

DATE OF MEETING | April 1, 2019 |

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

SUBJECT | **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP379 – 240 TWIGGLY WIGGLY ROAD** |

## **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 side of the single residential dwelling at 240 Twiggly Wiggly Road. |

### **Recommendation**

That Council issue Development Variance Permit No. DVP379 at 240 Twiggly Wiggly Road with the following variance:

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

## **BACKGROUND**

A development variance permit application, DVP379, was received from Randall Flowerdew to vary the provisions of City of Nanaimo “Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to allow a heat pump to the side of the single residential dwelling now under construction at 240 Twiggly Wiggly Road.

### **Subject Property**

<i>Zoning</i>	R1A – Single Dwelling Residential
<i>Location</i>	The subject property is located on the east side of Twiggly Wiggly Road between Ashlee Road and Neil Drive.
<i>Lot Area</i>	1,812m <sup>2</sup>
<i>Official Community Plan</i>	Map 1 – Future Land Use Plan – Neighbourhood

The subject property is a relatively flat lot located in an existing single dwelling residential neighbourhood. The dwelling is located on the south side of the lot, with a large setback from the neighbouring properties to the north.

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

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing a heat pump on the north side of the single residential dwelling. The proposed heat pump location is approximately 19m from the north side lot line, 20m from the front lot line, and 36m from the rear lot line.

The applicant proposes to locate the heat pump to the side of the single residential dwelling due to the location of a basement suite located at the rear of the house. The applicant does not want to interfere with the tenants' enjoyment of the suite with locating the heat pump to the rear of the dwelling as it would need to be located directly outside bedroom windows.

### **Proposed Variance**

#### *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 north side of the principal building. The Zoning Bylaw also requires a 4.5m setback from side lot lines and a 3m setback from rear lot lines. The heat pump location complies with and exceeds the required setback requirements.

The nearest adjacent residences, to the north, are more than 25m from the heat pump location. The subject property's north side lot line is adjacent to the rear lot line of the adjacent properties, which provides additional buffering to neighbouring residences. Locating the heat pump on the side of the dwelling also avoids potential interference with tenant's use of the secondary suite at the rear of the dwelling. The applicant proposes to screen the heat pump with landscaping so it will not be visible from the street.

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

### **SUMMARY POINTS**

- Development Variance Permit Application No. DVP379 proposes a variance to allow a heat pump to be located on the north side of the principal building.
- The heat pump location is well separated from all property lines and is not anticipated to negatively impact adjacent residences.
- 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 |

**Concurrence by:**

D. Lindsay  
Director, Community Development |

## **ATTACHMENT A PERMIT TERMS AND CONDITIONS**

### **TERMS OF PERMIT**

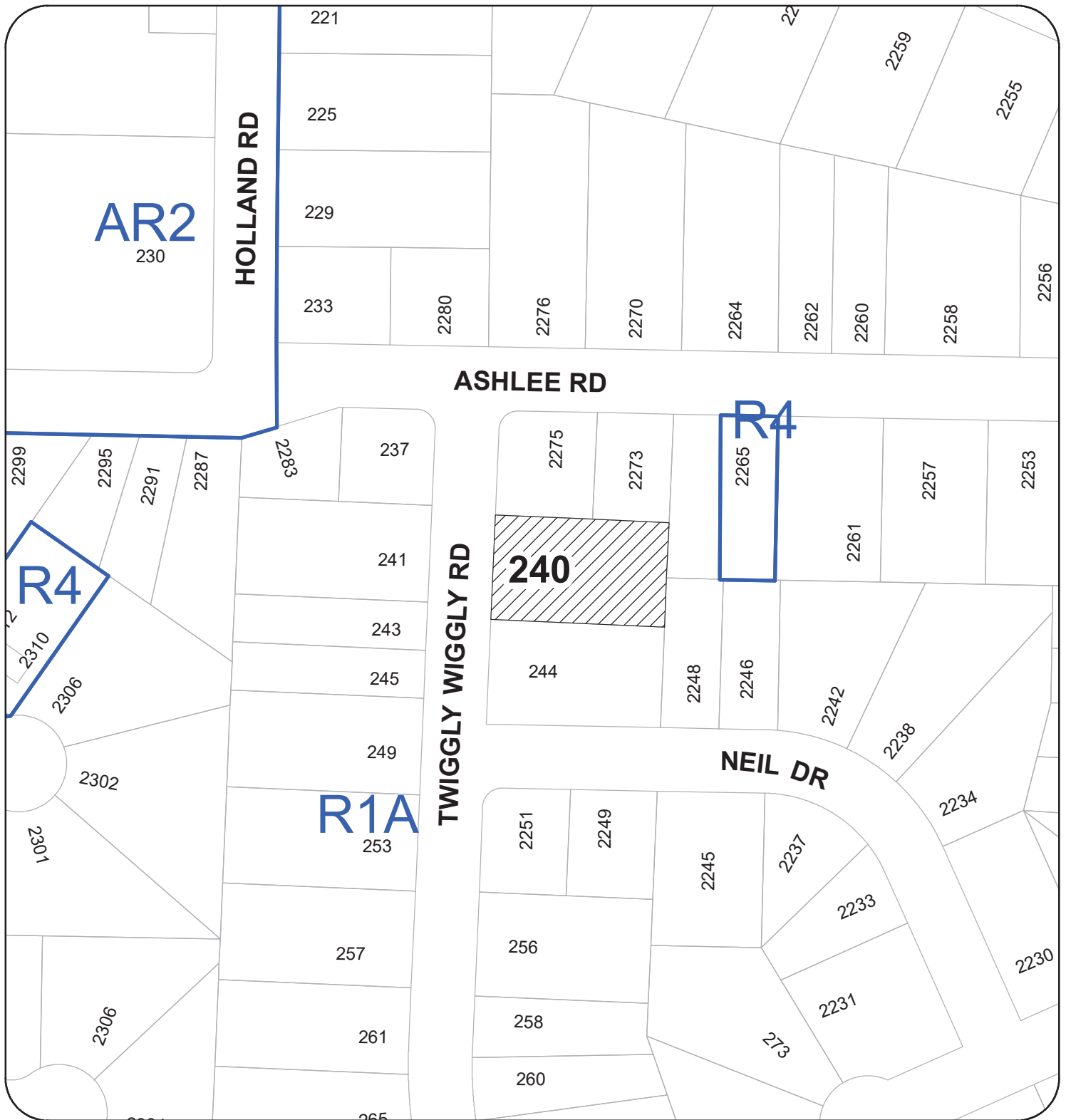
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

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

### **CONDITIONS OF PERMIT**

1. The heat pump shall be located on the north side of the principal dwelling generally in accordance with the Site Plan prepared by Turner Land Surveying, dated 2017-JUN-06 as shown on Attachment C.

ATTACHMENT B  
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00379

LOCATION PLAN

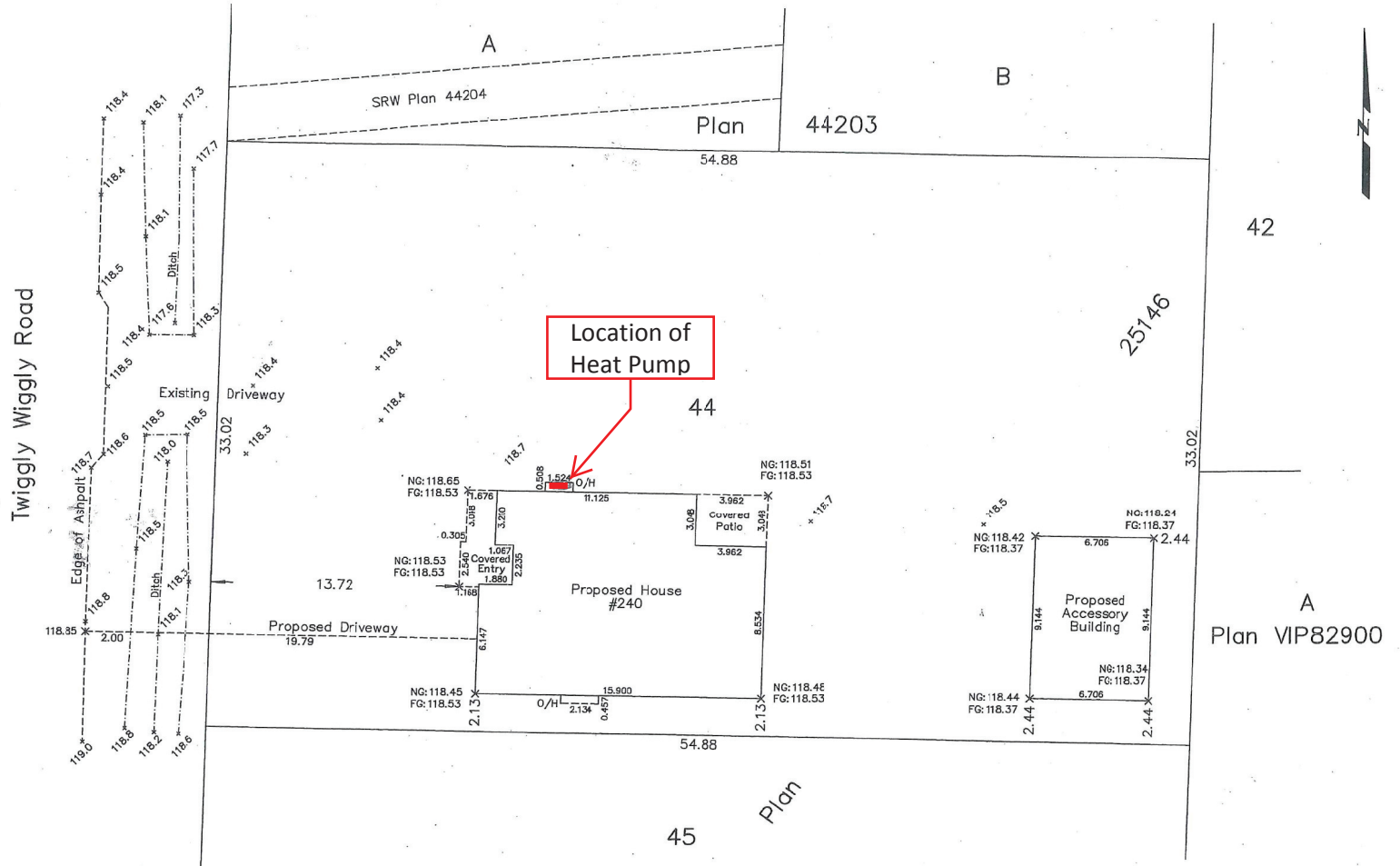
Civic: 240 TWIGGLY WIGGLY ROAD  
Legal Description: LOT 44, SECTION 11, RANGE 7  
MOUNTAIN DISTRICT, PLAN 25146



# ATTACHMENT C SITE PLAN

Proposed Building Height—House  
 Average natural grade = 118.52  
 Average finished grade = 118.53  
 Allowable building height = 9.00  
 Maximum building elevation = 127.52  
 Proposed roof peak elevation = 126.67  
 Proposed main floor = 121.48  
 Minimum garage slab = 115.89  
 Proposed garage slab = 118.63  
 Proposed BFE = 118.73  
 B.C.L.S. has been retained to pin foundation location.

Proposed Building Height—Accessory Building  
 Average natural grade = 118.36  
 Average finished grade = 118.37  
 Allowable building height = 4.50  
 Maximum building elevation = 122.86  
 Proposed roof peak elevation = 122.76  
 Proposed garage slab = 118.47  
 B.C.L.S. has been retained to pin foundation location.



Note:  
 This property is affected by the following registered document: A40466.

Distances and elevations are in metres.  
 Geodetic elevations are derived from control monument 79H5496.

Site Plan showing proposed building locations on:  
 Lot 44, Section 11, Range 7,  
 Mountain District, Plan 25146.

Certified correct this 6th day of June, 2017.

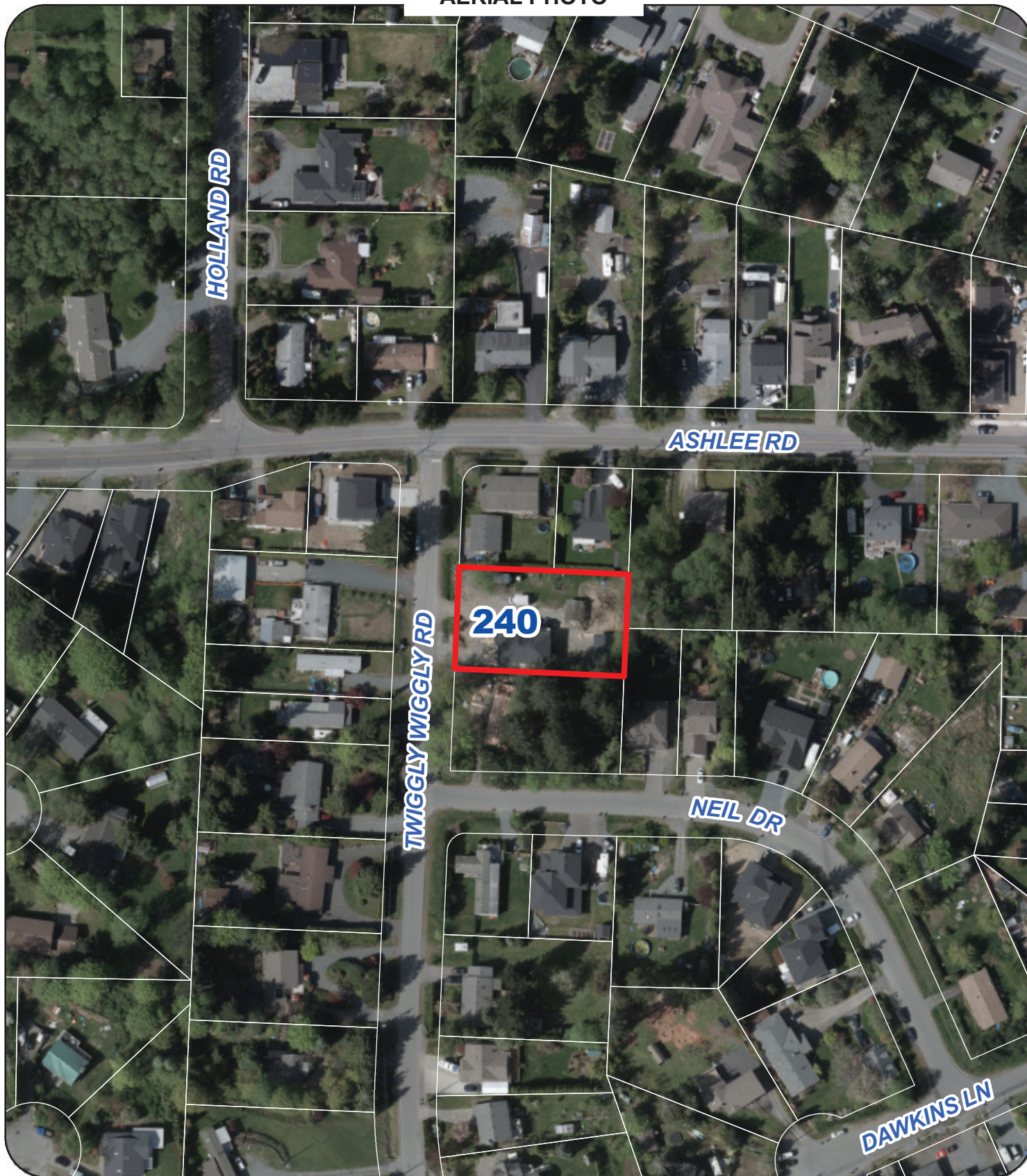
**Turner** Land Surveying

Client: Randy Flowerdew  
 Civic Address: 240 Twiggly Wiggly Road, Nanaimo  
 File: 16-043  
 Scale: 1:250  
 Date: June 6, 2017  
 Drawn by: RJT

*[Signature]*  
 B.C.L.S.  
 (This document is not valid unless originally signed and sealed.)

250.753.9778  
 605 Comox Road  
 Nanaimo, BC V9R 3J4

ATTACHMENT D  
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00379

 SUBJECT PROPERTY