

## **SUPPORTING RATIONALE**

Board of Variance Application — 11 Osprey Place, Osoyoos, BC

Applicants: Chris and Lori Stodola

Prepared by: Tobi McNeil Consulting

Purpose: Supplemental supporting rationale for the existing Board of Variance application, incorporating the revised architectural plans dated July 9, 2026.

### **1. Nature of the Hardship**

The subject property contains an existing single detached dwelling constructed in approximately 1956. The home has been part of the Stodola family for generations and represents a long-established residential use that predates the Town of Osoyoos' current zoning regulations.

Under the Town's previous zoning bylaw, the property was zoned R6 – Medium Density Residential, which permitted single detached dwellings. The adoption of Zoning Bylaw No. 1395, 2024, introduced the RM1 – Medium Density Residential One zone, under which the existing single detached dwelling is no longer a permitted use, as identified in the original application. The residence therefore continues as a lawful non-conforming use.

Chris and Lori are seeking permission to undertake renovations that will allow them to remain safely and independently in their family home as they age. The proposed improvements address both their present needs and the practical challenges associated with future mobility limitations.

Since the original application was submitted in March 2026, the renovation plans have been refined to focus on accessibility and the functional improvements necessary to support aging in place.

The revised proposal includes:

- Replacement of the aging detached garage/workshop with a garage connected to the residence;
- A level-floor connection between the garage and home, providing protected, accessible access;
- Accessible washroom facilities, including a curbless shower;
- Improved internal circulation, doorways and access throughout the main floor;
- An accessible exterior entrance and ramp; and
- Associated modifications necessary to integrate these improvements into the existing residence.

The existing detached garage/workshop is more than 60 years old and, according to the owners, has deteriorated to the point that replacement is necessary. The proposed garage would provide protected vehicle access and storage while forming an integral part of the home's accessibility improvements.

The hardship arises from the combination of the dwelling's existing configuration, its age, the owners' accessibility needs and the restrictions associated with its lawful non-conforming status.

Without the requested exemption, Chris and Lori would be unable to undertake the structural alterations and additions necessary to provide the proposed accessible connections and facilities. This would substantially limit their ability to adapt their home to meet changing mobility requirements and maintain their independence.

The proposed improvements are not intended to expand or intensify the existing residential use. Rather, they address the practical challenges of adapting a long-established family residence so that it can continue to accommodate its owners safely.

Section 531(1) of the Local Government Act restricts structural alterations and additions to buildings in which a lawful non-conforming use continues. Sections 540(c) and 542(1) provide a mechanism through which the Board of Variance may grant relief from that restriction where the statutory conditions, including undue hardship, are met.

The applicants request that the Board consider their circumstances under these provisions.

## **2. The Proposal Does Not Result in Inappropriate Development**

The proposed renovations represent the modernization of an existing residential property rather than the introduction of a new land use or a redevelopment intended to increase residential density.

The July 9, 2026, drawings provide a more detailed and refined design than the plans accompanying the original application.

The proposed work is concentrated around the existing dwelling, its entrance, washroom facilities and garage connection. These components are intended to function together to create an accessible residential environment.

A principal consideration is the relationship between the replacement garage and the existing dwelling.

The proposed garage connection is designed to eliminate the need for the owners to move between separate buildings while exposed to weather, uneven surfaces or changes in elevation. A level-floor transition will allow access between the garage and residence, accommodating mobility aids and potential wheelchair use.

Similarly, the proposed accessible washroom and associated interior modifications are intended to improve the functionality of the existing main floor without requiring the owners to relocate to a different dwelling.

The revised drawings identify an existing main floor of approximately 125.6 m<sup>2</sup>, a proposed main-floor addition of 21.4 m<sup>2</sup> and a replacement garage of 111.3 m<sup>2</sup>. The proposed garage is larger than the existing detached structure, reflecting its combined vehicle-storage, workshop and accessibility functions.

The proposed work is not intended to create an additional dwelling or introduce a new residential use. It maintains the property's established residential function while improving accessibility and safety.

From a planning perspective, the renovations can be considered in the context of the property's existing development, the functional relationship between the proposed improvements and the continued residential use of the dwelling.

The applicants submit that the proposed development is appropriate to the site and proportionate to the accessibility objectives underlying the application.

## **3. The Proposal Does Not Adversely Affect the Natural Environment**

The subject property has been developed and occupied for residential purposes for approximately **70 years.**

The proposed renovations are concentrated within the existing developed residential area, including the dwelling, garage and established driveway and access areas.

The revised plans propose replacing the existing detached garage, modifying the existing carport area and constructing the associated residential additions and accessible entrances.

The proposed work is not intended to extend residential activity into undeveloped portions of the property or introduce a new land use that would create additional environmental impacts.

The original application identifies the property as being outside the ALR and indicates that it is not within a riparian or environmentally sensitive area.

The applicants submit that the proposed renovations are not expected to adversely affect the natural environment, given the property's long-established residential use and the location and nature of the proposed improvements.

Any applicable requirements relating to grading, drainage, construction and site disturbance would continue to be addressed through the building permit process.

#### **4. The Proposal Does Not Substantially Affect the Use and Enjoyment of Adjacent Land**

The proposed renovations will maintain the property's established single detached residential use.

The improvements are intended to enhance the accessibility, safety and functionality of the existing dwelling rather than intensify residential activity on the site.

The revised design does not propose additional dwelling units, commercial uses or activities that would materially change the property's relationship with neighbouring lands.

The replacement garage and associated renovations are located within the existing developed residential area. The garage will replace an aging detached structure and provide a more functional connection to the dwelling.

The property is situated within an established residential neighbourhood containing predominantly single detached dwellings, with some medium-density residential development in the surrounding area, as identified in the original application.

The owners have also undertaken discussions with neighbouring property owners, and the original application reports that the neighbours contacted expressed support for maintaining the area's existing low-density residential character.

The applicants submit that the proposed improvements will maintain the property's established residential character and are not expected to substantially affect the use and enjoyment of adjacent lands.

The final assessment of any potential physical impacts should take account of the siting, elevations and dimensions shown on the July 9 drawings.

## **5. The Proposal Does Not Vary Permitted Uses or Densities or Defeat the Intent of the Bylaw**

The subject property is zoned RM1 – Medium Density Residential One under Zoning Bylaw No. 1395, 2024.

The existing single detached dwelling **predates the current zoning regulations** and continues as a lawful non-conforming residential use.

The applicants are not requesting a change in zoning. Their request is limited to obtaining permission for structural alterations and additions to the existing dwelling to accommodate their accessibility needs.

Section 528 of the Local Government Act permits qualifying lawful non-conforming uses to continue. Section 531(1) generally prohibits structural alterations or additions to buildings in which such uses continue. Under Sections 540(c) and 542(1), the Board of Variance may grant an exemption from that prohibition where it finds that compliance would cause undue hardship and the other statutory conditions are satisfied.

The proposed renovations are intended to improve the existing dwelling's accessibility and functionality without establishing a new use or increasing the number of residential units.

Although the replacement garage and associated additions will change the physical configuration of the property, they are intended to support the continuation of its established residential use.

The applicants submit that granting the requested exemption would be consistent with the statutory provisions that allow the Board of Variance to consider relief from restrictions on structural alterations to lawful non-conforming buildings where undue hardship is demonstrated.

The proposed improvements would allow the existing dwelling to continue functioning as a safe, accessible family residence without requiring a change to the property's zoning or introducing additional residential density.

## **6. Conclusion and Request to the Board of Variance**

The proposed renovations represent a reasonable and carefully considered approach to adapting an existing, long-established family residence to meet the owners' accessibility and aging-in-place needs.

The revised design focuses on the improvements necessary to provide safe, accessible movement throughout the home, including the replacement garage, accessible entrance, washroom facilities and associated modifications.

The applicants submit that the proposal addresses the applicable Board of Variance considerations, maintains the property's established residential use and does not result in inappropriate development or substantial adverse impacts on neighbouring properties.

On this basis, the applicants respectfully request that the Board of Variance grant the exemption sought under Sections 540(c) and 542(1) of the Local Government Act to permit the proposed structural alterations and additions to the existing lawful non-conforming dwelling.

Approval would allow Chris and Lori Stodola to make the necessary improvements to their family home and support their ability to remain there safely and independently as they age.

Sincerely,

Tobi McNeil

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