

# THE CITY OF DAWSON

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## NOTICE OF SPECIAL COUNCIL MEETING #C24-18

This is to inform you a special meeting of City Council will be held as follows:

**DATE OF MEETING:** THURSDAY, SEPTEMBER 19, 2024  
**PLACE OF MEETING:** COUNCIL CHAMBERS, CITY OFFICE  
**TIME OF MEETING:** 8:00 PM

### Join Zoom Meeting

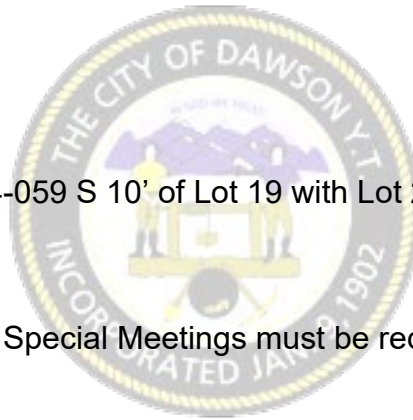
<https://us02web.zoom.us/j/85884053161?pwd=q9UQFVge6fa1jbeawPabeiVnjgsdle.1>

**Meeting ID:** 858 8405 3161

**Passcode:** 874032

### PURPOSE OF MEETING:

1. Call to Order
2. Subdivision Application #24-059 S 10' of Lot 19 with Lot 20, Block U, Ladue Estate
3. Adjournment



As per Municipal Act Section 184, Special Meetings must be requested in writing by either:

- a) Mayor
- b) Two Councillors

Date Special Meeting Requested: September 18, 2024  
Special Council Meeting request by: William Kendrick, Mayor

\_\_\_\_\_  
Mayor, William Kendrick

September 19, 2024  
Date

\_\_\_\_\_  
A/CAO, Paul Robitaille

September 18, 2024  
Date



# City of Dawson

## Report to Council

Agenda Item	Subdivision Applications 24-059
Prepared By	Planning and Development
Meeting Date	September 17th, 2024
References (Bylaws, Policy, Leg.)	Subdivision Bylaw, Municipal Act, OCP, Zoning Bylaw
Attachments	

x	Council Decision
	Council Direction
	Council Information
	Closed Meeting

### Recommendation

That Council grant subdivision authority to consolidate S 10' of Lot 19, Block U, Ladue Estate with Lot 20, Block U, Ladue Estate and adjust the boundary between Lot 20 and the resulting Lot 19 (DP #24-059).

Subject to the following conditions:

1. The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.
2. The applicant shall, on approval of the subdivision plan by the City of Dawson, take all necessary steps to enable the registrar under the Land Titles Act to register the plan of subdivision.
3. That the shed located on N'40 of Lot 19 be relocated to the lot boundaries in accordance with the required setbacks.

### Executive Summary

Subdivision Application 24-059 proposes to consolidate S 10' of Lot 19 with Lot 20 and then adjust the boundary between Lot 20 and the resulting Lot 19. The application was submitted as part of the recommended approach to eliminate metes and bounds and encroachment issues, as presented at the May 7<sup>th</sup> Committee of the Whole meeting.

### Background

Subdivision Application 24-059 was submitted on March 15, 2024. On April 16, a public hearing for this subdivision application was held, and Mr. and Ms. Wilder, as well as Mr. Schafrik (owner of Lot 20 and S10' of Lot 19), provided comments. A report for direction was presented at the May 7<sup>th</sup> Committee of the Whole meeting, summarizing the most appropriate and feasible approach to resolve the encroachment issues. Subdivision application 24-059 was submitted as part of this recommended approach.



Figure 1 : DP #24-059

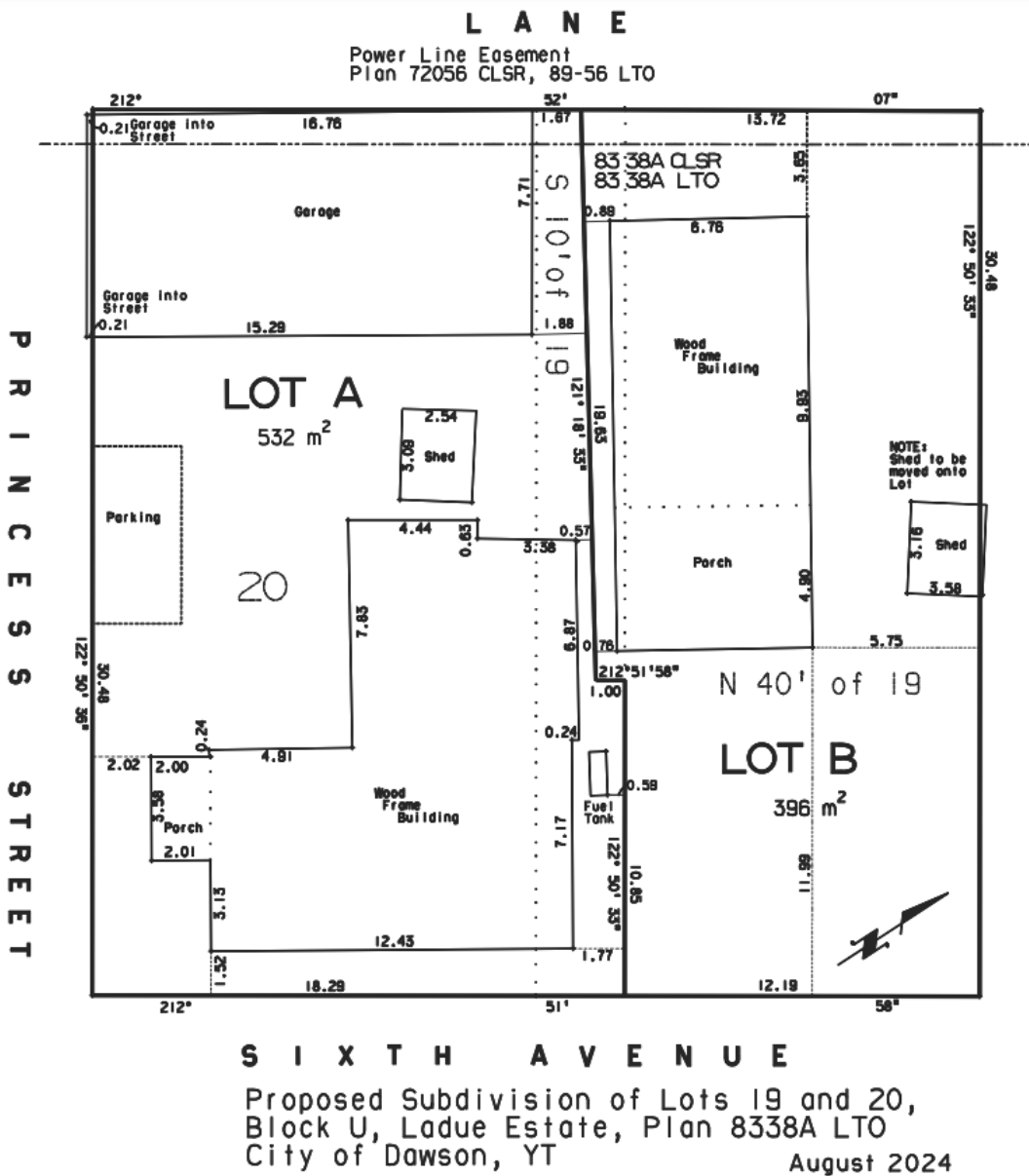


Figure 2 : Preliminary Survey for DP #24-059

**Discussion / Analysis**

**Subdivision Bylaw**

Subdivision Control Bylaw s. 3.01 states that every subdivision of land must be made in accordance with the Municipal Act, the Official Community Plan, the Zoning Bylaw, and the Subdivision Control Bylaw. The Analysis/Discussion section of this report is intended to discuss the proposal's conformity with the provisions outlined in the relevant legislation, policies, and plans.

**Municipal Act**

Municipal Act s. 314 details the requirements for any proposed plan of subdivision to have direct access to the highway to the satisfaction of the approving authority. In conformity with this provision, access to the proposed lots exist on 6th Ave as well as the laneway. Lot 20 Possesses an additional access on Princess St.

**Official Community Plan**

The properties are currently designated as UR- Urban Residential. Residential lots in these areas are intended to be smaller in size than Country Residential lots and will be designed for immediate or eventual connection to municipal water and sewer infrastructure. The consolidated lot would retain the same designation and any new use or development on the proposed lot would be required to conform to the OCP designation, or else apply for an OCP Amendment.

Additionally, the following OCP long-term goals and priorities are relevant to this proposed plan of subdivision:

- Work to prevent and reduce encroachment issues, especially in residential areas.  
The proposed variance eliminates some encroachment issues on the subject lots.
- Minimize the amount of vacant or underutilized residential land in the historic townsite.  
The applicant has mentioned their intention to sell the subject property to accompany their move away from Dawson, however, the current encroachment hinders this process. Without the subdivision, the residential wood frame building may remain vacant and underutilized.

**Zoning Bylaw**

The Zoning Bylaw is intended to implement the goals of the OCP. Lots 19 and 20 are zoned R1: Single-Detached/Duplex Residential.

Lot 20 currently contains a single detached dwelling and two accessory structures while, while N40’ of Lot 19 contains a single detached dwelling one accessory structure. The uses of the aforementioned two lots are permitted. On the other hand, there are two primary uses on S10’ of Lot 19, which is not permitted. Figure 3 below denotes the current setback non-compliance issues on the subject lots.

Lot / Setback Requirements	Front Setback	South Side Setback	North Side Setback	Rear Setback
	3.05m	3.05 (exterior) for Lot 20, 1.52m (interior) for S10’ and S40’ of Lot 19	1.52m	1.5m
20	1.52m	Garage encroaches onto Princess St. by 0.21m	Wood frame building encroaches onto S10’ of 19	<1.5m
S10’ of 19	1.52m	Encroachment of wood frame building from Lot 20	Encroachment of wood frame building from N40’ of 19	>1.5m
N40’ of 19	11.99m	Wood Frame building encroaches into S10’ of 19	Shed (to be moved) encroaches into Lot 18	3.65m

**Figure 3: Current Setback noncompliance issues**

Color Code	
Fails to meet minimum setback requirements	
Encroaching	

However, the bylaw’s s.5.1.11 stipulates the following:

*“At the sole discretion of Council, parcels with a pre-existing legally non-conforming use or structure may be subdivided so long as the subdivision does not increase the legally non-conforming nature of the use or structure.”*

This section applies to the application because the current consolidation plan does not increase the legally non-conforming use of the structure on the lot. Additionally, the consolidation would eliminate all instances of encroachment across the Lot 19 and Lot 20 border, as denoted by Figure 4 below. These encroachments would be reduced to instances of failure to meet minimum setback requirements, reducing the severity of the non-compliance.

Lot / Setback Requirements	Front Setback	South Side Setback	North Side Setback	Rear Setback
	3.05m	3.05 (exterior) for Lot 20, 1.52m (interior) for S10' and S40' of Lot 19	1.52m	1.5m
20 (Lot A)	1.52m	Garage encroaches onto Princess St. by 0.21m	0.57m	<1.5m
19 (Lot B)	11.99m	0.89m	Shed (to be moved) encroaches into Lot 18	3.65m

**Figure 4: Setback Noncompliance issues of proposed subdivision**

**Fiscal Impact**

N/A

**Alternatives Considered**

N/A

**Next Steps**

Following the Council's decision, a subdivision approval letter will be provided to the applicants.

Approved by	Name	Position	Date
	<a href="#">David Hansen</a>	CAO	Sep 13, 2024