

ADMINISTRATIVE CODIFICATION

BY-LAW NO 1391-D-91

BY-LAW CONCERNING MINOR EXEMPTIONS

NOTICE OF MOTION : April 2nd, 1991
ADOPTED : April 22nd, 1991
EFFECTIVE : August 14th, 1991

MODIFICATIONS ENCLOSED

By-law number	Coming into force
1391D-1-92	February 5, 1992
1391D-2-96	November 27, 1996
RCM 1391D-3-2008	June 1 st , 2008
RCM-69-2019	January 31, 2019

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THE COUNCIL OF THE CITY OF DORVAL DECLARES AS FOLLOWS:

CHAPTER 1: GENERAL

1.1 APPLICABLE AREA

This By-law applies to all zones established by the Zoning By-law number 1391A-91 (replaced by RCM-60A-2015).

1.2 ADOPTION IN WHOLE AND IN PARTS

The Council hereby adopts this By-law both in its entirety and Article by Article. In the event any given Article is declared null and void, the other Articles shall not be affected.

CHAPTER 2: MINOR EXEMPTIONS

2.1 PROVISIONS WHICH MAY BE SUBJECT TO MINOR EXEMPTIONS

All provisions of Zoning by-law no. 1391A-91 (replaced by RCM-60A-2015) as amended, and Subdivision by-law no. 1391B-91 (replaced by RCM-60B-2015), may be subject to a minor exemption. (Replaced by By-law no. 1391D-2-96, a.1)

2.2 CONDITIONS UNDER WHICH MINOR EXEMPTIONS MAY BE GRANTED

Minor exemptions may be granted only if all the following conditions are met:

- a) (Deleted by By-law no. 1391D-2-96, a. 1)
- b) application of this provision would have the effect of causing serious prejudice to the applicant;
- c) impossibility for the applicant to comply with this provision;
- d) the minor exemption would not detract from any enjoyment that the owners of neighbouring buildings may derive from their property rights;
- e) the minor exemption would not have the effect of authorizing the location of an overlooking window, a porch or other similar incursions unless these are located at least:
 - i) two metres (2 m) from a lot line in the case of a direct view onto the property bounded by this lot line;
 - ii) Zero point sixty one metre (0.61 m) from a lot line in the case of a side or oblique view onto the property bounded by this lot line.
- f) the minor exemption does not relate to either the use or floor space index;
- g) in the case where the applicant has already obtained a building permit or a certificate of authorization for works subject to a minor exemption, they shall be deemed to have been carried out in good faith. (Replaced by By-law no. 1391D-2-96, a.2)

2.3 APPLICATION FOR A MINOR EXEMPTION

Applicants for a minor exemption must send their application to the Building Inspector or to his assistant. (modified by By-law no. RCM-1391D-3-2008, a. 1b)

2.4 CONTENT OF APPLICATIONS

The application must include:

- a) the applicant's name, given name and address;
- b) a location certificate prepared by a land surveyor;
- c) details of the exemptions applied for.

2.5 FEES

(replaced by RCM-69-2019, Annex B)

2.6 EXAMINATION OF APPLICATIONS

Following verification of the content of the application by the Building Inspector, the applicant must supply any additional information required to clarify the application properly.

2.7 TRANSMISSION OF APPLICATIONS TO THE PLANNING ADVISORY COMMITTEE

The Building Inspector, within thirty (30) days following its receipt, transmits the written application to the Planning Advisory Committee together with all relevant documents.

2.8 STUDY OF APPLICATIONS BY THE PLANNING ADVISORY COMMITTEE

The Planning Advisory Committee studies the application and may, if it deems necessary, ask the Building Inspector or applicant for any additional information.

The members of the Planning Advisory Committee may visit the moveable or immovable property for which the application for minor exemption has been made.

2.9 RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE

The Planning Advisory Committee formulates its opinion in writing within thirty (30) days following receipt of the application, based on the criteria prescribed in Article 2.2 of this By-law; this opinion is transmitted to Council.

2.10 DATE OF THE COUNCIL MEETING AND PUBLIC NOTICE

The City Clerk shall, at least fifteen (15) days prior to the meeting at which Council is to express its opinion on the application for the minor exemption, have a notice published in compliance with the Cities and Towns Act stating:

- a) the date, time and place of the Council meeting;
- b) the nature and effects of the exemption applied for;
- c) the identification of the property concerned by means of the street address of the property or, in the absence thereof, its cadastral number;
- d) that any interested party may be heard by Council with respect to this application.

2.11 DECISION OF COUNCIL

The Council renders its decision by resolution, one (1) copy of which shall be transmitted to the applicant and one (1) copy to the Secretary of the Planning Advisory Committee.

2.12 REGISTRY OF MINOR EXEMPTIONS

The nature of the application for minor exemption and Council's resolution with respect to it are entered by the Secretary of the Planning Advisory Committee in a register provided for the purpose.

2.13 OTHER BY-LAW PROVISIONS REMAIN APPLICABLE

No authorization given by virtue of this By-Law has the effect of exempting the applicant from the application of other provisions of Zoning By-law number 1391A-91 (replaced by RCM-60A-2015) and of Subdivision By-law no. 1391B-91 (replaced by RCM-60B-2015). (modified by By-law no. RCM-1391D-3-2008, a. 1d)

CHAPTER 3: TAKING OF EFFECT

This by-law shall take effect according to law.

APPROVED_____MAYOR

APPROVED_____CITY CLERK