

## **East Montpelier Land Use & Development Regulations**

### **Section 3.14 Setback Waivers**

- (A) Notwithstanding the minimum setback standards for front yards (setback from road centerline) and side and rear yards (setback from parcel boundaries) for various zoning districts as set forth in Article 2, the Development Review Board may allow the modification of building setbacks subject to the following provisions:
  - (1) Fire safety, disability accessibility or other regulatory requirements cannot be reasonably satisfied without a waiver, or
  - (2) Energy conservation and renewable energy structures cannot be reasonably developed without a waiver, or
  - (3) The waiver is necessary to allow for reasonable expansion of existing structures and construction of new structures given existing configuration of development on the parcel, irregular lot configurations or restrictions of existing topography.
- (B) In all cases, the waiver:
  - (1) Must be found to be in conformance with the municipal plan and the goals set forth in 24 V.S.A. Section 4302, and
  - (2) Shall not change the overall character of the surrounding area or neighborhood, and
  - (3) Shall not exceed one-third (33.3%) of any setback requirements.
- (C) The applicant may propose, or the Development Review Board may require, mitigation of any adverse effect through design, screening or other remedy as part of the waiver approved.