Report to the Committee of Adjustment
Minor Variance Application
Item J

Date:	Thursday, August 14, 2025
Address:	9860 Bayview Avenue
Owner(s):	Manisha Orya
Applicant:	Omar Khan
File Number(s):	A070/23
Related Application(s):	N/A
Hearing Date:	Thursday, August 21, 2025
Prepared By:	Ryan Baek, Planner

The following relief to Zoning By-law 66-71, as amended, is requested:

	By-law Requirement	Proposed	Deficiency
Minimum Exterior Side Yard Setback	6.20 m (20.34 ft.)	0.77 m (2.52 ft.)	5.43 m (17.81 ft.)
Minimum Rear Yard Setback	7.62 m (25 ft.)	5.32 m (17.45 ft.)	2.30 m (7.54 ft.)
Maximum Gross Floor Area	239.19 sq.m (2,574.61 sq. ft.)	435.80 sq.m (4690.91 sq ft.)	196.61 sq m (2116.29 sq ft.)
Maximum Lot Coverage	30%	46%	16%
Maximum Building Height	8.5 m (27.88 ft.)	8.97 m (29.42 ft.)	0.47 m (1.54 ft.)
Maximum Encroachment into Minimum Exterior Side Yard for Porch and Steps, Below Grade Walkout and Balcony	2.44 m (8.00 ft.)	6.20 m (20.34 ft.)	3.76 m (12.33 ft.)
Maximum Encroachment into Minimum Rear Yard for Exterior Stairs	1.52 m (4.9 ft.)	3.49 m (11.45 ft.)	1.97 m (6.46 ft.)
Maximum Encroachment into Minimum Side Yard for Exterior Stairs	0.0 m (0.0 ft.)	1.21 m (3.96 ft.)	1.21 m (3.96 ft.)
Maximum Driveway Width	6.0 m (19.68 ft.)	10.44 m (34.25 ft.)	4.44 m (14.56 ft.)

The applicant is seeking approval of the requested variances to facilitate the construction of a proposed detached dwelling.

Background
Subject Property and Area Context

The subject lands, municipally known as 9860 Bayview Avenue, are generally located southwest of Bayview Avenue and Major Mackenzie Drive and situated at the corner northwest corner of Palmer Avenue and Bayview Avenue. The property has a total lot area of approximately 722.12 sq.m (7,772.83 sq.ft) and a lot frontage of approximately

19.1 m (62.33 ft) along Palmer Avenue and approximately 36.55 m (119.91 ft) along Bayview Avenue. The subject lands contain an existing single detached dwelling that is proposed to be demolished to facilitate the proposed development. Surrounding land uses include existing low rise residential uses to the north, west and south, and Bayview Avenue to the east beyond which is residential uses. The corner of Bayview Avenue and Palmer Avenue is signalized and there is a sheltered York Region Transit (YRT) Bus Station located directly east of the property along Bayview Avenue.
It should be noted, the Regional Municipality of York is seeking a road widening along the Bayview Avenue frontage. In this regard, a portion of the subject lands will be conveyed to the Region for road widening purposes which results in a reduced lot size, impacting the proposed redevelopment of the lands.

Official Plan

The subject lands are designated “Neighbourhood” in accordance with the City’s Official Plan (the “Plan”). Neighbourhoods are generally characterized by low density residential areas and a range of service uses and facilities. Development in the Neighbourhood designation is required to be compatible with the character of the adjacent and surrounding area. The Plan also seeks to ensure that infill development contributes positively to the established streetscape and maintains appropriate transitions between buildings.

Zoning

The subject lands are zoned “Residential Second Density (R2) Zone” pursuant to Zoning By-law 66-71, as amended. This zone permits a single detached dwelling, subject to specific lot and development standards.

Related Applications on The Subject Lands

N/A

Planning Comments

Planning Staff have evaluated the requested minor variances pursuant to the prescribed tests as set out in Section 45 (1) of the *Planning Act*, as follows:

1) **Do the proposed variances meet the general intent and purpose of the Official Plan?**

The proposed variances do not meet the general intent and purpose of the Official Plan, which aims to ensure development that is compatible with the surrounding neighbourhood and that enhances the quality of life for residents. The Official Plan encourages development that respects the scale, character, and pattern of existing residential areas. The proposed development represents an overbuilt on the subject lot, with a built form and massing that significantly exceed the prevailing scale and character of the surrounding area.

Based on the above, staff are of the opinion that the requested variances are not in keeping with the general intent and purpose of the Official Plan.

2) **Do the proposed variances meet the general intent and purpose of the Zoning By-law?**

Staff have reviewed the requested minor variances relative to the provisions of the current Zoning By-law and are of the opinion that the proposal does not meet the intent and purpose of the Zoning By-law. The Zoning By-law applicable to the subject lands is By-law 66-71, as amended. The subject lands are zoned “Residential Second Density (R2) Zone” which permits a single detached dwelling.

While the neighbourhood has experienced a general trend toward similar forms of redevelopment, the existing Zoning By-law does not support the scale of development

proposed in this application. The requested increase in lot coverage and gross floor area represents an overdevelopment of the site and is not in keeping with the intent of the By-law. The excessive building size is expected to have an adverse impact on adjacent properties and the overall streetscape character that disrupts the balanced scale of the neighbourhood.

As a result of the oversize development, staff also has concerns with the proposed setbacks. The intent of the setback provisions is to ensure there is appropriate and adequate spacing within the required yards for landscaping, access, and maintaining an appropriate streetscape. In this case, the proposed minimum exterior side yard setback of 0.77m along Bayview Avenue fails to satisfy these conditions. Furthermore, it should be noted, that as designed, the proposed path to access the front door is situated within the lands to be conveyed to the Region.

Staff also has concerns with the proposed driveway width. The proposed driveway width of 10.44m is significantly beyond what is permitted in the By-law. While a modest increase in driveway width may be justified to facilitate vehicle turning movements and front-facing access onto Bayview Avenue, the extent of the proposed width is considered excessive. The resulting reduction in the landscaped front yard area will negatively impact the visual quality and character of the streetscape, contrary to the intent of the By-law to maintain a balanced and pedestrian-friendly public realm.

Based on the above, staff are of the opinion that the requested variances are not in keeping with the general intent and purpose of the Zoning By-law.

3) **Are the proposed variances considered desirable for the appropriate development of the land?**

Staff are of the opinion that the proposed variances are not desirable for the appropriate development of the land, as the scale and form of the proposed dwelling are not compatible with the surrounding neighbourhood. Although the neighbourhood has experienced similar redevelopment proposals, this proposed dwelling exceeds the intent of the Zoning By-law and disrupts the established character of the neighbourhood. Additionally, the proposed development would eliminate any functional rear or side yard, resulting in no private outdoor amenity space for the property.

Based on the above, staff are of the opinion that the requested variances are not desirable for the appropriate development of the land.

4) **Are the proposed variances considered minor in nature?**

Staff are of the opinion that the proposed variances are not minor in nature, given the extent of the deficiencies required and the resulting impacts on the surrounding area. The requested variances in lot coverage, gross floor area, and setbacks represent a significant overdevelopment of the site that is not consistent with the established physical character of the neighbourhood. The proposed dwelling would adversely affect adjacent properties, reduce privacy, increase shadowing, and negatively impact the character of the streetscape. These impacts go beyond what would typically be considered minor and are contrary to the intent of the By-law.

On the basis of the preceding, staff is of the opinion that the Minor Variance Application does not meet the four tests described under Section 45(1) of the Planning Act and therefore, Planning staff recommends that the Minor Variance application be denied.

Additional Comments

The subject minor variance application was circulated to Municipal Departments and external agencies for review and comment. The following comments were provided:

Department or Agency	Comments
Zoning	No comments

Development Engineering/Transportation	No comments
Parks & Natural Heritage	Request deferral, as they are awaiting submission of revised drawings from the applicant.
Heritage	No comments.
Corporate & Financial Services	No comments received.
Alectra	No objections. See Appendix 'D'
Bell Canada	No comments received.
York Region: Transportation & Community Planning Department	No comments.
Toronto & Region Conservation Authority	No comments.
CN Rail	No comments received.
TransCanada Pipeline	No comments received.
Abutting Municipality	No comments received.
Ministry of Transportation	No comments received.
Ministry of Housing	No comments received.
Infrastructure Ontario	No comments received.

Conclusion

Planning Staff have reviewed the requested variances pursuant to Section 45 (1) of the *Planning Act*, R.S.O, 1990, c.P.13, as amended, and are of the opinion that the requested variances do not meet the four tests of the *Planning Act* for granting of minor variances. Staff recommend denial of the requested variances.

Attachments

Appendix 'A' — Location Map
Appendix 'B' — Recommended Conditions of Approval
Appendix 'C' — Site Plan and Elevation Plans
Appendix 'D' — Alectra Comments

Appendix ‘A’ – Location Map

Appendix ‘B’ – Recommended Conditions of Approval

The following conditions are recommended should application A070-23 be approved by the Committee of Adjustment:

1) That the variance pertains only to the request as submitted with the application.

2) That development be substantially in accordance with the sketch submitted with the application as required by Ontario Regulation 200/96, as amended, Section 5.25.

SITE INFORMATION & STATISTICS	
ADDRESS:	9860 BAYVIEW AVENUE - RICHMOND HILL, ON.
ZONING TYPE:	R2
LOT AREA:	722 m^2
LOT FRONTAGE:	36.55 m
LOT COVERAGE:	32.44 %

GENERAL NOTES:

1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
7. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION. AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
8. THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

EXISTING STRUCTURE NOTE:

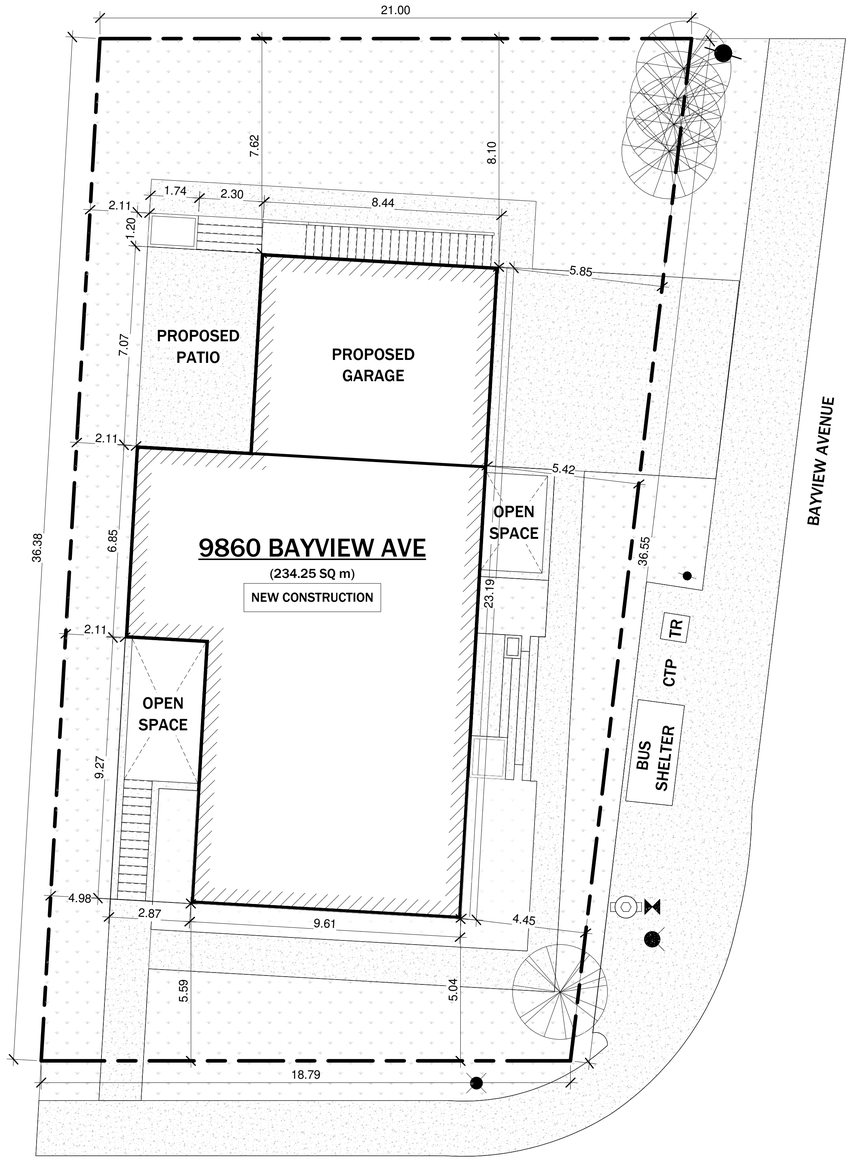
OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK, ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

BUILDING CODE COMPLIANCE NOTE:

THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.

SITE PLAN:

BASED ON RICHMOND HILL SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF RICHMOND HILL MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES.



1 SITE PLAN
1 : 100

CITY ELECTRONIC STAMP:

F. BIANCHI
DESIGN INC

LEAD DESIGNERS & OWNERS:
FREDIE BIANCHI, Dipl. T. Arch (Hons)
admin@fbianchidesign.com

CELL PHONE:
289-698-8012

GENERAL NOTES:

1. DO NOT SCALE DRAWINGS. FULL SCALE: 24" X 36"
2. ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE LEAD DESIGNER MUST BE NOTIFIED IMMEDIATELY.
3. FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.
4. UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING SUPPORTS, SHEET PILING OR OTHER TEMPORARY SUPPOITS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.
5. USE LASTEST REVISED DRAWINGS.
6. ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
7. ALL DRAWINGS, SPECIFICATIONS, RELATED DOCUMENTS AND DESIGN ARE THE COPYRIGHT PROPERTY OF LEGAL SECOND SUITES. REPRODUCTION OF THIS PROPERTY IN WHOLE OR IN PART IS STRICTLY PROHIBITED WITHOUT LEGAL SECOND SUITES WRITTEN PERMISSION (LEGAL SECOND SUITES ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THIS PROPERTY UNLESS IT BEARS THE APPROPRIATE PEO NUMBER AND ORIGINAL SIGNATURE.)
8. BUILDING OWNER(S) WILL BE RESPONSIBLE FOR HIRING A CERTIFIED CONTRACTOR TO PERFORM SCOPE OF WORK AS PER ISSUED PERMIT.
9. CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

NO.	DATE:	GENERAL DESCRIPTION:	INITIALS:
01			
02			
03			
04			

NORTH POSITION:

ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:

9860 BAYVIEW AVENUE - RICHMOND HILL, ON.

SHEET NAME:

SITE PLAN

PROJECT NO.	DATE: 10/20/23
SCALE: 1 : 100	REVISION:
DRAWN BY: REZA MOHTASHAMI	REVIEWED BY: FREDIE BIANCHI

SHEET NO.

SP1.01

Date:	March 18th 2025
Attention:	**Courtney Cullum**
RE:	Request for Comments
File No.:	
Related Files:	**A070-23**
Applicant:	Manisha Orya
Location	9860 Bayview Aveue

COMMENTS:

☐	We have reviewed the proposed Variance Application and have no comments or objections to its approval.
☒	We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
☐	We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Stephen Cranley, C.E.T

Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297
E-mail: stephen.cranley@alectrautilities.com

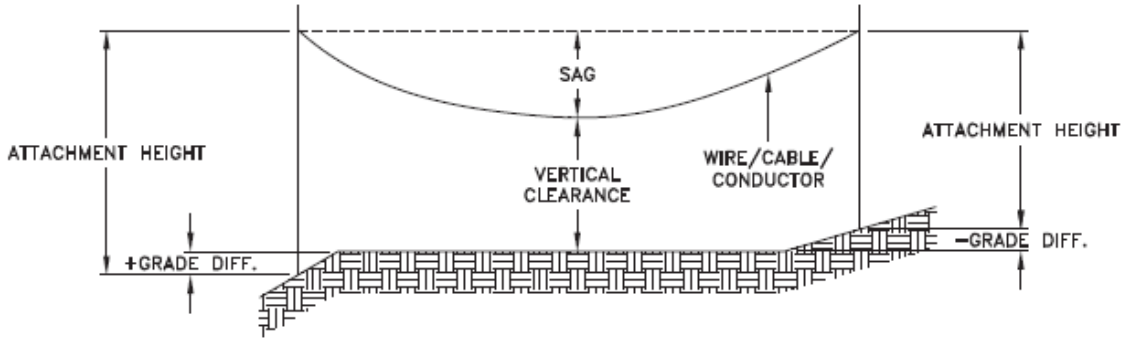
Mitchell Penner

Supervisor, Distribution Design-Subdivisions
Phone: 416-302-6215
Email: Mitchell.Penner@alectrautilities.com

Power Stream
YOUR CURRENT CONNECTION

Construction Standard 03–1

LOCATION OF WIRES, CABLES OR CONDUCTORS	SYSTEM VOLTAGE			
	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV TO 27.6/16kV (SEE NOTE 1)	44kV
	MINIMUM VERTICAL CLEARANCES (SEE NOTE 2)			
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO VEHICLES	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO PEDESTRIANS AND BICYCLES ONLY	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT RAILWAY CROSSINGS	730cm	730cm	760cm	810cm



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG
+ MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)
± GRADE DIFFERENCE
+ 0.3m (VEHICLE OR RAILWAY LOCATION)
+ SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

CONVERSION TABLE	
METRIC	IMPERIAL (APPROX)
810cm	27'–0"
760cm	25'–4"
730cm	24'–4"
520cm	17'–4"
480cm	16'–0"
442cm	15'–5"
370cm	12'–4"
340cm	11'–4"
310cm	10'–4"
250cm	8'–4"

NOTES:

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

REFERENCES	
SAGS AND TENSIONS	SECTION 02

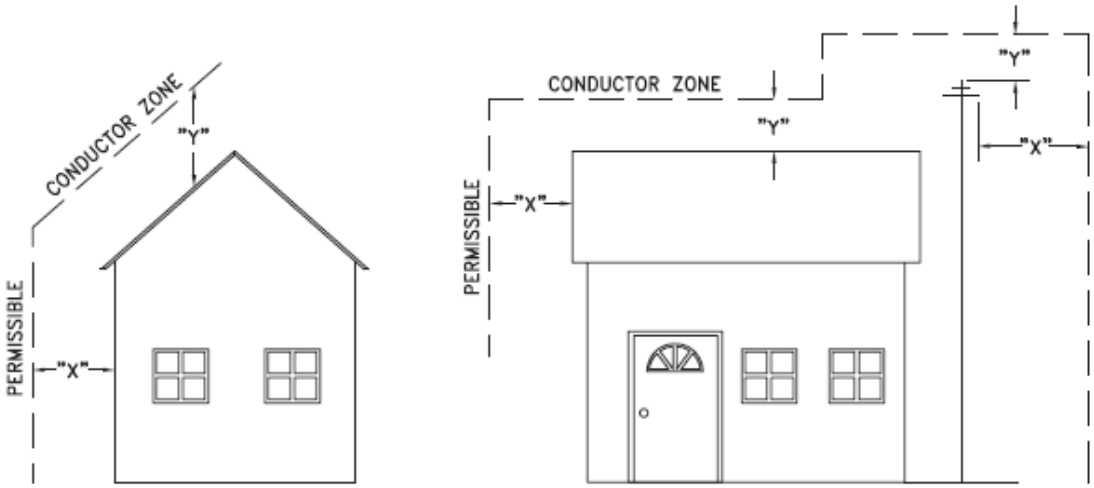
MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS

ORIGINAL ISSUE DATE: 2010–DEC–24 REVISION NO: R1 REVISION DATE: 2012–JAN–09

Certificate of Approval
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04

Joe Crozier, P.Eng.	2012-JAN-09
Name	Date
P.Eng. Approval By:	Joe Crozier

Construction Standard 03–4



VOLTAGE	MINIMUM HORIZONTAL CLEARNACE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0–600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

NOTES

1. UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
2. THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
3. THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
4. BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
5. IN SITUATIONS SUCH AS MULTI–LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03–1 SHALL APPLY.
6. DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
7. ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1–06 (TABLE–9).

CONVERSION TABLE	
METRIC	IMPERIAL (APPROX)
480cm	16'–0"
300cm	10'–0"
250cm	8'–4"
100cm	3'–4"

MINIMUM VERTICAL & HORIZONTAL CLEARANCES OF CONDUCTORS FROM BUILDINGS OR OTHER PERMANENT STRUCTURES (CONDUCTORS NOT ATTACHED TO BUILDINGS)

Certificate of Approval
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04

Debbie Dadwani, P.Eng. — Name
2010-MAY-05 — Date
P.Eng. Approval By: *D. Dadwani*

ORIGINAL ISSUE DATE: 2010–MAY–05 REVISION NO: REVISION DATE:

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