

**ADMINISTRATIVE COMPILATION  
BYLAW NUMBER 05-24**

**BYLAW 05-24 CONCERNING MINOR VARIANCES  
IN THE MUNICIPALITY OF PONTIAC**

**Adopted by the Municipal Council on March 12 2024  
Effective March 14 2024**

<b>Name and/or number of bylaw, policy, resolution</b>	<b>Date approved by the Board</b>	<b>Coming into force</b>	<b>Status</b>

## **FOREWORD**

The reader is hereby advised that any errors or omissions which may be found in the following text shall not have the effect of diminishing the enforceability of the bylaws and amendments cited therein, as sanctioned in their original version.

CANADA  
PROVINCE OF QUEBEC  
MUNICIPALITY OF PONTIAC

**BYLAW 05-24 CONCERNING MINOR VARIANCE**  
**IN THE MUNICIPALITY OF PONTIAC**

**REGULAR MEETING** of the Municipal Council of the Municipality of Pontiac, held March 12 2024, at 7:30 p.m., at the Luskville Community Centre, at which were present:

**Mayor, Roger Larose**

Council members:

Diane Lacasse  
Garry Dagenais  
Serge Laforest  
Chantal Allen  
Jean Amyotte

Members of the Board and forming quorum.

**WHEREAS** Council deems it necessary for the Municipality of Pontiac to adopt a bylaw concerning minor variances;

**WHEREAS** a notice of motion of the present bylaw was given at the regular council meeting of February 13, 2024;

**THEREFORE**, it is moved by Councillor Dr. Jean Amyotte and seconded by Councillor Diane Lacasse.

**AND RESOLVED THAT** Council decree and adopt the following:

**SECTION 1: DECLARATORY PROVISIONS**

**1.1 TITLE OF THE BYLAW**

The title of the bylaw is "Bylaw 05-24 concerning minor variances in the Municipality of Pontiac."

**1.2 PURPOSE**

The purpose of this bylaw is to govern any request for a minor variance within the territory of the Municipality of Pontiac, all in connection with the guidelines and the objective of improving the living environment proposed in the Municipality's urban and sustainable development plan.

This regulation is adopted under the powers conferred by the Planning and Urbanism Act, in sections 145.1 to 145.8.

### **1.3 SUBJECTED TERRITORY (L.A.U, ART. 145.3, 2)**

The present regulation applies, except for exceptions, to all zones provided for in the current zoning bylaw and its amendments, of the Municipality of Pontiac.

However, it does not apply to zones where land use is subject to special constraints for reasons of public safety (L.A.U., art. 145.2).

### **1.4 AFFECTED PEOPLE**

These rules apply to all individuals and legal entities.

## **SECTION 2: INTERPRETATIVE AND ADMINISTRATIVE PROVISIONS**

### **2.1 LINK BETWEEN DIFFERENT URBAN PLANNING REGULATIONS**

The use of the words "present bylaw" refers both to the present bylaw and to all urban planning bylaws. It applies concurrently with other urban planning bylaws, which, if applicable, may be used to interpret the present provisions.

All interpretative and administrative provisions, as well as penalties applicable in the event of failure to comply with the present bylaw, are found in the Permits and Certificates bylaw.

## **SECTION 3: GENERAL PROVISIONS APPLICABLE TO A REQUEST FOR A MINOR VARIANCE**

### **3.1 ADMISSIBILITY OF A REQUEST FOR A MINOR VARIANCE**

- 1) An application for a minor variance may be made at the time of an applying for a permit or authorization certificate;
- 2) A minor variance may also be granted in cases where the work is in progress or already completed, and the applicant has previously obtained, when required, a construction permit or authorization certification for such work (L.A.U., art. 145.5).

### **3.2 PREREQUISITES FOR OBTAINING A MINOR VARIANCE**

A minor variance to the current zoning bylaw and subdivision bylaw cannot be granted when any of the following conditions is met:

- 1) Application of the bylaw would cause serious prejudice to the applicant (L.A.U., art. 145.4);
- 2) The variance does not infringe upon the enjoyment, by neighbouring property owners, of their property rights (Planning and Urbanism Act, Article 145.4).
- 3) The minor variance complies with the objectives of the current urban and sustainable development plan (R.S.Q., art. 145.2);

- 4) When the request for a minor variance pertains to ongoing or completed works, they have been granted a permit or certificate and have been carried out in good faith (L.A.U., art. 145.5);
- 5) In the case of a proposed construction or work, the applicant is unable to comply with the provisions of the zoning bylaw;
- 6) In the case of a proposed cadastral operation, the applicant is unable to comply with the provisions of the Subdivision Bylaw;
- 7) In the case where the cadastral operation is in progress or already completed, the applicant has obtained a subdivision permit for this cadastral operation and has carried it out in good faith;
- 8) The variance must not exacerbate risks to public safety;
- 9) The variance must not exacerbate risks to public health;
- 10) The derogation must not adversely affect the environment quality;
- 11) The variance must not undermine the general well-being;
- 12) The variance must have a minor character.

### **3.3 PROVISIONS OF THE ZONING AND SUBDIVISION BYLAWS THAT MAY BE THE SUBJECT OF A MINOR VARIANCE (L.A.U., ART. 145.3, 3)**

All provisions contained in the zoning and subdivision bylaws, including their amendments, may be the subject of a request for a minor variance, with the exception of the following provisions:

- 1) Land uses (L.A.U., art. 145.1) ;
- 2) Land use density (L.A.U., art. 145.1) ;
- 3) Any construction, work or structure located within a riparian buffer zone must comply with applicable standards, including those set out in the *Régime provisoire*, RAMMHS and REAFIE;
- 4) The height of a main building is limited according to the equipment provided by the municipal fire department at the time of application.

### **3.4 FORM OF APPLICATION FOR A MINOR VARIANCE**

Any person wishing to make a request for a minor variance must address the request to the designated officer and the request must meet the following conditions:

- 1) Complete the form prescribed by the Municipality, which must include :
  - a. Applicant's full name and address. If the applicant is not the owner of the property concerned, a power of attorney from the owner is required;
- 2) Provide a text explaining the reasons for the request;

- 3) Provide the reasons why the applicant cannot comply with the bylaw in force, and the prejudice caused by the strict application of the bylaw;
- 4) The description of the land by means of a notarial deed or a cadastre plan as well as the property titles;
- 5) A site plan to scale. This plan must be prepared by a land surveyor in the case of a variance concerning a proposed construction, surface area or distance. For other variances, a site plan may be required and requested by the municipal officer;
- 6) Provide clear, recent photographs illustrating the subject of the variance request;
- 7) The payment of fees applicable to the request at the time of its submission.
- 8) Any other information the designated officer deems necessary for a full understanding of the application.

### **3.5 PROCEDURE (L.A.U., ART. 145.3.1)**

The application must be submitted at least fourteen (14) working days prior to the CCU meeting.

Anyone wishing to submit an application for a minor variance in accordance with this bylaw is subject to the following procedure:

- 1) **Officer's review:** Upon receiving all required information and documents, the municipal officer takes the following actions, depending on the situation:
  - a. **Non-compliant application:** When the subject of the application does not comply with the provisions of this regulation, the designated officer notifies the applicant in writing (a compliant request does not imply the reimbursement of fees associated with a compliant variance request).
  - b. **Suspended application:** If the request or accompanying plans are incomplete or unclear, the designated officer notifies the applicant in writing. The review of the request is suspended until the necessary information is provided by the applicant, and at that point, the request is deemed to have been received on the date of receipt of such additional information.
  - c. **Compliant application:** Following the examination of the file, allowing for the determination of the request's compliance, and depending on the type of project, the municipal officer forwards the request to the CCU and to Council before issuing any permit or certificate, in order to obtain a resolution from Council.
- 2) **Forwarding the application to other departments:** The officer may forward a copy of the application to other departments of the municipality for their concerns and recommendations.
- 3) **CCU study**
  - a. Any request covered by this regulation must undergo an assessment in accordance with the requirements defined in this regulation by the Urban Planning Advisory

Committee. The Committee adopts a resolution stating its recommendations and forwards them to the Municipal Council for a decision.

#### **4) Public notice (L.A.U, art. 145.6)**

The secretary-treasurer of the Municipality shall publish, at least 15 days before the meeting where the Council is to decide on the minor variance request, a notice in accordance with the law governing the Municipality.

b. The notice must indicate :

- i. The date, time and location of the Council meeting;
- ii. The nature and effects of the requested variance;
- iii. the designation of the concerned building, including the traffic lane and the address of the building or the cadastral number;
- iv. That any interested party may be heard by the Council regarding this request.

#### **5) Council decision**

- a. Any request covered by this regulation must be the subject of a decision by the Council.
- b. Council renders its decision by resolution. This resolution may be conditional, within the Municipality's powers, with the aim of mitigating the impact of the variance and ensuring compliance with the guidelines and objectives of the current Urban Plan. In addition, the resolution to approve such a request may include conditions to be fulfilled concerning existing municipal regulations, particularly regarding the location or operation of the use.
- c. The resolution disapproving a request must be justified.  
  
A copy of the resolution will be sent to the applicant;
- d. When the request is approved by the Council, the applicant must also obtain any permits and certificates required by the urban planning regulations.

#### **6) Issuance of permit or certificate**

- a. Upon presentation of a copy of the resolution granting the minor variance, the municipal officer issues the requested permit or certificate to the applicant in accordance with the regulations on permits and certificates.
- b. The minor variance granted under the present bylaw does not exempt the applicant from the application of other provisions of the planning bylaws.

### **3.6 VALIDITY DEADLINE**

- 1) Twenty-four (24) months after the adoption of a resolution granting a minor variance, if the work covered by the resolution has not been carried out or is not in the process of being carried out under a valid permit or certificate of authorization, the resolution becomes null and void.
- 2) In this specific case, a request for a minor variance for the same subject can be submitted and will be processed as a new request.

### 3.7 REQUEST FOR A COMBINED MINOR VARIANCE


A request for a minor variance can cover multiple subjects. The fees for the request apply per lot.

### SECTION 4 : COMING INTO FORCE

This bylaw will come into force according to the law.

Given at PONTIAC (Québec), this March 12, 2024.

  
Louis-Alexandre Monast  
Assistant Director General,  
Clerk and Secretary-treasurer

  
Roger Larose  
Mayor

<u>Notice of motion:</u>	February 13, 2024
<u>Tabling of the draft bylaw</u>	February 13, 2024
<u>Adoption:</u>	March 12, 2024
<u>Resolution:</u>	24-03-520 <del>7</del>
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