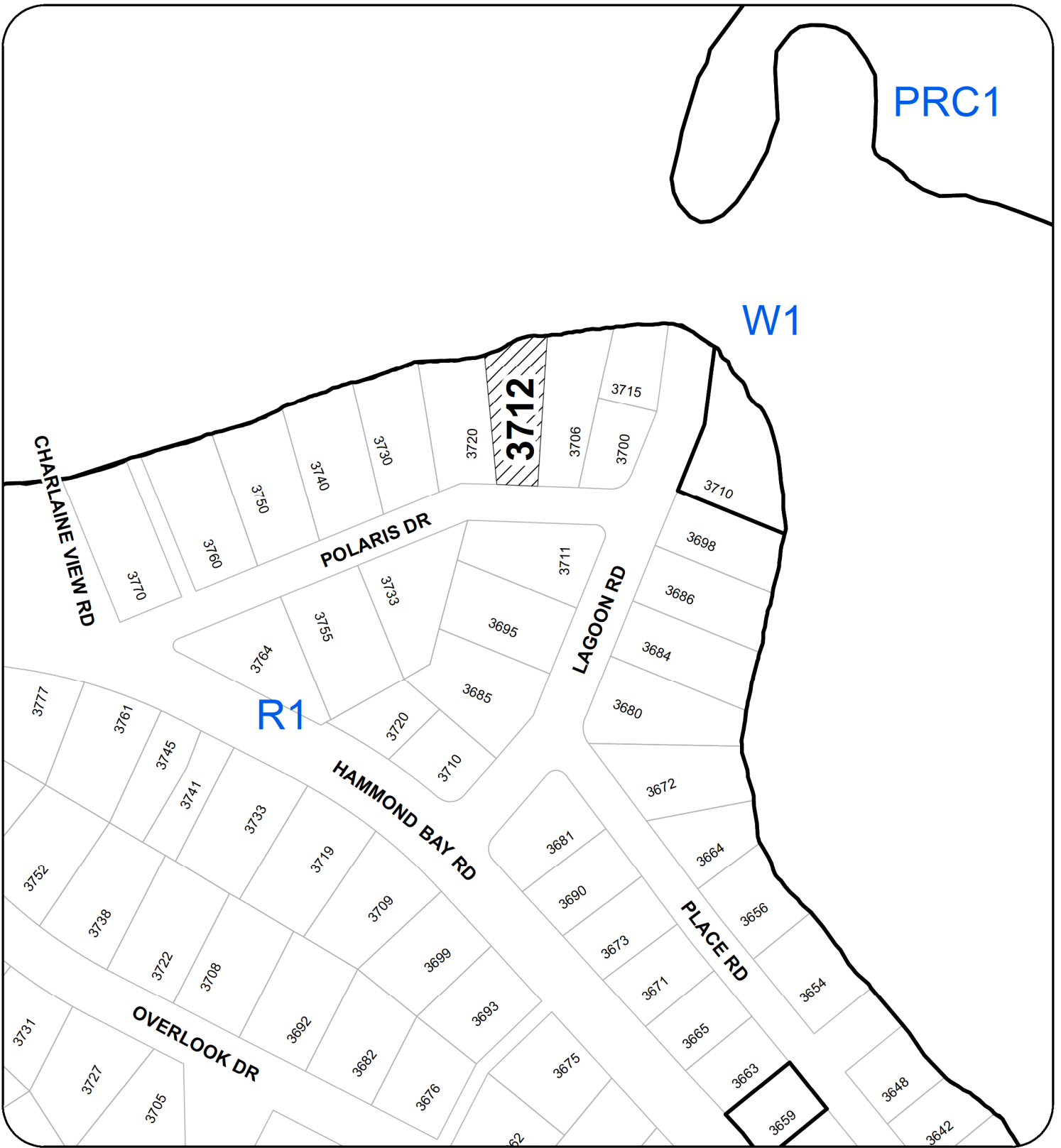
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6.5.2 Projections into Yards* – to allow a heat pump to be located to the front of the principal single family dwelling.

## **CONDITIONS OF PERMIT**

1. The heat pump shall be located in substantial compliance with the Site Plan received 2018-SEP-25, as shown on Attachment C.

ATTACHMENT B  
LOCATION PLAN



**DEVELOPMENT VARIANCE PERMIT NO. DVP00366**

**LOCATION PLAN**



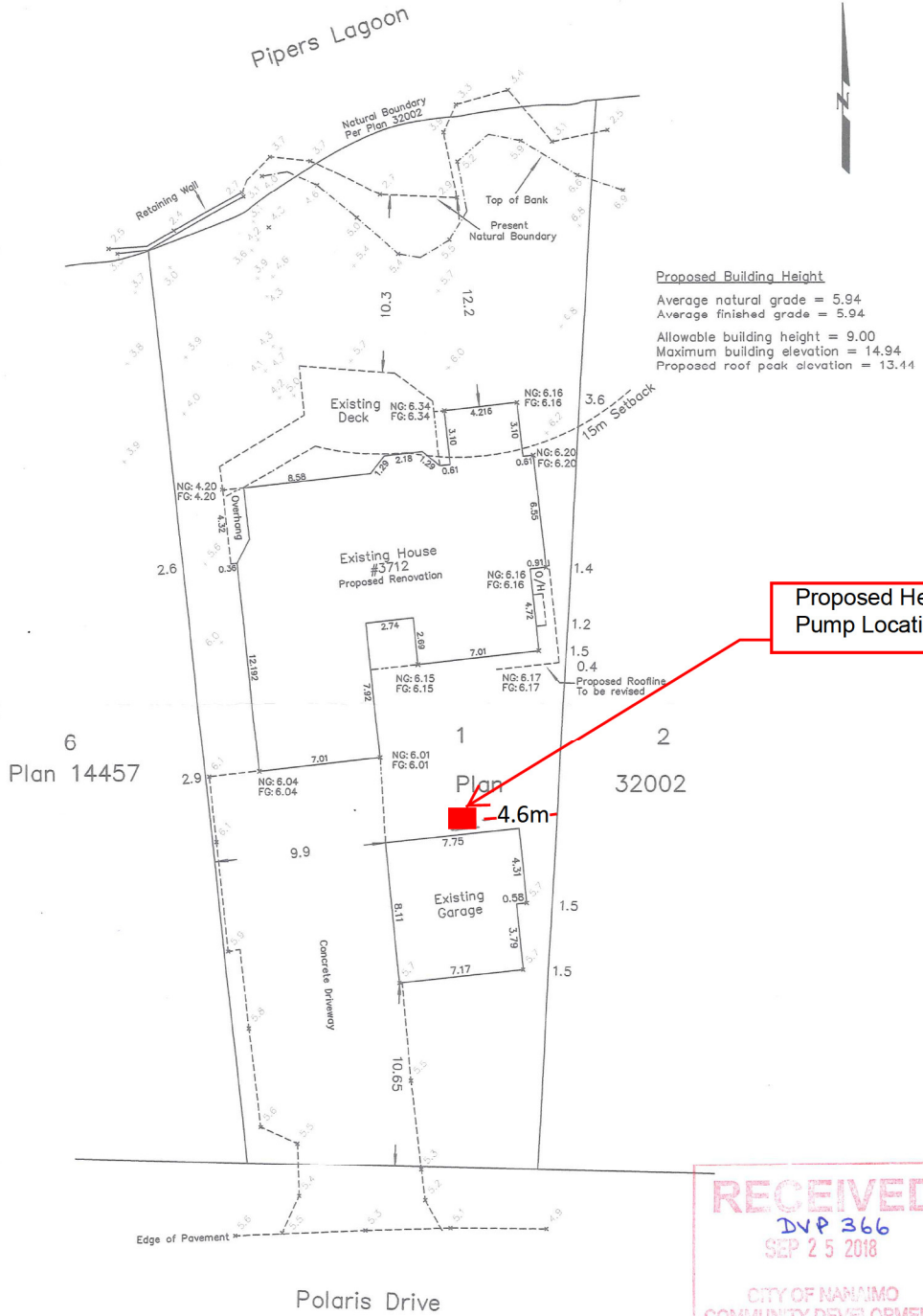
Subject Property

Civic: 3712 POLARIS DRIVE  
Legal Description: LOT 1, DISTRICT LOT 39  
WELLINGTON DISTRICT, PLAN 32002

# ATTACHMENT C SITE PLAN

Site Plan showing:  
Lot 1, District Lot 39,  
Wellington District, Plan 32002.

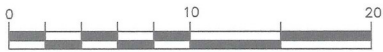
Client: Harris			
Civic Address: 3712 Polaris Drive, Nanaimo			
File: 17-023	Scale: 1:250	Date: June 29th, 2018	Drawn by: DRW



**Proposed Building Height**  
 Average natural grade = 5.94  
 Average finished grade = 5.94  
 Allowable building height = 9.00  
 Maximum building elevation = 14.94  
 Proposed roof peak elevation = 13.44

**Proposed Heat Pump Location**

**RECEIVED**  
 DVP 366  
 SEP 25 2018  
 CITY OF NANAIMO  
 COMMUNITY DEVELOPMENT



Scale 1:250  
 Distances and elevations are in metres.  
 Geodetic elevations are derived from control monument 90H6361.

**Note:**  
 This property is affected by  
 the following registered documents:  
 M76300.

**Turner & land surveying™**

250.753.9778  
 605 Comox Road  
 Nanaimo, BC V9R 3J4

Certified correct this 29th day of June, 2018.

B.C.L.S.

(This document is not valid unless originally signed and sealed.)

ATTACHMENT D  
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00366