

CONSOLIDATION OF BY-LAW NO. 1312 MINOR VARIANCES

Amended by by-laws : 1312-1 et 1312-2

CHAPTER I

DECLARATIVE AND INTERPRETIVE PROVISIONS

DIVISION I

DECLARATIVE PROVISIONS

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| Title of by-Law | 1. This by-law is entitled «Minor Variances By-law» of the town of Mount-Royal. |
| Territory covered by this by-law | 2. This by-law applies to the entire territory of the Town of Mount Royal. |
| Persons affected by this by-law | 3. This by-law applies to every legal entity in public or private law, and individual. |

DIVISION II

INTERPRETIVE PROVISION

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| Interpretation of the text | 4. This by-law interpreted in accordance with the principles enunciated in the Interpretation Act (R.S.Q, Chapter 1-16). <ul style="list-style-type: none"> – The singular of words is understood to include the plural and vice-versa, as long as neither is specified in the text. – The verb «Shall» is used to mean an absolute obligation; the verb «May» is used to indicate option. – The word «Whoever» or «Whomever» means any legal entity or physical person. – The use of the masculine gender is also understood to include the feminine, unless the context indicates otherwise. – The authority to do something carries with it all the power necessary to do so. |
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- Terminology 5. In this by-law, it is understood, unless the context indicates otherwise, the following terms mean:
- «Committee» (comité): The planning Advisory Committee of the Town of Mount Royal.
- «Council» (conseil): The Council of the Town of Mount Royal
- «Construction» (construction): a generic term covering the assembly, building or erection of a structure of materials. A construction in the meaning of this by-law, may be, but is not limited to: a building, a cabana, a greenhouse, a swimming pool, an antenna, a sign, a fence, a balcony, a canopy, a supporting wall.
- «minor variance» (dérogation mineure) : a minor variance is an exception to the Zoning and Subdivision By-laws, other than one relating to use and land use density, which allows, under certain conditions, a departure from the applicable standards a way of making adjustments for special cases.
- «Director» (directeur): The Director of Inspection Services of the Town of Mount Royal.
- «Clerk» (greffier): The Clerk of the Town of Mount Royal.

CHAPTER II
PROVISIONS AND REQUIRED PROCEDURES

DIVISION I
PROVISIONS

- Registry of minor variances 6. A register of minor variances accepted by resolution of Council shall be kept.

Regulatory pro-visions which could be the object of minor variances

7. The following provisions of the Subdivision and Zoning By-Law may be the object of a minor variance
- (1) Minimum lot size;
 - (2) Minimum lot frontage;
 - (3) Minimum front setback;
 - (4) Minimum rear setback;
 - (5) Minimum side set;
 - (6) Number of parking spaces in zones I-103 and I-104.
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- (2010) 1312-1, s. 1

**DIVISION II
PROCÉDURES**

Application to the Director

8. An applicant for a permit or certificate for an immovable whose construction, subdivision or a subdivision project or other does not comply entirely with the provisions outlined in the Subdivision or Zoning By-law shall submit his written and signed application to the Director on the forms provided.
9. In any application for a variance, the applicant shall provide the title to the property of immovable in question and, as well, the proposed or existing lot plan and building plan which shall be made and signed by a land surveyor, and indicate the address of the lot, the location of constructions and distances between constructions and lot limits.
10. The application shall be accompanied by the amount set forth in Permits and Certificates By-law No. 1316.
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- (2011) 1312-2, s. 1
11. *(Repealed)*
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- (2011) 1312-2, s. 2
12. *(Repealed)*
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- (2011) 1312-2, s. 2

Application referred to the Committee

13. As soon as the application is duly completed and the fees have been paid, the Director shall transmit it, with or without his comments, to the Committee, and will suspend any other application for a permit or certificate relating to the same project. The Committee may make any recommendation to the applicant after studying the application, and recommend its outright rejection or acceptance of the application to Council.

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| Public notice | 14. At least fifteen (15) days before the meeting at which the Council will rule on the application for a minor variance, the Clerk shall publish a public notice in a newspaper distributed in the municipality stating the date, time and place of the Council meeting, and the nature and effects of the variance application. This notice shall contain the address of the immovable including its street and the civic number, or, if this is not available, the cadastral number, and shall note that any interested party may be heard by Council regarding this application. |
| Decision of Council | 15. After receiving the recommendations of the committee, Council will render its decision by resolution. |
| | 15.1 Council may by resolution set out any conditions to mitigate the impact of the variance granted. |
| | <hr style="width: 50%; margin-left: 0;"/> <small>(2010) 1312-1, s. 2</small> |
| Copy of the resolution | 16. A certified copy of the Council's resolution shall be transmitted by the Clerk to the applicant. |
| Issuing of the certificate | 17. Sections 120,121, and 122 of the Land Use Planning and Development Act notwithstanding, the Director shall issue the certificate of authorization for a minor variance in addition to the permits and certificates required, and will enter the variance accepted in the Register of minor variances. |
| Application of the permit | 18. When Council approves a minor variance, the application approved by Council is considered to be in conformity with the provisions of the Zoning and Subdivision By-laws of the Town. |
| Conditions for approval of a minor variance | 19. A minor variance may be approved under the following conditions : <ul style="list-style-type: none"> (1) A minor variance to the Zoning or Subdivision By-laws shall respect the objectives of the Town's Planning Program; (2) The application for a building permit, in the case of a proposed construction or a construction for which work is already underway, shall be in accordance with the provisions of the Building By-law and the other provisions of the Zoning and Subdivision By-laws; (3) If application of the Zoning and Subdivision By-laws would constitute a serious prejudice to the person who made the application. |

**CHAPTER III
TRANSITIONAL PROVISIONS**

**DIVISION I
TRANSITIONAL PROVISIONS**

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| Replacement of earlier by-law | 20. | This by-law replaces all other by-laws or provisions of by-laws respecting minor variances. |
| Validity | 21. | Council decrees this by-law in its entirety and chapter by chapter, division, section by section, and paragraph by paragraph, so that if a chapter, a division, a section or paragraph is declared null, the other provisions of the by-law remain in force. |
| Respecting by-law | 22. | The granting of a permit, the approval of plans and sketches as well as inspections made by the Director or his representative do not in any way free the proprietor or applicant from the obligation or carrying out or causing to be carried out the work in conformity with the requirements of this by-law or any other applicable by-law. |

**DIVISION II
COMING TO EFFECT**

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| Coming to effect | 23. | This by-law shall come into effect according to law. |
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