

**TOWN OF BARNSTEAD
ZONING BOARD OF ADJUSTMENT
P.O. BOX 11
CENTER BARNSTEAD, NH 03225
603-269-2299 X 4**

APPLICATION FOR APPEAL

FOR OFFICIAL USE ONLY

_____ Administrative Decision
_____ Special Exception
 X Variance
_____ Equitable Waiver

Case Number _____
Date Received _____
Date of Hearing _____

Owner of Property: _____
Mailing Address: _____
Telephone Number: Home _____ Other: _____
E-Mail Address: _____

Location of property _____
Map _____ Lot _____ Zoning District _____
Existing use of Property: _____
Proposed Use: _____

Details of Request: (describe the project you are seeking approval for):

Name of Applicant/Representative: _____
(if same as applicant, write "same")

Mailing Address: _____
Telephone Number: Home _____ Other: _____
E-Mail Address: _____

APPLICATION FOR APPEAL: VARIANCE

The undersigned hereby requests a variance from the terms of Article _____,
Section _____, and asks that said terms be waived to permit the following:

The applicant bears the burden of presenting evidence sufficient to allow the Zoning Board to reach conclusions and make findings to support the authorization of a variance. To do so, the undersigned alleges that the following legal criteria for granting a variance are satisfied, and submits the accompanying written statement, records, photographs, and other materials to justify the granting of the variance and to explain how each of the criteria for the variance is or will be satisfied.

1. Authorization of a variance will not diminish the value of surrounding properties because:
(describe why the variance will not affect property values in the area)

2. The authorization of a variance will not be contrary to the public interest because: (explain why no harm to the public interest will be created by the variance)

3. Authorization of a variance will result in substantial justice because: (describe why the variance will create no harm for other property owners or permissible uses)

4. The granting of a variance will not be contrary to the spirit and intent of the Ordinance because: (explain why granting of the variance is not in conflict with the permissible uses of the land and the goals of the zoning ordinance as defined by RSA 674:17) See attached RSA table.

APPLICATION FOR APPEAL: VARIANCE

5. Denial of the variance would result in unnecessary hardship to the owner because:

A. Answer this section if you are requesting a **Use Variance**

a. The zoning restriction as applied to the property interferes with the reasonable use of the property, considering the unique setting of the property in its environment because: (explain what is unique about the property that makes the specific zoning restriction unreasonable)

b. No fair and substantial relationship exists between the general purposes of the Zoning Ordinance and the specific restrictions on the property because: (explain why the specific restriction on the property is not in conflict with the purpose of the zoning ordinance as defined by RSA 674:17) See attached RSA table.

c. The variance would not injure the public or private rights of others since: (explain the impact of the variance, if granted, on the public or private rights of others)

APPLICATION FOR APPEAL: VARIANCE

B. Answer this section if you are requesting an Area Variance

- a. An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property because: (explain what is unique about this property that makes the specific zoning restriction unreasonable)

- b. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance because:

Signature: _____
Print Name: _____
Date: _____

APPLICATION FOR APPEAL: VARIANCE
ZONING APPEAL: Supporting Documentation:

The Applicant shall submit to the Board of Adjustment **one (1)** copy of the Application for Appeal and all supporting documents.

The Applicant shall submit to the Board of Adjustment **two (2) copies** of a complete and legible site plan, drawn to scale showing in correct detail the following elements **where applicable**:

1. Area of lot;
2. Location of existing and proposed buildings;
3. Proposed layout of existing and proposed outside facilities;
4. Proposed layout of parking areas and loading bays; including
5. Proposed type and location of screening, of recreation and play areas, and of areas for outside storage of materials;
6. Location of access, egress, and interior roadways;
7. Location and adequacy of utilities, drainage, and provision for public safety.

IMPORTANT:

Site plans must be provided according to the above listed elements, and, if in the Code Administrator's determination such site plan is inadequate, any Special Exception and/or Variance appeal will not be placed on the agenda until he/she feels all requirements have been met. An appellant has the right to appeal the Code Administrator's denial of such placement on the agenda. If the Board, upon such appeal, sustains the Code Administrator's denial, it will not hear the case until the case is properly noticed following submission of an adequate site plan. If the Board overrules the Code Administrator's denial, the case will be heard that evening or at the next soonest Board meeting for which the appellant is prepared to proceed.

**FEE SCHEDULE
ZONING BOARD OF ADJUSTMENT
TOWN OF BARNSTEAD**

Appeal from an Administrative Decision	\$50.00
Application for a Special Exception	\$50.00
Application for a Variance	\$50.00
Application for an Equitable Waiver	\$50.00
Notification Fee	\$3.00 per abutter

Notification fees are required for each application made to the Board of Adjustment. The fee covers the time and labor for preparing certified mailing for public hearings, reproduction costs, and posting costs. (The applicant is required to provide the certified mail postage of \$5.54 per envelope.) Notification fees shall be paid at the time of filing the application and for each successive notification, as necessary.

Applicant is responsible for:

- addressing the envelopes
- affixing the certified postage (\$5.54)
- completing the certified mail receipt and the green card
(See preparation of envelopes)

The Zoning Board Secretary will create the notice and mail the envelopes.

RSA TABLE

**TITLE LXIV
PLANNING AND ZONING
CHAPTER 674**

**LOCAL LAND USE PLANNING AND REGULATORY
POWERS
ZONING**

Section 674:17

674:17 Purposes of Zoning Ordinances. –

I. Every zoning ordinance shall be adopted in accordance with the requirements of RSA 674:18. Zoning ordinances shall be designed:

- (a) To lessen congestion in the streets;
- (b) To secure safety from fires, panic and other dangers;
- (c) To promote health and the general welfare;
- (d) To provide adequate light and air;
- (e) To prevent the overcrowding of land;
- (f) To avoid undue concentration of population;
- (g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care;
- (h) To assure proper use of natural resources and other public requirements;
- (i) To encourage the preservation of agricultural lands and buildings; and
- (j) To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar sky space easements under RSA 477. Zoning ordinances may establish buffer zones or additional districts, which overlap existing districts and may further regulate the planting and trimming of vegetation on public and private property to protect access to renewable energy systems.