

Property Information/Details

Location Description	Lot 18 Block 569 Plan 4690
City of Yellowknife Community Plan No. 5007	Section 4.7 Grace Lake
City of Yellowknife Zoning By-law No. 5045, as amended	Chapter 3 Roles and Responsibilities Chapter 4 Development Permit Process Section 5.1 Development Appeal Process Section 7.1 Site Planning Considerations Section 7.3 Grade Section 7.4 Vehicular Access and On-Site Traffic Section 7.5 General Landscaping Regulations Section 7.8 Parking Section 8.2 Specific Use Regulations Applicable to Residential Zones (Secondary Suites) Section 10.4 RE – Residential Estate
Civic Address:	122 Braden Blvd.
Access:	Braden Blvd.
Municipal Services:	Trucked water and sewage services; Municipal garbage pickup

**Recommendation:**

The Development Officer recommends approval of Development Permit application PLVAR-2025-0135 to permit a Variance to decrease the minimum required Side Yard Setback from 3 m to 2.91 m to an approved Single Detached Dwelling.

**Proposal:**

The applicant is requesting a Variance to decrease the minimum required Side Yard Setback in the RE- Residential Estate zone, to address an error occurred during construction of the building. The Side Yard Setback would need to be reduced from 3 m to 2.91 m.

**Background:**

**GENERAL STATEMENT**

Melani Kover, property owner of the property 122 Braden Blvd, received a Development Permit for the property 122 Braden Blvd. Lot 18, Block 569, Plan 4690 on April 26, 2021, File Number: PL-2021-0071 (Refer to attachments) to construct a Single Detached dwelling. In March 2023 the applicant applied for a Building Permit, Application Number: PR-2023-0044 (Refer to attachments) and submitted new drawings with design changes. The design of the building constructed is different from what was approved through the DP process, however an Development Plan amendment was not done to Development Permit PL-2021-0071. The building was designed with a side setback greater than 3 m as required by Zoning by-law 5045 for a Single Detached Dwelling in RE- Residential Estate zone. A construction error occurred while

constructing the building, that resulted in building getting constructed closer to the adjacent lot with the legal description as Lot 17, Block 569 and Plan 4690 then permitted. The property owner intends to bring this dwelling unit back to zoning compliance and requested a side yard variance by decreasing the side yard variance from 3 m as required by Zoning by law 5045 to 2.91 m.

#### SUPPORTING STUDIES AND REPORTS

- City of Yellowknife Grace Lake Development Scheme By-law No. 4676 "Schedule No.1"
- City of Yellowknife Grace Lake South Development Plan By-law No. 4867
- Technical Review PL-2021-0071

#### Assessment of the Application:

#### JUSTIFICATION

A development permit is required for any development that is accompanied by a variance, as per Section 4.2. and 4.8. of Zoning By-law No. 5045, authorized under Section 23. (1) of the Community Planning and Development Act.

#### LEGISLATION

##### *Community Planning and Development Act*

As per section 23. (1) and 25. (1), (2), an authorized development authority, being a development officer appointed under section 52, reviews the variance application and makes a decision.

##### *Community Plan By-law No. 5007*

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

This 2019 Community Plan is a comprehensive outline of the goals and objectives for the City with directive policies to accomplish the objectives. All applicable policies of the Community Plan are to be considered and applied at the time of development.

##### *Zoning By-law No. 5045*

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

The Development Officer processes the application as per section 3.1.1 (Development officer's roles and responsibilities) and applicable sections of Chapter 4 (Development Permit Process) of the By-law. The Development Officer also evaluates the variance application per the criteria set in section 4.9 of the By-law and accordingly makes a decision.

#### PLANNING ANALYSIS

##### *City of Yellowknife Community Plan By-law No. 5007*

The Plan identifies Grace Lake area as estate style residential area. The area is predominantly residential serviced by trucked water and sewer.

4.7 Grace Lake Objectives and Policies	
Planning and Development Objectives:	Policies:
1. To maintain area for low-density residential development.	1-a. Permitted uses will be limited to detached dwellings and complementary secondary uses such as secondary suites, home based businesses and home offices.
2. To allow for estate style living, without interfering with other uses in the area.	2-a. Existing land uses adjacent to Grace Lake in Kam Lake and Kam Lake South such as light industrial activity and dog kenneling will be permitted to continue.

The applicant's changes to the Side yard setback will not impede the objectives for the Grace Lake designation. Approval of this variance aligns with the objectives of Section 4.7 Grace Lake as the proposal is detached dwelling and will not interfere with other uses in the area.

#### Zoning

##### City of Yellowknife Zoning By-law No. 5045

The constructed Single Detached dwelling at 122 Braden Blvd meets applicable requirements of the By-law except for the RE- Residential Estate requirement for minimum Side Yard Setback for the principal building as stated in Table 10-12 of the Zoning By-law No. 5045.

#### Land Use (Section 10.4)

The existing building complies with Section 10.4 of the Zoning by-law 5045 except with the Side Yard Setback requirement on the East. Based on the stamped drawings from File: PL-2021-0071 (Refer to attachments), the existing building complies with the following:

- Minimum Lot Width
- Maximum Lot Coverage
- Maximum Height: Confirmed from the applicant via email, as new drawings were received as part of building permit application PR-2023-0044
- Minimum Front Yard Setback (Principal Building)
- Minimum Side Yard Setback (West)
- Minimum Rear Yard Setback

#### Variance to Side Yard Setback:

An error occurred in the siting of Single-detached building during construction. Therefore, a variance to the Side Yard setback is requested to reduce the required setback from 3 m to 2.91 m, to bring this development into compliance with zoning regulations.

As per Section 4.9.1 e) of the Zoning By-law 5045, a Variance may be granted if an error has occurred in the siting of a structure during construction. Further, the proposed Variance would not result in a development that will; unduly interfere with the amenities of the neighborhood; or, materially interfere with or affect the Use, enjoyment or value of neighbouring parcels of land. Additionally, the proposed development does not go against other policies of Section 4.9.

#### Additional Zoning Analysis of the property

##### Section 7.3 Drainage and Grading

The proposed development must comply with all applicable City regulations.

##### Section 7.5 Landscaping

As per the landscaping requirement mentioned in Table 7-1 for the RE Zone; a minimum of 100% of the front yard shall be landscaped. Currently, except for the driveway, all the other areas are landscaped. The existing construction is retaining and preserving existing natural vegetation.

##### Section 7.4 and Section 7.8 Parking and Driveways

The proposed development must comply with all applicable City regulations.

##### Section 8.2 Specific Use Regulations Applicable to Residential Zones

The proposed development must comply with all applicable City regulations.

##### Servicing/Safety/Parks&Rec/Community/Reconciliation

The proposed development will be serviced by truck water and sewer and will rely on municipal garbage pickup.

##### City Departments/External Agency Consultation

As per section 4.5.1 of the Zoning By-law 5045, a request for comments and advice was circulated to Department of Public Works & Engineering, Lands and Building Services division and Fire Services on November 24, 2025. The comments received were reviewed, considered and are summarized in the table below:

No.	City Department	Comments	Consideration
1.	Public Works & Engineering	Engineering Division has no concerns.	None
2.	Lands and Building Services	Lands and Building Services have no concerns.	None
3.	Fire Services	Fire Services have no concerns.	None

##### Public Consultation

A Notice of Application for the Variance was circulated to the neighbouring residents within minimum 30m of the subject property, on November 14, 2025, as per Section 6.7 of Community Plan By-law No. 5007, Section 14 (2) of the Community Planning Development Act, and Section 4.5.1, 4.5.2, 4.5.3, 4.5.4, and 4.5.5 of Zoning By-law No. 5045.

No comments for consideration were received from the public.

A Notice of Decision will be posted to the site, as required by law. 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 15<sup>th</sup> day.

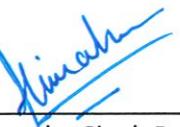
**Conditions of Approval:**

1. The minimum Side Yard Setback has decreased from 3 m to 2.91 m, as shown on the approved stamped drawings for PLVAR-2025-0135;
2. The developer shall make a formal amendment to the approved Development Permit (PL-2021-0071) as the result of the design change; and
3. The development shall comply with all By-laws and policies in effect for the City of Yellowknife. Any additions or alterations to the building are subject to the City's review.

**Conclusion:**

Variance application PLVAR-2025-0135 is recommended for approval with the above-mentioned conditions as it conforms to Community Plan By-law No. 5007 and the City of Yellowknife Grace Lake Development Scheme By-law No. 4676 "Schedule No.1", City of Yellowknife Grace Lake South Development Plan By-law No. 4867 and complies with all the applicable regulations of Zoning By-law No. 5045.

Reviewed [and Approved] by:

  
Himanshu Singh Parihar

Planner I, Planning and Environment

Approved By:

  
Eli Smith

Planner I, Planning and Environment

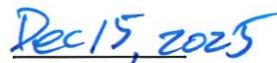
Concurrence by:

  
December 15, 2025

Date

  
December 23, 2025

Date

  
Dec 15, 2025

Date

Tatsuyuki Setta, RPP, MCIP, AICP

Manager, Planning and Environment

Attachments:

Approved Drawings PLVAR-2025-0135, DM# 812870

Date: December 15, 2025

DM #812155 v2

Approved Drawings of Development Permit Application File: PL-2021-0071 (Dated: April 26, 2021)  
Drawings submitted for Building Permit Application: PR-2023-0044 (Dated: March, 2023)