



PROVINCE OF QUEBEC  
TOWN OF KIRKLAND

## **BY-LAW NO.: 90-63**

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**BY-LAW CONCERNING MINOR EXEMPTIONS**

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### **ADOPTION PROCEDURE**

Notice of motion :	
Adoption :	October 15, 1990
Publication :	October 21, 1990
Coming into force :	October 21, 1990

**THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:****ARTICLE 1 Declaratory, Interpretive and Administrative Provisions***a) Title*

This By-Law shall be referred to as the « By-Law Concerning Minor Exemptions ».

*b) Repeals*

This By-Law repeals By-Law number 225-105, « amending Zoning By-Law 225 Concerning Minor Exemptions ». By-Law number 225-105 shall nevertheless remain in force for any minor exemption procedure which has been initiated under its authority and which has not been completed prior to the coming into force of the present By-Law.

*c) Coming into force*

This By-Law shall come into force according to Law.

**ARTICLE 2 Power of Council to Grant a Minor Exemption**

After having received the recommendation of the Planning Advisory Committee in this respect, the Town Council of Kirkland may grant an exemption from the provisions of the Zoning and/or the Subdivision By-Laws, other than those relating to land use and land occupation density only if :

- a) Strict compliance with the By-Law is impossible without causing prejudice to the applicant for the minor exemption;
- b) The exemption does not hinder the owners of neighbouring immovables in the enjoyment of their right of ownership.

**ARTICLE 3 Territory**

A minor exemption may be granted throughout the territory of the Town of Kirkland.

**ARTICLE 4 Planning Programme**

An exemption shall comply with the aims of the Planning Programme.

**ARTICLE 5 Resolution**

An exemption is granted by a resolution of the Town Council of Kirkland.

**ARTICLE 6 Works contemplated**

A resolution granting an exemption may have effect in respect to work in progress or already carried out, if such work was subject to a building permit and was carried out in good faith.

**ARTICLE 7 Procedure**

Anyone requesting an exemption must submit the following documents to the Building Inspector :

- a) A signed letter describing the nature of the exemption requested;
- b) The title establishing ownership of the immovable contemplated;
- c) A plan or drawing identifying the lot and, as the case may be, the proposed or existing building as well as the exemption requested; if the exemption concerns a setback, the plan must be signed by a land-surveyor.

**ARTICLE 8 Fees**

Anyone applying for an exemption must make a prior deposit of the following sums:

- a) An amount of \$250.00, to cover the cost of the examination of the application : this sum shall not be refunded, whatever the outcome of the application;
- b) An amount of \$500.00, as a deposit towards the cost of publishing the public notice contemplated in article 9.

Within fifteen (15) days of the publication of the notice :

- i) If the amount of the deposit exceeds the real cost of the notice, the Town shall reimburse the balance to the applicant;
- ii) If the real cost of the notice exceeds the amount of the deposit, the applicant must pay the supplement to the Town.

**ARTICLE 9 Public notice**

At least fifteen (15) days prior to the meeting during which the Council shall give a decision on the application for an exemption, the Town Clerk shall publish, in accordance with the Law and at the expense of the applicant, a notice :

- a) Indicating the date, time and place of the meeting of the Town Council;
- b) The nature and the consequences of the exemption applied for;
- c) The description of the immovable concerned by using the name of the street and civic number or, if this is impossible, the lot number;
- d) Stating that any interested person may be heard by the Town Council in relation to the application.

**ARTICLE 10 Notice to applicant**

The decision of Council is pronounced by resolution, of which a copy shall be sent to the person who applied for the exemption.

(Nunzio Discepola)

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Mayor of the Town of Kirkland

(Michèle D. Trudeau)

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Assistant Town Clerk of the Town of Kirkland