

**DEVELOPMENT REVIEW BOARD
VARIANCE REVIEW CRITERIA
[Title 24 V.S.A. Chapter 117, §4469(a)]**

A variance will be granted by the Development Review Board if *all* of the following facts are found in the course of its review hearing and deliberations, and the findings are specified in its decision. The applicant will provide a brief statement to substantiate his/her assertion that each of the following qualifying criteria has been satisfied:

- (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 such 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 such 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) The 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, nor 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 bylaws and the Town Plan. _____

