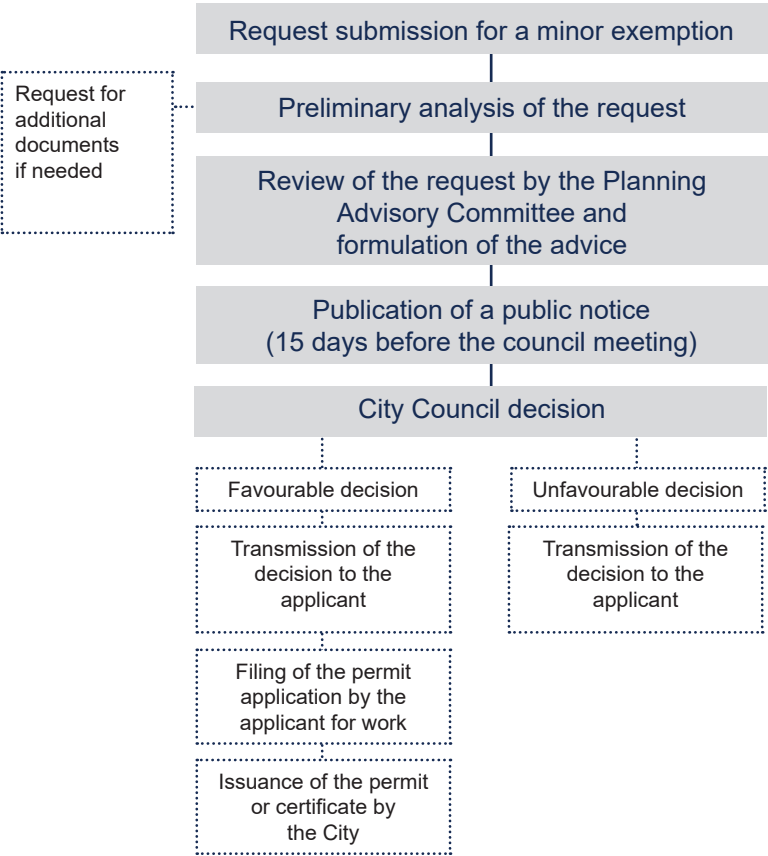


PROCESS MINOR EXEMPTION REQUEST

A request for a minor exemption is an exceptional procedure whereby City Council may authorize the execution of planned work or the regularization of work that does not comply with certain dispositions of the zoning by-law or the subdivision by-law.



PROCESSING TIME

Following the request submission, it usually takes 6 to 8 weeks to receive a decision from City Council.

COSTS TO BE EXPECTED

For a request for a minor exemption, the fees are \$3,500 plus the publication fees of \$560, for a total of \$4,060 (rates as of September 2021).

This amount is required upon filing of the request for analysis of the file and publication of notices and is not refundable.

MANDATORY PUBLIC NOTICE

The City Clerk must, at least 15 days prior to the meeting at which the Municipal Council is to decide on the application for a minor exemption, have a notice published in accordance with the law governing the City:

- the date, time and place of the meeting at which Council will decide on the request;
- the nature and effects of the request;
- the designation of the building affected by using the street and building number or, failing that, the cadastral number;
- a statement that any interested party may be heard by the Municipal Council in relation to this application.

PROVISIONS THAT MAY BE SUBJECT TO A MINOR EXEMPTION

A minor exemption may be granted for all provisions of the zoning and subdivision by-laws except:

- provisions relating to permitted uses;
- provisions relating to the density of land use;
- in a place where land occupation is subject to special constraints for reasons of public safety, health, or general well-being.

TO BE ADMISSIBLE, A REQUEST MUST BE MADE IN THE FOLLOWING CASES:

- prior to the issuance of any permit or certificate of authorization for proposed work;
- where the applicant has obtained a permit or certificate of authorization for the work and the work is in progress or has been performed in good faith;
- where the work is in progress or has already been completed in good faith and no permit or certificate of authorization was required.

DOCUMENTS NORMALLY REQUIRED AT THE SUBMISSION OF THE REQUEST

- The minor exemption request form duly completed and signed by the applicant.
- When the request is made by a representative, a power of attorney of the owner authorizing the representative to act on their behalf.
- The deed establishing that the property of the building covered by the application is that of the applicant.
- Demonstration of achievement of the evaluation criteria.
- A certificate of location, a location plan, or site plan prepared by a surveyor illustrating the existing constructions and exemptions.
- Recent photographs of the constructions and works on the targeted building and their context and those located on adjacent buildings.

ADDITIONAL DOCUMENTS THAT MAY BE REQUESTED

Any other information, plans or professional certificates (including the seal and original signature of the professional who prepared them) or reports presenting the conclusions and recommendations related to the project may be requested.

ANALYSIS CRITERIA

The City Council may approve a minor exemption if:

- the exemption is consistent with the objectives of the City of Westmount Master Plan;
- the exemption is minor, in quantitative terms, in terms of environmental impact, and architectural terms;
- the application of the regulatory provisions targeted by the application causes serious harm to the person requesting the minor exemption;
- the exemption shall not hinder the owners of neighbouring properties in the enjoyment of their right of ownership;
- the exemption does not exacerbate safety or public health risks or affect the quality of the environment or general well-being.

City Council may also set conditions of approval to minimize the impact of the exemption.