

**MINOR VARIANCE APPLICATION**  
**Under Section 45 of the *Planning Act***

**To be held on Wednesday, February 20, 2019 starting at 1:00 p.m.**  
**Ben Franklin Place, The Chamber, Main Floor, 101 Centrepointe Drive**

**File No.:** D08-02-19/A-00007  
**Owner(s):** Pino Guerra and Maria Pospelova  
**Location:** 303 Frank Street  
**Ward:** 14 - Somerset  
**Legal Description:** Lot 13 (North Side Frank Street), Registered Plan 15558  
**Zoning:** R4M  
**Zoning By-law:** 2008-250

**PURPOSE OF THE APPLICATION:**

It has recently been discovered that the partial construction of open stairs on the west side of the existing dwelling and a rooftop terrace have not been constructed in accordance with the requirements of the Zoning By-law, as shown on plans filed with the Committee.

**RELIEF REQUIRED:**

In order to regularize the existing situation the Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

- a) To permit a reduced westerly interior side yard setback of 0.37 metres for open stairs, whereas the By-law requires a minimum interior side yard setback of 1.2 metres.
- b) To permit the construction of open stairs in the westerly side yard, whereas the By-law does not permit projections into a side yard in an area to which the Heritage Overlay provisions apply.
- c) To permit open stairs to project to within 0 metres of the westerly lot line, whereas the By-law permits stairs to project 1.5 metres into a required yard but no closer than 1.0 metre to a lot line.
- d) To permit a rooftop terrace to project to 0 metres of exterior side wall of the existing garage, whereas the By-law requires that a rooftop terrace be setback 1.5 metres from any exterior side wall.
- e) To permit a rooftop terrace to project to project to 0 metres of into the westerly lot line, whereas the By-law requires that a rooftop terrace be setback 1.5 from an interior lot line.
- f) To permit a reduced rear yard setback of 0.15 metres, or .0049% of the lot depth, whereas the By-law requires a minimum rear yard setback of 28% of the lot depth, in this case 8.47 metres.

- g) To permit a reduced rear yard area of 0.564 square metres, 0.25% of the lot area, whereas the By-law requires a minimum rear yard area of 25% of the lot area, in this case 152 square metres.
- h) To permit an addition to be built 0.37 metres beyond the exterior side wall of the building, whereas the By-law states that the side yard setback of an addition in a Heritage Overlay Area must be at least 60 centimetres greater than that of the wall of the building located closest to the side lot line.

**THE APPLICATION** indicates that the Property is not the subject of any other current application under the *Planning Act*.