

Property Information/Details

Location Description	Lot 11 Block 550 Plan 4692
City of Yellowknife Community Plan No. 5007	Section 4.6 West Residential
City of Yellowknife Zoning By-law No. 5045, as amended	Chapter 3 Roles and Responsibilities Chapter 4 Development Permit Process Section 5.1 Development Appeal Process Section 7.1 Site Planning Considerations Section 7.3 Grade Section 7.4 Vehicular Access and On-Site Traffic Section 7.5 General Landscaping Regulations Section 7.8 Parking Section 8.2 Specific Use Regulations Applicable to Residential Zones (Secondary Suites) Section 10.1 R1 – Low Density Residential
Civic Address:	9 Spence Road
Access:	Spence Road
Municipal Services:	Piped water and sewage services; Municipal garbage pickup

Recommendation:

The Development Officer recommends approval of Development Permit application PLVAR-2025-0133 to permit a Variance to reduce the minimum Side Yard Setback from 1.50m to 1.18m and a Variance to increase the maximum Lot Coverage from 40% to 50%.

Proposal:

The applicant is requesting a Variance to decrease the minimum required Side Yard Setback in the R1 – Low Density Residential Zone in order to address an error during construction of the building. The Side Yard Setback would be reduced to from 1.50m to 1.18m. This Variance request is the result of an error that occurred in the siting of the structure during construction. A Variance to increase the maximum permitted Lot Coverage is also requested in order to accommodate the existing structure. The constructed building exceeds the maximum 40% lot coverage for a total lot coverage of 50%.

Background:

GENERAL STATEMENT

In January 2025, Hazem Kobaissi, the property owner, received a Development Permit exemption for a Single Detached dwelling with an In-Home Secondary dwelling on the lot legally described as Lot 11, Block 550, Plan 4692. The dwelling was proposed with a side setback greater than the required 1.50m. During construction, an error occurred that resulted in the dwelling being located closer to the adjacent lot,

legally described as Lot 12, Block 550, Plan 4692 than permitted. Once the application was received to address the construction error, the Development Officer identified that the constructed building exceeded the maximum permitted lot coverage. The property owner is seeking to bring the dwelling into zoning compliance by requesting a reduction to the minimum Side Yard Setback requirement and an increase to the maximum Lot Coverage requirement.

SUPPORTING STUDIES AND REPORTS

- Hordal Bagon Area Development Plan, Prepared By City of Yellowknife, March 29, 2016, DM# 444045

Assessment of the Application:

JUSTIFICATION

A development permit is required for any development that is accompanied by a variance/ as per sections 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

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 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 the West Residential designation as primarily residential land, with some institutional and recreational land uses, such as schools, parks and sports fields. Residential development is characterized by low density single unit dwellings with some medium density residential development such as row-houses, duplexes, and low-rise apartment buildings. Continued development in this area is intended to be primarily residential.

4.6 West Residential Objectives and Policies	
Planning and Development Objectives:	Policies:
5. To maintain residential land use as the dominant land use.	5-a. Lands will be used primarily for housing with a range of dwelling types and densities.
7. To increase housing options.	7-a. Zoning will allow for a variety of housing types.

The applicant's Side Yard Setback and Lot Coverage Variance will not impede the objectives for the West Residential designation. With the variance granted the proposed single detached dwelling with an in-home secondary suite aligns the objectives for the West Residential Land Use Designation by providing a variety of housing types and density.

City of Yellowknife Hordal Bagon Area Development Plan By-law No. 4894

The Hordal Bagon Area Development Plan establishes a development framework for the Hordal Bagon Area Development. The applicant's Side Yard Setback and Lot Coverage Variance is not anticipated to contravene the Hordal Bagon Area Development Plan.

Zoning

City of Yellowknife Zoning By-law No. 5045

The constructed Single Detached dwelling with an In-Home Secondary dwelling at 9 Spence Road meets applicable requirements of the By-law with the exception of the R1 – Low Density Residential Zone requirement for minimum Side Yard Setback and Lot Coverage for the principal building as stated in Table 10-2 of the Zoning By-law.

Land Use (Section 10.1):

The building has been constructed following all applicable regulations with the exception of the Side Yard Setback and Lot Coverage. The existing building and residential use complies with the R1 regulations relating to Lot Width, Building Height, Front and Rear Yard Setbacks. However, variances are required to address errors made during construction to the Side Yard Setback and Lot Coverage.

Variance to Side Yard Setback:

Due to an error during construction, a variance to the Side Yard Setback is requested to reduce the required setback from 1.50m to 1.18m, in order to bring the development into compliance with zoning regulations. Criteria for evaluating a Variance in section 4.9.1 e) of the Zoning By-law permits a variance to be granted in the case of a siting error during construction. Additionally, the Variance request is seen as reasonable as it is not anticipated to unduly interfere with the amenities of the neighborhood; or detract from the use, enjoyment or value of neighboring parcels of land.

Variance to Lot Coverage:

A Variance to the Lot Coverage is requested to accommodate the constructed building by increasing the maximum Lot Coverage from 40% to 50%. Excluding the requirement for a Lot Coverage variance, the constructed building conforms to the Uses prescribed in the Zoning By-law, applicable area development plans and the objectives and policies of the Community Plan. Given that the constructed building maintains the Front Yard Setback, the increase to the lot coverage is concentrated towards the rear of the site and is not anticipated to interfere with the amenities of the neighbourhood. This increase to the lot coverage is not likely to materially interfere with or affect the use, enjoyment or value of the adjacent parcels of land.

Below are additional zoning analysis of the property.

Drainage and Grading (Section 7.3):

The proposed development must comply with all applicable City regulations. This includes the proposed driveway having a positive drainage towards Spence Road.

Landscaping (Section 7.5):

Per the R1 Zone, a minimum of 100% of the minimum front yard area is required to be landscaped. The front yard area will be used as a driveway with a width of three car widths, as well an entryway to the house. Remainder of the front yard area will be landscaped. Remaining landscaping in the rear yard of the lot is encouraged to be maintained.

Parking and Driveways (Section 7.4 and Section 7.8):

The development complies with the vehicular on-site requirements of section 7.4. The development also complies with Table 7-3 of the By-law, which requires a minimum of one 'type B' parking space on-site for a single detached dwelling per dwelling unit.

Specific Use Regulations Applicable to Residential Zones (Section 8.2):

The proposed development includes an In-Home Secondary Suite and complies with the Specific Use Regulations for In-Home and Detached Secondary Suite requirements of Section 8.2.7.

Servicing/Safety/Park&Rec/Community/Reconciliation

The proposed development will be connected to municipal piped water and sewage services, and will rely on municipal garbage pickup.

City Departments / External Agency Consultation

As directed in section 4.5.1 of Zoning By-law No. 5045, a request for comments was circulated to Department of Public Works & Engineering on June 28, 2024. Comments were reviewed and considered, and are summarized in the table below:

No.	City Department	Comments	Consideration
1.	Public Works & Engineering	Public Works has no concerns with the side yard setback being reduced.	None required.
2.	Lands and Building Services	Lands and Building Services has no concerns.	None required.
3.	Fire Services	Fire has no concerns with this variance.	None Required.

Public Consultation

A Notice of Application for the development permit variance was circulated to neighboring residents within 30m of the subject property, on November 10, 2025, per sections 4.5.1, 4.5.2, 4.5.3, 4.5.4, and 4.5.5 of Zoning By-law No. 5045, Section 6.7 of Community Plan By-law No. 5007, and section 14 (2) of the Community Planning and Development Act.

No comments for consideration were received from the public.

A Notice of Decision will be posted at 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 15th day.

Conditions of Approval:

1. The minimum Side Yard Setback has been decreased from 1.50m to 1.18m.
2. The maximum Lot Coverage has been increased from 40% to 50%.
3. The development shall comply with the approved stamped drawings for PLVAR-2025-0133 and with all By-laws and policies in effect for the City of Yellowknife.

Conclusion:

Development Permit Variance application PLDVAR-2025-0133 is recommended for approval with the above mentioned conditions as it conforms to Community Plan By-law No. 5007 and the Hordal Bagon Area Development Plan By-law No. 4894 and complies with all applicable regulations of Zoning By-law No. 5045.

Reviewed [and Approved] by:



Eli Smith
Planner I, Planning and Environment



Date

Concurrence by:



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



Date

Attachments:

Approved Drawings PLVAR-2025-0133, DM# 811492.