

Site Specific Modifications to the Neighbourhood Institutional (I1, 815) Zone

Regulation	Required	Modification	Analysis
Permitted Uses: Section 8.1.1	N/A	Add multiple dwelling as a permitted use.	<p>The intent of this regulation is to add a multiple dwelling as a permitted use for the subject lands. The use is added as a place holder since at this time there is no residential zone that permits a multiple dwelling within the Zoning By-law 05-200. Once a residential zone has been created then the property through a City-initiated rezoning to reflect the use of the property.</p> <p>Therefore, staff support this modification.</p>
Minimum Rear Yard: Section 8.1.3.1 g)	N/A	2.2 m	<p>The intent of the regulation is to ensure adequate spacing for the purposes of maintenance and privacy. The proposed modification is for the addition to the existing building and staff are satisfied that the setback (located adjacent to the 3.5 m unassumed municipal laneway) is appropriate to maintain the intent of maintenance and privacy concerns to the existing residential . In terms of maintenance access, the first floor is cantilevered from the ground to allow parking at the rear of the property so the at grade setback for the existing building is larger than 2.2 m. Since the existing building existed prior to the Zoning By-law 05-200 any setbacks for the existing building are captured recognized under the vacuum clause in the zoning by-law.</p> <p>Therefore, staff support this modification.</p>
Maximum Building Height: Section 8.1.3.1 h)	N/A	13 m	<p>The intent of the regulation is to maintain a consistent building height that is in character with the surrounding area and to address shadow and overlook. The modification is required to recognize the height of the heritage building on the subject lands. As part of the proposal the applicants are adding an addition to the existing heritage building and the proposed addition will match the height of the existing building on-site. The proposed building height of 13.0 metres and two to three storeys is compatible with the existing streetscape. Staff do not anticipate any shadow or overlook as a result of the height of the proposed addition on the property.</p> <p>Therefore, staff support this modification.</p>

Regulation	Required	Modification	Analysis
Parking Section 5.6 c)	1 per unit except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit	0.6 per unit except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit	<p>The intent of this regulation is to ensure adequate parking is available to meet the needs of the development. Staff are satisfied that the proposed parking rate of 0.6 parking spaces per unit for any dwelling unit greater than 50 square metres is appropriate based on the location of the site in proximity to public transit, convenient access to public services and to amenities in Downtown Hamilton.</p> <p>The proposed parking rate of 0.3 per unit for any unit that is 50 square metres or less maintains the existing regulation in the Hamilton Zoning By-law No. 05-200.</p> <p>Therefore, staff support this modification.</p>
Accessory Structures: Section 4.8.1.3 a) i) and ii)	1.2 m	0.6 m	<p>The intent of this regulation is to make sure that no accessory structure has a negative impact on neighbouring properties and there is enough room within the property lines for access purposes. The proposed accessory structure is for waste collection. Staff are of the opinion that the reduced side yard setback requested will not have an impact on the property.</p> <p>Therefore, staff support this modification.</p>
Permitted Yard Encroachments: Section 4.6 b)	A fire escape or exterior staircase may encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is	A fire escape or exterior staircase may encroach into a required side yard or rear yard with no maximum distance.	<p>The intent of this regulation is for a fire escape is to ensure appropriate spacing while allowing for adequately sized fire escape. The modification will allow a fire escape in the rear yard adjacent to an unassumed public laneway. Staff are satisfied that there fire escape can be accessed through the parking lot at the rear and there is adequate space to modify the location is necessary.</p> <p>Therefore, staff support this modification.</p>

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Definition of the Term 'Existing'	Shall mean legally established on the effective date of this By-law or applicable amendments thereto.	"Existing" shall mean existing on the date of passing of this By-law.	<p>In view of the heritage significance of the existing structures at 383 Hughson Street North, a portion of the significant heritage attributes identified through the Cultural Heritage Impact Assessment shall be retained during the redevelopment process.</p> <p>This proposed modification is to ensure the significant heritage attributes are retained/incorporated into the new development for only the portion of the existing heritage structures of significance identified within the Cultural Heritage Impact Assessment submitted and reviewed through the application process. In this regard, the permission for new development on the site is contingent upon the retention of significant heritage attributes.</p> <p>Therefore, staff support the proposed modification.</p>