



129 Nanaimo Ave West
Penticton BC
V2A 1N2

250-770-1585
www.jpmdraftinganddesign.ca
info@jpmdraftinganddesign.ca

Site Specific Rezone application for 216 Twin Lakes Road.

We are seeking a site-specific rezone at 216 Twin Lakes Road, legally described as LOT A, PLAN EPP9077, SECTION 36, TOWNSHIP 89, SIMILKAMEEN DIV OF YALE LAND DISTRICT, to allow for the construction of an accessory dwelling on site.

The current zoning for this parcel is SH1 which is consistent with the surrounding parcels. Under Accessory Uses within the SH1 zone accessory dwellings are permitted subject to section 7.2. Unfortunately, we are unable to meet the requirements under section 7.2 Accessory Dwellings, item .2 *“No accessory dwelling shall have a floor area greater than 125.0 m”* and item .4 *“An accessory dwelling shall not be permitted on parcels less than 1.0 ha in area unless connected to a community sewer system.”* Due to this, we are seeking a site specific rezone from SH1 to SH1s.

216 Twin Lakes Road is a long and narrow parcel, approximately 0.344ha in area, and is located on the eastern side of Nipit Lake. Currently there are two bunkie structures on site and an existing primary dwelling with sewage disposal via an on-site septic system.

The primary dwelling is situated on the east side of the parcel near Twin Lakes Road. The land slopes downwards from Twin Lakes Road to the west towards Nipit Lake. The two bunkies are located on the western side of the parcel near Nipit Lake. An easement driveway shared with the southern property connects the primary dwelling and two bunkies.

The bunkies were the original structures on site and used as the primary residence prior to the dwelling being built by the original property owners. The primary dwelling is currently tenanted, but the bunkies are used intermittently for recreational/camping purposes. The bunkies are in need of significant repairs and would not be suitable for daily residential use in their current state. The bunkies could be repaired and expanded upon to meet their needs, however the most cost-effective option would be to remove and replace the bunkies with the proposed accessory dwelling.

Prior to the Short-Term Rental (STR) rule changes of 2024, the primary dwelling was used by the owners for recreation use, and while not in use by the owners, it was also rented out as an STR. As noted in the client's rationale letter, they spent significant time and money upgrading the dwelling to meet the applicable rental rules within the RDOS bylaw at that time. This included upgrading the septic system and the removal of an existing kitchen on the lower level. Once the new STR rules took effect, the owners were no longer able to rent the dwelling as an STR, and they were forced financially to rent the entire dwelling long term. With the previous "suite" being dismantled, the owners find themselves without a dwelling to live in while visiting and conducting maintenance on their property.

The options for the owners to visit and enjoy their property are limited. One option is to build a secondary suite within the existing building. This could be done within the existing footprint, or by expanding the building footprint. Either option would be a costly upgrade as the topography is not favorable, and the building expansion sites are very limited. A "simple" renovation to the lower level would be unfortunate and ironic as it would involve adding a kitchen, which they already had and removed to comply with the bylaw. Renovating the dwelling may also cause undue hardship to the tenants and would likely result in the owners losing their existing tenants and having to start over with new ones.

Another option for the owners could be to apply for a temporary use permit to allow a recreational vehicle to be used for residential purposes.

The third and ideal option for the owners is to replace the bunkies and build an accessory dwelling as proposed. Said accessory dwelling would be two stories, with three bedrooms, 975sq.ft. footprint and would comfortably house the owner's family. Please see the attached document "Joss Design_Final Draft_Jan 10" for detailed dwelling design plans. The proposed location for the new dwelling is approximately the same location as the current bunkies, on the west side of the parcel near Nipit Lake. This new dwelling would meet the zoning bylaw setbacks, lot coverage, floodplain etc. A preliminary QEP report has noted the boundaries of the riparian setback and will be confirmed as the project proceeds.

The owners are aware of the one hectare rule with no community sewer available and understand that the odds of approval are not in their favor. However, with the history of the bunkies and primary dwelling both being used concurrently as residences in the past, we are hopeful that this rezone can take place so that the new dwelling can proceed.

JPM Drafting and Design Ltd.

Jeff Gagnon

250-770-1585

129 Nanaimo Ave W, Penticton BC

Jeff@jpmdraftinganddesign.ca