



COMMUNITY SAFETY & DEVELOPMENT

**AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE
TO BE HELD ON 2013-JUN-20 AT 5:30PM IN THE BOARDROOM,
SERVICE AND RESOURCE CENTRE, 411 DUNSMUIR STREET, NANAIMO, BC**

1. **CALL TO ORDER**
2. **ADOPTION OF MINUTES: 2013-MAY-16 BOV MEETING**

3. **APPLICATIONS:**

APPEAL NO: **BOV622**

Applicant: Ms. Jodi Klippenstine

Civic Address: 450 Machleary Street

Legal Description: SECTION D, LOT 9, BLOCK W, SECTION 1, NANAIMO DISTRICT,
PLAN 584

Purpose: The required side yard setback is 1.5m. The applicant is requesting to vary provisions of Zoning Bylaw 4500 in order to allow for the replacement of and addition to an existing non-conforming deck 0.95m from the side parcel line. This represents a variance request of 0.55m.

Zoning Regulations: Old City Duplex Residential – R13. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*"Section 7.5.1 – Yard Requirements
A side yard setback of 1.5m is required."*

Local Government Act: The property is considered legal non-conforming. Section 911 (9) and (10) of the *Local Government Act* states:

"If the use and density of buildings and structures conform to a bylaw under this division...but the siting, size or dimensions of a building or structure constructed before the bylaw was adopted does not conform with the bylaw, ... the building or structure ... may be maintained, extended or altered ... only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started."

APPEAL NO: BOV623**Applicant:** Mr. Richard Bland**Civic Address:** 4920 Ney Drive**Legal Description:** LOT 3, DISTRICT LOT 51, WELLINGTON DISTRICT, PLAN VIP75553

Purpose: The required side yard setback is 1.5m. The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit the construction of an attached garage 0.27m from the side parcel line. This represents a side yard setback variance of 1.23m.

Zoning Regulations: Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*"Section 7.5.1 – Yard Requirements
A side yard setback of 1.5m is required."*

Local Government Act: The property is considered legal-conforming and, as such; Local Government Act, Section 911 - Non-conforming Uses and Siting, does not apply.

APPEAL NO: BOV624

Applicant: Mr. Brad Richardson (Richardson Homes Ltd.) on behalf of Mr. Paul Heising and Ms. Judith McFatridge

Civic Address: 5030 Banning Court

Legal Description: STRATA LOT 22, DISTRICT LOT 51, WELLINGTON DISTRICT, STRATA PLAN VIS6310, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw 4500 in order to permit the placement of a heat pump to the side of a single residential dwelling. Zoning Bylaw 4500 requires a heat pump be located to the rear of the dwelling and have a setback of 4.5m from the side parcel line. The proposed heat pump is 4.4m from the side yard and, as such, does not meet the required 4.5m setback for the side parcel line and is not located to the rear of the dwelling. Thus a variance is required to allow for the placement of a heat pump to the side of the dwelling and a side yard variance of 0.1m is required.

Please note: previous variances were requested on the subject property (BOV562) to increase the maximum height of a single family dwelling from 8.25m to 9.87m and to increase the maximum width of a wall face from 7.32m to 13.67m. The variances were not deemed to be a hardship and were therefore denied.

Zoning Regulations: Townhouse Residential – R6. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

"6. 5. 2 - Heat pumps and central air condition units must be located to the rear of a principal building and shall not be closer than 4.5m from the side lot lines or closer than 3m from the rear property line."

Local Government Act: The property is considered legal-conforming and, as such; Local Government Act, Section 911 - Non-conforming Uses and Siting, does not apply.

APPEAL NO: **BOV625**

Applicant: Ms. Margaret James

Civic Address: 3976 Apsley Avenue

Legal Description: LOT 3, BLOCK 14, SECTION 5, WELLINGTON DISTRICT, PLAN 318

Purpose: The required front yard setback is 4.5m. The applicant is requesting to vary provisions of Zoning Bylaw 4500 in order to permit the construction of an addition to the existing single family dwelling 1.90m from the front yard lot line. As this is considered to be a through lot, Zoning Bylaw 4500 requires a 4.5m setback from the front yard (Lake Road). This represents a variance request of 2.6m.

Zoning Regulations: Single Family Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*"Section 7.5.1. - Yard Requirements
A front yard setback of 4.5m is required."*

Local Government Act: The property is considered legal-conforming and, as such; Local Government Act, Section 911 - Non-conforming Uses and Siting, does not apply.

APPEAL NO: **BOV626**

Applicant: Mr. Roger Welliver on behalf of Mr. Donald Esau

Civic Address: 101 McKinnon Place

Legal Description: LOT 18, DISTRICT LOT 29, SECTION 11, WELLINGTON DISTRICT, PLAN23739

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit a recently constructed covered and open deck within the side yard setback area. The side yard setback is 1.5m, the deck is 0.45m from the side yard, as such a variance of 1.05m is required.

Please note: The site survey shows a wheelchair ramp within the side yard setback area. Zoning Bylaw No. 4500 permits wheelchair ramps to encroach into all setback areas.

Zoning Regulations: Single Family Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*"Section 7.5.1 – Yard Requirements
A side yard setback of 1.5m is required."*

Local Government Act: The property is considered legal-conforming and, as such; Local Government Act, Section 911 - Non-conforming Uses and Siting, does not apply.

4. **OTHER BUSINESS:** Staff to update the Board on progress regarding heat pump application education and abatement. Please see heat pump brochure and draft letter to contractors / installers attached.

5. **ADJOURNMENT**

/pm
ec:

Graham Trimmer, Engineering Development Technician
Kris Sillem, Manager, Subdivision Approvals / Deputy Approving Officer
Building Inspections Section



2013-JUN-10

Our File: ZA1-07

Attention Heat Pump Installation Contractor:

Re: Zoning Requirements for Heat Pump Siting

It has come to our attention that a number of heat pumps have recently been installed within Nanaimo which are contrary to siting requirements within the City's Zoning Bylaw. Please be advised that on 2010-NOV-08 the City of Nanaimo adopted a zoning amendment bylaw to regulate the siting of heat pumps on a property. Heat pumps and central air conditioning units must be located to the rear of a home and cannot be closer than 4.5 metres (14.7 feet) from the side property line. The heat pump must also be sited at least 3 metres (9.8 feet) from the rear property line. A heat pump is not permitted in the front or side yard of any single residential dwelling or duplex residential lot.

There may be circumstances where you, as a professional installer, may determine that due to unique site conditions on the lot you are unable to install an effective heat pump within the area required by the bylaw. If this is the case, your client may apply for a variance. If the home owner is applying for a variance based on the installer's recommendation, a letter from the installer will be required. The letter should include the technical rationale as to why you, as the installer, feel it is not possible to locate the heat pump within the area required by the Zoning Bylaw. The letter should also include your ticketed contractor number and contact information.

Any newly installed heat pump that is not sited according to the City's Zoning Bylaw, or approved through a variance, would not be in compliance with the City's bylaw and therefore may be requested to be removed or relocated.

For your information we have attached an information brochure regarding the City of Nanaimo's heat pump zoning requirements.

Sincerely,

Dave Stewart, RPP, M. Plan.
Planner, Planning & Design Section
Community Safety and Development

DS/pm

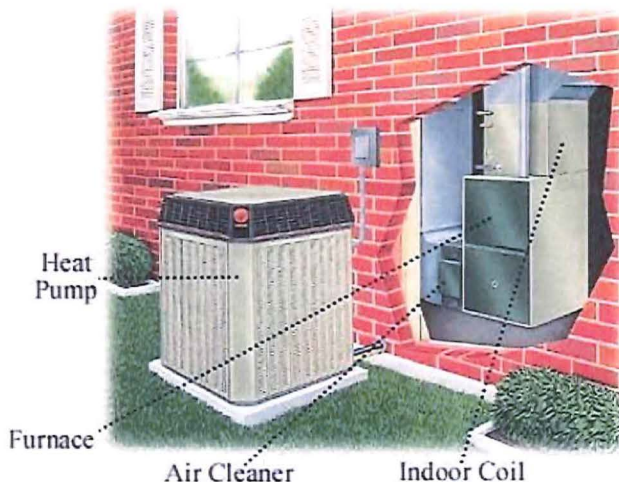
ec: Bruce Anderson, Manager, Planning & Design Section
Dale Lindsay, Manager, Building Inspection Section
Jill Collinson, Planning Assistant, Planning & Design Section
Board of Variance Members

****Please note: this is the only copy of this correspondence you will receive, if you require an original, please contact the sender.****

Background

A new heat pump properly installed, can reduce heating costs by up to 50% versus an electric furnace. Heat pumps are an environmentally friendly way of heating and cooling a home, but can occasionally be noisy.

On 2010-NOV-08, In an effort to reduce the impact of heat pump noise on neighboring property owners, the City of Nanaimo adopted a zoning amendment bylaw to regulate the siting of heat pumps on a property. Heat pumps and central air conditioning units must be located to the rear of a home and cannot be closer than 4.5 metres (14.7 feet) from the side property line. The heat pump must also be sited at least 3 metres (9.8 feet) from the rear property line.



Summary

- A properly installed heat pump can reduce heating costs by up to 50%.
- Heat pumps and central air conditioning units must be located to the rear of the home.
- The heat pump or air conditioning unit must be at least 4.5m (14.7 feet) from the side property lines and 3m (9.8 feet) from the rear property line.
- The above siting regulations can be varied through the Board of Variance (based on hardship) or through a Development Variance Permit.
- The most effective way to limit the noise produced is to have the right heat pump installed by the right contractor.



Please note: This pamphlet is for information purposes only, please contact City Staff for more detailed information prior to installing a heat pump.

City of Nanaimo

Community Safety & Development
411 Dunsmuir Street
Nanaimo, BC V9R 0E4



INSTALLING A HEAT PUMP?

GUIDE TO SETBACK REQUIREMENTS



www.nanaimo.ca

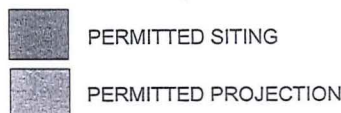
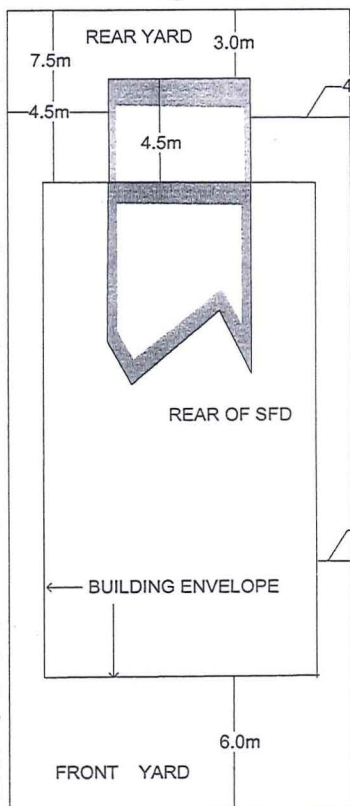
Frequently Asked Questions

1

Where can I locate my heat pump?

If you wish to install a heat pump or central air conditioning unit for a single detached house or a duplex, the heat pump or air conditioning unit must be located to the rear of the principal building. The heat pump or air conditioning unit also must be setback at least 4.5 metres (14.7 feet) from a side property line and at least 3 metres (9.8 feet) from the rear property line.

As shown on the diagram to the right, a heat pump or central air conditioning unit cannot be located in the front or side yard of a property but may be sited in the rear yard, provided the heat pump is at least 3 metres (9.8 feet) from the rear property line and 4.5 metres (14.7 feet) from both side yard lot lines.



2

How loud is a typical heat pump?

All heat pumps produce noise. They all have a powerful fan, which directs outside air to ensure the coils are cooled. In addition to this noise, there is also the noise of the compressor itself and the noise of the refrigerant gas circulating. The noise level of a heat pump varies depending on their technology, age, degree of wear and tear, and how they were placed. Noise is best measured in decibels (dB). Within Nanaimo a survey of local heat pumps found that at a distance of 5 feet the noise level ratings ranged from 68dB to 76dB. For comparison, a normal conversation is usually held at about 60dB, freeway traffic generally generates about 70dB and a lawnmower about 90dB's of sound.

3

How can I reduce the noise from my heat pump?

The Canadian Mortgage and Housing Corporation (CMHC) recommends avoiding placing pumps near neighbouring windows or near reflecting surfaces, such as hard packed soil which can aggravate the noise situation. CMHC also recommends installing a muffling device as close as possible to the casing of the heat pump in addition to an insulated central envelope. A well designed muffler can reduce noise levels by 11dB to 16dB. A sound buffer such as a fence or a hedge around the heat pump can also help reduce noise. The most effective way to limit the noise produced is to have the right heat pump installed by the right individual.

4

What if I am unable to site my heat pump as required by zoning?

If due to site conditions unique to your lot you or your installer feel you are unable to install an effective heat pump within the area required by the bylaw you may apply for a variance. The Zoning Bylaw can be varied through one of two separate processes, a development variance permit (DVP) or through the Board of Variance (BOV).

The BOV consists of a group of five volunteers appointed by Council authorized to vary some aspects of the Zoning Bylaw. When considering whether or not to approve or deny a variance, the BOV is asked to consider whether undue hardship would be caused to the applicant if the zoning regulations were to be complied with. If your installer feels the zoning regulations will result in a less efficient heat pump and thus cause a mechanical hardship, a declaration from your licensed installer will be required.

A DVP is reviewed and approved by Council and, unlike a BOV, includes a report with a Staff recommendation but is not based on hardship. When considering whether or not to support a DVP application Staff and Council are asked to consider the impact of the variance on the neighbors, the intent of the bylaw and whether or not the variance will result in inappropriate development of the site. Please contact planning Staff if you wish to apply for a DVP or BOV.