

Property Information/Details

Location Description	Lot 19 Block 11 Plan 2201
City of Yellowknife Community Plan No. 5007, as amended.	Section 4.2 Old Town Section 5.1 Environment and Climate Section 5.3 Municipal Infrastructure Section 5.4 Subdivision and Land Development Sequencing
City of Yellowknife Zoning By-law No. 5045, as amended.	Chapter 3 Roles and Responsibilities Chapter 4 Development Permit Process Section 5.1 Development Appeal Process Section 7.1 Site Planning Considerations Section 7.3 Grade Section 7.4 Vehicular Access and On-Site Traffic Section 7.5 General Landscaping Regulations Section 7.8 Parking Section 8.2 Specific Use Regulations Applicable to Residential Zones Section 10.1 R1 – Low Density Residential Zone
Civic Address:	3816 Bretzlaff Dr
Existing and New Access:	Hamilton Dr and Bretzlaff Dr
Municipal Services:	Trucked water and sewage services; Municipal garbage pickup

Recommendation:

The Development Officer recommends approval of Development Permit Application PLDEV-2026-0090 for the development of Factory-Built Dwelling with Variances to the Front Yard Setback, the Side Yard Setback and the Rear Yard Setback, with the following condition(s):

1. Approval of this Development Permit and Variances shall be contingent upon the approval of the proposed Lot Subdivision by the Government of the Northwest Territories. Should the Subdivision not be approved, or not be approved as outlined in the approved stamped plans, the Development Permit and Variances shall be void.
2. For proposed Lot A:
 - a. Reduce the minimum Front Yard Setback from 6.00m to 1.83m.
 - b. Reduce the minimum Rear Yard Setback from 6.00m to 2.00m.
3. For proposed Lot B:
 - a. Reduce the minimum Side Yard Setback from 2.00m to 1.76m.
 - b. Reduce the minimum Rear Yard Setback from 6.00m to 1.50m.

4. Following any approval of Lot Subdivision for the property, the applicant shall provide an Official Survey Plan or Real Property Report prior to occupancy to the Development Officer for review to ensure compliance with Development Permit approval and the Zoning By-law.
5. 100% of the Front Yard shall be landscaped with the exception of areas used for Parking as per Section 7.5.3 of the Zoning By-law No.5045, as amended.
6. The Factory-Built Dwelling shall be skirted from the base of the unit to the ground with a material similar to the siding and Painted Plywood shall not be permitted as skirting as per Section 8.2.4 of the Zoning By-law No.5045, as amended.
7. The development shall comply with the Approved Stamped Plans for PLDEV-2026-0090 and with all By-laws and policies in effect for the City of Yellowknife.

Proposal:

The applicant has applied for Development Permit and Variances for the purpose of Lot Subdivision to develop a Factory-Built Dwelling on a new Lot. Approval of subdivision plans is a responsibility of the Government of the Northwest Territories and as such, approval of the Development Permit and Variances are contingent on the final subdivision approval. Factory-Built Dwelling is a permitted use in the R1 – Low Density Residential Zone according to Zoning By-law No. 5045, as amended.

The approval of the proposed Lot Subdivision is not being considered by the City of Yellowknife, as subdivision authority is under the jurisdiction of the Government of the Northwest Territories.

Background:

GENERAL STATEMENT

On April 16, 2026, Rob Bott, the applicant, had a pre-consultation meeting with City staff regarding his proposal for the subject Lot. The Lot currently has a Single Detached Dwelling and a Detached Garage, and the applicant proposes to subdivide the lot to construct a new Factory-Built Dwelling on the new Lot. Comments were provided to the applicant to submit for a Development Permit and required Variances prior to making an application for subdivision with the Government of the Northwest Territories so the proposal could be supported by the City. On April 25, 2026 the applicant submitted an application for a Development Permit and Variances for consideration by the City.

The development is proposed to subdivide an existing residential Lot, which is a corner Lot and located in an established residential neighbourhood. Adjacent lots are occupied with residential dwellings, predominantly Single Detached Dwellings, with commercial uses approximately 50.00m away along Wiiliideh (50th) Ave.

Assessment of the Application:

JUSTIFICATION

Factory-Built Dwelling is a permitted use in the R1 – Low Density Residential Dwelling. The proposed Development, pending Lot subdivision, exceeds the minimum Front, Side and Rear Yard Setbacks for the

Principal Building in the R1 Zone, requiring Variances. A Development Permit is required for any development that is accompanied by a Variance under Section 4 of the Zoning By-law, as amended, authorized under Section 23. (1) of the *Community Planning and Development Act*.

The Development Officer is the approving authority for Development Permits within the scope defined by Section 3.1.1 of the Zoning By-law.

LEGISLATION

Community Planning and Development Act, S.N.W.T. 2011, c.22

Section 16. (1) and 25. (1) of the *Act*, a development authority, being a development officer appointed under section 52, shall, subject to any applicable conditions, approve an application for a development permit for a use specified in a zoning bylaw as a permitted use of land or of a building, if the development authority is satisfied that the applicant meets all the requirements of the bylaw.

Under section 23. (1): “A zoning bylaw may authorize a development authority to approve an application for a development permit in respect of a proposed development that does not fully conform with the bylaw, if the development authority is satisfied that the proposed development would not (a) unduly interfere with the amenities of the neighbourhood; or (b) detract from the use, enjoyment or value of neighbouring parcels of land”.

Community Plan By-law No. 5007, as amended

As per section 3(1) of the *Act*, the purpose of a community plan is to provide a policy framework to guide the physical development of a municipality, having regard to sustainability, the environment, and the economic, social and cultural development of the community.

This 2020 Community Plan is a comprehensive outline of the goals and objectives for the City with directive policies to accomplish the objectives. All applicable policies of the Community Plan are to be considered and applied at the time of development.

Zoning By-law No. 5045, as amended

The general purpose of a zoning by-law is to guide the physical development of a municipality by offering regulations to the use and development of land and buildings within the municipal boundary of the City.

The Development Officer processes the application per section 3.1.1 (Development officer's roles and responsibilities) and applicable sections of Chapter 4 (Development Permit Process) of the By-law.

PLANNING ANALYSIS

City of Yellowknife Community Plan By-law No. 5007, as amended

Section 4.2 Old Town

The Plan identifies the Old Town Land Use Designation as an integral part of Yellowknife's history and a major part of the unique character with a variety of residential, commercial and recreational land uses. Most of the residential development in Old Town is characterized by low-density Single Detached Dwellings with some medium density residential development in the form of Townhouses and Duplexes. The Plan encourages multiple forms of continued residential development while maintaining the existing character of the built form in the area.

4.2 Old Town Objectives and Policies	
Planning and Development Objectives:	Policies:
1. To limit development of residential and commercial buildings to forms that are compatible with the wetland, shoreline and exposed rock settings.	1-a. New development will not adversely impact natural geographic features and environment. 1-b. Any alteration of significant natural bedrock and shoreline features will be avoided if at all possible.
4. To encourage street oriented residential, retail and commercial development.	4-a. Off-street parking minimums for new development will be reduced.
13. To maintain the existing character of the built form.	13-a. New development will consider existing context of immediate surrounding area.
14. To encourage a mix of residential options including larger homes, duplexes, rowhouses, groups of tiny homes, and mixed residential and commercial spaces.	14-a. A variety of residential development including multi-unit and mixed residential/commercial development will continue be permitted.

The proposed development confirms with the development objectives and policies in Old Town Land Use Designation as the Lot has been previously developed with both a Single Detached Dwelling and a Detached Garage and is not adjacent to any shoreline. The two new Lots that are proposed both have one off-street parking space, as required in Section 7.8. The new Factory-Built Dwelling is deemed to have considered the existing context of the immediate surrounding area as it is not exceeding two storeys in height of the abutting lot to the west of Lot A and the two Single Detached Dwellings across Hamilton Drive. Additionally, the proposed development meets the development objective as it adds to the variety of residential development in the area while acknowledging the development constraints in Old Town.

5.1 Environment and Climate

The Community Plan supports climate change mitigation by focusing most development within the existing built footprint of the City. This ensures that existing infrastructure is better utilized without significantly expanding road, wastewater, and drinking water infrastructure, all of which require significant amounts of energy to build and operate. Focusing development within already built areas also supports higher density development which is more energy efficient than sprawling development.

5.1.1 Climate Change Mitigation Objectives and Policies	
Planning and Development Objectives:	Policies:
3. To better utilize existing municipal infrastructure.	3-a. The City will prioritize development in the existing built footprint of the City before developing new greenfield areas. 3-b. The City will encourage compatible mixed land uses where appropriate to support compact urban development and to reduce travel distances for residents. 3-c. Higher density development will be encouraged near employment centres and major activity nodes.

The proposed development conforms to the objectives for Climate Change Mitigation by proposing new development within the existing footprint of the City, while also providing a residential dwelling type that is more compact so as to fit within the existing neighbourhood and the proposed smaller lot size. Additionally, the lot is located in Old Town, in close proximity to a number of recreational, commercial and institutional uses, which is encouraged given that Old Town is a major activity center within the City.

5.3 Municipal Infrastructure

The City owns and operates a variety of facilities and key infrastructure that is necessary for delivering public services and programs. Facilities and infrastructure include water supply and treatment facilities, water and sewer infrastructure, solid waste disposal and wastewater treatment facilities, and recreational facilities. Piped water and waste water services are a significant capital cost. To keep costs low for users, higher utilization of the existing systems is required. Infill development will support better utilization of existing infrastructure.

5.3.1 Water and Wastewater Supply and Treatment Services Objectives and Policies	
Planning and Development Objectives:	Policies:
3. To concentrate commercial and residential development in areas serviced by piped water and sewer services.	3-a. Commercial and residential development will be prioritized in areas with piped water and sewer services. 3-b. Expansion of piped water and sewer network will consider economic, environmental, and social costs and benefits.
4. To limit residential development in areas serviced by trucked water and sewer services.	4-a. Residential development in areas with trucked water and sewer services will be discouraged.

The subject Site is located in an area of the City that is serviced by trucked water and sewer services. While it is the policy of the City not to expand trucked services, it is common practice to allow for areas of the

City already on trucked service to continue to see development, especially in the form of infill development. The proposed development is centrally located in an area already utilizing trucked water and sewer services, and the only increase is an additional stop along the collection and drop off route.

5.4 Subdivision and Land Development Sequencing

The Plan provides a policy framework for the sequence in which specified areas of land may be developed or redeveloped to accommodate future land use needs in the short-term, medium-term, and long-term. Objectives and policies were developed to guide decisions about subdivision and land development sequencing to meet the future land development needs of the City in an environmentally, economically, and socially sustainable way.

5.4 Subdivision and Land Development Sequencing Objectives and Policies	
Planning and Development Objectives:	Policies:
1. To utilize existing infrastructure for land development.	1-a. Vacant lots, both City owned and private, within the built area of the City will be prioritized before greenfield development. 1-b. The City will consult with owners of private vacant land to incentivize development that aligns with the City's general development goals (Section 3.1.2).

The proposed development intends to utilize existing infrastructure such as roads, sidewalks and already is located in an area that has trucked water and sewer services which would only add one stop for pick-up and drop off. The proposed development complies with these objectives and policies by adding a new Dwelling unit within the existing built area of the City.

Zoning

City of Yellowknife Zoning By-law No. 5045, as amended

The proposed Factory-Built Dwelling development has been determined to meet all applicable requirements of the By-law, with the exception of the Front and Rear Yard Setbacks for proposed Lot A and the Side and Rear Setbacks for proposed Lot B.

R1 – Low Density Residential Zone (Section 10.1):

Factory-Built Dwelling are permitted Uses in the R1 Zone. The proposed development aligns with the purpose of the R1 Zone by providing a mix of Dwelling types for lower Density residential development. The applicant is proposing a Factory-Built Dwelling as the built form for the new Dwelling unit. In Table 10-2 of the R1 Zone, different minimum Lot Widths are required for different uses. The minimum Lot Width required when the proposed residential Use is a Factory-Built Dwelling, is 11.00m. During the review of the application, it was clarified by the applicant the type of Dwelling would be a Factory-Built

instead of a Single Detached Dwelling. Therefore, the Variance to Lot Width was no longer required as the 13.15m is greater than the minimum required Lot Width for Factory-Built Dwellings.

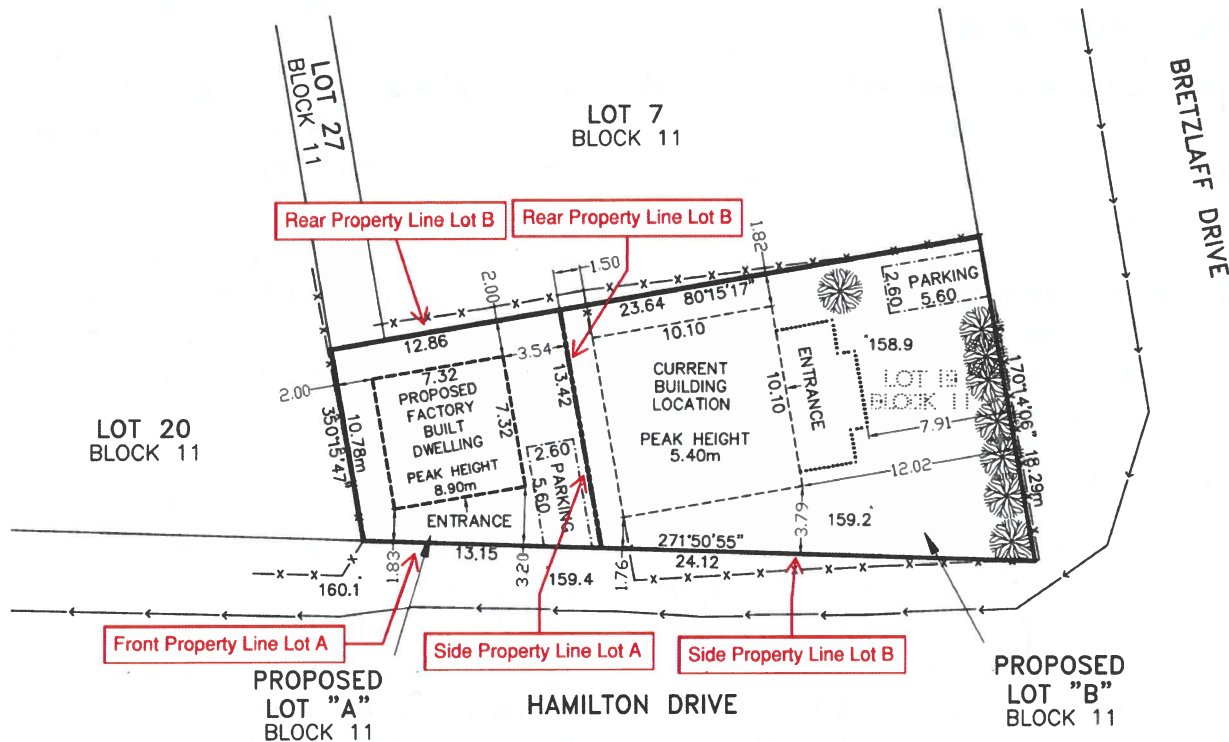


Figure 1: Definition of types of property lines for each of the proposal Lots.

Variance to Front Yard Setback (Lot A)

Section 4.9 of the Zoning By-law No. 5045, as amended, describes the criteria that is used to evaluate a Variance to determine if it may be granted, and is considered individually for each requested Variance. Based on a review of the requested Front Yard Setback Variance, the proposed development would not be anticipated to interfere with the amenities, use, enjoyment or value of the neighbourhood or adjacent parcels because the proposed Building does not extend further than the edge of the existing Single Detached Dwelling. While these are different types of setbacks, the proposed building fits in better with the character of the neighbourhood without going further than what already exists.

Variance to Rear Yard Setback (Lot A)

Consideration of the criteria for the proposed Variance to the Rear Yard Setback for Lot A is limited to if it will interfere with the amenities, use, enjoyment or value of the neighbourhood or adjacent parcels. The proposed reduction of the Rear Yard Setback from 6.00m to 2.00m maintains an adequate separation and is not anticipated to interfere with the amenities, use, enjoyment or value of the neighbourhood or adjacent parcels. The existing Single Detached Building is located 0.50 meters closer to the property line than the proposed dwelling and is not anticipated to impact the adjacent properties. The existing detached garage is located approximately 1.00m from the proposed rear property and no issues have

been brought forward with the existing structure. The 2.00m setback provides a greater distance of separation which adequately addresses the need for separation from property lines.

Variance to Side Yard Setback (Lot B)

Based on a review of the existing Dwelling and proposed Subdivision, it seems that the Side Yard Setback of 1.76m may be due to errors in construction when this area of the City originally developed as it pre-dated current Development review processes. This can be considered as an error in the siting of the existing Structure during construction as the Variance would have been required to the Side Yard Setback regardless of the proposed Subdivision. Additionally, the proposed Variance is not anticipated to unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the Use, enjoyment or value of neighbouring parcels of land. This is supported by the fact that the Side Yard Setback has been 1.76m since the Dwelling was constructed and not the required 2.00m for Corner Lots and no issue has been raised about the location of the Dwelling.

Variance to Rear Yard Setback (Lot B)

The proposed reduction to the Rear Yard Setback from 6.00m to 1.50m is considered against the applicable criteria, that the Variance will not interfere with the amenities, use, enjoyment or value of the neighbourhood or adjacent parcels. The proposed Variance to the Rear Yard Setback is not anticipated to interfere with the amenities, use, enjoyment or value of the neighbourhood or adjacent parcels as because the minimum separation distance between buildings that is required in most zones is maintained. This distance is usually applicable to buildings on the same Lot separated by at least 1.00m but as it is a mechanism to ensure safety, it feels applicable to ensure that the proposed Variance does not impact neighbouring parcels of land. Therefore the proposed Variance is not anticipated to interfere with the neighbourhood or adjacent parcels.

Site Planning Considerations (Section 7.1):

The proposed development must comply with Section 7.1 specifically in regards to incorporating proper Lot surface drainage, reviewed by Public Works and Engineering (Section 7.1.2) and remaining accessible by emergency services, reviewed by Fire Services (Section 7.1.6.).

Grading (Section 7.3):

The proposed development complies with all applicable City regulations pertaining to drainage and grading, with no concerns noted by the Public Works and Engineering Department during review. No changes have been proposed to the grading of the Site as a part of this application and must comply with any previously approved grading and drainage plans as well as the City's Development Standards.

Vehicular Access and On-Site Traffic (Section 7.4):

The existing Site is accessed from Hamilton Drive. As a part of the proposed Subdivision, the applicant intends to maintain the existing access from Hamilton Drive for off-street parking for Lot A, and take access for Lot B from Bretzlaff Drive for a separate off-street parking space. As the existing parking is

proposed to be retained upon approval of the proposed Subdivision by the GNWT, the Development Officer considers this to be appropriate. The proposed access for Lot B from Bretzlaff Drive is adequately setback from the corner as it is proposed to be near the interior property line. The proposed Site layout demonstrates that the driveway access can accommodate the safe and efficient movement of existing and planned vehicle traffic for Hamilton and Bretzlaff Drive. In addition, the Site shall have positive surface drainage to the roadway and the grade of the driveway shall not exceed 8%.

Landscaping (Section 7.5):

Landscaping regulations for the R1 Zone are described in Table 7-1 but each individual proposed lot must meet the applicable landscaping requirements separately. A minimum of 100% of the Front Yard must be landscaped with the exception of areas utilized for parking. Lot B is deemed to already meet the required landscaping. However, a condition of the Development Permit shall be that if the proposed Subdivision is approved, Lot A must meet the required landscaping for the R1 Zone.

Parking (Section 7.8):

A minimum number of parking space must be provided off-street for certain uses as outlined in Section 7.8.4 (b) of the Zoning By-law (Section 7.8.1.a.i). Table 7-3 describes the minimum parking space requirements for Residential Uses. The proposed development is not located within a Parking Standard Area as shown in Schedule 2 of the Zoning By-law and therefore the Minimum Parking Requirements apply. For Single Detached Dwellings, a minimum of one 'type B' parking space is required per Dwelling. Proposed Lot B contains the existing Single Detached dwelling and is proposing one off-street parking space. For Factory-Built Dwellings, a minimum of one to a maximum of two off-street parking spaces are permitted. The proposed Factory-Built Dwelling on Lot A is shown to have one 'type B' off-street parking space. The proposed development has provided the minimum required parking spaces so described in the Zoning By-law.

No loading space or minimum bicycle parking spaces are required for the proposed development.

Section 8.2 Specific Use Regulations Applicable to Residential Zones

Section 8.2.4 of the Zoning By-law requires that all Factory-Built Dwellings be skirted from the base of the unit to the ground with a material similar to the siding. Painted Plywood shall not be permitted as skirting.

Servicing

The proposed development will be serviced by trucked municipal water and sewage services and rely on municipal garbage pickup.

City Departments / External Agency Consultation

As directed in section 4.5.1 of Zoning By-law No. 5045, a request for comments was circulated to the following city departments and external agency on June 10, 2026. Comments were reviewed and considered, and are summarized in the table below:

No.	City Department	Comments	Consideration
1.	Public Works & Engineering	Overall, PW&E does not have concerns with the additional building on this site. Buildings on the property must be properly addressed and water and sewage tanks sized as per the Water and Sewer By-Law #4663.	None required.
2.	Lands and Building Services	A building permit is required for this home and all work must comply with NBC 2020. Please note, the submitted drawings show an interior stair that does not currently meet code. Winder geometry must be revised for compliance. Per NBC 9.8.4.5: Winder treads converging on a center point must turn exactly 30° or 45° Each winder set may turn no more than 90°. Please revise the stair layout to show compliant dimensions for when applying for a building permit.	So long as the changes to the staircase do not result in changes to the proposed building footprint on proposed Lot A, no consideration is required.
3.	Fire Services	No concerns from Fire Services at this time.	None Required.
4.	Protective Services	No comments were provided by the Protective Services Department.	As outlined in Section 4.5.5. of the Zoning By-law, the Development Officer may deal with the application if no comments or recommendations have been provided within 15 days of referral. No consideration required.

Public Comments

Public Comments were collected through the circulate of a Notice of Application letter for the Development Permit to neighboring residents within 30m of the subject Site on June 10, 2026, per sections 4.5 of Zoning By-law No. 5045, as amended, Section 6.7 of Community Plan By-law No. 5007, as amended, and section 14 (2) of the *Community Planning and Development Act*. A Notice of Application

Date: July 6, 2026
DM# 828911.

Sign was placed on Site on June 10, 2026, facing Hamilton Drive, with a QR code to the City of Yellowknife's Active Applications Webpage where additional information and documents could be viewed.

No.	Public Comments	Consideration
1.	I am writing regarding serious concerns that we have regarding this development application. We have lived at [REDACTED] Aside from the obvious concerns about losing a significant amount of our natural light, our view and having to live with more traffic and services like sewage pump out and water delivery on a very narrow street (Hamilton Drive), we have concerns about the very small size of the lot for this proposed development. The applicants are applying for three variances to the setbacks on this lot. This seems excessive and an indication that this is not an appropriate use of this tiny parcel (one third of a residential lot) of land. The lot in question (19) is already one of the smallest in the neighbourhood. In addition to that, they seem to have overlooked that we have a 6x28 foot wooden accessory building on the other side of our fence (see enclosed map). I believe that the separation distance between the proposed building and our shed would be problematic if subdivided. If the development proposed were allowed to proceed with the variances it could also limit what we are legally allowed to develop on our lot, because it would then be difficult for us to provide adequate separation between an accessory building in our back yard, and the house on proposed lot A. We are not opposed to development per se. We would not object if they built an addition on their existing house. We didn't object when they built a tiny home (2022) beside their driveway and rented it out. However, this plan for an 1100 square foot house on this little lot exceeds what we will accept without comment. Thank you for the opportunity to comment. I hope our concerns are taken into consideration.	The Development Officer sent an email to acknowledge receipt of this comment. The proposed Height of 8.90m for the Factory-Built Dwelling is not being varied and is less than maximum permitted Height for a Principal Building of 12.00m in the R1 Zone. Additionally, there are a number of Dwellings in the Willow Flats area that have two storeys. As noted above, there is only two variance being considered for Lot A as no Variance to the Lot Width is required for the Factory-Built Dwelling. The separation distance between the proposed Factory-Built Dwelling and the side property line is 2.00m and 3.54m respectively which exceeds the minimum required 1.50m Side Yard Setbacks required for non-entrance sides of a Factory-Built Dwelling. The shed that must respect the 1.00m setback required for Accessory Buildings. The minimum separation distance required is maintained by both the required setback for the Accessory Building and the proposed Side Yard Setback. Should the commenter seek to develop the portions of the property in the future that are adjacent to the proposed Site, they will be considered against the same criteria if a Variance is required.

2.	We own [REDACTED] We have seen considerable changes to this neighbourhood and have been a part of some of them. My wife and I built one of the first fully modern houses in this neighbourhood and have since added to it. We were active participants in the land swap/road realignment of Ragged Ass Road in order to facilitate new development. We are not anti-development. However, we do have concerns about the above noted application. Lot 19, Block 11 is one of the smallest lots in the neighbourhood. In order for the proposed development to proceed, five (5) of the eight (8) required setbacks and area requirements must be reduced. The reductions are not insignificant. The two resultant lots will easily be the smallest in the area and smaller than most in the City. Neighbourhood planning involves planning lot sizes to match the types and sizes of homes required and demanded by the market. Zoning, setbacks, area and height restrictions work to ensure a reasonable match between the plan and the built environment. Some latitude is reasonable to address specific sites. However, if an owner is able to subdivide and significantly relax variances in order to shoehorn two dwellings on a lot designed for only one, then the usefulness of these planning tools is questionable. As land owners in the neighbourhood we expect a certain density of housing as suggested by the zoning (R1, Low Density Residential). To some extent, the value of our property is related to this zoning. If a similar application was filed by a land owner in the Grace Lake subdivision, where two houses could most likely be built on a subdivided lot without any variances, we are sure the residents' outcries would be heard from here. If the Applicant was to file a Application for an addition to their current dwelling with reasonable variances, we would support it. For a period of time, the Applicant had a rented tiny house on his property. We had no problem with that. We recognize that in-fill and increased density are currently strategies the City favours to help alleviate a shortage of land, but subdividing existing lots and abandoning reasonable setbacks is not a good solution nor is it sound planning. We cannot support the Application.	The Development Officer sent an email to acknowledge receipt of this comment. The total number of Variance being considered is 4 Variances, two for each of the proposed Lots. There is no minimum area requirement for Lot size. The R1 – Low Density Residential Zone does not prescribe or require a minimum or maximum density for an area. The permitted use of the R1 Zone include residential uses from Single Detached Dwelling and Detached Secondary Suites to Multi-Unit Dwellings which is defined as 3 or more suites, meaning that the built form of the R1 Zone can take many different forms with restriction from the Zoning By-law. Other City Policies and Regulations must be meet to ensure a development is feasible in the proposed location. The Development Officer only assess an application based on the immediate context, not the context of other areas of the City as there are different Zoning Regulations or Policy that apply to different parcels of land.
3.	Hello. I'm writing about the notice of application for a development permit on Bretzlaff Drive (lot 19 block 11 plan 2201). The scope of the proposed variances initially caught my attention, but I've also had a look at the design documents that accompanied the application. I live in the old town, but not immediately adjacent to the site of the development. My interest in this relates to the development application and approval process, which has wider implications that could affect development elsewhere in the city as well. Some very significant variances are requested, specifically:	The Development Officer sent an email to acknowledge receipt of this comment and the following response was provided by the Development Officer to the question asked: Thank you for reaching out with your questions regarding the process for considering Variances for PLDEV-2026-0090. This email serves to acknowledge the receipt of your comments which will be considered and included in the Planning Report

• A reduction of about 70% in the minimum front yard setback (from 6.0 m to 1.83 m) for lot A • A reduction of about 67% in the minimum rear yard setback (from 6.0 m to 2.0 m) for lot A • A reduction of about 12% in the width of lot A, from 15.0 m to 13.15 m (which is actually the length of street frontage, whereas the width measured at right angles to property lines is 12.86 m). • A reduction of about 75% in the rear yard setback (from 6.0 m to 1.5 m) for lot B • A reduction of about 12% in the side yard setback (from 2.0 m to 1.76 m) for lot B Residential building are a permitted use on this site. But how will it be determined whether or not these variances should be granted? Section 4.8 of the zoning bylaw gives the development officer some discretion to approve variances, subject to the considerations in section 4.9, including: • A site with irregular lot lines or a size and shape that presents challenges to development. This could easily apply to the side yard setback requested for lot B, since only a small part of the existing building (the west corner) infringes on the minimum setback, which increases to 3.79 m at the east corner. Moreover, this is an existing building. However this line of thought is much more tenuous for the proposed variances to front and rear yard setbacks on lot A, particularly for a new building. The proposed front yard setback increases from 1.83 m at the east corner to 3.2 m at the east corner, which is still much less than the required 6.0 m. The proposed variance to the rear yard setback is not a result of irregular property lines. Similarly this does not apply to the proposed variance for minimum width. • A site with physical limitations relating to terrain, topography or grade that may create difficulties in meeting zoning regulations. This does not apply to this site, which is relatively flat. • The site has natural features such as rock outcrops or vegetation that may create difficulties in meeting the zoning regulations, which does not apply to this site. • An error has occurred in the siting of a building during construction, which obviously doesn't relate to an unbuilt project. These are all well defined and objective criteria that have practical and measurable implications. It's difficult to imagine how any of these could apply to lot A. In that case, should major variances be granted solely on the basis that 'the proposed variance would not result in a development that will unduly interfere with the amenities of the neighbourhood, or materially interfere with the use, enjoyment or value of	which will be made publicly available upon issuance of a decision. Any identifying personal information will be removed for privacy. Please note that all the criteria for granting a Variance in Section 4.9 of the Zoning By-law No. 5045, as amended, is considered where applicable for each Variance. Additionally, some of the considerations for Variances are required by the Government of the Northwest Territories in the Community Planning and Development Act: Section 23 (1) that the development authority must be satisfied that the proposed development will not: (a) unduly interfere with the amenities of the neighbourhood; or (b) detract from the use, enjoyment or value of neighbouring parcels of land. Further to the items raised by the commenter, the Development Officer identifies the criteria that they use in the justification for granting or refusing a Variance based on a technical review of the application to determine which criteria will be considered from Section 4.9 and if the proposed Variance does or does not meet the criteria.
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neighbouring parcels of land.’ This is of course very subjective. Perhaps it could be used as a final screen to determine if a proposed variance resulting from the objective criteria might have negative consequences for the neighbourhood. However it could be seen as arbitrary or capricious if it the sole factor used to assess a proposed variance. Speaking as a property owner, I take some comfort in thinking that the zoning bylaw establishes clear criteria that will be used to guide development within the city, as they were applied to the development of my own property many years ago. Zoning bylaws involve extensive review and debate, while variances are subject to much less scrutiny. I strongly recommend that the rationale for variances be limited to the four objective criteria from section 4.9 outlined above, and that more significant changes should be part of a public discussion around the zoning bylaw.	
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Outlined in Section 5 of the Zoning By-law and sections 61 – 62 of the *Community Planning and Development Act*, the approval of an application for a Development Permit is subject to a 14- day appeal period, commencing on the date of the approval. Once the Development Permit decision has been issued, a Notice of Decision Sign will be posted at the Site, and Notice of Decision Letters circulated to landowners and lessees within 30m of the subject Site in accordance with Section 4.11. of the Zoning By-law. The City’s Active Application webpage will be updated with the Notice of Decision, Stamped Plans and Planning Report. If not appealed within this 14-day period, the development will be considered effective starting on the 15th day.

Conditions of Approval:

1. Approval of this Development Permit and Variances shall be contingent upon the approval of the proposed Lot Subdivision by the Government of the Northwest Territories. Should the Subdivision not be approved, or not be approved as outlined in the approved stamped plans, the Development Permit and Variances shall be void.
2. For proposed Lot A:
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3. For proposed Lot B:
 - a. Reduce the minimum Side Yard Setback from 2.00m to 1.76m.
 - b. Reduce the minimum Rear Yard Setback from 6.00m to 1.50m.
4. Following any approval of Lot Subdivision for the property, the applicant shall provide an Official Survey Plan or Real Property Report prior to occupancy to the Development Officer for review to ensure compliance with Development Permit approval and the Zoning By-law.
5. 100% of the Front Yard shall be landscaped with the exception of areas used for Parking as per Section 7.5.3 of the Zoning By-law No.5045, as amended.

6. The Factory-Built Dwelling shall be skirted from the base of the unit to the ground with a material similar to the siding and Painted Plywood shall not be permitted as skirting as per Section 8.2.4 of the Zoning By-law No.5045, as amended.
7. The development shall comply with the Approved Stamped Plans for PLDEV-2026-0090 and with all By-laws and policies in effect for the City of Yellowknife.

Conclusion:

The Development Officer recommends approval of Development Permit Application PLDEV-2026-0090 for with the above mentioned conditions as the proposed development conforms to Community Plan By-law No. 5007, as amended and complies with all applicable regulations of Zoning By-law No. 5045, as amended.

Reviewed [and Approved] by:



Eli Smith
Planner I, Planning and Environment



Date

Concurrence by:



Tatsuyuki Setta, RPP, MCIP, AICP
Manager, Planning and Environment



Date

References:

Approved Drawings PLDEV-2026-0090, DM# 832869.