

Municipality of Bryson
Bylaw 2024-002
Minor Variances



833 Rue Principale, Bryson, QC J0X 1H0

MUNICIPALITY OF BRYSON

BYLAW 2024-002

BYLAW PERTAINING TO MINOR VARIANCES

Adopted July 08th 2024

1.0 Purpose

The purpose of this bylaw is to provide the municipal Council with the legal authority to approve minor variances in accordance with Subsection 145.1 of the Land Use and Planning Act A-19.1 Subsection 145.1.

2.0 Scope of Application

This bylaw shall apply to all lands within the Municipality of Bryson.

3.0 Roles and Responsibilities

3.1 Duties of the Municipal Secretary / Clerk

- The Municipal Secretary/Clerk is responsible to establish and maintain a Land Use and Planning Committee;
- Monitor the issues and decisions submitted to the committee; and
- Communicate the recommendation(s) of the committee to the Municipal Council.

3.2 Duties of the Designated Officer

The Designated officer is responsible to develop and implement the administrative requirements to administrate the:

- Application procedures;
- Decision criteria based on a technical application of the Municipal bylaws taking into account any provincial legislation having an impact on the decision(s);
- Receive and process applications for minor variances;
- Prepare all public notices;
- Act as the secretary of record by convening monthly meetings, when required, preparing notes and minutes of decisions; and submitting recommendations to Council for a Council resolution when required.

4.0 General Principles of Interpretation

This bylaw is written according to the principles mentioned in Articles 38 to 62 of the Interpretation Act (L.R.A., c. I-16). Consequently, the text of this bylaw must be interpreted according to this Act.

5.0 Definitions

The following definitions apply:

Minor Variance – means relief from the terms of a zoning bylaw where a proposed use or structure does not conform exactly to the zoning bylaw.

Designated Officer – means an employee designated by resolution of Council to administer and enforce the present bylaw.

6.0 Administration and Enforcement of the Bylaw

Every minor variance from the zoning and subdivision bylaws shall respect the aims of the planning program.

Minor variances will not be granted for a zone in which land use is subject to particular constraints for reasons of public safety.

7.0 Application Forms and Procedures

7.1 New work

The minor variance application must be submitted in the prescribed form containing prescribed information, as amended from time to time.

1. The minor variance application form must be signed and dated by the applicant, being one or more of the registered property owners or an authorized representative.

2. When an authorized representative applies on behalf of a property owner, a written authorization must be submitted with the application, which identifies the legal description of the property and the nature of the minor variance being sought.
3. When it is required for the analysis of the request, a plan showing the minor variance requested.
4. A cheque payable to the Municipality of Bryson in the amount of \$150.00, as an application fee, is due on submitting the application.
5. The applicant is responsible to pay the cost of the newspaper publication at the time of submitting the application for review.
6. Request for Work in Progress or Already Completed

7.2 To qualify, a minor variance application which relates to a cadastral plan or work in progress or already completed must meet the following conditions:

1. The work or the cadastral plan required a construction permit, a certificate of authorization or a subdivision permit;
The work or the cadastral plan has been executed in good faith;
2. The work was eligible for a minor variance had an application been submitted. In the case of late applications for minor variances, a late application fee is applicable in the amount of \$ 300.00.

8.0 Transmission of the Request

When receiving an application for a minor variance:

1. The Designated Officer reviews the application and verifies that all of the required documentation and information is provided.
2. When the information and documents required are incomplete or inaccurate, the examination of the application is suspended until the required documentation and information are submitted by the applicant.
3. The Designated Officer will communicate missing documents and information to the applicant within 30 days of receiving the initial submission.
4. Once the required documentation and information is submitted, the application is marked received on the date of receipt of the additional documentation and information.

9.0 Transmission of the File to the Municipal Planning Advisory Committee

The Designated Officer will convene a meeting of the Municipal Planning Advisory Committee within thirty (30) days.

The application, documents, information, reports and the Designated Officer's assessment must be submitted to the Municipal Planning Advisory Committee within 72 hours of the meeting and wherever possible earlier, taking into account the complexities of the issue and report.

10.0 Study of the Application by the Committee

10.1 The Municipal Planning Advisory Committee will review and discuss the application and provide a written response:

1. When the decision criteria have been satisfied, make a recommendation to the Municipal Council to approve the request.
2. If the Committee finds and concludes that the minor variance application does not satisfy the decision criteria, it will provide a recommendation to the Municipal Council to deny the request.

10.2 The recommendation will be submitted to the Municipal Council for the next Council meeting where there are at least 5 business days for the Council to receive the submission prior to the sitting of Council.

10.3 The applicant will receive the decision of the Council within sixty (60) days of receipt and acceptance of the application by the Designated Officer.

11.0 Public Notice

The Director General of the Municipality must, no later than fifteen days before the holding of the sitting at which the Council is to give a decision on the application for a minor variance, cause a notice to be published in accordance with the Law governing the Municipality under section 145.6 of the *Act respecting Land Use Planning* (L.R.Q., c. A-19.1).

12.0 Council Decision

Before making its decision, the Council may request the Designated Officer; the chair of the Municipal Planning Advisory Committee; the applicant or any other person having an interest in the subject matter of the application to provide additional information.

The Council is not bound by the recommendation of the Municipal Planning Advisory Committee, recommendations of the Designated Officer or any other person attending the meeting at which the minor variance is being heard.

A certified copy of the resolution by which Council issued its decision must be transmitted by the Director General of the Municipality to the applicant and the Designated Officer within fifteen (15) days after its adoption by Council.

13.0 Issuance of the Permit or Certificate

When the Council resolution grants the minor variance the officer may issue the building permit, subdivision permit or certificate of authorization required, provided that the application complies with all other provisions of the planning regulations excluding the minor variance.

14.0 Inscription in the Register Book

The minor variance application and the resolution from Council are recorded in the register compiled for this purpose.

15.0 Replacement

This bylaw replaces any preceding Municipal bylaws concerning minor variances.

16.0 Entry into Force

This bylaw shall enter into force in accordance with the Law.



Minor Variance Application Form

Schedule 1

1. Identification of Property Owner

Applicants Name _____

Property Parcel _____

Municipal Address _____

Mailing Address Same ☐

If not enter mailing address

City _____ Postal Code _____

Telephone _____

2. Identification of Legal Representative (if applicable)

Name of Organization _____

Mailing Address _____

City _____ Postal Code _____

Telephone _____

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3. Is this a new request? YES NO

If no, when was the previous request made and what was the outcome.

4. Description of request and the article in the bylaws that is in non-conformity.

5. Assessment by Designated Officer (Office Use Only)

Article of Regulation in question _____

Description of the non-conformity

6. Reason the property owner cannot conform to the existing bylaw(s).

7. Description of the impact of the variance on neighboring properties?

8. Consequences related to a denial of a minor variance.

Please describe the disadvantage/inconvenience that would be incurred by you if the regulations were strictly applied.

9. DOCUMENTS REQUIRED

- 🌐 Nonrefundable payment (\$150) for the minor variance application.
- 🌐 If requested by someone other than the owner, an authorization form signed by the owner stipulating the authorization to act.
- 🌐 A site plan, survey(s), drawing or any other displays supporting the issue of non-conformity.
- 🌐 If necessary, a certificate of location prepared by a Registered Quebec Land Surveyor;
- 🌐 Pictures of the buildings and land;
- 🌐 All other pertinent documents;
- 🌐 If the request for the minor variance is in conjunction with a request for a building permit; all forms required for the construction permit must be included.

DECLARATION

I declare that the above information is complete and accurate. Should my application for minor variance be authorized I will comply with any and all conditions and regulations that will apply.

Signature of the Applicant

Signature of the Owner

Date _____

Date

Received by _____

Name _____

Date: _____