

Property Information/Details

Location Description	Lot 13 Block 526 Plan 1704
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 10.1 R1 – Low Density Residential
Civic Address:	5085 Finlayson Drive
Access:	Finlayson Drive
Municipal Services:	Piped water and sewage services; Municipal garbage pickup

**Recommendation:**

The Development Officer recommends approval of Development Permit application PLVAR-2025-0162 to permit a Variance to reduce the minimum Side Yard Setback from 1.50 m to 0.90 m, with the following conditions:

1. The minimum Side Yard Setback has been decreased from 1.50 m to 0.90 m on the side of the lot that borders Lot 14 Block 526 Plan 1704 only, measured from the property line.
2. The development shall comply with the approved stamped drawings for PLVAR-2025-0162 and with all By-laws and policies in effect for the City of Yellowknife.

**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 addition that was constructed by a previous owner. The Side Yard Setback would be reduced to from 1.50m to 0.90m. This Variance request is the result of the Development Officer noting the non-compliance with the Side Yard Setback on a separate application submitted by the applicant (PLDEV-2025-0139).

**Background:**

**GENERAL STATEMENT**

In November 2025, Jason Thibault, the property owner, applied for a Development Permit for a Detached Secondary Suite on the subject site (PLDEV-2025-0139). During the review of this proposal, the Development Officer identified that the existing Principal Dwelling had an addition that did not meet the

Side Yard Setback requirement laid out in the R1 zone. The Variance request was received to address the issue and permit the existing structure. The application for a Detached Secondary Dwelling received a Development Permit exemption under Section 4.2.1.q. of the Zoning By-law No.5045, as amended, because it met all of the Development requirements. The property owner seeks to bring the existing Principal Dwelling into zoning compliance by requesting a reduction to the minimum Side Yard Setback requirement.

**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*

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.

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*

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 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 will not impact the objectives for the West Residential designation. With the variance granted the proposed single detached dwelling with a detached secondary suite meets the objectives for the West Residential Land Use Designation by providing a variety of housing types and density.

### Zoning

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

The constructed Single Detached dwelling with a Detached Secondary dwelling at 5085 Finlayson Drive meets applicable requirements of the By-law with the exception of the R1 – Low Density Residential Zone requirement for minimum Side Yard Setback 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. The existing building and residential use complies with the R1 regulations relating to Lot Width, Building Height, Lot Coverage, Front and Rear Yard Setbacks. However, a variance is required to address portion of the building that extends into the Side Yard Setback.

#### Variance to Side Yard Setback:

Due to identification by the Development Officer of the non-conforming addition, a variance to the Side Yard Setback is requested to reduce the required setback from 1.50 m to 0.90 m, in order to bring the development into compliance with zoning regulations. The existing use is permitted in the R1 zone; and this Variance request is deemed reasonable as it is not anticipated to unduly interfere with the amenities of the neighbourhood or detract from the use, enjoyment or value of neighbouring parcels of land, in

addition to the fact that no official complaints were made to the City in the past with respect to the non-compliant setback.

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 Finlayson Drive.

**Landscaping (Section 7.5):**

Per the R1 Zone, a minimum of 100% of the minimum front yard area is required to be landscaped. A portion of the front yard area will be used as a driveway with a width of approximately two car widths. 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.

**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 reviewed the variance request and have no concerns with it.	None Required.
2.	Lands and Building Services	No comments were received.	None Required.
3.	Fire Services	Fire has no issues with this variance.	None Required.
4.	Community Services	There are no concerns with this.	None Required.

## Public Comments

A Notice of Application for the development permit variance was circulated to neighboring residents within 30m of the subject property, on November 28, 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. In response to a public comment, the application was updated and recirculated with the new measurements for a full 14 days beginning on December 10, 2025.

One comment for consideration was received from the public and is included in the below table.

No.	Public Comments	Consideration
1.	<p>Public Commenter:</p> <p>Thank you for the information regarding the Development Variance for 5085 Finlayson Dr. We are the owners of the property at [REDACTED]. Prior to commenting on the proposed variance we seek clarification/information on the following matter. The drawing indicates an addition that is 99 cm from the "fence line". Please confirm if the fence line is located on the 5085 property or [REDACTED].</p> <p>Development Officer:</p> <p>Thank you for taking the time to reach out. I would like to clarify that the proposed Variance, if approved, would be located 99 centimeters from the property line, not the fence. This is how the Variance request is evaluated. Additionally, the City cannot assist with determining property boundaries, as this falls outside the City's jurisdiction. This includes the location of fences in relation to property lines. The best course of action is to hire a licensed surveyor to accurately locate and mark property boundaries and structures such as fences on your property. For further clarification on determining property boundaries: The Canada Lands Survey Act governs surveys in the Northwest Territories, as it falls under federal jurisdiction for land matters. Only Canada Lands Surveyors, licensed by the Association of Canada Lands Surveyors (ACLS), are authorized to conduct legal surveys, including those for establishing property boundaries.</p>	<p>The initial application submitted by the Applicant requested a variance from 1.50m to 0.99m to the Side Yard Setback. The application was circulated and a member of the public contacted the City regarding questions about where the setback was measured from and provide a comment that they wanted the difference noted between the fence line and the property line as to where the setback for the variance was measured from. In response to this, the site plan was reviewed and the applicant was asked to provide how they got 0.99m. The applicant clarified that they had measured to the fence line not the property line. In response to this information, the applicant revised the application to the distance measured from the property line to the Principal Building which is 0.90m. The original commenter was informed of the change both by email and mail, and recirculated for two weeks with updated the measurement updated to 0.90m noted on the Stamped Plans.</p>

<p>I understand that this is likely not the answer you are looking for, but if you have comments that pertain to the proposed Variance, please feel free to provide them to me. They are included and considered in the Planning Report when evaluating whether to approve or reject the application. All personal/identifying information is redacted and this initial inquiry will be included as well.</p> <p><b>Public Commenter:</b> Thank you for the prompt reply. Base upon your reply we request the variance information be amended and shared to reflect that the distance is between the addition and the property boundary versus the fence line.</p> <p><b>Development Officer:</b> I can see how the applicant's note about the measurement to the fence line created confusion, thank you for bring it to my attention. I have added a note to the site plan on the Active Applications website and attached a copy here. If you have any other comments regarding this file, please let me know.</p> <p><b>Public Commenter:</b> Thank you Eli. May I interpret your response that the variance is a distance from the property line?</p> <p><b>Development Officer:</b> Yes, the variance being requested is to reduce the distance from the house to the property line. The regulations in this zone say it must be a minimum of 1.5 meters but the applicant is requesting the variance to bring the existing structure into compliance, which is currently being considered. The variance is to accommodate the existing building that is shown on the site plan. The variance is the distance from the property line that the building is located. I hope this answers your question, but if not please let me know.</p> <p><b>Public Commenter:</b> So we will have the understanding and conclude that the City will consider a variance from 1.5m to 99 cm from the</p>	<p>The entire exchange between the Development Officer and the Commenter is included for the record.</p>
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<p>building to the property line, not the existing fence. The City may wish to verify this with the applicant. As we believe the fence owned by 5085 Finlayson Dr is not on the property line it should not be referenced as a boundary for any purpose.</p> <p>Development Officer: I am little confused as to what you are requesting. You believe the fence is not located on the property of 5085 Finlayson Drive, do you have any documentation you would be willing to share that supports this? I want to ensure that I fully understand your concern. For clarity, all setbacks are measured from the legally defined property lines, which includes variances.</p> <p>Public Commenter: Thank you for the note. The City has the responsibility to ensure the measurements are correct prior to approving the variance. The documentation you provided indicates a measurement from the building to the fence. We want to be sure this is not what is being considered. A conflict with the fence location is a separate matter which must not influence the variance from the property line as you correctly state. A revised document illustrating this would be appreciated.</p> <p>Development Officer: Thank you for providing that context. For the sake of the clarity, the variance is measured from the property line to the close point of the building. It is not measured from the fence line. We have discussed this clarification with the applicant and the updated site plan I sent yesterday with the note reflects this change. We are not considering the variance measured from the fence line and the City is not involved in the private matter with the fence's location. Thank you for being patient in working through this issue. These comments will be included in the report for this application when the decision is issued.</p> <p>Development Officer: Apologies for the time it took to respond. In response to your comments, further review</p>	
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<p>completed, and the request for variance has been updated. To ensure no issues, the measurement was confirmed and will be recirculated via letters and signage on site beginning today till December 24. The proposal is no to decrease the Side Yard Setback from 1.50m to 0.90m as measured from the property line. I have attached a copy of the letter for your reference, which you will also receive in the mail in line with regulatory requirements. Additionally, the all comments will be included in the report including how they were address and will be made publicly available when the decision is issued. I appreciate you taking the time to reach out with your concerns regarding the application. If you have any additional comments regarding the new variance request or other aspects of the application, please feel free to reach out.</p> <p>Public Commenter:</p> <p>Thank you for the follow up information. This clarifies the proposed variance application. I would still like to know how was the 0.90 m distance verified. Was it surveyed by a qualified person or is it an estimate?</p> <p>Peter.</p> <p>Development Officer: The site plan is an official survey was provided by the applicant from a third party surveyor from the Association of Canada Lands Surveyors. The document is signed and stamped by the surveyor.</p>	
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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 1.50 m to 0.90 m on the side of the lot that borders Lot 14 Block 526 Plan 1704 only, measured from the property line.
2. The development shall comply with the approved stamped drawings for PLVAR-2025-0162 and with all By-laws and policies in effect for the City of Yellowknife.

**Conclusion:**

Development Permit Variance application PLDVAR-2025-0162 is recommended for approval with the above mentioned conditions as it conforms to Community Plan By-law No. 5007 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-2025-0162, DM# 813433.