



TOWN OF GRANTHAM NEW HAMPSHIRE

OFFICE OF THE SELECTMEN
300 Route 10 South, Grantham, NH 03753
Phone: 603-863-6021
www.granthamnh.gov

APPLICATION FOR A VARIANCE (Office Use Only)

Received By:	Scheduled Zoning Board Meeting Date:	Case #:
Fee:	Date Submitted:	Tax Map:
# of Abutters	Zoning District:	Lot:
Total Due:	Date Paid:	ALL QUESTIONS ANSWERED YES or NO
		Check or Cash

The undersigned with this applies to the Grantham Zoning Board of Adjustment for a variance under provisions of the New Hampshire Revised Statutes Annotated 674:33.

SECTION I - GENERAL INFORMATION

Location of Property _____
(street, number, subdivision and lot number, if any)

Name(s) of Applicant(s) _____

Phone _____

Mailing Address _____

Email Address _____

Name(s) of Owner(s) _____

Mailing Address _____

Email Address _____

SECTION II - LOT CHARACTERISTICS

Lot Dimensions: Front _____ Rear _____ Side _____ Side _____

Lot Area: Acres _____

VARIANCE REQUEST (Refer to the Grantham Zoning Ordinance found at www.granthamnh.gov)

A) Requesting a Variance from Article _____ Section _____ of the Grantham Zoning Ordinance. If you are applying for more than one please list additional Articles and Sections: _____

B) Request to reduce a setback:

- Stated setback: _____
 - Requested setback: _____
 - Purpose: _____
- _____
- _____

C) Request to permit a Use that's not allowed in this Zoning District (describe): _____

D) Other Request (describe): _____

Please be advised that additional approvals or permits may be required for your project. Check with the Selectmen's Office for a complete list of all approvals your project will require. If needed, additional sheets of paper can be attached to further explain the request for variance.

SECTION III - AFFIDAVIT

I now certify that I am the owner in fee or the authorized agent of the owner in fee of the property upon which this appeal is sought and that all information I provided is true under penalty of law. I also authorize the Zoning Administrator or their designee and members of the Board to enter onto the subject property to inspect as part of this appeal. The board of adjustment may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters required by particular appeals or applications per NH RSA 673:16, II and RSA 676:5, IV.

(Signature of Owner or Authorized Agent)

Please Print Name

Date _____

INSTRUCTIONS FOR COMPLETING THE VARIANCE APPLICATION

Use the guidance pointers below to complete the variance questions on the next page.

GUIDANCE FOR THE FIVE VARIANCE CRITERIA

An application for a variance from the Zoning Ordinance must answer all questions listed in the application and any extra considerations required by the section of the Zoning Ordinance that is the object of the variance request. Including supporting information (e.g. plans, maps, photos, expert opinions, etc.) is important. The burden of proof is upon the applicant; the applicant must convince the Zoning Board of Adjustment (ZBA) all five criteria have been met.

The following guidance addresses the variance review criteria based on the NH OSI publication, "The Board of Adjustment in New Hampshire: A Handbook for Local Officials" available online at www.granthamnh.gov under the [NH ZBA Handbook](#). The ZBA, during its review of an application, is encouraged to pay close attention to the review standards and potential impacts of a proposal upon neighboring properties, town facilities (including roads and emergency services), public utilities, natural resources, and easements or conservation areas.

Criterion 1: Public Interest A way to consider this specific case is whether the proposal will have a detrimental impact on the community, including neighboring properties, community facilities, public safety, and welfare. • Is the proposal contrary to the intent of the Zoning Ordinance? • Does the variance alter the essential character of the neighborhood or threaten the health, safety, or the public's general welfare?

Criterion 2: Spirit of the Ordinance While the first criterion is specific to the local impacts of the proposed project this criterion, though very similar, may consider the broader implications of the variance application in the context of the overall Zoning Ordinance and Zoning Map. It is essential to note the Zoning Ordinance is an attempt to implement the vision for land use and development as outlined in the Master Plan. • Are the proposed uses outlined in this application appropriate for this zoning district? • Are there specific statements or provisions of the Zoning Ordinance that prevent these proposed uses or the scale of these uses?

Criterion 3: Substantial Justice The NH OEP (Office of Energy and Planning) publication provides concise guidance on this: "Perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. The injustice must be capable of relief by granting a variance that meets the other four qualifications. A board of adjustment cannot alleviate an injustice by granting an illegal variance."

Criterion 4: Surrounding Property Values Inherent in this criterion is a value judgment that will be subjective to the property owner and those objecting to the application. It is also crucial for each member of the ZBA to use their personal experience and local knowledge to decide this point.

Criterion 5: Unnecessary Hardship There are two parts to this criterion under Criterion 5(A). There is an attempt to "balance the public good resulting from the application of the ordinance against the potential harm to a private land owner," (The following is an excerpt from [NH OSI](#) pg. II-15). "Unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area: Criterion 5(A) 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. Once the purposes of the ordinance provision have been established, the property owner needs to establish that, because of the special conditions of the property, application of the ordinance provision to this property would not advance the purposes of the ordinance provision in any "fair and substantial" way. This attempts to balance the public good resulting from the application of the ordinance against the potential harm to a private landowner. It goes to the question of whether it creates a necessary or "unnecessary" hardship.

Criterion 5(B) has been included in state law to address the rare occurrence when enforcement of the Zoning Ordinance fundamentally deprives the owner of any reasonable use of the land. And: Criterion 5(B) The proposed use is a reasonable one. The applicant must establish that, because of the special conditions of the property, the proposed use is reasonable. RSA 674:33 does not require an investigation of how severely the zoning restriction interferes with the owner's use of the land. It merely requires a determination that, owing to special conditions of the property, the proposed use is reasonable. This includes an analysis of how the proposed use would affect neighboring properties and the municipality's zoning goals generally. "The proposed use is a reasonable one" – cannot be considered in isolation and must be read in conjunction with the introductory language in subparagraph A – “. . . owing to special conditions of the property that distinguish it from other properties in the area . . .” - so that the criterion as a whole is “. . . owing to special conditions of the property . . . the proposed use is a reasonable one.” In other words, the board needs to find that a use (or dimensional requirement) which otherwise must be considered unreasonable (because it violates the ordinance) is rendered reasonable by the special conditions of the property.

APPLICATION FOR A VARIANCE

All questions below **MUST BE** answered in full before the application can be accepted. Please refer to the guidance document on the previous page of this application form.

I. DESCRIBE BRIEFLY WHY YOU NEED THE VARIANCE:

A Variance is requested from Section (s) _____ of the Zoning Ordinance to permit:

II. DESCRIBE BRIEFLY YOUR RESPONSE TO EACH OF THE FOLLOWING CONDITIONS:

Criterion 1. Explain why granting the Variance will not be contrary to the public interest:

Criterion 2. Explain why the proposal and the variance sought is not contrary to the spirit of the ordinance:

Criterion 3. Explain how the variance, as requested above for the subject property, would do substantial justice:

Criterion 4. Explain why the proposal as described above will not diminish surrounding property values:

Criterion 5. Explain why denial of the variance by literal enforcement of the ordinance would result in unnecessary hardship to the owner. Criterion 5(A) For purposes of this subparagraph, "unnecessary hardship" means owing to special conditions of the property that distinguish it from other properties in the area:

(i) Explain how no fair or substantial relationship exists between the general public purposes of the Section(s) of the ordinance from which relief is sought and the specific application of the Section(s) to the property:

(ii) Explain how the proposed use is a reasonable one:

Alternatively, if and only if the criteria in subparagraph (A) cannot be established, Criterion 5(B) Explain the special conditions of the property that distinguish it from other properties in the area, why the property cannot be reasonably used in strict conformance with the ordinance and why, therefore, a variance is necessary to enable a reasonable use of the property.

ABUTTERS LIST

The abutter list shall identify:

- The applicant and/or property owner.
- All properties that adjoin or are directly across the street or stream from the property in question.
- The officers of a collective or association in the case of an abutting property being under a condominium or other collective form of ownership.
- Every holder of conservation, preservation, or agricultural preservation restrictions on or abutting the subject property.
- Any agent or person whose name appears on the submitted drawings

The Town tax map records are the accepted authority for map and lot numbers but may not contain current record owner information. 3 Sets of mailing labels (Avery 5160) must be included with the application. Each notification will be USPS Certified / Return Receipt rate per abutter, including owner and agent.

I, the undersigned _____, certify that to the best of my knowledge, the attached list found at [AxisGIS - GranthamNH](https://next.axisgis.com/GranthamNH/) (<https://next.axisgis.com/GranthamNH/>) is an accurate and complete abutters list.

Applicant Signature

Date

Application Checklist

_____ Completed Application

_____ List of Abutters

_____ Application fee plus certified postage fees

_____ 8 copies site plan/building plans – 11”x 17” max.(If applicable)

_____ 3 sets of mailing labels (Avery 5160)