

Town of Shelburne, Vermont

CHARTERED 1763

P.O. BOX 88 5420 SHELburne ROAD SHELburne, VT 05482

Clerk/Treasurer (802) 985-5116	Town Manager (802) 985-5110	Zoning & Planning (802) 985-5118	Assessor (802) 985-5115	Recreation (802) 985-9551	FAX Number (802) 985-9550
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VARIANCE PERMIT APPLICATION

This application is to apply for a site improvement (i.e. building, parking, signage, etc) which does not comply with a Zoning Bylaw property development regulation.

IMPORTANT NOTES:

- This application is designed to be used in combination with the General Information Application
- Fee: \$106.00, plus 3rd party review fees, and a \$10.00 recording fee

Variances, State Statutes Chapter 117, Section 4468:

- A variance shall only be granted if reviewed and approved by the Zoning Board of Adjustment;
- Public notification and a public hearing is required; and,
- The Zoning Board shall determine that the variance request complies with the criteria in State Statute Section 4468 (*see page 2 of the application*) prior to granting an approval.

1. PROPERTY LOCATION INFORMATION:

Street Address: _____
(Street Address)

Tax Map Number: _____ - _____ - _____

2. VARIANCE REQUEST INFORMATION:

VARIANCE(S) REQUESTED	ZONING BYLAW REQUIREMENT	PROPOSED	VARIANCE
EXAMPLE: Rural 1 District Front Building Setback	75'	50'	25'

VARIANCE REQUEST JUSTIFICATION:
(Describe how your Variance request complies with the following criteria)

1. **Describe the unique physical condition(s) associated with your property which result in unreasonable hardship(s)** (*i.e. nonconforming lot, nonconforming structure, unusual site constraints, etc*):

2. **Explain why no reasonable use can be made of your property without the requested variance*:**

3. **Explain why the hardships listed in #1 above are not self-created:**

4. **Explain why the variance request(s) will not alter or impair the essential character of the neighborhood, nor be detrimental to the public welfare:**

5. **Explain why the variance request is the minimum necessary to allow a reasonable use of the property.**

*Variances will be granted only if there is *no* possibility that the property can be developed in strict conformity with the provisions of the zoning regulations. 24 V.S.A. 4468(a)(2).
Variances are not to be given to guarantee the most profitable use of the property. In re McDonald's Corp., 560 A.2d 362 (Vt. 1989).

**VARIANCE APPLICATION
SUBMITTAL MATERIALS**

1. **SITE PLAN (4 Copies)** A Site Plan (drawn to scale) showing the following:
 - a. Property owner's name(s)
 - b. North arrow;
 - c. Location map;
 - d. Date;
 - e. Scale (graphic and written);
 - f. Lot lines (boundaries) and dimensions;
 - g. Building locations;
 - h. Driveways and parking areas;
 - i. Site features (i.e. wooded areas, streams, drainage swales, ledge, etc.);
 - j. Existing landscaping (if developed site);
 - k. Name, address, phone number of person who prepared plans;
 - l. Proposed landscaping;
 - m. Tabular Data including:
 - Variance request information (if applicable);
 - Lot area;
 - Total building square footage;
 - Building coverage; and,
 - Parking (required spaces and proposed spaces).
 - n. Location of existing and proposed:
 - Streets;
 - Driveways;
 - Parking areas;
 - Pedestrian and Bike paths;
 - Utility & facility easements (water, sewer, power, cable, telephone, etc.);
 - Drainage easements;
 - Outdoor lighting; and
 - Signage.

2. **ELEVATIONS*(3 Copies)** ***(If Constructing New Building Area)** Building elevations showing the views of the building with the new building area including alterations, materials, colors, etc.

3. **ADJACENT PROPERTY OWNERS.** The applicant shall provide the following for each adjacent property owner (To include property owners directly across roads and watercourses):
 - a. A first-class stamped, addressed envelope.

The Town uses these envelopes and postage to send a notice to adjacent property owners stating your request and informing them of the Zoning Board of Adjustment meeting's location and time.

VARIANCE REVIEW PROCESS

1. **SUBMITTAL**. Complete the General Information application and a Variance application and return it to the Town of Shelburne Planning and Zoning Office (Ph. 985-5118).

2. **SCHEDULING**. Town staff will schedule the completed applications for the next available Zoning Board of Adjustment meeting as follows:
 - a. An application is considered complete once the fee; the application and the submittal materials are delivered to the Planning and Zoning Office;
 - b. Planning and Zoning must receive the completed application a minimum of twenty (20) days in advance of the meeting to ensure time for an adequate public notice. Therefore applications received within twenty (20) days of the Board's meeting date cannot be scheduled till the following meeting; and,
 - c. Completed applications are scheduled on a first-come first-served basis till a meeting agenda is full. Any remaining applications are scheduled for the next Board meeting agenda.

3. **STAFF REPORT**. Town staff writes a report which:
 - a. Offers a recommendation of approval or denial to the Zoning Board of Adjustment;
 - b. Proposes conditions for the request (if needed);
 - c. Details the information submitted in the application; and,
 - d. Provides an analysis of the information in support of the recommendation.

4. **BOARD ACTION**. The Zoning Board of Adjustment will take one of the following actions:
 - a. Approve the request (with or without conditions);
 - b. Deny the request; or,
 - c. Continue the request to the next meeting.

A Findings of Fact is drafted and signed once the Board votes on a final action. A copy of the Findings of Fact and a copy of the meeting minutes are mailed to the Applicant.

5. **BUILDING PERMIT**. The applicant may apply for a building permit once the Zoning Board of Adjustment grants approval for a Variance. Building permit applications are available in the Planning and Zoning office.

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