

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 ²
<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