

## **Section 305 - APPEALS, VARIANCES AND REQUESTS FOR AMENDMENTS**

1. Any interested person may appeal any decision or action taken by the Zoning Administrator by filing a written notice of appeal with the Development Review Board within 15 days of such decision or act. Within thirty days, the Zoning Administrator shall refer the appeal to the first available meeting of the Development Review Board, and the Board shall render a decision on the appeal within 45 days of the date of the final public hearing on the matter.
2. Public notice for any hearing held by the Development Review Board shall be given by publication of the date, place and purpose of such a hearing in a newspaper of general circulation in the Town of Saint Albans (officially designated by the Selectboard), and posting of such notice in three public places within the municipality. The abutting property owners and those across roadways shall be notified by Certified Mail with return receipt not less than 15 days prior to the date of the public hearing. Proof of Notification shall consist of a signed green receipt card or official receipt from the Post Office for Certified Mail Return Receipt Requested.
3. (Conditional Use)
4. On an appeal for a variance from the Zoning Bylaws and Subdivision Regulations, the Development Review Board may grant said variance if all of the following conditions are found to exist and are specified in its decision according to Section 4469 of the Act.
  - A. 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 the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Bylaws and Subdivision Regulations in the neighborhood or district in which the property is located;
  - B. 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 the Zoning Bylaws and Subdivision Regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
  - C. That such unnecessary hardship has not been created by the appellant;
  - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
  - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the Zoning Bylaws and Subdivision Regulations.

**TOWN OF ST. ALBANS  
DEVELOPMENT REVIEW BOARD**

P.O. Box 37  
St. Albans Bay, VT 05481  
(802) 527-1672  
Fax: (802) 524-5816  
Email: [satzoning@comcast.net](mailto:satzoning@comcast.net)

**VARIANCE CHECKLIST**

**The following information, at a minimum, is required on a Variance sketch plan:**

\_\_\_\_\_ **Location of the subject property (a copy of the tax map can be used for this purpose)**

\_\_\_\_\_ **Zoning District involved**

\_\_\_\_\_ **Name of the record owner of the land**

\_\_\_\_\_ **Approximate north point on map**

\_\_\_\_\_ **Boundaries of the property with approximate dimensions**

\_\_\_\_\_ **Approximate location of existing or proposed water courses, wooded areas and other significant physical features.**

\_\_\_\_\_ **Approximate location of existing or proposed buildings, driveways, parking and storage areas and their dimensions and distances from property lines.**

\_\_\_\_\_ **Approximate location of proposed signs, if any.**

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**Variance Application**

*Name of Applicant:* \_\_\_\_\_

*Address:* \_\_\_\_\_  
\_\_\_\_\_

*Phone Number:* \_\_\_\_\_

*Signature of Owner of Record, authorizing application for variance:*

\_\_\_\_\_  
*Name* *Date*

*Location and legal description of property involved in this request:*

*Address:* \_\_\_\_\_

*Tax Map #* \_\_\_\_\_ *Lot #* \_\_\_\_\_

*Zoning District* \_\_\_\_\_

**State the nature of the request in detail: (For what are you seeking a variance? How great a variance are you seeking? (GIVE DIMENSIONS))**

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**Pursuant to Section 305(4) Appeals, Variances, and Requests For Amendments: On an appeal for a variance from the zoning regulations, the Board (DRB) may grant said variance if all of the following conditions are found to exist and are specified in its decision according to Section 4469 of the Act:**

**A. 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 the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Bylaw in the neighborhood or district in which the property is located.**

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**B. 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 the Zoning Bylaws and Subdivision Regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.**

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**C. That such unnecessary hardship has not been created by the appellant.**

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**D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.**

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**E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the Zoning Bylaws and Subdivision Regulations.**

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