

Property Information/Details

Location Description	Lot 32 Block 71 Plan 4457
City of Yellowknife Community Plan No. 5007, as amended.	Section 4.1.2 Central Residential
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 7.13 Specific Use Regulations Applicable to All Zones Section 8.2 Specific Use Regulations Applicable to Residential Zones Section 10.3 RC 1 – Residential Central 1 Zone
Civic Address:	4236B 49A Avenue
Existing and New Access:	49A Avenue
Municipal Services:	Piped water and sewage services; Municipal garbage pickup

Recommendation:

The Development Officer recommends refusal of Development Permit application PLDEV-2026-0217 to develop an Accessory Building and a Deck with Variances to the Front, Side and Rear Yard Setbacks for the following reasons:

1. Non-compliance of the Proposed Accessory Building with Section 7.13.1.c of the Zoning By-law No. 5045, as amended, prohibiting Accessory Buildings from being located in the required Front Yard of a Lot.
2. Approval of the Side and Rear Yard Variances would materially interfere with or affect the use of neighbouring parcels of land as described in Section 4.9 of the Zoning By-law No. 5045, as amended.

Proposal:

The applicant has applied for a Development Permit and Variances to add an Accessory Building in the Front Yard Setback and a new Deck in the Rear and Side Yard Setbacks to the existing structure located at 4236B 49A Avenue. The current use of the Lot is a Duplex Dwelling which is a permitted use in the RC-1 – Residential Central 1 Zone according to Zoning By-law No. 5045, as amended.

Background:

GENERAL STATEMENT

On July 31, 2026, Alexander Power, the applicant, submitted an application for an Accessory Building to be located in the required Front Yard Setback of the property and the Development Officer processed the application for review for consideration of a Variance and other Zoning By-law Regulations. The Applicant also separately applied for a Development Permit for a Deck that required Variances. As a result, the applications were combined for one review of all requested Variances and other Zoning By-law reviews.

The principal building is one side of a Duplex Dwelling on a residential corner Lot. The proposed Accessory Building and Deck are located on an interior lot with adjacent developments consisting of Single Detached Dwellings and Factory Built Dwellings located to Side and Rear of the subject Lot, with a Multi-Unit Dwelling and Commercial Building across Niven Drive.

Assessment of the Application:

JUSTIFICATION

An Accessory Building and Deck are permitted uses in the RC-1 Zone. A Development Permit is required for any Development that is accompanied by a Variance, as per sections 4.2 and 4.8 of the Zoning By-law No. 5045, as amended, authorized under section 23. (1) of the *Community Planning and Development Act*. Section 4.8 of the Zoning By-law allows the development Officer to consider and decide on Variances related to Front, Side and Rear Yard Setbacks.

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 4.1.2 Central Residential

The Plan identifies the Central Residential Land Use Designation as primarily consisting of low-rise residential development intermixed with high-density apartments and buildings with small-scale offices and/or retail spaces. The area is mostly low density residential but due to its proximity to walkable amenities and grid pattern of streets, it is suitable for transition to higher density residential and multi-use development through infill.

Upon review of the proposed Development against the Objectives and Policies for the Central Residential Land Use Designation, there are none that encourage or discourage the proposed Accessory Building and Deck. The policy itself does not provide clear direction about whether the proposed Development should be approved or rejected based on the Community Plan

Zoning

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

The proposed Accessory Building does not comply with the Zoning By-law No. 5045, as amended in regards to the regulations around Accessory Buildings in the required Front Yard Setback of properties. The proposed Deck requires Variances to the Side and Rear Yard Setbacks. However, the Variances are not supported by the criteria for granting a Variance in Section 4.9. A detailed analysis is provided below.

RC-1 – Residential Central 1 Zone (Section 10.3):

The proposed Accessory Building and Deck are permitted uses in the RC-1 – Residential Central 1 Zone. The proposed development complies with the regulations of the RC-1 Zone with a total lot coverage of

50.8%, and the existing Duplex Dwelling Unit is a legal non-conforming structure as regulated by Section 26, 27, 28, and 29 of the *Community Planning and Development Act*.

The Duplex Dwelling was previously approved under Development Permit #12-10070 under a previous Zoning By-law. This was prior to the subdivision of the Lot and the approved stamped plans for the permit show that the Front Yard Setback for the Duplex Dwelling was measured from Niven Drive and not 49A Avenue. The property was then subdivided to stratify the Duplex Dwelling so each dwelling was on a distinct Lot, which resulted in the interior Lot having a new front of the Lot defined by the Zoning By-law No. 5045, as amended, as being the side of the property along 49A Avenue. As a result, the required Setbacks are measured accordingly under Zoning By-law No. 5045, as amended, which the existing building does not meet. The application does not propose any structural changes to the principal structure that is the legal non-conforming building, and therefore not required to meet the applicable regulations of Zoning By-law No. 5045, as amended, as described in the Act. However, the proposed Accessory Building and Deck must comply with the applicable regulations, requiring Variances to be accommodated on the Lot. The applicant stated that the Deck will not be tied into the existing Duplex Dwelling.

Specific Use Regulations Applicable to All Zones (Section 7.13)

Section 7.13.1 describes the regulations applicable to Accessory Buildings across all Zones. Section 7.13.1.c states that “no Accessory Building or any portion thereof shall be constructed or placed within the Front Yard of any Site”. The proposal requires a Variance to the Front Yard Setback to accommodate the Accessory Building in the Front Yard of the Site. The proposed Accessory Building is intended for Use as a storage shed, and only detached garages or detached secondary suites can be considered to be placed in the Front Yard with the approval of the Development Officer under Section 7.13.1.d. Regardless of the ability to vary the Front Yard Setback, section 7.13.1.c. prohibits Accessory Buildings in the Front Yard and as a result must be refused as directed by the Zoning By-law No. 5045, as amended.

Variance to Front Yard Setback (Section 4.8 and 4.9)

Section 4.8 allows the Development Officer to make decisions on Variances relating to the Front Yard Setback. The decision is made based on the criteria provided for in Section 4.9. The application requests a Variance to reduce the Front Yard Setback from 6.00m to 3.40m. The Variance cannot be granted due to the restriction of Section 7.13.1.c. as granting the Variance would be approving an Accessory Building for Storage in the Front Yard of the property. In addition to this, the criteria of Section 4.9 is considered in the decision. The criteria that is applicable to review of the requested Variance is if the proposed Variance would unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the Use, enjoyment or value of neighbouring parcels of land.

The purpose of the Variance is to allow for an Accessory Building for use as a Storage Shed to be located in the Front Yard of the Property, which is not permitted under Section 7.13.1.c. This therefore requires that the Variance cannot be approved due to non-compliance with other regulations that cannot be varied to allow the proposed development. Additionally, other criteria that is considered is potential physical limitations and terrain of the Lot. The Accessory Building could be accommodated in a different location on the site with running into limitations due to grade or terrain meaning that other options to avoid a

Variance and have the Accessory Building other than Front Yard have not been exhausted. Without a presentation of strong justification, the Variance cannot be granted for a reduction to the Front Yard Setback as proposed.

Variance to Side Yard Setback (Section 4.8 and 4.9)

The applicant is requesting a Variance to reduce the Side Yard Setback from 1.50m to 0.10m to allow for construction of a Deck. Both the Act and Zoning By-law require that a proposed Variance must not result in a development that will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the Use, enjoyment or value of neighbouring parcels of land. It is the opinion of the Development Officer that granting a Variance to reduce the Side Yard Setback would interfere with the Use and value of neighbouring parcels of land. The reason is the following.

By allowing a structure to be developed so close to the property, there is clear impacts to the ability of neighbouring properties to develop the land to Use as they so choose. Separation requirements between buildings could be required in the case of redevelopment in the adjacent property. An appropriate separation is usually accommodated through setbacks between lots as well as utilizing portions of the adjacent Lot for Parking or Landscaping, but this development scenario, could be limited if the Variance is approved. The limiting of the development rights of a property can have an impact on the value of a property as the City encourages redevelopment, it would limit potential interest in development due to potential limitations by a structure being located so close to a legal property line.

Variance to Rear Yard Setback (Section 4.8 and 4.9)

The application also requests a Variance to reduce the Rear Yard Setback from 6.00m to 0.10m to allow for the construction of the Deck. The Zoning By-law directs that a proposed Variance cannot result in Development that will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the Use, enjoyment or value of neighbouring parcels of land. It is the opinion of the Development Officer that the proposed development falls under this criteria and that approval of the request Variance would materially interfere with the Use or value of properties neighbouring the subject Lot. The interference to the Use comes from the restrictions to Development of adjacent Lots that could result from the approval of the Variance, by requiring greater separation distance between structures on different lots or prohibit redevelopment of an adjacent property. The ability to redevelop or make renovations to a property is a clear impact to the value of a property. Therefore, allowing the deck to be located so close, could potentially reduce the ability of the adjacent property owners to develop and affect the enjoyment of the property through reduced privacy. These considerations of the impact to neighbouring properties has led to the conclusion that the Variance request to the Rear Yard Setback should not be granted.

Similar to the Variance request to the Side Yard Setback the Lot's grade slopes higher towards the rear of the lot with Single Detached Dwellings on adjacent lots being located higher than the Deck. The Deck is proposed to be constructed on top of this grade, with no changes proposed to better accommodate the development and subsequently resulting in a Variance. However, unlike the Side Yard Variance, a portion of the rear side of the deck is further setback from the property line to better accommodate an existing

rock outcropping, but a majority of the deck remains only setback 0.10m, for the purpose of connecting to a rear door of the existing Duplex Dwelling. Will this criteria lends some support for approval of the requested Variance, but is outweighed the potential impact to neighbouring lands.

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 shall 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):

Access to the Lot is taken from 49A Avenue with no changes to access being proposed as a part of this application. The proposed driveway access satisfies the requirement for safe and efficient movement of vehicles in the opinion of the Development Officer, as vehicle movement is preserved. As required in Section 7.4.1.a, driveways and on-site parking shall have positive surface drainage to the roadway and the grade of the driveway shall not exceed 8%. No concerns were raised by Public Works and Engineering regarding access or drainage.

Landscaping (Section 7.5):

Landscaping regulations for the RC-1 Zone are described in Table 7-1. For the RC-1 Zone, a minimum of 100% of the Residual Area must be landscaped. Retaining natural features on site is encouraged. The Residual Area is all of a Lot that is not covered by structures, parking, loading and access or egress to roadways.

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. Duplex Dwellings are required to have a minimum of one parking space per dwelling unit. As a result, the minimum required parking is one 'type B' parking space, which is accommodate through the existing driveway.

There is no minimum bicycle parking spaces are required for the proposed development.

Specific Use Regulations Applicable to Residential Zones (Section 8.2)

All applicable regulations under section 8.2 are met by the proposed Development.

Servicing

The proposed development will be serviced by piped 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 August 24, 2026. Comments were reviewed and considered, and are summarized in the table below:

No.	City Department	Comments	Consideration
1.	Public Works & Engineering	No concerns.	None Required.
2.	Lands and Building Services	No comments.	None Required.
3.	Fire Services	No concerns.	None Required.
4.	Protective Services	15 days have passed since the application was referred to Protective Services for review and no response was received. The Development Officer has chosen to move forward without receiving comments.	None 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 August 24, 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 Sign was placed on Site on August 24, 2026, facing 49A Avenue, 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.	Public Commenter: I have the following comments and concerns about the attached notice I received: Would this variance, allowing my neighbour to place a deck essentially on the lot line, impact my future ability to develop my property? Specifically, would it affect my ability to build to the full width of my property while maintaining the setbacks permitted under the zoning bylaw?	The Development Officer provided confirmation of receipt of the questions and comments, and responded to the questions as shown. If approved, the proposal does not permit the applicant to place a deck directly on the Lot line, the Variance considered is for a 0.10m to the Side and Rear Lot Lines.

Would the presence of this deck create any additional setback, building separation, or other requirements for a future housing development on my property? Essentially, would granting this variance today limit my ability to fully develop my lot in the future? Has a surveyor been out to confirm and mark the actual lot line and verify that the deck is not already encroaching onto my property? This is inclusive of a newly constructed retaining wall right on the property line. If construction of the deck has already started, what are the consequences of beginning construction before the required permit or variance was granted? If so, why was construction permitted to begin before the variance/permit was approved? Was any stop-work order or other enforcement action considered or issued while the variance was outstanding? Please confirm receipt of these questions and concerns. Response from Development Officer: Thank you for your patience while I gathered the answers to your questions. The proposal does not permit the applicant to place a deck directly on the Lot line, the Variance considered is for a 0.10m to the Side and Rear Lot Lines. As the proposed Development and Variances are still under review, potential impacts to adjacent properties are still being considered. Please note that Variances are considered according to the criteria outlined in Section 4.9 of the Zoning By-law No. 5045, as amended, specifically sections 4.9.1.a.i and ii. The Zoning By-law does not have any provision regarding separation distances between structures on adjacent properties except for setbacks. Other applicable regulations considered by other agencies may have specific requirements but are not with the ability of the Development Officer to consider. Any future	No additional requirements under the current Zoning By-law No. 5045, as amended would be applicable if the application is approved. The Development Officer only considers applicable Development Regulations and input of subject matter experts and any new development on adjacent properties would be subject to the same review. Any concerns regarding encroachment between private properties must be dealt with between individual private property owners. Construction of the deck was not permitted to start prior to obtaining an effective development permit. The Development Officer was made aware of the initial construction and no further construction has been undertaken since. Any matters of enforcement are addressed privately between the applicant and the City. The comment's provided by the neighbours show additional concern that there is a granting this Variance could have a negative impact in the ability to the Use and Development of adjacent properties. As previously noted, it is the opinion of the Development Officer that granting the Variances for the Deck would materially impact the Use, enjoyment or value of neighbouring properties and the Development Permit is refused.
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	development proposed shall be considered against the Zoning By-law upon receipt of an application. An Official Survey Plan or a Real Property Report is not required as a part of application submission, but is required subsequent to completion to ensure regulatory compliance. The Deck and Accessory Building are required to be constructed as described in the approved stamped plans that are a part of the decision package and made publicly available upon issuance of a decision. Any non-compliant construction is subject to enforcement. Construction of the deck was not permitted to start prior to obtaining an effective development permit. I was made aware of the initial construction prior to your email and no further construction has been undertaken since. Any matters of enforcement are addressed privately between the applicant and the City. Upon reviewing this information, if you have any additional questions, I am happy to provide additional information. If you feel you would like to provide a comment in response to these answers, you are also free to do so. Please be advised that your previous and subsequent questions as well as your comments will be included in the Planning Report along with my responses as the Development Officer, with any personally identifying information redacted. If you have any additional procedural questions, please let me know. Response from Public Commenter: My only remaining comment is that I am not opposed to the Variance as long as it has no impact on my future development on my property which is adjacent. If there will be an impact either through zoning or building code then I think the setbacks should remain. Thanks.	
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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 refusal of an application for a Development Permit is subject to a 14- day appeal period, commencing on the date of the refusal. 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 refused starting on the 15th day.

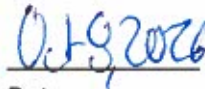
Conclusion:

The Development Officer recommends refusal of Development Permit Application PLDEV-2026-0217 because the proposed development does not conform to regulations of Section 7.13.1.c of the Zoning By-law No. 5045, as amended by proposing an Accessory Building in the Front Yard and that granting the Side and Rear Yard Variances would materially interfere with or affect the Use and value of the neighbouring parcels as described in Section 4.9 of the Zoning By-law No. 5045, as amended.

Reviewed [and Refused] by:



Eli Smith
Planner I, Planning and Environment



Date

Concurrence by:



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



Date

References:

Refused Drawings PLDEV-2026-0217, DM# 838682.