

**To Amend Zoning By-law No. 6593  
Respecting Lands Located at 323 Rymal Road East, Hamilton**

**By-law Modifications**

Regulation	Required	Modification	Analysis
Minimum Front Yard Setback	1/120 of Building Height multiplied by Building Width, resulting in 3.18 metres minimum.	Notwithstanding Section 10B (3)(i)(b), a minimum 3 metre front yard setback is required.	The proposed modification allows for a compact form of development and appropriately separates the building from the street, while allowing for appropriate area for front yard landscaping and a pedestrian realm. The 3 metre front yard setback will also add more depth to the rear yard and provide more adequate separation from existing residential uses to the rear of the property. Therefore, staff support the modification.
Minimum Side Yard Setback	1/120 of Building Height multiplied by Building Length, plus 3 metres where any balcony, or window of a habitable room overlooks the side yard, resulting in 5.07 metres minimum.	Notwithstanding Section 10B (3) (ii)(b) a westerly side yard of a minimum 3 metres is required.	With regard to the westerly side yard, staff are of the opinion that the setback maintains sufficient separation from the neighbouring property and does not result in loss of privacy or create overlook issues while still providing access and maintaining a compatible streetscape. Therefore, staff support the modification.
Rear Yard Setback	1/120 of Building Height multiplied by Building Width. Plus 3 metres where any balcony, or window of a habitable room overlooks the rear yard, resulting in 6.18 metres minimum.	Notwithstanding Section 10B (3)(iii)(b), a minimum rear yard of 15 metres shall be required.	The proposed modification exceeds the required parent provision and is built into the by-law to reflect the proposal. This is supported as the intent is to ensure sufficient separation distance from residential properties on Bastille Street required to include a driveway, landscape buffer and

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			parking. Therefore, staff support the modification.
Yard Encroachments  Balconies	A bay, balcony or dormer may project  into a required front yard not more than 1.0 metre, provided that no projection shall be closer to the street line than 1.5 metres.  into a required rear yard not more than 1.0 metre.	Notwithstanding Section 18(3)(vi)(cc)(i) and (ii), the following provisions shall apply:  A bay, balcony or dormer may project into a required front yard not more than 1.5 metres, provided that no such projection shall be closer to street line than 1.5 metres.  A bay, balcony or dormer may project into a required rear yard not more than 1.5 metres	The purpose of the front yard encroachment is to ensure a consistent streetscape and appropriate separation from the streetline and building. Staff are supportive of this modification as the proposal provides adequate separation between the building's balconies and the streetline.  With regards to the rear yard projection, the purpose is to maintain privacy, overlook and appropriate separation. The proposed modified encroachment in combination with the rear yard setback would still maintain the intent and purpose of the parent provisions. Therefore, staff support the modification.
Parking	1.25 spaces per dwelling unit. 0.25 spaces per dwelling unit.  Results in 27 parking spaces of which 6 spaces for visitors are required.	1.23 spaces per dwelling unit, including visitor parking.  26 in total proposed.	The current zoning provisions require 27 parking spaces, of which six should be for visitors. The applicant is requesting a reduction to 26 parking spaces, of which 5 are for visitors. The site is serviced by HSR Routes 44 (east west) and 26 (north south). Staff note that the Transportation Master Plan also calls for a multi-use trail along this portion of Rymal Rd. Given the foregoing,

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			staff are of the opinion that the parking modification can be supported.
Loading	5 to 30 dwelling units require a minimum of 1 loading space.	Requesting no loading space requirement.	The applicant requested to provide no loading space. The development will be a condominium and does not expect a high turnover in occupants, and accommodations can be made on the eastern side of the building in the event that moving trucks are intermittently required. Therefore, staff support the modification.