

**TOWN OF MONKTON
VARIANCE
APPLICATION INSTRUCTIONS**

Upon denial of a building permit by the zoning administrator the applicant may apply for a zoning and subdivision variance from the Development Review Board. To apply, complete the Variance Application and submit it along with the required fees with the Zoning Administrator. You must file an original (marked original) and two copies (marked copies) of your application and project materials.

Upon review of the application for completeness, the DRB will set a hearing. A Notice of Zoning Permit Request sign (available at the Town Hall) must be posted by the applicant within view from the public right-of-way most nearly adjacent to the subject property not less than 15 days prior to the warned hearing and shall remain until the appeal period has expired. All applicants or their duly authorized agents shall appear at the hearing. Written notice to abutting landowners is required no less than 15 days before the hearing.

If you need help with your application, please contact Ken Wheeling Monkton's Zoning Administrator at: 453-3800 by email at zoning@monktonvt.com.

It is recommended that you review all zoning or subdivision regulations that apply to your project. For Town regulations on variances please see Article III Section 368 – Variances on pages 38-40 of the *Unified Planning Document For the Town of Monkton*, which can be found at the Monkton Town Hall or on the Monkton Town website at: <http://monktonvt.com/town-info/town-plan-and-zoning-bylaws/>.

Additional copies of this form can be found on the Monkton Town website at:
<http://monktonvt.com/boards-and-committees/development-review-board/drj-forms/>.

Applicants have the obligation to identify, apply for and obtain any relevant state permits for their projects. Call Rick Oberkirch, Permit Specialist at the Agency of Natural Resources' Environmental Assistance Office, at 802-786-5907 to determine if any State permits are required before beginning construction.

Standards that must be met to Grant a Variance per Vermont Statute Criteria Title 24, Chapter 117, Section 4469

1. There are unique physical circumstances or conditions, including irregularity, narrowness, topography or other physical conditions and that the hardship is due to these condition and not the circumstances or provisions of the bylaw in the district in which the property is located;
2. Because of these conditions or circumstances, there is no possibility that the property can be developed in strict conformity with the bylaws and that therefore a variance is 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 resources or be detrimental to the public welfare.
5. The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the plan.

Submit to the Zoning Administrator, a letter and two copies, summarizing the proposed variance. Include all information to illustrate compliance with these regulations and your interpretation of why your application meets the necessary standards listed above.

Monkton Town Hall, P.O. Box 12, Monkton Vermont 05469

**TOWN OF MONKTON
VARIANCE APPLICATION**

A. Required Information:

1. The letter summarizing compliance with these regulations.	
2. Name, Address, and Phone Number of Applicant	
3. Property Identification Numbers (from the latest tax records):	
4. Name, address, and phone number of landowner (if different from applicant).	
5. Name and address of adjacent landowners:	
6. A scaled drawing including:	
a. Property identification numbers of the property from the latest tax records.	
b. Name and address of the owner of record.	
c. Names and addresses of all abutting landowners.	
d. Name and address of firm preparing the Map.	
e. Scale of map	
f. North point.	
g. Date.	
Existing features, including	
h. contours.	
i. Structures.	
j. Large trees.	
k. Roads.	
l. Utility easements	
m. Rights of way.	
n. Land use and deed restrictions.	
o. The Natural Heritage protection overlay district.	
7. The DRB may also require:	
a. A construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.	
b. A description of energy utilization and conservation measures for each heated structure.	
c. A scaled plan showing proposed structure locations and land use areas.	
d. Roads, driveways, traffic circulation, parking and loading spaces.	
e. Landscaping plans and design, including site grading, pedestrian walks, and screening.	
8. Proof of written notice to all abutting landowners. (Signature or receipt of delivery of certified mail.)	
9. Payment of necessary fees.	
10. Other information pertinent to the issue before the Development Review Board.	

FOR DRB USE ONLY

B. Standards that Must be Met to Grant a Variance per Vermont Statute Criteria Title 24, Chapter 117, Section 4469

1. There are unique physical circumstances or conditions, including irregularity, narrowness, topography or other physical conditions and that the hardship is due to these condition and not the circumstances or provisions of the bylaw in the district in which the property is located.	
2. Because of these conditions or circumstances, there is no possibility that the property can be developed in strict conformity with the bylaws and that therefore a variance is 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 resources or be detrimental to the public welfare.	
5. The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the plan.	

C. Standards for 360 Procedural Review if Standards Above are Met by Applicant.

General standards require that the proposed variance will not result in any undue adverse effect on any of the following:

1. The capacity of existing or planned community facilities.	
2. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located and specifically stated policies and standards of the municipal plan.	
3. Traffic on roadways and highways in the vicinity.	
4. Bylaws and ordinances then in effect.	
5. Utilization of renewable energy resources.	

D. DRB Decision, Conditions and Filings

1. Decision by DRB	
2. Finding of Fact Written	
3. Conditions required by DRB	
4. The nature of the Conditions or Variance are entered on the Face of the Zoning Permit	
5. Proof of final deed restrictions and covenants recorded.	

**TOWN OF MONKTON
SITE PLAN
APPLICATION INSTRUCTIONS**

Pursuant to 24 V.S.A. §4416 and the regulations in Monkton's Unified Planning Document a Site Plan approval is required by the Development Review Board for conditional use, variances, waivers, and subdivision. They are filed with the Zoning Administrator. Plans must contain the required information listed below and applicants must file the required fees with the Zoning Administrator. You must file an original (marked original) and two copies (marked copies) of your application and project materials. Include information to illustrate compliance with the regulations and your interpretation of why your application meets the Required Standards (C.) listed below.

The DRB will review your site plan simultaneously with your application. With subdivision applications, a site plan application is required at preliminary plat.

If you need help with your application, please contact Ken Wheeling Monkton's Zoning Administrator at: 453-3800 by email at zoning@monktonvt.com.

It is recommended that you review all zoning or subdivision regulations that apply to your project. For Town regulations on site plans, please see Article III Section 364 –Site Plan Approval on pages 37-38 of the *Unified Planning Document For the Town of Monkton*, which can be found at the Monkton Town Hall or on the Monkton Town website at: <http://monktonvt.com/town-info/town-plan-and-zoning-bylaws/>.

Additional copies of this form can be found on the Monkton Town website at: <http://monktonvt.com/boards-and-committees/development-review-board/drb-forms/>.

Applicants have the obligation to identify, apply for and obtain any relevant state permits for their projects. Call Rick Oberkirch, Permit Specialist at the Agency of Natural Resources' Environmental Assistance Office, at 802-786-5907 to determine if any State permits are required before beginning construction.

Monkton Town Hall, P.O. Box 12, Monkton Vermont 05469

**TOWN OF MONKTON
SITE PLAN APPLICATION**

A. Required Information:

1. Name, address, and phone number of Landowner.	
2. Name, address, and phone number of Applicant (if different from Landowner).	
3. An affidavit from the developer that a purchase and sale agreement exists and that title will transfer upon approval of permit will be required if applicant is not the landowner.	
4. Property Identification Numbers (from the latest tax records).	
5. Names and Addresses of Abutting Land Owners.	
6. An original and two copies of all Site Plan materials submitted to the Zoning Administrator.	
7. Plans and elevations of proposed structure(s) drawn to a scale not smaller than 1/8 th inch.	
8. General description of the proposed use including:	
a. Number of employees/inhabitants.	
b. Operating hours.	
c. Listing of any hazardous or toxic materials/chemicals to be used/stored onsite.	
d. Description of proposed emissions (smoke, dust, noise, etc.).	
e. Description of proposed wastes (sewage, process water, chemicals, etc.) along with proposed treatment/disposal methods.	
9. Site Plan Drawings drawn to a scale of not smaller than 1" equals 40'. The Site Plan shall bear the seal of a licensed land surveyor or professional architect/engineer and include the following:	
a. North arrow.	
b. Date.	
c. Boundary angles and dimensions.	
d. Location of existing and proposed buildings.	
e. Layout of existing and proposed roads, drives, and parking areas.	
f. Proposed landscaping and screening.	
g. Location of existing water, sewer, electric, and telephone facilities.	
h. Location and design of proposed water, sewer, electric, and telephone facilities.	
i. Location and design of existing and proposed storm drainage facilities.	
j. Location and design of proposed outdoor lighting and signs.	
k. Existing and proposed topographic information.	
l. If applicable, location of the Natural Heritage protection overlay districts map.	
m. Location of driveway, culverts, and, if required, drainage along town roads.	
10. Approved Road Curbcut and Accessibility permit application by the Select Board.	
11. Written notice by the Town Zoning Administrator noting receipt of applicant's State approved plans for sewage disposal and water supply.	
12. Other information pertinent to the issue before the Development Review Board.	

CHECKLIST FOR DRB SITE PLAN REVIEW

B. General Standards.

The Development Review Board may consider and impose appropriate safeguards, modifications and conditions to ensure:

1. The adequacy and safety of traffic access, circulation and parking including emergency vehicles.	
2. The adequacy of landscaping and screening.	
3. The protection of the utilization of renewable energy resources.	
4. That exterior lighting does not have an undue adverse impact on neighboring properties.	
5. That signs are appropriately located, designed, and sized. Signs specifications are specifically included in Sections 563-569 of these regulations.	
6. Freedom from flooding and ponding.	
7. That the proposed development on the parcel will not have an undue adverse impact on important natural features located on or near the parcel.	
8. That, to the extent feasible, continued use of existing historic structures shall be encouraged, the exterior appearance of historic structures shall be protected, and the visual context of historic structures shall be maintained.	
9. That the size, scale, arrangement, and appearance of the proposed development is in keeping and harmonious with its surroundings.	
10. That the proposed development on the parcel adheres to other matters specified in the bylaws.	

C. Required Standards for Procedural Review if B. Standards above are met by Applicant.
 General Standards require that the project will not result in any undue adverse effect on any of the following:

1. The capacity of existing or planned community facilities.	
2. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located and specifically stated policies and standards of the municipal plan.	
3. Traffic on roadways and highways in the vicinity.	
4. Bylaws and ordinances then in effect.	
5. Utilization of renewable energy resources.	

D. Modifications required by DRB
