CITY OF NANAIMO
THE HARBOUR CITY

Staff Report for Decision

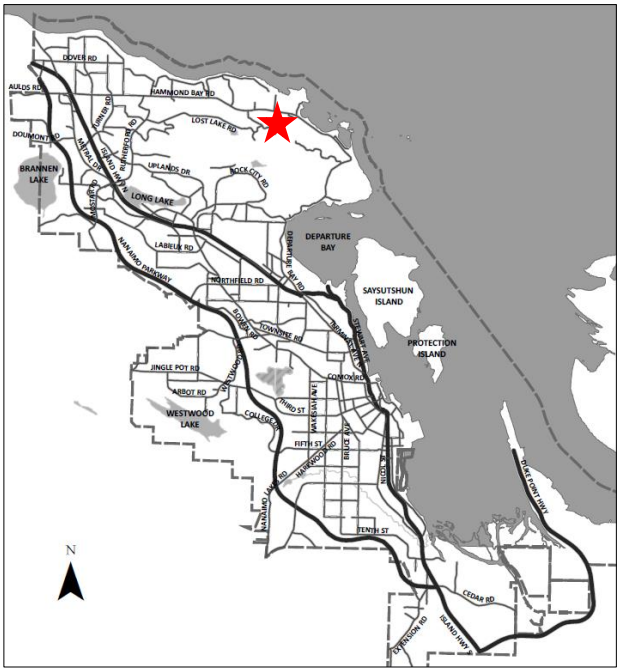
File Number: RA000540

FOR: COUNCIL MEETING

MEETING DATE: September 21, 2026

DEPARTMENT: PLANNING AND DEVELOPMENT

SUBJECT: **REZONING APPLICATION NO. RA540 – 4545, 4549, AND 4559 HAMMOND BAY ROAD**



Proposal:
Allow an existing non-conforming three-unit residential strata with secondary suites

Current Zoning:
R1 – Single Dwelling Residential

Proposed Zoning:
R5 – Three and Four Unit Residential with a site-specific accessory use provision

City Plan Land Use Designation:
Suburban Neighbourhood

Lot Area:
4,688m^2



SRPV1

OVERVIEW

Purpose of Report

To present Council with an application to rezone 4545, 4549, and 4559 Hammond Bay Road from Single Dwelling Residential (R1) to Three and Four Unit Residential (R5) with a site-specific provision to allow an existing non-conforming three-unit residential strata with secondary suites.

Recommendation

That:

1. "Zoning Amendment Bylaw 2026 No. 4500.259" (to rezone 4545, 4549, and 4559 Hammond Bay Road from Single Dwelling Residential [R1] to Three and Four Unit Residential [R5] with a site-specific provision to allow an existing non-conforming three-unit residential strata with secondary suites) pass first reading;
2. "Zoning Amendment Bylaw 2026 No. 4500.259" pass second reading;
3. "Zoning Amendment Bylaw 2026 No. 4500.259" pass third reading; and
4. Council direct Staff to secure the condition related to "Zoning Amendment Bylaw 2026 No. 4500.259" as outlined in the Staff Report dated 2026-SEP-21 prior to final adoption.

BACKGROUND

A rezoning application, RA540, was received from Ray Appleton and Paula Amos to amend the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to rezone 4545, 4549, and 4559 Hammond Bay Road from Single Dwelling Residential (R1) to Three and Four Unit Residential (R5) with a site-specific provision to allow an existing non-conforming three-unit strata with secondary suites.

Site Context

The subject property is located on the south side of Hammond Bay Road, east of McGuffie Road. An unconstructed road right-of-way, Botsford Road, is immediately east of the property. The surrounding neighbourhood is characterized by low density residential properties. There are vacant lots to the east and west, single residential dwellings to the south, and the Regional District's wastewater treatment facility across Hammond Bay Road to the north.

Subject Property

The property contains one single residential dwelling and one duplex, for a total of three strata units on the parent parcel. The buildings were constructed and stratified in 1992 as permitted at the time, under the zoning. City records indicate that the ground floors were unfinished at the time of construction, and no secondary suites were permitted. In 1993, a new Zoning Bylaw was adopted and the property zoning was changed to a single-family residential zone which created a legal non-conforming status for the three strata units.

Secondary suites were added to the strata units at some time after building occupancy. The work was completed without a permit and the suites were removed in 2014 following a building inspection. The

secondary suites were neither permitted by zoning nor protected by legal non-conforming status.

In 2025, the City received a complaint and upon inspection found that the secondary suites had been reinstated sometime after 2014. The owners from the time of the previous investigation in 2014 no longer own any of the strata units which were sold in 2020, 2021, and 2023 to the current owners. The current owners have applied for rezoning in order bring the non-conforming strata into compliance with zoning and to legalize the secondary suites.

DISCUSSION

Proposed Zoning

The applicant is proposing to rezone the subject property from Single Dwelling Residential (R1) to Three and Four Unit Residential (R5) with a site-specific provision to allow secondary suites. The property was not subject to the Provincial "Small-Scale Multi-Unit Housing" (SSMUH) initiative in 2024 as the property is greater than one acre (4,050m^2); however, the secondary suites would not have been permitted even if it were subject to SSMUH regulations because the Zoning Bylaw does not permit secondary suites in the R5 zone where there are more than two principal dwelling units. Without a site-specific provision, the R5 zone could allow up to four units (e.g. two principal dwelling units each with a secondary suite). Proposed "Zoning Amendment Bylaw 2026 No. 4500.259" will include a site-specific provision to allow a secondary suite as an accessory use in each of the three principal dwelling units, for a total of six units.

A development permit will not be required for the existing strata as no expansion of the building footprints or floor areas is proposed. The applicant has demonstrated that the additional required parking for the secondary suites can be accommodated onsite within the existing strata. Under the "Off-Street Parking Regulations Bylaw 2026 No. 7453", a total of eight vehicle parking spaces are required, and the parking plan shows that at least 10 parking spaces can be provided. No negative impacts are anticipated by allowing the existing secondary suites, and no upgrades to the vehicle access will be required. A servicing review completed by a registered civil engineer confirmed that no upgrades to existing service connections would be required.

Should Council adopt "Zoning Amendment Bylaw 2026 No. 4500.259", this will allow the existing three-units each with a suite to remain and would bring the property into compliance with the Zoning Bylaw. A Building Permit will be required to legalize the suites as a condition of rezoning. If the Zoning Amendment Bylaw is not passed, the owners will be required to remove the unpermitted secondary suites.

Policy Context

City Plan – Future Land Use

City Plan identifies the subject property within the Suburban Neighbourhood land use designation where ground-oriented multi-unit dwellings are contemplated. Allowing secondary suites in the existing three-unit strata development is consistent with the land use envisioned by City Plan and will not negatively impact the site or result in density out-of-character with the surrounding neighbourhood.

Staff support the proposed rezoning which will result in a modest increase in permitted units and allow small-scale housing in an existing low-density development that is compatible with the surrounding neighbourhood.

Conditions of Rezoning

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2026 No. 4500.259", Staff recommend the following be secured as a condition of rezoning:

1. *Building Permit* – That the owners submit a complete Building Permit application to legalize the existing secondary suites prior to final adoption.

COMMUNICATION AND COMMUNITY ENGAGEMENT

Public Notification

Pursuant to Sections 464(3) and 467 of the *Local Government Act*, a public hearing is prohibited for proposed "Zoning Amendment Bylaw 2026 No. 4500.259" as the bylaw is consistent with the Official Community Plan (City Plan) and the purpose of the bylaw is to allow an existing residential development.

Statutory notification of first reading occurred on 2026-SEP-10.

KEY MESSAGES

- Rezoning application No. RA540 proposes to rezone 4545, 4549, and 4559 Hammond Bay Road from Single Dwelling Residential (R1) to Three and Four Unit Residential (R5) with a site-specific provision to allow an existing non-conforming three-unit strata with secondary suites.
- No negative impacts are anticipated by allowing the existing secondary suites.
- A Building Permit will be required to legalize the suites as a condition of rezoning.
- Staff support the proposed rezoning which will result in a modest increase in permitted units and allow small-scale housing in an existing low density development that is compatible with the surrounding neighbourhood.

ATTACHMENTS

ATTACHMENT A: Subject Property Map
"Zoning Amendment Bylaw 2026 No. 4500.259"

Authored by:

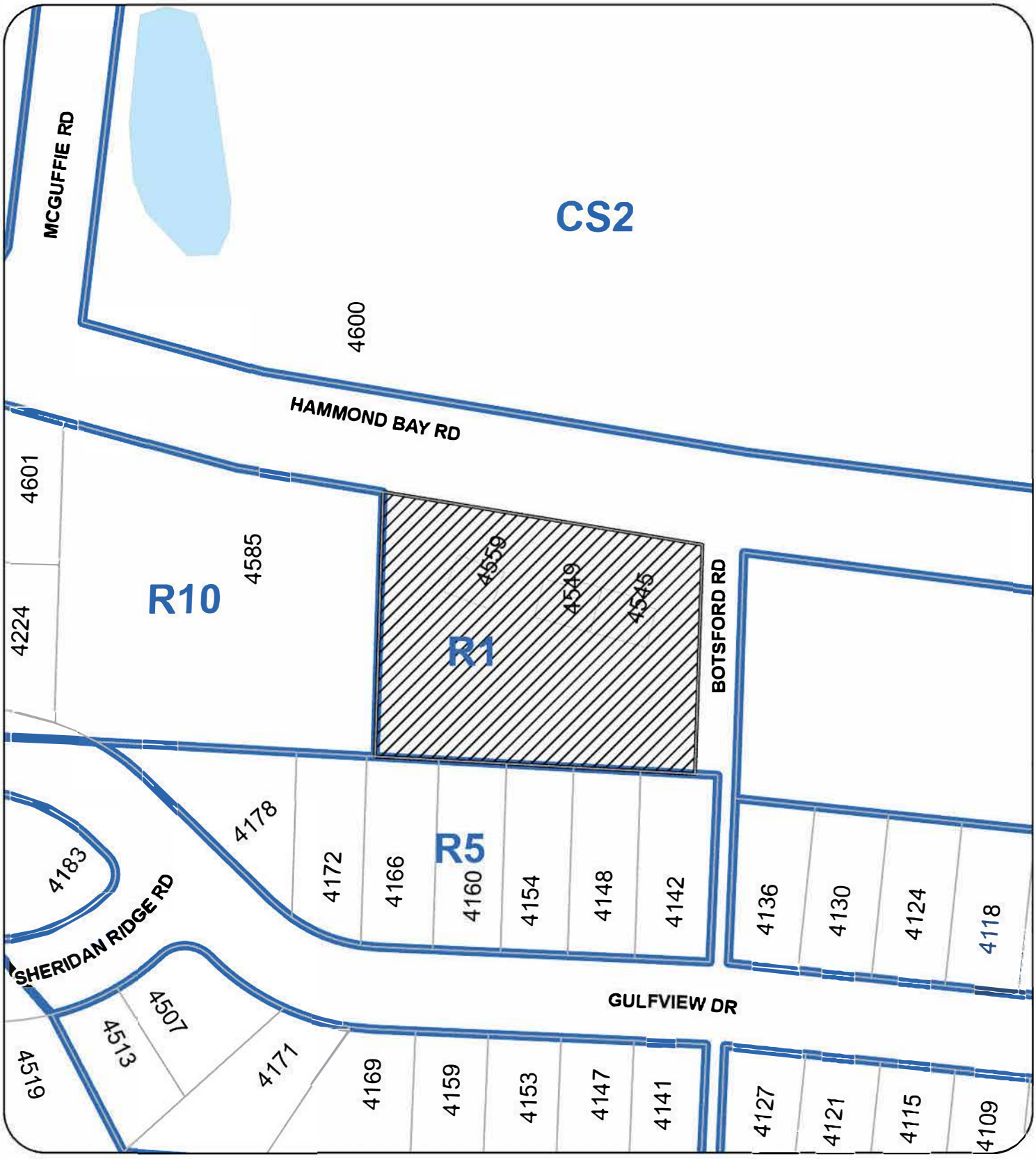
Caleb Horn
Planner II, Current Planning

Concurrence by:

Lainya Rowett
Manager, Current Planning

Jeremy Holm
Director, Planning and Development

ATTACHMENT A
SUBJECT PROPERTY MAP



CITY OF NANAIMO

BYLAW NO. 4500.259

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 467, 469, 479, and 480 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "Zoning Amendment Bylaw 2026 No. 4500.259".

2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

   (1) By adding the following Subsection after Subsection 7.2.3.1:

      7.2.3.2 Notwithstanding Subsection 7.2.3.1, on the lands legally described as STRATA LOTS 1, 2, 3, AND COMMON PROPERTY, DISTRICT LOT 51, WELLINGTON DISTRICT, STRATA PLAN VIS2338 (4545 / 4549 / 4559 Hammond Bay Road), one secondary suite is permitted for every principal dwelling unit up to a maximum total of three secondary suites.

   (2) By rezoning the lands legally described as STRATA LOTS 1, 2, 3, AND COMMON PROPERTY, DISTRICT LOT 51, WELLINGTON DISTRICT, STRATA PLAN VIS2338 (4545 / 4549 / 4559 Hammond Bay Road) from Single Dwelling Residential (R1) to Three and Four Residential (R5), as shown in Schedule A.

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PUBLIC HEARING: Not held pursuant to *Local Government Act* Sections 464(2) and 467
PASSED THIRD READING: _____
ADOPTED: _____

_____
M A Y O R

_____
CORPORATE OFFICER

File: RA000540
Address: 4545 / 4549 / 4559 Hammond Bay Road

SCHEDULE A



N

SUBJECT PROPERTY

REZONING APPLICATION NO. RA000540

CIVIC: 4559, 4549, 4545 HAMMOND BAY ROAD

LEGAL: STRATA LOT 1,2,3 DISTRICT LOT 51, WELLINGTON DISTRICT, STRATA PLAN VIS2338 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1