

DEVELOPMENT APPEAL BOARD AGENDA

200-D1-H2-24

Monday, July 15, 2024 at 7:00 p.m. City Hall, Council Chamber

<u>Item No.</u>	<u>Page No.</u>	<u>Description</u>
-----------------	-----------------	--------------------

- | | | |
|-----|--|--|
| 1. | | Introduction of the Board. |
| 2. | | Opening Remarks from the Chair. |
| 3. | | Preliminary Matters: (if required) |
| 4. | | Presentation from the Appellant. |
| 5. | | Presentation from representatives of the City of Yellowknife, regarding the issuance of Development Permit No 2024-0004. |
| 6. | | Presentation from the Developer. |
| 7. | | Presentations from persons referred to in subsection 66(2) of the <i>Community Planning and Development Act</i> . |
| 8. | | Presentation from any other persons the Boards considers necessary. |
| 9. | | Summation and closing remarks from the representative for the Appellants. |
| 10. | | Summation and closing remarks from the representatives for the City of Yellowknife. |
| 11. | | Summation and closing remarks from the representatives for the Developer. |
| 12. | | Summation and closing remarks from any other presenter. |
| 13. | | Close of hearing. |

Background Documentation

ANNEX A

- | | | |
|-----|---|--|
| 14. | 3 | Letter from John Guy and Catherine Seale to the Secretary of the Development Appeal Board serving Notice of Appeal – written submission. |
|-----|---|--|

ANNEX B

- | | | |
|-----|----|--|
| 15. | 59 | Written submission from the City of Yellowknife. |
|-----|----|--|

DEVELOPMENT APPEAL BOARD AGENDA

200-D1-H2-24

Page 2

ANNEX C

16. 106 Written submissions from the Developer, Nunik Care Services Ltd.

ANNEX D

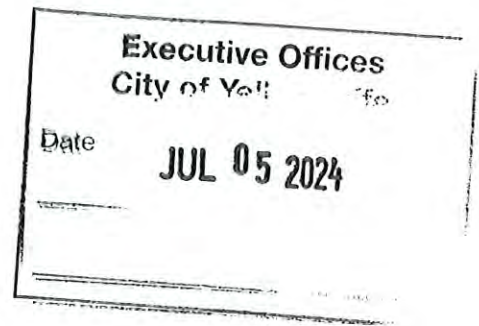
17. 110 Letter from the Secretary of the Development Appeal Board to the Appellant, John Guy and Catherine Seale, with respect to the scheduling of a hearing on July 15, 2024.

ANNEX E

18. 112 Letter from the Secretary of the Development Appeal Board to the Developer, Nunik Care Services Ltd, with respect to the scheduling of a hearing on July 15, 2004.

July 5, 2024

Development Appeal Board
c/o City Clerk's Office City of Yellowknife
4807 – 52 Street, (City Hall) P.O. Box 580
Yellowknife, NT X1A 2N4



By Hand

**Subject: Written Submission – Appeal Hearing Development Decision PL-2024-0004
(56 Rycon Drive)**

Background and General Comments Related to this Appeal

The following bullets set out background and our understanding of the proposed project;

- 56 Rycon Drive is a single story 1, 341 square foot bungalow built in the 1970's with an additional 1,341 of finished basement space. The house has 4 bedrooms (2 on main floor and 2 in the basement) and has 3 bathrooms (2 full and 1 partial). The house was cosmetically renovated by previous owners who moved partitions and updated finishes and fixtures. The mechanical, electrical and ventilation systems are largely unchanged and date back to the time of construction in the 1970. The windows and exterior siding were also recently replaced by the previous owners.
- The proponent has proposed a new development for a special care facility. The special care facility will accommodate two adult staff (in shifts) around the clock and 8 young adults and children between the ages of 5 and 19 who will be receiving special care. There will be 10 persons present in the building at most times.
- The proponent is a commercial operation and intends to operate this special care facility as a commercial venture for profit. The proponent has indicated that it will house children and young adults who will require "special care" for "disruptive behaviour patterns, elopement issues, traumatic experiences," street life entrenchment, "mental health concerns" and "alcohol and anger management problems".

We understand that the new zoning bylaw was designed to provide flexibility in residential uses. We also understand that the building code was previously updated to relax some of the requirements for “special care residences” to make some requirements less institutional and more residential in nature. However we note that the code changes did not relax essential life safety, spatial requirements (hallway, door widths etc.) and barrier-free requirements. These changes were also not intended to create loopholes for new developments to be approved by municipalities that do not meet these basic life safety requirements.

In his correspondence (Attachment No. 1) Mr. Andrew Treger, City Planner stated:

“The definitions of the Zoning By-law were created to provide clarity, consistency, and regulatory control over land uses. Some definitions are designed to allow for some degree of flexibility to accommodate the diverse needs of residents. Based on the first sentence of the definition for ‘Special Care Residences,’ the emphasis on support, supervision, and treatment indicates that the type of care being provided by can be broad. Based on this, specialist care could potentially include, but may not be limited to, such things as residential support, nursing care, palliative care, assisted living services, etc. The proposed programming helps to determine how a Special Care Residence may align with the definition set out in the Zoning By-law.”

In our view, the bylaw does not contemplate the type of care that is proposed in this development and based on the scope provided by the proponent, it is at the extreme end of the scale. In reviewing the application, the City has failed to address the fundamental construction and infrastructure requirements that are needed in a special care residence with high level of care requirements. It seems that the bylaw and City regulations are underdeveloped and have not thoroughly considered what is appropriate for a safe “special care residence.” This development should be deferred until the essential revisions to the bylaws and standards have been completed.

- Although this is a new development, the proponent is proposing that the existing house be repurposed (without upgrades) as a special care facility. City staff have agreed and believe that there are no requirements to upgrade the premises to the usually required National Building code requirements of a “special care residence”. The City’s rationale appears to be that although this is a “new development” requiring a development permit, there is no requirement to upgrade the existing structure to meet the standards that a newly constructed building would be expected to meet. A new build would normally be required to meet the “special care residence” requirements of the National Building Code (NBC). The City’s decision will likely

result in a building used for “special care” that does not meet the ventilation, electrical and mechanical code requirements, spatial requirements (hallway widths, room sizes etc.), fire protection requirements, non-combustible requirements and barrier free requirements prescribed in the various building and codes that are in force in Canada and the NWT. In the information that we were provided, we also did not see any indication that the existing building was reviewed or assessed by an architect registered in the NWT to determine if it was compliant with the requirements for a “special care residence.”

- The CMHC National Occupancy Standard (copy attached) was created by the federal, provincial, and territorial governments. It provides a common reference point for “suitable” housing, which is how many people a given dwelling unit might accommodate given the number of bedrooms. In the Drawings (see attached Development Approval Report Pages 2 & 3) approved by the City of Yellowknife, the bedrooms are small, overcrowded, some are below grade with small windows, and it is obvious that the bedroom occupancies that the City has approved far exceed what is considered by federal, provincial, and territorial governments as “suitable” housing. This also does not take into consideration the special residency requirements that may be associated with the vulnerable population that form the clientele for this commercial venture.
- We have also contacted the Territorial Government to seek clarity on how “special care residences are regulated and licenced in the NWT. We have also asked what the GNWT construction and occupancy requirements are for commercial for profit residential special care homes that are being established to operate in the NWT. The GNWT is working on a response, and it has not been provided at this time for consideration in this document.
- There are a number of technical and procedural errors in the Development Approval Report and the Variance Approval Process. These are detailed below and include;
 - Mathematical and measuring errors that render it impossible to determine the true location of the building on the lot. Therefore it is impossible to determine with any precision or accuracy if there is a need for a variance or if the variance granted is correct. In his correspondence dated June 6, Mr. Treger stated in response to the question “Is there a current legal survey for the property that shows the siting of the building on the lot?” that “I did not find record of a survey for the property that showed the siting of the garage addition on the lot.”

Without a legal survey of the as-built location of the building on the lot to confirm the true location of the building in question, it is difficult to understand how a setback variance can be granted.

- Errors in landscaping requirements and existing information on the approved site plan.
- Errors in calculating the parking requirements.
- Failure to ensure that the approved parking meets the spirit and intent of the bylaw parking requirements.
- Procedural errors in the execution of the variance information
 - Providing incorrect information on important aspects of the variance decision on the publicly posted notice.
 - Providing illegible information on the important aspects of the variance decision on the publicly posted notice board.
 - Failure to maintain the public notice board for the legally required period of time required under the bylaw.
- We note also that we were unable to confirm from the information that the City provide whether that the drawings and designs that formed part of the formal submission and decision were prepared by engineers and/or architects and question whether they can be relied upon unless they are professionally prepared and sealed by NWT registered practitioners.

Details related to Grounds and Reasons,

Note: Information referenced below comes from the following sources:

- The City of Yellowknife Approved Development Report
- The City of Yellowknife Public Information “Explorer: Website
- Photographs and Field Measurements taken by the Authors of this document
- Other Sources and noted
- We do not have access to color printing or large format printers. We are only able to reproduce City provided information at 8x11 size,

As noted earlier, we are appealing on the basis of misapplications of the zoning bylaw. There are at least three instances where we believe the bylaw was misapplied. These are detailed below.

Instance Number 1: “misapplication of zoning bylaw in the approval of the application”

We believe that the Bylaw 5045 was not properly applied in the application of the front yard setback requirement and granting of the front yard setback variance. It appears that there are numerical errors in the application drawings that raise doubt that the variance calculation could be completed in a manner that would

- a) satisfy the bylaw requirements, and
- b) result in a decision that reflects the built environment of the proposed site.

Observations:

1. The City stamped drawing supporting the decision indicates that the existing front yard setback is 5.79 m. Using the dimensions provided elsewhere on the same drawing the front yard setback is calculated at 4.73 m. It is uncertain from the stamped drawing what the correct setback is, so it is impossible to apply Bylaw 5045 in any meaningful way. (See Attachment No 2. for details)
2. Field measurements taken of the as-built garage show completely different results. Measurements were taken from the front of the garage in three different locations (north, centre and south faces) to the rear face of the sidewalk. Using the property survey corner pin location, it was determined that the sidewalk is offset 0.7 m into the road allowance. The as-built setback was measured to be between 7.66 m and 7.22 m from the sidewalk. Even accounting for variations in the sidewalk offset, the field measurement appears to have a 1.2 m deviation from the numbers indicated on the stamped drawings supporting the application. Given the apparent discrepancy between the as-built environment and the proponent's drawings, it is not possible to apply Bylaw 4045 in granting a variance on front yard setback. (See attachment No. 3 for Details).
3. Visual observations. The legal survey for 56 Rycon Drive indicates that 56 Rycon is setback 6.0m. Even accounting for changes in the roadway and property line alignments, visually the garage face of 56 Rycon appears further back from the property line than the building at 56 Rycon. This suggests that the as-built setback could be more than the 5.79 m indicated on the application. (See Attachment No. # and Attachment No. 4 legal survey 58 Rycon).
4. We were unable to confirm from the information that the City provided in the Development Approval Report whether that the drawings and designs that formed part of the formal submission and decision were prepared by engineers and/or

architects and question whether they can be relied upon unless they are professionally prepared and sealed by NWT registered practitioners.

Conclusion: Given the apparent inaccuracies in the proponent's drawing, the uncertainty about the actual location of the building on the property, and City Staff confirmation that there is no current legal survey in the application and decision report and in the City files, we believe the zoning bylaw was misapplied in the approval of this application to grant a variance. On this basis we believe the decision should be reversed.

Instance Number 2: "misapplication of zoning bylaw in the approval of the application"

We believe that Bylaw 5045 was misapplied in the calculation and determination of the size and number of parking spaces on the approved site plan that was attached to the decision.

Observations:

1. The existing building has a garage. The parking space in the garage was not included in the calculations of the number of required additional spaces.
2. The plan view drawings attached to the application do not show the existing garage space and do not reflect what the proponents intended to use it for. If the garage will not be used for parking, as designed, what is the intended use? The change in use was approved by the Development Officer based on incomplete and missing information on the intended use of existing constructed space. Therefore, the approval was made in error and should be reversed.
3. The stamped drawings show the existing driveway at 5.7 m wide. The planning report indicated that there was only one existing driveway space. Under the City's design standards, a parking space is 2.6 m wide. The existing driveway is already wide enough to accommodate two parking spaces. This was not calculated or discussed in the section of the Planning Report dealing with parking plan approval. Also, the unnecessary additional parking space approved on the drawings is shown at 2.74 m, which exceeds the City allowable width of 2.6 m (See attachment no. 5).
4. The Bicycle Parking (Motorcycle Parking?) is indicated on the drawing (see attached Attachment No. 5, copied from Development Approval Report) using motorcycles. Is it the City's intent to allow this space to be used for motorcycles as well? Together, the proposed new walkway, the bicycle spaces, the new parking space, and the garage will provide sufficient paved parking space for 5 cars (See Attachment No. 5).

5. The Planning Report does not indicate that how the City plans to ensure that the bicycle parking will only be used for bicycles. Bylaw 5045 and the City's planning process have provisions to require passive physical barriers (bollards, curbing, planting, etc) to ensure that protected spaces such as bicycle parking and walkways are preserved and used in compliance with the approved plan. No such measures are in place for the proposed development at 56 Rycon, and we submit that the site plan does not meet the intent and requirements of Bylaw 5045.

We have previously observed that the City often does not enforce site plans after the fact, and are therefore concerned that the spaces set aside for bicycles will be used, improperly, for motor vehicle parking (See attachment No 5.).

Instance Number 3: "misapplication of zoning bylaw in the approval of the application"

Bylaw 5045 requires posting and maintaining the notice of decision. We believe that the City of Yellowknife misapplied the bylaw by failing to ensure that the public posting was

- legible and accurate in communicating the decision, and
- maintained and available to be publicly viewed for the duration of the required notice period.

Observations:

1. The notice board that was posted onsite at 56 Rycon indicated that the decision was to increase the sideyard setback to 8.86 m when in fact the decision was to reduce the setback to 0.86 m. This failed to meet the purpose and intent of using a public posting to accurately communicate a decision to residents and stakeholders. (See attached Photographs 1 through 6).
2. The drawing of the approved site plan on the notice board was too small, important numbers were blurred, and it was not possible to review the subject setbacks that formed the decision. This matter was compounded by the fact that the approved drawings and Planning Report were not available for stakeholders to review on the Planning and Development Department's section of the City's website.
3. The notice board is no longer erected and is not accessible and viewable. The proponent and City failed to keep the public notice board in an accurate and easily visible condition. We noted on Saturday, June 15 that the notice had fallen down (it

was windy in the preceding days), meaning that the public posting was not in place for at a minimum of four of the required days stipulated in Bylaw 5045 with respect to notice of decision and planning decision requirements.

4. Photographs of the sign board, the errors in the posting and the illegible signage are attached (See photos 1 through 6.). We do not have access to a high resolution printer or large scale printer. We can make digital copies of photographs available if required or requested.

Additional Comments:

Errors on the Approved City Stamped Drawing

In addition to the errors noted elsewhere in this letter, the approved stamped drawing shows two existing fences that do not in fact exist onsite (See attachment No. 6).

The approved stamped drawing shows an existing fence along the north property boundary of 56 Rycon Drive (i.e. between 56 Rycon Drive and 54 Rycon Drive) extending to the front property line. There has been no fence in this location for at least the last 20 years.

Similarly, the approved stamped drawing shows an existing fence shown along the frontage of the property. This fencing was removed by the previous owners last year.

The approved site plan requires that these fences be maintained, to remain in compliance with the approval decision. Since neither fence exists, it is unclear how the City will determine if the proponent is in compliance.

These errors further bring into doubt the accuracy of the information presented on the proponent's drawings and the validity of the approved stamped drawings. (See Various attachments No 1 through 6 and attached Development Approval Report.)

Special Care Residence

The Variance Request Application was not shared during the consultation process. We only received this application attached to the Planning Report on June 17, 2024, when we requested a copy of the Planning Report.

The proponent's application indicates that they will be housing residents between 5 years and 19 years of age with disruptive behavior issues, elopement (wandering) issues, drug and alcohol addiction issues, behavioral issues and respite care.

Bylaw 5045 does not define "special care residence" and does not define the types of "special care" that are permitted. The type of care proposed by the proponent is beyond what

would normally be permitted in a residential class building designed for single family occupancy. The home at 56 Rycon is not constructed to the elevated standards for security, fire protection, barrier-free access, mechanical systems and electrical systems that would be required for special care in a non-residential building.

Since “special care residence” is not properly defined it is not possible to determine that this proposed development complies. Decision PL-2024-004 should be reversed until such time as the necessary revisions to Bylaw 5045 have been made.

The planning report details that the City has approved a “special care facility” that allows children to be housed in bedrooms in bunk beds with 4 children per room. This would result in little as 40 square feet per child.

The CMHC National Housing Standard (see attached) for “Suitable housing” under normal residency conditions limits bedroom occupancy to “a maximum of two beds per room.” A building being used for special care could reasonably be expected to meet, if not exceed, the standard for normal residency conditions, whereas the proposed development may be providing living space that does not meet the standard. By approving this plan and the proposed room uses in the stamped drawing attached to the Planning Report, the City has approved a development which creates unsuitable housing.

Public consultation

It is unfortunate that the City has not been more accurate and forthcoming with information during this development approval process. Had the proponent’s application and the Planning Report been actively shared and publicly posted online, many of these issues could have been considered and addressed at an earlier stage in the approval process.

Closing comments:

While we recognize the need for special care facilities for children and young adults, it is important that residents of such facilities are housed in appropriate, safe, and properly constructed facilities, and that all authorities with jurisdiction are included in the development approval process. This will help ensure safety, well-being, and healthy outcomes for these youth.

Indication of relief sought:

1. Based on any or all of the above instances of misapplication of Bylaw 5045, we are asking to have the decision PL 2024-0004 (56 Rycon Drive) reversed.

2. Bylaw 5045 should be revised to clarify the definition of “special care residence” and describe the types and levels of care permitted in a “special care residence.”
3. The City of Yellowknife standard should be updated to define the occupancy standards, building requirements (construction standards, electrical, mechanical, and ventilation requirements, and barrier-free requirements) for special care facilities for the associated types and levels of care.
4. This project should be deferred until such time as City bylaws and standards, and territorial government standards and requirements are updated to include:
 - a. a proper definition of a “special care residence” including the scope and limitations on types of care,
 - b. Care-specific Building code and occupancy requirements including life safety and fire protection requirements, barrier-free requirements, room sizing associated with the various types of care, heating ventilation and cooling requirements and any other relevant requirements prescribed by the various authorities having jurisdiction over “special residential care” of vulnerable populations.

J. Guy/C. Seale

ATTACHMENTS

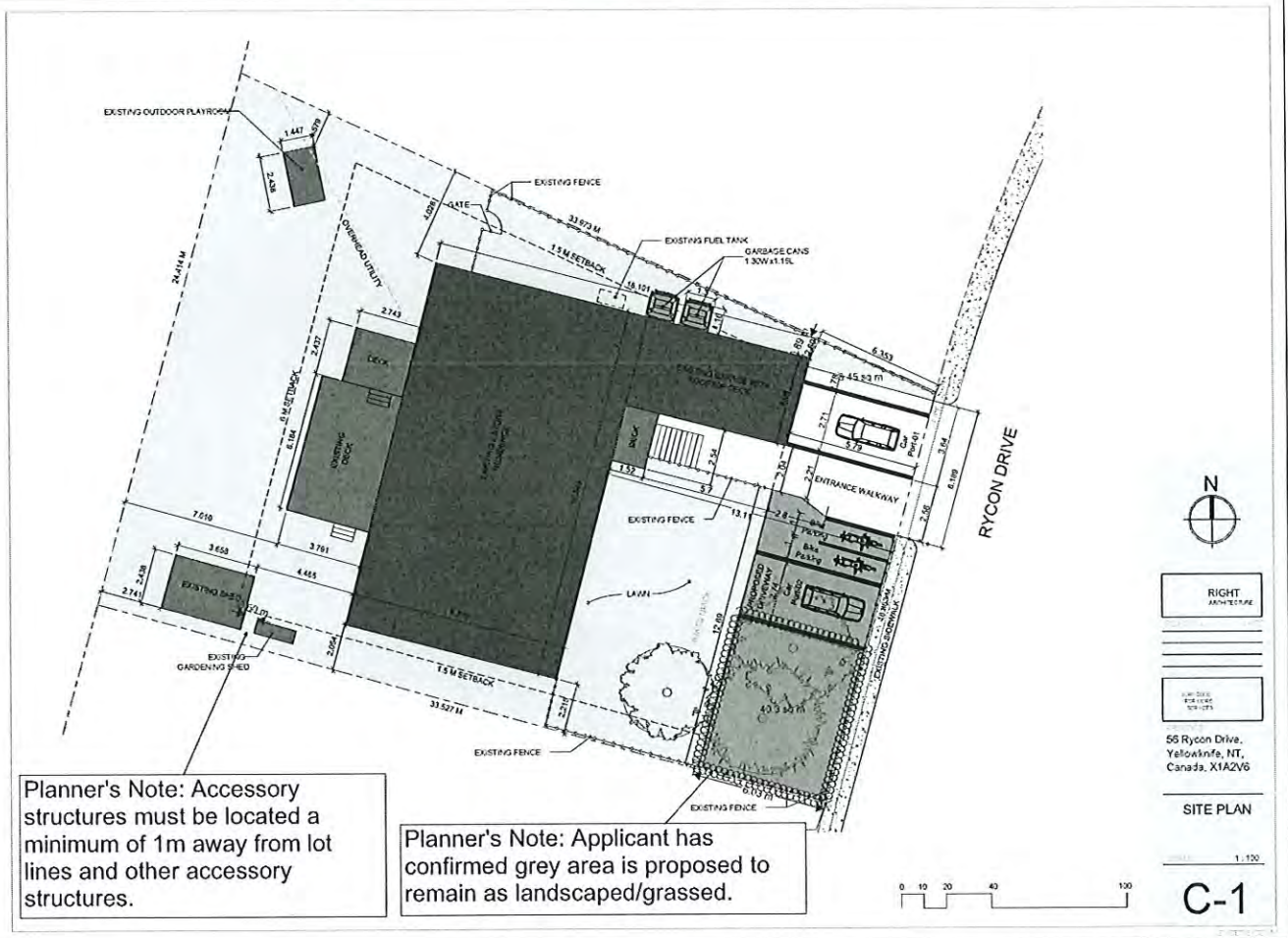
- City of Yellowknife Development Approval Report
- Correspondence
- Plans, Drawings, Sketches
- Photographs
- Standards, Codes

CITY OF YELLOWKNIFE DEVELOPMENT APPROVAL REPORT

Planner's Note: Bicycle parking must meet the requirements of section 7.8.13.d).

Planner's Note: Any part of a Lot which is not occupied by existing natural areas must be maintained as landscaped area per the Zoning By-law. Required landscaping must be maintained for the lifetime of the development.

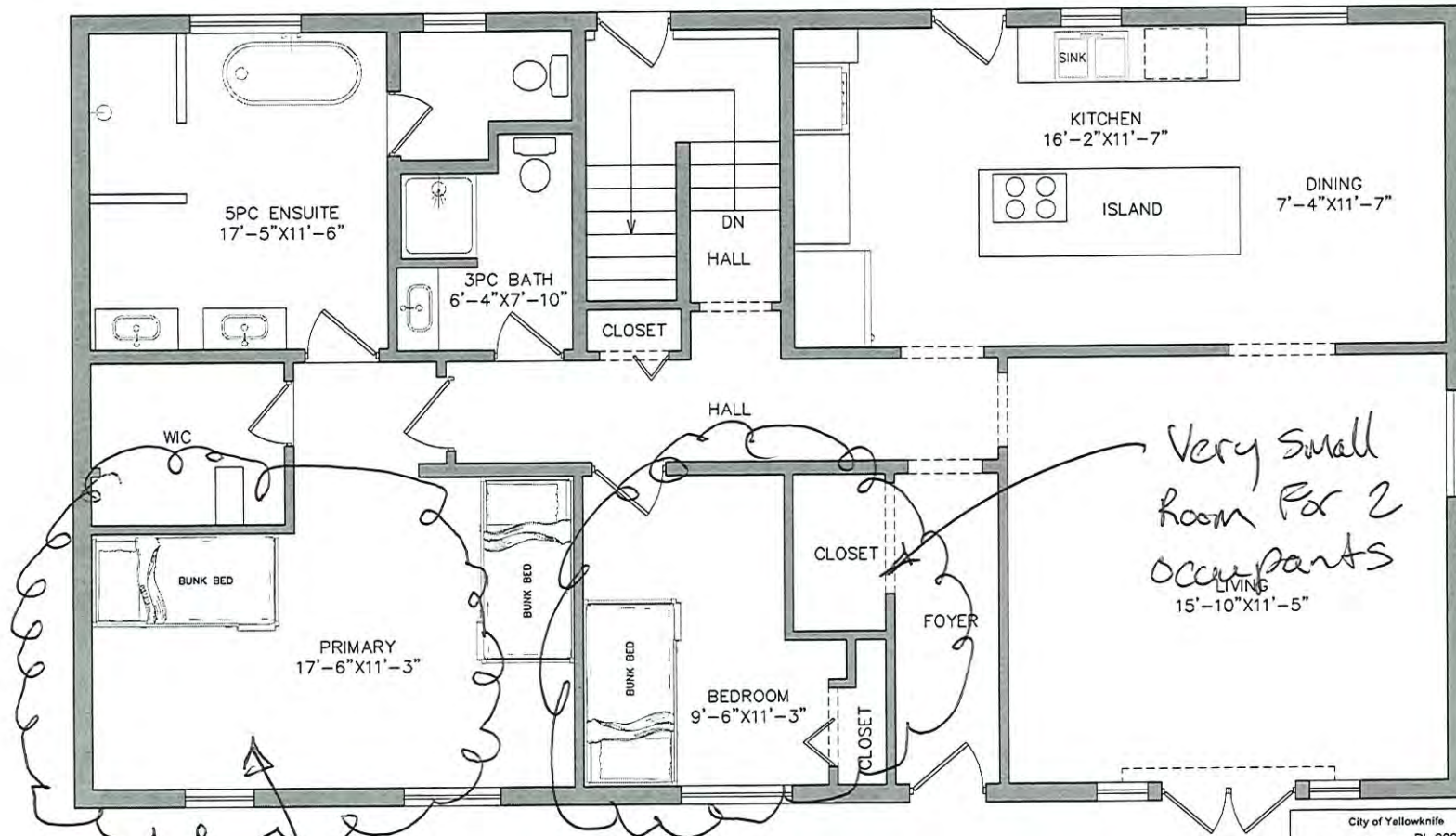
Planner's Note: Grade of parking space must not exceed 8%.



City of Yellowknife
Development Permit # PL-2024-0004
Approved June 4, 2024 (page 1 of 15)
Development Officer Andrew Treger

56 Rycon Dr, Yellowknife, NT

Main Floor Exterior Area 1444.68 ft²
Interior Area 1341.13 ft²

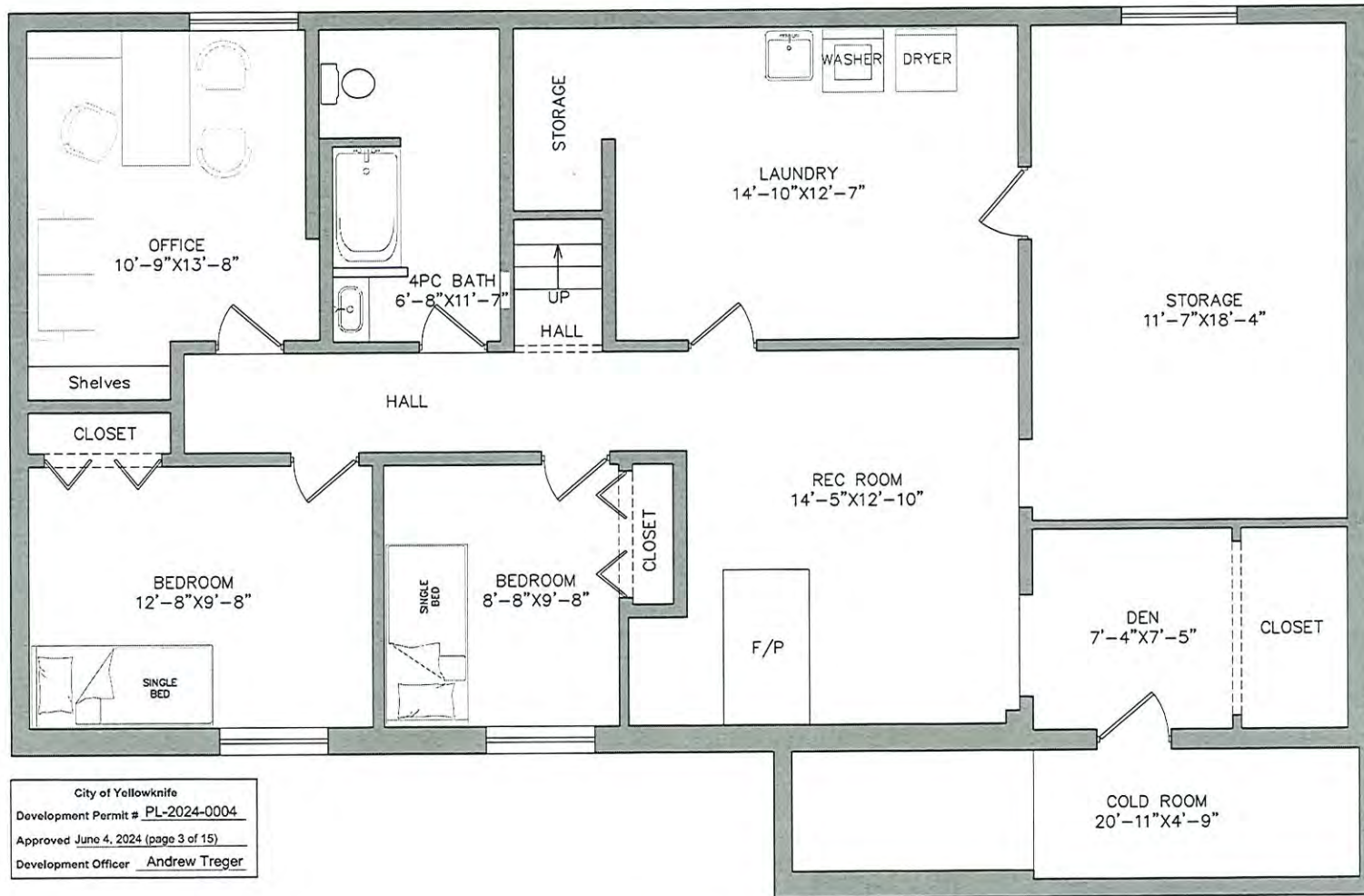


City of Yellowknife
Development Permit # PL-2024-0004
Approved June 4, 2024 (page 2 of 15)
Development Officer Andrew Treger

White regions are excluded from total floor area in GUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

GUIDE

56 Rycon Dr, Yellowknife, NT
 Basement (Below Grade) Exterior Area 1502.00 ft²
 Interior Area 1372.00 ft²



City of Yellowknife
 Development Permit # PL-2024-0004
 Approved June 4, 2024 (page 3 of 15)
 Development Officer Andrew Treger

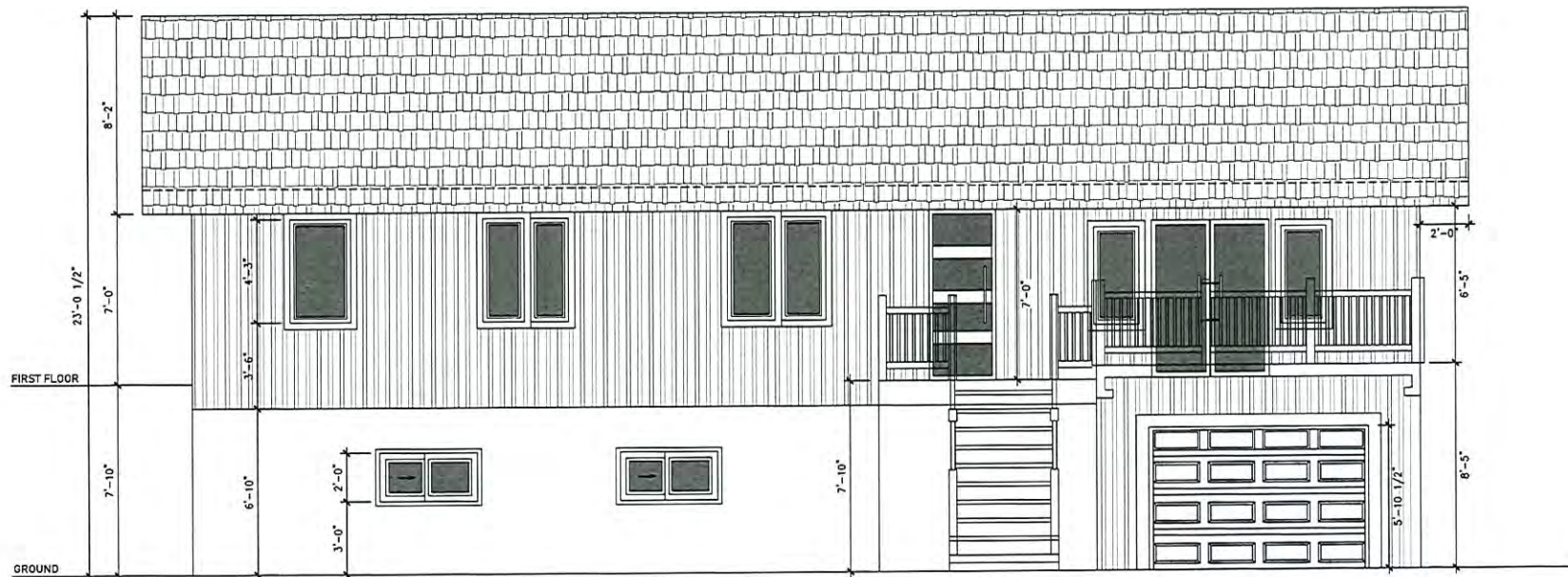


PREPARED: 2024/02/04



White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

iGUIDE



FRONT ELEVATION

0 4 8 ft

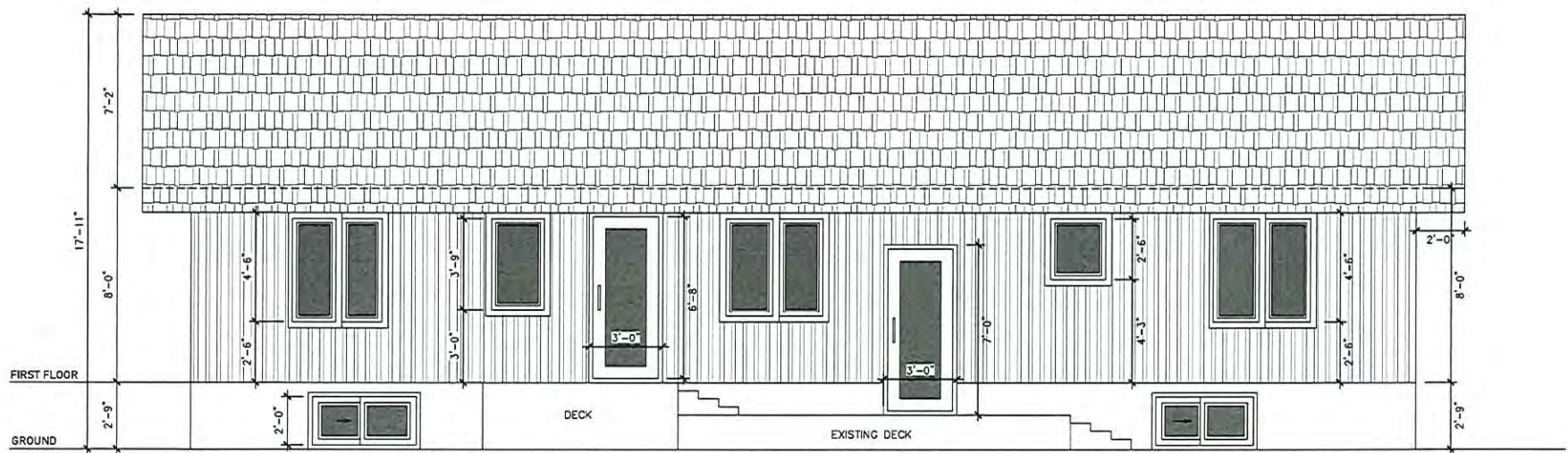
PREPARED: 2024/02/04

City of Yellowknife
Development Permit # PL-2024-0004
Approved June 4, 2024 (page 4 of 15)
Development Officer Andrew Treger



White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

iGUIDE



City of Yellowknife
 Development Permit # PL-2024-0004
 Approved June 4, 2024 (page 5 of 15)
 Development Officer Andrew Treger

REAR ELEVATION

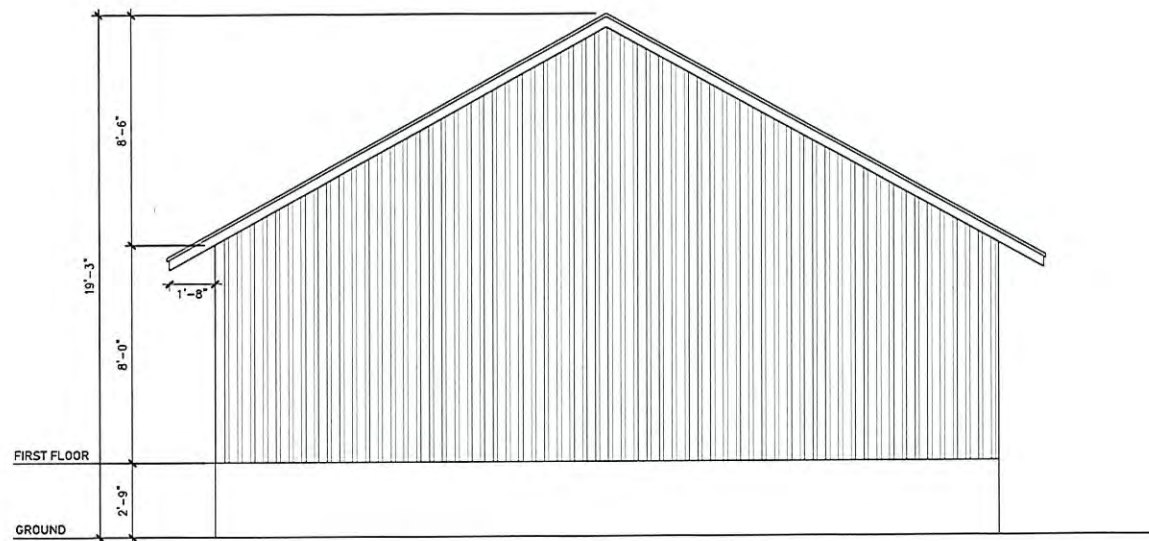
0 4 8
 ft

PREPARED: 2024/02/04



White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

iGUIDE



City of Yellowknife
 Development Permit # PL-2024-0004
 Approved June 4, 2024 (page 6 of 15)
 Development Officer Andrew Treger

LEFT ELEVATION

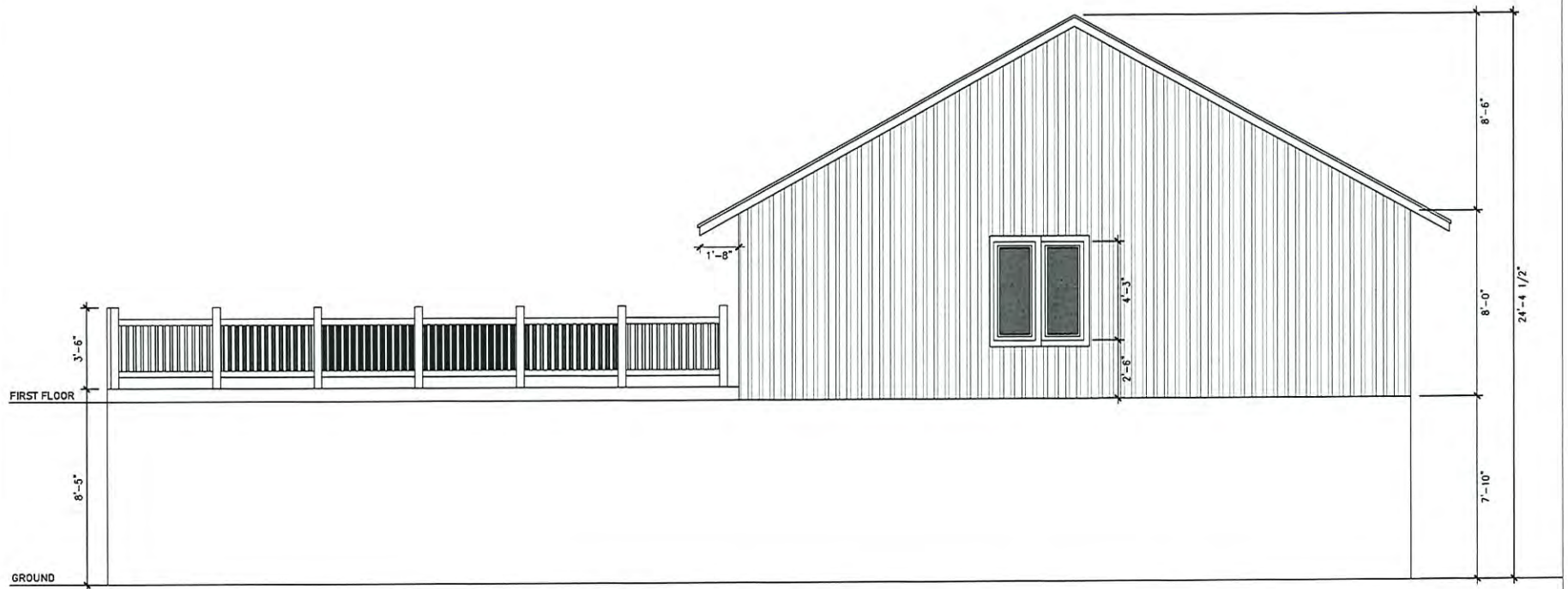
0 4 8 ft

PREPARED: 2024/02/04



White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

iGUIDE



RIGHT ELEVATION

City of Yellowknife
 Development Permit # PL-2024-0004
 Approved June 4, 2024 (page 7 of 15)
 Development Officer Andrew Treger

0 4 8 ft

PREPARED: 2024/02/04



White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

iGUIDE

Variance Request Application

Zoning By-law No. 5045

Planning and Development Department, City of Yellowknife



DEVELOPMENT CONSULTATION: The City of Yellowknife strongly encourages applicants to pre-consult with City planning staff prior to submitting an application for variance. Please contact the Planning and Development Department to discuss your proposal 1-(867)-920-5600.

APPLICATION FEE: The fee for processing a request for a variance to development regulation(s) found in the Zoning By-law shall be paid to the City in accordance with the Fees and Charges By-law. One application per lot is to be submitted and may include more than one variance requested in an application.

APPLICATION FORM: Each application must be filled out completely and clearly, and must be accompanied by a development sketch with all relevant information as described below. Incomplete applications and sketches will be returned without further processing until the corrected material is filed. Applications are encouraged to be made online, through our City of Yellowknife Portal: <https://cityview.yellowknife.ca/Portal>

SKETCH DETAILS: The development sketch shall include, as a minimum, the following details:

1. all abutting lands owned by the owner (if any) and their boundaries and dimensions;
2. the parcel of land that is the subject of the application, its boundaries, dimensions and the requested variance(s);
3. identify existing structures, proposed structures, label use of each structure;
4. the approximate location of all natural and artificial features on the subject lands (e.g. buildings, trees, watercourses, drainage ditches, road and access, banks, wetlands, wooded areas), and the location of any of these features on adjacent lands that may affect this application;
5. the existing uses of adjoining land (e.g. residential, extractive, commercial, etc.);
6. the location and nature of any restrictive covenant or easement affecting the subject lands;

Please provide sketch no larger than 11" x 17.

MEASUREMENTS: Measurements shall be expressed in metric units.

ROAD NAMES, CIVIC ADDRESSES: Please use the street names and property addresses on the development sketch which have been adopted by the City of Yellowknife as the civic address of the property which is the subject of the application.

FOR OFFICE USE ONLY:

Fee Paid: _____

Invoice #: _____

Associated Permit #: _____

City of Yellowknife
Development Permit # PL-2024-0004
Approved June 4, 2024 (page 8 of 15)
Development Officer Andrew Treger



Variance Request Application

Zoning By-law No. 5045

Planning and Development Department, City of Yellowknife



I/We hereby make application to request a variance to development regulation(s) found in Zoning By-law No. 5045 in accordance with the information submitted herewith and subject to the provisions of Section 4.8 of the Zoning By-law.

I/We understand that all requests for a variance to development regulations found in Zoning By-law No. 5045 are subject to the provisions of Section 4.9 of the By-law.

Property to be Developed/Property Owner Information						
Civic Address of Proposed Development	56 Rycon Drive					
Legal Description of Proposed Development	Lot	31	Block	150	Plan	863

The Owner must complete the following to authorize applicant, agent or solicitor to act on their behalf.

NOTE: If more than one owner is listed on this application, then all owners must sign this authorization section of the application form or by a letter of authorization duly signed. If the Owner is a corporation, the authorization must be by an officer of the corporation who has authority to bind the corporation.

I, (we), the Registered Owners/ of 56 Rycon Drive (address)
in the City of Yellowknife, severally and jointly, solemnly declare that Micheal Dawodu
is authorized to submit an application for variance on my (our) behalf

Micheal Dawodu, Finance & Admin. Manager

Signature(s) of Registered Owner(s) or Corporation's Officer

NOTICE TO THE APPLICANT:

In accordance with the provisions of the *Community Planning and Development Act*, the City Planning and Development Department provides public access to all development applications and supporting documentation as required or allowed by the legislation. By submitting this variance application and supporting documentation, you acknowledge and consent that the information on this application and any supporting documentation provided by you, your agents, solicitors, and consultants will be part of the public record and may also be used for preparing documents made available to the general public. If you have any questions or concerns about the collection, use, disclosure or destruction of the information collected on this form, please contact the Director of Planning & Development, City of Yellowknife, 4910 52 St, Yellowknife, NT X1A 1T3, 867-920-5600.

Micheal Dawodu
Signature of Owner/Applicant/Agent(s)

Micheal Dawodu

Feb. 20, 2024

Date

Variance Request Application

Zoning By-law No. 5045

Planning and Development Department, City of Yellowknife



Information Related to Variance(s) requested:

Property to be Developed/Property Owner Information

Civic Address of Proposed Development	56 Rycon Drive					
Legal Description of Proposed Development	Lot	31	Block	150	Plan	863

Zone:			
Zoning Requirement	Required	Proposed	Variance
Floor area (m ²)			
Site coverage (%)			
Height (m)			
Front yard setback (m)	6	5.79	
Side yard setback (m)	1.5	0.86	
Rear yard setback (m)			
Lot depth (m)			
Lot width (m)			
Site area (m ²)			
Floor area ratio			
Landscaping			
Parking			

Describe the requested variance(s) and the rationale for the request in details:

Nunik Care Services Ltd. is requesting for a variance of the side yard setback requirement as part of development permit application #PL-2024-0004.

The variances requested meets the evaluation criteria under the following subsections of section 4.9.1 of the zoning By-law as follows:

- (a)- proposed variance would not interfere with the amenities of the neighbourhood or in any way affect the use, enjoyment or value of neighbouring homes and properties.
- (b)- the property has an irregular lot line as well as an existing structure on it that makes it a challenge to meet the minimum required setback.
- (e)- the previous owners of the property constructed a garage on the property under the old zoning By-law, this structure can't be removed at this time to meet the requirements of the current By-law.
- (f)- proposed development conforms to a usage prescribed by the By-law.

*Please use additional pages if required.



Planner's Note: Pages 11-15 were included to provide supplemental information about the application.

City of Yellowknife
Development Permit # PL-2024-0004
Approved June 4, 2024 (page 11 of 15)
Development Officer Andrew Treger

NUNIK CARE SERVICES- APPLICATION FOR CHANGE OF USE DEVELOPMENT PERMIT

NUNIK CARE SERVICES Ltd. is a 24hr care provider to vulnerable children and youth between the ages of 5-19, we currently operate in Cambridge Bay, Nunavut with licensing and approvals from the Territorial and Municipal governments. We are expanding our operations to Yellowknife and have secured the building known municipally as 56 Rycon Drive as the base of our operations.

This Yellowknife facility would accommodate a maximum of eight children/youth; our clients come from a wide range of backgrounds and exposures and issues such as disruptive behaviour patterns, elopement issues, traumatic experiences, street life entrenchment, mental health concerns and those children and youth whose families are simply not able or willing to provide care to them.

Services that would be provided to our residents include, behaviour programs with a deep cultural perspective, individual and group therapy, alcohol and anger management programs, social and life skills training, on-the land programs, sports, and other recreational activities. With the availability of recreational and sporting facilities in Yellowknife, we intend to engage our residents actively in sports and recreational activities including swimming, hockey, soccer, dance, music and many more.

Residents would at all times be cared for by a dedicated team of staff members working in 8-hour shifts.

We do not plan on making any alterations to the floor plan, building or the exterior envelope at this time; there would be a maximum of three operational vehicles for the use of our staff and residents and the current garage and parking space on the property is sufficient for said vehicles. Our operations would

therefore have no negative or adverse effect on the greater community or the existing aesthetics of the area, neither would we have any land use impacts.

We also do not envisage significant foot traffic to the neighbourhood as a result of our facility as traffic to the premises would be limited to just staff and residents, with the parents and legal guardians of our clients allowed occasional visits.

We are formally requesting for a CHANGE of USE DEVELOPMENT PERMIT for 56 Rycon Drive, Yellowknife, NT. X1A-2V6 to allow for Nunik to commence operations in the said building.

We look forward to a favourable review for our application for a permit and we are happy to engage with members of the city planning division to discuss any matters arising from your review of our application at short notice.

A summary of our proposed programs and activities is attached to this application packet, and further information about our company can be found at www.nunikcare.com and we have also included a site plan per the requirements discussed with members of your planning and development team on November 30, 2023.

Respectfully submitted,

Solomon T. Bucknor

Executive Director,

Nunik Care Services Ltd.

City of Yellowknife
Development Permit # <u>PL-2024-0004</u>
Approved June 4, 2024 (page 12 of 15)
Development Officer <u>Andrew Treger</u>

NUNIK CARE SERVICES-SUMMARY OF PROGRAMS AND ACTIVITIES

Nunik Care Services in Yellowknife is an extension of the services that we render in Cambridge Bay, Nunavut.

We provide these services through our Residential Care / Group Home Services model for children and youth from 5 years to 19 years in a warm, non-judgmental, and welcoming environment with private spaces for our clients.

These services are deliberately provided in the North where our clients will remain connected with culturally sensitive activities where our team will focus on indigenous and cultural practices instead of sending them to the south where they may not receive culturally tailored services that meet their cultural needs.

We accept clients for both short- and long-term placements including respite care in our 24/7 care Facility.

Our clients come from a wide range of backgrounds and exposures and issues such as disruptive behaviour patterns, elopement issues, traumatic experiences, street life entrenchment, mental health concerns and those children and youth whose families are simply not able or willing to provide care to them.

Our Nunik Yellowknife Facility at 56 Rycon Drive will have a capacity of eight beds.

The services we will provide at the facility include the following:

City of Yellowknife
Development Permit # <u>PL-2024-0004</u>
Approved June 4, 2024 (page 13 of 15)
Development Officer <u>Andrew Treger</u>

- Behaviour programs that are tailor -made to match our clients' interest level within the context of our Nunavut/ Northern cultural sphere of care.
- Individual and Group therapy that are provided by qualified and vetted therapists with northern work experience.
- Structured Drug and Alcohol education sessions to our clients both within the Facility and outside the facility.
- Anger management programs for all the clients that are in our care.
- Social and Life skills training so that our clients can contribute positively to society.
- Supervised computer access and training.
- Games and movie nights at home and at the Yellowknife Cinema
- Extensive supervised community outreach so that our clients can access community programs in the city. We intend to take full advantage of the variety of programming that the vibrant city of Yellowknife offers to actively engage our residents academically, socially and mentally.
- Supervised On-The-Land programs for enhanced cultural learning and activities.
- Milieu treatment programs at home such as establishment of routines, rules, activities and group meetings in the Facility to help build clients confidence and responsibilities. For example, they are supervised and supported to help cook their meals, clean their rooms, do chores around the house and taught self-care routines to prepare for their subsequent independent living.

City of Yellowknife
Development Permit # <u>PL-2024-0004</u>
Approved June 4, 2024 (page 14 of 15)
Development Officer <u>Andrew Treger</u>

- Nunik Care Services puts a very strong ethos and energy to ensure our children and youth attend school regularly and provide strong incentives to bolster school attendance.
- Nunik Care staff follow up with the kids' progress at school by liaising with the school authorities on a regular basis and attend the parent-teachers' meetings and collaborate in other areas to support the education system.
- Nunik Care Services team engages with other community agencies and other organizations to support children and youth to minimize and reduce street life entrenchment through various programming and support.

Our Yellowknife facility will be manned and supervised by qualified and support staff 24/7 through a 3-shift model of staff schedule; and all our staff will be carefully vetted including criminal and vulnerable sector record checks, work references, qualification checks and authentication.

Our clients would be transported to their various programs and activities with dedicated company vehicles.

City of Yellowknife	
Development Permit #	PL-2024-0004
Approved	June 4, 2024 (page 15 of 15)
Development Officer	Andrew Treger

Correspondence

- Email Correspondence, A Treger, Planner City of Yellowknife

From: Andrew Treger <atreger@yellowknife.ca>
Sent: June 19, 2024 2:40 PM
To:
Subject: RE: PL-2024-0004 - 56 Rycon Drive

Good afternoon,

The definitions of the Zoning By-law were created to provide clarity, consistency, and regulatory control over land uses. Some definitions are designed to allow for some degree of flexibility to accommodate the diverse needs of residents.

Based on the first sentence of the definition for 'Special Care Residences', the emphasis on support, supervision, and treatment indicates that the type of care being provided by can be broad. Based on this, specialist care could potentially include, but may not be limited to such things as residential support, nursing care, palliative care, assisted living services, etc. The proposed programming helps to determine how a Special Care Residence may align with the definition set out in the Zoning By-law.

I hope this helps,

Best regards,
Andrew

From:
Sent: June 18, 2024 2:34 PM
To: Andrew Treger <atreger@yellowknife.ca>
Subject: RE: PL-2024-0004 - 56 Rycon Drive

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Andrew

Thanks for the response. I do not see that answer to question 3 in the definition on page 14. Perhaps you could clarify this.

Regards

From: Andrew Treger <atreger@yellowknife.ca>
Sent: Tuesday, June 18, 2024 11:10 AM
To: _____
Subject: RE: PL-2024-0004 - 56 Rycon Drive

Good morning,

Please see my answers to your questions below in blue:

1. Is there a current legal survey for the property that shows the siting of the building on the lot?

I did not find record of a survey for the property that showed the siting of the garage addition on the lot. I found the original development permit for the approval of the garage, however, based on the site plans prepared by the consultant, the final placement moved slightly from what was originally propose, creating the need for a variance.

2. How does bylaw 4045 define "special care residence"

Here is a link: <https://www.yellowknife.ca/Bylaws/Bylaw/Download/bbe559ec-aadd-429f-83a1-99e753f8a680>
. The definition for Special Care Residence can be found on page 14.

3. what type of care is permitted in a "special care residence"

See definition.

4. what are the permitted room occupancies in a "special care residence? For example how many residents are allowed per room? How many square feet are required per resident in bedrooms? How do these requirements change based on type of care being provided?

Occupancy is reviewed under the building permit process and the 2020 National Building Code. Here is a link to the Building Bylaw No. 5058: <https://www.yellowknife.ca/Bylaws/Bylaw/Details/d87b1943-40d7-4255-939d-64804a816323>.

Best regards,
Andrew

From: _____
Sent: June 18, 2024 9:04 AM
To: Andrew Treger <atreger@yellowknife.ca>
Subject: RE: PL-2024-0004 - 56 Rycon Drive

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

That should be bylaw 5045 thanks.

From: _____
Sent: Tuesday, June 18, 2024 8:09 AM
To: 'Andrew Treger' <atreger@yellowknife.ca>
Subject: RE: PL-2024-0004 - 56 Rycon Drive

Good Morning Andrew,

1. Is there a current legal survey for the property that shows the siting of the building on the lot?
2. How does bylaw 4045 define "special care residence"
3. what type of care is permitted in a "special care residence"

4. what are the permitted room occupancies in a "special care residence? For example how many residents are allowed per room? How many square feet are required per resident in bedrooms? How do these requirements change based on type of care being provided?

Thank you

From: Andrew Treger <atreger@yellowknife.ca>
Sent: Monday, June 17, 2024 2:57 PM
To:
Subject: RE: PL-2024-0004 - 56 Rycon Drive

Please find the stamped plans attached.

Best regards,
Andrew

From: Andrew Treger
Sent: June 17, 2024 2:41 PM
To:
Subject: RE: PL-2024-0004 - 56 Rycon Drive

Good afternoon,

Please find attached the Planning Justification Report.

Please let me know if you have any other questions.

Best regards,
Andrew

From:
Sent: June 17, 2024 9:37 AM
To: Andrew Treger <atreger@yellowknife.ca>
Subject: RE: PL-2024-0004 - 56 Rycon Drive

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Are you able to send a copy of the Planning Report?

Thank you,

On 03/13/24 08:45 AM, **Andrew Treger** <atreger@yellowknife.ca> wrote:

Good morning,

Thank you for your email.

Your comments regarding development permit application PL-2024-0004 have been received by our office. Your comments will be considered as part of the planning review for this application and will be addressed accordingly. Once a decision on the application is issued, a Notice will be sent to you via mail. If you wish to receive the Planning Report that includes rationale of the decision, of which public comments received will be part of, please advise me. In the meantime, if you are still seeking additional information regarding this development proposal, please schedule a time to meet with me during business hours in City Hall to discuss further.

Best regards,

Andrew

From:

Sent: March 11, 2024 10:55 PM

To: Andrew Treger <atreger@yellowknife.ca>

Subject: PL-2024-0004 - 56 Rycon Drive

??

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

??

Hello Andrew,

??

Attached are our comments on the above-noted development.

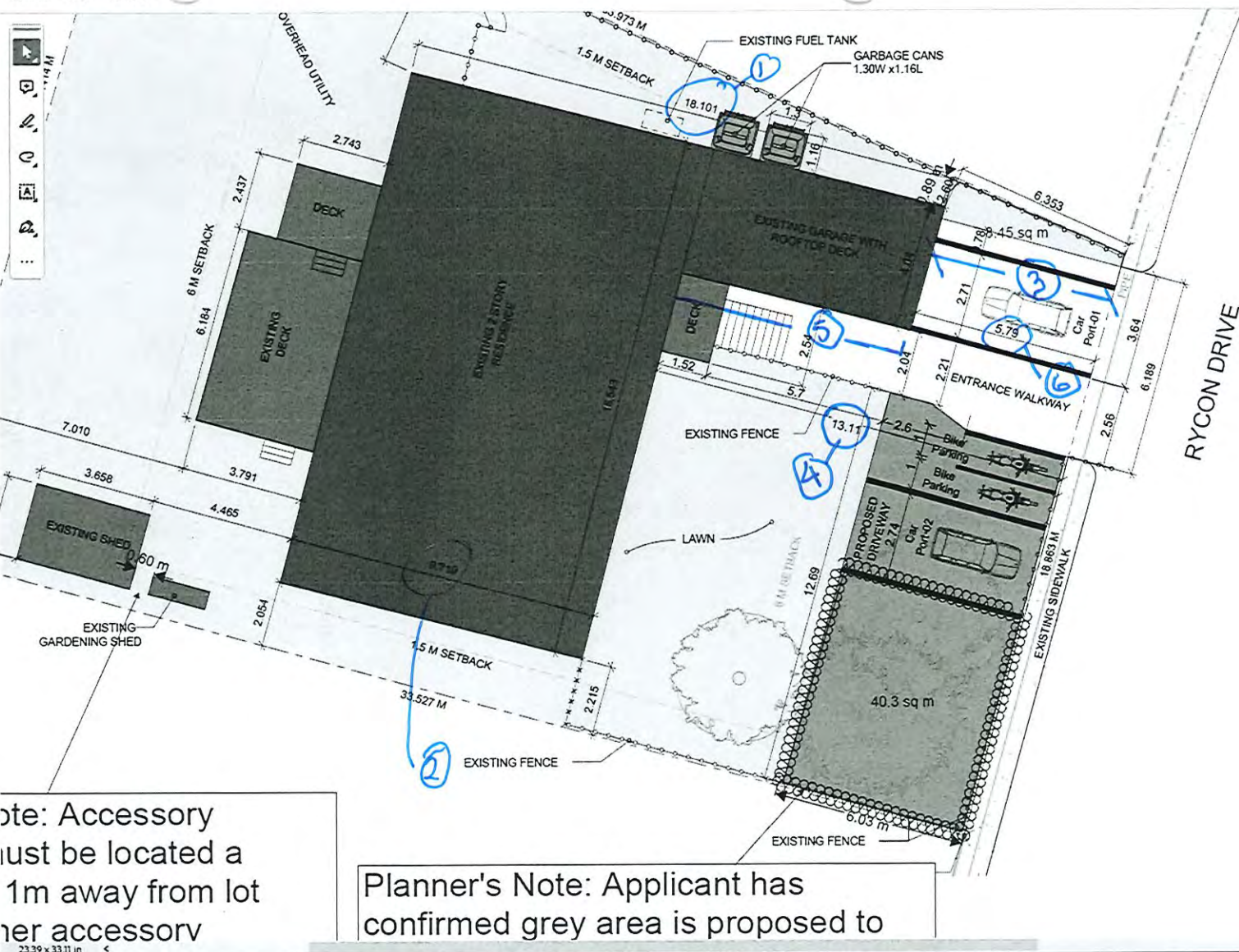
??

Cheers,

??

PLANS, Drawings Sketches

- Setback Calculations
- Driveway Calculation
- Approved Drawing Errors



- ① Length of House
North side = 18.101m
- ② Length of House
South side = 9.719m
- ③ Garage Setback
- ④ Main house setback
13.11m
- ⑤ calculated length
of Garage
- ⑤ = ① - ②
= 18.101 - 9.718
= 8.383 m
- ③ = ④ - ⑤
= 13.11 - 8.383
= 4.73 m
which differs from

Note: Accessory
must be located a
1m away from lot
corner accessory

Planner's Note: Applicant has
confirmed grey area is proposed to

Attachment No 2

the 5.79 shown ⑥
on the drawing
and differs from
the measured
values in the field.

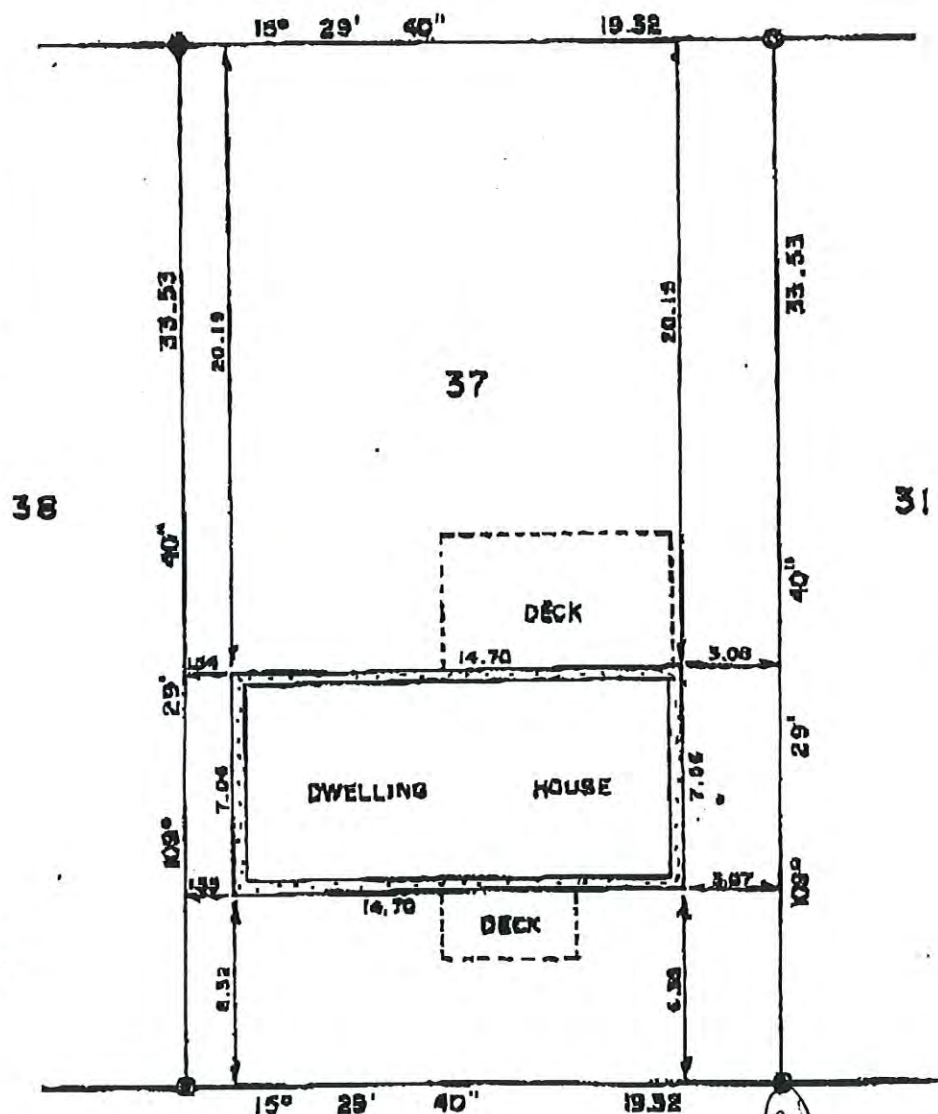


Attachment #3

6.3m
Setback per
Legal Survey
58 Rycon Drive

Photo & Lot Lines
City Explorer
website

I certify that this plan shows the location of the Dwelling House erected on Lot 37, Block 150, in the City of Yellowknife, N.W.T. (Plan _____, C.L.S.R. No. 1185 L.T.O.), and that the measurements are correct as shown, I further certify that there are no encroachments on the said lot, neither from without nor from within.



BLOCK

RYCON

DRIVE

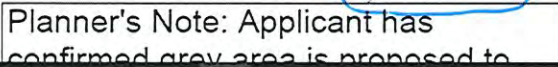
Attachment No. 4

Updated to 30 Nov. 1989.

NOTE:

SCALE 1 Page 38 250





Photographs

- Public Notification Sign indicating Errors and Illegible Figure
- Photos of Notification Sign in state of disrepair

Photo #1 June 17 2024



Photo 2 June 17 2024

Notice of Decision

Application # PL-2024-0004; APPROVED WITH CONDITIONS

City of Kelowna
Planning & Development

Development Information:

Site Address: 10000 10th Ave, Kelowna, BC V1Y 1A1
Project Name: 10000 10th Ave Development
Project Description: 10000 10th Ave Development
Project Location: 10000 10th Ave, Kelowna, BC V1Y 1A1
Project Status: Approved with Conditions

Conditions:

1. The applicant must submit a final site plan and engineering drawings to the City of Kelowna Planning & Development Department for review and approval within 30 days of the date of this notice.

2. The applicant must submit a final landscaping plan and engineering drawings to the City of Kelowna Planning & Development Department for review and approval within 30 days of the date of this notice.

3. The applicant must submit a final site plan and engineering drawings to the City of Kelowna Planning & Development Department for review and approval within 30 days of the date of this notice.

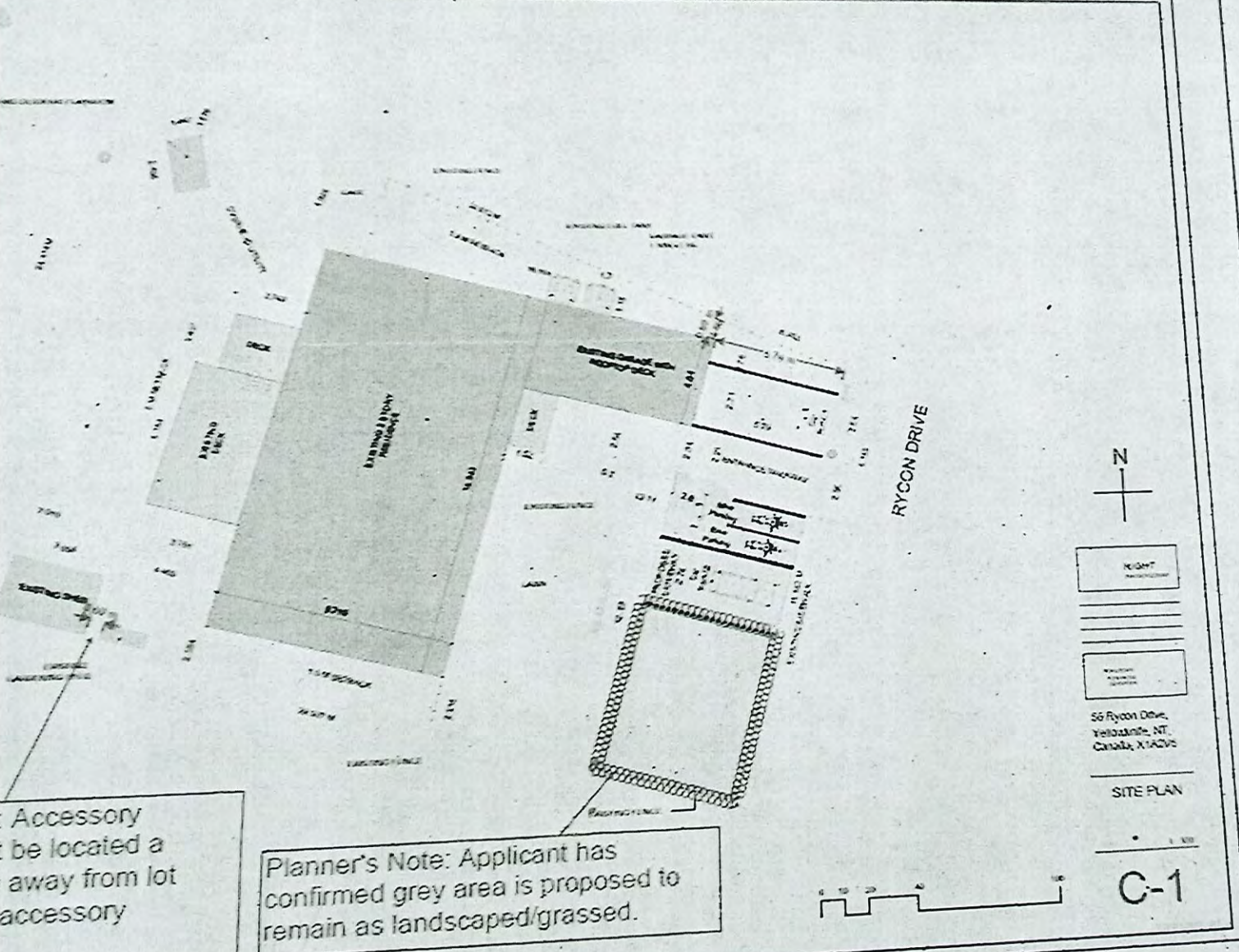


n

a: Bicycle parking requirements of d).

Planner's Note: Any part of a Lot which is not occupied by existing natural areas must be maintained as landscaped area per the Zoning By-law. Required landscaping must be maintained for the lifetime of the development.

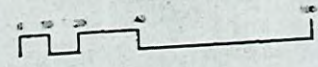
Planner's Note: Grade of parking space must not exceed 8%.



Accessory to be located a away from lot accessory

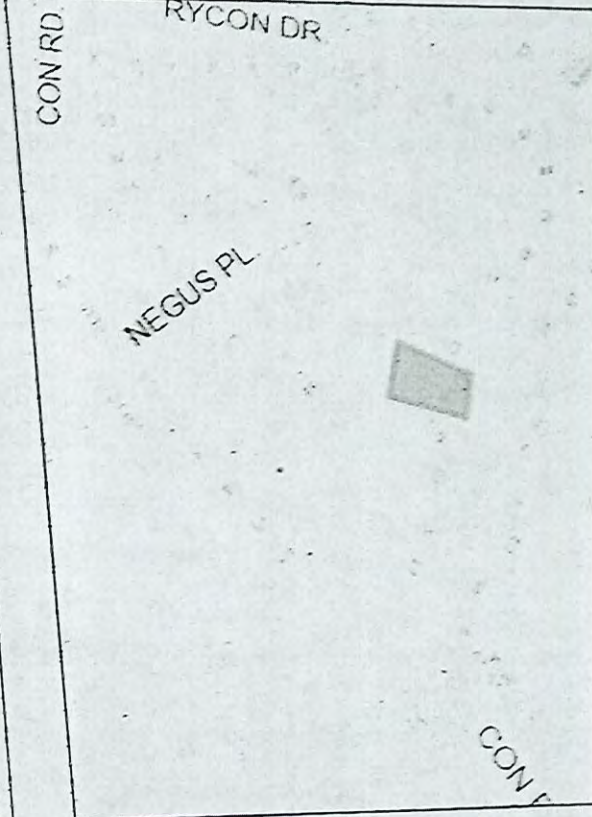
Planner's Note: Applicant has confirmed grey area is proposed to remain as landscaped/grassed.

N
 LIGHT
 MATERIAL
 56 Rycon Drive,
 Yellowknife, NT,
 Canada, X1A0V6
 SITE PLAN

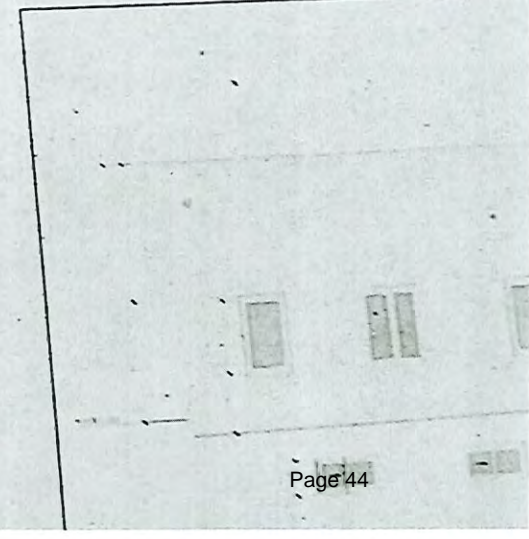


C-1

Location Map



Front Elevation Draw



Notice OF Decision

City of Yellowknife
Planning & Environment

APPLICATION # PL-2024-0004: APPROVED WITH CONDITIONS

Development Information:

Application No. PL-2024-0004, for a development taking place at the following location:

Civic Address: 56 Rycon Drive

Roll Number: 0150003100

Legal Description: Lot 31 Block 150 Plan 863

Intended Development: Change of Use from a Single Detached Dwelling to a Special Care Residence

Has been **APPROVED** subject to the following Conditions:

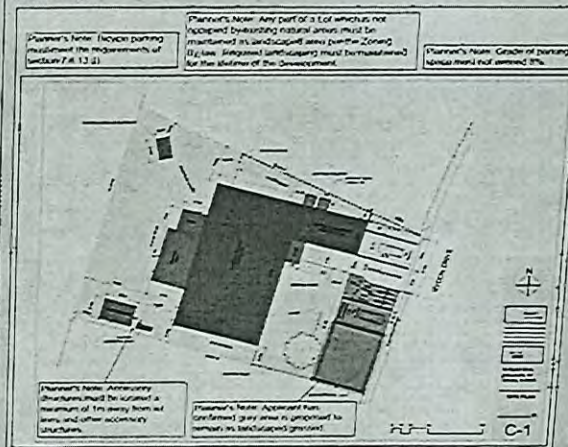
1. The minimum Front Yard setback has been decreased from 6.0m to 5.79m;
2. The minimum Side Yard setback has been increased from 1.5m to 8.86m; and
3. The Development shall comply with all approved plans and By-laws in effect for the City of Yellowknife.

Date of Issue of this Notice of Decision: June 4, 2024

Last Day of Appeal: June 19, 2024

Additional materials are available upon request by contacting: atreger@yellowknife.ca

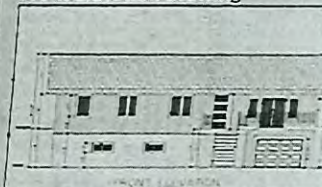
Site Plan



Location Map



Front Elevation Drawing



Location Map Legend

- Location of the Development
- Land Parcel Boundaries

Development Officer:

Andrew Treger

Contact: atreger@yellowknife.ca or 867-920-5675

Any persons claiming to be adversely affected by the development may, in accordance with the Community Planning and Development Act, appeal to the Development Appeal Board, c/o City Clerk's Office, tel. 920-5646, City of Yellowknife, P.O. Box 580, Yellowknife, NT X1A 2N4. Please note that your notice of appeal must be in writing, comply with the Community Planning and Development Act, include your contact information and include the payment of the \$25 appeal fee (the appeal fee will be reimbursed if the decision of the Development Officer is reversed).

The appeal must be received on or before 4:30 p.m. on the 18th day of June, 2024

If no appeal is received this decision is effective: 19th day of June, 2024

AFTER THE EFFECTIVE DATE OF THIS PERMIT, THE OWNER OF THE SUBJECT PROPERTY IS AUTHORIZED TO REMOVE THIS NOTICE. ALL OTHER PERSONS FOUND REMOVING THIS NOTICE WILL BE PROSECUTED.



Development Information:

Application No. PL-2024-0004, for a development taking place at the following location:

Civic Address: 56 Rycon Drive

Roll Number: 0150003100

Legal Description: Lot 31 Block 150 Plan 863

Intended Development: Change of Use from a Single Detached Dwelling to a Special Care Residence

Has been **APPROVED** subject to the following Conditions:

1. The minimum Front Yard setback has been decreased from 6.0m to 5.79m;
2. The minimum Side Yard setback has been increased from 1.5m to 8.86m; and
3. The Development shall comply with all approved plans and By-laws in effect for the City of Yellowknife.

Date of Issue of this Notice of Decision: June 4, 2024

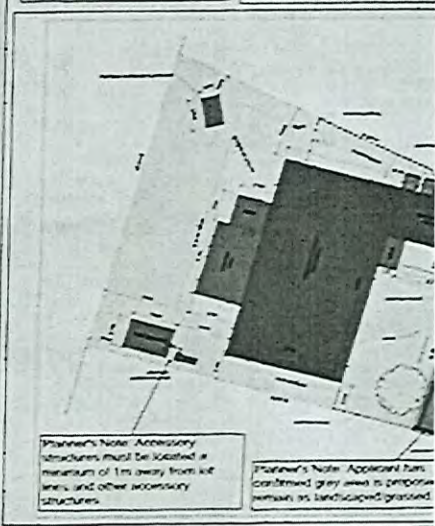
Last Day of Appeal: June 19, 2024

Additional materials are available upon request by contacting: atreger@yellowknife.ca

Site Plan

Planner's Note: Bicycle parking must meet the requirements of Section 7.8.13.4)

Planner's Note: Any part of a Lot occupied by existing natural area maintained as landscaped area, By-law: Required landscaping in for the lifetime of the Development



Planner's Note: Accessory structures must be located a minimum of 1m away from lot lines and other accessory structures

Planner's Note: Applicant has confirmed grey area is proposed remains as landscaped grassed

Location Map Legend

- Location of the Development
- Land Parcel Boundaries

Any persons claiming to be adversely affected by the development may, in accordance with the Community Plan Development Appeal Board, c/o City Clerk's Office, tel.920-5646, City of Yellowknife, P.O. Box 580, Yellowknife, appeal must be in writing, comply with the Community Planning and Development Act, include your contact info appeal fee (the appeal fee will be reimbursed if the decision of the Development Officer is reversed).

Codes & Standards

- CMHC National Occupancy Standard
- National Building Code of Canada Group B, Division 3

[Home](#) > [Professionals](#) > [Industry innovation and leadership](#) > [Industry expertise](#) > [Affordable housing](#) > [Provincial/Territorial agreements](#) > [Investment in affordable housing \(IAH\)](#) > National Occupancy Standard



[SAVE](#)

[SHARE](#)

National Occupancy Standard

Supporting the design and evaluation of housing policies and programs.

What is the National Occupancy Standard?

The National Occupancy Standard was created in the mid-1980s by the federal, provincial and territorial governments.

It provides a common reference point for “suitable” housing, which is how many people a given dwelling unit might accommodate given the number of bedrooms.

The Standard supports the design and evaluation of housing policies and programs. It also contributes to our understanding of housing needs and conditions at the community, regional and national levels.

The National Occupancy Standard is **not** a rule, regulation or guideline for determining if a given dwelling unit can be rented to or occupied by a given household.

What is a “suitable” household?

Under the Standard, suitable housing is based on the following criteria:

- A maximum of 2 persons per bedroom.
- Household members, of any age, living as part of a married or common-law couple share a bedroom with their spouse or common-law partner.
- Lone parents, of any age, have a separate bedroom from their children.
- Household members aged 18 or over have a separate bedroom, except those living as part of a married or common-law couple.
- Household members under 18 years of age of the same sex may share a bedroom, except lone parents and those living as part of a married or common-law couple.
- Household members under 5 years of age of the opposite sex may share a bedroom if doing so would reduce the number of required bedrooms. This situation would arise only in households with an odd number of males under 18, and odd number of females under 18 and at least one female and one male under the age of 5.

An exception to the above is a household consisting of 1 individual living alone who may live in a studio apartment with no separate bedroom.

How the National Occupancy Standard is currently used

The National Occupancy Standard continues to be used in Canada as an indicator of housing suitability as part of the overall assessment that determines if a household is in core housing need.

Core housing need happens when housing is unsuitable, inadequate or unaffordable and the household can't afford alternative housing in the local market. The incidence of core housing need is determined through surveys conducted by Statistics Canada and is reported by CMHC at local, regional and national levels.

The information can be used to create targeted programs to address the unique needs of various regions. For instance, some regions may need more dwelling units with more bedrooms but other regions, where shelter costs are particularly high and unaffordable, may require more subsidies.

Additionally, the *National Housing Strategy Act* (2019) commits to realizing the human right to adequate housing for everyone in Canada over time, with priority to those most in need. Adequate housing must be available to all, without discrimination. The ongoing assessment of core housing needs allows for the tracking of community-level housing need and monitoring the progress towards realizing the right to housing of Canadians over time.

The National Occupancy Standard should not be used to restrict access to housing

The Standard is not meant to be an enforceable standard for private landlords or community housing providers to use to decide whether to rent, or continue to rent, a given dwelling unit to a given household.

While the Standard can help inform spatial needs based on household size, relationships, age and gender, landlords and housing providers are encouraged to consider other important factors like:

- urgency of need
- affordability
- cultural conventions

- household stability
- safety
- the household's own perception of what is suitable for them when matching households to units

The National Occupancy Standard must not be used as a reason to discriminate against prospective tenants.

Was this page relevant to your needs?

Yes

No

Date Published: July 19, 2022

BY TOPIC

PROFESSIONALS

Project funding and mortgage financing

Housing markets data and research

Industry innovation and leadership

ABOUT US

CMHC's Story

Management and Governance

Our Partners

Corporate Reporting

Contact Us

Careers

MORE

CMHC Newsletters

CMHC Library

Housing Observer

Media Newsroom

June 17, 2024

Development Appeal Board
c/o City Clerk's Office City of Yellowknife
4807 – 52 Street, (City Hall) P.O. Box 580
Yellowknife, NT X1A 2N4

By Hand

Subject: Notice of Appeal – Development Decision PL-2024-0004 (56 Rycon Drive)

Dear Chair, Development Appeal Board,

We are writing to submit an appeal to the decision of the Development Officer in Development Permit PL-2024-004 (56 Rycon Drive). The eligibility and reasons are summarized as follows.

Eligibility

We believe that we are eligible to appeal for these reasons.

1. We own an adjacent property and are impacted by this decision.
2. We have previously provided comments and concerns regarding this proposed change of use.
3. We received a letter dated June 4, 2024 from Mr. Andrew Treger, MCP, Planner City of Yellowknife which provided notification of his decision and indicated that we were eligible and had the right to appeal this decision.

Grounds and Reasons

We are appealing on the basis of misapplications of the zoning bylaw. There are at least three instances where we believe the bylaw was misapplied. These are detailed below.

Instance Number 1: “misapplication of zoning bylaw in the approval of the application”

We believe that the Bylaw 5045 was not properly applied in the application of the front yard setback requirement and granting of the front yard setback variance. It appears that there

are numerical errors in the application drawings that raise doubt that the variance calculation could be completed in a manner that would

- a) satisfy the bylaw requirements, and
- b) result in a decision that reflects the built environment of the proposed site.

Observations:

1. The stamped drawing supporting the decision indicates that the existing front yard setback is 5.79 m. Using the dimensions provided elsewhere on the same drawing the front yard setback is calculated at 4.73 m. It is uncertain from the stamped drawing what the correct setback is, so it is impossible to apply Bylaw 5045 in any meaningful way.
2. Field measurements taken of the as-built garage show completely different results. Measurements were taken from the front of the garage in three different locations (north, centre and south faces) to the rear face of the sidewalk. Using the property survey corner pin location, it was determined that the sidewalk is offset 0.7 m into the road allowance. The as-built setback was measured to be between 7.66 m and 7.22 m from the sidewalk. Even accounting for variations in the sidewalk offset, the field measurement appears to have a 1.2 m deviation from the numbers indicated on the stamped drawings supporting the application. Given the apparent discrepancy between the as-built environment and the proponent's drawings, it is not possible to apply Bylaw 4045 in granting a variance on front yard setback.
3. Visual observations. The legal survey for 56 Rycon Drive indicates that 56 Rycon is setback 6.0m. Even accounting for changes in the roadway and property line alignments, visually the garage face of 56 Rycon appears further back from the property line than the building at 56 Rycon. This suggests that the as-built setback could be more than the 5.79 m indicated on the application.

Conclusion: Given the apparent inaccuracies in the proponent's drawing, the uncertainty about the actual location of the building on the property, and the absence of a current legal survey in the application and decision report, we believe the zoning bylaw was misapplied in the approval of this application to grant a variance. On this basis we believe the decision should be reversed.

Instance Number 2: "misapplication of zoning bylaw in the approval of the application"

We believe that Bylaw 5045 was misapplied in the calculation and determination of the size and number of parking spaces on the approved site plan that was attached to the decision.

Observations:

1. The existing building has a garage. The parking space in the garage was not included in the calculations of the number of required additional spaces.
2. The plan view drawings attached to the application do not show the existing garage space and do not reflect what the proponents intended to use it for. If the garage will not be used for parking, as designed, what is the intended use? The change in use was approved by the Development Officer based on incomplete and missing information on the intended use of existing constructed space. Therefore, the approval was made in error and should be reversed.
3. The stamped drawings show the existing driveway at 5.7 m wide. The planning report indicated that there was only one existing driveway space. Under the City's design standards, a parking space is 2.6 m wide. The existing driveway is already wide enough to accommodate two parking spaces. This was not calculated or discussed in the section of the Planning Report dealing with parking plan approval. Also, the unnecessary additional parking space approved on the drawings is shown at 2.74 m, which exceeds the City allowable width of 2.6 m.
4. The Bicycle Parking (Motorcycle Parking?) is indicated on the drawing using motorcycles. Is it the City's intent to allow this space to be used for motorcycles as well? Together, the proposed new walkway, the bicycle spaces, the new parking space, and the garage will provide sufficient paved parking space for 5 cars.
5. The Planning Report does not indicate that how the City plans to ensure that the bicycle parking will only be used for bicycles. Bylaw 5045 and the City's planning process have provisions to require passive physical barriers (bollards, curbing, planting, etc) to ensure that protected spaces such as bicycle parking and walkways are preserved and used in compliance with the approved plan. No such measures are in place for the proposed development at 56 Rycon, and we submit that the site plan does not meet the intent and requirements of Bylaw 5045.

We have previously observed that the City often does not enforce site plans after the fact, and are therefore concerned that the spaces set aside for bicycles will be used, improperly, for motor vehicle parking.

Instance Number 3: “misapplication of zoning bylaw in the approval of the application”

Bylaw 5045 requires posting and maintaining the notice of decision. We believe that the City of Yellowknife misapplied the bylaw by failing to ensure that the public posting was

- legible and accurate in communicating the decision, and
- maintained and available to be publicly viewed for the duration of the required notice period.

Observations:

1. The notice board that was posted onsite at 56 Rycon indicated that the decision was to increase the sideyard setback to 8.86 m when in fact the decision was to reduce the setback to 0.86 m. This failed to meet the purpose and intent of using a public posting to accurately communicate a decision to residents and stakeholders.
2. The drawing of the approved site plan on the notice board was too small, important numbers were blurred, and it was not possible to review the subject setbacks that formed the decision. This matter was compounded by the fact that the approved drawings and Planning Report were not available for stakeholders to review on the Planning and Development Department’s section of the City’s website.
3. The notice board is no longer erected and is not accessible and viewable. The proponent and City failed to keep the public notice board in an accurate and easily visible condition. We noted on Saturday, June 15 that the notice had fallen down, meaning that the public posting was not in place for at a minimum of four of the required days stipulated in Bylaw 5045 with respect to notice of decision and planning decision requirements.

Additional Comments:

Errors on the Approved Stamped Drawing

In addition to the errors noted elsewhere in this letter, the approved stamped drawing shows two existing fences that do not in fact exist onsite.

The approved stamped drawing shows an existing fence along the north property boundary of 56 Rycon Drive (i.e. between 56 Rycon Drive and 54 Rycon Drive) extending to the front property line. There has been no fence in this location for at least the last 20 years..

Similarly, the approved stamped drawing shows an existing fence shown along the frontage of the property. This fencing was removed by the previous owner last year.

The approved site plan requires that these fences be maintained, to remain in compliance with the approval decision. Since neither fence exists, it is unclear how the City will determine if the proponent is in compliance.

These errors further bring into doubt the accuracy of the information presented on the proponent's drawings and the validity of the approved stamped drawings.

Special Care Residence

The Variance Request Application was not shared during the consultation process. We only received this application attached to the Planning Report on June 17, 2024, when we requested a copy of the Planning Report.

The proponent's application indicates that they will be housing residents between 5 years and 19 years of age with disruptive behavior issues, elopement (wandering) issues, drug and alcohol addiction issues, behavioral issues and respite care.

Bylaw 5045 does not define "special care residence" and does not define the types of "special care" that are permitted. The type of care proposed by the proponent is beyond what would normally be permitted in a residential class building designed for single family occupancy. The home at 56 Rycon is not constructed to the elevated standards for security, fire protection, barrier-free access, mechanical systems and electrical systems that would be required for special care in a non-residential building.

Since "special care residence" is not properly defined it is not possible to determine that this proposed development complies. Decision PL-2024-004 should be reversed until such time as the necessary revisions to Bylaw 5045 have been made.

The planning report details that the City has approved a "special care facility" that allows children to be housed in bedrooms in bunk beds with 4 children per room. This would result in little as 40 square feet per child.

The CMHC National Housing Standard for "Suitable housing" under normal residency conditions limits bedroom occupancy to "a maximum of two beds per room." A building being used for special care could reasonably be expected to meet, if not exceed, the standard for normal residency conditions, whereas the proposed development may be providing living space that does not meet the standard. By approving this plan and the proposed room uses in the stamped drawing attached to the Planning Report, the City has approved a development which creates unsuitable housing.

Public consultation

It is unfortunate that the City has not been more accurate and forthcoming with information during this development approval process. Had the proponent's application and the Planning Report been actively shared and publicly posted online, many of these issues could have been considered and addressed at an earlier stage in the approval process.

Closing comments:

While we recognize the need for special care facilities for children and young adults, it is important that residents of such facilities are housed in appropriate, safe, and properly constructed facilities, and that all authorities with jurisdiction are included in the development approval process. This will help ensure safety, well-being, and healthy outcomes for these youth.

Indication of relief sought:

1. Based on any or all of the above instances of misapplication of Bylaw 5045, we are asking to have the decision PL 2024-0004 (56 Rycon Drive) reversed.
2. Bylaw 5045 should be revised to clarify the definition of "special care residence" and describe the types and levels of care permitted in a "special care residence."
3. The City of Yellowknife standard should be updated to define the occupancy standards, building requirements (construction standards, electrical, mechanical, and ventilation requirements, and barrier-free requirements) for special care facilities for the associated types and levels of care.

Development Appeal Board

July 15, 2024

Development Permit: PL-2024-0004

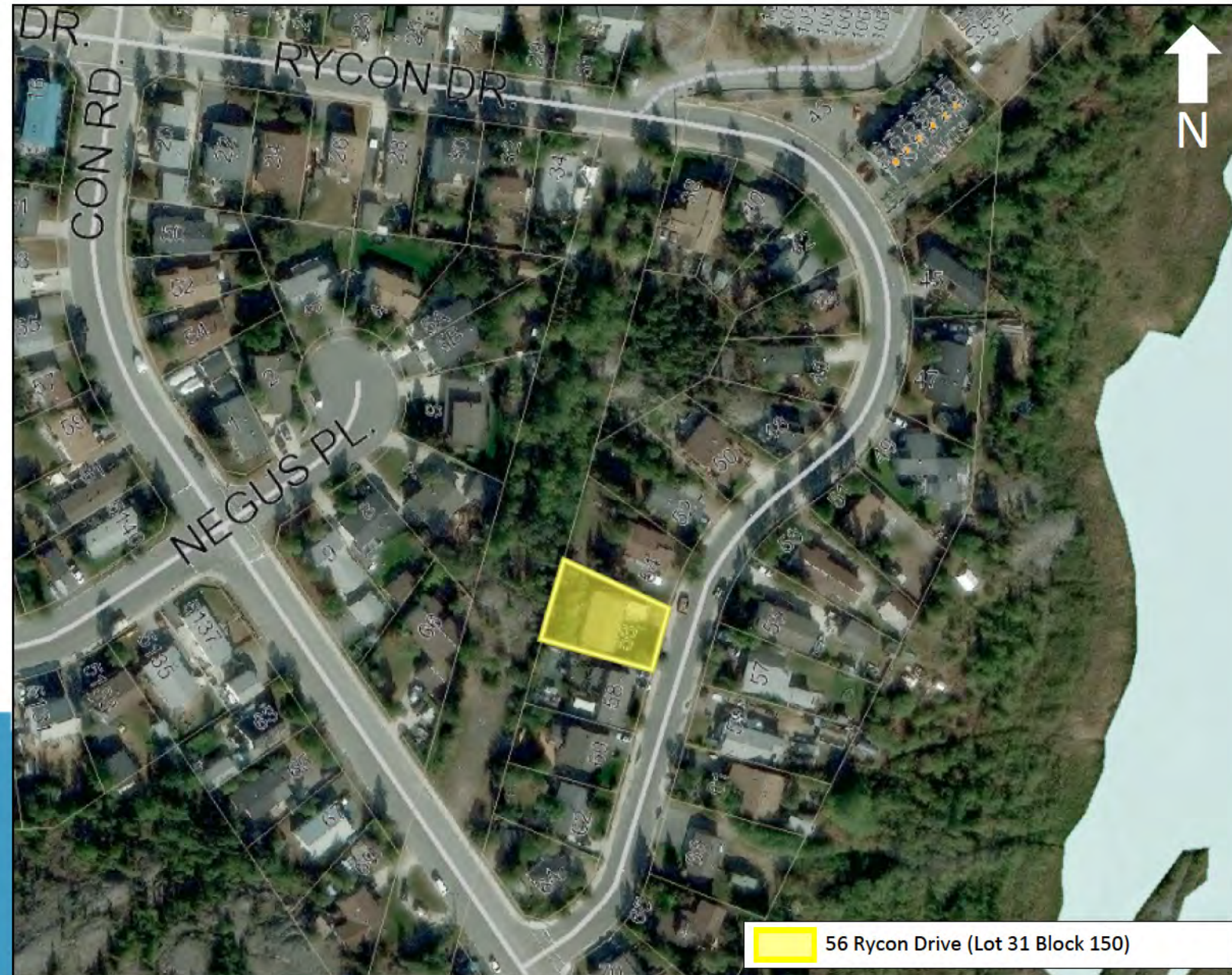
Lot 31, Block 150, Plan 863

(56 Rycon Drive, Yellowknife, NT)

Presented By: Andrew Treger

Planner

The Subject Property



56 Rycon Drive (Lot 31 Block 150)

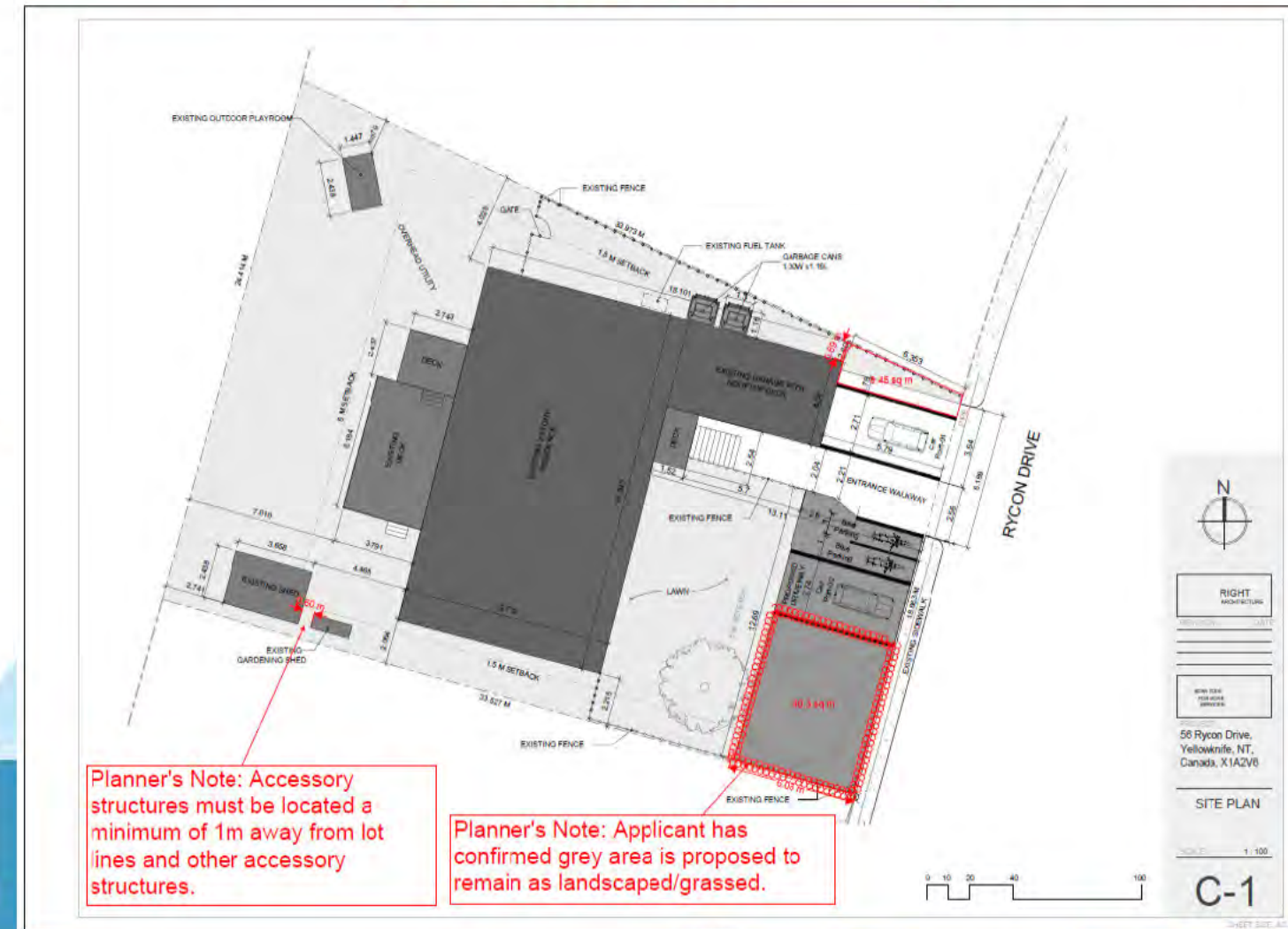
The Development Proposal

- A Change of Use from a Single Detached Dwelling to a Special Care Residence
- Complies with all applicable regulations of Zoning By-law 5045 with the exception of two variances needed for the existing building.
 - A reduction of the minimum Front Yard setback from 6.00m to 5.79m; and
 - a reduction of the minimum Side Yard setback from 1.50m to 0.86m.

Planner's Note: Bicycle parking must meet the requirements of section 7.8.13.d).

Planner's Note: Any part of a Lot which is not occupied by existing natural areas must be maintained as landscaped area per the Zoning By-law. Required landscaping must be maintained for the lifetime of the development.

Planner's Note: Grade of parking space must not exceed 8%.



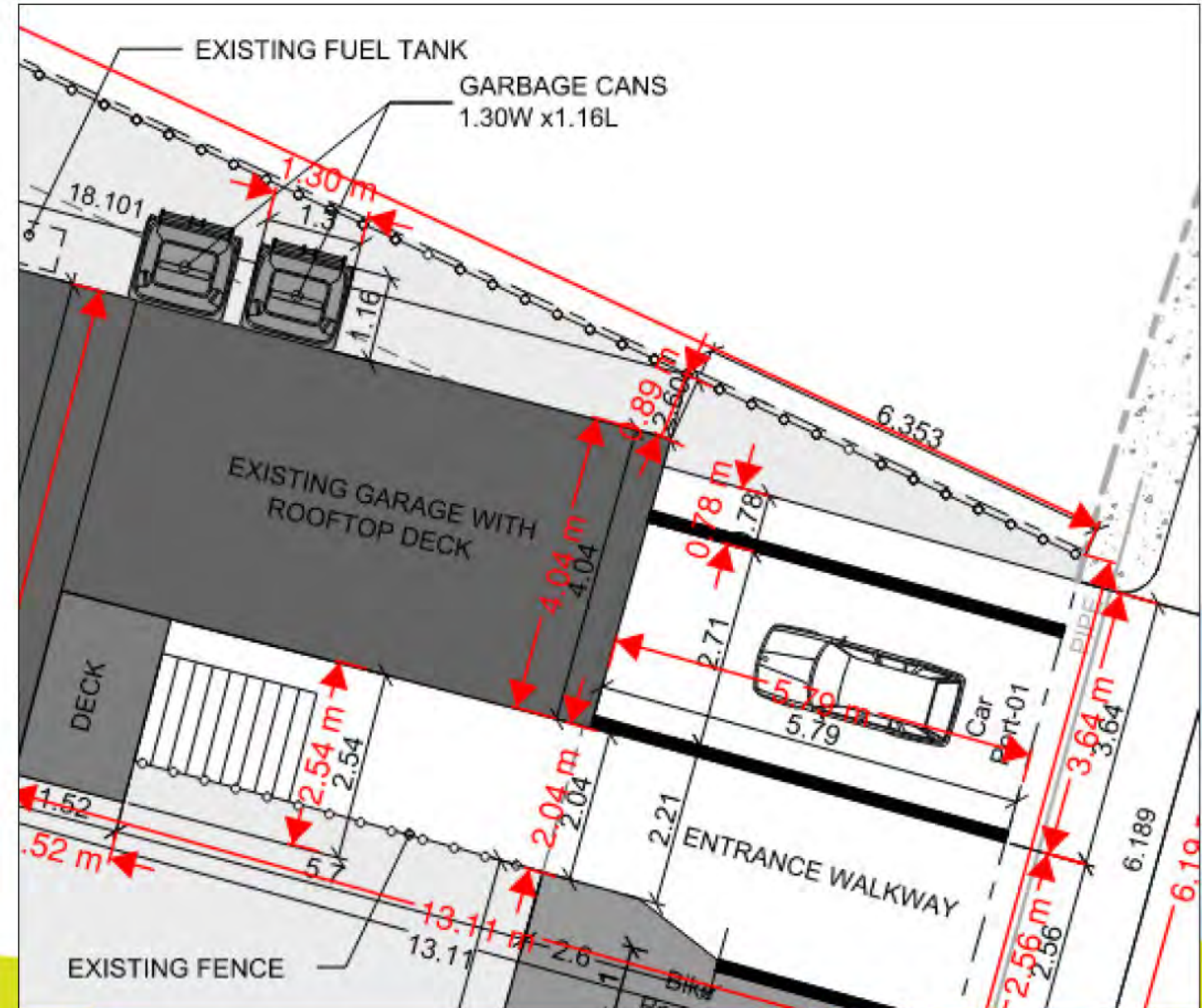
The Development Proposal

- *Community Planning and Development Act, s.25 (i):*

“A development authority 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, as referred to in subparagraph 14(1)(c)(i) or (ii) of this Act, if the development authority is satisfied that the applicant meets all the requirements of the bylaw.”

Development Permit Review

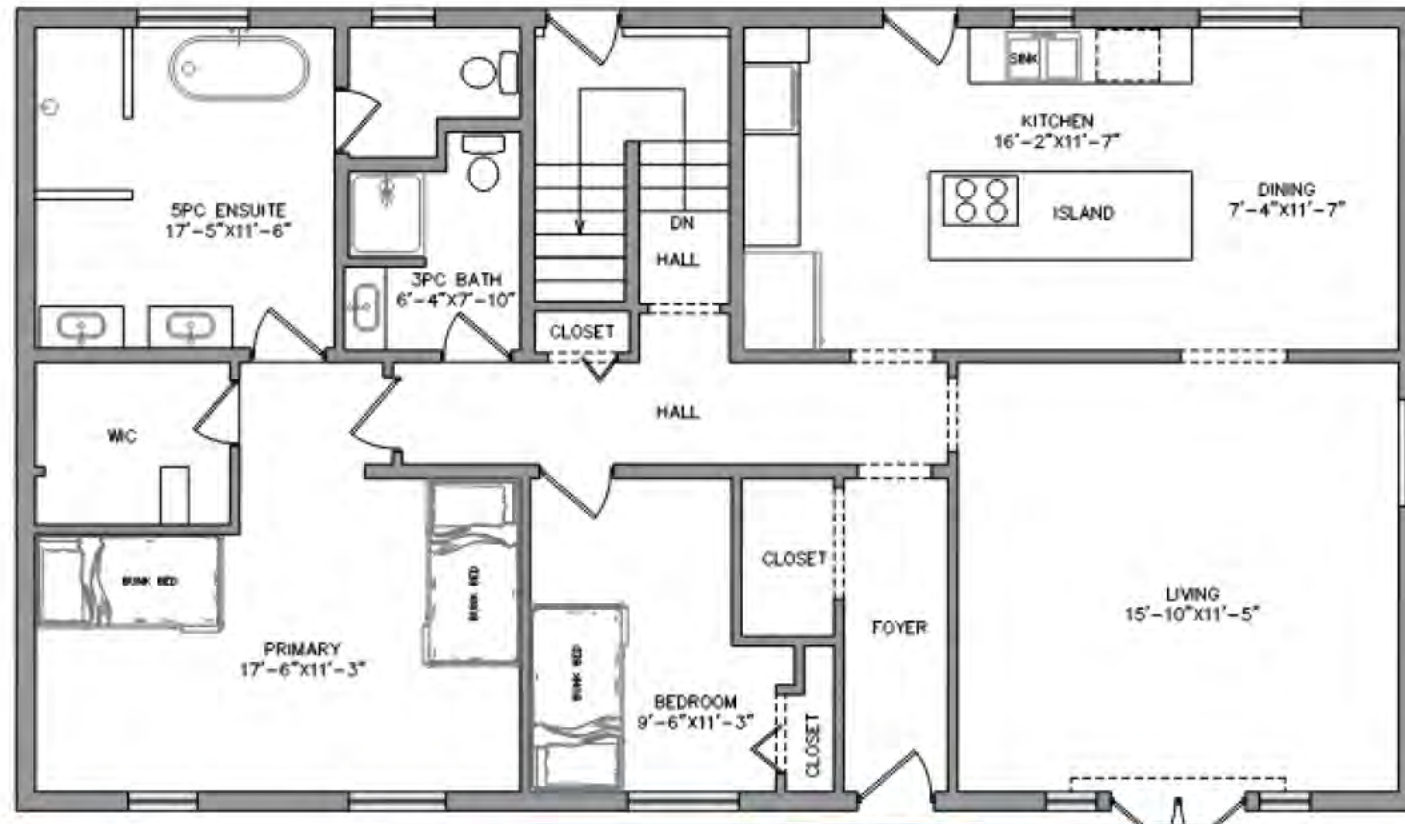
- Minimum Front Yard setback: **6.0m**
 - Per table 10-6 of the Zoning By-law
 - Proposed Front Yard setback: **5.79m**
- Minimum Side Yard setback: **1.5m**
 - Per table 10-6 of the Zoning By-law
 - Proposed Front Yard setback: **0.86m**



Development Permit Review

56 Rycon Dr, Yellowknife, NT

Main Floor Exterior Area 1444.68 ft²
Interior Area 1341.13 ft²



56 Rycon Dr, Yellowknife, NT

Basement (Below Grade) Exterior Area 1502.00 ft²
Interior Area 1372.00 ft²



Development Officer's Decision

- The proposed development meets the criteria set out in section 4.9 of the Zoning By-law No. 5045 and with all other zoning regulations; therefore, the Development Officer approved the PL-2024-0004 with conditions.

In Conclusion

- The City respectfully requests that the Development Appeal Board confirm the decision to approve the Development Permit application PL-2024-0004, knowing that the decision conforms to the 2020 Community Plan and follows the regulations of Zoning By-law No. 5045.

DEVELOPMENT APPEAL PL-2024-0004
DEVELOPMENT OFFICER'S REPORT
July 15, 2024

ISSUE

An appeal of the decision of the Development Officer to issue Development Permit PL-2024-0004.

LOCATION MAP



Figure 1 – Location Map

DEVELOPMENT PROPOSAL

Application PL-2024-0004 is for a Change of Use from an existing Single Detached Dwelling to a Special Care Residence at 56 Rycon Drive (Lot 31 Block 150). The application was approved with variances to

reduce the minimum Front Yard setback from 6.00m to 5.79m and the minimum Side Yard setback from 1.5m to 0.86m.

Planner's Note: Bicycle parking must meet the requirements of section 7.8.13.d).

Planner's Note: Any part of a Lot which is not occupied by existing natural areas must be maintained as landscaped area per the Zoning By-law. Required landscaping must be maintained for the lifetime of the development.

Planner's Note: Grade of parking space must not exceed 8%.

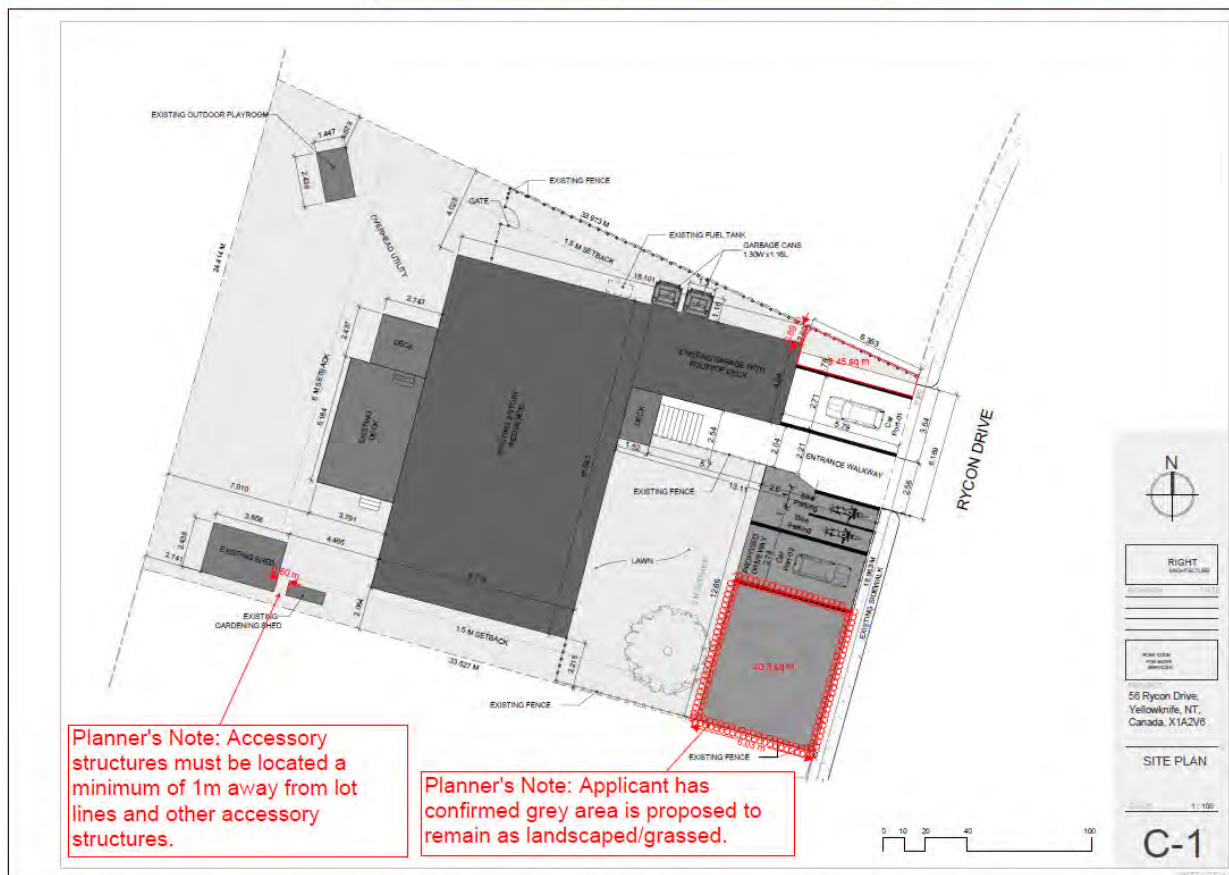


Figure 2 – Site Plan Showing Front and Side Yard Variances

BACKGROUND

The subject property is located in the RC-1 zone with its access on Rycon Drive. The surrounding neighbourhood is predominantly single detached residential dwellings. No external changes to the existing structures were proposed. In addition to the Change of Use, the two variances that were required as part of this application are related to the existing attached garage/sundeck approved via Development Permit 83-149 in 1983. Upon receipt of the current application (PL-2024-0004), the Development Officer found that existing non-conformities originally created at the time of construction were not addressed at that time and therefore were required to be addressed and legitimized as part of this application.

CHRONOLOGY OF DEVELOPMENT PERMIT APPLICATION (PL-2024-0004)

1/12/2024 Development Permit Application PL-2024-0004 submitted for a Change of Use.

PL-2024-0004 (DAB) Development Officer's Report
DM# 768583 v3

Page 2 of 11

2/02/2024	Administration sent a preliminary request for additional information including the application form, landscaping drawings, floor plans, and parking layout.
2/14/2024	Letter of Incomplete Application sent to Applicant.
2/15/2024	Revised Site Plan submitted to the City.
2/21/2024	Variance Request submitted to the City.
2/26/2024	Letter of Complete Application sent to Applicant. Notice of Application was posted on site and circulated to neighbours and relevant City Departments.
3/05/2024	Development Officer met with Neighbours at City Hall to discuss the proposal.
3/08/2024	Development Officer met with Neighbour at City Hall to discuss the proposal.
3/13/2024	Public comments were compiled and sent to the applicant for their review.
3/18/2024	Applicant provided response letter regarding comments received from public. Development Officer circulated letter to commenters.
5/03/2024	Development Officer requested additional information regarding site plans.
5/21/2024	Revised Site Plan submitted to the City.
6/04/2024	Development Permit is issued. Notice of Decision is mailed to Neighbours within 30m and posted on site.
6/17/2024	Appeal of the approval of Development Permit PL-2023-0004 was received.

JUSTIFICATION OF THE DECISION

The Development Officer reviewed the proposed Change of Use according to the City's policies and regulations and concluded that it conforms to the policies of the 2020 Community Plan and complies with all applicable regulations for the permitted use in Zoning By-law No. 5045, as amended. The proposed development for a Change of Use with variances for the Front Yard and Side Yard setbacks is approved according to section 25 of the *Community Planning and Development Act*. The Development Officer's Planning Justification Report is included as Attachment B.

RESPONSE TO APPELLANT'S APPEAL LETTER DATED JUNE 17, 2024

The appellant submitted an appeal to the decision of the Development Officer in Development Permit PL-2024-004 (56 Rycon Drive).

The appellant states they are eligible to appeal based on the following grounds:

1. They own an adjacent property and are impacted by this decision.
2. They have previously provided comments and concerns regarding this proposed change of use.
3. They received a letter dated June 4, 2024 from Mr. Andrew Treger, MCP, Planner City of Yellowknife which provided notification of his decision and indicated that we were eligible and had the right to appeal this decision, as per section 62 (1) and (2) of the *Community Planning and Development Act* (the "Act").

They state there are at least three instances where the bylaw was misapplied. These are detailed below:

Instance Number 1: "misapplication of zoning bylaw in the approval of the application"

We believe that the Bylaw 5045 was not properly applied in the application of the front yard setback requirement and granting of the front yard setback variance. It appears that there are

numerical errors in the application drawings that raise doubt that the variance calculation could be completed in a matter that would

- a) satisfy the bylaw requirements, and*
- b) result in a decision that reflects the built environment of the proposed site.*

Observations:

- 1. The stamped drawing supporting the decision indicates that the existing front yard setback is 5.79 m. Using the dimensions provided elsewhere on the same drawing the front yard setback is calculated at 4.73 m. It is uncertain from the stamped drawing what the correct setback is, so it is impossible to apply Bylaw 5045 in any meaningful way.*
- 2. Field measurements taken of the as-built garage show completely different results. Measurements were taken from the front of the garage in three different locations (north, centre and south faces) to the rear face of the sidewalk. Using the property survey corner pin location, it was determined that the sidewalk is offset 0.7 m into the road allowance. The as-built setback was measured to be between 7.66 m and 7.22 m from the sidewalk. Even accounting for variations in the sidewalk offset, the field measurement appears to have a 1.2 m deviation from the numbers indicated on the stamped drawings supporting the application. Given the apparent discrepancy between the as-built environment and the proponent's drawings, it is not possible to apply Bylaw 4045 in granting a variance on front yard setback.*
- 3. Visual observations. The legal survey for 56 Rycon Drive indicates that 56 Rycon is setback 6.0m. Even accounting for changes in the roadway and property line alignments, visually the garage face of 56 Rycon appears further back from the property line than the building at 56 Rycon. This suggests that the as-built setback could be more than the 5.79 m indicated on the application.*

Conclusion: Given the apparent inaccuracies in the proponent's drawing, the uncertainty about the actual location of the building on the property, and the absence of a current legal survey in the application and decision report, we believe the zoning bylaw was misapplied in the approval of this application to grant a variance. On this basis we believe the decision should be reversed.

Development Officer's Response: It is the applicant's responsibility to submit accurate information to the City. It is the Development Officer's responsibility to process applications as submitted by applicants and make a final decision based on the applicable policies and regulations. The Development Officer reviewed and approved the site plans submitted by the applicant. The Development Officer also acted appropriately requesting the applicant to submit additional information when the setback distances needed to be clarified.

Section 4.4.3.a) of Zoning By-law No. 5045, as amended, requires that a site plan include lot lines with dimensions copied from a legal plan of survey. The Development Officer confirmed that the site plan provides lot lines with dimensions copied from a legal plan of survey. Using the surveyed lot dimensions, the Development Officer confirmed that the measurement of the Front Yard setback of 5.79m demonstrated on the plans matched the scale of the surveyed dimensions for the lot lines. As depicted in red on the site plans, the Development Officer did find a mistake in the measurement of the Side Yard setback. The Development Officer contacted the applicant to confirm if the demonstrated Side Yard was

correct and inform them that as presented, the plans required a variance for the existing Front and Side Yard setbacks. A variance application noting the Front Yard setback and confirmed 0.86m Side Yard setback were submitted to the City.

Based on the application as submitted, the Development Officer did not have concerns with the variances for the existing attached garage. If the measurements submitted as part of the application were slightly different than what was approved via PL-2024-0004 it would ultimately not change the Development Officer's recommendation for approval as the building is not proposed to be altered or expanded and has existed on-site for over 30 years.

Instance Number 2: "misapplication of zoning bylaw in the approval of the application"

We believe that Bylaw 5045 was misapplied in the calculation and determination of the size and number of parking spaces on the approved site plan that was attached to the decision.

Observations:

- 1. The existing building has a garage. The parking space in the garage was not included in the calculations of the number of required additional spaces.*

Development Officer's Response: Table 7-3: Minimum Parking Space Requirements in Zoning By-law No. 5045, as amended, identifies that Special Care Residences are required to provide, at minimum, one parking space per five dwelling units. The proposed Special Care Residence includes one dwelling unit which requires, at minimum, one parking space to be provided. The Zoning By-law does not regulate the maximum number of parking spaces in the RC-1 zone.

The plan to create additional parking spaces on-site conforms to the intent and regulations of the Zoning By-law for the RC-1 zone.

- 2. The plan view drawings attached to the application do not show the existing garage space and do not reflect what the proponents intended to use it for. If the garage will not be used for parking, as designed, what is the intended use? The change in use was approved by the Development Officer based on incomplete and missing information on the intended use of existing constructed space. Therefore, the approval was made in error and should be reversed.*

Development Officer's Response: The existing attached garage and sundeck were previously approved as part of Development Permit Application #83-149. As demonstrated by the Site Plans and as described in the letter from Executive Director Solomon T. Bucknor submitted as part of the application package, no alterations to the existing floor plan or building parcel were proposed as part of this application. While no changes were proposed, the Development Officer requested floor plans be submitted to confirm the number of beds and the components of the Dwelling Unit (sleeping, cooking, and sanitary facilities). Upon confirmation that the submitted floor plans matched the proposed programming of the site, and as the applicant confirmed that no changes were proposed for the existing garage floor plan for the garage was not required. The garage will remain and continue to be used as intended.

- 3. The stamped drawings show the existing driveway at 5.7 m wide. The planning report indicated that there was only one existing driveway space. Under the City's design standards, a parking space is 2.6 m wide. The existing driveway is already wide enough to*

accommodate two parking spaces. This was not calculated or discussed in the section of the Planning Report dealing with parking plan approval. Also, the unnecessary additional parking space approved on the drawings is shown at 2.74 m, which exceeds the City allowable width of 2.6 m.

Development Officer's Response: The plans show the areas labelled "Car Port-01" and "Proposed Driveway" to have widths of 2.71m and 2.74m respectively. Table 8-1 Drive Aisle Width and Parking Angle found in Zoning By-law No. 5045 provides the **minimum parking area standards**. At a parking angle of 90°, the **minimum** width of a parking space is 2.6m with the **minimum** length being 5.5m. There is no maximum driveway width requirements established in the RC-1 Zone.

The proposed driveway and parking layout meets both the requirements of the Zoning By-law No. 5045 and the Design Standards Manual.

4. *The Bicycle Parking (Motorcycle Parking?) is indicated on the drawing using motorcycles. Is it the City's intent to allow this space to be used for motorcycles as well? Together, the proposed new walkway, the bicycle spaces, the new parking space, and the garage will provide sufficient paved parking space for 5 cars.*

Development Officer's Response: Section 7.8.13 b) iii of Zoning By-law No. 5045 requires that Special Care Residences provide one space of bicycle parking per three rooms. Based on the site plans provided by the applicant, four bedrooms are provided requiring two bicycle parking spaces. At the request of the Development Officer, the applicant revised the plans to demonstrate the required bicycle parking spaces.

7.1.13 d) iv. Requires that bicycle parking be placed on level a level asphalt or concrete base to which it can be secured. This is demonstrated in the greyed bicycle parking area shown on the site plan. In addition, a Planner's Note was added to the Site Plans requiring that bicycle parking meet the requirements of section 7.8.13.d).

5. *The Planning Report does not indicate that how the City plans to ensure that the bicycle parking will only be used for bicycles. Bylaw 5045 and the City's planning process have provisions to require passive physical barriers (bollards, curbing, planting, etc.) to ensure that protected spaces such as bicycle parking and walkways are preserved and used in compliance with the approved plan. No such measures are in place for the proposed development at 56 Rycon, and we submit that the site plan does not meet the intent and requirements of Bylaw 5045.*

Development Officer's Response: The minimum design standards for motor vehicle parking spaces are described in Table 8-1 of the City of Yellowknife Design Standards Manual. The proposed bicycle parking spaces should be used for bicycle parking, not motorcycle parking. The proposed allocation of bicycle parking spaces meets the requirements of the Zoning By-law.

A condition of the Development Permit approval was that "the development shall comply with all approved plans and By-laws in effect for the City of Yellowknife". Section 6 of the Zoning By-law outlines the regulations Development Officers can operate under in matters of Zoning By-law non-compliance.

We have previously observed that the City often does not enforce site plans after the fact, and are therefore concerned that the spaces set aside for bicycles will be used, improperly, for motor vehicle parking.

In cases where the zoning bylaw may be contravened, the city has a policy and a website to provide the public with an avenue for submitting complaints which also provides City staff with consistent practices for handling complaints.

Instance Number 3: "misapplication of zoning bylaw in the approval of the application"

Bylaw 5045 requires posting and maintaining the notice of decision. We believe that the City of Yellowknife misapplied the bylaw by failing to ensure that the public posting was

- legible and accurate in communicating the decision, and*
- maintained and available to be publicly viewed for the duration of the required notice period.*

Observations:

- 1. The notice board that was posted onsite at 56 Rycon indicated that the decision was to increase the sideyard setback to 8.86 m when in fact the decision was to reduce the setback to 0.86 m. This failed to meet the purpose and intent of using a public posting to accurately communicate a decision to residents and stakeholders.*

Development Officer's Response: There was a typing mistake regarding the Side Yard setback on the Notice of Decision posted on site, meanwhile, a letter notifying the public of the approved Change of Use and variances was mailed to neighbours within 30m of the subject lot which had the correct wording for the Side Yard variance.

- 2. The drawing of the approved site plan on the notice board was too small, important numbers were blurred, and it was not possible to review the subject setbacks that formed the decision. This matter was compounded by the fact that the approved drawings and Planning Report were not available for stakeholders to review on the Planning and Development Department's section of the City's website.*

Development Officer's Response: As a current practice, the City does not publish permit applications and/ or materials on the City's website. Instead, a notice is put on-site, letters are mailed to residents within 30m, and information regarding the approval is included as part of the City's weekly capital update. Additionally, all application materials are made available for members of the public to review at City Hall.

The Notice of Decision posted on site and the letters mailed to neighbours located within 30m of the subject lot indicated that additional materials were available upon request by contacting the Development Officer.

- 3. The notice board is no longer erected and is not accessible and viewable. The proponent and City failed to keep the public notice board in an accurate and easily visible condition. We noted on Saturday, June 15 that the notice had fallen down, meaning that the public posting*

was not in place for at a minimum of four of the required days stipulated in Bylaw 5045 with respect to notice of decision and planning decision requirements.

Development Officer's Response: When a Notice of Decision is posted on-site there is a risk of it being damaged. Development Officers will fix or replace damaged notices if and when they are made aware of them either by site visit or by notification by the applicant or public. The Development Officer was not made aware or given notification about the notice falling over until the Development Officer went to remove it from the site following the end of the two-week notice period.

The City uses multiple means to ensure that the public is aware of development in the community. In addition to the Notice of Decision posted on site, the City mails letters notifying neighbours within 30m of the subject site about the approved use and variances as well as includes the approval notice in its weekly capital update.

Additional Comments:

Errors on the Approved Stamped Drawing

In addition to the errors noted elsewhere in this letter, the approved stamped drawing shows two existing fences that do not in fact exist onsite.

The approved stamped drawing shows an existing fence along the north property boundary of 56 Rycon Drive (i.e. between 56 Rycon Drive and 54 Rycon Drive) extending to the front property line. There has been no fence in this location for at least the last 20 years..

Similarly, the approved stamped drawing shows an existing fence shown along the frontage of the property. This fencing was removed by the previous owner last year.

The approved site plan requires that these fences be maintained, to remain in compliance with the approval decision. Since neither fence exists, it is unclear how the City will determine if the proponent is in compliance.

These errors further bring into doubt the accuracy of the information presented on the proponent's drawings and the validity of the approved stamped drawings.

Development Officer's Response: Whether or not the existing fence labelled on the site plans exists makes no material difference to the approval of development permit application PL-2024-0004 for a Change of Use.

The installation of fencing does not require development permit approval so long as it aligns with the regulations of the Zoning By-law. The Development Officer found that fencing was approved in that location as part of Development Permit 89-368. As the applicant noted that the fence is existing, meaning no changes are proposed as part of this application, and as fences meeting the regulations of the Zoning By-law do not require development permit approval, the Development Officer had no concerns with the plans as presented.

Special Care Residence

The Variance Request Application was not shared during the consultation process. We only received this application attached to the Planning Report on June 17, 2024, when we requested a copy of the Planning Report.

Development Officer's Response:

The intent of a Notice of Application is to inform of neighbours within 30m that a complete development permit application has been submitted to the City and that the application is under review. The notice contains staff contact information in case members of the public have questions. Members of the public have full access to information during regular office hours.

A variance for the Side Yard was identified in the Notice of Application. A variance for both the Side and Front yards were identified and addressed during the application review process, then notified to the neighbours through a Notice of Decision for 14 days from June 4, 2024, to June 18, 2024. During the notice period, the neighbours were asked to provide comments on the decision and provided an opportunity to access all the information about the application.

The proponent's application indicates that they will be housing residents between 5 years and 19 years of age with disruptive behavior issues, elopement (wandering) issues, drug and alcohol addiction issues, behavioral issues and respite care.

Development Officer's Response: This statement is not relevant to land use nor matters of the Zoning By-law or the decision of the Development Officer.

Bylaw 5045 does not define "special care residence" and does not define the types of "special care" that are permitted. The type of care proposed by the proponent is beyond what would normally be permitted in a residential class building designed for single family occupancy. The home at 56 Rycon is not constructed to the elevated standards for security, fire protection, barrier-free access, mechanical systems and electrical systems that would be required for special care in a non-residential building.

Development Officer's Response: Zoning By-law No. 5045, as amended, defines Special Care Residences as follows:

"a development where persons reside for the primary purpose of receiving support, supervision and or treatment. Shared cooking, dining, laundry, cleaning and other facilities are provided on site and specialist care may be provided for 24 hours."

The definitions of the Zoning By-law were created to provide clarity, consistency, and regulatory control over land uses. The proposed development will further be examined and required to obtain any appropriate permits, according to the National Building Codes as well as the City's Building By-law to the ensure safety of the structure, should the Development Permit be granted.

Since "special care residence" is not properly defined it is not possible to determine that this proposed development complies. Decision PL-2024-004 should be reversed until such time as the necessary revisions to Bylaw 5045 have been made.

Development Officer's Response: The Development Officer considers the definition in the Zoning By-law clear and sufficient to make a decision based on the information provided by the applicant.

The planning report details that the City has approved a "special care facility" that allows children to be housed in bedrooms in bunk beds with 4 children per room. This would result in little as 40 square feet per child.

Development Officer's Response: This statement is irrelevant to the Zoning By-law.

The CMHC National Housing Standard for "Suitable housing" under normal residency conditions limits bedroom occupancy to "a maximum of two beds per room." A building being used for special care could reasonably be expected to meet, if not exceed, the standard for normal residency conditions, whereas the proposed development may be providing living space that does not meet the standard. By approving this plan and the proposed room uses in the stamped drawing attached to the Planning Report, the City has approved a development which creates unsuitable housing.

Development Officer's Response: Occupancy is reviewed during the building permit application process.

Public consultation

It is unfortunate that the City has not been more accurate and forthcoming with information during this development approval process. Had the proponent's application and the Planning Report been actively shared and publicly posted online, many of these issues could have been considered and addressed at an earlier stage in the approval process.

Development Officer's Response: The Planning and Environment Division posts a Notice of Application and Notice of Decision at the subject property. In addition, the City mails out notification letters to neighbours within 30m of the property lines and also advertises on the City's Capital Update. All information is made available for review by members of the public during regular office hours.

Development Officer's Response: The City respectfully requests that the Development Appeal Board confirm the decision to approve the Development Permit application PL-2024-0004, knowing that the decision conforms to the 2020 Community Plan and follows regulations of Zoning By-law No. 5045.



Andrew Treger
Planner
City of Yellowknife

Attachments

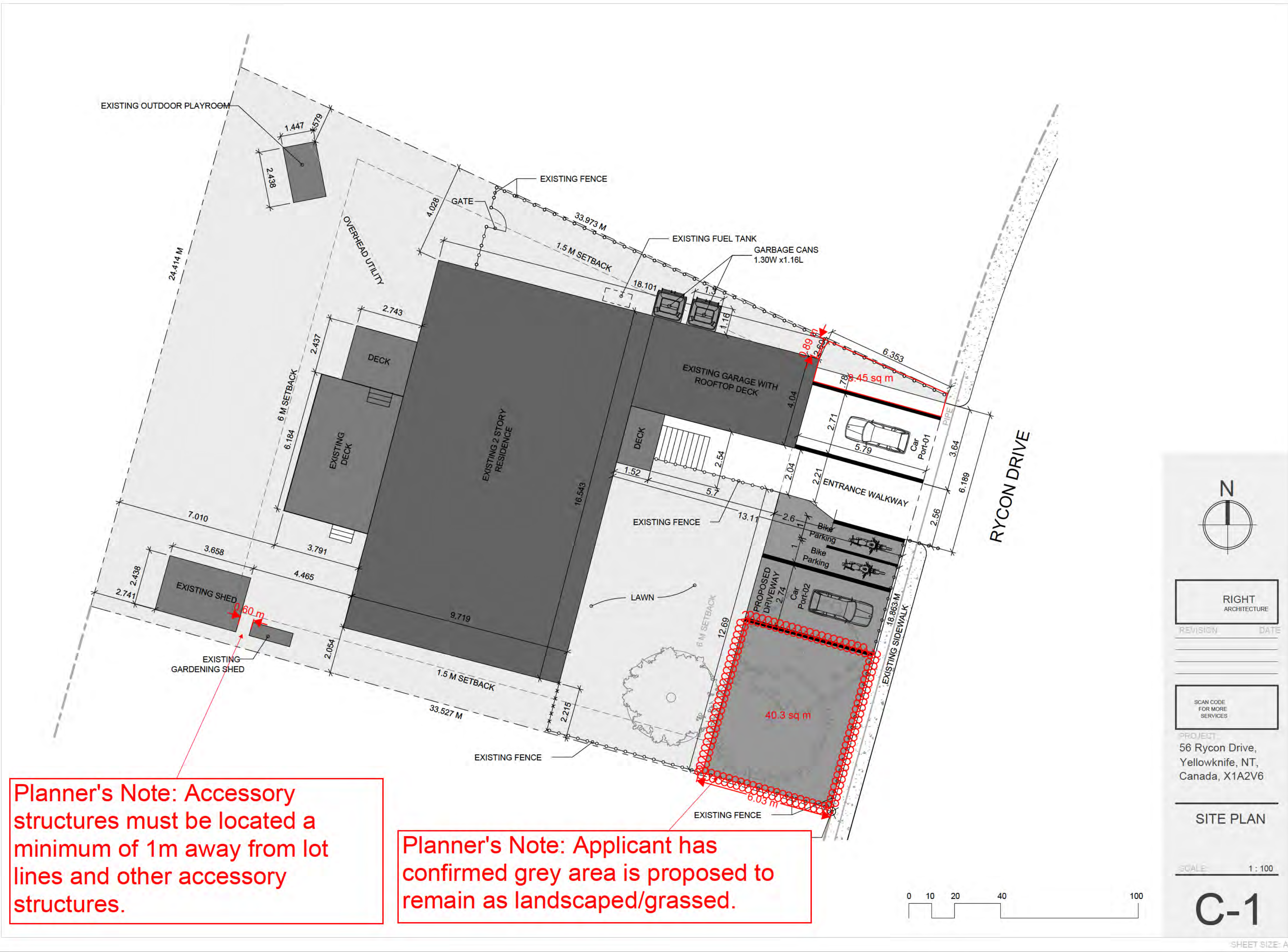
Attachment A: Stamped Drawings PL-2024-0004

Attachment B: Planning Justification Report

Planner's Note: Any part of a Lot which is not occupied by existing natural areas must be maintained as landscaped area per the Zoning By-law. Required landscaping must be maintained for the lifetime of the development.

Planner's Note: Bicycle parking must meet the requirements of section 7.8.13.d).

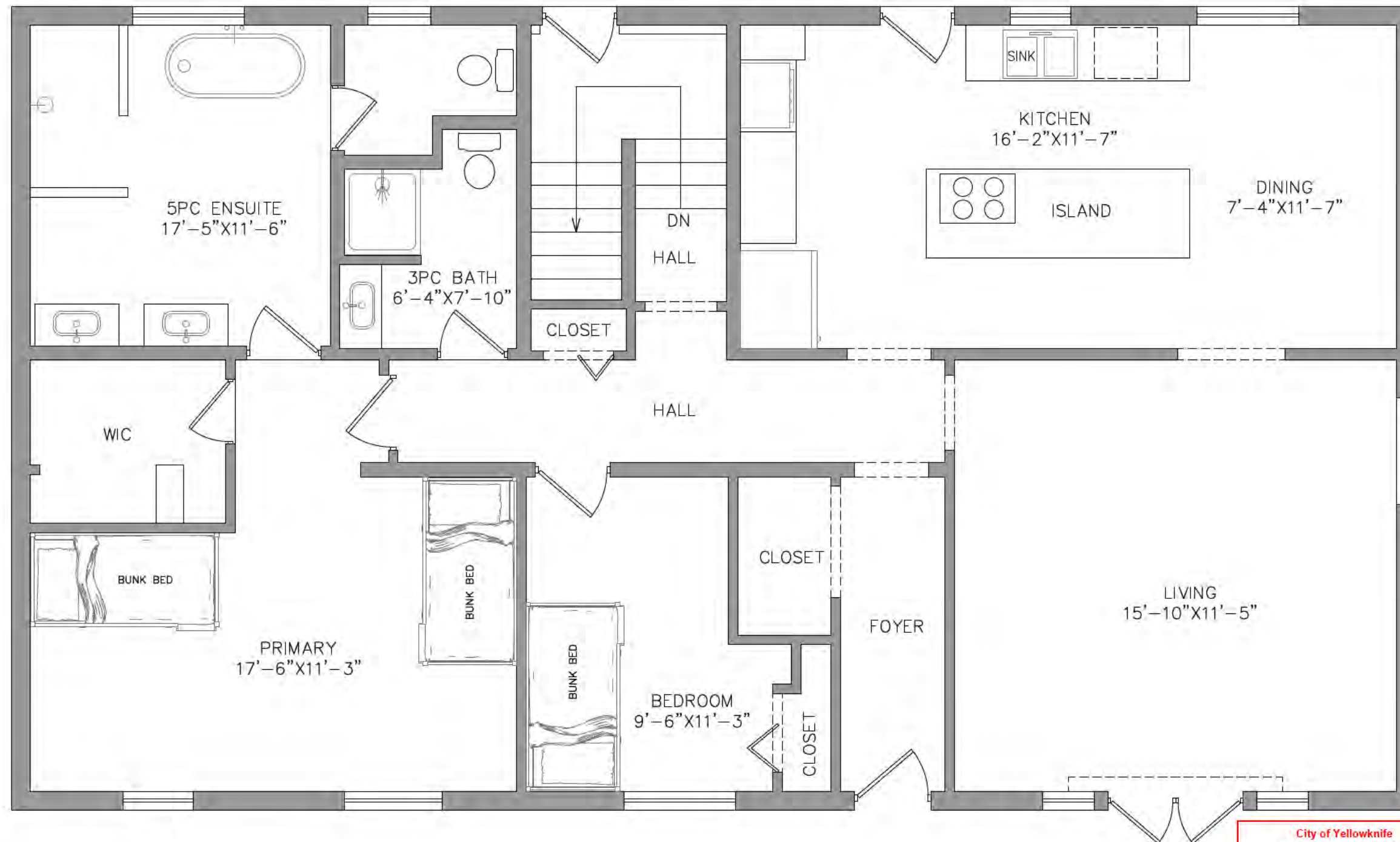
Planner's Note: Grade of parking space must not exceed 8%.



City of Yellowknife
Development Permit # PL-2024-0004
Approved June 4, 2024 (page 1 of 15)
Development Officer Andrew Treger

56 Rycon Dr, Yellowknife, NT

Main Floor Exterior Area 1444.68 ft²
Interior Area 1341.13 ft²



City of Yellowknife
Development Permit # PL-2024-0004
Approved June 4, 2024 (page 2 of 15)
Development Officer Andrew Treger

0 4 8 ft

PREPARED: 2024/02/04



White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

iGUIDE

56 Rycon Dr, Yellowknife, NT

Basement (Below Grade) Exterior Area 1502.00 ft²
Interior Area 1372.00 ft²



City of Yellowknife
Development Permit # PL-2024-0004
Approved June 4, 2024 (page 3 of 15)
Development Officer Andrew Treger

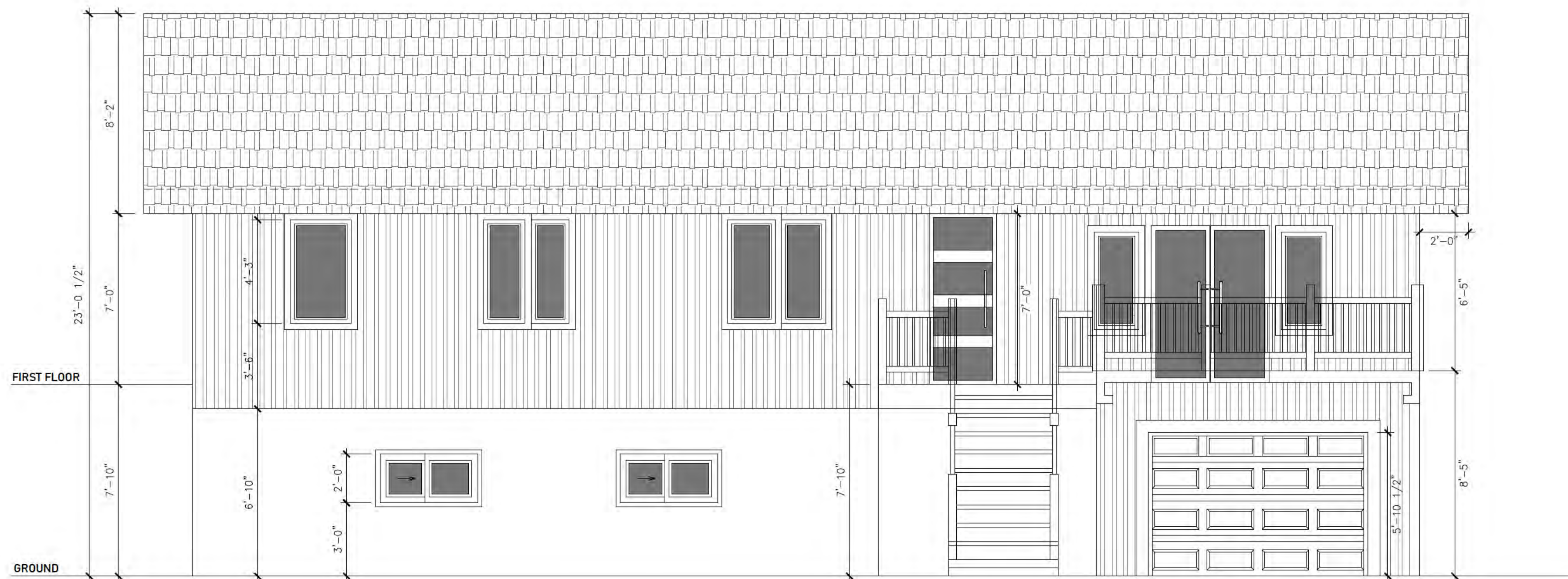
0 4 8 ft

PREPARED: 2024/02/04



Whiter regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.





FRONT ELEVATION

City of Yellowknife
 Development Permit # PL-2024-0004
 Approved June 4, 2024 (page 4 of 15)
 Development Officer Andrew Treger

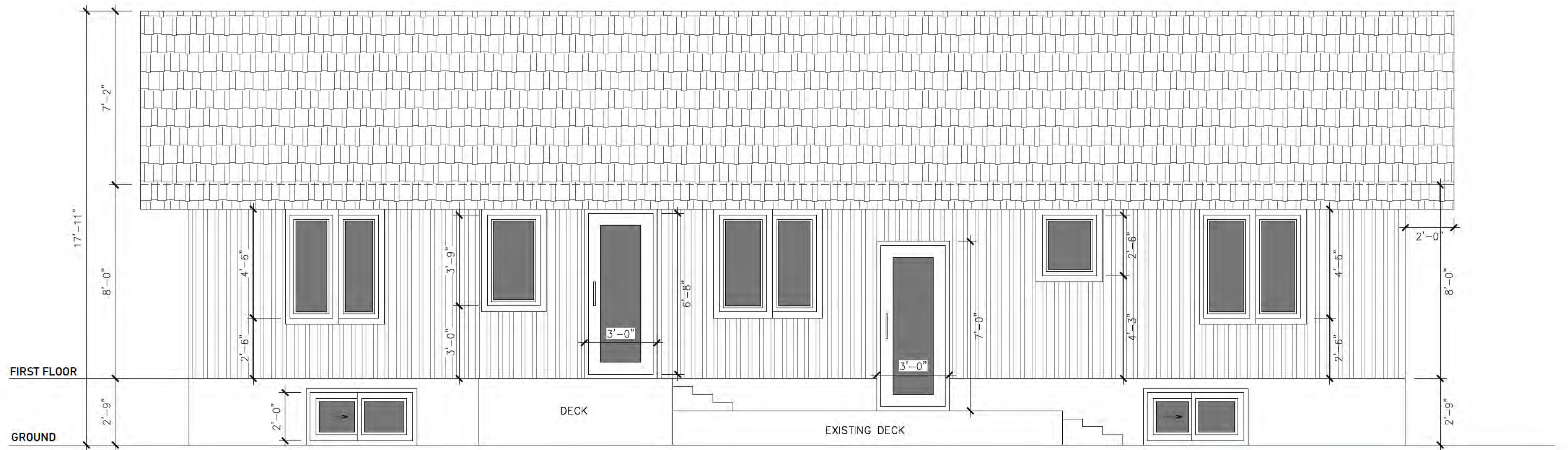
0 4 8 ft

PREPARED:2024/02/04



Whiter regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.





City of Yellowknife
 Development Permit # PL-2024-0004
 Approved June 4, 2024 (page 5 of 15)
 Development Officer Andrew Treger

REAR ELEVATION

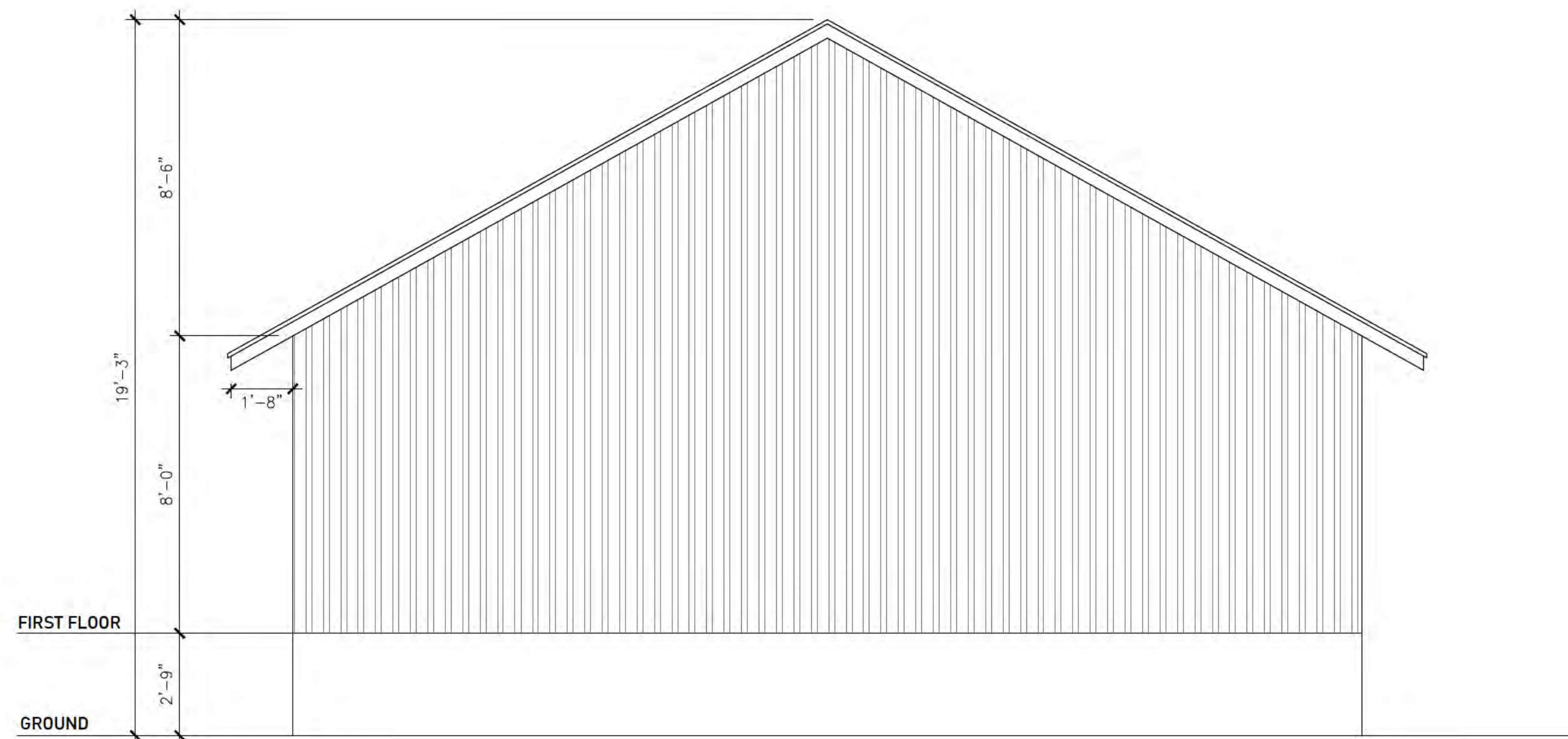
0 4 8 ft

PREPARED: 2024/02/04



White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

iGUIDE



City of Yellowknife
 Development Permit # PL-2024-0004
 Approved June 4, 2024 (page 6 of 15)
 Development Officer Andrew Treger

LEFT ELEVATION

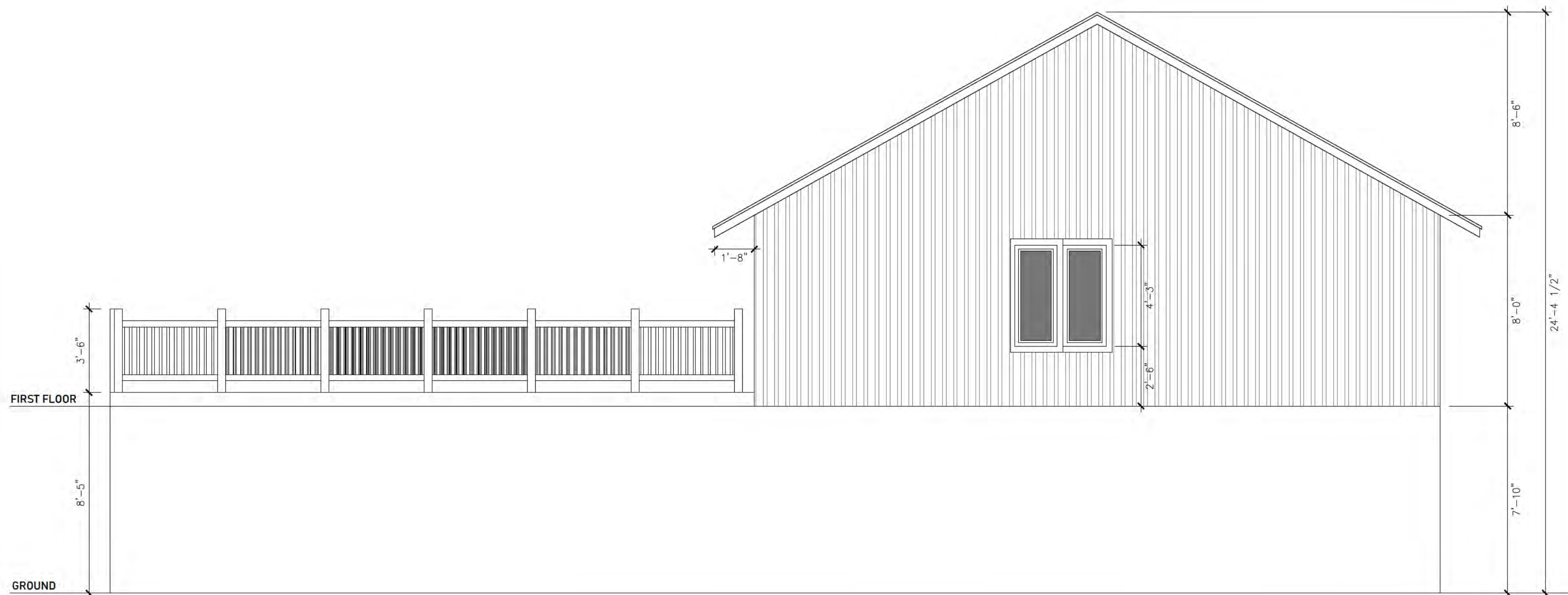
0 4 8 ft

PREPARED: 2024/02/04



White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.





RIGHT ELEVATION

City of Yellowknife
 Development Permit # PL-2024-0004
 Approved June 4, 2024 (page 7 of 15)
 Development Officer Andrew Treger

0 4 8 ft

PREPARED:2024/02/04



WhiteregionsareexcludedfromtotalfloorareainiGUIDEfloorplans.Allroomdimensionsandfloorareasmustbeconsideredapproximateandaresubjecttoindependentverification.



Variance Request Application

Zoning By-law No. 5045

Planning and Development Department, City of Yellowknife



DEVELOPMENT CONSULTATION: The City of Yellowknife strongly encourages applicants to pre-consult with City planning staff prior to submitting an application for variance. Please contact the Planning and Development Department to discuss your proposal 1-(867)-920-5600.

APPLICATION FEE: The fee for processing a request for a variance to development regulation(s) found in the Zoning By-law shall be paid to the City in accordance with the Fees and Charges By-law. One application per lot is to be submitted and may include more than one variance requested in an application.

APPLICATION FORM: Each application must be filled out completely and clearly, and must be accompanied by a development sketch with all relevant information as described below. Incomplete applications and sketches will be returned without further processing until the corrected material is filed. Applications are encouraged to be made online, through our City of Yellowknife Portal: <https://cityview.yellowknife.ca/Portal>

SKETCH DETAILS: The development sketch shall include, as a minimum, the following details:

1. all abutting lands owned by the owner (if any) and their boundaries and dimensions;
2. the parcel of land that is the subject of the application, its boundaries, dimensions and the requested variance(s);
3. identify existing structures, proposed structures, label use of each structure;
4. the approximate location of all natural and artificial features on the subject lands (e.g. buildings, trees, watercourses, drainage ditches, road and access, banks, wetlands, wooded areas), and the location of any of these features on adjacent lands that may affect this application;
5. the existing uses of adjoining land (e.g. residential, extractive, commercial, etc.);
6. the location and nature of any restrictive covenant or easement affecting the subject lands;

Please provide sketch no larger than 11" x 17.

MEASUREMENTS: Measurements shall be expressed in metric units.

ROAD NAMES, CIVIC ADDRESSES: Please use the street names and property addresses on the development sketch which have been adopted by the City of Yellowknife as the civic address of the property which is the subject of the application.

City of Yellowknife
Development Permit # PL-2024-0004
Approved June 4, 2024 (page 8 of 15)
Development Officer Andrew Treger

FOR OFFICE USE ONLY:

Fee Paid: _____

Invoice #: _____

Associated Permit #: _____

Variance Request Application

Zoning By-law No. 5045

Planning and Development Department, City of Yellowknife



I/We hereby make application to request a variance to development regulation(s) found in Zoning By-law No. 5045 in accordance with the information submitted herewith and subject to the provisions of Section 4.8 of the Zoning By-law.

I/We understand that all requests for a variance to development regulations found in Zoning By-law No. 5045 are subject to the provisions of Section 4.9 of the By-law.

Property to be Developed/Property Owner Information						
Civic Address of Proposed Development	56 Rycon Drive					
Legal Description of Proposed Development	Lot	31	Block	150	Plan	863

The Owner must complete the following to authorize applicant, agent or solicitor to act on their behalf.

NOTE: If more than one owner is listed on this application, then all owners must sign this authorization section of the application form or by a letter of authorization duly signed. If the Owner is a corporation, the authorization must be by an officer of the corporation who has authority to bind the corporation.

I, (we), the Registered Owners/ of 56 Rycon Drive (address)
in the City of Yellowknife, severally and jointly, solemnly declare that Micheal Dawodu
is authorized to submit an application for variance on my (our) behalf.

Micheal Dawodu, Finance & Admin. Manager

Signature(s) of Registered Owner(s) or Corporation's Officer

NOTICE TO THE APPLICANT:

In accordance with the provisions of the *Community Planning and Development Act*, the City Planning and Development Department provides public access to all development applications and supporting documentation as required or allowed by the legislation. By submitting this variance application and supporting documentation, you acknowledge and consent that the information on this application and any supporting documentation provided by you, your agents, solicitors, and consultants will be part of the public record and may also be used for preparing documents made available to the general public. If you have any questions or concerns about the collection, use, disclosure or destruction of the information collected on this form, please contact the Director of Planning & Development, City of Yellowknife, 4910 52 St, Yellowknife, NT X1A 1T3, 867-920-5600.

Micheal Dawodu
Signature of Owner/Applicant/Agent(s)

Micheal Dawodu

Feb. 20, 2024

Date

Variance Request Application

Zoning By-law No. 5045

Planning and Development Department, City of Yellowknife



Information Related to Variance(s) requested:

Property to be Developed/Property Owner Information					
Civic Address of Proposed Development	56 Rycon Drive				
Legal Description of Proposed Development	Lot	31	Block	150	Plan 863

Zone:			
Zoning Requirement	Required	Proposed	Variance
Floor area (m ²)			
Site coverage (%)			
Height (m)			
Front yard setback (m)	6	5.79	
Side yard setback (m)	1.5	0.86	
Rear yard setback (m)			
Lot depth (m)			
Lot width (m)			
Site area (m ²)			
Floor area ratio			
Landscaping			
Parking			

Describe the requested variance(s) and the rationale for the request in details:

Nunik Care Services Ltd. is requesting for a variance of the side yard setback requirement as part of development permit application #PL-2024-0004.

The variances requested meets the evaluation criteria under the following subsections of section 4.9.1 of the zoning By-law as follows:

- (a)- proposed variance would not interfere with the amenities of the neighbourhood or in any way affect the use, enjoyment or value of neighbouring homes and properties.
- (b)- the property has an irregular lot line as well as an existing structure on it that makes it a challenge to meet the minimum required setback.
- (e)- the previous owners of the property constructed a garage on the property under the old zoning By-law, this structure can't be removed at this time to meet the requirements of the current By-law.
- (f)- proposed development conforms to a usage prescribed by the By-law.

*Please use additional pages if required.



Planner's Note: Pages 11-15 were included to provide supplemental information about the application.

City of Yellowknife
Development Permit # PL-2024-0004
Approved June 4, 2024 (page 11 of 15)
Development Officer Andrew Treger

NUNIK CARE SERVICES- APPLICATION FOR CHANGE OF USE DEVELOPMENT PERMIT

NUNIK CARE SERVICES Ltd. is a 24hr care provider to vulnerable children and youth between the ages of 5-19, we currently operate in Cambridge Bay, Nunavut with licensing and approvals from the Territorial and Municipal governments. We are expanding our operations to Yellowknife and have secured the building known municipally as 56 Rycon Drive as the base of our operations.

This Yellowknife facility would accommodate a maximum of eight children/youth; our clients come from a wide range of backgrounds and exposures and issues such as disruptive behaviour patterns, elopement issues, traumatic experiences, street life entrenchment, mental health concerns and those children and youth whose families are simply not able or willing to provide care to them.

Services that would be provided to our residents include, behaviour programs with a deep cultural perspective, individual and group therapy, alcohol and anger management programs, social and life skills training, on-the land programs, sports, and other recreational activities. With the availability of recreational and sporting facilities in Yellowknife, we intend to engage our residents actively in sports and recreational activities including swimming, hockey, soccer, dance, music and many more.

Residents would at all times be cared for by a dedicated team of staff members working in 8-hour shifts.

We do not plan on making any alterations to the floor plan, building or the exterior envelope at this time; there would be a maximum of three operational vehicles for the use of our staff and residents and the current garage and parking space on the property is sufficient for said vehicles. Our operations would

therefore have no negative or adverse effect on the greater community or the existing aesthetics of the area, neither would we have any land use impacts.

We also do not envisage significant foot traffic to the neighbourhood as a result of our facility as traffic to the premises would be limited to just staff and residents, with the parents and legal guardians of our clients allowed occasional visits.

We are formally requesting for a CHANGE of USE DEVELOPMENT PERMIT for 56 Rycon Drive, Yellowknife, NT. X1A-2V6 to allow for Nunik to commence operations in the said building.

We look forward to a favourable review for our application for a permit and we are happy to engage with members of the city planning division to discuss any matters arising from your review of our application at short notice.

A summary of our proposed programs and activities is attached to this application packet, and further information about our company can be found at www.nunikcare.com and we have also included a site plan per the requirements discussed with members of your planning and development team on November 30, 2023.

Respectfully submitted,

Solomon T. Bucknor

Executive Director,

Nunik Care Services Ltd.

City of Yellowknife
Development Permit # <u>PL-2024-0004</u>
Approved June 4, 2024 (page 12 of 15)
Development Officer <u>Andrew Treger</u>

NUNIK CARE SERVICES-SUMMARY OF PROGRAMS AND ACTIVITIES

Nunik Care Services in Yellowknife is an extension of the services that we render in Cambridge Bay, Nunavut.

We provide these services through our Residential Care / Group Home Services model for children and youth from 5 years to 19 years in a warm, non-judgmental, and welcoming environment with private spaces for our clients.

These services are deliberately provided in the North where our clients will remain connected with culturally sensitive activities where our team will focus on indigenous and cultural practices instead of sending them to the south where they may not receive culturally tailored services that meet their cultural needs.

We accept clients for both short- and long-term placements including respite care in our 24/7 care Facility.

Our clients come from a wide range of backgrounds and exposures and issues such as disruptive behaviour patterns, elopement issues, traumatic experiences, street life entrenchment, mental health concerns and those children and youth whose families are simply not able or willing to provide care to them.

Our Nunik Yellowknife Facility at 56 Rycon Drive will have a capacity of eight beds.

The services we will provide at the facility include the following:

City of Yellowknife	
Development Permit #	PL-2024-0004
Approved June 4, 2024 (page 13 of 15)	
Development Officer	Andrew Treger

- Behaviour programs that are tailor -made to match our clients' interest level within the context of our Nunavut/ Northern cultural sphere of care.
- Individual and Group therapy that are provided by qualified and vetted therapists with northern work experience.
- Structured Drug and Alcohol education sessions to our clients both within the Facility and outside the facility.
- Anger management programs for all the clients that are in our care.
- Social and Life skills training so that our clients can contribute positively to society.
- Supervised computer access and training.
- Games and movie nights at home and at the Yellowknife Cinema
- Extensive supervised community outreach so that our clients can access community programs in the city. We intend to take full advantage of the variety of programming that the vibrant city of Yellowknife offers to actively engage our residents academically, socially and mentally.
- Supervised On-The-Land programs for enhanced cultural learning and activities.
- Milieu treatment programs at home such as establishment of routines, rules, activities and group meetings in the Facility to help build clients confidence and responsibilities. For example, they are supervised and supported to help cook their meals, clean their rooms, do chores around the house and taught self-care routines to prepare for their subsequent independent living.

- Nunik Care Services puts a very strong ethos and energy to ensure our children and youth attend school regularly and provide strong incentives to bolster school attendance.
- Nunik Care staff follow up with the kids' progress at school by liaising with the school authorities on a regular basis and attend the parent-teachers' meetings and collaborate in other areas to support the education system.
- Nunik Care Services team engages with other community agencies and other organizations to support children and youth to minimize and reduce street life entrenchment through various programming and support.

Our Yellowknife facility will be manned and supervised by qualified and support staff 24/7 through a 3-shift model of staff schedule; and all our staff will be carefully vetted including criminal and vulnerable sector record checks, work references, qualification checks and authentication.

Our clients would be transported to their various programs and activities with dedicated company vehicles.

City of Yellowknife	
Development Permit #	PL-2024-0004
Approved	June 4, 2024 (page 15 of 15)
Development Officer	Andrew Treger

Property Information/Details

Location Description	Lot 31 Block 150 Plan 863
City of Yellowknife Community Plan No. 5007	Section 4.1.2 Central Residential
City of Yellowknife Zoning By-law No. 5045, as amended	Section 3.1. Development Officer Section 4.0. Development Permit Process Section 4.8. Variance Authority Section 4.9. Evaluation Criteria for a Variance Section 4.11. Notice of Decisions Section 5.1. Development Appeal Process Section 7.1. Site Planning Considerations Section 7.5. General Landscaping Regulations Section 7.8. Parking Section 8.1. General Development Section 8.2 Specific Use Regulations Applicable to Residential Zones Section 10.1. R1 – Low Density Residential
Civic Address:	56 Rycon Dr.
Access:	Rycon Dr.
Municipal Services	Piped water and sewer services

Recommendation:

Approval of application PL-2024-0004 for a Change of Use of a Single Detached Dwelling to a Special Care Residence and variances to reduce the minimum Front Yard setback from 6m to 5.79m and the minimum Side Yard setback from 1.5m to 0.86.

Proposal:

The applicant proposes a Change of Use from an existing Single Detached Dwelling to a Special Care Residence. Two variances are proposed including a variance to reduce the minimum Front Yard setback from 6m to 5.79m and a second variance to reduce the minimum Side Yard setback from 1.5m to 0.86m.

Background:

GENERAL STATEMENT

The subject property is located in the RC-1 zone with its access on Rycon Drive. The surrounding neighbourhood is predominantly residential. No external changes to the existing dwelling are proposed. The two variances being applied for as part of this application are related to the existing attached garage approved via Development Permit 83-149 in 1983. Upon receipt of the current application, the Development Officer found that existing non-conformities which they required to be addressed as part of this application.

SUPPORTING STUDIES AND REPORTS

- Lot 31 Block 150 Revised drawings May 26, 2024
- Lot 31 Block 150 Revised drawings May 21, 2024
- Lot 31 Block 150 Development summary March 18, 2024
- Lot 31 Block 150 Submitted drawings March 5, 2024
- Lot 31 Block 150 Variance application February 20, 2024
- Lot 31 Block 150 Submitted drawings January 12, 2024

PLANNING ANALYSIS

City of Yellowknife Community Plan 2020 (the Plan)

The City of Yellowknife Community Plan was approved by the Minister of Municipal and Community Affairs on the 5th day of July 2020. The Community Plan/ By-law No. 5007, received Third and Final Reading by City Council on the 27th day of July 2020 and came into effect.

Community Plan, By-law No. 5007

The Community Plan is a comprehensive outline of the goals and objectives for the City with directive policies to accomplish the objectives. Policies of the Community Plan are to be read together and all applicable policies are to be considered and applied at the time of development.

The subject property is designated Downtown – Central Residential in the Plan. The area is characterized by a mix of low-rise residential development with some high-density apartments and buildings that have seen adaptive reuse for small-scale offices and/or retail spaces. It is intended as a transition area between the high-density city core and other area designations like Old Town, the Recreation Hub, and Old Airport Road.

For each land use designation, the Community Plan provides Planning and Development Objectives and Policies to guide the growth and shape the physical, social, and economic aspects of the community. These objectives and policies provide a framework for decision-making and action, and help ensure that development occurs in a coordinated, sustainable, and responsible manner. The following Planning and Development Objectives and Policies are included in section 4.1.2 for the Central Residential Designation are relevant to this application:

- Objective 5: “To encourage a variety of housing options”.

The applicant’s proposal for a Change of Use will provide a new housing option and fits in the context of the Downtown – Central Residential Land Use Designation.

City of Yellowknife Zoning By-law No. 5045

Section 12 of the *Act* identifies the purpose of a Zoning By-law is 12(1) The purpose of a zoning by-law is to regulate and control the use and development of land and buildings in a municipality in a manner that

conforms with a community plan/ and if applicable, to prohibit the use or development of land or buildings in particular areas of a municipality.

The City of Yellowknife Zoning By-law No. 5045, received Third and Final Reading by City Council on the 14th day of March, 2022.

Zoning By-law No. 5045, Section 4 – Development Permit Process

Specifies which developments require a development permit, the process of applying for a development permit, the authority of a Development Officer particularly in relation to a variance, the evaluation criteria for a variance, as well as the notice of decisions.

Based on a review of zoning and site regulations, saved in DM#775917, the proposed development meets the applicable requirements with the exception of the minimum Front and Side yard setbacks. Analysis of the proposed variances is below.

Variance Requests (Section 10.1, Table 10-2)

Variances are defined in the Zoning Bylaw as “an alteration or change to a standard prescribed by this By-law that is authorized by the Development Officer, Council or the Development Appeal Board”. Sections 4.8 and 4.9 of the Zoning By-law identify the authority given to the Development Officer and Council with respect to Variances and the Evaluation Criteria by which the Development Officer or Council may grant them. With respect to the development application PL-2024-0004, the Development Officer has reviewed the variance requests listed below as per the Bylaw and granted the requests as follows:

1. The minimum Front Yard setback to be decreased from 6.0m to 5.79m; and
2. The minimum Side Yard setback to be decreased from 1.50m to 0.86m.

Evaluation Criteria and Analysis Summary of Proposed Variances.

Evaluation Criteria

The following criteria described in section 4.9.1 a) to f) of the By-law are used to determine if the proposed variance is acceptable and be granted.

- a) the proposed Variance would not result in a development that will:
 - i. unduly interfere with the amenities of the neighbourhood; or,
 - ii. materially interfere with or affect the Use, enjoyment or value of neighbouring parcels of land.
- b) the subject Site has irregular Lot Lines or is a size or shape that presents challenges to development;
- c) the subject Site has Physical Limitations relating to terrain, topography or grade that may create difficulties in meeting the zoning regulations as prescribed in this By-law;
- d) the subject Site has natural features such as rock outcrops or vegetation that may create difficulties in meeting the zoning regulations as prescribed in this By-law;
- e) an error has occurred in the siting of a Structure during construction; and

f) the proposed Development conforms to the Uses prescribed in this By-law, any applicable Area Development Plan, and the objectives and policies of the Community Plan.

Reduced Front and Side Yard Setbacks:

It is important to clarify that the variances being applied as part of application PL-2024-0004 do not directly pertain to the proposed Change of Use at 56 Rycon Dr., but are instead related to the existing non-conformities with the existing structure. The Development Officer found the existing structure to have an error in placement dating back to the 1980s when the attached garage was originally built. No changes are proposed to the exterior of the building as part of this application.

It is the Development Officer's opinion that the reduction of the Front and Side yards will not unduly impact the amenities of the neighbourhood nor will it materially interfere with or affect the Use, enjoyment or value of the neighbouring parcels of land. The house and its interaction with the neighbourhood have been existing cohesively over the past decades with no complaint from neighbours found on file.

The proposed development conforms to the Uses prescribed in this By-law and the objectives of the Community Plan.

Specific site development factors that have been considered as part of this evaluation are included below:

Land Use (Section 10.3.2):

Lot 31 Block 150 is zoned RC - 1 -- Residential Central 1. This proposal is for a Change of Use to convert a Single Detached Dwelling to a Special Care Residence. Special Care Residences are a Permitted Use in the RC - 1 zone.

The Special Care Residence will accommodate a maximum of eight children/youth. Staff members will be present on site at all times working 8-hr shifts.

Drainage and Grading (Section 7.3):

Site grading was completed previously. No changes are proposed.

Landscaping (Section 7.5):

The proposal demonstrates that three existing trees are proposed to remain. 100% of the remaining residual area is covered by lawn including grass/seed/natural rock. The required landscaped area has been achieved to the satisfaction of the Development Officer.

Parking and Driveways (Sections 7.4 and 7.8):

One new 'type B' parking space is proposed on-site with one existing. The dimensions of the parking space meet the City of Yellowknife's design standards.

Bicycle Parking (Section 7.8.13 b)

Special Care Residences are required to provide 1 space per 3 rooms. The floor plans demonstrate 4 bedrooms. The two bicycle parking spaces demonstrated on the plans meet the requirements.

Public Consultation

LEGISLATIVE AND POLICY REQUIREMENTS

A Variance Notice was posted on-site and mailed to neighboring residents within 30m of the subject property, on February 26, 2024, per section 23. (2) (b) of the *Community Planning and Development Act*. If approved, a public notice will be posted at the site, as well as on the City's Capital Update, in conjunction with the date of approval of the permit. A notice of decision will also be mailed to neighboring residents within 30m of the subject property, per section 15. (1) (h) of the *Community Planning and Development Act*, and per section 4.11.6 of Zoning By-law No. 5045. The application will be subject to a 14-day appeal period, commencing on the date of the approval. If not appealed within this 14-day period, the development will be considered effective starting on the 15th day.

As a result of the variance notice, the following written submissions were received and considered by the City of Yellowknife.

No.	Comments/Questions	Consideration
1.	<p>I live at [REDACTED] and received a letter as well as saw the development permit sign posted at 56 Rycon Drive.</p> <p>I see there is to be a 'special care residence' potentially operating there. As this was one of the uses described in the new zoning bylaw that passed a couple years ago, I suspect it doesn't matter what neighbours might think about that (as there is really nothing we can do about it). I imagine it will be a group home of sorts, similar to the one already up around the other side of Rycon Drive?</p> <p>I assume the variance request is because the corner of the garage is within the 1.5 m of the lot line? I don't have a problem with this (we have lived on the street for 30+ years and that garage has always been there, obviously built incorrectly to close to the lot line I guess). I certainly don't care if they move or demolish any accessory structures in their yard.</p> <p>The drawings show possibly a plan for some additional parking spaces (room for 3 cars and 2 bikes according to the drawing). Again I don't have a problem with folks parking on their lawn or creating parking in lieu of lawn. From experience seeing cars parked at that address, one vehicle takes up almost all the width of the garage, easily twice the width of two cars shown in the drawing. I think 3 cars alone will take up a good portion of their front yard, if that is ultimately what is implemented. But most importantly, the drawing grossly underestimates the width of a car which is misrepresentational and the City should avoid putting out misleading information of any kind when presenting anything to the public.</p> <p>I believe I read in some promotional brochure from the City that one of the reasons the City was doing the changes to the Zoning was to cut down on having to approve variance requests. Yet here is a variance request under the new zoning which certainly suggests the zoning changes are not fulfilling their intended purpose!</p>	<p>These comments were considered in review of the side yard variance and parking space design requirements.</p>

2.	<p>We are writing to seek additional information and provide initial comments on the above- noted proposed development at 56 Rycon Drive. We are the owners of an adjacent property on Rycon Drive and are seeking more information about this development and the impacts it could have on the neighborhood and adjacent properties. Our initial comments are as follows:</p> <p>General Comments</p> <ul style="list-style-type: none"> We are only aware of this development from the City's street posting on the property and the City's mailed notice. We met with you at City Hall last week to discuss our questions, and are very appreciative of the information you were able to provide. Given that answers to several of our questions are not yet available, we are seeking additional time to provide more detailed and meaningful comments once the City and proponent make available further details about the proposed development. We confirm that we have not been visited or contacted by the proponent and have no information or knowledge of the operations that are proposed for the site, beyond what you provided during our meeting last week. For many years the building at 56 Rycon Drive was used as an illegal rooming house. There were significant traffic and on-street parking problems, as well as illegal drug use and frequent police visits. We do not want to see such problems re-occur due to the proposed development. From our meeting last week, we understand that Nunik Care Services is the proponent. The website https://nunikcare.com/ provides very little information about the organization, the names of its directors and managers, or to whom the organization is accountable. We would like to understand if the proponent is a non- profit organization, a for-profit organization, a government entity, or some other type of organization. The website states that Nunik Care Services operates a facility in Cambridge Bay, Nunavut, so we would like to know if/how the Government of Nunavut, the Kitikmeot Inuit Association, and/or associated entities are, or could be, involved in the proposed development. We would like to understand if the Government of the Northwest Territories and/or Housing NWT (formerly 	<p>These comments were considered in the review of the Change of Use and the parking requirements of the RC-1 zone.</p> <p>Comments from City Departments are summarized below.</p> <p>The City forwarded all comments to the applicant for their review. The Executive Director provided a letter of response which was shared with commenters. The letter is included in the Stamped Plans package.</p>
----	---	---

	<p>the NWT Housing Corporation) have any role in the proposed development. Is Housing NWT providing funding or in-kind support? The proponent's representative, as listed on the application notice, has the same name as a current employee of Housing NWT's North Slave District Office.</p> <ul style="list-style-type: none">• Overall, we would like additional information on which government organizations and agencies would be responsible for funding, monitoring, inspecting, approving, and certifying the operations and safety of the residents and children that would be served, housed, and treated at the proposed development. <p>Specific Comments:</p> <ul style="list-style-type: none">• The proposed location, 56 Rycon Drive, is zoned as RC/RC1. The proposed use is "Special Care Residence," which is defined in Bylaw 5045 as:<ul style="list-style-type: none">• a development where persons reside for the primary purpose of receiving support, supervision and or treatment. Shared cooking, dining, laundry, cleaning and other facilities are provided on site and specialist care may be provided for 24 hours.• From our discussion with you last week, we understand that up to 8 "at risk" youth would live in the residence, along with up to 3 on-site caregivers working in shifts. In our meeting last week, you stated that you did not have additional information about the potential residents. We would like more information about who would be living next door to us and the types of care and support they would be receiving. Would this care involve addictions, family violence, criminal rehabilitation, and/or vulnerable individuals?• The existing building is an older stick-built residential home. We would like to understand the differences between a Special Care Residence and a Special Care Facility, as set out in Bylaw 5045. If the development is approved, would the City require upgrades to the building to institutional safety standards, such as sprinklers, fire alarm systems, fire separation and other site security considerations, or does the City consider residential standards to be sufficient? Would the City require the	
--	---	--

	<p>building to meet the same safety standards as a publicly constructed and operated special care residence or facility?</p> <ul style="list-style-type: none">• We note that the proponent is proposing additional onsite parking, as required under Bylaw 5045, section 7.8.4. When the building previously operated as an illegal/unregulated rooming house, there were traffic concerns and on-street parking problems. What actions has the City taken or does the City plan to take to predict and mitigate the traffic and parking impacts of the currently proposed development? <p>As stated above, there is insufficient written information about this development on file at the City of Yellowknife for us to be able to provide meaningful detailed comments at this time. We would be interested in direct conversations with the proponent; please forward our contact information (below) to the proponent. While we recognize the need for special care facilities in Yellowknife and the NWT, at this time we do not have enough information to be able to provide support for or recommendations in relation to the proposed development at 56 Rycon Drive.</p> <p>Thank you,</p> <div data-bbox="272 1096 907 1207" style="background-color: black; width: 391px; height: 53px; margin-top: 10px;"></div>	
--	--	--

City Departmental Consultation

As directed in section 4.5.1 comments from City Departments were reviewed and considered. Comments received by City departments are summarized in the table below:

No.	City Department	Comments	Consideration
1	Fire Division	No comments were received.	None.
2	Public Safety	No comments were received.	None.
3.	Public Works and Engineering	No concerns with development other than the parking space sizes (they don't match City Design & Development Standards widths).	Review of the site plans identified that the proposed parking spaces provided on the original plans did not meet City Design Standards. This was communicated to the applicant who revised the plans.
4.	Lands and Building Services	No comment.	Lands and Building services provided the locations of new required sprinklers to the applicant. No concerns from the Development Officer.

Conditions of Approval:

1. The development shall comply with the approved and stamped drawing for PL-2004-0004 and with all By-laws in effect for the City of Yellowknife;
2. The minimum Front Yard setback has been decreased from 6.0m to 5.79m;
3. The minimum Side Yard setback has been decreased from 1.50m to 0.86m.

Conclusion:

Development Permit application PL-2024-0004 is recommended for approval with the above mentioned conditions as it conforms to Community Plan By-law No. 5007, satisfies section 23. (1) of the *Community Planning and Development Act*, complies and complies with the regulations of Zoning By-law No. 5045.

Reviewed [and Approved] by:



Andrew Treger, MCP, BSc.
Planner, Planning and Environment

May 28, 2024

Date

Concurrence by:



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

May 31, 2024

Date

Attachments:

Lot 31 Block 150 Variance Notice to Neighbours Development Permit No. PL-2024-0004, Prepared by D.O.
Andrew Treger, DM# 759080

Lot 31 Block 150 Stamped Plans, Prepared by D.O. Andrew Treger, DM# 766273

PUBLIC NOTICE

CITY OF YELLOWKNIFE – ZONING BY-LAW NO. 5045

NOTICE OF DECISION

Development Permit Application No. PL-2024-0004, dated the 21 day of February, 2024, for a development taking place at the following location: 56 RYCON DR

Lot 31

Block 150

Plan # 863

Intended Development: Change of Use of a Single Detached Dwelling into a Special Care Residence

Has been APPROVED subject to following conditions:

1. The development shall comply with the approved and stamped drawings for PL-2024-0004 and with all By-laws in effect for the City of Yellowknife;
2. The minimum Front Yard setback has been decreased from 6.0m to 5.79m;
3. The minimum Side Yard setback has been decreased from 1.50m to 0.86m.

DATE of Issue of this Notice of Decision: June-4-2024
EFFECTIVE DATE: June-19-2024

Andrew Lytle

Development Officer

NOTICE:

Any persons claiming to be adversely affected by the development may, in accordance with the *Community Planning and Development Act*, appeal to the Development Appeal Board, c/o City Clerk's Office, tel. 920-5646, City of Yellowknife, P.O. Box 580, Yellowknife, NT X1A 2N4. Please note that your notice of appeal must be in writing, comply with the *Community Planning and Development Act*, include your contact information and include the payment of the \$25 appeal fee (the appeal fee will be reimbursed if the decision of the Development Officer is reversed). The appeal must be received on or before 4:30 p.m. on the _____ day of _____, A.D., 20_____.

AFTER THE EFFECTIVE DATE OF THIS PERMIT, THE OWNER OF THE SUBJECT PROPERTY IS AUTHORIZED TO REMOVE THIS NOTICE. ALL OTHER PERSONS FOUND REMOVING THIS NOTICE WILL BE PROSECUTED.



CITY OF YELLOWKNIFE

Development Permit Notification Letter

Date June 4, 2024

File: Lot 31

Block 150

Plan 863

Dear Micheal,

Re: Approval of Development Permit: Change of Use: Application Number: PL-2024-0004

The City of Yellowknife Planning and Lands Division has approved your application for Development Permit: PL-2024-0004 for a Change of Use from a Single Detached Dwelling to a Special Care Residence at Lot: 31 Block 150 Plan 863 at 56 Rycon Dr. (approved on June 4 and Effective June 19, 2024).

The application was approved with the following conditions:

1. The development shall comply with the approved and stamped drawing for PL-2004-0004 and with all By-laws in effect for the City of Yellowknife;
2. The minimum Front Yard setback has been decreased from 6.0m to 5.79m;
3. The minimum Side Yard setback has been decreased from 1.50m to 0.86m.

If you have any further questions or concerns, please do not hesitate to contact the undersigned between regular business hours.

Sincerely,

Andrew Treger
Planning and Environment Division
City of Yellowknife

July 5, 2024

Re: Notice of Appeal to Development Permit PL-2020-0004

We do not believe the appeal filed by the appellants was made in good faith and a significant amount of their assertions were not supported by facts on the ground or the zoning By-law.

We have provided our comments on individual items from their appeal in the sections below.

Instance 1

1. We would leave this to be responded to by the City Development team, but must note that there is no where on the approved plan where the setback was stated as 4.73m.
2. We would leave this to be responded to by the City Development team, but we note again that the appellants appear to be referencing information not provided as part of the submitted plan.
3. We would leave this to the City Development team for response, but note that the appellants visual observation cannot be substituted for actual measurements taken by a reputable Architectural firm in Yellowknife.

Conclusion

The appellants claim in this section are subjective and not based on facts submitted as part of the plan and should be dismissed.

Instance 2

1. The parking plan submitted meets the minimum requirements under the By-law and the City of Yellowknife Design Standards manual (table 8-1). Our position is that whatever a private entity owning

a property chooses to do with an enclosed garage on their property does not in anyway impact the appellants enjoyment of their property or the environment.

2. Comment above suffices.
3. The appellants refer to the minimum parking standard of 2.6m as though it is set in stone, it is a minimum standard, one which both parking spaces either meet or exceed. The appellants in their comments in March 2024 to the Development Officer had claimed that the existing driveway was too small for the initial plan to accommodate two vehicles, they have now claimed said parking area should be sufficient for two vehicles; this only buttresses our position that this appeal is not in good faith and very subjective without any facts or basis for it.
4. There is nothing in the plan that points to the spaces being used for motorcycle parking, this is another demonstration of a lack of good faith on the part of the appellants.
5. The comments above suffice and render this complaint moot in our opinion.

Conclusion

The appellants claim in this section are without any factual or evidentiary basis and should be dismissed.

Instance 3

We would leave this entire section to the City Development team for a response; we would however state that due to strong winds removed the signage on the afternoon of June 16, and an officer of the company on sighting this did attempt to reinstate them back into position.

Errors on Stamped Drawing

The appellants have completely misrepresented the fencing noted on the stamped drawings. A cursory review would quickly highlight that the fencing noted on the north side of the building ends just by the area where the gate is located and that there is no other indication along the north side of a fence existing all the way to the front of the property.

This can be compared to the south side where there are two additional indicators to the front of the house showing a fence is present.

Special Care Residence

We would leave this section to the City Development team for in-depth response, it is however our position that our proposed development meets the requirements for a Special Care Residence as contained in the current By-laws.

It appears again that the appellants have made assertions without any factual basis, page 14 of the Zoning by-law defines a Special Care residence as a *“development where persons reside for the primary purpose of receiving support, supervision and or treatment. Shared cooking, dining, laundry, cleaning and other facilities are provided on site and specialist care may be provided for 24 hours”*.

The services proposed by Nunik Care Services to be rendered in the home fits by all ramifications the definition of a Special care Residence as defined in the By-Law.

The proposed development conforms with the National Occupancy Standards as a maximum of eight (8) children/youth would be housed in a 5-bedroom facility. Nunik worked extensively with the City Development team and the Building Permit Division to ensure that the proposed development meet or exceed minimum standards for occupancy and safety.

Final Comments

Nunik Care Services Ltd. Is a reputable organization that intends to work within the ambits of the laws of the City of Yellowknife, and we also aim to be cordial with our neighbours as it is not lost on us that such a facility coming into the neighbourhood is a big change for other residents; indeed with this in mind, in a letter dated March 18, 2024, I personally responded to the comments of the appellants and other stakeholders in the neighbourhood and offered to meet with them in a meeting to hear their concerns and to provide our perspectives and what our plans are to mitigate any concerns they might have.



Authentic Care

The appellants unfortunately did not respond to that correspondence.

The appellants have misrepresented facts in this appeal at the minimum or outrightly acted in bad faith with this appeal and it should be dismissed in its entirety.

Sincerely,

T. Solomon Bucknor - PsychN, BSc, MSc
EXECUTIVE DIRECTOR



Email: Executivedirector@nunikcare.com

Cell: (867) 983 5153

Development Appeal Board
CITY OF YELLOWKNIFE

P.O. BOX 580,
YELLOWKNIFE, NT
X1A 2N4

Tel (867) 920-5646
Fax (867) 920-5649

June 24, 2024

200-D1-H2-24

REGISTERED MAIL

J. Guy/C. Seale

Dear John Guy and Catherine Seale:

Re: Appeal of Development Permit No. PL-2024-0004

Receipt is hereby acknowledged of your letter appealing the decision of the Development Officer to issue a Development Permit PL-2024-0004 for Change of Use of a Single Detached Dwelling into a Special Care Residence on Lot 31, Block 150 Plan 863 (56 Rycon Drive).

This letter is to confirm that a hearing of the City of Yellowknife Development Appeal Board, to consider your appeal, has been scheduled for Monday, July 15, 2024, at 7:00 p.m. in the City Hall Council Chamber.

With respect to the submission of written documentation for the Appeal Board's consideration, you are hereby informed that, pursuant to section 5.1(6)(a) of the Yellowknife Zoning By-law, all maps, plans, drawings and written material that you intend to submit in support of your appeal must be filed with the Secretary of the Appeal Board no later than ten days before the day fixed for the appeal. You have until 4:30 p.m. on Friday, July 5, 2024 to submit your documentation to the Secretary of the Appeal Board at City Hall or via email to cityclerk@yellowknife.ca. Should your submission be too large to email, please contact me and we will make arrangements to provide you with our File Transfer Site.

Enclosed are copies of the sections of the *Community Planning and Development Act* of the Northwest Territories and the City of Yellowknife Zoning By-law that describe the Appeal Board's composition and procedures.

Please contact me should you have any questions with respect to the appeal.

Yours truly,



Cole Caljouw
Secretary
Development Appeal Board

200-D1-H2-24
June 24, 2024

CC/bl

Enclosure

DM#768341

Development Appeal Board
CITY OF YELLOWKNIFE

P.O. BOX 580,
YELLOWKNIFE, NT
X1A 2N4

Tel (867) 920-5646
Fax (867) 920-5649

June 24, 2024

200-D1-H2-24

REGISTERED MAIL

Nunik Care Services Ltd.

Dear Mr. Dawodu:

Re: Development Appeal Board Hearing - Permit No. PL-2024-0004
Lot 31, Block 150 Plan 863 (56 Rycon Drive)

This letter is to formally notify you that Development Permit No. PL-2024-0004, which the City issued to you on June 4, 2024 for Change of Use of a Single Detached Dwelling into a Special Care Residence on Lot 31, Block 150 Plan 863 (56 Rycon Drive) has been appealed to the City's Development Appeal Board.

Pursuant to Section 5.1.4. of the City of Yellowknife's Zoning By-law, your Development Permit shall not come into effect until the appeal has been determined and the permit confirmed, modified or nullified thereby.

The Appeal Board will hold a public hearing on Monday, July 15, 2024 at 7:00 p.m. in the City Hall Council Chamber to consider this appeal.

With respect to the submission of written documentation for the Appeal Board's consideration, you are hereby informed that, pursuant to section 5.1(6)(a) of the Yellowknife Zoning By-law, all maps, plans, drawings and written material that you intend to submit in support of your development must be filed with the Secretary of the Appeal Board no later than ten days before the day fixed for the appeal. You have until 4:30 p.m. on Friday, July 5, 2024 to submit your documentation to the Secretary of the Appeal Board at City Hall or via email to cityclerk@yellowknife.ca. Should your submission be too large to email, please contact me and we will make arrangements to provide you with our File Transfer Site.

Enclosed are copies of the sections of the *Community Planning and Development Act* of the Northwest Territories and the City of Yellowknife Zoning By-law that describe the Appeal Board's composition and procedures.

200-D1-H2-24

June 24, 2024

Please contact me should you have any questions with respect to the appeal.

Yours truly,

A handwritten signature in black ink, appearing to read 'Cole Caljouw', written in a cursive style.

Cole Caljouw
Secretary
Development Appeal Board

CC/bl

Enclosure

DM#768342

- c) approve, add any specific provision(s), or deny all applications for an amendment to this By-law ; and
- d) make a decision and recommend any terms and conditions on any other planning, or Development matter referred to it by the Development Officer.

3.3. Development Appeal Board

3.3.1. The Development Appeal Board is hereby established in accordance with Section 30 (1) of the *Act*.

3.3.2. The Development Appeal Board shall:

- a) be composed of at least three persons and not more than seven, and one shall be a member of Council, but shall not include employees of the City;
- b) elect one member as a chairperson;
- c) elect one member as a vice-chairperson;
- d) hold a hearing within 30 days after an appeal has been received;
- e) ensure that reasonable notice of the hearing is given to the appellant, Landowners and lessees within 30 m of the boundary of land in respect of which the appeal relates, and all persons who in the opinion of the Development Appeal Board may be affected;
- f) consider each appeal having due regard to the circumstances and merits of the case and to the purpose, scope and intent of the Community Plan, Area Development Plan, and any Council approved plans or policies, and to this By-law;
- g) where an appeal is heard, the Development Appeal Board shall provide the persons referred to in Section 66 (2) of the *Act* the opportunity to be heard as referenced in Section 68 of the *Act*.
- h) render its decision in writing with reasons and provide a copy of the decision to the appellant and any other parties, as described in Section 69 (3) of the *Act* within 60 calendar days after the date on which the hearing is concluded; and
- i) conduct a hearing pursuant to Section 5.1 of this By-law.

5. Appeals and Amendments

5.1. Development Appeal Process

- 5.1.1. A person whose application for a Development Permit is refused, or who is approved for a Development Permit subject to a condition that they consider to be unreasonable, may appeal the refusal or the condition to the Development Appeal Board pursuant to Section 61 of the *Act* by serving written notice of appeal to the Secretary of the Development of the Appeal Board within 14 days after the day the application for the Development Permit is approved or refused.
- 5.1.2. A person claiming to be affected by a decision of the Development Officer or Council made under this By-law may appeal to the Development Appeal Board pursuant to Section 62 of the *Act*, by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after the day the application for the Development Permit is approved.
- 5.1.3. Filing for an appeal must include the information listed in Section 65 (1) of the *Act*.
- 5.1.4. Where an appeal is made, a Development Permit shall not come into effect until a decision by the Development Appeal Board has been made to either confirm, reverse or vary the decision of the Development Officer pursuant to Section 69 of the *Act*.
- 5.1.5. An appeal must be heard by a quorum of the Development Appeal Board, and a quorum shall consist of at least two members and the Chairperson or a Vice-Chairperson.
- 5.1.6. Hearing procedures are as follows:
 - a) the appellant and any other interested party shall, not later than ten days before the day fixed for the hearing of the appeal, file with the Secretary of the Development Appeal Board all maps, plans, drawings and written material that they intend to submit to the Development Appeal Board or use at the hearing;

Use and development restricted	<p>(2) On the registration of a caveat,</p> <p>(a) the order binds the heirs, executors, administrators, assigns, transferees and successors in title of the owner of the land affected by the order; and</p> <p>(b) until the caveat is withdrawn, no use or development of the land or buildings located on it may take place except in accordance with the order.</p>	<p>(2) Dès l'enregistrement de l'opposition :</p> <p>a) d'une part, l'ordonnance lie, à l'égard du propriétaire du bien-fonds touché, ses héritiers, exécuteurs, administrateurs, cessionnaires et destinataires du transfert;</p> <p>b) d'autre part, jusqu'au retrait de l'opposition, aucun usage ou aménagement du bien-fonds ou des bâtiments situés sur celui-ci n'est possible si ce n'est conformément à l'ordonnance.</p>	Usage et aménagement restreints
Withdrawal	<p>(3) A municipal corporation shall withdraw the caveat when the order of the Supreme Court has been complied with.</p>	<p>(3) La municipalité retire l'opposition lorsque l'ordonnance de la Cour suprême est respectée.</p>	Retrait
Debt owed to municipal corporation	<p>60. Any expenses and costs of an action taken by a municipal corporation under subsection 58(4) to carry out an order of the Supreme Court are a debt owing to the municipal corporation by the person required by the order to comply, and may be recovered from the person in default by civil action for debt, or by charging it against real property of which the person is the owner in the same manner as arrears of property taxes under the <i>Property Assessment and Taxation Act</i>.</p>	<p>60. Les dépenses et les frais d'une action que prend la municipalité en vertu du paragraphe 58(4), en vue d'exécuter une ordonnance de la Cour suprême, constituent une créance de la municipalité à l'égard de la personne visée dans l'ordonnance, qui peut être recouvrée auprès de la personne en défaut soit en intentant une poursuite civile, soit en constituant une charge sur le bien réel dont la personne est le propriétaire évalué comme s'il s'agissait d'arriérés d'impôt foncier visés par la <i>Loi sur l'évaluation et l'impôt fonciers</i>.</p>	Créance de la municipalité

DIVISION B - APPEALS

Development Appeals

Appeal of refusal or conditions	<p>61. (1) A person whose application to a development authority for a development permit is refused, or who is approved for a development permit subject to a condition that he or she considers to be unreasonable, may appeal the refusal or the condition to the appeal board.</p>	<p>61. (1) La personne dont la demande de permis d'aménagement a été refusée par l'autorité d'aménagement ou dont le permis d'aménagement est assorti d'une condition qu'elle estime déraisonnable peut en appeler du refus ou de la condition à la commission d'appel.</p>	Appel du refus ou des conditions
Exception	<p>(2) A condition that is required by a zoning bylaw to be on a development permit is not subject to appeal under subsection (1).</p>	<p>(2) La condition obligatoirement assortie au permis d'aménagement en vertu d'un règlement de zonage ne peut faire l'objet d'un appel en vertu du paragraphe (1).</p>	Exception
Application deemed refused	<p>(3) For the purposes of subsection (1), an application to a development authority for a development permit is, at the option of the applicant, deemed to be refused if the decision of the development authority is not made within 40 days after the day the application is received in its complete and final form.</p>	<p>(3) Aux fins du paragraphe (1), la demande de permis d'aménagement auprès d'une autorité d'aménagement est, au choix de son auteur, réputée refusée si la décision de l'autorité d'aménagement n'est pas prise dans un délai de 40 jours à compter de la date de réception de la demande sous forme finale.</p>	Demande réputée refusée

Appeal of Order

Appeal to
appeal board

63. (1) A person who is subject to an order issued by a development officer under subsection 57(1) of this Act, or under a zoning bylaw, may appeal the order to the appeal board.

Commencing
appeal of order

(2) An appeal under subsection (1) must be commenced by providing a written notice of appeal to the appeal board within 14 days after the day the order of the development officer is served on the person.

Subdivision Appeals

Appeal of
refusal of
application

64. (1) A person whose application under subsection 43(1) to a municipal subdivision authority for approval of a proposed subdivision is refused, may appeal the refusal to the appeal board.

Appeal of
rejection of
plan

(2) A person whose plan of subdivision, submitted to a municipal subdivision authority under section 46, is rejected, may appeal the rejection to the appeal board.

Commencing
subdivision
appeal

(3) An appeal under subsection (1) or (2) must be commenced within 30 days after the day an application for approval of a proposed subdivision is refused or a plan of subdivision is rejected.

Appeal Board Procedure, Evidence and Hearing

Notice of
appeal

65. (1) A notice of appeal to the appeal board must

- (a) state the reasons for the appeal;
- (b) summarize the supporting facts for each reason;
- (c) indicate the relief sought; and
- (d) if applicable, be submitted with the filing fee required by the zoning bylaw.

Person
adversely
affected

(2) A notice of appeal by a person appealing the approval of an application for a development permit under subsection 62(1) must state how he or she is adversely affected.

Hearing within
30 days

66. (1) The appeal board shall commence hearing an appeal within 30 days after the day the notice of appeal is received, and shall complete the hearing as soon as is reasonably practicable.

Notice

(2) The appeal board shall ensure that reasonable notice of a hearing is served on

- (a) the appellant;

Appel d'un ordre

63. (1) La personne visée dans un ordre de l'agent d'aménagement en vertu du paragraphe 57(1) de la présente loi ou d'un règlement de zonage peut en appeler de l'ordre à la commission d'appel.

Appel à la
commission
d'appel

(2) L'appel en vertu du paragraphe (1) se forme au moyen d'un avis d'appel écrit donné à la commission d'appel au plus tard 14 jours après la date à laquelle l'ordre de l'agent d'aménagement a été signifié à la personne qu'il vise.

Formation de
l'appel d'un
ordre

Appels en matière de lotissement

64. (1) La personne dont la demande visant un projet de lotissement présentée à l'autorité de lotissement municipale en vertu du paragraphe 43(1) est refusée peut en appeler du refus à la commission d'appel.

Appel du refus
d'une demande

(2) La personne dont le plan de lotissement présenté à l'autorité de lotissement municipale en vertu de l'article 46 est rejeté peut en appeler du rejet à la commission d'appel.

Appel du rejet
d'un plan

(3) L'appel en vertu des paragraphes (1) ou (2) doit être interjeté au plus tard 30 jours après la date du refus d'une demande d'approbation d'un projet de lotissement ou du rejet d'un plan de lotissement.

Formation de
l'appel en
matière de
lotissement

Règles de procédure, présentation de la preuve et audition de l'appel

65. (1) L'avis d'appel à la commission d'appel doit, à la fois :

Avis d'appel

- a) indiquer les motifs d'appel;
- b) résumer les faits à l'appui des allégations;
- c) préciser le redressement demandé;
- d) être accompagné des droits de dépôt prévus dans le règlement de zonage, s'il y a lieu.

(2) La personne qui interjette appel de l'approbation d'une demande de permis d'aménagement en vertu du paragraphe 62(1) doit préciser les motifs pour lesquels elle se sent lésée.

Personne lésée

66. (1) La commission d'appel commence l'audition de l'appel au plus tard 30 jours après la date de réception de l'avis d'appel et la termine dans les meilleurs délais.

Délai
d'audition de
30 jours

(2) La commission d'appel veille à ce que les personnes suivantes reçoivent signification d'un avis d'audition raisonnable :

Avis

Hearing public	(6) A hearing of the appeal board must be open to the public.	(6) L'audition devant la commission d'appel est publique.	Audition publique
Hearing	68. (1) At a hearing, the appeal board shall provide the persons referred to in subsection 66(2) with the opportunity to be heard, and may hear from any other persons that it considers necessary.	68. (1) Lors de l'audition de l'appel, la commission d'appel donne aux personnes visées au paragraphe 66(2) l'occasion de témoigner et peut entendre le témoignage de toute autre personne qu'elle juge essentiel.	Audition
Absence of person	(2) The appeal board may, on proof of service of notice of a hearing on a person referred to in subsection 66(2), proceed with the hearing in the absence of the person and determine the appeal in the same manner as if that person had attended.	(2) La commission d'appel peut, sur preuve de signification d'un avis d'appel à une personne visée au paragraphe 66(2), procéder à l'audition de l'appel en l'absence de cette personne et trancher l'appel comme si la personne y avait été présente.	Personne absente
Decision of Appeal Board		Décision de la commission d'appel	
Decision	69. (1) The appeal board may confirm, reverse or vary a decision appealed, and may impose conditions that it considers appropriate in the circumstances.	69. (1) La commission d'appel peut confirmer, infirmer ou modifier la décision portée en appel et peut imposer les conditions qu'elle juge indiquées en l'espèce.	Décision
Conflict with plans	(2) A decision of the appeal board on an appeal must not conflict with a zoning bylaw, subdivision bylaw, community plan or area development plan.	(2) La décision de la commission d'appel à la suite d'un appel ne doit pas être contraire au règlement de zonage, au règlement de lotissement, au plan directeur ou plan d'aménagement régional.	Incompatibilité avec les plans
Time limit	(3) The appeal board shall, within 60 days after the day on which a hearing is concluded, issue a written decision with reasons and provide a copy of the decision to the appellant and other parties to the appeal.	(3) La commission d'appel, dans un délai de 60 jours à compter de la fin d'une audition, rend une décision par écrit et motivée et en remet une copie à l'appelant et aux autres parties à l'appel.	Délai
Signature	(4) Decisions and other documents may be signed on behalf of the appeal board by the chairperson or by an acting chairperson or vice-chairperson, and when so signed may be admitted in evidence as proof of the decision or document without proof of the signature or the designation.	(4) Les décisions et les autres documents peuvent être signés au nom de la commission d'appel par le président, ou par le président suppléant ou le vice-président; cette signature est admissible en preuve et fait foi de la décision ou du document sans qu'il soit nécessaire de faire la preuve de l'authenticité de la signature ou de la désignation.	Signature
Decision public record	(5) A decision of the appeal board is a public record.	(5) La décision de la commission d'appel constitue un document public.	Document public
No appeal	70. A decision of the appeal board is final and binding on all parties and is not subject to appeal.	70. La décision de la commission d'appel est finale et exécutoire, et elle est sans appel.	Aucun appel
Subdivision Appeal to Arbitrator		Recours à l'arbitrage en matière de lotissement	
Arbitration: refusal of proposed subdivision	71. (1) If an application to the Director of Planning under subsection 43(1) for approval of a proposed subdivision is refused, the subdivision applicant may initiate an arbitration for the purpose of determining an appeal of the refusal.	71. (1) L'auteur d'une demande de lotissement dont la demande d'approbation d'un projet de lotissement présentée au directeur de la planification en vertu du paragraphe 43(1) est refusée peut prendre l'initiative d'un arbitrage pour décider de l'appel du refus.	Arbitrage : refus du projet de lotissement

Development Appeal Board

CITY OF YELLOWKNIFE

P.O. BOX 580,
YELLOWKNIFE, NT
X1A 2N4

Tel (867) 920-5646
Fax (867) 920-5649

June 24, 2024

200-D1-H2-24

REGISTERED MAIL

Micheal Dawodu
Finance & Administration Manager
Nunik Care Services Ltd.
63, Kalak Street, Cambridge Bay. NU.

Dear Mr. Dawodu:

**Re: Development Appeal Board Hearing - Permit No. PL-2024-0004
Lot 31, Block 150 Plan 863 (56 Rycon Drive)**

This letter is to formally notify you that Development Permit No. PL-2024-0004, which the City issued to you on June 4, 2024 for Change of Use of a Single Detached Dwelling into a Special Care Residence on Lot 31, Block 150 Plan 863 (56 Rycon Drive) has been appealed to the City's Development Appeal Board.

Pursuant to Section 5.1.4. of the City of Yellowknife's Zoning By-law, your Development Permit shall not come into effect until the appeal has been determined and the permit confirmed, modified or nullified thereby.

The Appeal Board will hold a public hearing on Monday, July 15, 2024 at 7:00 p.m. in the City Hall Council Chamber to consider this appeal.

With respect to the submission of written documentation for the Appeal Board's consideration, you are hereby informed that, pursuant to section 5.1(6)(a) of the Yellowknife Zoning By-law, all maps, plans, drawings and written material that you intend to submit in support of your development must be filed with the Secretary of the Appeal Board no later than ten days before the day fixed for the appeal. You have until 4:30 p.m. on Friday, July 5, 2024 to submit your documentation to the Secretary of the Appeal Board at City Hall or via email to cityclerk@yellowknife.ca. Should your submission be too large to email, please contact me and we will make arrangements to provide you with our File Transfer Site.

Enclosed are copies of the sections of the *Community Planning and Development Act* of the Northwest Territories and the City of Yellowknife Zoning By-law that describe the Appeal Board's composition and procedures.

200-D1-H2-24
June 24, 2024

Please contact me should you have any questions with respect to the appeal.

Yours truly,

A handwritten signature in black ink, appearing to read 'Cole Caljouw', written in a cursive style.

Cole Caljouw
Secretary
Development Appeal Board

CC/bl

Enclosure

DM#768342

- c) approve, add any specific provision(s), or deny all applications for an amendment to this By-law ; and
- d) make a decision and recommend any terms and conditions on any other planning, or Development matter referred to it by the Development Officer.

3.3. Development Appeal Board

3.3.1. The Development Appeal Board is hereby established in accordance with Section 30 (1) of the *Act*.

3.3.2. The Development Appeal Board shall:

- a) be composed of at least three persons and not more than seven, and one shall be a member of Council, but shall not include employees of the City;
- b) elect one member as a chairperson;
- c) elect one member as a vice-chairperson;
- d) hold a hearing within 30 days after an appeal has been received;
- e) ensure that reasonable notice of the hearing is given to the appellant, Landowners and lessees within 30 m of the boundary of land in respect of which the appeal relates, and all persons who in the opinion of the Development Appeal Board may be affected;
- f) consider each appeal having due regard to the circumstances and merits of the case and to the purpose, scope and intent of the Community Plan, Area Development Plan, and any Council approved plans or policies, and to this By-law;
- g) where an appeal is heard, the Development Appeal Board shall provide the persons referred to in Section 66 (2) of the *Act* the opportunity to be heard as referenced in Section 68 of the *Act*.
- h) render its decision in writing with reasons and provide a copy of the decision to the appellant and any other parties, as described in Section 69 (3) of the *Act* within 60 calendar days after the date on which the hearing is concluded; and
- i) conduct a hearing pursuant to Section 5.1 of this By-law.

5. Appeals and Amendments

5.1. Development Appeal Process

- 5.1.1. A person whose application for a Development Permit is refused, or who is approved for a Development Permit subject to a condition that they consider to be unreasonable, may appeal the refusal or the condition to the Development Appeal Board pursuant to Section 61 of the *Act* by serving written notice of appeal to the Secretary of the Development of the Appeal Board within 14 days after the day the application for the Development Permit is approved or refused.
- 5.1.2. A person claiming to be affected by a decision of the Development Officer or Council made under this By-law may appeal to the Development Appeal Board pursuant to Section 62 of the *Act*, by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after the day the application for the Development Permit is approved.
- 5.1.3. Filing for an appeal must include the information listed in Section 65 (1) of the *Act*.
- 5.1.4. Where an appeal is made, a Development Permit shall not come into effect until a decision by the Development Appeal Board has been made to either confirm, reverse or vary the decision of the Development Officer pursuant to Section 69 of the *Act*.
- 5.1.5. An appeal must be heard by a quorum of the Development Appeal Board, and a quorum shall consist of at least two members and the Chairperson or a Vice-Chairperson.
- 5.1.6. Hearing procedures are as follows:
 - a) the appellant and any other interested party shall, not later than ten days before the day fixed for the hearing of the appeal, file with the Secretary of the Development Appeal Board all maps, plans, drawings and written material that they intend to submit to the Development Appeal Board or use at the hearing;

Use and development restricted

- (2) On the registration of a caveat,
- (a) the order binds the heirs, executors, administrators, assigns, transferees and successors in title of the owner of the land affected by the order; and
 - (b) until the caveat is withdrawn, no use or development of the land or buildings located on it may take place except in accordance with the order.

- (2) Dès l'enregistrement de l'opposition :
- a) d'une part, l'ordonnance lie, à l'égard du propriétaire du bien-fonds touché, ses héritiers, exécuteurs, administrateurs, cessionnaires et destinataires du transfert;
 - b) d'autre part, jusqu'au retrait de l'opposition, aucun usage ou aménagement du bien-fonds ou des bâtiments situés sur celui-ci n'est possible si ce n'est conformément à l'ordonnance.

Usage et aménagement restreints

Withdrawal

(3) A municipal corporation shall withdraw the caveat when the order of the Supreme Court has been complied with.

(3) La municipalité retire l'opposition lorsque l'ordonnance de la Cour suprême est respectée.

Retrait

Debt owed to municipal corporation

60. Any expenses and costs of an action taken by a municipal corporation under subsection 58(4) to carry out an order of the Supreme Court are a debt owing to the municipal corporation by the person required by the order to comply, and may be recovered from the person in default by civil action for debt, or by charging it against real property of which the person is the owner in the same manner as arrears of property taxes under the *Property Assessment and Taxation Act*.

60. Les dépenses et les frais d'une action que prend la municipalité en vertu du paragraphe 58(4), en vue d'exécuter une ordonnance de la Cour suprême, constituent une créance de la municipalité à l'égard de la personne visée dans l'ordonnance, qui peut être recouvrée auprès de la personne en défaut soit en intentant une poursuite civile, soit en constituant une charge sur le bien réel dont la personne est le propriétaire évalué comme s'il s'agissait d'arriérés d'impôt foncier visés par la *Loi sur l'évaluation et l'impôt fonciers*.

Créance de la municipalité

DIVISION B - APPEALS

Development Appeals

Appeal of refusal or conditions

61. (1) A person whose application to a development authority for a development permit is refused, or who is approved for a development permit subject to a condition that he or she considers to be unreasonable, may appeal the refusal or the condition to the appeal board.

61. (1) La personne dont la demande de permis d'aménagement a été refusée par l'autorité d'aménagement ou dont le permis d'aménagement est assorti d'une condition qu'elle estime déraisonnable peut en appeler du refus ou de la condition à la commission d'appel.

Appel du refus ou des conditions

Exception

(2) A condition that is required by a zoning bylaw to be on a development permit is not subject to appeal under subsection (1).

(2) La condition obligatoirement assortie au permis d'aménagement en vertu d'un règlement de zonage ne peut faire l'objet d'un appel en vertu du paragraphe (1).

Exception

Application deemed refused

(3) For the purposes of subsection (1), an application to a development authority for a development permit is, at the option of the applicant, deemed to be refused if the decision of the development authority is not made within 40 days after the day the application is received in its complete and final form.

(3) Aux fins du paragraphe (1), la demande de permis d'aménagement auprès d'une autorité d'aménagement est, au choix de son auteur, réputée refusée si la décision de l'autorité d'aménagement n'est pas prise dans un délai de 40 jours à compter de la date de réception de la demande sous forme finale.

Demande réputée refusée

Appeal of Order

Appel d'un ordre

Appeal to
appeal board

63. (1) A person who is subject to an order issued by a development officer under subsection 57(1) of this Act, or under a zoning bylaw, may appeal the order to the appeal board.

63. (1) La personne visée dans un ordre de l'agent d'aménagement en vertu du paragraphe 57(1) de la présente loi ou d'un règlement de zonage peut en appeler de l'ordre à la commission d'appel.

Appel à la
commission
d'appel

Commencing
appeal of order

(2) An appeal under subsection (1) must be commenced by providing a written notice of appeal to the appeal board within 14 days after the day the order of the development officer is served on the person.

(2) L'appel en vertu du paragraphe (1) se forme au moyen d'un avis d'appel écrit donné à la commission d'appel au plus tard 14 jours après la date à laquelle l'ordre de l'agent d'aménagement a été signifié à la personne qu'il vise.

Formation de
l'appel d'un
ordre

Subdivision Appeals

Appels en matière de lotissement

Appeal of
refusal of
application

64. (1) A person whose application under subsection 43(1) to a municipal subdivision authority for approval of a proposed subdivision is refused, may appeal the refusal to the appeal board.

64. (1) La personne dont la demande visant un projet de lotissement présentée à l'autorité de lotissement municipale en vertu du paragraphe 43(1) est refusée peut en appeler du refus à la commission d'appel.

Appel du refus
d'une demande

Appeal of
rejection of
plan

(2) A person whose plan of subdivision, submitted to a municipal subdivision authority under section 46, is rejected, may appeal the rejection to the appeal board.

(2) La personne dont le plan de lotissement présenté à l'autorité de lotissement municipale en vertu de l'article 46 est rejeté peut en appeler du rejet à la commission d'appel.

Appel du rejet
d'un plan

Commencing
subdivision
appeal

(3) An appeal under subsection (1) or (2) must be commenced within 30 days after the day an application for approval of a proposed subdivision is refused or a plan of subdivision is rejected.

(3) L'appel en vertu des paragraphes (1) ou (2) doit être interjeté au plus tard 30 jours après la date du refus d'une demande d'approbation d'un projet de lotissement ou du rejet d'un plan de lotissement.

Formation de
l'appel en
matière de
lotissement

Appeal Board Procedure, Evidence and Hearing

Règles de procédure, présentation de la preuve et audition de l'appel

Notice of
appeal

65. (1) A notice of appeal to the appeal board must
(a) state the reasons for the appeal;
(b) summarize the supporting facts for each reason;
(c) indicate the relief sought; and
(d) if applicable, be submitted with the filing fee required by the zoning bylaw.

65. (1) L'avis d'appel à la commission d'appel doit, à la fois :
a) indiquer les motifs d'appel;
b) résumer les faits à l'appui des allégations;
c) préciser le redressement demandé;
d) être accompagné des droits de dépôt prévus dans le règlement de zonage, s'il y a lieu.

Avis d'appel

Person
adversely
affected

(2) A notice of appeal by a person appealing the approval of an application for a development permit under subsection 62(1) must state how he or she is adversely affected.

(2) La personne qui interjette appel de l'approbation d'une demande de permis d'aménagement en vertu du paragraphe 62(1) doit préciser les motifs pour lesquels elle se sent lésée.

Personne lésée

Hearing within
30 days

66. (1) The appeal board shall commence hearing an appeal within 30 days after the day the notice of appeal is received, and shall complete the hearing as soon as is reasonably practicable.

66. (1) La commission d'appel commence l'audition de l'appel au plus tard 30 jours après la date de réception de l'avis d'appel et la termine dans les meilleurs délais.

Délai
d'audition de
30 jours

Notice

(2) The appeal board shall ensure that reasonable notice of a hearing is served on
(a) the appellant;

(2) La commission d'appel veille à ce que les personnes suivantes reçoivent signification d'un avis d'audition raisonnable :

Avis

Hearing public	(6) A hearing of the appeal board must be open to the public.	(6) L'audition devant la commission d'appel est publique.	Audition publique
Hearing	68. (1) At a hearing, the appeal board shall provide the persons referred to in subsection 66(2) with the opportunity to be heard, and may hear from any other persons that it considers necessary.	68. (1) Lors de l'audition de l'appel, la commission d'appel donne aux personnes visées au paragraphe 66(2) l'occasion de témoigner et peut entendre le témoignage de toute autre personne qu'elle juge essentiel.	Audition
Absence of person	(2) The appeal board may, on proof of service of notice of a hearing on a person referred to in subsection 66(2), proceed with the hearing in the absence of the person and determine the appeal in the same manner as if that person had attended.	(2) La commission d'appel peut, sur preuve de signification d'un avis d'appel à une personne visée au paragraphe 66(2), procéder à l'audition de l'appel en l'absence de cette personne et trancher l'appel comme si la personne y avait été présente.	Personne absente
Decision of Appeal Board		Décision de la commission d'appel	
Decision	69. (1) The appeal board may confirm, reverse or vary a decision appealed, and may impose conditions that it considers appropriate in the circumstances.	69. (1) La commission d'appel peut confirmer, infirmer ou modifier la décision portée en appel et peut imposer les conditions qu'elle juge indiquées en l'espèce.	Décision
Conflict with plans	(2) A decision of the appeal board on an appeal must not conflict with a zoning bylaw, subdivision bylaw, community plan or area development plan.	(2) La décision de la commission d'appel à la suite d'un appel ne doit pas être contraire au règlement de zonage, au règlement de lotissement, au plan directeur ou plan d'aménagement régional.	Incompatibilité avec les plans
Time limit	(3) The appeal board shall, within 60 days after the day on which a hearing is concluded, issue a written decision with reasons and provide a copy of the decision to the appellant and other parties to the appeal.	(3) La commission d'appel, dans un délai de 60 jours à compter de la fin d'une audition, rend une décision par écrit et motivée et en remet une copie à l'appelant et aux autres parties à l'appel.	Délai
Signature	(4) Decisions and other documents may be signed on behalf of the appeal board by the chairperson or by an acting chairperson or vice-chairperson, and when so signed may be admitted in evidence as proof of the decision or document without proof of the signature or the designation.	(4) Les décisions et les autres documents peuvent être signés au nom de la commission d'appel par le président, ou par le président suppléant ou le vice-président; cette signature est admissible en preuve et fait foi de la décision ou du document sans qu'il soit nécessaire de faire la preuve de l'authenticité de la signature ou de la désignation.	Signature
Decision public record	(5) A decision of the appeal board is a public record.	(5) La décision de la commission d'appel constitue un document public.	Document public
No appeal	70. A decision of the appeal board is final and binding on all parties and is not subject to appeal.	70. La décision de la commission d'appel est finale et exécutoire, et elle est sans appel.	Aucun appel
Subdivision Appeal to Arbitrator		Recours à l'arbitrage en matière de lotissement	
Arbitration: refusal of proposed subdivision	71. (1) If an application to the Director of Planning under subsection 43(1) for approval of a proposed subdivision is refused, the subdivision applicant may initiate an arbitration for the purpose of determining an appeal of the refusal.	71. (1) L'auteur d'une demande de lotissement dont la demande d'approbation d'un projet de lotissement présentée au directeur de la planification en vertu du paragraphe 43(1) est refusée peut prendre l'initiative d'un arbitrage pour décider de l'appel du refus.	Arbitrage : refus du projet de lotissement