



## Section 809: Variances

Note: Requests for variances are common, but granting such requests should not be. A variance should only be granted if it meets all of the criteria in this section.

**809.1** The Development Review Board shall hear and decide requests for variances in accordance with 24 V.S.A. §4469(a) and appeal procedures under §508 of this bylaw. In granting a variance, the Development Review Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Development Review Board may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and the findings are specified in its written decision;

(a) 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 these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located,

(b) Because of these 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 necessary to enable the reasonable use of the property;

(c) The unnecessary hardship has not been created by the appellant;

(d) 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, or be detrimental to the public welfare.

(e) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

Reminder: A variance may only be granted if it meets all of the above criteria.



**Step 4 PHYSICAL PROJECT**

**LOCATION:** \_\_\_\_\_

**Parcel ID#** \_\_\_\_\_ **DEED: BOOK#** \_\_\_\_\_ **PAGE#** \_\_\_\_\_

**Step 5 DESCRIPTION OF PROJECT:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Step 6 LOT SIZE & SETBACKS: (DISTANCE FROM NEW CONSTRUCTION AND LOT LINES)**

**LOT SIZE:** \_\_\_\_\_ **(ACRES)** **LOT WIDTH:** \_\_\_\_\_  
150'

**SETBACKS**

**FRONT:** \_\_\_\_\_ **FT.** **REAR:** \_\_\_\_\_ **FT.**  
(50' from center of road) 50'

**RIGHT SIDE:** \_\_\_\_\_ **FT.** **LEFT SIDE:** \_\_\_\_\_ **FT.**  
35' 35'

**Steps 7 PLEASE ATTACH ONE COPY OF ALL SITE AND PLOT PLANS.**

**Copy must include: Site & design of building.  
If in Design Control: exterior design & exterior materials used;  
Height of building and landscaping design.**

**Step 8 ADJOINING LAND OWNER INFORMATION: (Conditional Use, Variance, Subdivision, Design Control)**

Note: Provide NAME & MAILING ADDRESS of ALL adjoining land owners for Design Control, Conditional Use, Subdivision and Variances applications.

<b><u>NAME</u></b>	<b><u>MAILING ADDRESS</u></b>
_____	_____
_____	_____
_____	_____
_____	_____

**Step 9 I hereby certify that, to the best of my knowledge, all of the above is a true representation of the facts related to this proposed project or subdivision.**  
I also hereby request a hearing before the Danville Development Review Board if my application is for a Conditional Use, Design Control, or Variance Permit.

**SIGNATURE OF ALL PROPERTY OWNERS:**

**Owner** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Owner** \_\_\_\_\_ **Date:** \_\_\_\_\_