



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Taylor Wellings, MSc (PI), MCIP, RPP

Date: April 30, 2026

File No: A26-015M

Subject: 107 Yates

Recommendation: THAT the application for minor variance **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the development shall be constructed in accordance with the site plan prepared by Caprija Corporation and stamped by Town Zoning on March 20, 2026.
2. That a Building Permit be obtained within two (2) years from the date of the decision; and
3. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.

General Description of Application

Under Section 45(1) of the Planning Act, the following minor variance to Zoning By-law 016-2014, as amended, has been requested:

1. To allow stairs, below-grade accessing a principal building to encroach into the required interior side yard up to 1.9 metres, a difference of - 5.1 metres;
2. To allow a window well to encroach into the required interior side yard for up to 1.1 metres, a difference of + 0.55 metres; and
3. To allow a window well to have a front yard setback of 1.22 metres, a difference of - 0.78 metres.

The subject property is known municipally as 107 Yates Drive and located directly near the roundabout containing Yates Drive and Whitlock Avenue. The subject property contains a single-detached dwelling with a detached garage. Surrounding uses are residential and primarily single-detached dwellings.

This minor variance application is a result of an accessory dwelling unit being established in the basement of the existing single-detached dwelling. The entrance will be in the interior side yard which will include below-grade stairs and there is an associated window well.

Official Plan Designation (including any applicable Secondary Plan designations)

The subject property is designated as Residential Area in the Town of Milton Official Plan on Schedule B 'Urban Area Land Use Plan.' This designation permits single detached dwellings and accessory structures.

Section 7.1.4.1 of the Town's Official Plan provides the criteria for establishing an Additional Residential Unit (ARU) which are permitted either within a detached, semi-detached or townhouse dwelling. The policies provided in this Section include the following applicable criteria:

- a) an ARU shall not be located on lands identified as hazard lands or as being within the regulatory flood plain, unless where specifically permitted by the Conservation Authority
- i) An ARU will be compatible with neighbouring properties and the surrounding neighbourhood or rural area by taking into consideration scale and built form;
- k) An ARU must have no adverse effect on stormwater management systems; l.
- l) An ARU must have no adverse effect on site drainage as demonstrated through a grading plan;
- m) Safe access to an ARU must be ensured by meeting fire and emergency service requirements; n.
- n) Severance of an ARU from the lot shall not be permitted; and
- o) An ARU shall be registered with the Town in accordance with the provisions of the Municipal Act .

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

Zoning

The subject is zoned Site Specific Residential Medium Density 1 (RMD1*264) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*264 zone permits a variety of residential uses, including detached and townhouse dwellings.

Variance One: Below Grade Stairs in Interior Side Yard

Section 4.19.5 i) Table 4H of the Town's Zoning By-law does not permit stairs, below grade accessing a principal building to encroach into a required interior side yard. The applicant is requesting permission to allow stairs, below-grade accessing a principal building to encroach into the required interior side yard up to 1.90 metres, a difference of - 5.1 metres, to facilitate the proposed development.

Variance Two: Window Well Encroachment (in the Interior Side Yard)

Section 4.19.5 i) Table 4H of the Town's Zoning By-law permits the encroachment of window wells into a required interior side yard for up to 0.55 metres. The applicant is requesting permission to



Zoning

allow a window well to encroach into the required interior side yard for up to 1.1 metres, a difference of + 0.55 metres, to facilitate the proposed development.

Variance Three: Window Well Encroachment (in Interior Front Yard)

Section 6.2 Table 6C of the Town's Zoning By-law states that window wells should comply with the required front yard setback of 2 metres. The applicant is requesting permission to have a front yard setback of 1.22 metres, a difference of - 0.78 metres, to facilitate the proposed development.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on April 20, 2026. As of the writing of this report on April 22, 2026, staff have not received any comments from members of the public.

Agency Consultation

No objections were filed with respect to the variance application from Town staff or external agencies.

Town of Milton Fire Prevention reviewed the application and engaged in discussion with the applicant to ensure that the minimum 1.2 metre clearance was provided for safe access to and from the unit. No objection or concerns were provided.

Development Services Comments

The applicant has requested a minor variance to allow for below-grade stairs as well as a window well to encroach into the interior side yard to facilitate the construction of an accessory dwelling unit in the basement of the existing dwelling.

The applicant is requesting permission to allow stairs, below-grade accessing a principal building to encroach into the required interior side yard up to 1.90 metres. Further, the applicant is requesting permission to allow a window well to encroach into the required interior side yard for up to 1.1 metres as well as allow for a window well to encroach into the front yard setback of 1.22 metres.

Due to the property being a corner lot and how the existing dwelling sits on the property, the location on the rear property is considered the interior side yard, however this area functions as the rear yard. The proposed entrance, stairs and window well will be shielded from the surrounding properties and street as there is an existing fence. Planning staff do not have any concerns regarding the two variances proposed to facilitate the establishment of the accessory dwelling unit.

As noted above, Milton Fire Prevention also reviewed and confirm there are no concerns from an access perspective.



The Corporation of the Town of Milton

File #:
A26-015M
Page 4 of 4

Consultation

Planning staff have reviewed the requested variances and offer no objection to the approval. Planning staff are of the opinion that the requested variance is minor in nature, conforms to the general intent of both the Official Plan and Zoning By-law and is desirable for the development and use of the subject property.

Respectfully submitted,

Taylor Wellings

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For questions, please contact:

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Attachments

Figure 1 – Site Plan