



COMMUNITY SAFETY & DEVELOPMENT

**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC
ON TUESDAY, 2013-MAY-16 COMMENCING AT 5:30 P.M.**

PRESENT: Members: Mr. Tim Wait - Chair
Mr. Allan Dick
Mr. Mark Dobbs
Ms. Janet Cowling
Mr. Amarjit Minhas

Staff: Mr. Dave Stewart, Planner, Planning & Design Section
Ms. Penny Masse, Planning Clerk, Planning & Design Section

1. CALL THE MEETING TO ORDER:

The regular meeting was called to order at 5:29 p.m.

2. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the meeting of the Board of Variance held on Thursday, 2013-MAR-26 be adopted. The motion carried unanimously.

3. APPLICATION:

APPEAL NO: **BOV00621**

Applicant: Mr. Glen Hill (Nulab Design) on behalf of Mr. Thomas Kirk and Ms. Deborah Lassu

Civic Address: 5890 Waldbank Road

Legal Description: Lot 1, District Lots 40 and 47, Wellington District, PLAN 34409
PID 000-290-777

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw 4500 in order to permit the placement of **two** heat pumps to the side of a single residential dwelling. Zoning Bylaw 4500 requires a heat pump be located to the rear of a dwelling and a side yard setback of 4.5m from the side parcel line.

The proposed heat pumps will both meet the required 4.5m setback; however, as they are located to the side of the dwelling and not to the rear of the dwelling, a variance is required.

Zoning Regulations: Single Dwelling Residential - R1. 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.

Discussion: Mr. Glen Hill and Mr. Thomas Kirk were in attendance for the appeal.

Decision: It was moved and seconded that the variance request be **approved**. The motion carried unanimously.

The variance request was deemed to be a hardship.

4. OTHER BUSINESS:

The Board and Staff discussed possible options for reducing the amount of heat pump applications received. Staff suggested:

- a letter to contractors via registered mail outlining City regulations and policies regarding heat pumps;
- a heat pump brochure to inform the general public;
- improved building permit forms to further clarify if the applicant intends to install a heat pump; and
- inviting a heat pump installer to speak with Staff and the Board.

The Board supported Staff's recommendations but further suggested:

- a mechanical engineer speak with Staff and the Board, not an installer; and
- a requirement for heat pump contractors and / or installers to submit a formal letter to the Board indicating why correct heat pump placement is not possible.

Staff will update the Board on these efforts at the next BOV meeting.

5. ADJOURNMENT:

It was moved and seconded at 6:42 p.m. that the meeting terminate. The motion carried unanimously.



CHAIR
CERTIFIED CORRECT



DATE: JUNE 20/2013