

URBAN PLANNING INFO SHEET

DISCRETIONARY REGULATORY TOOLS IN URBAN PLANNING

EXEMPTION MINOR EXEMPTIONS

AN EXEMPTION THAT ALLOWS WORK TO BE CARRIED OUT WHEN THERE ARE MINOR DEVIATIONS FROM URBAN PLANNING REGULATIONS DUE TO THE SPECIFIC CONSTRAINTS OF THE PROPERTY IN QUESTION.

CONDITIONS

Certain zoning or subdivision provisions may be eligible for a minor exemption if they meet the following conditions:

- the by-law causes **serious harm** to the applicant;
- the application **respects** the objectives of the **Urban Master Plan**;
- the project does not **affect the enjoyment** of **property rights** by the owners of the adjacent buildings;
- if the work is in progress or has already been completed, the **applicant obtained a building permit** for the work and **carried out the work in good faith**.

Applicants must **demonstrate** that the **application** of the **By-law concerning urban planning** or the **By-law concerning cadastral operations** is **causing** them significant **inconvenience**.

MINOR EXEMPTIONS ARE NOT

- a way to regularize work that is carried out without a permit or in violation of a by-law
- a way to avoid an amendment to urban planning by-laws or to circumvent urban planning by-laws
- applicable to applications concerning density, uses or front-yard parking

MINOR EXEMPTIONS ARE

- **Exemptions** to the application of certain provisions of urban planning by-laws, which are made necessary by the specific characteristics of a lot:
 - they **respect the spirit** of the applicable **by-laws**;
 - they only **apply** in **exceptional circumstances**.
- in some cases, a way to regularize errors made in good faith when a building was constructed

LEGAL FRAMEWORK AND FORMS

- *By-law concerning minor exemptions*
- *By-law concerning urban planning*
- *By-law concerning cadastral operations*
- *By-law concerning fees*
- *Preliminary review application form*
- *Minor exemption application form — pages 3 and 4*

This info sheet was designed to facilitate understanding of the application procedure and is a summary of the By-law concerning minor exemptions (RCA 17006) of the borough of Côte-des-Neiges–Notre-Dame-de-Grâce. In case of any discrepancy, the by-law will prevail.

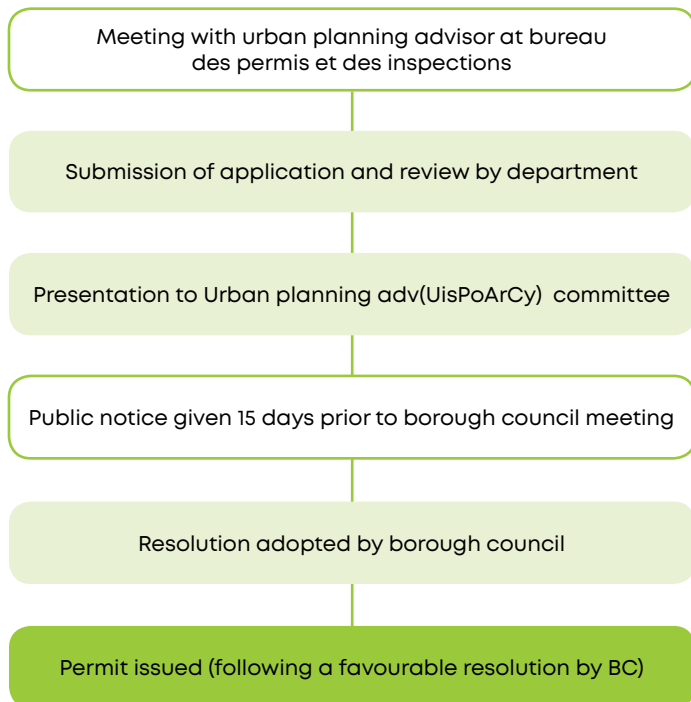
URBAN PLANNING INFO SHEET

DISCRETIONARY REGULATORY TOOLS IN URBAN PLANNING

MINOR EXEMPTION APPLICATION PROCEDURE

PROCESSING THE APPLICATION

Processing and review time is generally **three (3) to four (4) months** from the date the required documents are received and the applicable fees paid.



Department: Direction de l'aménagement urbain et des services aux entreprises

BC: Borough council

For simplification purposes, only the case of an application resulting in a favourable decision is shown.

PRELIMINARY REVIEW

It is recommended that you complete an application for preliminary review to verify that your application complies with the general guidelines, plans and strategies of the municipality before seeking an assessment by the Urban planning advisory committee (UPAC). For more information, see the urban planning info sheet regarding applications for preliminary review.

FOR MORE INFORMATION – CONTACT DETAILS

Borough of Côte-des-Neiges–Notre-Dame-de-Grâce
Direction de l'aménagement urbain et des services aux entreprises
Division des permis et des inspections
5160 Boulevard Décarie, Bureau 865

OFFICE HOURS

Monday, Tuesday, Thursday and Friday: 8:30 a.m. to noon and 1:30 p.m. to 4:30 p.m.
Wednesday: 1:30 p.m. to 4:30 p.m.

ADDITIONAL INFORMATION

Due to regulatory requirements, no information will be provided over the telephone. Citizens are invited to visit the permits and inspections desk at least one hour prior to closing.

If applicable, when visiting the permits and inspections desk, it is possible to make an appointment with a professional to obtain further information about your proposal within 10 days after the request is submitted.

This info sheet was designed to facilitate understanding of the application procedure and is a summary of the By-law concerning minor exemptions (RCA 17006) of the borough of Côte-des-Neiges–Notre-Dame-de-Grâce. In case of any discrepancy, the by-law will prevail.

APPLICATION FORM

MINOR EXEMPTION

IDENTIFICATION

☐ Owner

☐ Applicant (if different from owner)

Company name

Last and first name

Address

Telephone

Email address

INTENDED LOCATION

Address (or lot number)

NON-CONFORMING FEATURE(S)

☐ Minimum and maximum height of building, in metres

☐ Setbacks

☐ Ground-level floor elevation

☐ Dimensions of building

☐ Authorized exceedance of maximum prescribed height

☐ Mode of building coverage

☐ Building line

☐ Maximum number of parking spaces, location and layout of outdoor parking area

☐ Appearance of building

☐ Projections

☐ Occupancy and construction in a courtyard

☐ Loading areas and access

☐ Fences, walls

☐ Area and dimensions of lot

☐ Materials

☐ Other

REGULATORY PROVISIONS THAT CANNOT BE COMPLIED WITH

Section(s)

By-law number(s)

DESCRIPTION AND JUSTIFICATION FOR THE APPLICATION *(attach documents if necessary)*

.....

.....

.....

.....

.....

APPLICATION FORM

MINOR EXEMPTION

DOCUMENTS AND INFORMATION TO BE SUBMITTED WITH THE APPLICATION

- ☐ the duly completed and signed application form (both sides)
- ☐ payment of applicable fees
- ☐ proof of residence for each owner (for example, a photocopy of a driver's licence or a Hydro-Québec or Bell bill showing your address)
- ☐ a power of attorney signed by the owner (if the applicant is different from the owner, and if the owner has not signed this application)
- ☐ a copy of the certificate of location prepared by a land surveyor
- ☐ a site plan prepared by a land surveyor for a proposed structure
- ☐ a document outlining the reasons for the application and a description of the current or intended use (see page 3 of this form)
- ☐ evidence of harm suffered (plan, photo, elevation drawing, study, etc.)
- ☐ project plans: 2 paper copies (11 in x 17 in) and 1 electronic copy are required

For a thorough evaluation of the application, additional documents or information may be required. You are therefore advised to provide as much information as possible to facilitate the evaluation of your proposal. This will allow the members of the Urban planning advisory committee (UPAC) to make an informed recommendation to the borough council.

Name of urban planning advisor consulted
Division des permis et des inspections

Name of professional who processed application
for preliminary review (if applicable)

Declaration:

I, the undersigned, declare that the above information is true and complete and agree to comply with the provisions of the current regulations.

I also authorize the borough to present the plans prepared under this project at the public consultation held by the Urban Planning Advisory Committee, and I waive the confidentiality of the documents and plans tabled.

SIGNATURE

DATE