

To: Board of Variance
From: Colin Martin, Planner
Date: May 4, 2026
Subject: Addition to a Single Detached Dwelling – 6803 Cottonwood Drive
Tracker No: PER-147

Recommendation:

THAT the requested variances under Section 540(c) of the *Local Government Act* allow for an addition while a non-conforming use is continuing within a principal structure be denied.

Executive Summary:

This application is seeking a variance to allow for an addition which is a non-conforming use at the property at 6803 Cottonwood Drive (Lot A, Plan KAP37639, District Lot 41, SDYD) in order to undertake the development of an addition to a single detached dwelling.

In support of the application, the applicant has stated that:

- *The current layout does not provide sufficient space to safely accommodate mobility aids. Essential areas, including the bedroom and bathroom are too confined to allow the use of a walker, and laundry along with closets are located in the basement, which is increasingly difficult and unsafe to access. Given the size and configuration of the home, there are no practical options to reconfigure the existing interior to address these issues. The proposed rear addition represents the minimum necessary expansion to create an accessible bedroom, bathroom, and supporting spaces on the main floor. The variance is directly related addressing this hardship and functional changes [the owners] to live safely and independently in their home.*
- *The proposed addition is modest in scale and designed to blend seamlessly and be consistent with the form and character of the existing dwelling. The addition is limited to what is necessary to address the accessibility needs and does not represent and over-development of the property.*
- *The proposed changes will not block views, reduce privacy, or increase noise. We have discussed the project with our immediate neighbours, and they are supportive of the improvements to make our home more accessible.*
- *The addition will be located within an already developed portion of the property.*
- *The rear location of the addition minimizes visibility from neighbouring properties and will not result in any significant impact on privacy, views, or sunlight.*
- *The intent of the zoning bylaw is to regulate development in a manner that ensures appropriate scale, siting, and compatibility with residential neighbourhoods. While the existing dwelling is legally non-conforming due to changes in zoning since its construction, the proposed addition is modest and does not significantly increase the degree of non-*

conformity. The variance is being requested to allow for reasonable modifications that support accessibility and safe occupancy of the home. It does not seek to increase density or alter the permitted use of the property. Overall, the proposal remains consistent with the general intent of the bylaw.

Statutory Requirements:

Under Section 540(c) of the *Local government Act*, a person may apply to the Board of Variance if the person alleges that the prohibition of a structural alteration or addition under section 531 (1) [restriction on alteration or addition while non-conforming use continued] would cause the person hardship.

In this instance, the applicant is alleging prohibition of building an addition to the non-conforming single detached dwelling will prevent them from being able to build an addition that will “address this hardship and functional changes [for the owners] to live safely and independently in their home”.

In considering this appeal, the BoV may order that a minor variance be permitted to the requirements of the applicable bylaw. The BoV must be satisfied that it has heard the applicant and any notified person, that undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and the proposed variance does not:

1. result in inappropriate development of the site;
2. adversely affect the natural environment;
3. substantially affect the use and enjoyment of the adjacent land;
4. defeat the intent of the Bylaw; or
5. vary the application of the applicable bylaw in relation to residential tenure.

Under the Town of Osoyoos Board of Variance Bylaw No. 1398, 2024, a notice of Hearing shall be delivered to the Board of Variance members and all owners and occupiers of neighbouring properties. Owners and occupiers of adjacent lands will have been notified of this application and will have the opportunity to comment prior to or during the Board of Variance meeting.

The deliberations, and the decision of the Board to either grant or deny an order must be made in the presence of the applicant, and any other persons notified in connection with that application, if in attendance at the meeting.

Background:

The subject property is approximately 503 m² in area and is situated on the southeast side of Cottonwood Drive, on the east shore of Osoyoos Lake. The property is currently developed with a single detached dwelling.

The surrounding pattern of development is characterized by medium density residential cottonwood park across the street to the north.

The current boundaries of the subject property date to a plan of subdivision that was deposited with the Land Title Office in Kamloops on January 23, 1987. Available records indicate that building permits were previously issued for porch addition (1991).

Under the Town's Official Community Plan (OCP) Bylaw No. 1375, 2021, the subject property is designated as Medium Density Residential (MR) and is subject to a Multi-Family Residential Development Permit (MRDP) Area.

Under the Town's Zoning Bylaw No. 1395, 2024, the subject property is zoned Medium Density Residential One (RM1) which permits apartment buildings, community care facilities, and townhouses as permitted principal uses. A single detached dwelling is not a permitted use in the RM1 zone.

The property was rezoned from R7 to RM1 when the Town of Osoyoos Zoning Bylaw No. 1395, 2024, was introduced. The previous R7 zone did permit single detached zones.

Due to the proximity of the property to Osoyoos Lake, the floodplain management regulations of the Zoning Bylaw may apply to any future development of the property complying with floodplain setbacks and elevations for habitable spaces.

BC Assessment has classified the property as "Residential" (Class 01).

Public Process:

Owners and occupiers of neighbouring properties will have received notification of this application in accordance with the requirements of the Town of Osoyoos Board of Variance Bylaw No. 1398, 2024.

Analysis:

The neighbourhood within which the subject property is located is considered to be in transition as re-development of surrounding properties has generally been in the form of apartment buildings, and this has left only a few surrounding parcels continuing to comprise single detached dwellings or vacant land.

As the long-term objective is to see these vacant parcels or parcels comprising single detached dwellings re-developed to medium density residential (e.g. apartment buildings), an expansion of a single detached dwelling is inconsistent with this objective.

Moreover, altering, adding to, or renovating a non-conforming structure could extend the life of the single detached dwelling, potentially stalling the conversion of the land to future preferred uses consistent with the RM1 zone.

For these reasons, Administration considers the proposal to "defeat the intent of the bylaw" and is recommending the request be denied.

Alternative:

Conversely, Administration recognizes that the proposed addition is under 40m², minimally increasing the footprint of the structure. The majority of the increased footprint comprises of an accessible washroom, closet, and bedroom.

The structure is aging and is likely to require further maintenance and updates to remain functional and the proposed addition *may* only extend the life of the dwelling beyond its remaining time by only a marginal amount.

Summary:

In summary, Administration considers the proposed variance to be inconsistent with the current streetscape, and that it undermines the intent of Council's land use bylaws by prolonging a non-conforming use on a parcel that has been designated for higher residential densities.

In light of the comments above, Administration does not support the requested variances and is recommending denial.

Options:

1. THAT the requested variance under 540(c) of the *Local Government Act* allow for an addition while a non-conforming use is continuing within a principal structure be denied; OR
2. THAT the requested variances under Section 540(c) of the *Local Government Act* allow for an addition while a non-conforming use is continuing within a principal structure be approved.

Others Consulted:

Building Inspector

Additional consultation is expected to continue through the building permit stage if the Permit is issued.

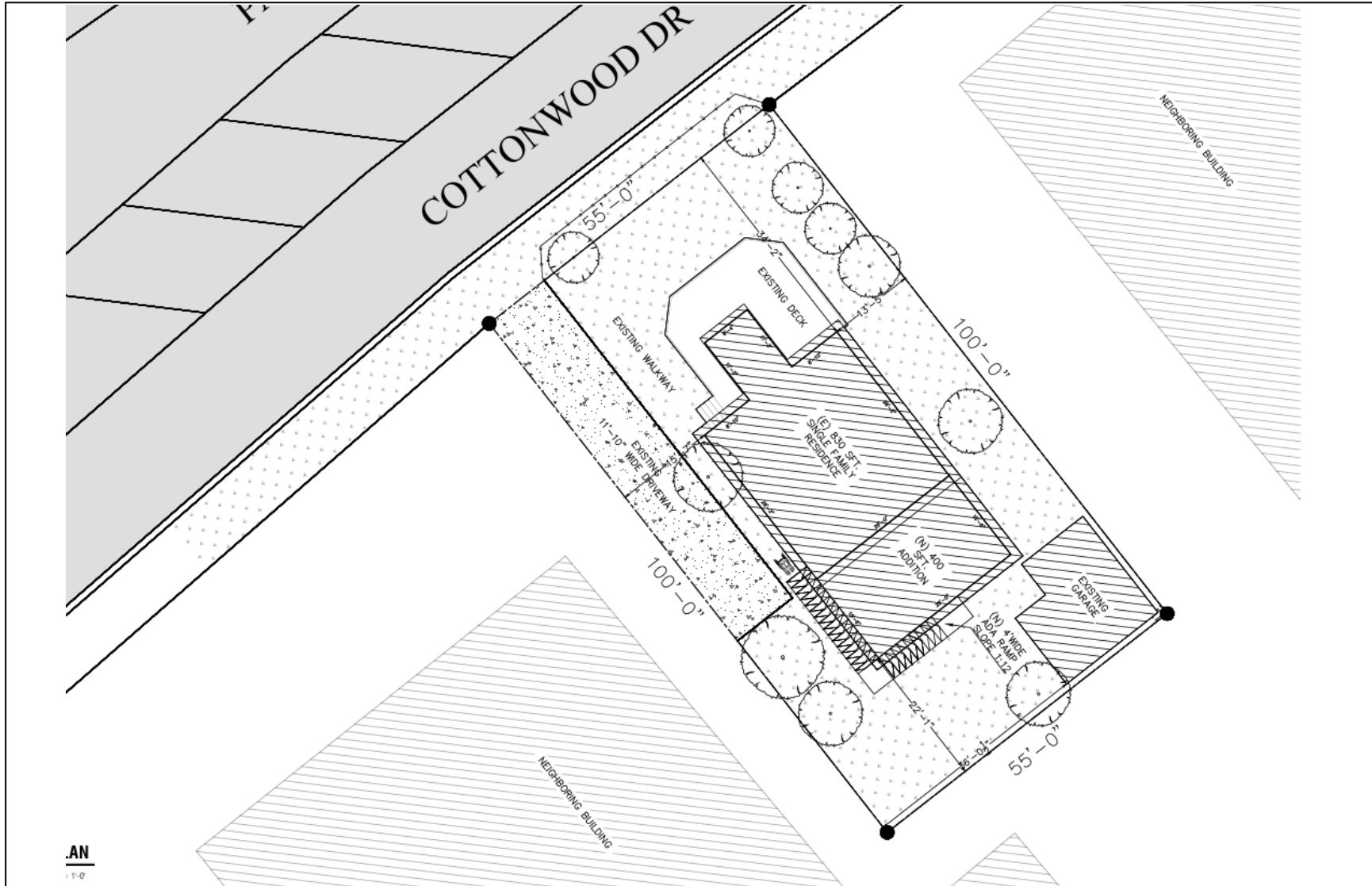
Attachments:

1. Context Maps
2. Applicant's Site Plan
3. Applicant's Elevations 1
4. Applicant's Elevations 2
5. Applicant's Floor Plan
6. Representations

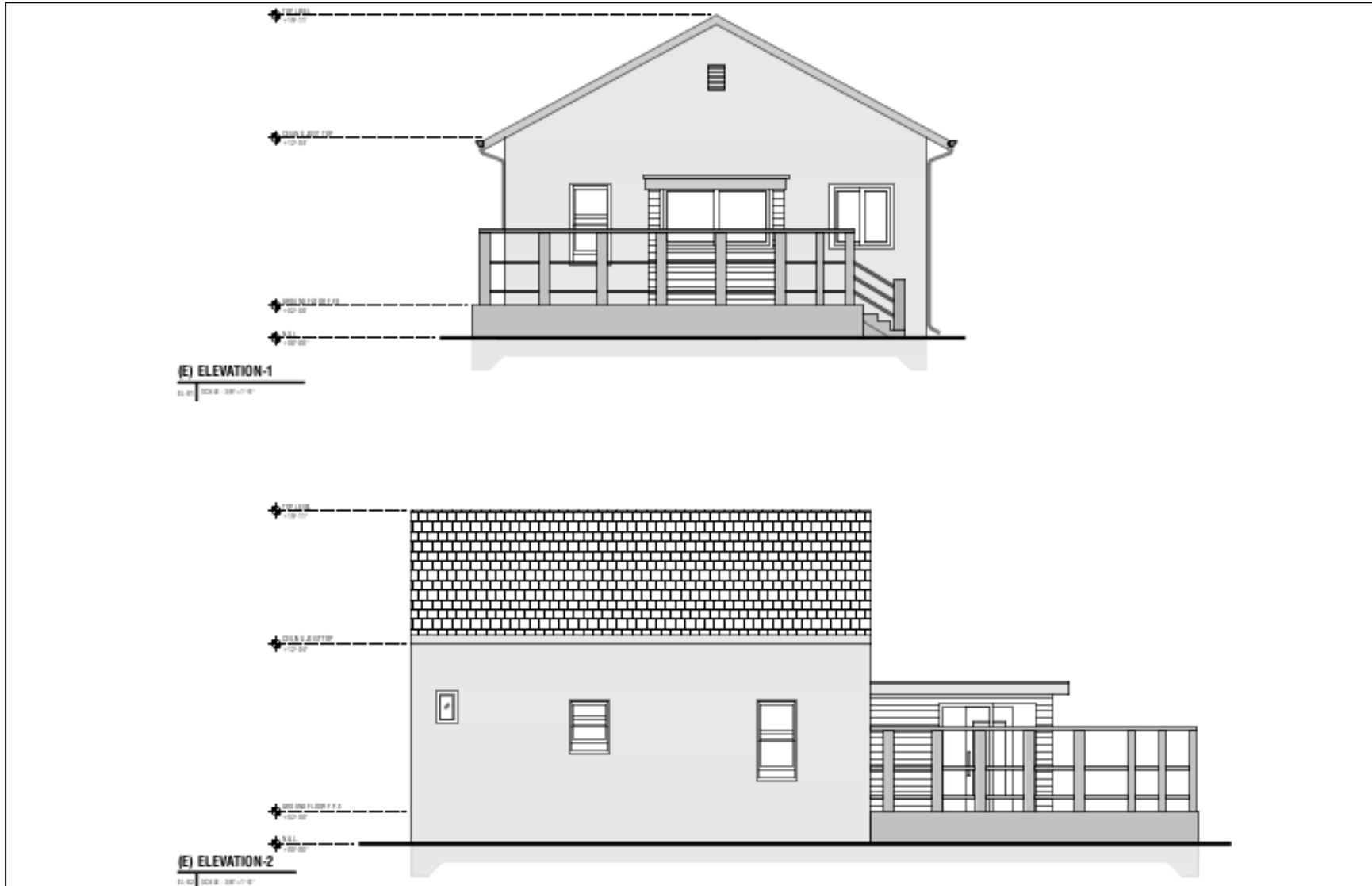
Attachment No. 1 – Context Maps



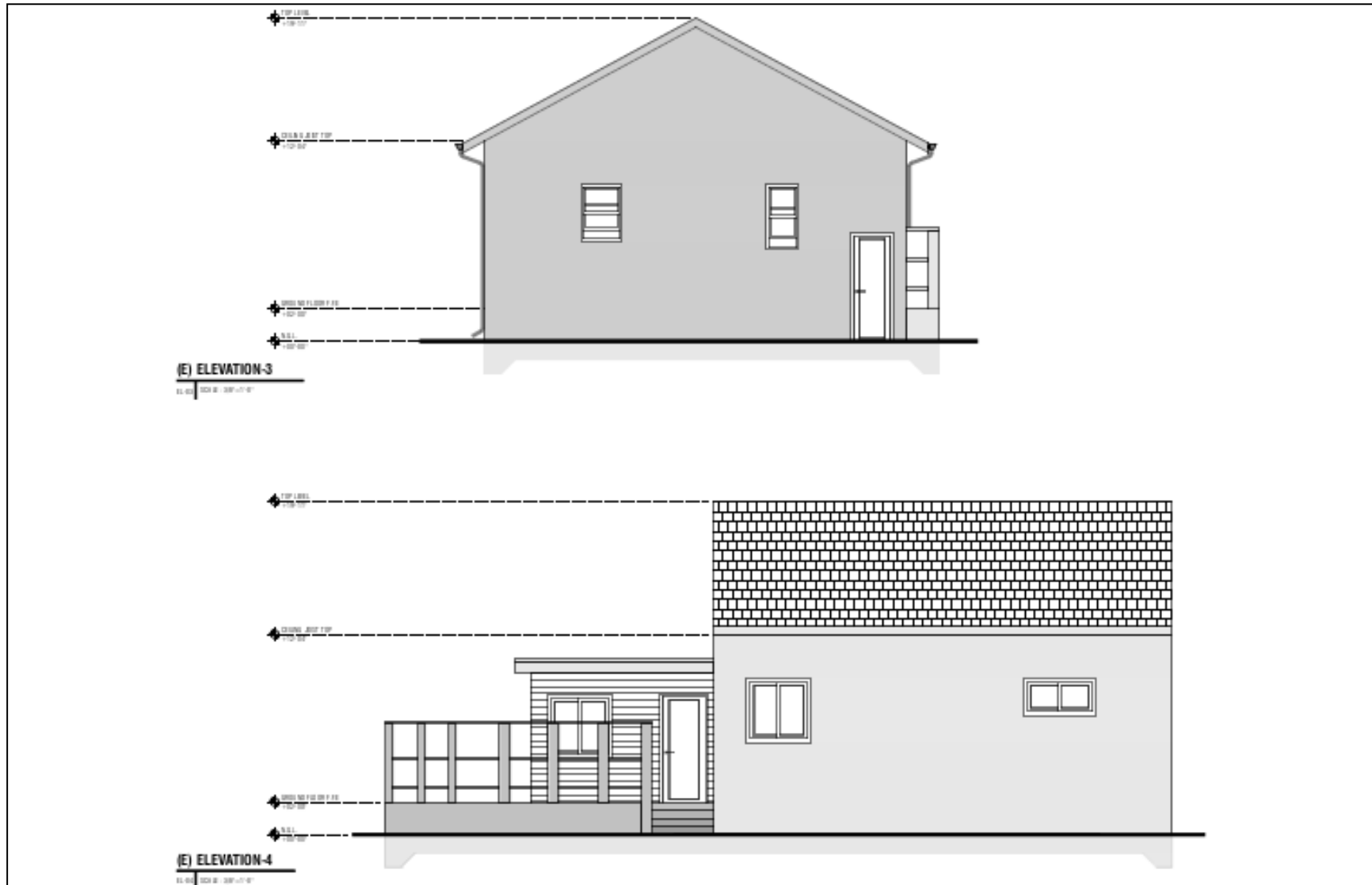
Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Applicant's Elevations 1



Attachment No. 4 – Applicant's Elevations 2



Attachment No. 5 – Applicant's Floor Plans

