
BOARD OF VARIANCE / PARKING VARIANCE BOARD
APPEAL DECISION

Appeal No. Z36043 - 1148 West 7th Avenue

Appeal Section: 573(1)(a) - Appeal of Decision (DP Refusal)
Legal Description: Lot D, Block 314, District Lot 526 and Plan VAP 3786
Lot Size: Lot Area = 3,299 sq. feet
Zone: FM-1
Related By-Law Clause: Section 4.4 (Zoning & Development By-law).

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00861 and a request to permit the installation of a new “plug and play” hot tub on roof deck, adding new guard railing around the roof-deck, and alterations with changes to roof level planting at this existing site.

Development Application No. DP-2022-00861 was refused for the following reasons:

-The proposed development does not comply with the regulation of the Zoning and Development By-law that affect the site.

-Objections have been received from neighbouring property owners.

Name of Appellant(s): **Elizabeth Mackenzie**
4669 Drummond Drive
Vancouver, B.C.
V6R 1E8

This appeal was heard by the Board of Variance on **October 24th, 2023 and was ALLOWED, thereby overturning the decision of the Director of Planning** who refused Development Application No. DP-2022-00861 and approved the installation of a new “plug and play” hot tub on roof deck, adding new guard railing around the roof-deck, and alterations with changes to roof level planting at this existing site, and subject to the following condition:

(1) that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

Board’s summary and decision based on the following:

-The Board (voted 4-1 in support of the appeal) and found site specific hardships to warrant a height relaxation for the metal railings to remain as built - and for mobility and safety reasons to allow access to the proposed hot-tub on the upper roof deck (approved for medical reasons).

(Note: Site hardship including the site’s sloping-grade, a narrow site and the roof-deck location. The character of this house and the front façade / front streetscape were retained along West 7th Avenue during the development permit stage). The proposed metal hand-rails and glass guard-rails were acceptable by the board to remain as built on the roof-deck for mobility access and safety reasons. The City’s representative also confirmed at the meeting that the ‘glass guard railing and hand-rails’ are both required under the Building By-law.

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-The City also confirmed that hot-tubs are permitted on roof decks, and the main reason for the refusal is the overage in height (only the metal railings were found to be over-height).

-The Board's site office received four (4) opposition letters from the neighbourhood – and this is from the Board's Neighbourhood postcard notification.

-The Board Chair also confirmed with the Owner at 1100 West 7th Avenue that large group activities and/or large gatherings on the upper roof deck do NOT usually take place (and NOT a common / a typical weekend occurrence) at this site, and

-The Appellants' written submission also included twenty-eight (28) support letters as part of the appeal submission.

-The Board Chair also noting for the record at the meeting that the board's decision does not set any precedent, and each board decision based on its own merits (a case-by-case board decision).

-Owners' agents confirmed at the appeal hearing that they will continue to work with the City – and to obtain all the City permits to the satisfaction of the Director of Planning.

***** IMPORTANT NOTE to the Appellants:**

The Board's decision is valid for one-year and the Owner(s) are required to obtain the City's Development-Building Permit **by October 24th, 2024**. Once the Board's decision expires, then the Owners are required to appeal (again) to request an extension.

Note: Unless otherwise ordered by the Chief Building Official in writing, the owner(s) **must obtain a Development & Building Permit(s) within one-year from the hearing date** (on successful appeals / allowed appeals).

Signed:



Secretary to the Board of Variance

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