

Property Information/Details

Location Description	Lot 53 Block 308 Plan 4204
City of Yellowknife Community Plan No. 5007	Section 4.5 Niven Residential Section 5.1 Environment and Climate Section 5.3 Municipal Infrastructure
City of Yellowknife Zoning By-law No. 5045, as amended	Chapter 3 – Roles and Responsibilities Chapter 4 – Development Permit Process Chapter 5 – General Development Regulations Applicable to all Zones Chapter 8 – General Development Regulations Applicable to Residential Zones Section 10.1. R1 – Low Density Residential
Civic Address:	1 McMahon Court
Access:	McMahon Court; Moyle Drive
Municipal Services	Piped sewer and water services; curbside garbage pickup

Recommendation:

Planning and Environment Division recommends approval of Development Permit application PLVAR-2025-0165 for a ‘Detached Secondary Dwelling’ requesting variances to decrease the minimum side yard and rear yard setback requirements.

CONDITIONS OF APPROVAL

1. The minimum side yard setback requirement has been decreased from 2m to 1.5m;
2. The minimum rear yard setback requirement has been decreased from 6m to 1.5m;
3. The developer shall submit a Real Property Report (RPR) prior to occupancy; and
4. The development shall comply with the approved drawings for PLVAR-2025-0165 and with all By-laws in effect for the City of Yellowknife.

Proposal:

The applicant is proposing a Detached Secondary Dwelling at 1 McMahon Court. The Use is permitted in the R1 – Low Density Residential Zone; however, variances to reduce the minimum side yard and rear yard setback requirements are required for compliance with Zoning By-law No. 5045.

Background:

The subject lot is located in the R1 – Low Density Residential Zone, forms part of the Niven Residential land use designation and is surrounded by a mix of low and medium density residential uses. Stirling Park, a municipal park, lies south of the lot, while a single detached dwelling lies to the east. The lot is bounded by Moyle Drive to the west and McMahon Court to the north and is therefore defined as a Corner Lot.

Under Zoning By-law No. 5045, Accessory Buildings on Corner Lots are subject to different setback requirements than those on interior lots. The applicant is proposing the Accessory Building within the minimum required side yard and rear yard setbacks and is therefore requesting variances for compliance with zoning regulations.

SUPPORTING STUDIES AND REPORTS

- Niven Phase VII General Subdivision Drawings, January 30, 2008, DM# 360388
- Niven Lake Development Scheme (2007 By-law No. 4438)
- Surveyor's Real Property Report (RPR), December 2014, DM# 414107
- PLVAR-2025-0165 Submitted Drawings, DM# 811525

Assessment of the Application:

JUSTIFICATION

A development permit is required for any development that is accompanied by a variance, as stated in Section 4.8 of Zoning By-law No. 5045, as amended, authorized under section 23 of the *Community Planning and Development Act*. Section 4.8.1 of Zoning By-law No. 5045 authorizes that variances related to yard setbacks may be approved by the development officer.

LEGISLATION

Community Planning and Development Act

The *Community Planning and Development Act* establishes the framework for the City to regulate developments within its boundaries. As stated in section 16. (1) and 25. (1) of the *Act*, a development authority, being a development officer appointed under section 52, shall, subject to any applicable conditions, approve an application for a development permit for a use specified in a zoning bylaw as a permitted use of land or of a building, if the development authority is satisfied that the applicant meets all the requirements of the bylaw.

Under section 23. (1): "A zoning bylaw may authorize a development authority to approve an application for a development permit in respect of a proposed development that does not fully conform with the bylaw, if the development authority is satisfied that the proposed development would not (a) unduly interfere with the amenities of the neighbourhood; or (b) detract from the use, enjoyment or value of neighbouring parcels of land".

Community Plan By-law No. 5007, as amended

Section 3(1) of the *Act* states that 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, as amended

The 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 is authorized to receive and process development permit applications as referred to in section 3.1.1 of the By-law. The Development Officer is also authorized to evaluate variance applications as defined in the criteria set in sections 4.8 and 4.9 of the By-law.

PLANNING ANALYSIS

Community Plan By-law No. 5007, as amended

The Plan identifies the Niven Residential Land Use designation as a “residential area that is located adjacent to the downtown core and provides easy access to the core of the City by vehicle and alternative transportation modes. Much of the residential development in the area is recent and new residential lots continue to be developed on vacant parcels”.

4.5 Niven Residential Objectives and Policies			
Planning and Development Objectives:		Policies:	
4.	To support a mix of residential types and densities.	4-a.	A variety of residential single unit and multiple unit dwelling types will be permitted.

5.1.1 Climate Change Objectives and Policies			
Planning and Development Objectives:		Policies:	
3.	To support a mix of residential types and densities.	3-a.	The City will prioritize development in the existing built footprint of the City before developing new greenfield areas.

5.3 Municipal Infrastructure Objectives and Policies			
Planning and Development Objectives:		Policies:	
3.	To concentrate commercial and residential development in areas serviced by piped water and sewer services.	3-a.	Commercial and residential development will be prioritized in areas with piped water and sewer services.

By introducing additional housing within established neighbourhoods, secondary dwelling units support shorter commute times, improved access to existing amenities and services, and a more efficient use of

municipal infrastructure, thereby reducing broader environmental impacts and achieving broader objectives of the Community Plan relating to municipal infrastructure and the environment.

Zoning By-law No. 5045, as amended

The proposed development complies with the applicable regulations for the permitted Use set out in the By-law with the exception of meeting the minimum side yard and rear yard setback requirements.

Evaluating the Request for Variance to the Side Yard and Rear Yard Setback (Section 4.9):

Before addressing the variance criteria in Section 4.9, it is important to clarify the basis for the requested variances.

Zoning By-law No. 5045, Section 7.13.1(g), regulates accessory buildings on corner lots by requiring that they not be located closer to a lot line than the minimum yard setback required for a principal building. While the proposed accessory building would comply with the applicable setback requirements if situated on an interior lot, the subject property being a corner lot means the proposed side yard and rear yard setbacks do not meet the required minimums. As a result, variances are required.

The applicant is requesting a reduction to the minimum side yard setback from 2.0 m to 1.5 m and to the minimum rear yard setback from 6.0 m to 1.5 m. Due to the irregular shape of the lot, there are physical limitations that restrict the ability to fully comply with the minimum setback requirements. The accessory building remains secondary to the principal dwelling and is compatible with the surrounding residential context. It does not undermine the intent of the R1 Zone. With a proposed height of 5.4 m, which is lower than the principal dwelling, the development is not expected to impose undue impacts on neighbouring properties or the surrounding built environment, particularly as the rear property line abuts public open space. It will not affect sightlines, as it is located at the rear of the property with no adjacent streets behind it. While any physical change may raise some concern from neighbouring property owners, the proposed detached dwelling does not materially affect the use, enjoyment, or value of adjacent properties. A similar secondary dwelling would likely have been permitted without variances if the property were not a corner lot.

A Detached Secondary Dwelling is a permitted use in the R1 zone, provided it conforms to the objectives and policies of the Community Plan. This variance request is deemed reasonable after examination against the criteria set out in section 4.9.1 of the Zoning By-law No. 5045.

Site Planning Considerations (Section 7.1):

The proposed development provides future residents of the dwelling with pedestrian access to McMahon Court, Moyle Drive, the adjacent municipal park, and the walking trail along the northern edge of the Niven neighbourhood, as well as convenient access to the transit stop at the intersection of Moyle Drive and McMahon Court and surrounding natural areas. Emergency vehicles can access the site through McMahon Court.

Grading (Section 7.3):

No changes to the existing lot grade are proposed. The development therefore remains consistent with zoning requirements to ensure proper drainage and to avoid adverse impacts on adjacent properties.

Vehicular Access and On-Site Traffic (Section 7.4):

No additional parking is proposed, as secondary dwellings are not subject to minimum off-street parking requirements. Vehicular access remains through McMahon Court.

Landscaping (Section 7.5):

Per the R1 Zone, a minimum of 100% of the minimum front yard area is required to be landscaped. Since the proposed development is located in the rear yard, there are no proposed changes to the front yard area, which already includes planters along Moyle Drive. Any planted vegetation shall be grown from a northern stock and be capable of healthy growth in Yellowknife.

Parking and Driveways (Section 7.8):

Type "A" and Type "B" parking spaces, as well as bicycle parking and off-street loading spaces, are not required for secondary dwellings under current zoning regulations.

Servicing / Safety / Parks & Recreation / Community / Reconciliation

The proposed development lies within the City's piped sewer and water serviceable area, and will be tied to the City's water main, storm main, and sewer main at the developer's expense. The developer is also responsible for any arrangements for electric power, gas, telephone, garbage pickup and cable services required for the secondary dwelling. Stirling Park, a municipal park serving the Niven neighborhood, is located directly south of 1 McMahon Court, adjacent to the lot's rear yard. The proposal is not expected to result in any impacts to the park.

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 City Departments on January 5, 2026. Comments were reviewed and considered, and are summarized in the table below:

No.	City Department	Comments	Consideration
1.	Fire Division	No concerns were identified.	No consideration is required.
2.	Public Works and Engineering	No concerns were identified.	No consideration is required.
3.	Community Services	No concerns were identified.	No consideration is required.

4.	Lands and Building Services	No concerns were identified.	No consideration is required.
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Public Consultation

A Notice of Application was mailed to neighboring residents within 30m of the subject property on January 5, 2026, per section 15. (1) (h) of the *Community Planning and Development Act*. A Notice of Application was also posted on-site on January 5, 2026. As a result of the Notice of application, there was one written submission received and considered by the City of Yellowknife regarding this Variance Notice. A table listing all public comments received and how they were considered in the decision process can be found at the end of the Report.

Public Notice of the decision will be posted at the site, as well as on the City’s Planning and Development Department Active Development Applications page, in conjunction with the date of decision of the permit. Commencing on the date of approval, the application will be subject to a 14-day appeal period. If not appealed within this 14-day period, the development will be considered effective starting on the 15th day.

As a result of the Notice of application posted on-site and circulated on January 5, 2026, the following comments were received from neighbouring residents and considered by the City of Yellowknife.

No.	Public Comments	Consideration
1.	<p>I am writing in response to the Notice of Variance Application File No: PLVAR-2025-0165 for 1 McMahon Ct. I own and reside at a neighbouring property. My primary concern is the direct impact this development would have on my home’s privacy. The placement and proximity of a second dwelling would significantly increase overlooking into my property, affecting both my outdoor space and interior living areas. I am also unsure of the purpose of the secondary dwelling, but if it is meant to be a rental or AirBnb style property, this would be very impactful of our privacy.</p> <p>I respectfully request that the City carefully consider these impacts when reviewing or approving this proposal. I would appreciate confirmation that privacy mitigation measures—such as setbacks, building height limits, window placement, or screening—are being evaluated as part of the approval process.</p>	<p>The secondary dwelling is being proposed on a corner lot. The zoning bylaw has stricter setback regulations for corner lots, which is why a variance is being requested.</p> <p>The dwelling meets all other zoning regulations like height, coverage, access, and fitting within the neighborhood context.</p> <p>During our review, we also circulated to City departments like Public Works, Building Services, and Fire division to ensure that safety and emergency access are of no concerns, and none were identified.</p>

CAVEATS / OTHER LEGAL AGREEMENTS

The developer will be responsible for acquiring a Building Permit and any other permits required from other departments or agencies.

CONDITIONS OF APPROVAL

1. The minimum side yard setback requirement has been decreased from 2m to 1.5m;
2. The minimum rear yard setback requirement has been decreased from 6m to 1.5m;
3. The developer shall submit a Real Property Report (RPR) prior to occupancy; and
4. The development shall comply with the approved drawings for PLVAR-2025-0165 and with all By-laws in effect for the City of Yellowknife.

Conclusion:

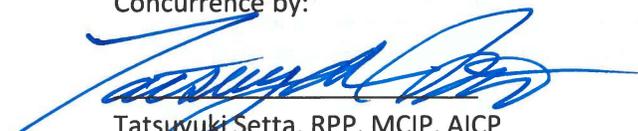
Development Permit application PLVAR-2025-0165 requesting variances for setback requirements is recommended for approval with the above-mentioned conditions as it conforms to Community Plan By-law No. 5007 and complies with applicable regulations of Zoning By-law No. 5045.

Prepared [and approved] by:


Bassel Sleem
Planner II

FEB 23, 2026
Date

Concurrence by:


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

Feb. 23, 2026
Date

Appendix A: Application PLVAR-2025-0165

Appendix B: Approved Drawings Development Permit PLVAR-2025-0165, DM# 816839

Appendix A:



CITY OF YELLOWKNIFE
Delivered via Email

Date December 24, 2025

File: Lot 53

Block 308

Plan 4204

Yaqub Olabanji Adepoju
1 McMahon Court
Yellowknife, NT X1A 0B2
[REDACTED]

Dear Yaqub,

RE: Complete Application for Development Permit/ Variance
File No: PLVAR-2025-0165
Lot 53, Block 308, Plan 4202 (1 McMahon Court)

The City of Yellowknife confirms receipt of your Application for Development Permit/ Variance. When corresponding with the City please refer to the File Number noted above. The application, to decrease the minimum rear yard setback to permit a 'Detached Secondary Dwelling' on Lot 53, Block 308, Plan 4204, submitted on December 6, 2025, is determined to be a complete application as of December 24, 2025, as described in Zoning By-law No. 5045.

We will post the Notice of Application next week, as well as circulate a copy of your application to the appropriate agencies and neighbouring properties. Some agencies require a fee prior to completing their review. If a fee is required, the agency will notify you directly. Once the agency and public comments are received, your application will be considered and a decision will be scheduled.

If you have questions about any of the above, please email or call me at bsleem@yellowknife.ca or (867)-920-5611.

Sincerely,

Bassel Sleem
Planner II
City of Yellowknife

DM# 813549



CITY OF YELLOWKNIFE
By Mail

<Address>

NOTICE OF VARIANCE APPLICATION
Zoning By-law No. 5045 Section 4.5

TO: Landowners and Lessees within a 30m radius of the Subject Land
File No.: PLVAR-2025-0165
Subject Land: Lot 53 Block 308 Plan 4202
Subject Land Address: 1 McMahon Court
Applicant: Yaqub Olabanji Adepoju

TAKE NOTICE: An application for a Variance to Zoning By-law No. 5045 has been submitted to the City of Yellowknife for decision.

PURPOSE AND EFFECT: The purpose of the application is to permit a Detached Secondary Dwelling at the above subject land. The effect of the application is to:

- Decrease the minimum rear yard setback requirement from 6m to 1.5m; and
- Decrease the minimum side yard setback requirement from 2m to 1.5m

NEED TO MAKE SUBMISSIONS: The City of Yellowknife Planning and Development Department is considering the application. In order to assist the Department in its review of the proposal, you are invited to provide comments, on or before **January 20, 2026**. If you are unable to respond by the date specified, please contact us to let us know when we may expect to receive your comments. If we do not hear from you, it will be assumed you have no comments or concerns regarding this matter and the review for decision will proceed.

GETTING ADDITIONAL INFORMATION: Additional information regarding the application is available for public inspection by appointment at the Planning and Development Office during regular business hours, Monday to Friday, from 8:30 a.m. to 4:30 p.m.

Dated at the City of Yellowknife this 5th day of January, 2026.

Sincerely,

Bassel Sleem
Planner II
City of Yellowknife

DM# 811220

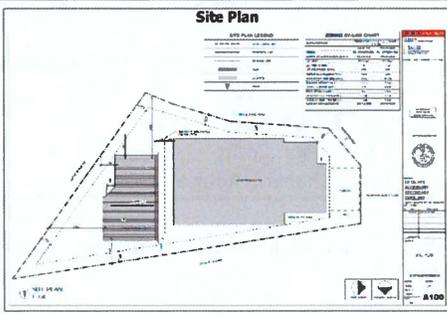
**PLVAR-2025-0165
NOTICE OF VARIANCE APPLICATION**

Email comments to: bsleem@yellowknife.ca or call **867-920-5611**

Notice of Application

City of Yellowknife
Planning & Environment

Type of Application: Development Permit/ Variance

<p>File Information:</p> <p>File #: PLVAR-2025-0165 Applicant: Yaqub Olabanji Adepoju</p> <p>Civic Address: 1 McMahon Court Legal Description: Lot 53 Block 308 Plan 4202</p> <p>Purpose: Detached Secondary Dwelling: Variance to decrease the minimum rear yard setback from 6m to 1.5m and the minimum side yard setback from 2m to 1.5m.</p> <p>Notice issued on January 5, 2026 Development Officer: Bassel Sleem</p>	<p>Site Plan</p>  <p>Location Map</p>  <p>3D VIEW</p> 
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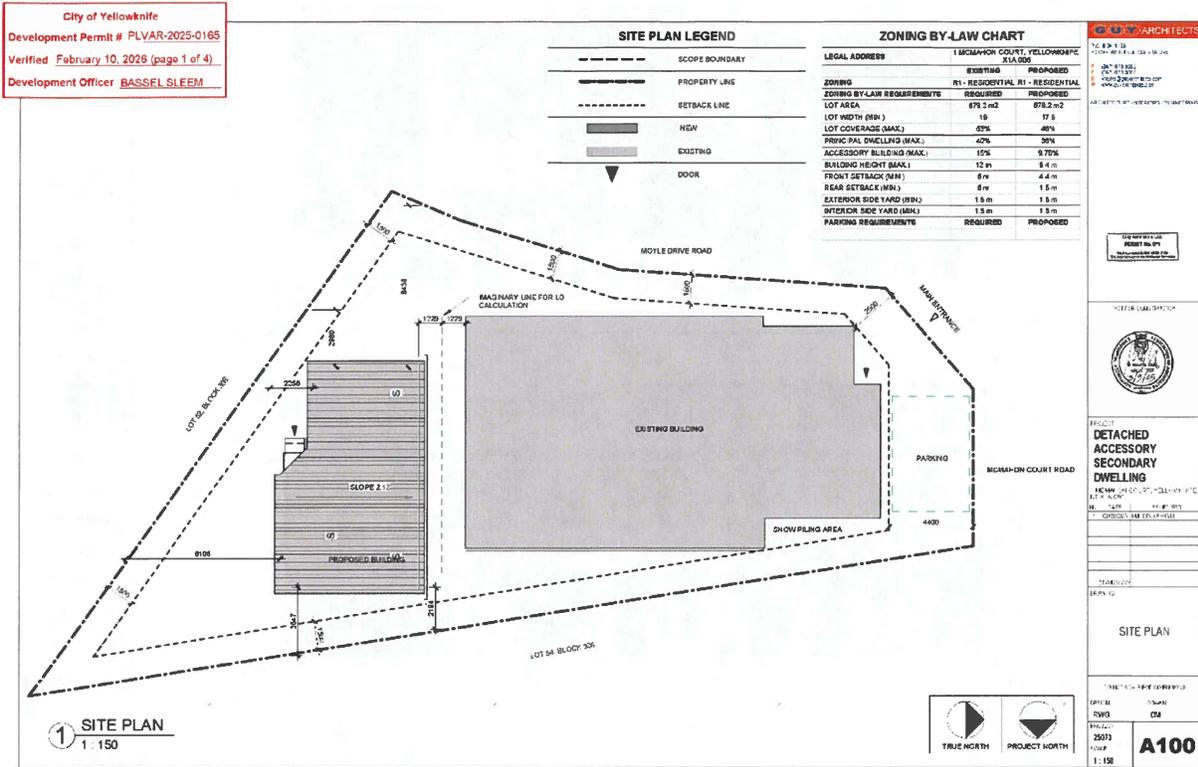
PUBLIC COMMENTS & APPLICATION INFORMATION: The City of Yellowknife, Planning and Development Department received a complete application. In order to assist the Department in its review of the proposal, you are invited to provide comments, on or before **JANUARY 20, 2026**. You can contact the Development Officer at bsleem@yellowknife.ca or 867-920-5611. Additional information regarding the application is available for public inspection by in-person appointment or on the City's website, linked in the QR code.







Appendix B:

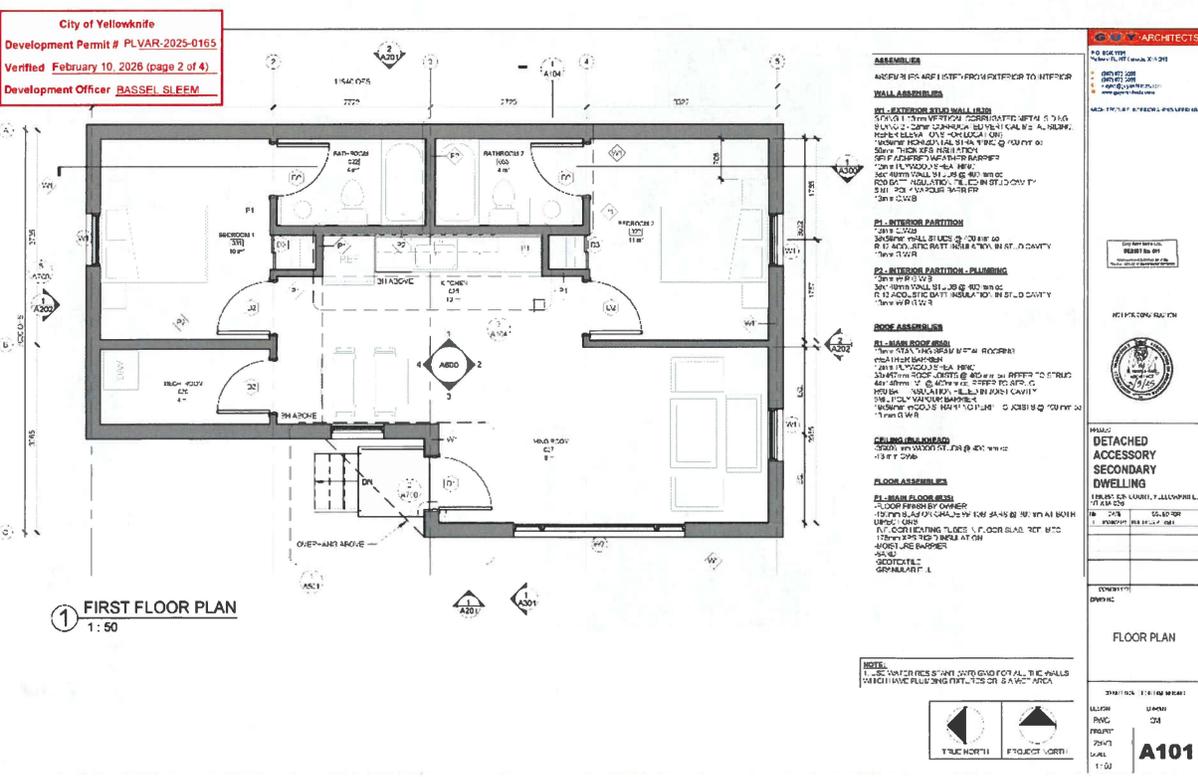


City of Yellowknife
 Development Permit # PLVAR-2025-0165
 Verified February 10, 2025 (page 2 of 4)
 Development Officer BASSEL SLEEM

DETACHED ACCESSORY SECONDARY DWELLING

1:150

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City of Yellowknife
 Development Permit # PLVAR-2025-0165
 Verified February 10, 2025 (page 2 of 4)
 Development Officer BASSEL SLEEM

DETACHED ACCESSORY SECONDARY DWELLING

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