

Memorandum to the City of Markham Committee of Adjustment

July 11, 2025

File: A/111/22
Address: 65 Randall Avenue, Markham
Agent: ITI BUILDING PERMIT DESIGNER INC. (Vivek Gupta)
Hearing Date: Wednesday, July 16, 2025

The following comments are provided on behalf of the Central Team:

The Applicant is requesting relief from the following requirements of the “Eighth Density + Single Family Residential (R8)” Zone in By-law 90-81, as amended, to permit:

- a) **By-law 90-81, Section 6.2.1(b)**: a minimum rear yard setback of 2.24 metres, whereas the by-law requires a minimum rear yard setback of 7.5 metres;

as it relates to an existing sunroom.

BACKGROUND

Property Description

The 740.9m² (7974.98 ft²) subject lands is a corner lot located on the southeast side of Randall Avenue and Hillcroft Drive, generally north of Denison Street and west of McCowan Road (the “Subject Lands”) (Refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of two-storey detached dwellings. Mature vegetation exists across the west side of the Subject Lands.

There is an existing two-storey detached dwelling on the Subject Lands, which according to assessment records was constructed in 1986.

Proposal

The Applicant has constructed an 18.50 m² (199.13 ft²) unheated sunroom addition without the appropriate permits and planning approvals. The Applicant has since submitted applications for a building permit (HP 21 147825) as well as the minor variance submission, which is the subject of this report, to receive the appropriate approvals.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on July 17, 2024)

The Official Plan designates the Subject Lands “Residential Low Rise”, which permits low-rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. These criteria are established to ensure that infill developments are appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same

street, while accommodating a diversity of building styles. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, development is required to meet the general intent of the above noted development criteria. In addition, regard shall be had for the retention of existing trees and vegetation. Planning Staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 90-81, as amended

The Subject Lands are zoned “Eighth Density + Single Family Residential” (R8) under By-law 90-81, as amended, which permits one single detached dwelling unit per lot.

Zoning By-law 2024-19, as amended

The Subject Lands are also zoned “Residential Established Neighbourhood Low Rise” (RES-ENLR) under By-law 2024-19, as amended, which permits one detached dwelling per lot. As per the transition clauses within Section 1.7 of By-law 2024-19, an application accepted prior to the passing of By-law 2024-19 on January 31st, 2024 shall continue to be subject to the applicable By-law in force on the day before the effective date of this by-law. A permit application (HP 21 147825) was accepted prior to the passing of By-law 2024-19, and as such, the provisions of By-law 2024-19 shall not apply to this application.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The Applicant submitted revised drawings on May 22, 2025. The Applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the Applicant’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Reduction in Rear Yard Setback

The Applicant is requesting relief to permit a minimum rear yard setback of 2.24 m (7.35 ft), whereas the By-law requires a minimum rear yard setback of 7.5 m (24.61 ft). This represents a reduction of approximately 5.26 m (17.26 ft).

The variance is entirely attributable to the existing rear yard sunroom. Staff note that a rear yard setback of 8.95 m (29.36 ft) to the main dwelling is maintained on either side of the existing sunroom, which is approximately 3.93 m (12.89 ft) in width. This means only a slight portion of home encroaches beyond the minimum rear yard setback provision. Staff considers this to be a minor deviation from what the By-law requires. Additionally, as the Subject Lands are a corner lot, sufficient outdoor amenity space is still provided via the exterior side yard. Finally, Staff considers the unheated sunroom to be part of the rear yard amenity space and as such, are of the opinion that the requested variance will have limited impact to the adjacent properties and is minor in nature.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 9, 2025. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the *Planning Act* and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the Applicant to demonstrate why they should be granted relief from the requirements of the Zoning By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

Please refer to Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Erin O'Sullivan, Development Technician, Committee of Adjustment

REVIEWED BY:



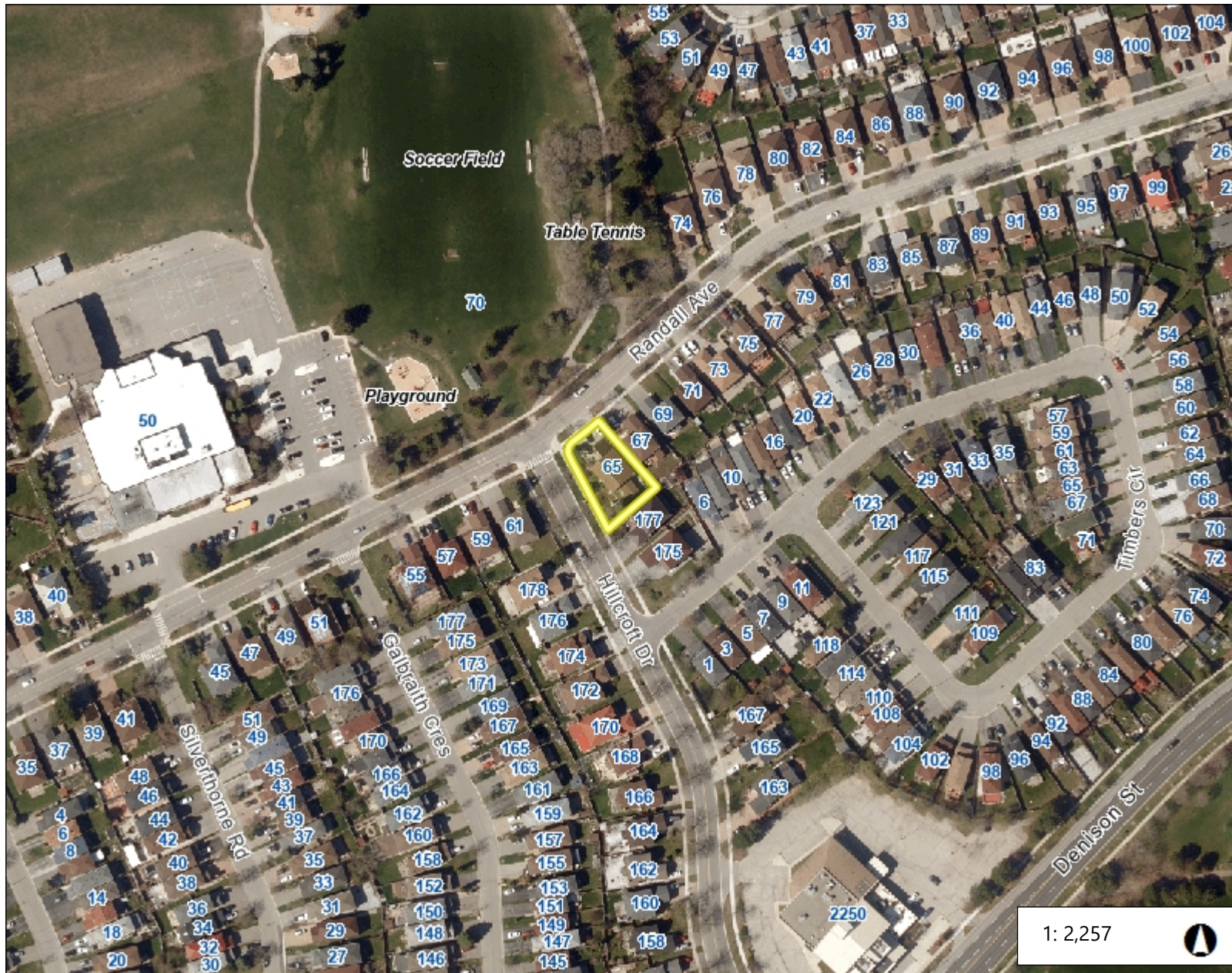
Melissa Leung, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" - Revised Plans

Appendix "C" – Conditions for A/111/22



Legend

Subject Lands
65 Randall Avenue

1: 2,257



114.7 0 57.33 114.7 Meters

NAD_1983_UTM_Zone_17N
© City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Notes

Appendix B

File: 23-04001-000-0000

Date: 7/11/2025
MM/DD/YYYY



603 Argus Rd, Suit 201
Oakville, ON
(647) 973-1733
itipermits@gmail.com
itipermits.com

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 3.2.5 of Div.C. of the building code

VIVEK GUPTA	39587
Name	BCIN
	#CURDATE
Signature	Date

REGISTRATION INFORMATION	
Required unless design is exempt under 3.2.5. of Div. C. of the building code	
ITI PERMIT DESIGNERS INC.	-
Firm Name	BCIN

NOTES:

- 1- CONTRACTOR TO CONFIRM ON SITE PRIOR TO COMMENCEMENT THAT ALL THE EXISTING STRUCTURAL MEMBERS MATCH THE INFORMATION STATED IN THESE PERMIT DRAWINGS
- 2- REPORT ANY DISCREPANCIES TO THE CONSULTANT
- 3- ALL WORK SHALL BE CARRIED OUT AS PER LATEST SPECS AND OBC

ADDRESS: 65 RANDALL AVENUE,
MARKHAM, ONTARIO

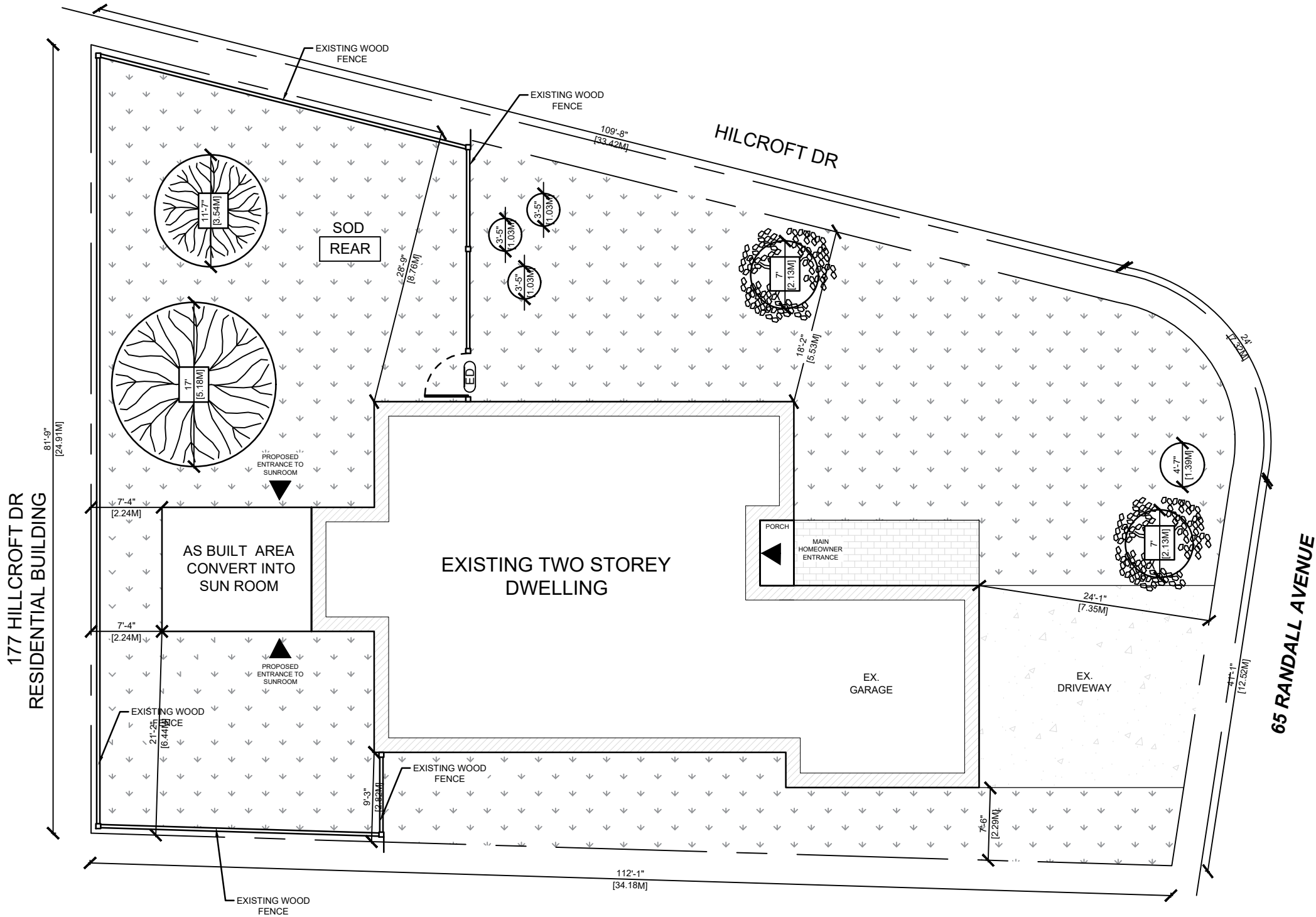
PROJECT NAME:
NEW ADDITION SUNROOM



CLIENT APPROVAL DATE: 10-28-20	ORIGINAL DATE: 10-23-20
REV. 1 DATE:10-28-20	REV. 2 DATE:11-04-20
REV. 3 DATE:02-05-21	REV. 4 DATE:02-19-21
REV. 5 DATE: 05-05-25	REV. 6 DATE:

DRAWN BY: JD	REV. 7 DATE:	REV. 8 DATE:
CHECKED BY: VG	REV. 9 DATE:	REV.10 DATE:

DRAWING NAME: TREE SITE PLAN	DRG. SCALE: 1:150	DRAWING NO: A0.0 SHEET SIZE: 17" x 11"
------------------------------------	----------------------	---



Appendix B

File: 23-00001-000-0000

Date: 7/11/2025
MM/DD/YYYY



603 Argus Rd, Suit 201
Oakville, ON
(647) 973-1733
itipermits@gmail.com
itipermits.com

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 3.2.5 of Div.C. of the building code

VIVEK GUPTA	39587
Name	BCIN
	#CURDATE
Signature	Date

REGISTRATION INFORMATION
Required unless design is exempt under 3.2.5. of Div. C. of the building code

ITI PERMIT DESIGNERS INC.	-
Firm Name	BCIN

NOTES:

- 1- CONTRACTOR TO CONFIRM ON SITE PRIOR TO COMMENCEMENT THAT ALL THE EXISTING STRUCTURAL MEMBERS MATCH THE INFORMATION STATED IN THESE PERMIT DRAWINGS
- 2- REPORT ANY DISCREPANCIES TO THE CONSULTANT
- 3- ALL WORK SHALL BE CARRIED OUT AS PER LATEST SPECS AND OBC

ADDRESS: 65 RANDALL AVENUE,
MARKHAM, ONTARIO

PROJECT NAME:
NEW ADDITION SUNROOM



CLIENT APPROVAL DATE: 10-28-20	ORIGINAL DATE: 10-23-20
REV. 1 DATE:10-28-20	REV. 2 DATE:11-04-20
REV. 3 DATE:02-05-21	REV. 4 DATE:02-19-21
REV. 5 DATE: 05-05-25	REV. 6 DATE:

DRAWN BY: JD	REV. 7 DATE:	REV. 8 DATE:
CHECKED BY: VG	REV. 9 DATE:	REV.10 DATE:

DRAWING NAME: SITE PLAN	DRG. SCALE: 1:150	DRAWING NO: A0.1 SHEET SIZE: 17" x 11"
-------------------------	-------------------	---

PROJECT STATISTICS		
LEGAL LAND LOT NUMBER	48	ZONING: FL1

ADDRESS: 65 RANDALL AVENUE - MARKHAM, ON

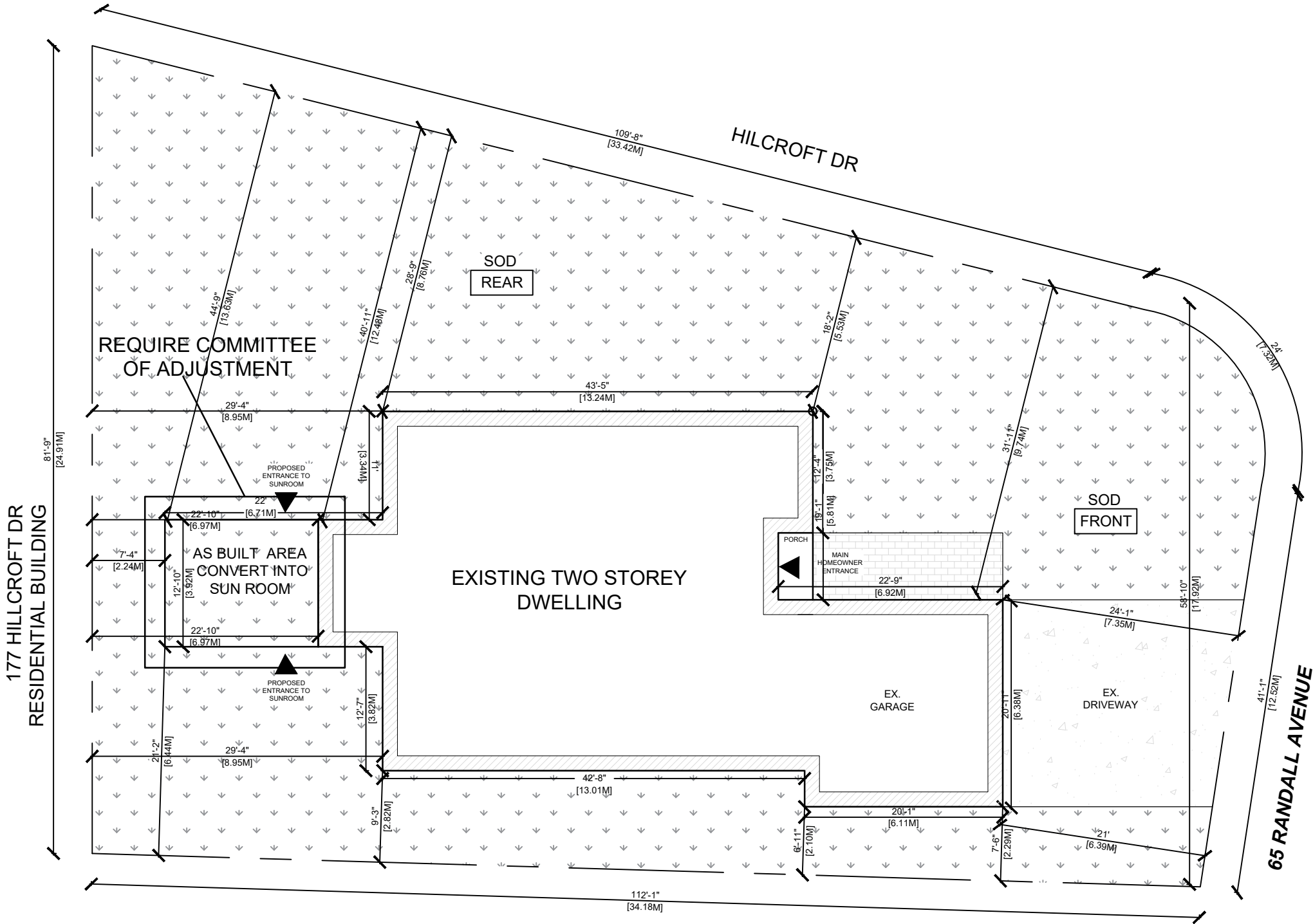
LOT FRONTAGE: 17.92 M LOT AREA: 740.90 SQM

LOT COVERAGE:

	EXISTING	PROPOSED
DWELLING FOOTPRINT INCLUDING GARAGE:	192.43	210.93 SQM
PORCH:	2.19 SQM	
DECK:	0.00 SQM	
ACCESSORY STRUCTURES:	0.00 SQM	18.50 SQM AS BUILD
TOTAL LOT COVERAGE:	236.72 SQM (31.85%)	276.95 SQM (37.38%)

LANDSCAPED SOFT AREA:		
	EXISTING	PROPOSED
FRONT SOFT AREA:	131.74 SQM	
REAR SOFT AREA:	206.18 SQM	187.88 SQM
RIGHT SOFT AREA:	101.63 SQM	
LEFT SOFT AREA:	52.70 SQM	

LAND LEGAL DESCRIPTION AND DIMENSIONS :		
	EXISTING	PROPOSED
DEPTH	35.80M	
FRONT YARD SETBACK	6.39M	
REAR YARD SETBACK	6.97M	2.24M
RIGHT SIDE YARD SETBACK	5.53M	
LEFT SIDE YARD SETBACK	2.10M	

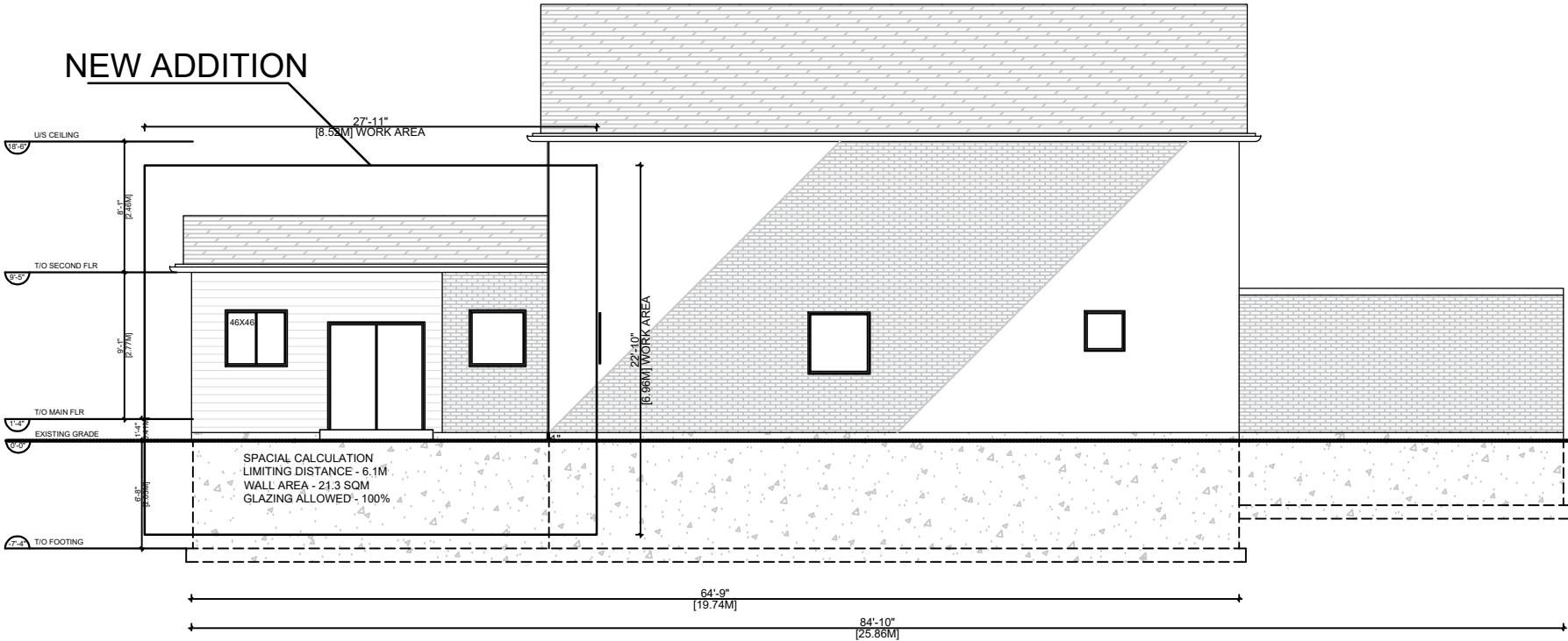
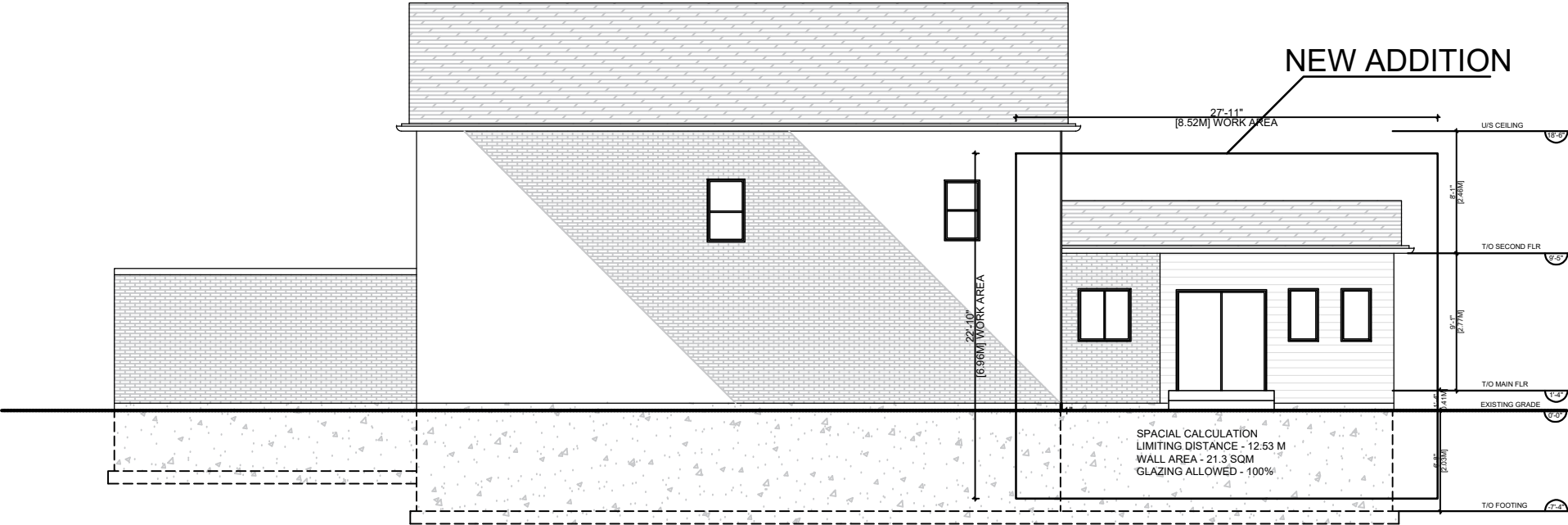


Appendix B



File: 22-04-0001-000-00000000

Date: 7/11/2025
MM/DD/YYYY



603 Argus Rd, Suit 201
Oakville, ON
(647) 973-1733
itipermits@gmail.com
itipermits.com

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 3.2.5 of Div.C, of the building code

VIVEK GUPTA	39587
Name	BCIN
	#CURDATE
Signature	Date

REGISTRATION INFORMATION
Required unless design is exempt under 3.2.5. of Div. C, of the building code

ITI PERMIT DESIGNERS INC.	—
Firm Name	BCIN

ADDRESS: 65 RANDALL AVENUE,
MARKHAM, ONTARIO

PROJECT NAME:
NEW ADDITION SUNROOM



CLIENT APPROVAL DATE: 10-28-20	ORIGINAL DATE: 10-23-20
REV. 1 DATE:10-28-20	REV. 2 DATE:11-04-20
REV. 3 DATE:02-05-21	REV. 4 DATE:02-19-21
REV. 5 DATE: 05-05-25	REV. 6 DATE:

DRAWN BY: JD	REV. 7 DATE:	REV. 8 DATE:
CHECKED BY: VG	REV. 9 DATE:	REV.10 DATE:

DRAWING NAME:
SIDE
ELEVATIONS

DRG. SCALE:
1:125

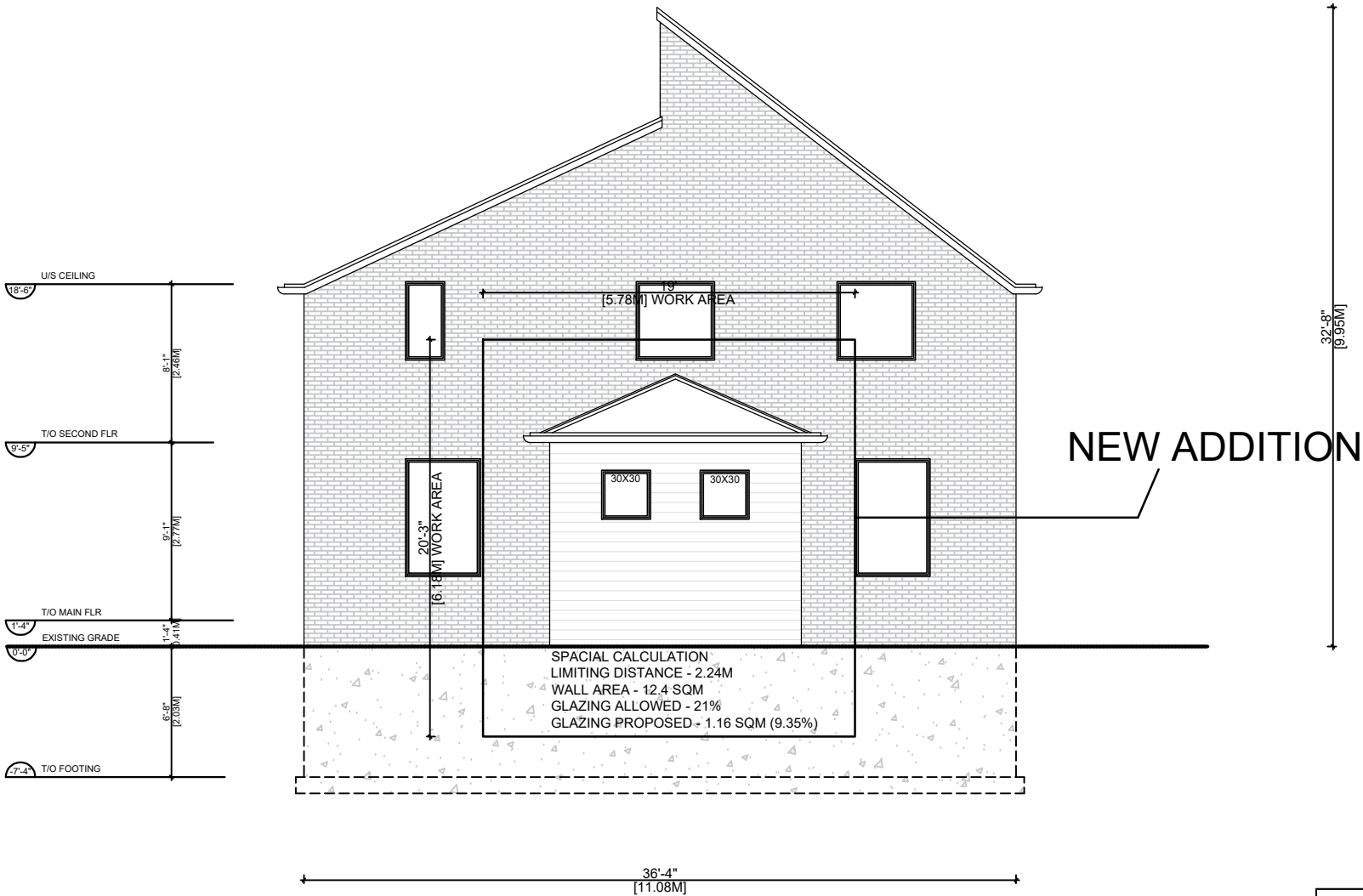
DRAWING NO:
A2.5
SHEET SIZE: 17" x 11"

Appendix B



File: 22-24-0001-000-0000000

Date: 7/11/2025
MM/DD/YYYY



603 Argus Rd, Suit 201
Oakville, ON
(647) 973-1733
itipermits@gmail.com
itipermits.com

ADDRESS: 65 RANDALL AVENUE,
MARKHAM, ONTARIO

PROJECT NAME:
NEW ADDITION SUNROOM



CLIENT APPROVAL DATE: 10-28-20	ORIGINAL DATE: 10-23-20
REV. 1 DATE:10-28-20	REV. 2 DATE:11-04-20
REV. 3 DATE:02-05-21	REV. 4 DATE:02-19-21
REV. 5 DATE: 05-05-25	REV. 6 DATE:

DRAWN BY: JD	REV. 7 DATE:	REV. 8 DATE:
CHECKED BY: VG	REV. 9 DATE:	REV.10 DATE:

DRAWING NAME: BACK ELEVATION	DRG. SCALE: 1:100	DRAWING NO: A2.6 SHEET SIZE: 17" x 11"
------------------------------------	----------------------	---

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 3.2.5 of Div.C, of the building code

VIVEK GUPTA	39587
Name	BCIN
	#CURDATE
Signature	Date

REGISTRATION INFORMATION
Required unless design is exempt under 3.2.5. of Div. C, of the building code

ITI PERMIT DESIGNERS INC.	—
Firm Name	BCIN

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/111/22

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the proposed development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Erin O'Sullivan", is written over a light gray rectangular background.

Erin O'Sullivan, Development Technician, Committee of Adjustment