

## Flood Hazard Area Regulations *Variance Review Template*

**Flood Zone Determination<sup>i</sup>** – Project is located at least partially within:

- Floodway     Floodway Fringe, Zone AE     Floodway Fringe, Zone A

### **Project Description**

Property Owner:

Tax/Parcel ID: \_\_\_\_\_

E911 Address: \_\_\_\_\_

Parcel Acreage: \_\_\_\_\_

Project Details  
(new construction,  
expansion,  
renovations, etc.): \_\_\_\_\_

Abutting properties: \_\_\_\_\_

Complete Application

Received: \_\_\_\_\_

Submit copies for VT

DEC Review: \_\_\_\_\_

Public Hearing(s): \_\_\_\_\_

Summary of DEC  
Comments Provided: \_\_\_\_\_

Date Hearing Closed: \_\_\_\_\_

Decision Issued: \_\_\_\_\_

Interested Parties: \_\_\_\_\_

Witnesses: \_\_\_\_\_

Other Information: \_\_\_\_\_

### **Variance Criteria**

Standard Variance Criteria<sup>ii</sup>:

Unnecessary hardship due to unique physical circumstances or conditions (not due to bylaw standards)

Due to these physical conditions, the property cannot be developed in strict conformity with zoning bylaw provisions, and that variance is necessary to enable reasonable use of the property

Unnecessary hardship has not been created by appellant

Variance, if authorized, will not alter essential character of the neighborhood or district, substantially or permanently impair use/development of adjacent property, reduce access to renewable energy resources, or detrimental to public welfare

Variance, if authorized, is the minimum necessary to afford relief and represents the least possible deviation from zoning bylaws standards and the town plan

Additional Flood Variance Criteria:

No-impact certification for variances within floodway (i.e. no rise certificate)

New construction or substantial improvement on a lot that is ½ acre or less in area and contiguous to and surrounded by lots with existing structures constructed below BFE

A showing of good and sufficient cause

A determination that failure to grant a variance will result in exceptional hardship to applicant

Granting a variance will not result in increased flood heights, additional public safety threats, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws and ordinances

Variance is the minimum necessary considering the flood hazard

Variance for repair or rehabilitation of “Historic Structures” is minimum necessary to preserve historic character and to maintain designation as a historic structure

“Functionally dependent use” protected by methods that minimize flood damages, create no additional threats to public safety, and in accordance with Section 5.6(1)(2)(h)

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<sup>i</sup> The flood zone determination for each application shall be determined by the ZA for administratively issued permits or the DRB for all other projects. This determination is to be based on information provided in the application in sufficient enough detail in order to make this finding. This generally involves a site plan developed by a professional surveyor or engineer - for and at the cost of the applicant - that clearly shows the boundaries of the parcel, water bodies, special flood hazard areas (SFHA), and all relevant project details.

(Please note that it is the ZAs job to meet with and advise people who are preparing an application. At that time the ZA should evaluate the project in relation to the SFHA boundaries. At that point the ZA will identify if the proposed project is (1) clearly outside of the SFHA, (2) at least partially within the SFHA, or (3) too close to determine. The purpose of that identification process is to indicate to the applicant if a permit application is needed. A flood permit application will be required for the second and third scenarios.)

<sup>ii</sup> 24 V.S.A. §4469