

## Section 1.9 Waivers

(A) The DRB may approve a waiver to authorize an adjustment of up to 20 % to a dimensional standard that:

1. Conforms to the Town Plan and the goals set forth in 24 V.S.A. Section 4302;
2. Will not create a nonconforming or noncomplying use or structure;
3. Will not alter the character of the area or district;
4. Is necessary for reasonable expansion of an existing use or construction of a new use, due to existing topography, lot configuration, or other existing constraint beyond the applicant's control.

(B) Application. The applicant shall file a written request for a waiver with the Zoning Administrator that includes:

1. A brief description of the subject property and proposed development;
2. A reference to the dimensional standard(s) of these regulations from which the waiver is being sought; and
3. The specific modification(s) that the applicant is requesting.
4. An explanation of how the proposed waiver meets Criteria (A)1-4 above.

(C) Process. The Development Review Board shall hold a public hearing and act on the waiver request in accordance with 24V.S.A. § 4464. If the applicant is requesting a waiver from the required setback from a state highway, notice of the hearing shall also be sent to the Vermont Secretary of Transportation. If the applicant is requesting a waiver from the required setback from a town highway, notice of the hearing shall also be sent to the Calais Selectboard.