

(b) Is the hardship due to the circumstances / conditions described in item 1(a) above? ____ (y/n)

If yes, describe. _____

REASONABLE USE

(a) Can your property be developed in conformance with the regulations? _____ (y/n)

If not, why? _____

(b) How is your property currently being used? _____

3. POTENTIAL AFFECT OF THE PROPOSED WORK

(a) What is the character of your area? _____

(b) How is your proposed work compatible with the character of your area? _____

(c) Will your proposed work do any of the following?

- Substantially or permanently impair the appropriate use or development on adjacent property?
- Reduce access to renewable energy resources (e.g. wind or solar power)?
- Be a detriment to the public welfare?

(d) Does the proposed work represent the minimum variance that will afford relief? _____

(e) Does the proposed work represent the least deviation possible from the regulations? _____

ADDITIONAL COMMENTS (IF ANY)

Applicant _____

Property Address / Location _____

Description of proposed work _____

PLEASE ANSWER THE FOLLOWING QUESTIONS AS COMPLETELY AS POSSIBLE

1. UNIQUENESS OF THE LOT / PROPERTY

(a) Does the property have any of the following (check all that apply):

Irregular lot shape narrow lot width shallow lot depth

Steep slopes brook or other waterbody rock/ledge outcrop

Other unique physical circumstances

none of the above

(b) Do other properties in your area have the same physical feature(s) indicated above? ____ (y/n)

(c) How do the circumstances and/or conditions indicated in (a) above prevent you from carrying out the proposed work in compliance with the regulations? _____

(d) When did you purchase the property? _____

(e) At the time you purchased the property, were you aware of the circumstances and/or conditions indicated in item (a) above?

2. HARDSHIP

(a) What hardship would occur if you were unable to complete the work for which you have applied? _____

VARIANCE INFORMATION AND APPLICATION

The authority to grant a variance comes from state statute (24 VSA Ch. 117 Section 4469). This statute states that the Appropriate Municipal Panel, after holding a duly warned public hearing, may grant a variance from the provisions of the zoning regulations provided that all of the following criteria are met (emphasis added):

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions; and not the circumstances or conditions generally created by the provisions of the zoning regulations in the neighborhood or district in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That the unnecessary hardship has not been created by the appellant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from these regulations and the Town Plan.

The Board must find that ALL 5 of the above criteria are met to grant the variance. THE APPLICANT HAS THE BURDEN OF PROVIDING EVIDENCE THAT THE CRITERIA ARE MET. In general, criteria 1 - 3 are the most difficult to meet.