For Administrative Use Only:				
Date Request Received:/	Received by:	Variance Request #		
Fee Due for Application:\$102.00 Fee r	eceived by:	RE Zoning Permit #:		

In cases where a property owner wishes to complete a project that cannot meet the requirements of the Zoning Bylaw, the property owner may seek a variance. In some instances, the property owner is aware of and accepts the need for a variance through having read the Zoning Bylaws and/or having had discussions with the Zoning Administrator, prior to submitting a Zoning Permit Application. In other instances, the property owner is not aware of or does not initially accept the need for a variance, but becomes aware of it when the Zoning Administrator denies the Zoning Permit Application that the property owner submitted. In either case, the process begins with the submittal of a Zoning Permit Application, which documents all of the required information about a land development project. Because the project does not meet the requirements of the Zoning Bylaw, the Zoning Administrator will deny the permit, and provide guidance to the next step, which is to file a Variance Request Application, attaching the Zoning Permit Application with its project information and plans.

The Zoning Board of Adjustment shall hear and decide Variance Requests in accordance with 24 VSA §4469(a) and appeal procedures under §508 of the Zoning Bylaw. The Zoning Board of Adjustment may grant a variance and render a decision in favor of the appellant only if **all** of the following facts are found. The findings will be specified in its written decision:

- (1) 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 the bylaw in the neighborhood or district in which the property is located.
- (2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3) Unnecessary hardship has not been created by the appellant.
- (4) 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.
- (5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

Variances are granted to provide equitable relief to a party and essentially authorize the bending or breaking of local laws. As such, statutory variance criteria are designed to be very difficult to meet. If the Zoning Board of Adjustment does grant a Variance, it may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of the Zoning Bylaw and the Town Plan currently in effect.

1. Property Address:			Copy of Denied Permit attached:			
PROPERTY OWNER (if more than one OWNER, attach separate sheet)		APPLICANT (If DIFFERENT from OWNER)				
Name: (Please print)		Name: (Please print)  Mailing Address:				
Mailing Address:						
City:	State:	Zip:	City:	State:	Zip:	
Email:			Email:			
Phone:			Phone:			

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VARIANCE #	VARIANCE(S) REQUESTED	ZONING BYLAW REQUIREMENT	PROPOSED	VARIANCE
Example	Zoning District Required Side Yard Setback	15'	5'	10'
1				
2				
3				

### **Conformance with Statutory Variance Criteria:**

Applications for Variance must meet several criteria contained in Vermont Statute and Maidstone Zoning Bylaw. The review process will tend to function more smoothly when you provide thorough responses to the following items. Describe or summarize and attach any evidence indicating that the Variance Request complies with the following criteria: 1. 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 the bylaw in the neighborhood or district in which the property is located. 2. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property. 3. Unnecessary hardship has not been created by the appellant. 4. 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. 5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan

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### NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS

A list of current adjoining and cross-street property owners must be submitted in conjunction with this application.

Adjoiner #1		Adjoiner #4	Adjoiner #4			
Name:		Name:	Name:			
Address:		Address:	Address:			
City		City	City			
State:	Zip:	State:	Zip:			
Adjoiner #3		Adjoiner #5				
Name:		Name:	Name:			
Address:		Address:	Address:			
City		City	City			
State:	Zip:	State:	Zip:			
PROPERTY OWNER/APPLICANT: The undersigned property owner/applicant hereby certifies that the information on this application is true and accurate, consents to its submission, and understands that if the application is approved, the zoning permit and any attached conditions will be binding on the property. The undersigned acknowledges reading and understanding the Maidstone Zoning Bylaws and agrees to abide by these Bylaws, as they pertain to the property and the scope of development identified above. The undersigned acknowledges receiving the digital link to or hard copy of the Residential or Commercial Building Energy Code Handbook, if the proposed structure will be heated/cooled. Further, the undersigned authorizes the Zoning Administrator access, at reasonable times, to the property covered by the permit issued under this application, for the purposes of ascertaining compliance with said permit. The undersigned also authorizes the Listers access, at reasonable times, to the property for the purposes of appraisal.						
Signature of Property Owner:			Date://			
Signature of App	licant (if not property owner):		Date:/			

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#### **Administrative Review by Zoning Administrator**

Reviewed by the Zoning Administrator on://	Deemed to be:	Complete	Incomplete
If deemed Incomplete:  Specify what is needed to be deemed Complete:			
Applicant notified and Incomplete Application returned on:	//	-	
Application resubmitted on:/	Deemed to be:	Complete	Incomplete
If deemed Complete, referred to the Zoning Board on:/_	/		
Date:/ Name of Zoning Administrator		Signature of Zo	oning Administrator
Review by Zoning Box	ard of Adjustm	ent	
Date received by Zoning Board of Adjustment://	Received b	y (name):	
Date posted by Zoning Board:/ Date Publicly  Date of Approval:/ OR Date of Denial: _			
Decision Returned to Zoning Administrator on:/ /	Zoning Adminis	trator Signature:	:
Recorded by the Town Clerk:Name	Signatu	ıre	Date: / /
Recorded in:			

#### THIS PERMIT EXPIRES 2 YEARS FROM DATE OF APPROVAL

§502 (4): If the zoning permit is approved, all activities authorized by its issuance shall have substantially commenced within two years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required. In the event that permitted activities have not substantially commenced, a one time, one year extension of the original permit may be applied for before the expiration of the original permit, subject to current application fees.

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