



## Application For A Variance

A variance is an authorization, which may be granted under special circumstances, to use your property in a way that is not permitted under the strict terms of the Zoning Ordinance or where the use of the property is permitted by the Zoning Ordinance but you seek relief from the setback and frontage requirements, height, size, or placement of structures or extent of lot coverage permitted by the Zoning Ordinance. For a variance to be legally granted, **you must show** that your proposed use meets **all five** of the following conditions:

1. Granting the variance must not be contrary to the public interest.
2. The proposed use is not contrary to the **spirit** of the ordinance.
3. Granting the variance would do substantial **justice**.
4. The proposed use would not diminish surrounding property values.
5. Denial of the variance would result in unnecessary **hardship** to the owner. Hardship, as the term applies to zoning, results if a restriction, when applied to a particular property, becomes arbitrary, confiscatory, or unduly oppressive because of conditions of the property that distinguish it from other properties under similar zoning restrictions. RSA 674:33 (b) (5) provides the criteria for establishing unnecessary hardship:

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
- (ii) The proposed use is a reasonable one.

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

You must include and attach to your application the building permit denial, conditions of a site plan review or conditions attached for a subdivision approval. This application is not acceptable unless submitted thirty (30) days prior to the meeting, all required statements have been made, all necessary documentation attached and all fees are paid. Additional information may be supplied on a separate sheet if the space provided is inadequate and attached to this application form. After the public hearing, the Board will reach a decision. You will also be sent a written certified **Notice of Decision**.

If after your hearing has been scheduled, you find it necessary to ask for a "**motion to continue**" you must make this request in writing to the ZBA eight (8) working days prior to the date or the motion will be denied. The ZBA may require, at your cost, additional fees to re-notice the public and abutters. If your request is continued to the next meeting, the date and time will be announced, it is your responsibility to take note, notice will not be mailed. The only public posting will be at Town Hall and the Post Office.

After a variance permit has been authorized by the Zoning Board of Adjustment, and if **such permit has not been implemented within one (1) year of the date of such authorization, then such authorization shall become null and void and no permit shall be issued thereafter**. The Zoning Board of Adjustment, at the applicant's request, may grant an extension to this time limitation. This extension must be requested in writing before the year expires, two weeks prior to the next scheduled meeting and a copy of the original **Notice of Decision** must accompany the request.

If you believe the Board's decision was unlawful or unreasonable; you have the right to motion for a rehearing. Any person or persons jointly or separately aggrieved by a decision of the Board of Adjustment shall have the right to file a **Motion for Rehearing** within thirty (30) days beginning with the date following the date of the board vote in accordance with the provisions of the New Hampshire Statutes Annotated, Chapter 677. Whether or not a rehearing is held, **you must have requested one before you can appeal to the courts**. When a rehearing is granted, the same procedure is followed as for the first hearing, including public notice and notice to the abutters.